

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	206 - 216 Marylebone Road, London, NW1 5LA,		
Proposal	Refurbishment and extension of 206-216 Marylebone Road including new seventh floor and rear lightwell infill to provide additional office accommodation change of use of part ground floor to flexible Class A1 and/or D2 and/or B1 floorspace and other associated works.		
Agent	Gerald Eve		
On behalf of	Marylebone Properties Limited		
Registered Number	17/10910/FULL	Date amended/ completed	8 December 2017
Date Application Received	8 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is located on the north side of Marylebone Road. It contains an office building that is up to eight storeys in height, including rooftop plant rooms. The application site is located within the Dorset Square Conservation Area, within the Central Activities Zone (CAZ) and within the CAZ frontages (Marylebone Road). This building is also designated as an Unlisted Building of Merit within the Dorset Square Conservation Area Audit (adopted 2008).

The applicant seeks permission for alterations and extensions to the existing building. The courtyard area at the rear of the site would also be infilled to create square floor plates at levels three through seven. Several other minor alterations, including the introduction of entrance canopies on Marylebone Road and Balcombe Street and the introduction of roof terraces, are also proposed.

The proposed development would retain and extend the existing office use on the application site. It would also include 1,909 sqm of flexible floorspace at ground and basement floor levels. This flexible floorspace would be used as retail, office and/or a gym/fitness centre (Use Classes A1, B1

and/or D2, respectively).

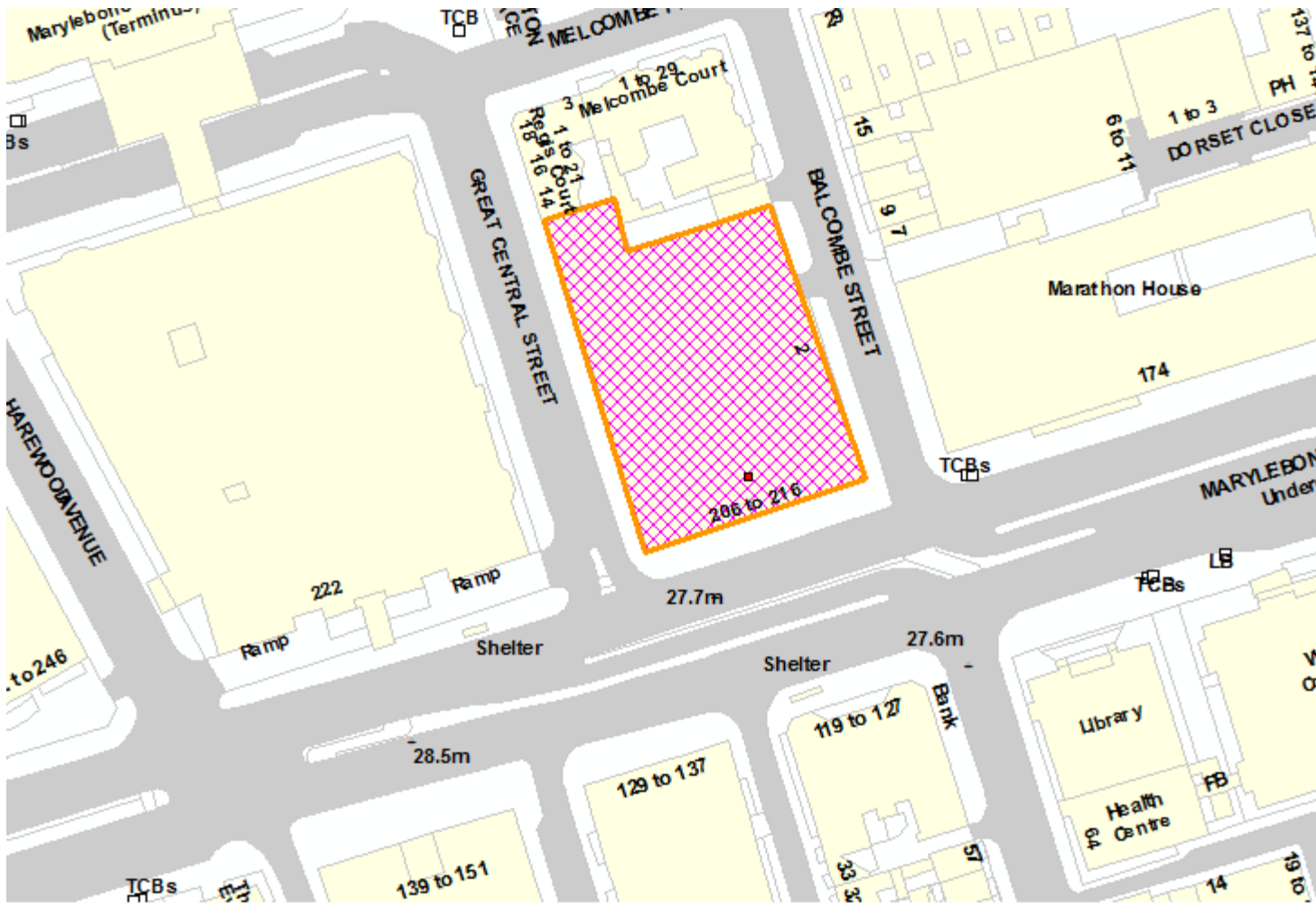
Several objections to the proposal have been received. The objectors are particularly concerned with loss of daylight and sunlight to Regis and Melcombe Courts and harm to amenity from the proposed terraces.

The key considerations are:

- The acceptability of the proposed uses;
- Impact on heritage assets, including this Unlisted Building of Merit in the Dorset Square Conservation Area;
- Impact on the amenity of neighbouring residents; and
- Impact on highways.

The development would comply with relevant London Plan, City Plan and Unitary Development Plan and is therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application Site from Marylebone Road



Application Site (left) from Balcombe Street. Melcombe Court to Right.



Application site as seen from Great Central Street

5. CONSULTATIONS

MARK FIELD MP

Request that the concerns of the occupiers of neighbouring properties are taken into consideration.

COUNCILLOR JULIA ALEXANDER

We must ensure that the loss of light to the properties in Melcombe Court does not breach clear NPPF guidelines. Would like reassurance that the additional height would not compromise the views from the Conservation Area, or from Regent's Park, and would not spoil the prospect of the Marylebone Old Town Hall, which is diagonally opposite.

LONDON UNDERGROUND LIMITED

No objection, subject to a condition to safeguard London Underground tunnels and structures.

TRANSPORT FOR LONDON - BOROUGH PLANNING

Long-term (staff) cycle parking for each of the uses should at least meet the minimum standards in the current London Plan. Preferably, the level of provision should meet the higher minimum standards again in the draft New London Plan. This should include some Sheffield Stands or similar suitable for those unable to use stacked parking and for larger bikes such as cargo bikes and tricycles.

It is noted that the Transport Assessment states that 119 cycle parking spaces would be provided yet 180 are marked up on the basement drawing. This difference should be clarified.

There does not appear to be any short stay (visitor) parking and again this should be provided to meet as a minimum London Plan standards and preferably the draft new London Plan minimum standards.

The cycle parking details should comply with London Cycle Design Standards. It is not clear that this is the case with the proposals given the level of detail provided.

Cyclist showers, changing rooms and lockers for staff who work in the building should be secured by condition.

As this site is highly accessible and to accord with London Plan policy the motor cycle parking and standard car parking spaces should be removed. If the latter is retained a condition restricting its use to Blue Badge holders should be imposed.

Given site constraints and to avoid disruption to bus services and other users of the highways adjoining the site it is suggested that conditions are imposed if permission is granted securing a Delivery and Servicing Plan and a Construction Management/Logistics Plan.

Request a tree protection condition in respect of the TfL street trees on Marylebone Road. TfL would not agree to the lopping or felling of these trees.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

BUILDING CONTROL OFFICER

The proposals do not include a basement extension. No building control comments needed.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions to control plant noise.

WASTE PROJECT OFFICER

Object. A waste store is indicated on the drawings submitted with waste servicing proposed on Balcombe Street. However, the waste details are not in line with the City Council's recycling and waste storage requirements. The applicant will need to confirm the bin capacities for the storage of residual waste and recyclable materials for the development. The bins should be indicated on the drawing and marked "R" and "W".

GO GREEN OFFICER

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Supports loss of car parking and the level of cycle parking proposed. Does not support changes to off-street servicing bay, waste collection arrangements and trip generation from A and D class uses proposed. Discussed in greater detail below.

HEAD OF POLICY

Any response to be reported verbally.

PUBLIC REALM & LANDSCAPE - CITY PLANNING

Any response to be reported verbally.

HIGHWAYS LICENSING

Any response to be reported verbally.

MAJOR REDEVELOPMENTS AND INFRASTRUCTURE

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Welcome the retention of use of building as offices and most of 1960s additions as there will be much less demolition and less disruption for residents and to traffic.

The site is encircled by bus routes and has a bus stand on the West side - a traffic plan will have to take this into account.

Relocation of much of the plant to the basement is preferable to locating it on the roof.

Welcome the provision of 180 cycle spaces rather than many car bays. Pollution and

congestion are major problems in this area, and they support any initiative which discourages car use.

Would like to see a retail unit/ cafe on the ground floor to enliven the street frontage on Great Central Street.

Two recessed entrances on the sides of the building have been used by rough sleepers, Non-recessed entrances would be preferable or 24 hour monitoring will be required.

No objection in principle to changing windows in 1960s extensions. These extensions have pleasing, well-detailed stone facades.

A similar roof extension was given permission in 2015, but in that scheme, levels 5&6 were extended vertically, and a shorter mansard added above them. Pleased that the stone facades of levels 5&6 in the historic building are to be preserved as existing, with original window openings and glazing. But the curved leaded mansard proposed for level seven is very bulky and heavy-looking, and this impression persists even though it is set back from the stepped stone facades of levels five and six. The developer should be more adventurous: here is an opportunity for something beautiful and much lighter in appearance: a glass pavilion, for example. A glazed extension with views over Central London would be an asset in an office building.

The roof terraces must be controlled so that local residents are not affected by noise and nuisance.

