

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 29 August 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	1, 16 and 17 Berkeley Mews, London, W1H 7AT		
<b>Proposal</b>	Application 1 – 1 Berkeley Mews Use of ground and first floor as an office (Class B1) (retrospective application). Application 2 – 16 Berkeley Mews Use of the ground and first floor as an office (Class B1) Application 3 – 17 Berkeley Mews Use of ground and first floors as an office (Class B1)		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	The Portman Estate Nominees (One) Ltd and The Portman Estate Nominees (Two) Ltd		
<b>Registered Number</b>	Application 1 - 17/04565/FULL Application 2 – 17/04566/FULL Application 3 - 17/04567/FULL	<b>Date amended/ completed</b>	5 June 2017
<b>Date Application Received</b>	24 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

Applications 1, 2 and 3:

1. Grant conditional permission subject to a legal agreement to secure the following:
  - a) Upon permission being granted, the George Street planning permission (Ref: 12/01611/FULL) shall not be implemented.
  - b) Costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed by 17 September 2017 then:
  - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if

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

## 2. SUMMARY

The application sites comprise three mews buildings within Berkeley Mews. All are located within the Central Activities Zone (CAZ) (but outside of the Core CAZ) and within the Portman Estate Conservation Area. None are listed buildings. No. 1 Berkeley Mews comprises a two-bedroom single family dwellinghouse with integral garage. Nos. 16 and 17 Berkeley Mews comprise commercial garaging / storage space at ground floor level with 2 x two-bedroom flats above at first floor level.

The application proposes to use all three buildings as offices. Whilst this would ordinarily be unacceptable in principle due to the loss of residential floorspace / units and through creating office floorspace outside of the Core CAZ and not on a Named Street within Marylebone and Fitzrovia, the applicant proposes that this package of sites replaces an extant but unimplemented permission to convert the upper floors of Nos.67-69 George Street from five flats into offices. This permission forms part of a land use package with sites at No. 21 George Street and Nos. 23-25 Castlereagh Street whereby the loss of residential floorspace was acceptable provided it was re-provided at Nos. 23-25 Castlereagh Street.

Despite the objection to the loss of residential floorspace from a resident within Berkeley Mews, the proposed revised land use package represents a significant improvement over the approved land use package, with two additional residential units provided and an additional 170 sq.m (GIA) of residential floorspace. Subject to a legal agreement preventing the George Street planning permission (Ref: 12/01611/FULL) ever being implemented, the proposal is acceptable in land use, transportation and amenity terms. The schemes therefore comply with adopted Unitary Development Plan (UDP) and City Plan policies and are recommended for approval.

