

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Development Site At Carrington Street Car Park, 51-53 Brick Street And 1-6, Yarmouth Place, London		
Proposal	Demolition of existing buildings on site and redevelopment to provide up to 30 residential units (Class C3), office floorspace (Class B1), gymnasium (Class D2), retail art gallery (Class A1), restaurant (Class A3) and retail (Class A1) floorspace; creation of a new pedestrian link through the site between Yarmouth Place and Carrington Street; erection of two buildings either side of the new pedestrian link between 4 and 8 storeys in height; excavation to create additional basement accommodation; provision of on-site car parking, cycle parking and delivery bay on Yarmouth Place; new landscaping including improvement works to Yarmouth Place; associated alterations.		
Agent	Savills		
On behalf of	Averdeen Oak Ltd and Croix Properties Inc		
Registered Number	16/11248/FULL	Date amended/ completed	26 May 2017
Date Application Received	25 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- A financial contribution of £2,320,551 (index linked) towards the affordable housing fund, payable on commencement of development.
- Crossrail payment (currently calculated at £460,795.30 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG).
- Walkways agreement to allow public access to the privately owned street linking Yarmouth Place and Carrington Street.
- Highways works including provision of a footway linking the footway on Brick Street with the new street, tying in the new street with Carrington Street and Brick Street and resurfacing of Yarmouth

Place

- S106 monitoring costs.

2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:

(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of 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 the 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 application site comprises three buildings; Carrington Street Car Park, 51-53 Brick Street and 1-6 Yarmouth Place. Permission is sought to demolish all the buildings on site, a new street is proposed which will link Carrington Street to the north and Brick Street/Yarmouth Place to the south. New buildings either side of the new street are proposed comprising 4 to 8 storeys, these will be used for a mix of uses including offices, residential, retail, art gallery and a gym. Five basement levels are proposed under the whole site. A new off-street loading bay is proposed in Yarmouth Place. Access to the basement car parking is also accessed via Yarmouth Place.

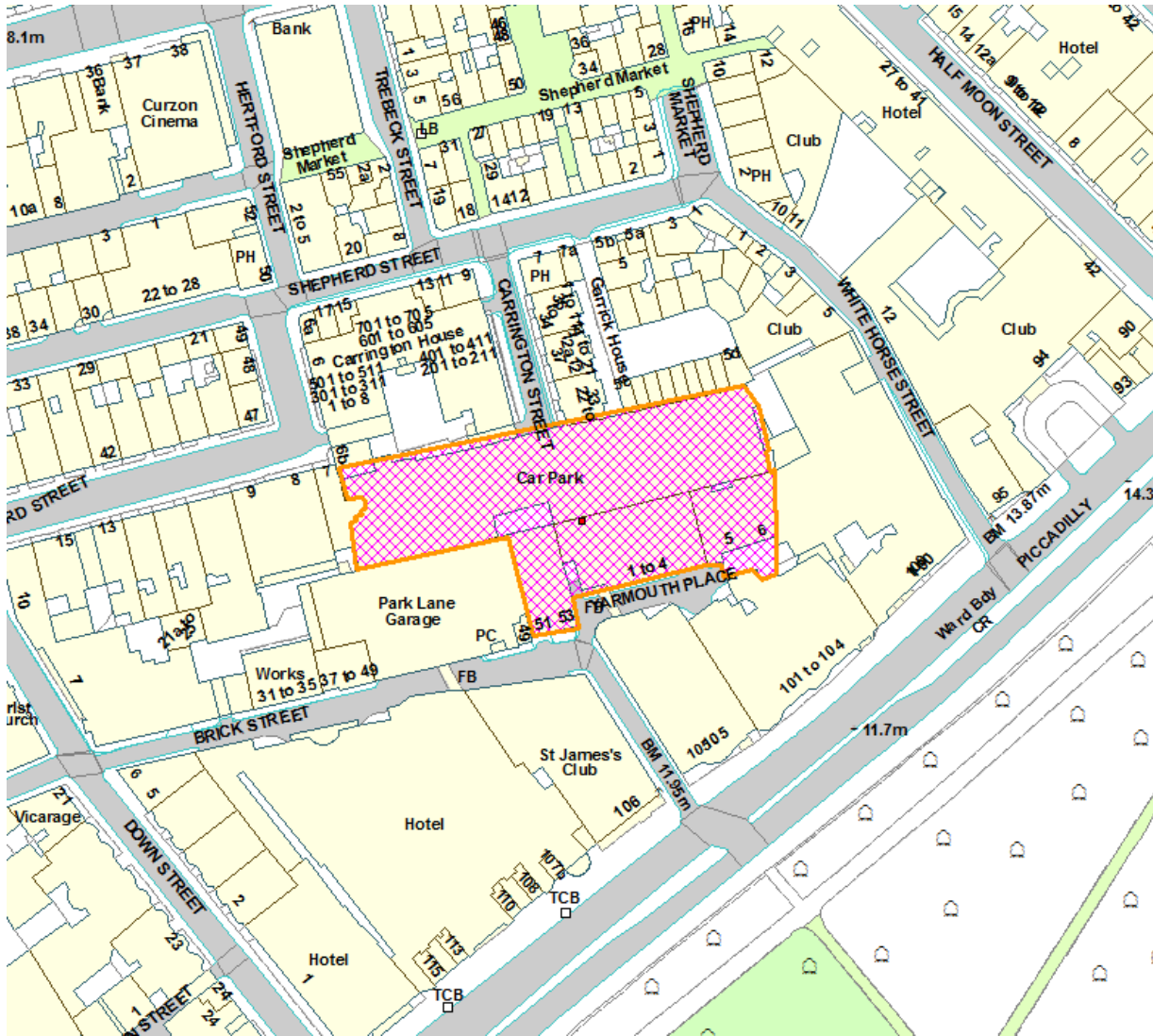
The key issues for consideration are:

- The lack of affordable housing on-site or off-site;
- The impact of the proposals on surrounding residential amenity;
- The impact of the proposals on the character and appearance of the Mayfair Conservation Area; and
- The introduction of a new servicing/loading bay to Yarmouth Place.

The proposal triggers a requirement to provide affordable housing on-site, off-site or a payment in lieu. The applicants have submitted a viability assessment and this has been assessed by independent consultants who have concluded that the proposal would not be viable with the inclusion of affordable housing on-site, off-site or a payment in lieu. Despite the conclusions of the viability consultants, the applicants have reconsidered their position in respect of an affordable housing contribution, given the Council's reinforced message over acquiring as much affordable housing as possible. Though it would expose them to a reduced profit below the industry norm and potentially greater financial risk, the applicant has volunteered to make a contribution of £2.25 million towards the affordable housing fund.

The proposals are considered comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Car Park entrance on Carrington Street



51-53 Brick Street



1-6 Yarmouth Place



5. CONSULTATIONS

COUNCILLOR ROBERTS

Any response to be reported verbally.

COUNCILLOR GLANZ

Any response to be reported verbally.

COUNCILLOR CHURCH

Any response to be reported verbally.

GREATER LONDON AUTHORITY

Do not wish to comment, proposed building height is under 30m.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to offer any comments on this application.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection, subject to conditions.

THE ROYAL PARKS

Any response to be reported verbally

DESIGNING OUT CRIME

No objection – the overall design and layout are good from a security and safety perspective.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection

CLEANSING

No objection

ENVIRONMENTAL HEALTH

No objection

BUILDING CONTROL

No objection

AFFORDABLE HOUSING SUPPLY MANAGER

Cannot support the scheme that does not provide affordable housing on-site

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1163

Total No. of replies: 28

No. of objections: 28

Land Use

- Proposed restaurant is too large

-

Amenity

- New pedestrian route will cause noise and disturbance especially late at night
- Loss of daylight and sunlight to existing residential windows
- Loss of daylight and sunlight to surrounding office windows
- Loss of privacy from proposed office terraces
- Loss of privacy from proposed office windows
- Increased sense of enclosure
- Proposal contrary to Policy ENV13

Design

- The height/bulk and massing of the scheme harms the character of this part of the Mayfair Conservation Area
- Overdevelopment of the site

Basement

- Proposal does not comply with the basement policy

Parking/Transportation

- New pedestrian route will cause an increase in traffic
- Loss of existing car park will have impact on on-street car parking in the area
- New loading bay and servicing bay in Yarmouth Place will have an impact on day to day operation of existing embassy

Other

- Lack of consultation carried out by the applicant prior to submission
- Noise, dust and disruption caused by building works
- Duration of the building works is excessive
- Carrington Street has suffered subsidence
- Impact on rights to light

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED SCHEME

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. of objections: 13

Design

- Height and bulk of the proposal is largely the same as the original application

Amenity

- Loss of daylight and sunlight

- Internal daylight levels for new residential units is not acceptable
- Impact of the new pedestrian route cause noise and disturbance
- overlooking

Land use

- Restaurant is too big, impact on noise and disturbance on nearby residents

Basement

- Extent and depth of the basement proposals, does not comply with policy

Parking/transportation

- New loading bay and servicing bay in Yarmouth Place will have an impact on day to day operation of existing embassy

Other

- Construction impact

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises three properties within the Mayfair Conservation area and the Core Central Activities Zone. These are:

1. Carrington Street Car Park comprising lower ground, ground and first floor level, which is rectangular in shape with the longest sides orientated east-west, therefore cutting across Carrington Street. The car park is only accessible via Carrington Street and contains 175 car parking spaces, with the top level being open. The car park shares boundary walls with a number of buildings surrounding the site.

2. 51-53 Brick Street is located to the south of the car park, on the corner of the junction with Yarmouth Place. The building is in use for office purposes at basement and ground floor level, with six residential flats on the upper five floors.

3. 1-6 Yarmouth Place is made up of two different buildings; 1-4 Yarmouth Place comprises ground and four upper floors whilst 5-6 Yarmouth Place comprises ground and two upper floors. These building are linked internally and are all in use for office purposes. These Yarmouth Place buildings are set back from 51-53 Brick Street, but they share a party wall. Yarmouth Place is a narrow dead-end road serving not only 1-6 Yarmouth Place but also the rear of the buildings on Piccadilly, including the Japanese Embassy. There is an area of hardstanding in front of 5-6 Yarmouth Place which is currently used for vehicle parking.