Residents in Regis Court and Melcombe Court are worried about the loss of sunlight, particularly in winter. We have looked at the Sunlight study and massing diagrams, and it is clear that there are small increases in height in some areas, and some loss of light for these buildings and for Marathon House at certain times. But the form of the sunlight study is unhelpful for non-experts. Would like to see 3D shadow diagrams to demonstrate the significance or otherwise of these changes for residents

Would like to see more greenery at roof level. This is an opportunity for green roofs and possibly more green walls. There could also be more planting outside of designated terrace areas

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 691
Total No. of replies: 9
No. of objections: 9
No. in support: 0

In summary, the objectors raise the following issues:

- The proposed extensions would be harmful to the Conservation Area;
- The proposed roof extension is bulky and heavy looking.
- The proposed terraces may harm the amenity of neighbouring residents in Melcombe and Regis Courts through noise, overlooking and people smoking;

- The proposed extensions would result in loss of daylight and sunlight to Melcombe and Regis Courts and other neighbouring sites;
- The daylight and sunlight assessment is too technical and should be simplified for neighbouring residents to understand;
- The proposal would breach Rights to Light for the occupiers of Melcombe and Regis Courts;
- The proposal is too close to Melcombe and Regis Courts;
- The proposal would cause greater air pollution, further aggravating poor air quality in Central London;
- Construction would result in unacceptable noise, traffic and dust for the occupiers of neighbouring properties. The developer should provide double or secondary glazing to neighbouring flats;
- Building in the central courtyard area would be imposing and unsightly;
- The application was made shortly before Christmas. Accordingly, notification of the scheme took place when people were on holiday and unable to respond; and
- Granting permission would set a precedent for similar extensions elsewhere.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site has an area of approximately 0.25 of a hectare and is located on the north side of Marylebone Road. It occupies most of the block of land bound by Marylebone Road, Great Central Street (west side) Melcombe Place (north side) and Balcombe Street (east side). The remainder of this block is occupied by Melcombe and Regis Courts, which are seven and nine storey's high, respectively. The ground floors of Melcombe and Regis Court contain retail uses with residential flats on the upper floors.

The application site contains a building with a U-shaped plan. The southern part of the building was constructed in the mid-1930's and is up to eight storeys in height, including rooftop plant rooms. Two later wings were added to the rear of the building in the 1960's. The western wing, fronting Great Central Street, is five storey's high whilst the eastern wing, fronting Balcombe Street is four storey's high. The entire building contains approximately 13,809 square metres of office floorspace (Use Class B1(a)). A basement parking level, accessed off Balcombe Street, is located beneath the entire building.

The application site is located within the Dorset Square Conservation Area, within the Central Activities Zone (CAZ) and within the CAZ frontages (Marylebone Road). This building is also designated as an Unlisted Building of Merit within the Dorset Square Conservation Area Audit (adopted 2008).

The surrounding area contains a mixture of uses and building typology. The Grade 2 listed Landmark Hotel is located opposite the application site to the west, whilst a modern high-rise building containing flats (Marathon House) is located opposite to the east. Smaller, Georgian terrace buildings containing flats or dwellinghouses are located

to the rear of Marathon House, opposite the application site. Marylebone Station and a cluster of office uses surrounding it are located approximately 30 metres to the north-west of the application site.

6.2 Recent Relevant History

15/05254/FULL

Redevelopment of the site behind a part retained facade to provide an eight level (plus basement) mixed use development containing up to 64 residential units (Class C3), office floorspace (Class B1) and retail floorspace (Class A1), together with car and cycle parking, plant and other associated works.

Granted - 28 April 2016. This permission has not been implemented.

7. THE PROPOSAL

The applicant seeks permission for alterations and extensions to the existing building. A mansard roof extension is proposed at main roof level to accommodate a new seventh floor. A new roof terrace would be located on the front elevation at seventh floor level. Existing plant at main roof level would be consolidated within this extension.

The courtyard area within the U shaped plan would also be infilled to create square floor plates at levels three through seven. New terraces are proposed with this extension at fourth, fifth, sixth and seventh floor levels. Several other minor alterations, including the introduction of entrance canopies on Marylebone Road and Balcombe Street, are also proposed.

The proposed development would retain and extend the existing office use on the application site. It would also include 1,909 sqm of flexible floorspace at ground and basement floor levels. This flexible floorspace would be used as retail, office and/or a gym/fitness centre (Use Classes A1, B1 and/or D2, respectively).

Three of the existing 26 car parking spaces on-site and at basement level would be retained at basement level with the remaining 23 being converted to a 180-space cycle parking facility, and associated facilities.

Table 1: Floor Areas

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	12,706	12,962	+256
Flexible A1, B1 and/or D2 Use	0	1,909	+1909
Total	12,706	14,871	+2,156

The applicant initially also proposed a rooftop terrace on the new mansard roof. This was removed during the course of the application process to address officer concerns

that it would harm the character and appearance of this building and the conservation area.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Office Use

Policy S8 of Westminster's City Plan (November 2016) ("the City Plan") states that the Named Streets are appropriate locations for a range of commercial uses. Policy S18 of the City Plan states that commercial development will be encouraged and directed towards, inter alia, the Named Streets. Policy S20 of the City Plan also directs new office development to, inter alia, the Named Streets. As Marylebone Road is a Named Street, the provision of additional office floorspace on-site is therefore supported by policies S8, S18 and S20 of the City Plan.

Policy S1 of the City Plan states that, where there is an increase in floorspace of over 30% GIA, and more than 400 sqm, a requirement for residential floorspace will be generated. In this instance, the proposed uplift in B1 floorspace, including the flexible B1 floorspace proposed, would not increase the floorspace by 30% or more. Accordingly, the applicant is not required to provide residential floorspace and is in accordance with this policy.

8.1.2 A1, B1 and/or D2 Use

With regards to the retail use proposed, it is acknowledged that policy S21 of the City Plan directs new retail floorspace to the designated Shopping Centres and the application site is not located within one of these shopping centres. However, Marylebone Road is a Named Street and policy S8 acknowledges that it is therefore an appropriate location for a range of commercial uses, including retail uses. Policy SS4 of the UDP also encourages retail provision within CAZ frontages, like the application site. Accordingly, the retail use is acceptable.

With regards to the office use, this would be no change from the existing lawful use. Notwithstanding this, policy S20 of the City Plan encourages additional office floorspace on Named Streets. Accordingly, the office use is acceptable.

With regards to the D2 use proposed, the applicant has suggested that this would be a gym/fitness centre. Such a use would be classified as a social and community use under the City Plan and are encouraged throughout Westminster by policy S34 of the same. As a private facility, it would also be a commercial use on a Named Street, as encouraged by policy S8 of the City Plan. The gym/fitness centre would also not result in loss of office or retail floorspace.

The D2 use class covers a range of uses, including cinemas and concert halls. Such uses may have effects that would be detrimental to the amenity of nearby residents and the function of this Named Street as a focus for commercial activity. A condition is

therefore recommended that limits the D2 use to a gym/fitness centre. Subject to this condition, the D2 use proposed is acceptable.

The proposed uses would give the applicant flexibility to ensure that the ground floor frontage remains active at all times. A mix of the proposed uses would also not be detrimental to the commercial function of this Named Street. Accordingly, a mix of the proposed uses is also considered acceptable.

8.2 Townscape and Design

The application site is located within the Dorset Square Conservation Area and contains an Unlisted Building of Merit (NCR Building), as set out in the Dorset Square Conservation Area Audit (2008) (the Audit"). The Landmark Hotel to the west and 9-15 Balcombe Street and 29-40 Dorset Square to the east are Grade 2 listed, as is the St Marylebone Library to the south east, across Marylebone Road. Marathon House, Regis Court and Melcombe Court are all Unlisted Buildings of Merit. Accordingly, the application site and its surrounds are sensitive in conservation terms, containing heritage assets of varying significance.

The Audit designates the original 1930's block and the 1960's block to Great Central Street as Unlisted Buildings of Merit. The 1960's block to Balcombe Street has not been designated. The Audit notes that the value of post-Georgian buildings such as this to the conservation area derives from their being representative of different periods and the evolution of the area. With regards to the application building in particular, the Audit describes it as "an attractive inter-war building constructed in Portland Stone with classical detailings".

The significance of this building derives from its classically detailed, monumental and attractive Portland Stone façade. It is an attractive example of the large-scale buildings that are prevalent in this part of the conservation area and that were constructed predominantly in the inter-war period. The 1960's additions are of little significance, being mediocre examples of the post-war evolution of the conservation area. Despite being constructed of Portland Stone, they lack the classical detailing and monumental quality of the original 1930's block. The inclusion of the Great Central Street 1960's block and the exclusion of its counterpart to Balcombe Street indicates that the inclusion of the former in the Unlisted Building of Merit status may be an error.

Proposed Roof Extension

The proposed mansard roof level occupies a similar volume and position to that approved under application ref: 15/05254/FULL although it would extend further rearward, over the 1960's extension on the Balcombe Street frontage that is to be retained.

The Audit notes that the existing building has modern roof extensions but does not indicate that it is either acceptable or unacceptable for further extensions. Up to sixth floor level, this building is a complete composition constructed in the 1930's with further plant rooms apparently added as part of the 1960's extensions. The proposal would consolidate the visually piecemeal nature of these plant room extensions into a more coherent mansard roof extension. This extension is set back sufficient distance from

the perimeter of the sixth floor and is not high enough to dominate the original building below or appear visually intrusive in long views of the site. It is made more recessive by the use of grey zinc cladding, which has a similar aesthetic to the lead that would have clad a similar extension contemporary to the original building. The proposed mansard also improves on that granted in 2015 insofar as it now includes a dual pitched rear elevation to match the other elevations, unlike the unresolved sheer elevation previously approved.

However, the glass balustrades proposed around parts of the perimeter of the roof at seventh floor level are a concern. The metal balustrades approved previously softened the transition between the original Portland stone elevations below and the modern zinc mansard, particularly when viewed from Marylebone Road. They were also an appropriate material contemporary to this 1930's and also provided horizontal emphasis that countered the verticality of the previously approved mansard. They also provide a degree of screening for any high level clutter (e.g. outdoor furniture) that may accompany use of these terraces. Accordingly, an amending condition is recommended that requires replacement of these glass balustrades with metal balustrades that extend around the prominent western, southern and eastern elevations of the building. Subject to this condition, the proposed mansard roof extension would preserve the character and appearance of the conservation area and the significance of this unlisted building of merit.

Infill Extension and Alterations to Rear of Building

The bulk and mass of the new infill extension would be discreetly located between and no higher than the western and eastern wings and the rear of the existing building. It would also extend no further rearward than the existing glazed link at first and second floor level. The rear elevation of the infill extension would comprise of glazing and sections of green wall. These would ensure that it remains visually recessive and subordinate to the Portland stone cladding found on the original building and would allow the original form of the building to remain apparent. The roof terraces proposed at fifth, sixth and seventh floor level are also discreetly located, being screened from public view by parts of the existing building. Given the above, and as the significance of this building derives from its facades, the infill extension would preserve the character and appearance of the conservation area and the significance of this unlisted building of merit.

The use of louvred enclosures around the perimeter of the roof terrace on the eastern wing and around the plant room on the roof of the western wing are regrettable. However, they are set back sufficiently from the perimeter of the existing roofs and are located discreetly between the larger 1930's block and Regis and Melcombe Courts. They also replace and consolidate existing plant and plant enclosures at roof level that detract from the character and appearance of the building below. On balance, these enclosures are considered acceptable and would preserve the character and appearance of the conservation area and the significant of this Unlisted Building of Merit.

Other Alterations

Several other minor alterations are proposed. A single window at ground floor level on the Balcombe Street (west) façade will be replaced with a reconstituted stone slotted

louvre. Subject to a condition requiring details of this louvre, this alteration is considered acceptable.

The car park and loading bay shutters on Balcombe Street would be replaced with a new set of security shutters. The exact style of shutter proposed is unclear from the submitted drawings. However, and subject to a condition requiring submission of further details, this alteration is uncontentious and is acceptable.