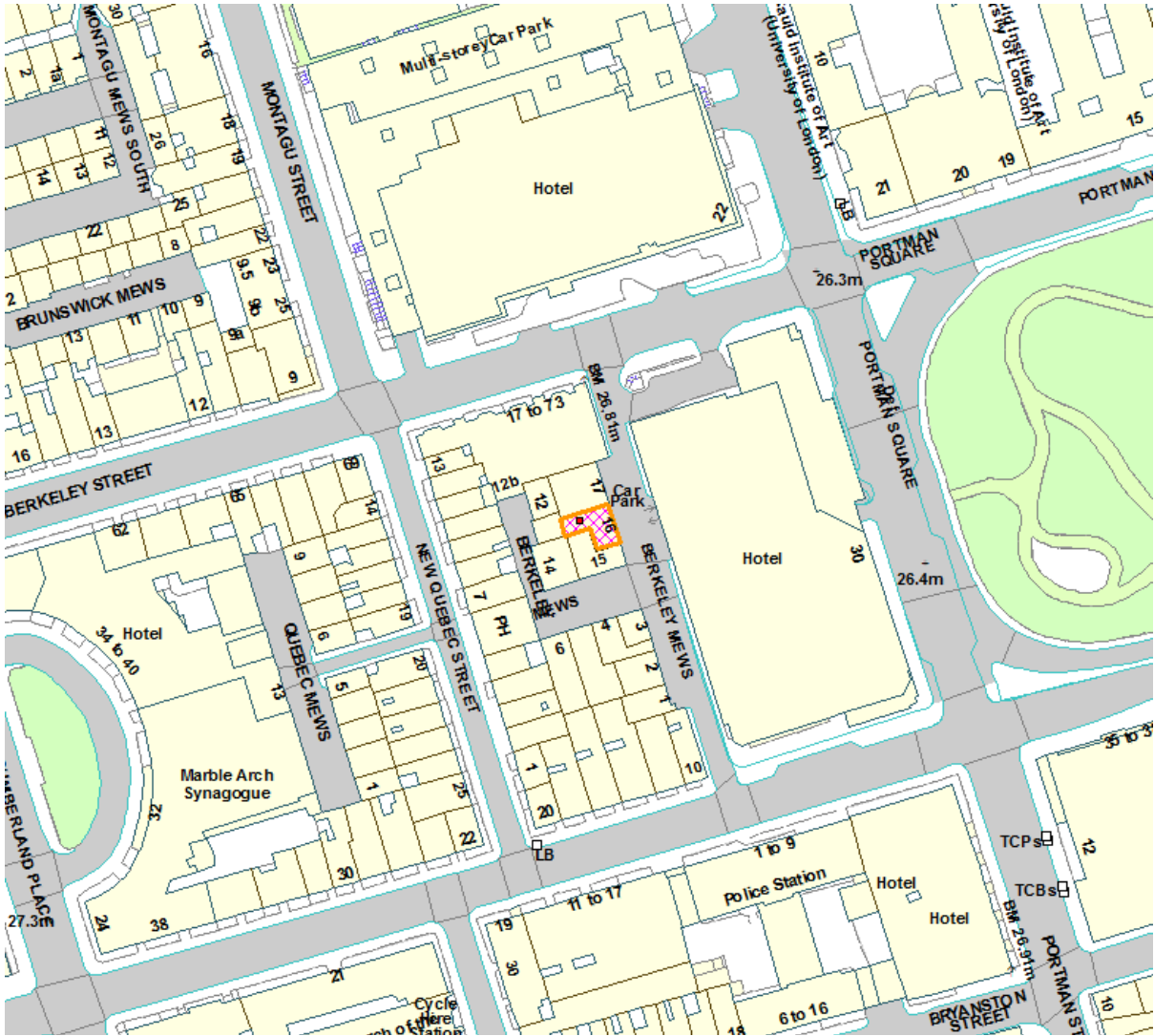
### 3. LOCATION PLAN

Application 1 – 1 Berkeley Mews



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Application 2 – 16 Berkeley Mews



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Application 3 – 17 Berkeley Mews



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4. PHOTOGRAPHS

1 Berkeley Mews:





16 Berkeley Mews:



17 Berkeley Mews:



Item No.
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<b>4</b>
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## CONSULTATIONS

### *Application 1 – 1 Berkeley Mews*

#### MARYLEBONE ASSOCIATION:

Objection, as application appears to be premature in terms of change of use.

#### HIGHWAYS PLANNING:

- Confirms that the impact of the change of use on parking levels will be minimal.
- Objects to the loss of the garage if it is protected by a planning condition or similar for residential car parking.
- Accepts that the proposed use will not generate a significant increase in servicing.
- Requests that cycle parking provision be secured by condition.

#### CLEANSING:

Requests that a condition is imposed requiring details of storage of waste and recyclable material to be submitted for the City Council's approval.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 15

Total No. of replies: 1

No. of objections: 1

No. in support: 0

#### Objecting on the following grounds:

- The replacement of a dwellinghouse with an office will leave them as the only resident within this part of Berkeley Mews which will make the area unsafe and dangerous, with trade people and deliveries schedules through the day and the area will be completely deserted during the evenings.
- The Portman Estate has prevented their mews house being converted into an office. This is discrimination.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### *Application 2 – 16 Berkeley Mews*

#### MARYLEBONE ASSOCIATION:

No comment.

#### HIGHWAYS PLANNING:

- Confirms that the impact of the change of use on parking levels will be minimal.
- Objects to the loss of the garage if it is protected by a planning condition or similar for residential car parking.
- Accepts that the proposed use will not generate a significant increase in servicing.
- Requests that cycle parking provision be secured by condition.

#### CLEANSING:

Requests that a condition is imposed requiring details of storage of waste and recyclable material to be submitted for the City Council's approval.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:**

No. Consulted: 54

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

*Application 3 – 17 Berkeley Mews***MARYLEBONE ASSOCIATION:**

No comment.

**HIGHWAYS PLANNING:**

- Confirms that the impact of the change of use on parking levels will be minimal.
- Objects to the loss of the garage if it is protected by a planning condition or similar for residential car parking.
- Accepts that the proposed use will not generate a significant increase in servicing.
- Requests that cycle parking provision be secured by condition.