There is a levels change across the site, which means that ground floor level on Brick Street and Yarmouth Place equates to lower ground floor level on Carrington Street.

There are a number of taller buildings surrounding the car park site, some of which are in residential use. Carrington House is located to the north of the application site, and is a 7 storey residential mansion block formed in a 'U' shape with a number of windows

overlooking the application site. Another neighbouring residential building, Garrick House, is also located to the north of the car park but to the east side of Carrington Street. The front windows of this building directly overlook Carrington House, but they also have oblique views of the car park.

To the west of the site there is another large residential mansion block at 5 Shepherd Street, which is set away from the car park, and there are three new mews houses on the boundary of the site still under construction.

6.2 Recent Relevant History

Carrington Street Car Park

Planning permission was granted in 1967 to use the building as a 194 space car park. Conditions included that the roof space shall in no way be artificially illuminated and not used for the storage of motor vehicles or for any other purposes between the hours of 18.30 and 08.30.

Permission was refused 30.04.92 for the redevelopment to provide a 310 space public car park on five basement levels, with part five and part six storey structure over, comprising offices and 17 residential flats – Scheme was granted on appeal on 14.10.93

Planning permission was granted 22 March 2001 for the redevelopment of the existing car park to provide 203 space car park at part ground and 5 basement levels, construction of 8 4-storey town houses and a block comprising ground and 5 upper floors for use as 26 flats, use of ground floor of 51-53 Brick Street as vehicular access to car park.

100 Piccadilly and 5-6 Yarmouth Place

Planning permission was granted 22 December 2016 for the excavation of sub-basement, redevelopment of Nos. 5-6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement, ground and fourth floor levels. Use of extended and altered building as 36 x flats (Class C3) (an additional 28 above existing), car / cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level.

This consent was subject to a S106 agreement to secure the following:

- i) a contribution of £8.1 million to the City Council's affordable housing fund (less an agreed reduction for the Westminster CIL), with the contribution currently estimated to be £7,028,000) (index linked and payable upon the commencement of development);
- ii) Compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cost cap of £32,000;
- iii) Costs of highways works around the site to facilitate the development (including the creation of a new crossover);
- iv) Management and Maintenance Plans for the car lift and surface turntable in Yarmouth Place;
- v) Unallocated parking for the 31 new/reconfigured flats;
- vi) Monitoring costs.

This permission has not been implemented.

51-53 Brick Street and 1-4 Yarmouth Place

Planning permission was granted 11 August 2016 for the demolition of 51-53 Brick Street and 1-4 Yarmouth Place and the erection of a part 9/part 6 storey building for use as a 29 unit apart-hotel (Class C1) and 13 residential units (Class C3) with associated car park at basement level, hard landscaping and roof top plant areas.

This consent was subject to a S106 agreement to secure the following:

- i) A financial contribution of £414,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- ii) The completion of the residential accommodation within the development prior to the occupation of any part of the apart-hotel;
- iii) The provision of unallocated residential car parking;
- iv) Costs of highway works around the site to facilitate the development (including paving, dropped kerbs, raised crossing etc);
- v) Compliance with the City Council's Code of Construction Practice and submission of a SEMP to an annual cap of £25,000; and
- vi) The provision of car club membership for each of the thirteen residential units for a minimum of 25 years.

51-53 Brick Street

Permission was granted on 21 Jan 1960 for the erection of a building comprising basement car parking, offices at ground, first and second floor and 2 flats at third, fourth and fifth floors. Permission was granted on 5 November 1996 for conversion of the first and second floors to provide 4 flats. This permission was implemented.

7. THE PROPOSAL

Permission is sought for the comprehensive redevelopment of the car park site along with 51-53 Brick Street and 1-6 Yarmouth Place. A key part of the proposals is the creation of new pedestrianised passage to connect Carrington Street to Brick Street/Yarmouth Place, with new buildings placed on either side of the new street. Due to the levels change across the site, stairs and lift access are proposed to provide access from the new street to Brick Street/Yarmouth Place.

There would be three buildings to the east of the new passage of five to seven storeys, the upper floors of which will be used for up to 30 residential units. The ground floor on Yarmouth Place will be used as the car park entrance and the off-street loading bay. A retail unit and a restaurant unit are proposed on the northern part of the site. Although architecturally distinct from each other, the 3 buildings would be joined on all floor levels and will wrap around a new residential courtyard. The building on the boundary with the Garrick House and the new mews houses in Shepherd Street, will be set back at third floor level and above. Terraces are proposed at first floor level and above.

To the west of the new passage, the building comprises between five and six storeys above ground floor level. On Brick Street, the building will be cantilevered with the lower ground and ground levels set back and the first to six floor levels will be flush with the adjoining building at 37-49 Brick Street (Park Lane Garage). This building will be predominately used for office purposes. A gallery is proposed over ground and lower

ground floor levels. The extensions to the rear of the office building are stepped back from the rear of buildings on Hertford Street and Carrington House.

Five new basement levels (including a lower ground floor level) are proposed and these will extend across the whole site and will be used for a mix of uses including a restaurant, gym, gallery space, plant rooms and residential car parking,

The scheme was revised in May as follows:

- The office building has been set back from 7 Hertford Street;
- The rear office extension have been altered, with the first floor level now concealed behind the courtyard wall, and the fourth and fifth floor levels have been reduced and set back;
- The roof terraces to the rear of the office building have been removed;
- The fifth and sixth floor of the office building immediately adjacent to Carrington House have been reduced;
- The massing of the residential block on the eastern part of the site has been increased at first to fifth floor levels into the residential courtyard. The sixth floor level has also been extended north and eastwards.
- The Brick Street building will now be flush (first floor and above) with the adjoining building rather than being set back.

Land Use Table

	Existing	Proposed	+/-
Residential	979	7365*	+ 6386
Office	2836	4788*	+ 1952
Art Gallery (A1)	0	2396	+ 2396
Restaurant	0	728	+ 728
Retail	0	49	+ 49
Gym	0	2181	+ 2181
Car parking	5188	855	- 4333

(* includes the attributed plant and car parking figures to the office and residential figures)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Land use credits/swap

The applicant wishes to register the net additional residential floorspace (6386sqm) as a residential credit. Policy CM47.2 requires residential floorspace to comply with Policy S16 before it can be agreed as a credit, so affordable housing must be provided to satisfy this policy. The proposal does not comply with Policy S16 as it does not provide affordable housing. The draft policy booklet that preceded the adopted City Plan policy stated that “if a credit scheme cannot deliver the actual affordable housing units required by policy, it is not appropriate for registration as a credit. This is particularly important in relation to housing type and mix, particularly in relation to affordable housing”. It is therefore recommended that the applicant’s request for the Council to accept a residential credit is declined.

Loss of car parking

The proposals include the loss of the public car park (175 spaces). UDP Policy TRANS25 (C) states that the City Council will normally permit the loss of public off-street parking, dependent on its level of use, availability of other nearby public car parks and the impact on local on-street parking facilities. The loss of the car park has not previously been considered, as the previous scheme included the re-provision of a public car park. Objections have been received on the loss of the public car park.

The applicant has provided evidence to show that the car park is significantly under-used with a peak time occupancy rate of approximately 34% and median occupancy at many times of the day considerably below this level. There is also availability of space in other car parks in the vicinity of the site (for example; Park Lane Hotel, Britannia Parking, London Hilton Hotel, London Chesterfield House). On this basis the loss of the car park is considered acceptable.

Other transportation/servicing/parking implications are discussed later in the report.

Office use

The proposal includes new office floorspace, which will be located to the west side of the new street. City Plan Policy S1 seeks to encourage development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting populations.

Policy S1 (3.A) applies to developments within the Core CAZ proposing net additional office floorspace, stating that where the proposed net additional floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required as part of the development. The net additional floorspace in this case is 14% of the existing floorspace on site (including the car park), and therefore there is no requirement under Policy S1 to provide additional residential floorspace.

Residential use

City Plan Policy S14 aims to protect all residential land. There are 6 existing residential units (2x1 bed, 2x2 bed, 1x3 bed and 1x4 bed units) amounting to 979m². As a result of the proposals there would be 24 additional residential units and a total of 6386m² of floorspace.

The proposed residential mix would be: 7x1 bed units (23%), 13x2 bed units (43%) and 10x3 bed units (33%). The provision of 33% of family sized accommodation complies with UDP Policy H5.

City Plan Policy S14 states that the number of residential units on-site should be optimised. The scheme provides 30 residential units with a range of unit sizes from 73 – 234 sqm.

	1 Bedroom		2 Bedroom			3 Bedroom	
Ground			175	150			
First	85		166	137	129	177	234
Second	85		166	137	129	176	234
Third	85	73	144			223	194
Fourth	85	73	144			188	197
Fifth	76		134	178		174	
Sixth			173			173	
Total	7		13			10	

A communal residential garden for all residents is proposed at ground floor level and 28 of the 30 proposed units will also have access to private balconies/terraces. This complies with UDP Policy H10 which seeks to ensure that large housing developments provide sufficient outdoor amenity space for the residents.

The submitted acoustic report has assessed the internal noise levels for the new residential flats. The new windows will include alternative forms of ventilation to allow the future occupiers to keep their windows shut, but still ventilate the flats. Environmental Health has confirmed that the proposals will comply with the standard noise conditions. A condition is recommended to ensure that all windows are capable of being opened.

Objections have been received that the proposed quality of residential accommodation is poor as the internal light levels do not meet BRE Guidelines. The submitted daylight and sunlight report has tested 44 rooms from lower ground to second floor level. The report indicates that;

- 14 out of 24 bedrooms exceed the 1% Average Daylight Factor (ADF) advisory target for these rooms;
- 2 of the 4 kitchens exceed the 2% ADF target for these rooms;
- 2 of the 4 living/diners exceed the 1.5% ADF target for these rooms; and
- 1 out of 8 living/kitchen/diners exceed the 2% ADF for these rooms.