Canopies to the pedestrian entrances on Balcombe Street and Marylebone road are proposed. The applicant indicates that these would be in an Art Deco style that would be contemporary to this original building. Subject to a condition requiring the submission of further details, this alteration is uncontentious and is acceptable.

Photovoltaic panels would be introduced on the roof of the proposed mansard and on the western and eastern wings. They would be discreetly located below parapet level. Subject to a condition requiring the submission of further details, this alteration is uncontentious and is acceptable.

Impact on Setting of Other Heritage Assets.

With regards to the setting of listed buildings and other Unlisted Buildings of Merit near the application site, including the Landmark Hotel, the relatively modest additional bulk proposed is not considered sufficient to cause harm to their setting. Similarly, the relatively recessive design of the proposed extensions and alterations would not cause harm to their setting.

Overall, and subject to recommended conditions, the proposed development would preserve the character and appearance of the Dorset Square Conservation Area and the setting of nearby listed buildings and Unlisted Buildings of Merit. Accordingly, the proposed development would be consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

8.3.1 Daylight

Several objections have been received in relation to potential loss of daylight.

UDP Policy ENV13 seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight.

Regard is to be had to the BRE Guide as noted above. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by Point 2 Surveyors Limited (November 2017) (“the Light Study”) to demonstrate compliance with the BRE Guide. The Light Study considers the properties below:

- 9-15 Balcombe Street;
- 29 Dorset Square;
- Melcombe Court;
- Regis Court; and
- Marathon House.

Residential properties beyond these are considered too distant from the subject property to result potentially unacceptable light loss.

The Light Study and Supplementary Assessment do not assess light levels in relation to the Landmark Hotel, located opposite the site to the west. However, this hotel is not a dwellinghouse or form of residential accommodation that the provisions of policy S29 of the City Plan and policy ENV 13 of the UDP are intended to protect. Furthermore, the proposed development would result in relatively modest increases in height and bulk in some places in comparison to the existing buildings on the application site and when seen from the Landmark Hotel. Accordingly, the proposed development would not result in unacceptable light loss to the Landmark Hotel.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide also suggests that reductions from existing values of more than 20% should be avoided, as occupiers are likely to notice the change.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents’ amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the vertical sky component (VSC) measured from the centre of the window is less than 27% and less than 0.8 times its former value.

Of the properties noted above, the Light Study and Supplementary Assessment confirm that no window or room will result in VSC or NSL losses that exceed the guidelines set out within the BRE Guide. This is unsurprising as the building envelope proposed is similar to the existing buildings on-site. Notwithstanding compliance with the BRE Guide, the levels of light loss proposed would also be less than that approved under application ref: 15/05254/FULL. Accordingly, the resulting daylight levels would be acceptable and consistent with policy S29 of the City Plan and ENV 13 of the UDP.

8.3.2 Sunlight

Several objections have been received in relation to potential loss of sunlight.

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The Light Study concludes that no window would have losses of sunlight exceeding BRE Guidelines. The sunlight losses would also be less than that from the development approved under application ref: 15/05254/FULL. Accordingly, the resulting daylight levels would be acceptable and consistent with policy S29 of the City Plan and ENV 13 of the UDP.

8.3.3 Sense of Enclosure

The proposed extensions would have less bulk and mass than those approved under application ref: 15/05254/FULL. That application was considered under the same policy context as this proposal. Notwithstanding this, the following is also noted.

With regards to Regis and Melcombe Courts, the infill extension would be located no closer to Regis and Melcombe Courts than the existing covered walkway that connects the two wings of the existing building (i.e. approximately 10 metres). The lower levels of the infill extension would have a comparable impact on Regis and Melcombe Courts to this existing walkway. The infill extension would also be seen against the backdrop of the existing and much larger building and it has been designed to step away from Regis and Melcombe Courts to minimise its bulk when viewed from Regis and Melcombe Courts. Accordingly, the proposed infill extension would not result in a significant increase in sense of enclosure for the occupants of those properties.

The new plant and terrace enclosures on the western and eastern blocks would occupy areas of bulk presently occupied by existing plant, are largely screened from Regis and Melcombe Courts and/or are located approximately 20 m from those properties. They would also be seen against the backdrop of the existing much larger building. Accordingly, the proposed terrace and plant extensions would not result in a significant increase in sense of enclosure for the occupants of those properties.

Given the modest height increase proposed, the mansard roof extension is considered too far from Regis and Melcombe Courts to result in a significant increase in sense of enclosure for the occupants of those properties.

With regards to those properties located opposite the site to the west, south and east, the width of Great Central Street, Marylebone Road and Balcombe Street would provide a large separation distance between the proposed development and the occupiers of those properties. Accordingly, the proposed development would not result in a significant sense of enclosure for the occupants of those properties.

Given the above, the proposed development would not result in a significant increase in sense of enclosure, consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.4 Privacy

The proposed infill extension would bring the floor plates at first and second floor level to the line of the existing covered walkway. This would increase the potential for overlooking of Regis and Melcombe Courts. However, this could occur at present from the existing walkway whilst the rear elevation of the existing building also overlooks these properties. Accordingly, the proposed infill extension would not result in significant loss of privacy for the occupants of Regis and Melcombe Courts. The proposed roof extension is also considered too far from Regis and Melcombe Courts to result in significant loss of privacy for the occupants of those properties.

Several objectors are concerned that the new terraces at fourth, fifth, sixth and seventh floor levels on the rear elevation would result in overlooking, noise and general anti-social behaviour for the occupants of Regis and Melcombe Courts.

The new terrace at fourth floor level would be located approximately 10 m away from the nearest windows in Melcombe Court. However, this terrace would be enclosed by a privacy screen and, should the application be considered acceptable, a condition is recommended requiring that this screen is at least 1.8 m high above terrace floor level to prevent overlooking. A condition is also recommended to prevent its use during anti-social hours. Subject to these conditions, the proposed fourth floor terrace would not result in unacceptable loss of privacy for the occupants of Regis and Melcombe Courts.

The new terraces at fifth, sixth and seventh floor levels would be located over 24 m away from the nearest windows in Melcombe Court and the applicant does not propose privacy screens on these terraces. However, the cumulative impact of these terraces could result in a substantial increase in overlooking and loss of privacy in comparison to the existing situation and conditions are therefore recommended requiring the use of privacy screens and preventing use of these terraces during anti-social hours. A condition is also recommended that prevents use of the roof areas of the infill extension at second and third floor as terraces. Subject to these conditions, the proposed fifth, sixth and seventh floor terraces would not result in unacceptable loss of privacy for the occupants of Regis and Melcombe Courts.

With regards to those properties located opposite the site to the west, south and east, the width of Great Central Street, Marylebone Road and Balcombe Street would provide sufficient separation distance between the proposed development and the occupiers of those properties to safeguard their privacy. Accordingly, the proposed development would not result in a significant increase in overlooking for the occupants of those properties.

Overall, and subject to the recommended conditions, the proposed development would not result in unacceptable loss of privacy and is consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.5 Plant Noise

The Environmental Health Officer has also reviewed the proposal and raises no objection to it, subject to conditions controlling plant noise and vibration. Subject to the recommended conditions, the proposed development would be consistent with policies ENV 7 and ENV13 of the UDP and policy S29 of the City Plan.

8.4 Transportation/Parking

8.4.1 Trip Generation

Concerns have been raised with additional traffic from the development and its impact on the surrounding road network.

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

The proposed A and D class uses are likely to alter the time profile of trips associated with the site. The current site would not generate a significant amount of evening or late night trips (of all modes). This is likely to change as part of this proposals although would not significantly adversely affect the operation or safety of the highway.

8.4.2 Car Parking

The application site currently has off-street car parking spaces within the basement that are not used for residential or public car parking. As these spaces serve office accommodation, their loss is supported by policies TRANS21 and TRANS22 of the UDP.

The introduction of three Electric Vehicle charging points would also be in accordance with policy 6.13 of the London Plan (March 2016) ("the London Plan").

8.4.3 Cycle Parking

Policy 6.9 of the London Plan requires one cycle parking space per 175m² of A class retail, and one space per 90m² of B1 office. Overall, the office floorspace would generate a requirement for 144 cycle parking spaces whilst the retail floorspace would require 11 cycle parking spaces. This is a total of 155 cycle parking spaces. The proposal provides 180 cycle parking spaces within the basement and is therefore acceptable.

8.4.4 Servicing

Policy S42 of the City Plan and TRANS 20 of the UDP require adequate off-street servicing provision.

The submitted drawings indicate that the existing off-street servicing bay would be retained, although its length would be reduced from 7.7 metre to 6.3 metre. The Highways Planning Manager is concerned that, whilst some servicing is likely to occur on-street, the reduction in the depth of the servicing bay may increase on-street servicing. Combined with an increase in servicing from the introduction of the new land uses and increase in office floor space, the reduction in the size of the off-street servicing area would be unacceptable. A condition is therefore recommended requiring that this servicing bay is maintained at its current 7.7 metre length.

Given the location of the site, limited off-street servicing facilities and the inadequate details provided, the Highways Planning Manager indicates that it would be inappropriate for a food retail/supermarket to operate from the proposed A1 unit. A condition is therefore recommended that prevents use of the proposed retail tenancy by such a use.

A condition requiring submission of a Delivery and Servicing Plan (DSP) is recommended. This is particularly important as Marylebone Road, Balcombe Street and Great Central Street all have high traffic levels (both pedestrian and vehicle).

The DSP should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should also clearly outline how servicing will occur on a day-to-day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the DSP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

Subject to the recommended conditions, servicing arrangements would be acceptable.

8.4.5 Waste Provision

There is a central waste store proposed. Waste stored on the public highway creates an obstruction to pedestrians and other highway users. It would also have an adverse impact on the public realm.

Further, while there is an off-street storage area, waste will still need to be collected from the highway. This is likely to result in localised congestion and conflict with pedestrians (see comments on servicing). While this is a disappointing aspect of the proposal, it is accepted that waste collection currently occurs on street.

An internal waste store is shown at ground floor level. Within the waste store, it is unclear if there is sufficient storage for the various waste streams (residual, recyclable and organic). Given the quantum of units and non-residential floor space, organic waste storage should be allowed for to future proof the scheme, in accordance with the requirements of the Westminster Recycling and Waste Storage Requirements.

A condition is recommended to secure satisfactory waste storage details. Subject to this condition, the proposed development would be should be consistent with policies S41 and S44 of the City Plan and policies ENV 12 and TRANS 3 of the UDP.

The submitted drawings indicate that doors at ground level would open outwards, over the public highway. This would be contrary to policy TRANS 3 of the UDP. A condition is recommended to secure an alternative design where these doors open inward.

8.5 Economic Considerations

The proposed development would bring a significant quantum of office floorspace that has not been used for over four years back into use. The flexible use would also provide additional employment floor space whilst also supporting other local businesses in the area. Construction of the proposed development would create opportunities for employment in the short term and benefit local service businesses.

8.6 Access

Level access and lifts are provided throughout the development.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees

The proposal would not result in removal of any protected trees. Two mature London Plane trees on Marylebone Road are owned and managed by Transport for London who have indicated that appropriate protection measures should be introduced during construction. A condition is recommended to secure this. Subject to the recommended condition, the proposed development would be consistent with policy ENV 16 of the UDP.