**CLEANSING:**

Requests that a condition is imposed requiring details of storage of waste and recyclable material to be submitted for the City Council's approval.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:**

No. Consulted: 48

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**5. BACKGROUND INFORMATION****5.1 The Application Site**

No. 1 Berkeley Mews comprises an unlisted two-bedroom single family dwellinghouse with integral garage. This building is currently being unlawfully used as a site office for the contractors undertaking the redevelopment of the former Marylebone Police Station, 1-9 Seymour Street, located opposite the southern entrance to Berkeley Mews.

Nos. 16 and 17 Berkeley Mews comprise commercial garaging / storage space at ground floor level with 2 x two-bedroom flats above at first floor level. The commercial garaging / storage space are occupied but both flats are vacant.

All three buildings are located within the Central Activities Zone (CAZ) but outside of the Core CAZ. None of the buildings are listed but are all located within the Portman Estate Conservation Area.

Berkeley Mews is mixed in character. It comprises six residential units at Nos. 1, 2, 12, 13, 16 and 17. Commercial uses such as offices occupy Nos. 3, 4, 5, 14 and 15, whilst Nos. 6 – 10 New Quebec Street are in retail use and back onto the mews. The Churchill Hotel, 30 Portman Square also backs onto Berkeley Mews and has a loading bay and car park entrance accessed from the mews.

## 5.2 Recent Relevant History

### Application 1 – 1 Berkeley Mews

15/06739/CLOPUD

A lawful development certificate was granted on 7 April 2016 confirming that alterations to the fenestration on all elevations, creation of new front door and incorporation of the garage into the living accommodation was either 'permitted development' or, in the case of incorporating the garage into the living accommodation, did not result in a material change of use.

### Application 2 – 16 Berkeley Mews

17/04568/CLEUD

A lawful development certificate to confirm that the lawful use of the ground floor (with the exception of hallway to upper floors) is commercial car parking (*Sui Generis*) was withdrawn on 16 August 2017. This was on the basis that there was insufficient evidence to demonstrate that the two garages had been in use for in excess of ten years prior to the date of the application as commercial car parking (*Sui Generis*). The evidence, however, did make it clear that neither of the garages were lawfully used in an ancillary capacity to the flat above but had long been in commercial use.

### Application 3 – 17 Berkeley Mews

A lawful development certificate to confirm that the lawful use of the ground floor (with the exception of hallway to upper floors) is commercial car parking (*Sui Generis*) was withdrawn on 16 August 2017. This was on the basis that there was insufficient evidence to demonstrate that the garage had been in use for in excess of ten years prior to the date of the application as commercial car parking (*Sui Generis*). The evidence, however, did make it clear that the garage was not lawfully used in an ancillary capacity to the flat above but had long been in commercial use.

## 6. THE PROPOSAL

It is proposed to convert Nos. 1, 16 and 17 Berkeley Mews (including garaging) into office (Class B1) floorspace totalling 460 sq.m (GIA). As shown in Table 1 below, the result would be:

- The loss of 300 sq.m (GIA) of residential floorspace.
- The loss of three residential units.
- The loss of 160 sq.m (GIA) of commercial car parking / storage.

No external alterations are proposed.

	Residential (sq.m) (GIA)	Residential units	Car parking / storage (sq.m) (GIA)	Total
1 Berkeley Mews	133	1	0	
16 Berkeley Mews	67	1	65	
17 Berkeley Mews	100	1	95	
<b>Total</b>	<b>300</b>	<b>3</b>	<b>160</b>	<b>460</b>

**Table 1 – Existing floorspace.**

## 7. DETAILED CONSIDERATIONS

### 7.1 Land Use

By itself, the proposal is wholly unacceptable. It would result in a reduction in 300 sq.m of residential floorspace and three good quality dwellings, contrary City Plan Policy S14. Furthermore, the creation of office floorspace outside of the Core CAZ (and not on a Named Street in Marylebone and Fitzrovia) is contrary to City Plan Policies S8 and S20.

If approved, however, this package of sites is proposed to be subject to a legal agreement that would prevent the permission dated 18 September 2012 (Ref: 12/01611/FULL) at Nos. 67-69 George Street being implemented.

The permission at Nos. 67-69 George Street allows the conversion of the five flats over part second, third and fourth floors into office floorspace. Together with a permission at No. 21 Gloucester Place (Ref: 12/05485/FULL) that allowed the conversion of the third floor from one flat to office floorspace, this site formed part of a land use package whereby the loss of residential floorspace / units at these two sites could only take place once the residential floorspace / units had been re-provided at Nos. 23-25 Castlereagh Street in accordance with permission (Ref: 12/01610/FULL) that allowed the redevelopment of the site to create ten residential units. All three of the sites are located in the CAZ but outside of the Core CAZ and are in close proximity to each other.