Those rooms falling outside of the ADF targets are:

- 10 bedrooms fall below 1% ADF (0.39-0.92%)
- 2 kitchens fall below 2% (values from 1.37-1.91%)
- 2 kitchen/diners fall below 2% (1.44-1.53%)
- 2 living rooms fall below 1.5% (0.15-0.66%)
- 2 living/diners fall below 1.5% (0.24-0.62%)
- 7 kitchen/living/diners fall below 2% (0.58-1.64%)

The majority of rooms that do not adhere to the BRE advisory guidelines are located underneath projecting/recessed balconies. The provision of balconies inevitably affects daylight amenity. However, it is considered that the inclusion of private amenity space is a positive aspect for the residential units and is sufficient to outweigh the consequential reduction in internal daylight levels and it is considered that the internal light levels are therefore acceptable for this location.

Affordable housing

The net additional residential floorspace provision is 6386m², and under UDP Policy H4 and City Plan Policy S16, requires the provision of 25% on-site affordable housing, amounting to 1596.5sqm (20 flats). Where it is acknowledged as being impractical or inappropriate to provide affordable housing either on or off-site (on land nearby), the City Council may consider a financial contribution to the City Council's affordable housing fund in accordance with the adopted formula. For the amount of increased floorspace in this scheme, a policy compliant contribution would be £10,800,000.

It is considered that due to the reasonably large size of the site and the extensive redevelopment proposed the requisite affordable housing could be provided on-site or, given that the applicant owns a number of other buildings in the vicinity of site, another neighbouring building could be used for this purpose.

The City Council has appointed an independent viability expert to assess the proposals and advise on the matter. Two viability statements have been submitted, the first reflects the scheme as originally submitted and the second following the amendments to the scheme in May. When the viability issue was first addressed, the increase in residential floorspace was lower than currently being considered (increase of 6162sqm requiring onsite affordable housing of 1538sqm (19 flats) or, alternatively a payment in lieu of £10,368,000).

The Council's consultant agrees that the provision of on-site, off-site or a payment in lieu of affordable housing would severely undermine the economic viability of the proposals to the extent that no such provision can be required. This position is the same in the respect of the originally submitted viability report and as amended and re-submitted.

Despite the conclusions of the viability consultants, the applicants have reconsidered their position in respect of an affordable housing contribution, given the Council's reinforced message over acquiring as much affordable housing as possible. Though it would expose them to a reduced profit below the industry norm and potentially greater financial risk, the applicant has volunteered to make a contribution of £2.25 million towards the affordable housing fund.

Retail use

There is no existing retail floorspace on-site and the introduction of two retail units is proposed. An art gallery would be provided over the ground and lower ground floors, located on the west side of the new passage. A smaller retail unit is proposed at ground floor level on the east side of the street. The proposed retail floorspace is considered to be an important feature providing animation and enlivening the new passage, which will create a welcome connection between Shepherd Market and Piccadilly where street level activity will be essential to make it work. The enhancement of retail shopping provision in the Core CAZ is supported under City Plan Policy S6.

Restaurant

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ, and the site is not located within a Stress Area where the introduction of new entertainment uses is considered a more sensitive issue.

The proposed restaurant, amounting to 728m², will largely be located at lower ground floor level, with a ground floor entrance and lobby area. As it is a 'large-sized' entertainment use UDP Policy TACE10 applies which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500m² will not generally be appropriate within Westminster.

Objections have been received on the grounds that the proposed restaurant is inappropriate in this location due to its proximity to existing residential properties, that it abuts residential flats in Garrick House and that the noise and disturbance associated with the size of the restaurant will cause amenity problems.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the uses would essentially be sit-down restaurants with any ancillary bar limited to a small part of the premises (i.e. 15%) and the bar could only be used by diners before and after meals. The applicants have indicated that there would be a maximum of 125 covers and would be open until midnight, seven nights a week. It is considered that on Sundays an earlier closing time should be imposed (22.30)

The proposed retail unit provides a buffer between Garrick House and the restaurant entrance. Furthermore, all the restaurant seating is located at lower ground floor level, with only the entrance lobby at ground floor level. This will ensure that any noise outbreak will be minimal, a condition is recommended to ensure that the ground floor lobby does not contain any seating. Four skylights are proposed to provide natural light to the lower ground floor restaurant. The skylights form part of the proposed residential courtyard and it is considered necessary to protect the amenity of the future and existing residents that a condition is imposed to ensure that these skylights are non-openable. Carrington Street is predominantly residential with commercial activity on the junction with Shepherd Market. The restaurant will partially abut one of the lower ground floor flats in Garrick House. The lower ground floor plan shows that the toilets will be in this part of the restaurant. It is not considered that there will be noise transference between the walls. Standard noise conditions are proposed to protect the existing and proposed residents from noise created by the new uses. It is not considered that the new restaurant will have a cumulative impact on the area. It is considered that subject to restrictive conditions listed above that the restaurant is acceptable.

Gym

A gym (Class D2) is proposed over lower ground and two basement levels. Access will be gained from Yarmouth Place. City Plan policy S34 states that new social and community facilities will be encouraged throughout Westminster and will be provided on large scale developments. This will be a publicly accessible gym available to local residents and workers. The gym is proposed to be open from 06.00 – 23.00 Monday to Friday and 08.00 – 19.00 at the weekend. The 06.00 opening time is considered acceptable due to the entrance of the gym being situated away from the existing and proposed residential properties in Carrington Street. The proposed gym is therefore considered acceptable.

8.2 Townscape and Design

The site lies in the Mayfair Conservation Area, between Piccadilly and Shepherd Market. South of Piccadilly is Green Park, part of the Royal Parks Conservation Area, and a Grade 1 registered historic park. There are listed buildings adjacent at:

- Piccadilly: nos. 94 (former In and Out Club), 95, 96-97, 98-100 (former Badminton Club), 101-104, 105, 106 (St James's Club) and Park Lane Hotel (eastern block) – to the east and south of the site;

- Shepherd Market: nos. 1-4 White Horse Street, 1 Shepherd Street and 7 (public house) Shepherd Market – to the north of the site; and

- Hertford Street: nos. 8-9, 10, 11, 12, 13 and 45-46 – to the west of the site.

Demolition

The existing buildings on the site comprise: Carrington Street Car Park, 1-6 Yarmouth Place, and 51-53 Brick Street. None of these is considered to make a positive contribution to the character and appearance of the Mayfair Conservation Area and their demolition is considered uncontroversial in principle. Planning permission has previously been granted in 2015 for the redevelopment of the buildings at the southern end of the site, in Brick Street and Yarmouth Place. The car park was not included in that development.

Plan form

The area had been built up by the late eighteenth century and at this time Shepherd's Market was linked, via Carrington Street and a narrow alleyway, to Brick Street and Piccadilly. However, this link had been built over by the 1870's. The proposal to create a new pedestrian route, on a similar alignment to the eighteenth century route, through the site to link Piccadilly and Green Park with Shepherd Market is considered to be a significant public benefit in urban design terms.

The new route is lined with active frontages. On the east side are the entrances to the residential blocks, art gallery and offices, and the retail unit. On the west side are entrances to the gallery and the offices.

The change in level from Brick Street to Carrington Street is made with a new public staircase, and an accessible lift in the office building on the west side. The office building is recessed at street level on Brick Street, in order to allow room for vehicles accessing Yarmouth Place.

Height and bulk

A number of objections have been received to the height and bulk of the proposed buildings on-site, and that the proposed massing is inappropriate and does not preserve or enhance the Mayfair Conservation Area. The site is surrounded by buildings of varied height and bulk. An objection has also been received to the panels used for the buildings which may lead to a greater fire risk. To the south the buildings on Piccadilly are relatively tall, seven to nine storeys, with the exception of 106 Piccadilly, which is a four storey Georgian townhouse, listed Grade 1. Hertford House to the north west is another tall

building of nine storeys. The buildings to the north on the east side of Carrington Street are four storeys with a mansard roof.

The proposed buildings vary in height above street level. On Carrington Street they are five storeys rising to seven on the east side and six rising to seven on the west. The upper floors are set back so that on both sides of the new route the new buildings relate satisfactorily to the adjacent buildings in terms of their height and bulk.

The new buildings have limited impact on the setting of the listed buildings on Piccadilly and on the setting of Green Park. The Brick Street frontage of the development may be just visible in some views from the park, but the number of viewpoints is very limited, and in summer the tree canopies mean that visibility is negligible. It is considered that the new buildings will cause no harm to these heritage assets.

Design

The design of the buildings is modern, and varied according to the uses and locations. The brick faced buildings relate to the existing buildings immediately to the north. The stone facades are less 'contextual' but they break up the development by introducing architectural variety.

The office building on the west side has a bold framework of brick piers which reduce in width towards the top of the facades. Glazed brick panels above the windows enrich the facades. Horizontal emphasis is given by narrow stone bands. The base of the building is faced in natural stone, set in angled panels, with a double storey entrance to the offices.

The same treatment of stone panels is used on the south facing frontage of the office building, creating a modelled, somewhat sculptural, façade. This is a bold contemporary approach, but it is successful in this particular location, although it might not be in many other locations in the Mayfair Conservation Area. As the buildings are proposed to be built in natural materials it is not considered that they pose a fire risk. However, this will be closely scrutinised during Building Regulations approval.

The residential building on the east side of the new route is clad in similar stone panels to the office building. South of this, on the corner, the other residential building is a more conventional brick façade, with punched window openings lined with stone reveals, and enriched with metal balustrading. The roof is clad in Corten steel with modern dormer type windows.

Public art

On a development of this size it is appropriate to secure public art in some form in line with UDP policy DES 7, although the application does not include this. It is considered that this should be integrated in to the design of the buildings and not be a free standing in the public realm. It is recommended that a condition be added to the planning permission to require this.

It is considered that this is a high quality modern development which, subject to the use of high quality materials and details, will contribute positively to the character and appearance of the Mayfair Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including City Plan policies S25 and S28, and UDP policies including DES 1, DES 4, DES 9, DES 10, DES 12 and DES 14. The

objections to the height, bulk and massing of the proposed scheme are therefore not considered sustainable to justify a reason for refusal.

Archaeology

The application site lies in an area of archaeological interest, Historic England have no objection to the proposal subject to conditions relating to archaeological material.

8.3 Residential Amenity

Daylight and Sunlight

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact on the following properties:

Overview

The existing car park site is lower than the surrounding buildings, therefore any increase in height and bulk is likely to have a significant impact on neighbouring sunlight and daylight amenity. Officers considered at the time that the appeal scheme of 1995 comprised the maximum envelope acceptable for the site. However, that previous scheme was on a smaller site and for a different type of development not including the creation of a new passage. The applicants argue that due to the loss of floorspace through the creation of this new passage, additional height and bulk in excess to that granted in 1995 is required.