8.7.2 Sustainability

Several objectors are concerned that the proposed development will increase pollution levels in the area.

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

The applicant has indicated that the proposed development would achieve a BREEAM Very Good rating. A condition to secure this is recommended.

With regards to carbon reduction, policy 5.2 of the London plan indicates that compliance with building regulations is required for commercial buildings such as this post 2016. The proposed development would need to meet building regulations to be useable.

Given the above, the proposed development meets policies 5.2 of the London Plan and S28 of the City Plan and minimises pollution levels as far as is possible under planning law.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

Subject to any relief or exemptions available to the applicant, the estimated Westminster CIL payment would be £279,600.00

8.11 Environmental Impact Assessment

The proposed development is not large enough to require submission of an Environmental Impact Assessment.

8.12 Other Issues

8.12.1 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction noise and traffic.

It is a longstanding principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition. Accordingly, conditions are recommended that limit the hours of construction and require the adherence to the City Council's Code of Construction Practice (CoCP). As per TFL's request, a condition is also recommended requiring the City Council's approval of approval of a Construction Logistics Plan and Delivery and Service Plan to minimise harm to the amenity of local residents and traffic flow. The applicant has also indicated a willingness to enter into a section 106 legal agreement to allow the City Council's monitoring of a Construction Environmental Management Plan which would manage noise, dust and other potential adverse effects on residential amenity arising from construction.

8.12.2 Objectors Comments

Most of the objectors concerns are addressed above. The following is also noted.

Right to Light

Several objectors contend that the proposal will breach their Right to Light. Loss of light in planning terms is assessed above. Right to Light is a civil issue and not a material planning consideration.

Complexity of the Light Study

Several objectors consider the Light Study submitted too technical. Given the technical nature of the BRE Guide as well as the way the sun moves through the sky at different arcs throughout the year, there is no way to simplify the Light Study unfortunately. However, officers have reviewed the Light Study and found that the development complies with BRE Guidelines as set out above.

Precedent

An objector considers that allowing this development would set a precedent for similar developments elsewhere. However, each application must be considered on its merits, having regard to the specific proposal, the specific application site and the development plan at the time the application is considered. Accordingly, approval of this development does not mean that similar proposal elsewhere will also be approved.

9. BACKGROUND PAPERS

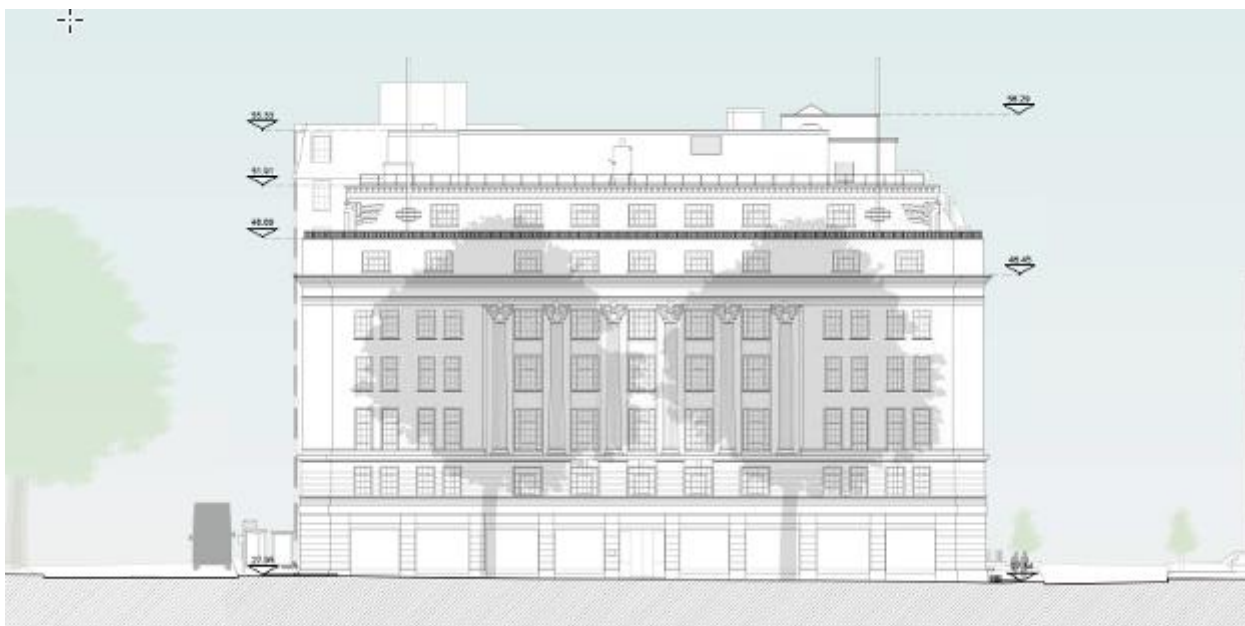
1. Application form
2. Email from Mark Field MP, dated 11 January 2018
3. Email from Councillor Julia Alexander, dated 8 January 2018
4. Response from London Underground, dated 4 January 2018
5. Response from TFL, dated 8 January 2018
6. Response from Building Control Officer, dated 9 January 2018
7. Response from Highways Planning Manager, dated 15 January 2018
8. Response from Waste Project Officer, dated 28 December 2017
9. Response from Environmental Health Officer, dated 21 December 2017
10. Letters from St Marylebone Society, dated 19 and 22 January 2018
11. Letter from occupier of 29 Melcombe Court, Dorset Square, dated 2 January 2018
12. Letter from occupier of 25 Melcombe Court, Dorset Square, dated 3 January 2018
13. Letter from occupier of 29 Melcombe Ct, London, dated 6 January 2018
14. Letter from occupier of 24 Melcombe Court, Dorset Square, dated 7 January 2018
15. Letter from occupier of 28 Melcombe Court, Dorset Square, dated 7 January 2018
16. Letter from occupier of 26 Melcombe Court, Dorset Square, dated 8 January 2018
17. Letter from occupier of 10 Melcombe Court, Dorset Square, dated 8 January 2018
18. Letter from occupier of 24 Knox Street, Marylebone, dated 22 January 2018
19. Letter from occupier of 19 Regis Court, Melcombe Place, dated 22 January 2018

(Please note: All the application drawings and other relevant documents and Background

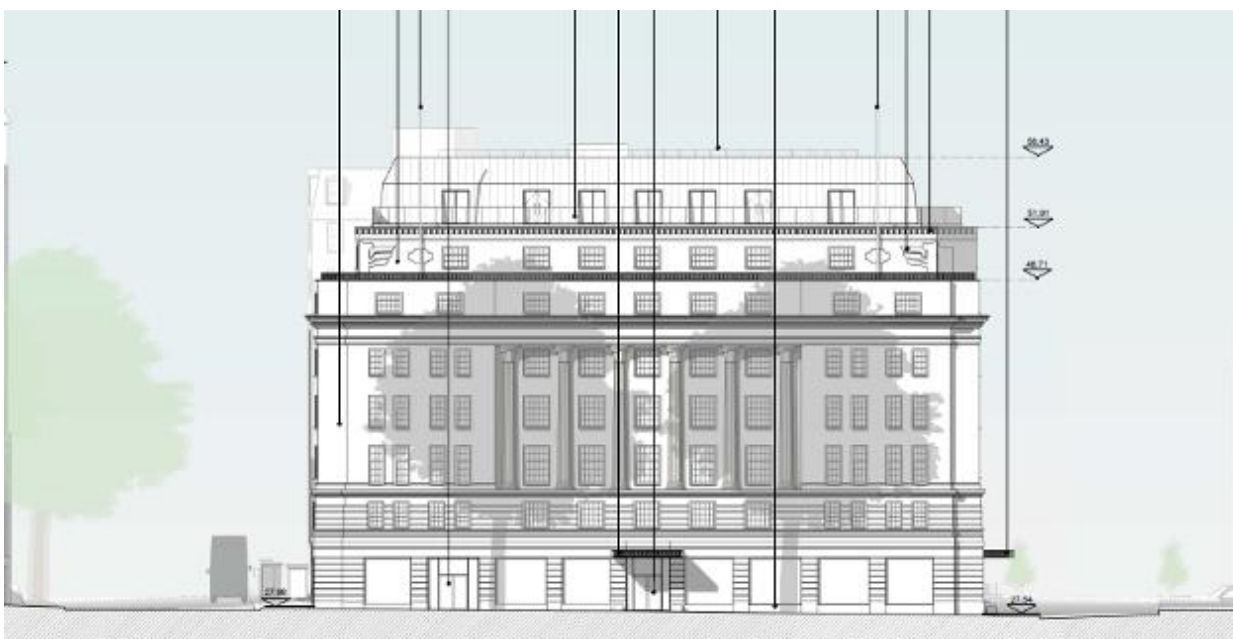
Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk .
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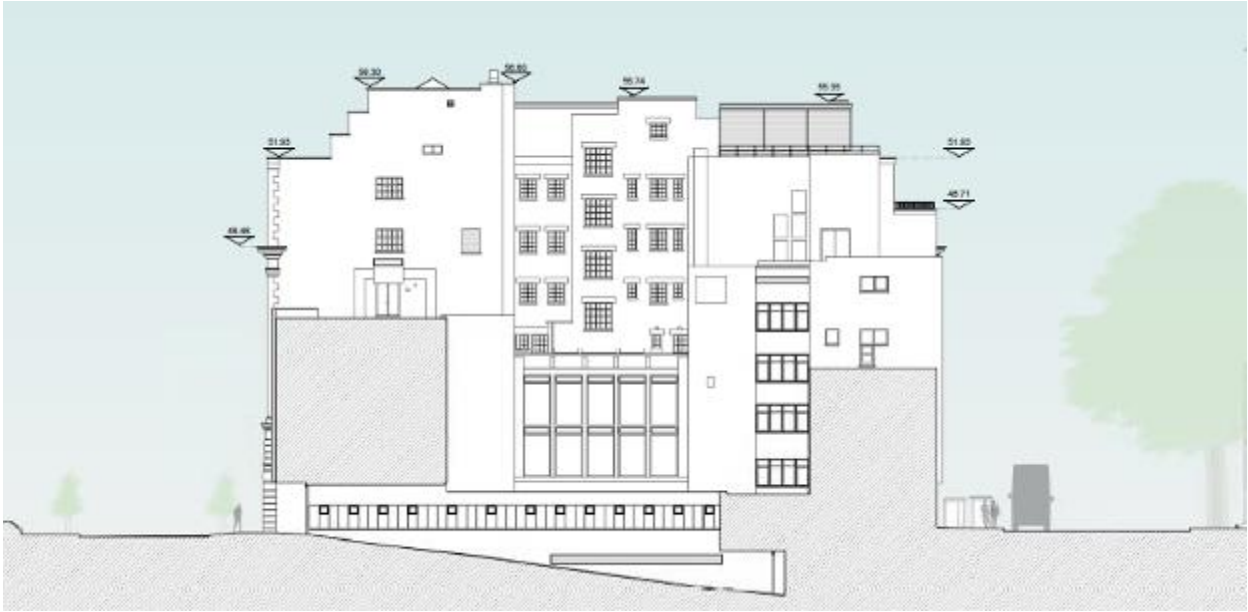
10. KEY DRAWINGS