The approved land use package is summarised within Table 2 below. Permission was granted for this land use package as, when taken as a whole, it is policy compliant through providing a net increase of 326 sq.m (GIA) of residential floorspace in the form of two additional family-sized units and through providing improved quality units, each with outdoor amenity space.

<b>As existing</b>				
	Residential (GIA)	Residential units	Family sized units	Office (GIA)
23-25 Castlereagh Street	179	2	0	543
67-69 George Street	470	5	0	0
21 Gloucester Place	86	1	0	849
<b>Total</b>	<b>735</b>	<b>8</b>	<b>0</b>	<b>1392</b>
<b>As approved</b>				
23-25 Castlereagh Street	1061	10	2	0
67-69 George Street	0	0	0	470
21 Gloucester Place	0	0	0	945
<b>Total</b>	<b>1061</b>	<b>10</b>	<b>2</b>	<b>1415</b>
<b>Net</b>	<b>+326</b>	<b>+2</b>	<b>+2</b>	<b>+23</b>

**Table 2 – Approved land use package.**

The development at Nos. 23-25 Castlereagh Street has been implemented, as has the development at No. 21 Gloucester Street. The development at Nos. 67-69 George Street, however, has not commenced and remains extant until 17 September 2017.

The current proposals seek to supplant the permission at Nos. 67-69 George Street, with a legal agreement proposed that would prevent this permission from ever being implemented. As No. 1 Berkeley Mews is already being used unlawfully for the proposed office use, if granted, the Berkeley Mews package will have been implemented immediately which would render the Nos. 67-69 George Street defunct. The applicant would therefore not be able to choose to implement either the Berkeley Mews permissions or the George Street permission.

Table 3 summarises the proposed new land use package:

<b>As existing</b>					
	Residential (GIA)	Residential units	Family sized units	Car parking / storage (GIA)	Office (GIA)
23-25 Castlereagh Street	179	2	0	0	543
1 Berkeley Mews	133	1	0	0	0
16 Berkeley Mews	67	1	0	65	0
17 Berkeley Mews	100	1	0	95	0
21 Gloucester Place	86	1	0	0	849
<b>Total</b>	<b>565</b>	<b>6</b>	<b>0</b>	<b>160</b>	<b>543</b>
<b>As proposed</b>					
23-25 Castlereagh Street	1061	10	2	0	0
1 Berkeley Mews	0	0	0	133	0
16 Berkeley Mews	0	0	0	132	0
17 Berkeley Mews	0	0	0	195	0
21 Gloucester Place	0	0	0	86	0
<b>Total</b>	<b>1061</b>	<b>10</b>	<b>2</b>	<b>546</b>	<b>0</b>
<b>Net result</b>	<b>+496</b>	<b>+4</b>	<b>+2</b>	<b>-160</b>	<b>+3</b>

**Table 3 – Proposed land use package**

In the context of sites outside of the Core CAZ where residential floorspace is prioritised over commercial floorspace, Table 4 clearly shows that the proposed land use package represents a significant improvement over the approved land use package, with two additional residential units provided and an additional 170 sq.m (GIA) of residential floorspace. The loss of 160 sq.m (GIA) of car parking / storage is uncontentious in the context of the lack of policies to protect this commercial floorspace, as is the slight fall in office floorspace created given that City Plan Policies S8, S14 and S20 promote increases in residential floorspace and resist increases in office floorspace in this location.

	Residential (GIA)	Residential units	Family sized units	Car parking / storage (GIA)	Office (GIA)
<b>Approved</b>	+326	+2	+2	0	+23
<b>Proposed</b>	+496	+4	+2	-160	+3
<b>Difference</b>	<b>+170</b>	<b>+2</b>	<b>0</b>	<b>-160</b>	<b>-10</b>

**Table 4 – Net result comparison – approved and proposed.**

The impact on the character of the mews, the quality of the residential accommodation, the impact upon residential amenity of the residents remaining in the mews, however, needs to be balanced against the wider benefits set out above. The current applications follow:

- Permission being granted on 11 December 2007 (Ref: 07/04385/FULL) to convert the mews house at No. 15 Berkeley Mews into office accommodation as part of a land use swap with No. 12 Seymour Street (Ref: 07/04383/FULL); and
- Permission being granted on 4 May 2005 (Ref: 04/08127/FULL) to convert 2 x one-bedroom flats at first floor level with commercial garaging beneath at Nos. 3-4 Berkeley Mews into office accommodation as part of a land use swap with No. 8 Robert Adam Street (Ref: 04/08124/FULL).