Carrington House

Carrington House

Carrington House is located to the north of the application site and contains 73 flats in a U-shaped building, with a courtyard situated in the middle. The residential windows

overlook the existing courtyard, the application site and Carrington Street. Officers have been able to access a number of these flats.

Objections have been received on behalf of all the residents of Carrington House on losses of daylight and sunlight to their window and also on the grounds that the applicant's comparative study with the 1995 scheme is flawed. They further state that as the 1995 scheme was never implemented and has expired, it cannot be a material consideration in the determination of this planning application.

Though the current application must be determined on its own merits, it is still reasonable to compare the daylight and sunlight results with the 1995 scheme to ascertain whether the losses are in excess to those granted previously.

As set out above, the scheme has been amended since its original submission. This followed officers advice that the losses of daylight, and in particular sunlight, were unacceptable and officers could not recommend the application favourably. The proposed office building has been amended to include greater set-backs and a reduction in bulk on the boundary with Carrington House.

Daylight

Most windows in Carrington House would retain VSC levels greater than 80% of their current value and would therefore meet BRE guidelines. Where there are reductions of more than 20%, these are not excessively above the BRE guidelines and in no instance would the loss be more than 30%, which is considered acceptable. Further, in comparing the proposed scheme with the 1995 consented scheme, some windows would lose less VSC than they would had that building been erected.

Sunlight

The impact on sunlighting levels on Carrington House's windows would be more marked. At present the windows at first floor level receive very good sunlighting levels for such a central urban location as they are largely unobstructed due to the lower height of the existing car park.

The table below shows existing and proposed sunlighting levels, and also a comparison with the previously consented but unimplemented scheme. There are some instances where there are multiple windows serving the one room. The orientation of the window is also indicated in brackets in the table. There are also some instances where there are no figures from the 1995 scheme as it appears that not all windows were analysed at the time.

Further, the table does not include figures for all the windows tested as sunlighting levels for those windows would be within the BRE guidelines.

Level	Window ref	Room	Consented						Proposed					
			Ex ASPH	Prop ASPH	% loss	Ex Win	Prop Win	% loss	Ex ASPH	Prop ASPH	% loss	Ex win	Pro win	% loss
Gnd														
Flat 2	W4 (s) W5 (s)	LD	19 22	15 16	21% 27%	6 10	2 4	67% 60%	20 23	16 15	20% 35%	7 11	3 4	71% 64%

	W6 (s) W7 (s)	LR	24 18	19 14	21% 22%	11 9	6 5	N/A n/a	24 17	18 15	25% 12%	11 8	4 6	64% n/a
	W9 (w)	Bed	14	11	21%	7	4	43%	13	12	8%	6	5	n/a
Flat 7	W10 (w)	DR	17	14	18%	6	3	50%	17	15	12%	6	4	33%
	W11 (w) W12 (s)	LR	19 28	15 19	21% 32%	5 6	1 0	80% 100%	19 28	16 19	16% 32%	5 6	2 0	60% 100%
Flat 6	W13 (w)	Bed	16	12	25%	0	0	-	16	14	12%	0	0	-
1st														
	W4 (s)	Kit	11	8	27%	5	2	60%	11	9	0.82	5	3	40%
Flat 102	W5 (s) W6 (e) W7 (e)	LR	46	34	n/a	12	5	n/a	46 15 11	30 7 6	n/a 53% 45%	12 4 3	3 0 0	75% 100% 100%
	W10	Bed	No figures	No fig					21	16	24%	8	3	62%
	W11	Bed	No figures						20	16	20%	10	6	n/a
Flat 100	W16 (w) W17 (w) W18 (s)	LD	14 20 37	12 17 24	14% 15% 35%	6 6 15	4 3 2	33% 50% 87%	15 20 37	13 18 25	13% 10% n/a	7 6 15	5 4 4	n/a 33% 73%
	W19 (w) W20 (w)	LD	25 26	19 14	24% 46%	7 5	1 0	86% 100%	25 26	19 18	24% 31%	7 5	1 0	86% 100%
2nd														
Flat 202	W4 (s)	Kit	11	9	18%	5	3	40%	12	10	17%	6	4	33%
	W6 (e)		No figures						17	11	35%	4	0	100%
202	W7 (e)	DR	No figures						15	11	27%	3	0	100%
Flat 210	W19 (w)	Bed	27	22	19%	8	3	62%	27	23	15%	8	4	50%
	W20 (w)	LR	32	22	31%	11	1	99%	31	23	26%	10	2	80%
3rd														
	W6 (e)	LR	No figures						29	24	17%	8	4	50%

(N/A – figures do not breach the BRE guidelines e.g the resultant figures do not drop below 25% for ASPH or 5% for winter sunlight.)

It is inevitable that the proposed development will have an impact on annual and winter sunlight levels, and although marked the resulting levels would not be unreasonable for a city centre location. It is also noteworthy that the losses would not exceed those allowed in the 1995 planning permission and in the majority instances the reductions would be less than that allowed in 1995. One room at first floor level (a living room to flat 102) would experience substantial losses of both annual and winter sunlight to its 3 window (up to 53% annual and 75% winter) which would be greater than that granted in 1995, but it is not considered reasonable to withhold planning permission because of the harm caused to the amenity of this flat given that overall the sunlighting levels remaining at Carrington House would still be considered good for this location.

Garrick House

Garrick House is a residential mansion block comprising 33 residential flats. This property is effectively divided into three properties with three separate entrances. Objections have been received on behalf of all the Garrick House residents on the grounds that the proposal will have an adverse impact on daylight and sunlight.

The flats in Garrick House are dual aspect and are typically arranged with the living rooms to the front overlooking Carrington Street with rear-facing windows serving bedrooms and bathrooms.

Daylight

The below table shows the current and proposed VSC levels and also a comparison with the 1995 consented scheme. The applicant's sunlight and daylight consultants have gained access to the majority of the flats within Garrick House, to identify the rooms served. They also amended the window references for the flats at lower ground, ground and first floor level. For the purposes of the table below, the updated window references are used, with the old window reference in brackets.

There are also some instances where there are no figures from the 1995 scheme as it appears that not all windows were analysed at the time.

Further, the table does not include figures for all the windows tested as daylighting levels for those windows would be within the BRE guidelines.

Level	Window Ref (old ref)	Room Use	Consent Ex VSC	Consent Pro VSC	%loss	Existing VSC	Proposed VSC	% loss
GND								
	W11 (W3)	Bed	5.78	5.00	13%	5.76	4.23	27%
	W12 (W4)	Bed	6.35	5.49	13%	6.14	4.42	28%
	W13 (W5)	Bed	7.00	6.03	14%	6.80	4.68	31%
	W14 (W6)	Bed	6.89	5.98	13%	6.71	4.46	34%
1st								
	W12 (W3)	LR	11.10	11.02	1%	10.56	10.33	2%
	W13 (W4)	LR	10.87	10.12	7%	10.74	8.90	17%
	W14 (W5)	LR	11.86	10.08	15%	11.88	8.24	31%
	W15 (W6)	LR	10.63	10.27	3%	10.21	9.45	7%
	W16 (W7)	LR	12.29	10.41	15%	12.08	8.62	29%
	W17 (W8)	LR	14.44	10.81	25%	14.36	8.12	43%
	W20 (W11)	LR	12.18	11.47	6%	12.10	8.60	29%
Rear	W21 (W12)	Bed	24.25	17.96	26%	24.25	16.25	33%
2nd								
	W2	LR	13.49	13.45	0	13.17	12.96	2%
	W3	LR	13.19	12.85	3%	13.13	11.48	13%
	W4	LR	13.68	12.81	6%	13.70	10.43	24%
	W5	LR	12.76	12.53	2%	12.48	11.79	5%
	W6	LR	14.39	13.26	8%	14.17	11.04	22%
	W7	LR	16.48	14.13	14%	16.26	10.42	36%
	W9	LR	19.91	15.33	23%	19.49	11.18	43%
	W10	Bed	No figs			27.06	22.18	18%
3rd								
	W5	LR	No figs			14.53	13.93	4%
	W6	LR	No figs			16.07	13.39	17%
	W7	LR	No figs			17.83	12.88	28%
	W9	LR	No figs			20.88	13.76	34%

4 th	W7	LR	No figs			24.57	19.11	22%
	W8	LR	No figs			25.15	19.17	24%

The windows closest to the boundary with the car park see losses above 20%. The table includes the figures of those windows closest to the boundary. Above first floor level there are bay windows with three windows serving the same room. One window in the bay faces towards the application site and these windows suffer a greater loss than the others. Taking the impact to those rooms as a whole it is considered that the losses in VSC are acceptable. The most adversely affected window is located at second floor level (W9) and serves a living room, and this window loses 33% of VSC which is greater than in 1995 consented scheme. This loss is as a result of the creation of the new street and the new office building opposite. However, taking the losses across the Garrick House as a whole, it is considered that the loss to this room is acceptable.

Sunlight

The table below includes the consented and proposed figures for Garrick House. Some of the existing figures have changed from the figures shown in the consented scheme, this is due to the daylight consultants gaining access to the flats and measuring the wall thicknesses. This has resulted in the point of measurement changing in some circumstances.

As with the table above there are also some instances where there are no figures from the 1995 scheme as it appears that not all windows were analysed at the time.