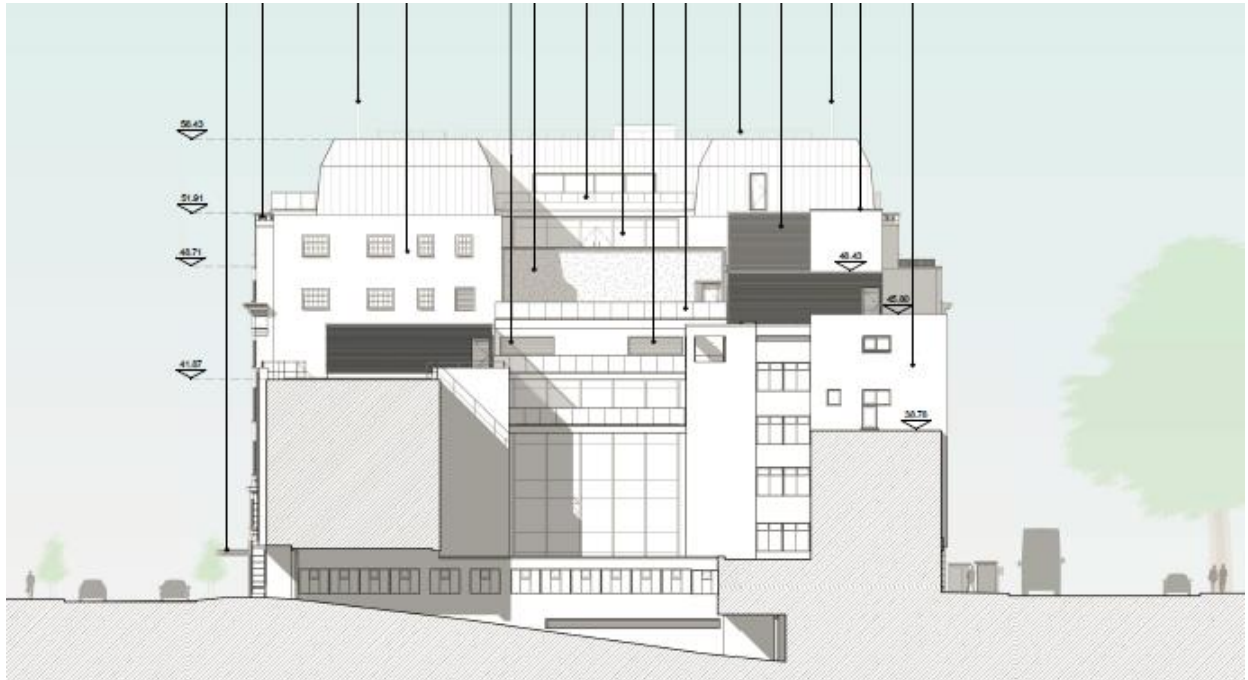
Existing South (Marylebone Road) Elevation



Proposed South (Marylebone Road) Elevation



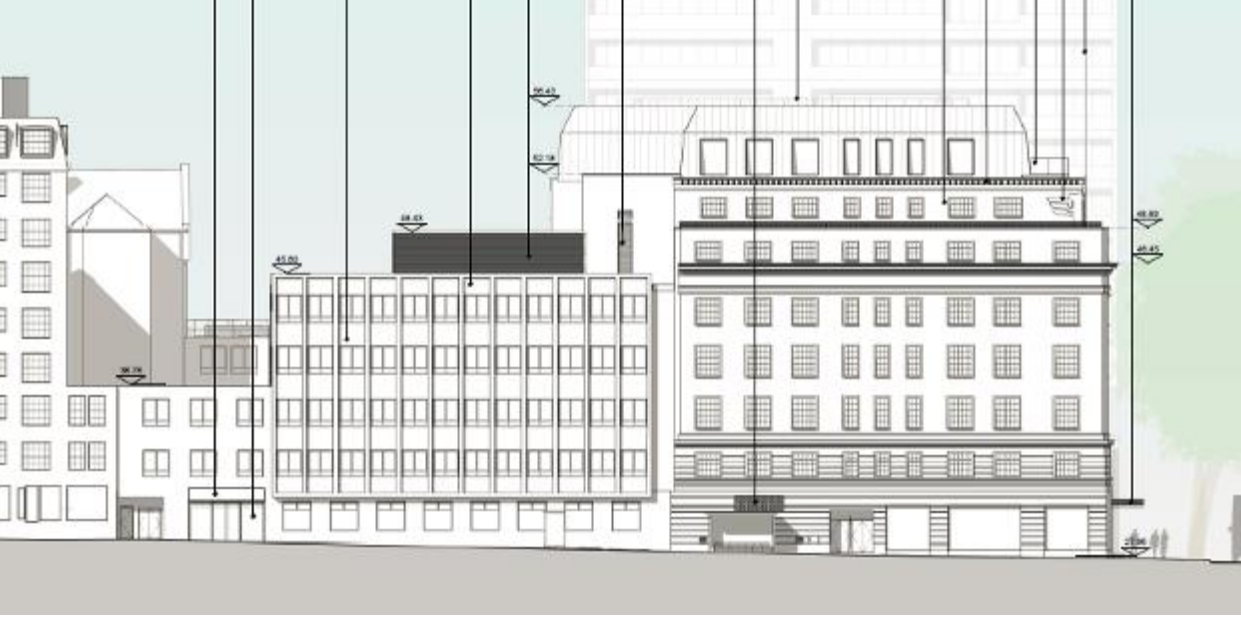
Existing North Elevation



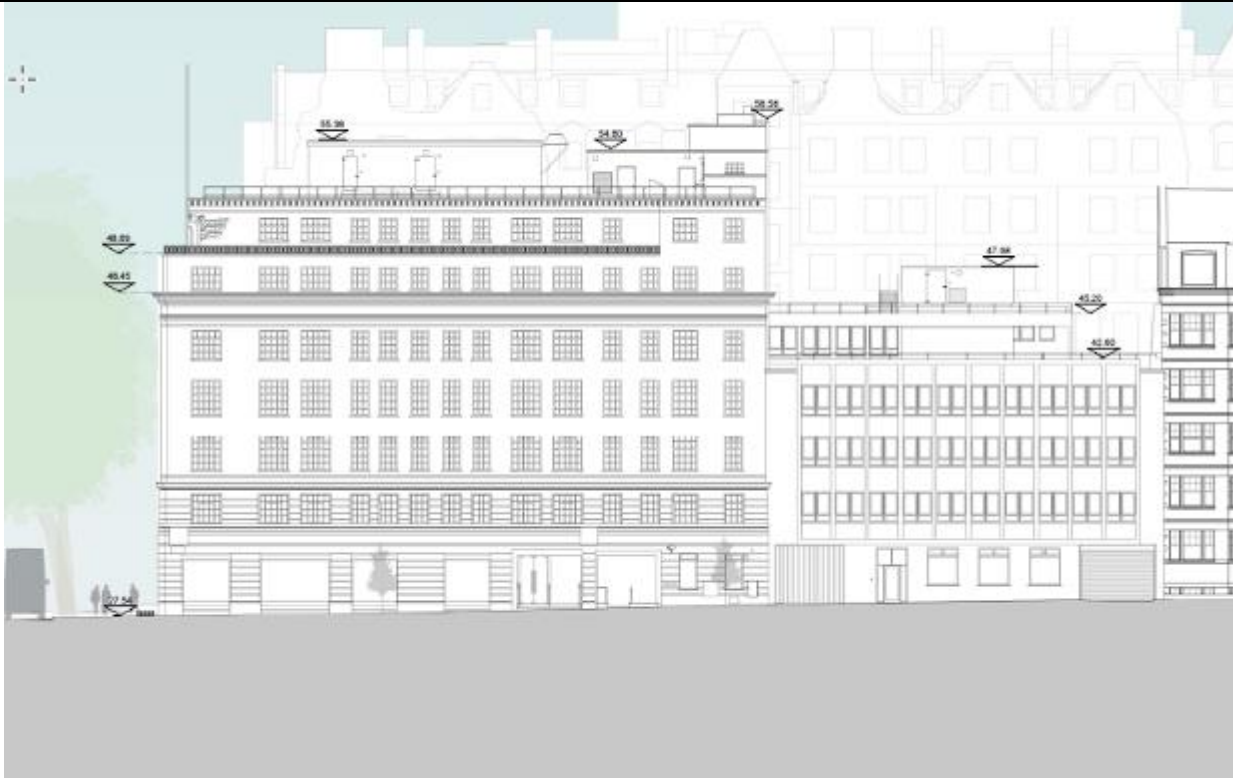
Proposed North Elevation



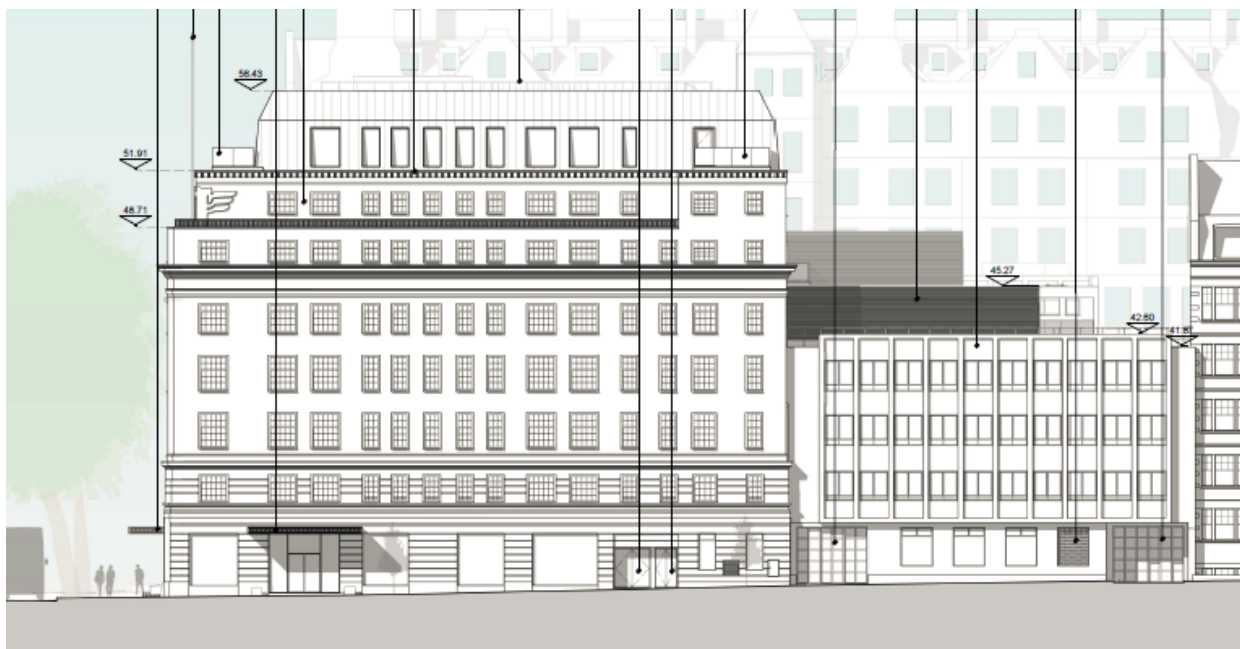
Existing West (Great Central Street) Elevation