The current applications would continue the trend of commercialising Berkeley Mews and will change the character of the mews from one of mixed residential and commercial uses to one of predominantly commercial uses. An objection has been made to the proposal from the occupant of No. 2 Berkeley Mews highlighting that this would leave only them as residents within this part of Berkeley Mews. It is alleged that commercial activity during the day makes the area unsafe and in the evenings the area is completely deserted which also brings danger. The objector adds that the Portman Estate has previously preventing this occupier from converting their mews house into an office and that they are convinced that this is discriminatory.

City Plan Policy CM47.1 outlines how planning permission for the swapping of uses between sites and for land use packages (swaps between more than 2 sites) which are located in the Central Activities Zone will be appropriate where:

- a. the sites are in the vicinity of each other;
- b. the mixed use character of the immediate area is secured at a fine grain;
- c. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;
- d. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;
- e. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;
- f. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

The applications for all sites have not been submitted at the time and Berkeley Mews would become less mixed use in character, contrary to City Plan Policy CM47.1 Parts (b) and (f). Due to the close proximity to the loading bay and car park entrance at the rear of the Churchill Hotel which is likely to cause noise and disturbance for occupants of the application sites, retaining the residential accommodation within Nos. 67-69 George Street is considered to result in higher quality residential accommodation within this part of the CAZ, in accordance with City Plan Policy CM47.1 Part (e). Furthermore, the revised land use package will result in two additional residential units and 170 sq.m (GIA) more residential floorspace compared to the approved land use package and all of the sites are in the vicinity of each other, in accordance with City Plan Policy CM47.1 Parts (a) and (c). Whilst the concerns of the local resident are sympathised, these public benefits are considered to outweigh any feeling of increased isolation within Berkeley Mews.

In respect to the safety of the occupier of No. 2 Berkeley Mews and Berkeley Mews in general, it is not considered that the conversion of the application site into offices will have a material impact in terms of public safety. The conversion of these properties to offices



would allow the opportunity for ground floor uses that would provide additional street surveillance during the day. It is considered that this would balance against the lack of activity at night or on the weekends. In terms of vehicular movements, the small scale nature of the offices is considered to mean that it is unlikely that this will lead to any additional cumulative impact of trade and deliveries on either safety or in respect to residential amenity through increase noise and traffic pollution. For this reason, there is considered to be no material loss of residential amenity as a result of the revised land use package, in accordance with UDP Policies ENV 6 and City Plan Policies S29, S32 and CM47.1(d).

In respect to the accusation that the Portman Estate has discriminated against the objector through not allowing their mews house to be converted to an office, the applicant outlines how the resident has a lease as a protected tenant. Whilst not a planning matter, the applicant outlines how, if this mews house was converted to an office, the tenant would lose rights to reside in the property.

## **7.2 Townscape and Design**

No external alterations are proposed and therefore the character and appearance of the Portman Estate Conservation Area would not be affected.

## **7.3 Residential Amenity**

No external works are proposed and therefore the development proposal will have no impact in terms of sunlight / daylight, increase sense of enclosure or loss of privacy. The impact of the proposed change of use on residential amenity in terms of the servicing and deliveries associated with the proposed offices are set out within Section 7.1 of this report.

## **7.4 Transportation/Parking**

Given the commercial nature of any car parking at ground floor levels within Nos. 16 and 17 Berkeley mews, there is no objection to its potential loss through not being used for car parking in association with the proposed new offices.

Highways Planning has confirmed that the impact of the proposed change of use on parking levels will be minimal and accepts that the proposed offices will not generate a significant increase in servicing.

In order to promote sustainable transport to the proposed offices, a condition is recommended to be imposed details of cycle parking provision to be submitted to the City Council for approval.

## **7.5 Economic Considerations**

The economic benefits of additional office floorspace are noted and welcomed.

## **7.6 Access**

Access arrangements would remain unchanged as a result of the proposed change of use.

## **7.7 Other UDP/Westminster Policy Considerations**

### *Refuse /Recycling*

As requested by the Cleansing Manager, a condition is recommended requiring details of storage of waste and recyclable material to be submitted for the City Council's approval.

## **7.8 London Plan**

This application raises no strategic issues.

## **7.9 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.

## **7.10 Planning Obligations**

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

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

In order to prevent the loss of residential floorspace and units overall, contrary to City Plan Policy S14 and UDP Policy H3, it is recommended that a legal agreement is entered into preventing planning permission (Ref: 12/01611/FULL) at 67-69 George Street being implemented. This legal agreement meets the above tests.