Further, the table does not include figures for all the windows tested as sunlighting levels for those windows would be within the BRE guidelines

Level	Window ref	Rm	Consented						Proposed					
			Ex ASPH	Prop ASPH	%	Ex Win	Prop Win	%	Ex ASPH	Prop ASPH	%	Ex win	Pro win	% loss
L G	W7 (W1)	LR	2	1	50%	1	0	100	11	9	18%	2	1	50%
	W8 (W2)	LR	5	3	40%	2	0	100	13	8	38%	1	1	0%
	W9 (W3)	LR	4	4	0%	0	0	-	9	6	33%	0	0	-
	W10 (W4)	LR	3	3	0%	0	0	-	5	2	60%	0	0	-
	W5 (W33)		No fig	No fig	No fig	No fig	No fig	No fig	9	5	44%	5	1	80%
G	W6 (W34)		No fig	No fig	No fig	No fig	No fig	No fig	11	7	36%	4	0	100%
	W7 (W35)	LR	No fig	No fig	No fig	No fig	No fig	No fig	9	4	56%	5	0	100%
	W8 (W36)	LR	No fig	No fig	No fig	No fig	No fig	No fig	10	6	40%	4	0	100%
	W11 (W3)	B	1	0	100%	1	0	100	6	3	40%	4	0	100%
	W12 (W4)	B	5	4	20%	1	0	100	16	9	44%	3	0	100%
1 st	W13 (W5)	B	5	3	40%	2	0	100	9	3	0.33	0	0	-
	W14 (W6)	B	7	6	14%	1	0	100	11	6	0.55	1	0	100
1 st	W1 (W30)		No fig	No fig	No fig	No fig	No fig	No fig	14	12	7%	3	2	33%

	W5 (W34)		No fig	No fig	No fig	No fig	No fig	No fig	17	13	24%	7	3	57%
	W6 (W35)		No fig	No fig	No fig	No fig	No fig	No fig	15	12	20%	6	3	50%
	W8 (W37)	LR	No fig	No fig	No fig	No fig	No fig	No fig	18	12	33%	8	2	75%
	W9 (W38)	LR	No fig	No fig	No fig	No fig	No fig	No fig	18	12	33%	8	2	75%
	W13 (W4)	LR	6	5	17%	2	1	50%	22	14	36%	10	2	80%
	W14 (W5)	LR	9	8	11%	4	3	25%	23	14	39%	11	3	73%
	W16 (W7)	LR	9	8	11%	3	2	33%	24	11	54%	11	1	99%
	W17 (W8)	LR	13	10	23%	5	2	60%	24	12	54%	11	1	99%
	W20 (W11)	LR	16	15	6%	0	0	-	19	10	47%	0	0	-
2nd														
	W31		No fig						18	16	11%	6	4	33%
	W32		No fig						16	14	12%	6	4	33%
	W34	LR	No fig						21	15	29%	9	3	67%
	W35	LR	No fig						19	13	32%	9	3	67%
	W3	LR	8	7	12%	2	1	50%	8	6	25%	2	0	100%
	W4	LR	11	9	18%	5	3	40%	11	6	45%	5	0	100%
	W6	LR	11	9	18%	4	2	50%	10	6	40%	3	0	100%
	W7	LR	16	13	19%	6	3	50%	15	8	47%	5	0	100%
	W9	LR	32	22	31%	13	3	77%	30	12	60%	11	0	100%
3rd														
	W27		No figures for 1995 scheme						22	21	5%	5	4	20%
	W30		No figures for 1995 scheme						23	22	4%	6	5	n/a
	W31		No figures for 1995 scheme						20	19	5%	4	3	25%
	W33	LR	No figures for 1995 scheme						24	20	13%	10	6	n/a
	W34	LR	No figures for 1995 scheme						23	18	22%	9	4	56%
	W3	LR	No figures for 1995 scheme						25	18	28%	12	5	n/a
	W4	LR	No figures for 1995 scheme						23	16	30%	10	3	70%
	W6	LR	No figures for 1995 scheme						27	18	33%	13	4	69%
	W7	LR	No figures for 1995 scheme						31	22	29%	14	5	n/a
	W9	LR	No figures for 1995 scheme						36	19	47%	15	1	99%
4th														
	W7*	LR	No fig						40	26	n/a	18	4	78%
	W8*	LR	No fig						44	29	n/a	18	4	78%

(N/A – figures do not breach the BRE guidelines e.g the resultant figures do not drop below 25% for ASPH or 5% for winter sunlight.

* Only included two windows at fourth floor level as the rest of the windows comply with BRE guidelines)

Several of the windows in Garrick House are adversely affected by the proposed development, with some windows losing all of their winter sunlight and these losses are greater than in the 1995 scheme. However, these windows face west towards Carrington House, not directly at the application site, and receive most of their views of the sun from that direction. These losses of sunlight to Garrick House must be balanced against the improvements the proposed scheme will have on this part of Mayfair. It is therefore considered that the public benefits of the scheme outweigh the losses of sunlight.

5 Shepherd Street

This is a residential mansion block with the main entrance on Shepherd Street. The rear elevation faces part of the car park site, but does not share a boundary with the application site.

No objections have been received from this property therefore the layout of the flats cannot be confirmed.

There are losses of VSC to some of the windows. However, these losses are within the BRE guidelines, ranging from 1-12%. The windows currently receive very good levels of AP SH, above that normally expected for this part of the city. There are losses to AP SH, but these losses are within BRE guidelines and not above 20%. In terms of winter sunlight, there are losses above 20% to six windows (ranging from 50-20%), but it is considered that as the levels of annual sunlight are not adversely affected, the reductions of winter sunlight are acceptable.

100 Piccadilly

100 Piccadilly is located close to the south east corner of the car park and is in the applicant's ownership. There are 11 flats within the upper floors of the building and there are residential windows overlooking the site. Of the 18 windows tested, one would not comply with BRE guidelines with a 34% loss of VSC. The same window also loses almost half of its existing AP SH and all of winter sunlight. The window serves a bedroom and these rooms are afforded less protection than other habitable rooms. The window will still retain a good level of daylight and AP SH and the loss is considered acceptable.

Four other windows lose winter sunlight over 20%. However, they all retain good levels of AP SH and in these circumstances the loss of winter sunlight is considered acceptable.

7 Hertford Street

This building is situated to the west of the application site with which it shares a boundary. This building is used for office purposes on the lower floors with one residential flat over fourth and fifth floor levels. The residential flat is triple aspect with windows facing north (over Hertford Street), south and east. The stair enclosure for the building projects from the side elevation towards the application site. Objections have been received on the grounds that there will be a loss of daylight and sunlight to the office and residential windows.

In terms of the residential windows, there are losses to VSC (ranging from 1-19%), and these are within BRE guidelines. The proposed sunlight levels are also within BRE guidelines.

The office windows have not been tested, UDP Policy ENV13 (E) aims to resist proposals which result in loss of daylight and sunlight particularly to existing dwellings and educational buildings. The BRE Guidelines state that "*the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices*". No details have been provided relating to the type of the offices occupying 7 Hertford Street, but it is noted that they are also triple aspect therefore receiving natural light from other windows not affected by the proposals.

Sense of Enclosure

UDP Policy ENV13 aims to ensure that new developments do not unacceptably increase overlooking of neighbouring residential properties or sense of enclosure due to overbearing proximity.

Objections have been received from the occupiers of Carrington Street, Garrick House, and 7 Hertford Street on the grounds that there will be an increase sense of enclosure as a result of the development. As the car park is a two storey building any increase in height and bulk will cause some degree of increased enclosure.

However, in the case of the proposed office building, it is set back from the boundary with Carrington House at second floor level and above. It is also set away from the residential windows at fourth and fifth floor levels in 7 Hertford Street. In terms of the residential building, this is set away from the boundary with Garrick House at second floor level and does not extend directly in front of the residential windows. The objections from Garrick House also state that by creating a new passage with buildings either side this will lead to an increase sense of enclosure. However, the windows on Garrick House already look directly onto Carrington House and it is not considered that the creation of the new passage would result in a situation significantly different that which already exists.

Privacy

Objections have been received from the occupiers of Carrington House on the grounds that there will be a loss of privacy as a result of the new windows and terraces proposed.

The office building is stepped back away from the boundary with Carrington House. The first floor level is concealed behind the courtyard wall and the second and third floor levels are set back from the boundary with Carrington House. Due to the distance between the windows it is not considered that there will be a materially harmful loss of privacy. The applicants have confirmed that terraces are not proposed, but a condition is recommended to ensure that the flat roofs created by the setbacks are not used as roof terraces.

Objections have also been received from 7 Hertford Street to the loss of privacy to the office and residential windows. As the proposed building is set back away from 7 Hertford Street it is not considered that there will be a material loss of privacy to the office or residential windows.

Pedestrian route

A number of objections have been received on the grounds that the new pedestrian route through the new passage will cause noise and disturbance to residents in Carrington Street due to an increase in activity from people using the new route.

It is not considered that the new pedestrian route will be any more disturbing for surrounding residents than the existing car park which operates 24 hours a day. Therefore the objections on the grounds that there will be more noise and disturbance are not considered to be a justifiable reason to withhold planning permission.

8.4 Transportation/Parking

The new passage is welcomed under UDP Policy TRANS3 which supports proposals for facilities which provide for improved pedestrian movement in the city.

Car Parking

Objections have been received to the loss of the off street public car park on the grounds that it will exacerbate traffic management problems in the area. The loss of the car park is considered acceptable and has been previously addressed in this report. The proposal includes off-street car parking for the residential parts of the proposed development, contained at the basement. Thirty-seven spaces are proposed for the 30 residential units, this is within the maximum standard as set out in UDP Policy TRANS23 and is therefore considered acceptable. These spaces will be conditioned to be only used by the residential occupiers of the building.

There are also 3 spaces for office use, and 20 spaces will be available to the public on a contract basis, which is considered acceptable given that the overall effect is a net loss of commercial public car parking.

Access to the car parking will be via two car lifts and the vehicles will be valet parked. The use of valet parking and an automated system will mean that the parking will be unallocated.

A Parking Management Plan is required to control precisely how the automatic system, valet parking and lift management will operate. This should include details of the lift maintenance to minimise downtime and include contingency arrangements in the event of a mechanical failure. This will be secured via S106.

Servicing

Strong objections have been received from the Embassy of Japan to the proposed location of the loading bay and servicing arrangements in Yarmouth Place. The Embassy currently uses Yarmouth Place/Brick Street for vehicular access for deliveries and diplomatic arrivals by car and has stated that any disruption to this access will compromise their diplomatic activities.

The proposed off-street servicing bay in Yarmouth Place is welcomed and is in line with City Plan Policy S42 and UDP Policy TRANS20. The service yard will accommodate vehicles up to 8m in length which will be able to enter and leave the service yard and Yarmouth Place in forward gear. The submitted Transport Statement estimates that 32 servicing vehicle visits per day with a likely maximum of four per hour. Vehicle tracking has been included within the Transport Statement to illustrate that an 8m vehicle can enter and exit the service yard and still be able to pass another such vehicle if one should be present within Yarmouth Place. The setting back of the lower ground and ground floor of 51-53 Brick Street should make access to and from Yarmouth Place easier and safer than the existing situation.