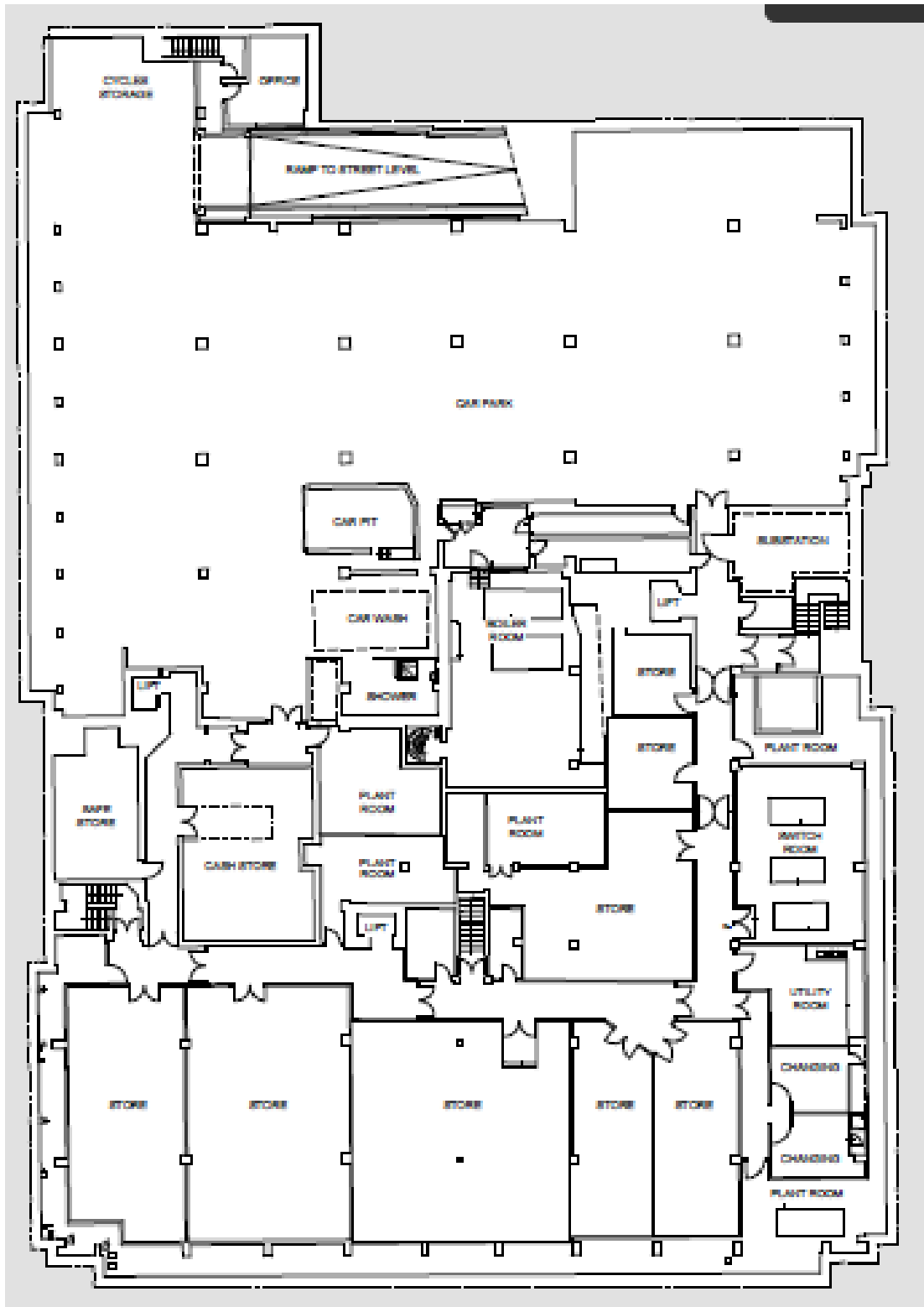
Proposed West (Great Central Street) Elevation



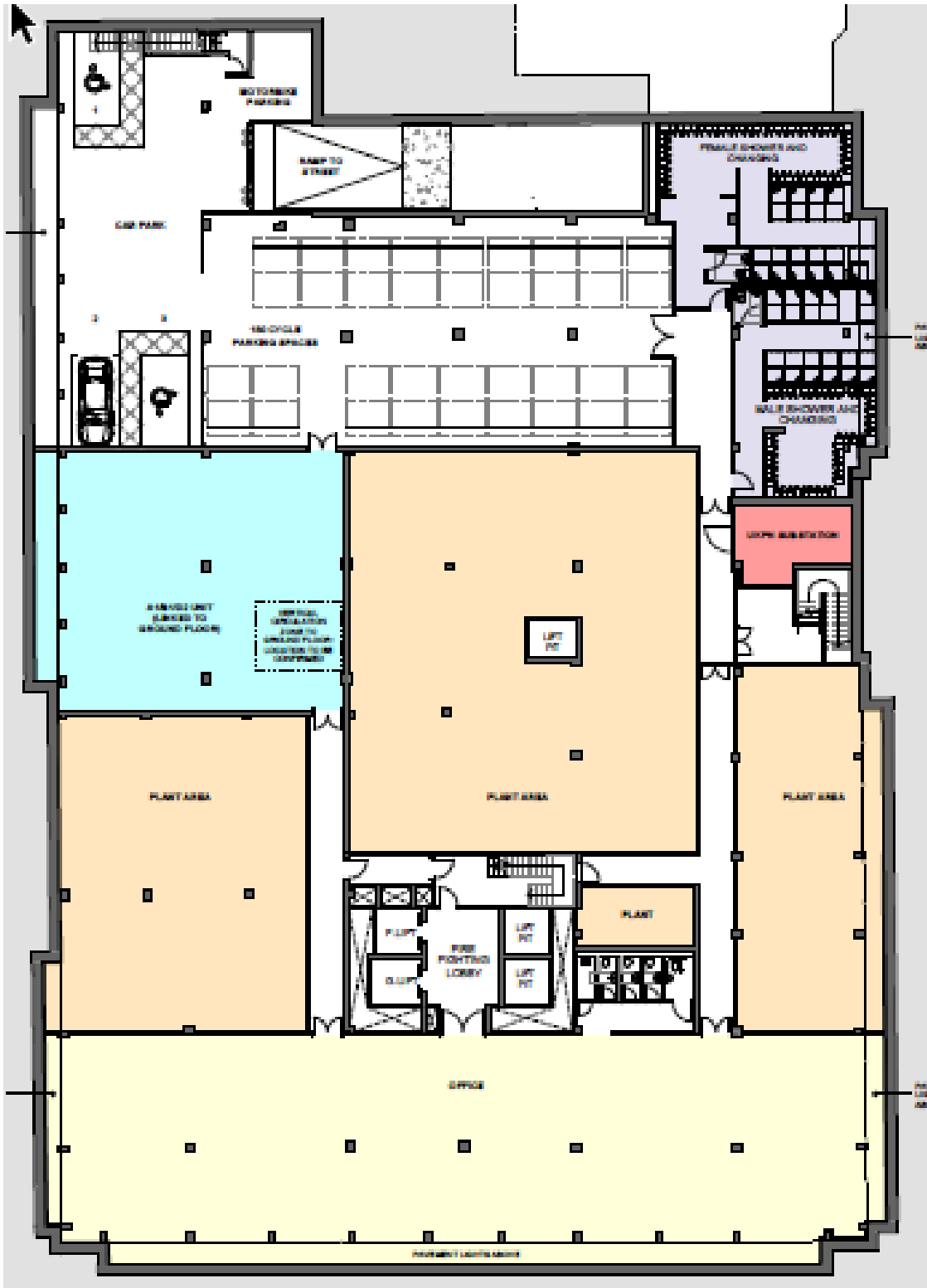
Existing East (Balcombe Street) Elevation



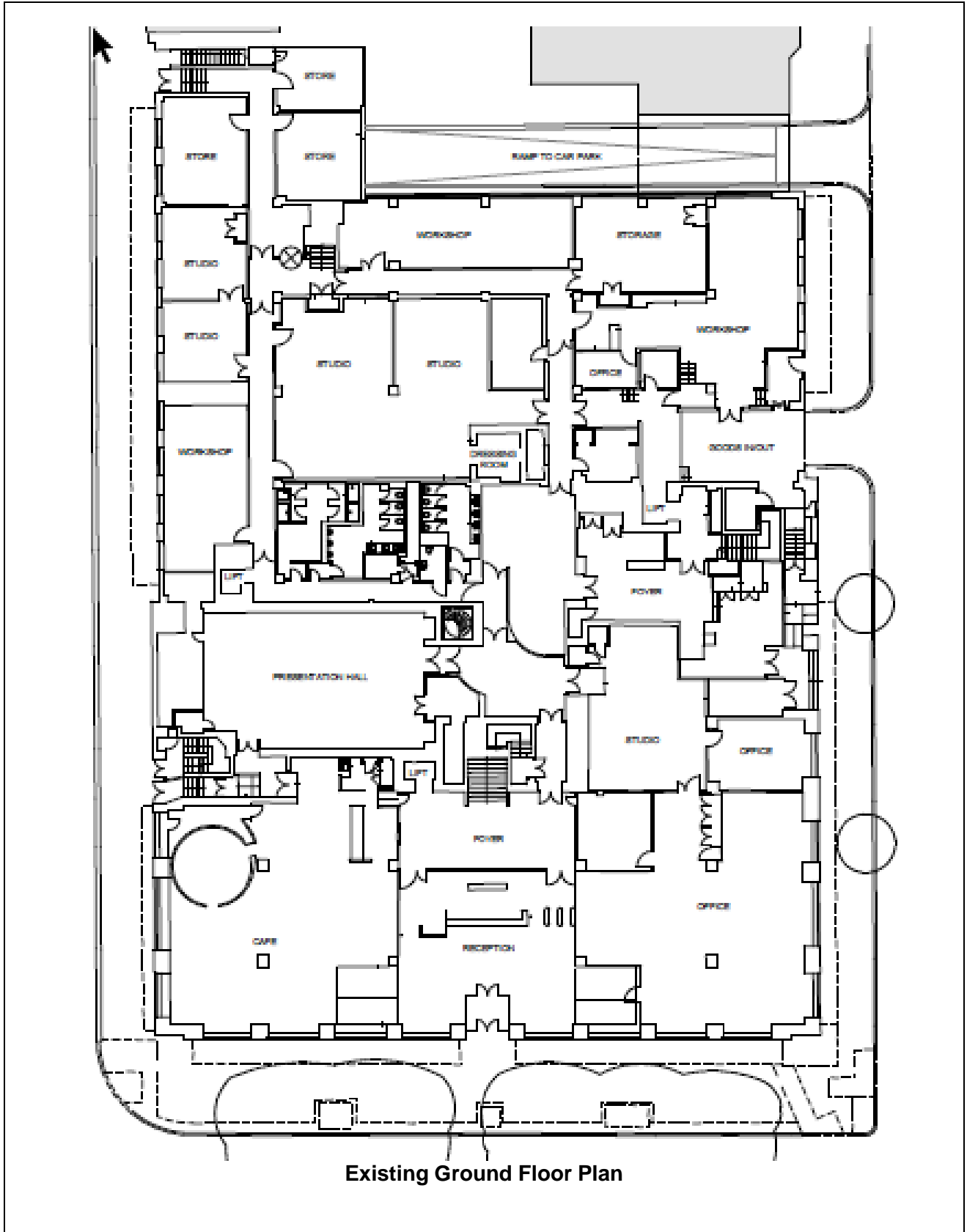
Proposed East (Balcombe Street) Elevation