As no increase in floorspace is proposed, no Westminster CIL or Mayoral CIL payment are due.

There is also no requirement to make a contribution to funding Crossrail under the Mayor's Crossrail Funding SPG (2016) as the proposals do not result in a net increase in office floorspace of more than 500 sq.m (GIA).

## **7.11 Environmental Impact Assessment**

The proposal is of insufficient scale to require the submission of an Environmental Statement.

## **7.12 Other Issues**

None.

## **8. BACKGROUND PAPERS**

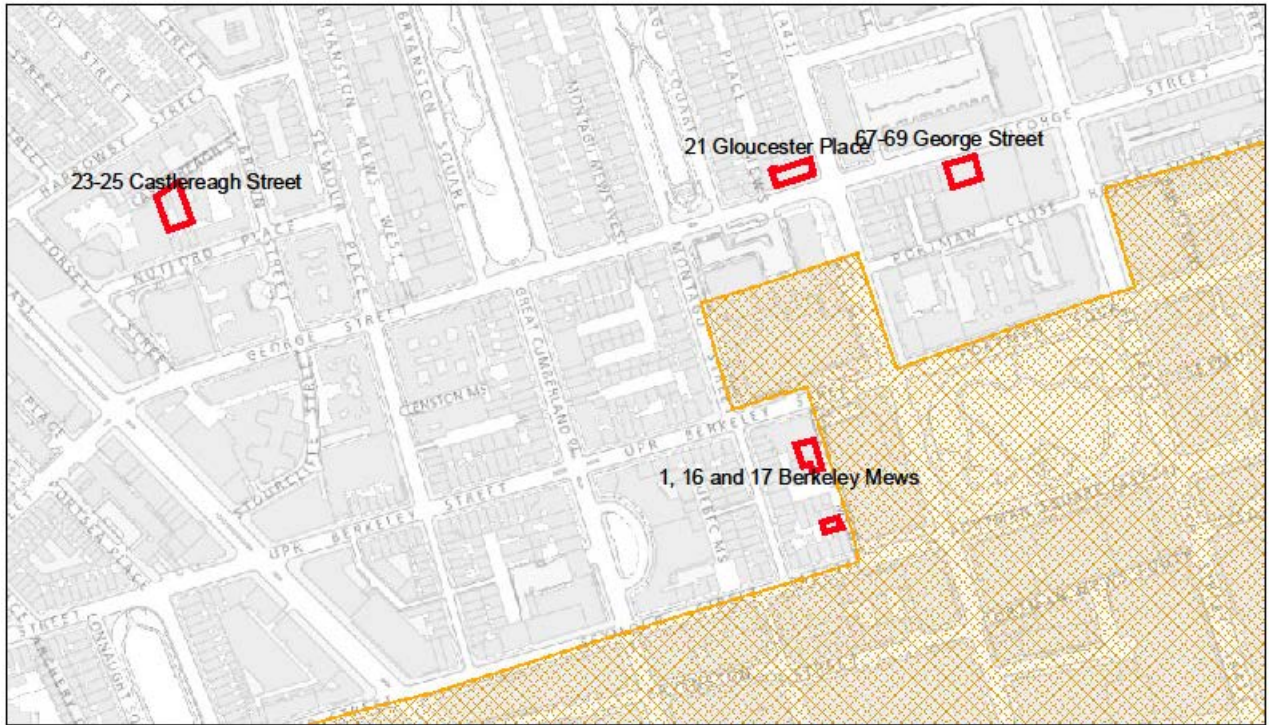
1. Application form

2. Response from the Marylebone Association, dated 26 June 2017.
3. Response from the Marylebone Association, dated 26 June 2017.
4. Response from the Marylebone Association, dated 26 June 2017.
5. Response from the Cleansing Manager, dated 15 June 2017.
6. Response from the Cleansing Manager, dated 19 June 2017.
7. Response from the Cleansing Manager, dated 19 June 2017.
8. Response from the Highways Planning Manager, dated 20 June 2017.
9. Response from the Highways Planning Manager, dated 20 June 2017.
10. Response from the Highways Planning Manager, dated 20 June 2017.
11. Letter from the occupier of No. 2 Berkeley Mews, dated 12 June 2017.