There is an extant permission for 100 Piccadilly and 5-6 Yarmouth Place, granted in December 2016 (see relevant history above). These proposals included off-street servicing, with a turntable on the private land outside 5-6 Yarmouth Place which would allow servicing vehicles to reverse into the ground level servicing bay and leave in forward gear. These proposals were considered acceptable due to the low number of traffic movements. As 1-4 Yarmouth Place and 51-53 Brick Street were not included in the

development site, no alterations were proposed to the entrance on Yarmouth Place/Brick Street to set back the lower floors. Even though the proposed number of traffic movements is greater than the 2016 scheme, the combination of the widened entrance and being able to turn off-site, means that it is considered that the proposed servicing arrangements are acceptable.

The submission of a Servicing Management Plan (SMP) is required by condition, this will control the spread of servicing vehicles across the day and to ensure that no more than one 8m vehicle tries to enter the servicing yard at any one time.

There are 53 cycle parking spaces for the residential part of the scheme, 49 for the office use and 20 for the other commercial uses and these are welcomed and will be secured by condition. Twelve cycle spaces are proposed to be installed on the new passage and they will provide short term cycle parking for visitors. A condition is recommended to ensure that these cycle spaces are provided and details of their exact location.

Recycling/Refuse

The Highways Planning Manager has concerns with the refuse arrangements for the development and has asked for clarification on whether the Council's standard refuse vehicle will be able to enter Yarmouth Place. The applicants have confirmed that the standard refuse vehicle cannot enter Yarmouth Place at the moment and it will not be able to enter once the development has been completed. It has been agreed to allow smaller refuse vehicles to deal with refuse from the site. On this basis the Highways Planning Manager and the Cleansing Manager have agreed to this approach.

The Cleansing Manager is satisfied that the refuse and recycling store is adequate and a condition is recommended to secure this facility.

Highways works

Additional highways works are required to ensure that the creation of the new street ties in with the existing streets and either end. It is also important to ensure that the existing pavement on Brick Street is continued round 51-53 Brick Street and links to the new street. For safety reasons, it is likely that this will need to be a pavement rather than shared surface. It is also proposed to resurface Yarmouth Place, these works are not detailed in the planning application but will be secured by S106 and dealt with under Highways legislation.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided to all the new uses, and lift will provide access to all floors of the building. The new pedestrian route includes stairs and lift access from Carrington Street to Brick Street/Yarmouth Place.

8.7 Other UDP/Westminster Policy Considerations

Basements

The proposal includes the excavation to create five sub-basement levels. Objections have been received to the extent of the basement excavation and non-compliance with City Plan Policy CM28.1. Objections have also been received to the impact of the basement excavations.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Part C (c) of the policy states that basement development to non-residential development adjoining residential properties where there is potential for an impact on those adjoining properties outside Core CAZ; will not involve the excavation of more than one storey below the lowest original floor level. Therefore, as the site is located within the Core CAZ, the excavation of more than one basement level complies with this section of the policy.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Flood Risk

The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. However, the proximity of the hidden River Tyburn close to the site's eastern boundary, will mean careful excavation will be needed to ensure it is not damaged.

Construction impact

A number of objections have been raised to the length of the construction period, the impact the construction will have on existing residents and businesses in the area and the associated noise/dust and disruption. Objections have also been received on the grounds that the portions of Carrington Street are already suffering from subsidence and therefore the road cannot deal with the construction traffic. Planning permission cannot reasonably be withheld on these grounds. Objections have also been received from the Embassy of Japan on the grounds that they will not be able to carry out their diplomatic function as they require uninterrupted access and this would be in breach of Article 22 Section 2 of the Vienna Convention on Diplomatic Relations.

A draft Construction Management Plan has been submitted by the applicants and comments have been made by neighbouring occupiers on its contents. The managing agents for Garrick House have commissioned their own CMP. Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the

Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate. Security concerns during the construction have been raised by a number of objectors, again this is not some planning can control during the construction process.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

Plant

New plant is proposed within the new basement levels and at roof levels. The acoustic report identifies the nearest noise sensitive windows being the proposed development itself, the existing residential dwellings along Carrington Street (Carrington and Garrick House) and 100 Piccadilly. At this stage the plant has not been selected, but Environmental Health officers have no objection to the proposal, subject to the standard noise conditions.

The proposed extract duct for the restaurant is not shown on the proposed plans, but the applications have confirmed that it will be routed internally from the kitchen at lower ground floor level to the riser adjacent to the southern lift core in the residential block. The duct is full height and will discharge adjacent to the lift overrun and within the roof plant enclosure. A condition is recommended to require the submission of full details of the extract duct.

Sustainability

Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions. The London Plan requires residential development to target 'Zero Carbon' and 35% below Part L 2013 for the non-domestic elements.

A CHP unit is proposed and this will act as the lead heat source, this provides a reduction of around 30% in carbon dioxide emissions. Photovoltaic panels are also proposed to the roof of the office block. The residential part of the development does not meet the 'Zero Carbon' target in the London Plan. The non-domestic part of the development achieves 36% reduction, therefore complying with the London Plan.

To address the shortfall the applicants are willing to contribute £70,551 to the carbon off-setting fund. However, as the proposal does not fully comply with the affordable housing policy, it is considered that the £70,551 be added to the affordable housing fund as this is considered to be a greater priority than carbon off-setting.

The submitted Sustainability Statement indicates that the gallery, gym, office and restaurant elements of the scheme will achieve a BREEAM Excellent rating. This is welcomed and secured by condition.

8.8 London Plan

The proposal is not referable to the Mayor, however it is considered that the proposal is broadly in line with the London Plan as addressed in the report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

- The £2.25 million contribution to the affordable housing fund, in addition to this payment, it is considered that the £70,551 allocated to the Carbon off-setting fund be allocated to the affordable housing fund, resulting in a total of £2,320,551 million;
- Crossrail payment (currently calculated at £460,795.30 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG).
- Parking Management Plan;
- Highways works to include provision of a footway linking the footway on Brick Street with the new street;
- Highways works to tie the new street in with the existing highways at either end of the new street;
- Resurfacing of Yarmouth Place; and
- S106 monitoring costs

The estimated CIL payment is: £3,711,572

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Objections have been raised to the lack of consultation carried out by the applicants. The Statement of Community Involvement submitted by the applicants indicates that public consultation was carried out prior to the scheme being submitted. A letter drop to nearby residents and businesses advising of the two public exhibitions took place on two dates in June 2016 and one in September 2016. As this consultation is not carried out by the City

Council, the objections on these grounds are not considered sustainable to justify refusing the application.

Concern has been raised by 7 Hertford Street that the proposals should not prejudice any development potential. A planning application has not been submitted for this site and officers cannot take into account any pre-application discussions that may have taken place.

There is an existing agreement relating to the right to access of light and air relating to the any development of the car park site and 7 Hertford Street. The applicants have set the building back away from 7 Hertford Street, notwithstanding this; rights to light and air are private matters which fall outside of planning control. There are also existing fire escape stairs within the demise of 7 Hertford Street which provides access through the car park. Again this is a private matter between the two owners.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health dated 1 December 2016
3. Response from Historic England (Archaeology) dated 16 December 2016
4. Response from Historic England (Listed Builds/Con Areas) dated 14 December 2016
5. Response from Designing Out Crime dated 22 December 2016
6. Responses from Building Control dated 7 March 2017 and 22 June 2017
7. Response from Highways Planning Manager dated 14 July 2017
8. Response from Cleansing dated 24 July 2017
9. Response from the Head of Affordable and Private Sector Housing dated 31 July 2017
10. Letter from occupier of 1a Shepherd Market, London, dated 6 December 2016
11. Letters from occupier of 18 Garrick House dated 12 December 2016 and 20 June 2017
12. Letter from occupier of Christ Church Mayfair, Down Street dated 15 December 2016
13. Letters from occupier of 101-104 Piccadilly (Embassy of Japan), London dated 19 December 2016 and 19 June 2017
14. Letters from occupier of 7 Hertford Street, London dated 21 December 2016 and 20 June 2017
15. Letter from occupier of 7 Hertford Street, London dated 21 December 2016
16. Letters from Orbition Estates (Management Company for Carrington House) dated 21 December 2016 and 21 June 2017
17. Letters from occupier of 47 Slough Road, Datchet dated 4 January 2017 and 13 March 2017
18. Letter from occupier of Fifth Floor, 105 Piccadilly dated 9 January 2017
19. Letters from occupier of Flat 27 Garrick House dated 10 January 2017, 19 June 2017
20. Letter from occupier of Flat 12a, Garrick House dated 12 January 2017
21. Letters on behalf of Garrick House Management Limited from City Planning Ltd, 40-41 Pall Mall, two dated 27 January 2017, and 20 June 2017
22. Letters from occupier of Flat 31, Garrick House dated 28 January 2017 and 18 June 2017
23. Letter from occupier of Flat 100 Carrington House dated 12 February 2017
24. Letters from occupier of 22 Stanhope Row dated 22 February 2017 and 21 June 2017
25. Letters from occupier of Flat 16 Garrick House dated 23 February 2017 and 28 June 2017