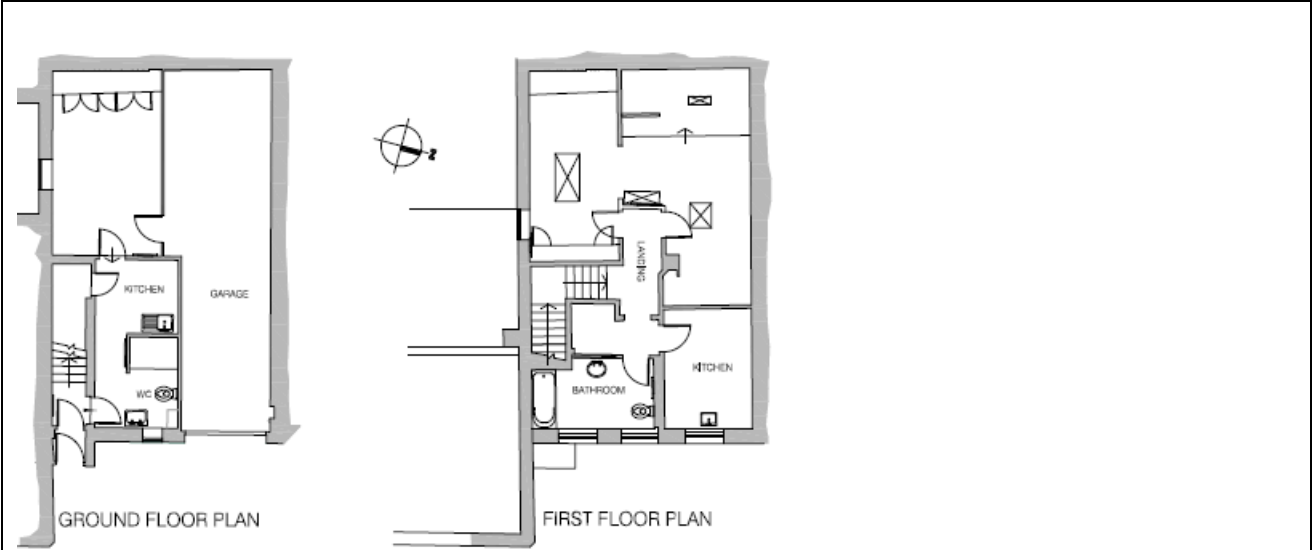
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

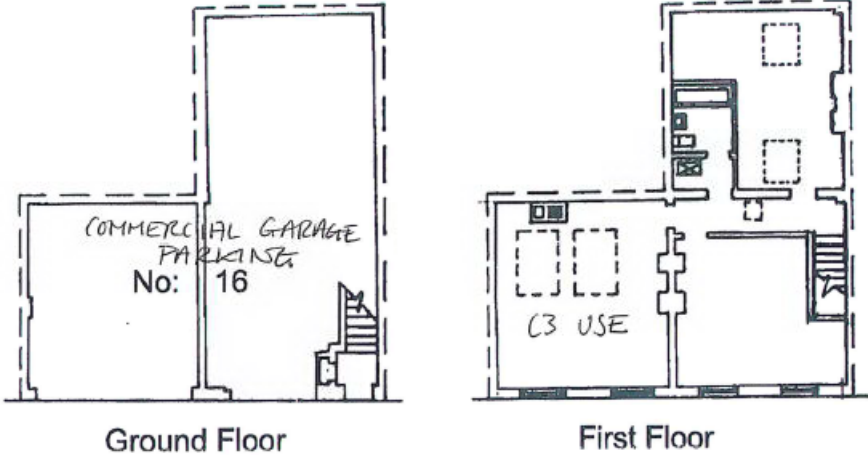
9. KEY DRAWINGS



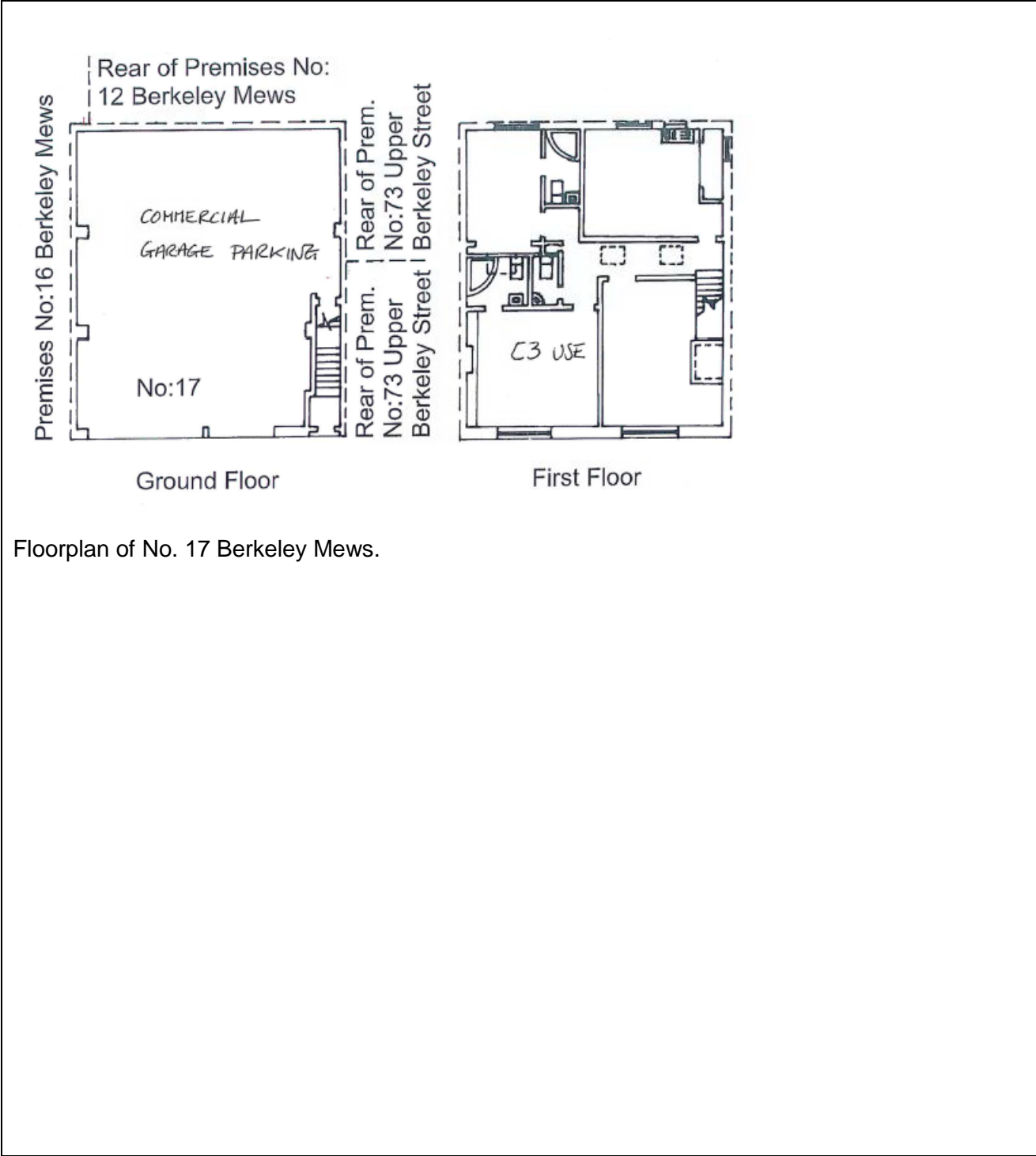
Location of land use package sites in context with the Core CAZ (hatched).



Floorplan of No. 1 Berkeley Mews



Floorplan of No. 16 Berkeley Mews.



Floorplan of No. 17 Berkeley Mews.

**DRAFT DECISION LETTER**

**Address:** 1 Berkeley Mews, London, W1H 7AT

**Proposal:** Use of ground and first floor as an office (Class B1) (retrospective application).

**Reference:** 17/04565/FULL

**Plan Nos:** PE.01.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 You must apply to us for approval of details of secure cycle storage for the office use hereby approved use. 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 storage in line with the approved details prior to occupation. You must not use the cycle storage 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.

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the office use hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the office. (C14EC)

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)



**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 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 secures that the George Street planning permission (Ref: 12/01611/FULL) shall not be implemented.

**DRAFT DECISION LETTER**

**Address:** 16 Berkeley Mews, London, W1H 7AY

**Proposal:** Use of the ground and first floor as an office (Class B1)

**Reference:** 17/04566/FULL

**Plan Nos:** Proposed Plan (January 2004).

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 You must apply to us for approval of details of secure cycle storage for the office use hereby approved use. 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 storage in line with the approved details prior to occupation. You must not use the cycle storage 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.

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the office use hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the office. (C14EC)

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)

**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 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 secures that the George Street planning permission (Ref: 12/01611/FULL) shall not be implemented.

**DRAFT DECISION LETTER**

**Address:** 17 Berkeley Mews, London, W1H 7AZ

**Proposal:** Use of ground and first floors as an office (Class B1)

**Reference:** 17/04567/FULL

**Plan Nos:** Proposed plan dated August 2003.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 You must apply to us for approval of details of secure cycle storage for the office use hereby approved use. 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 storage in line with the approved details prior to occupation. You must not use the cycle storage 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.

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the office use hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the office. (C14EC)

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)

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