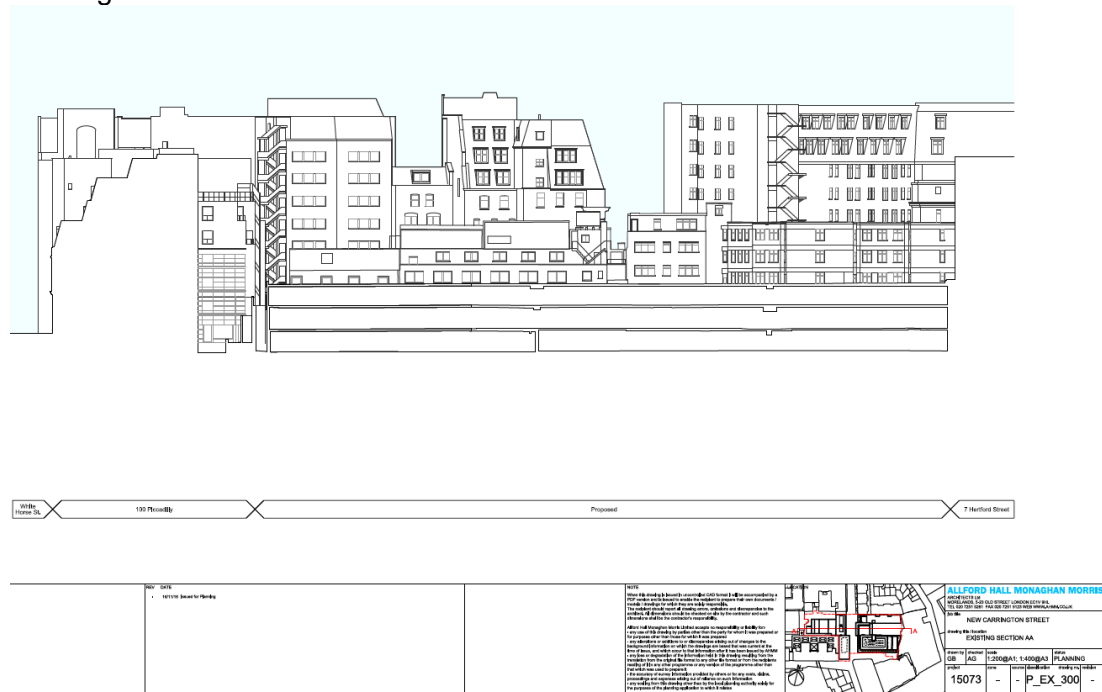
26. Letter from occupier of Flat 9, Garrick House dated 23 February 2017
27. Letter from occupier of 11 Garrick House, Carrington Street, dated 27 February 2017
28. Letters from occupier of Flat 17 Garrick House dated 27 February 2017 and 26 June 2017
29. Letter from occupier of 11 Ardmore Park Singapore dated 28 February 2017
30. Letter from occupier of Flat 26 Garrick House dated 28 February 2017
31. Letter from occupier of Flat 29 Garrick House dated 28 February 2017
32. Letter from occupier of Willow Farm, Paddock Lane, Arkley dated 28 February 2017
33. Letter from occupier of Flat 7 Garrick House dated 28 February 2017
34. Letters from occupier of Flat 32 Garrick House dated 1 March 2017 and 25 June 2017
35. Letter from occupier of Flat 19 Garrick House dated 5 March 2017
36. Letters from occupier of Flat 1 Garrick House dated 18 May 2017 and 16 June 2017
37. Letter from occupier of Flat 18 Garrick House, dated 20 June 2017

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

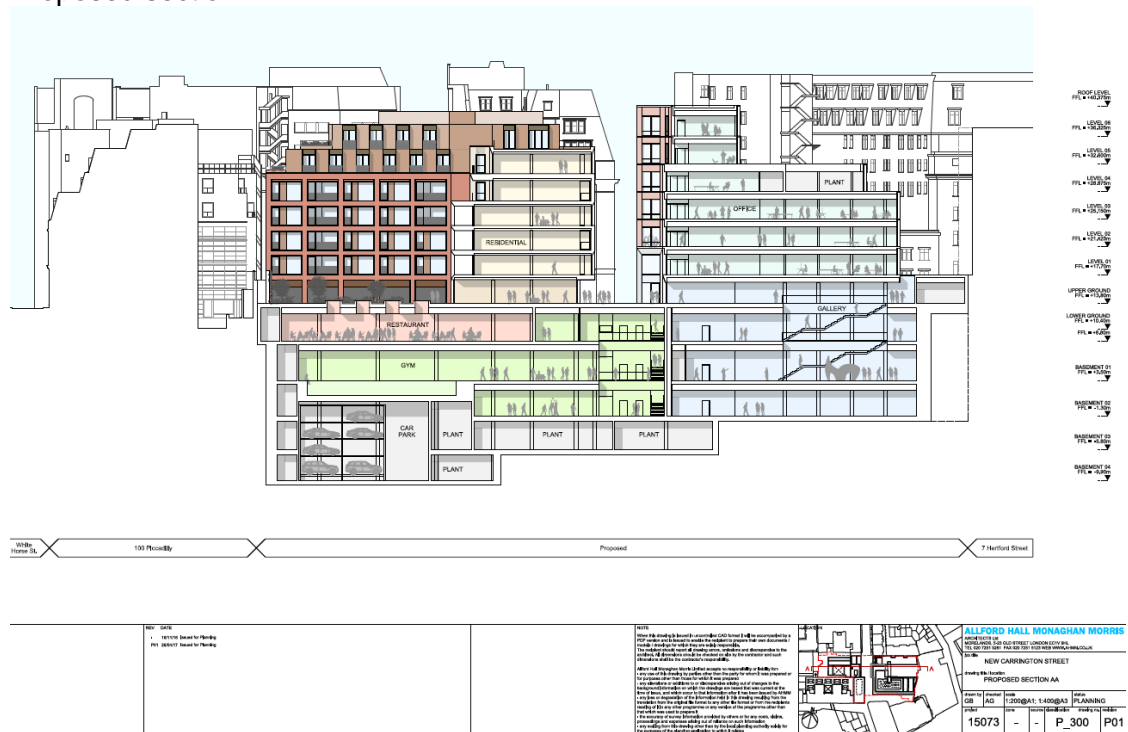
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk.

10. KEY DRAWINGS

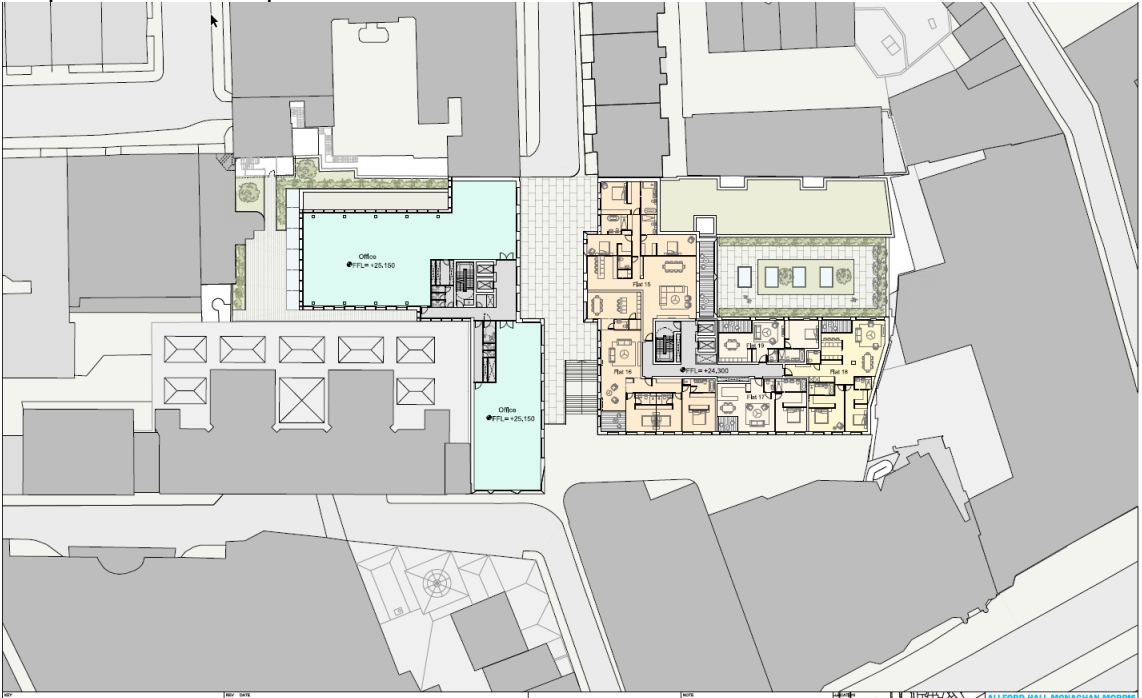
Existing Section



Proposed section



Proposed third floor plan



	1 Bed Apartment
	2 Bed Apartment
	3 Bed Apartment

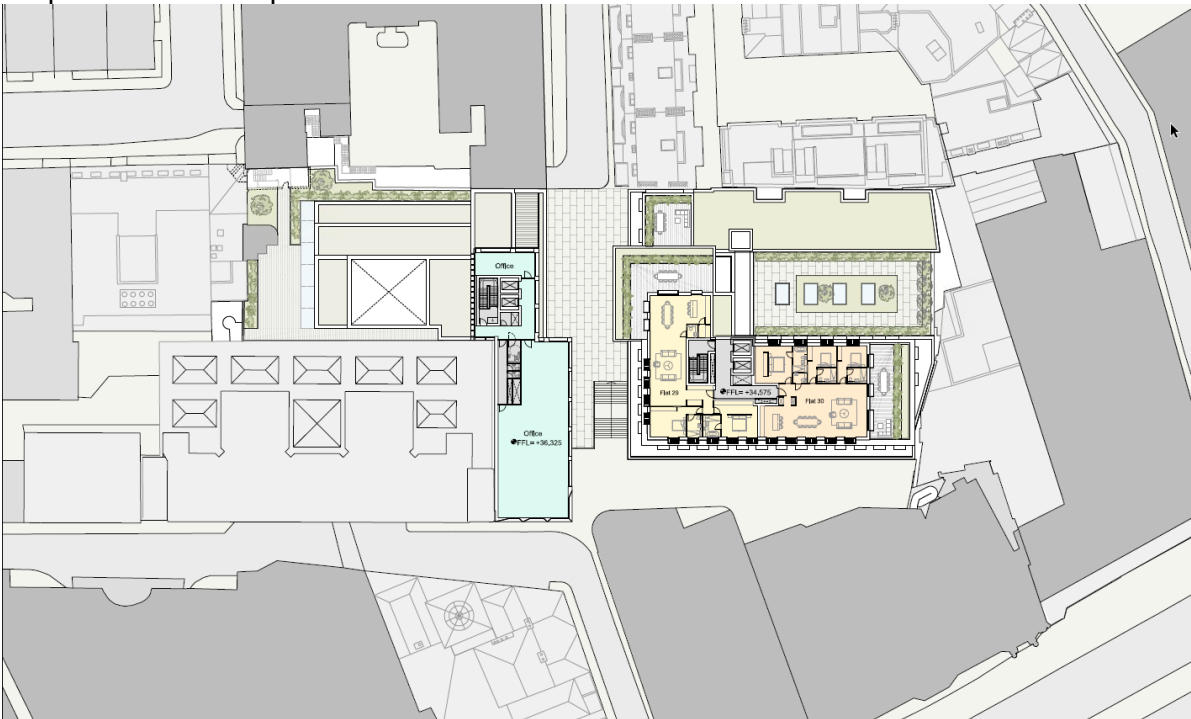
NOT SCALE
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ALLFORD HALL MONAGHAN MORRIS			
NEW CARRINGTON STREET			
THIRD FLOOR PLAN			
DATE	15/07/20	DESIGNER	FORNBERG HARGREAVES
SCALE	1:100	PROJECT NO.	15073
15073		P_103 P01	

Proposed sixth floor plan



	1 Bed Apartment
	2 Bed Apartment
	3 Bed Apartment

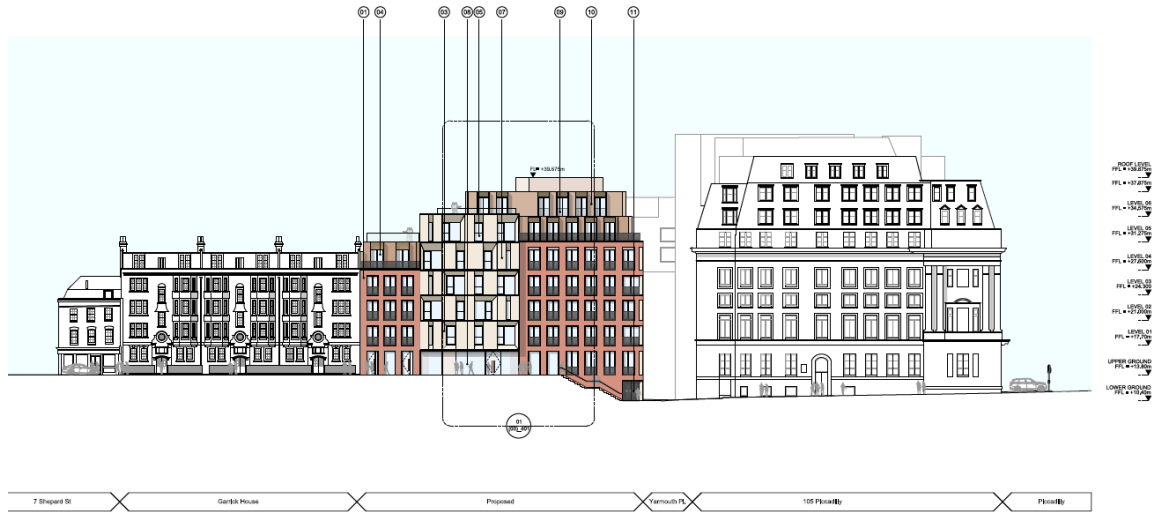
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ALLFORD HALL MONAGHAN MORRIS			
NEW CARRINGTON STREET			
SIXTH FLOOR PLAN			
DATE	15/07/20	DESIGNER	FORNBERG HARGREAVES
SCALE	1:100	PROJECT NO.	15073
15073		P_106 P01	

Proposed east elevation



<p>15073 - 15077 15073 - 15077 15073 - 15077</p>	<p>REV: DATE 15073 - 15077 15073 - 15077</p>	<p>NOTE: This drawing is to be used in conjunction with the approved 2D floor plan for the proposed building. It is not to be used for construction purposes. The building is to be constructed in accordance with the approved 2D floor plan and the approved 3D elevation drawings. The building is to be constructed in accordance with the approved 2D floor plan and the approved 3D elevation drawings. The building is to be constructed in accordance with the approved 2D floor plan and the approved 3D elevation drawings.</p>	<p>ALLFORD HALL MONAGHAN MORRIS NEW CARRINGTON STREET PROPOSED ELEVATIONS CARRINGTON STREET - EAST 15073 - 15077 P_201 P01</p>
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Proposed west elevation



<p>15073 - 15077 15073 - 15077 15073 - 15077</p>	<p>REV: DATE 15073 - 15077 15073 - 15077</p>	<p>NOTE: This drawing is to be used in conjunction with the approved 2D floor plan for the proposed building. It is not to be used for construction purposes. The building is to be constructed in accordance with the approved 2D floor plan and the approved 3D elevation drawings. The building is to be constructed in accordance with the approved 2D floor plan and the approved 3D elevation drawings. The building is to be constructed in accordance with the approved 2D floor plan and the approved 3D elevation drawings.</p>	<p>ALLFORD HALL MONAGHAN MORRIS NEW CARRINGTON STREET PROPOSED ELEVATIONS CARRINGTON STREET - WEST 15073 - 15077 P_200 P01</p>
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DRAFT DECISION LETTER

Address: Development Site At Carrington Street Car Park, 51-53 Brick Street And 1-6, Yarmouth Place, London, ,

Proposal: Demolition of existing buildings on site and redevelopment to provide up to 29 residential units (Class C3), office floorspace (Class B1), gymnasium (Class D2), retail art gallery (Class A1), restaurant (Class A3) and retail (Class A1) floorspace; creation of a new pedestrian link through the site between Yarmouth Place and Carrington Street; erection of buildings either side of the new pedestrian link between 4 and 8 storeys in height; excavation to create additional basement accommodation; provision of on site car parking, cycle parking and delivery bay on Yarmouth Place; new landscaping including improvement works to Yarmouth Place; associated alterations.,

Reference: 16/11248/FULL

Plan Nos: P_010 P01, P_100 P01, P_101 P01, P_102 P01, P_103 P01, P_104 P01, P_105 P01, P_106 P01, P_107 P01, P_110 P02, P_111 P01, P_112 P02, P_113 P01, P_114 P01, P_200 P01, P_201 P01, P_202 P01, P_203 P01, P_204 P01, P_300 P01, P_301 P01, P_302 P01, P_400 P01, P_401 P01, P_EX_400

Addendum energy statement dated, Energy Statement Rev 3, Sustainability Statement Rev 1, Basement impact assessment dated November 2016 and Structural Method Statement dated November 2016 (INFORMATION ONLY)

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development - Typical façade details at all levels. 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 detailed 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 Mayfair 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 not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 5 You must apply to us for approval of sample panels of the brickwork and stonework, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 Mayfair 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 You must apply to us for approval of detailed drawings of the following parts of the development - public art integrated into the buildings. 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 detailed 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 Mayfair 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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- 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 piling, excavation and demolition 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 unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 8 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

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

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 10 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
 - (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building. You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Mayfair 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)

- 11 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 Mayfair 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)

- 12 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 13 You must not allow more than 125 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 14 Customers shall not be permitted within the:
Restaurant premises: - before 07.30 and after 00.00 (midnight) Monday to Saturday and - before 07.30 and after 22.30 on Sundays.
Gym premises - before 06.00 and after 23.00 Monday to Friday - before 08.00 and after 19.00 on Saturday and Sundays
Gallery - before 10.00 and after 19.00 Monday to Saturday (C12AD)

Reason:

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

- 15 You must submit detailed drawings showing the layout of the restaurant use before the restaurant is occupied. The drawings must include, entrances, kitchen, covers and bar areas.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 You must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurant is in use.

Reason:

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

Development Plan that we adopted in January 2007. (R14AC)

- 17 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 18 The skylights in the residential courtyard must not be openable.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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

Reason:

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

- 20 You must apply to us for approval of details of the position and number cycle stands in the new street. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle stands in line with the approved details prior to occupation. You must not use the cycle stands for any 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 2015.

- 21 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 22 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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)

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

Reason:

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

- 24 You must provide each car parking space (60) shown on the approved drawings - A maximum of 37 spaces must be allocated for residential use - A maximum of 3 spaces for office space; and - A maximum of 20 spaces for contract purposes.

Reason:

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

- 25 (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.

- 26 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.

- 27 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.

- 28 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 25 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.

- 29 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 27 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive

ambient noise levels.

- 30 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 make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 31 **Pre Commencement Condition.** You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 32 You must provide the environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in the submitted energy statement and sustainability statement. 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). (R44AC)

- 33 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

- 34 You must provide at least 50sqm of photovoltaic panels as shown on drawing 15073 P_107 P01.

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). (R44AC)

- 35 You must not use the any roof (at first, second, third, fourth, fifth) of the office building to the west of the site for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 36 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within 1 year of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 37 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology or site evaluation and the nomination of a competent person (s) or organisation to undertake the agreed works. , , If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which

have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the Stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include: , a) the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works., b) the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

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)

- 38 No demolition shall take place until a written scheme of historic building investigation (WSI.) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI which shall include the statement of significance and research objectives, and , a) the programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; b) the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with the NPPF, and the publication of results in accordance with Section 12 of the NPPF.

- 39 You must provide the waste and recycling store shown on drawing P_112 P02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 40 The restaurant ground floor lobby as shown on plan: P_100 P01 must not contain customer seating.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 41 You must apply to us for approval of details of the following parts of the development: - servicing management plan, You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

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

- 42 All residential windows must be capable of being opened.

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.

- 43 All vehicles must enter and exit the site in forward gear

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)

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 With reference to condition 8 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 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 39 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 8 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 9 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).
- 10 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 financial contribution of £2,320,551 (index linked) towards the affordable housing fund, payable on commencement of development.
 - Crossrail payment (currently calculated at £460,795.30 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG).
 - Walkways agreement to allow public access to the privately owned street linking Yarmouth Place and Carrington Street.

- Highways works including provision of a footway linking the footway on Brick Street with the new street, tying in the new street with Carrington Street and Brick Street and resurfacing of Yarmouth Place
 - S106 monitoring costs. (I55AA)
- 11 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
 - 12 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
 - 13 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact: , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
 - 14 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following. * Window cleaning - where possible, install windows that can be cleaned safely from within the building. * Internal atria - design these spaces so that glazing can be safely cleaned and maintained., * Lighting - ensure luminaires can be safely accessed for replacement. * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission). More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm. Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
 - 15 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
 - 16 In relation to Condition 37, written schemes of investigation will need to be prepared and

implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under Schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 17 In relation to Condition 38, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

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.