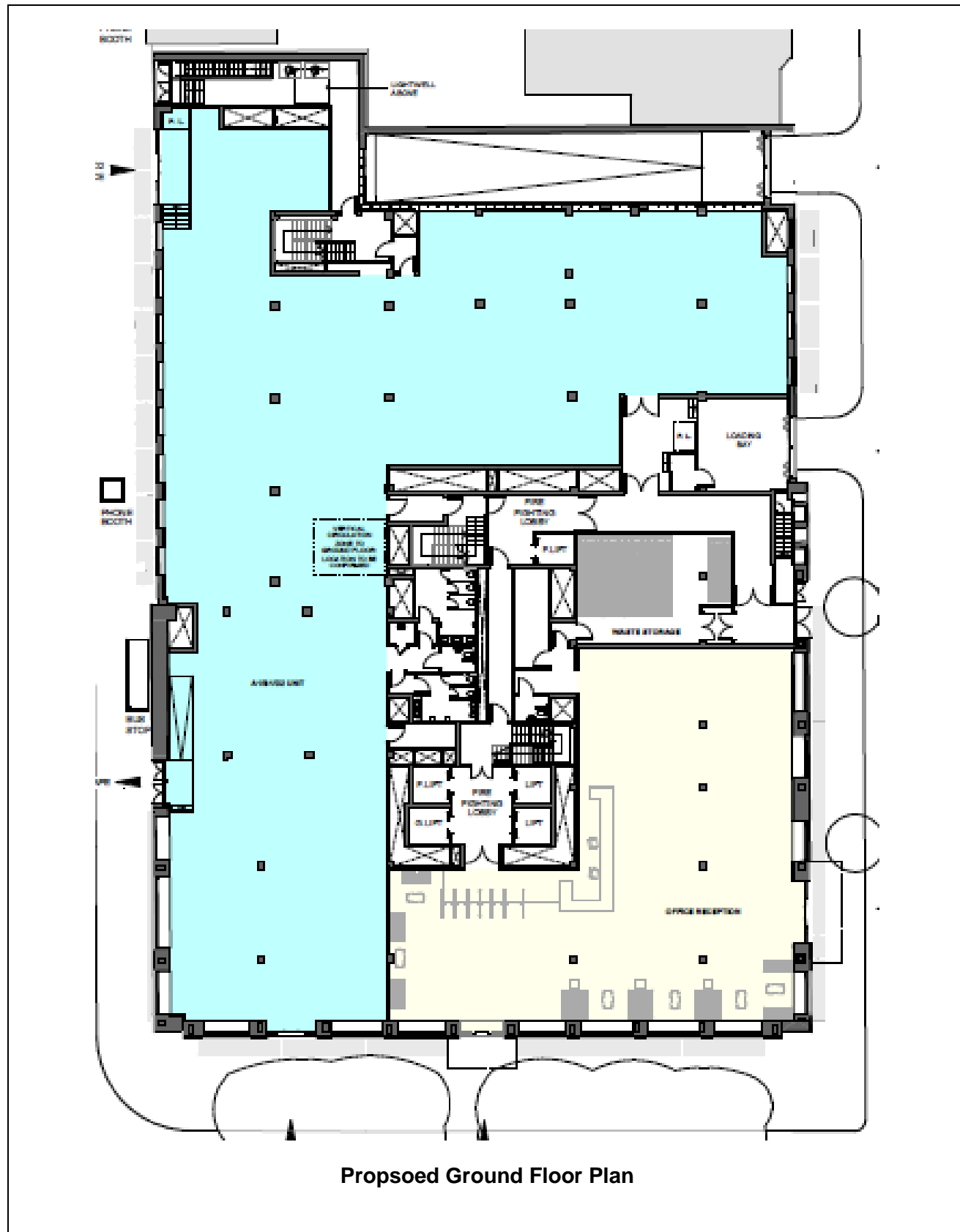
Existing Basement Floor Plan



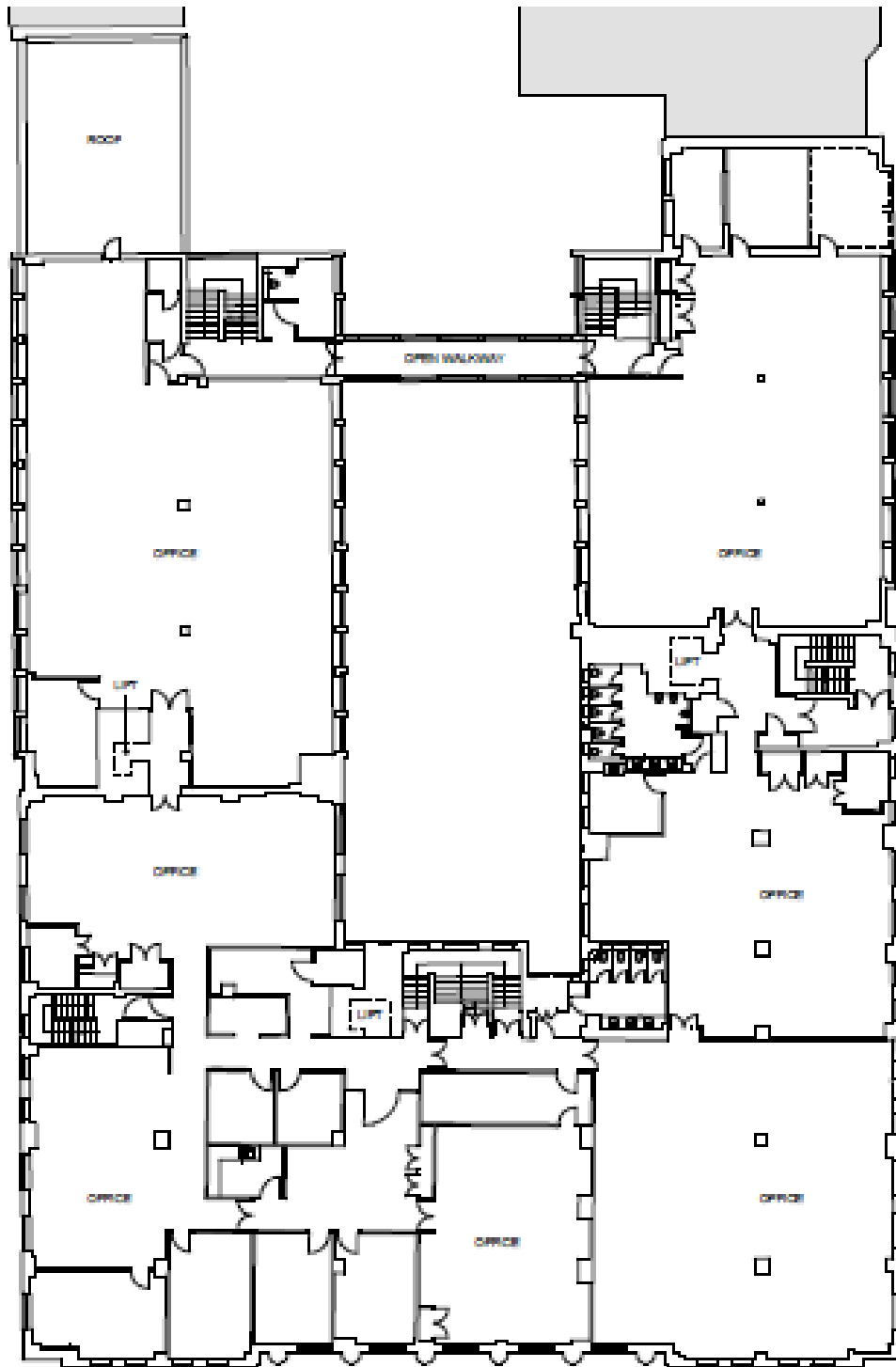
Proposed Basement Floor Plan



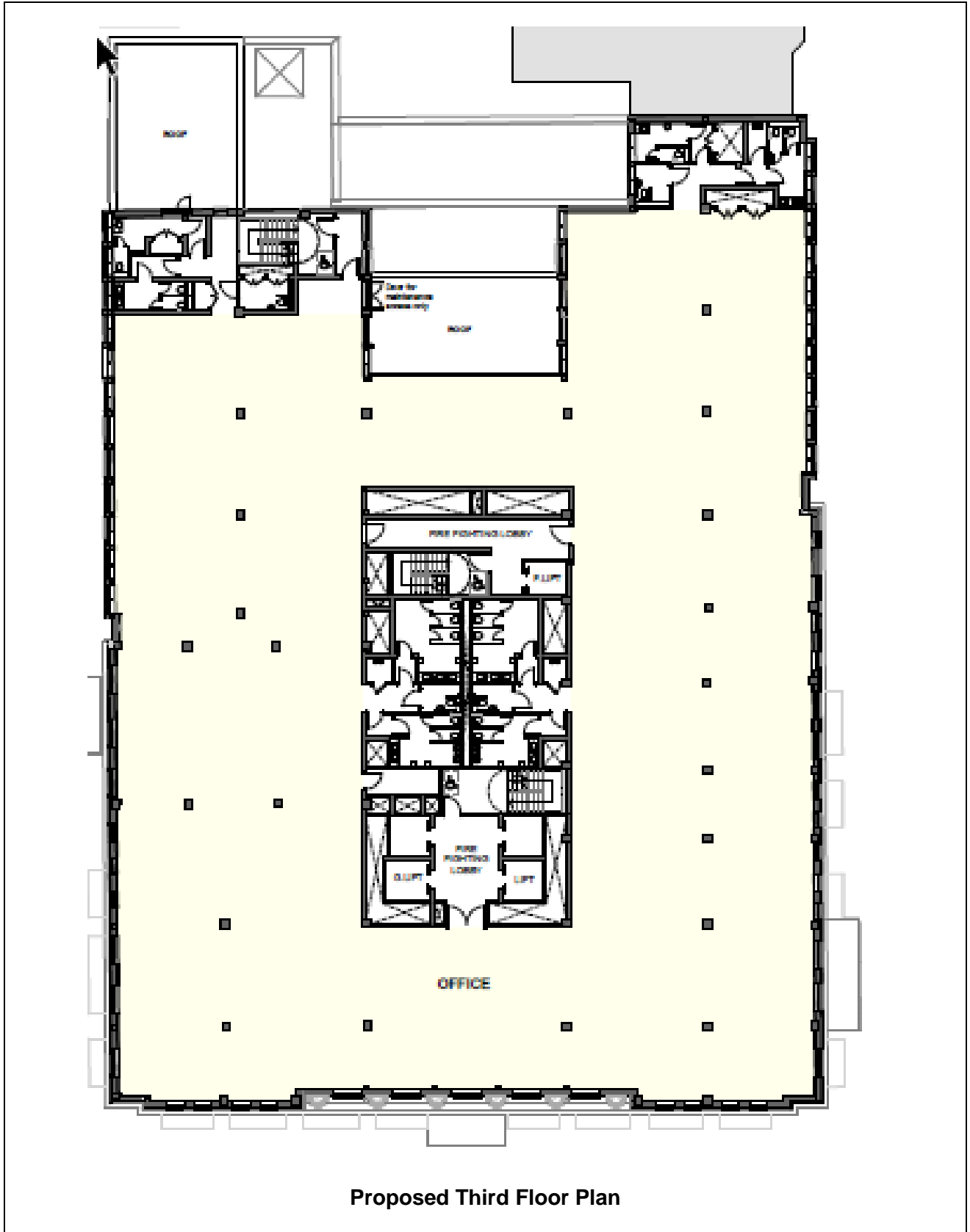
Existing Ground Floor Plan



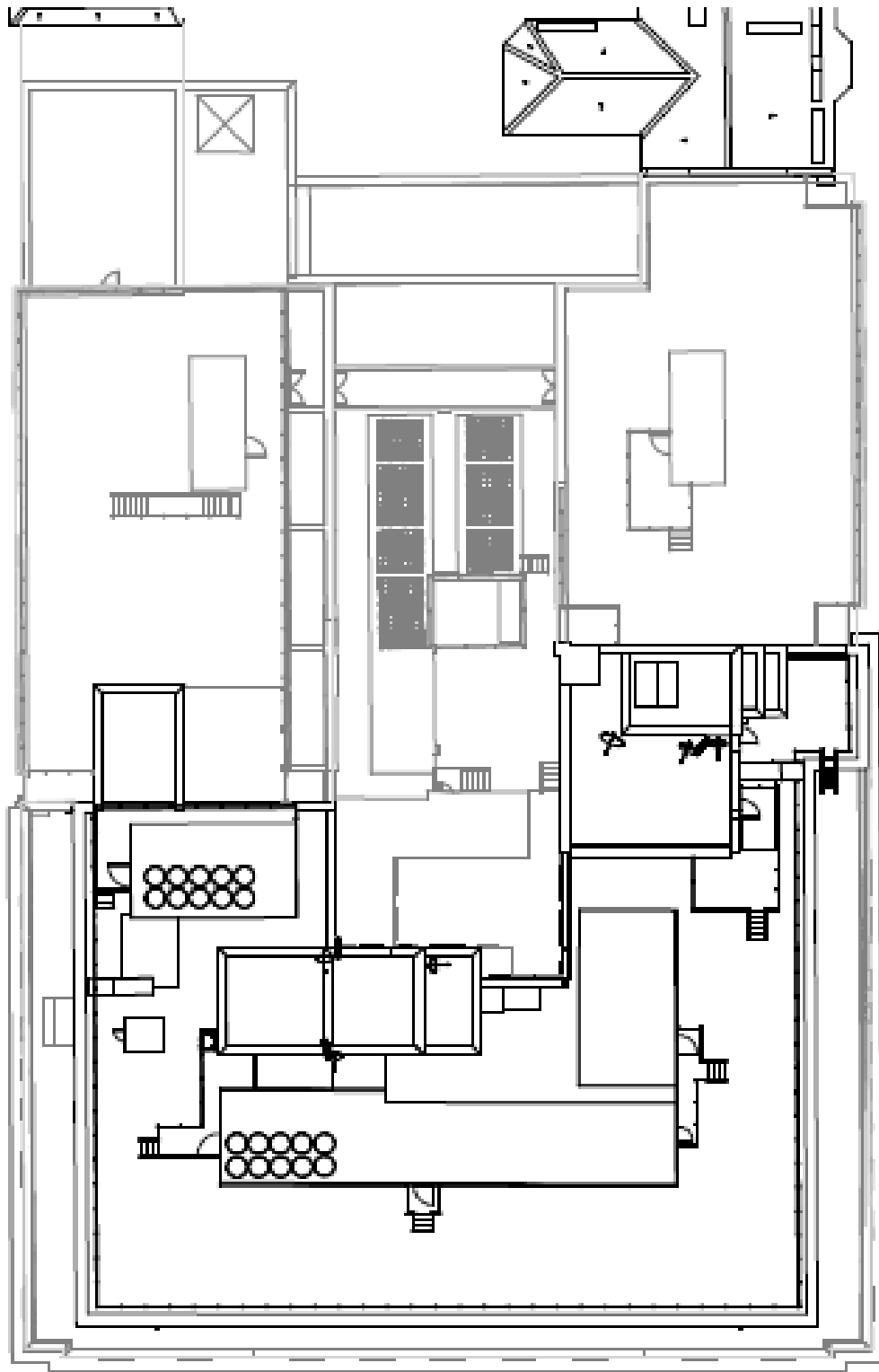
Proposed Ground Floor Plan



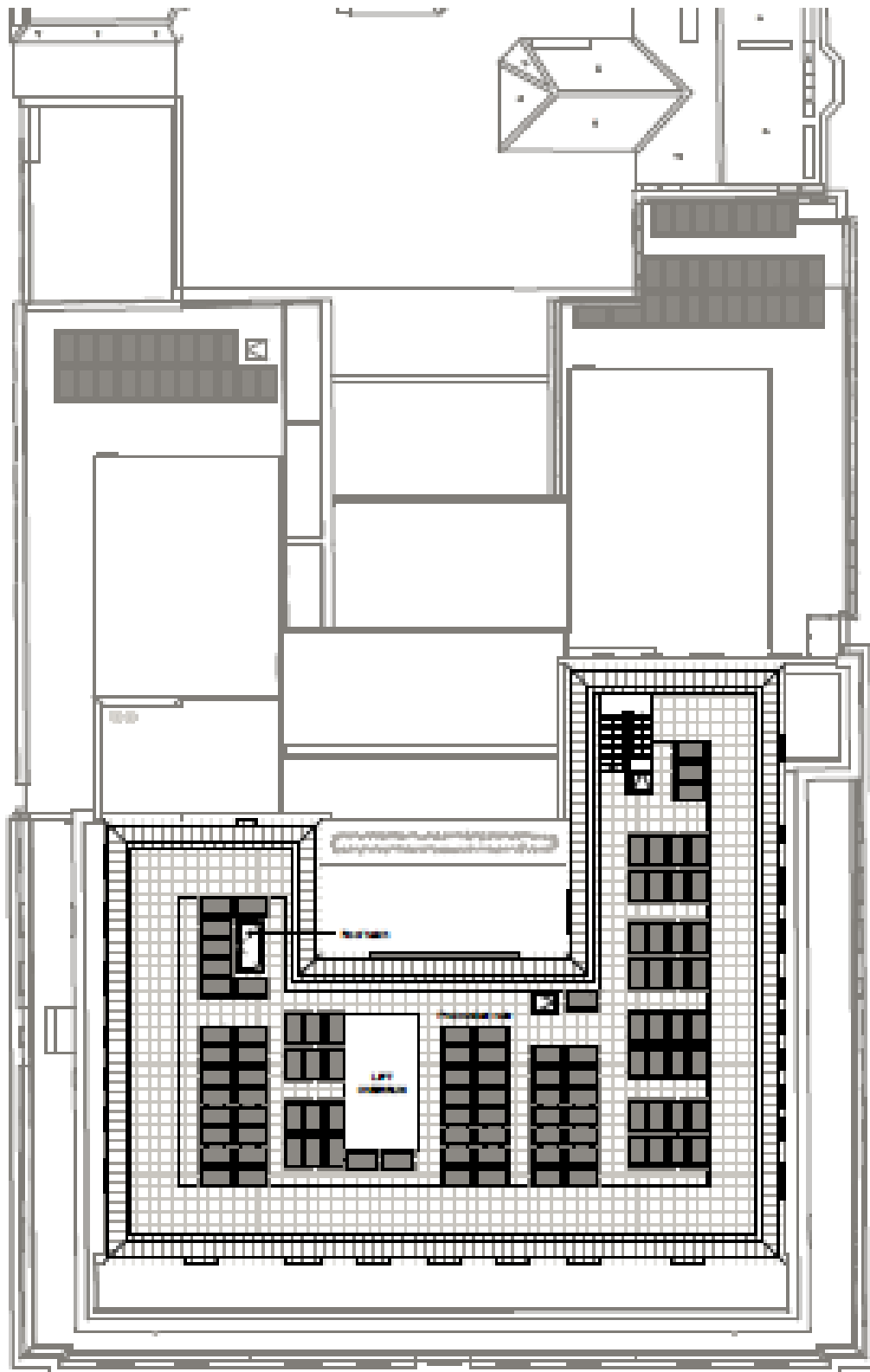
Existing Third Floor Plan



Proposed Third Floor Plan



Existing Roof Plan



Proposed Roof Plan



Visualisation of Proposal as seen from Marylebone Road.



Visualisation of Proposal from North

DRAFT DECISION LETTER

Address: 206 - 216 Marylebone Road, London, NW1 5LA,

Proposal: Refurbishment and extension of 206-216 Marylebone Road including new seventh floor and rear lightwell infill to provide additional office accommodation, change of use of part ground floor to flexible Class A1 and/or D2 and/or B1 floorspace and other associated works.

Reference: 17/10910/FULL

Plan Nos: Drawing ref: KSS BD ZZ DR A 90 0001 Rev P1, KSS BD ZZ DR A 90 0002 Rev P1, KSS BD ZZ DR A 90 0003 Rev P1, KSS BD ZZ DR A 90 0004 Rev P1, KSS BD 00 DR A 91 0001 Rev P1, KSS BD 01 DR A 91 0001 Rev P1, KSS BD 02 DR A 91 0001 Rev P1, KSS BD 03 DR A 91 0001 Rev P1, KSS BD 04 DR A 91 0001 Rev P1, KSS BD 05 DR A 91 0001 Rev P1, KSS BD 06 DR A 91 0001 Rev P1, KSS BD 07 DR A 91 0001 Rev P2, KSS BD B1 DR A 91 0001 Rev P1, KSS BD R1 DR A 91 0001 Rev P2, KSS BD ZZ DR A 92 0001 Rev P1, KSS BD ZZ DR A 92 0002 Rev P1, KSS BD ZZ DR A 92 0003 Rev P1, KSS BD ZZ DR A 93 0001 Rev P1, KSS BD ZZ DR A 93 0002 Rev P1, KSS BD ZZ DR A 93 0003 Rev P2, KSS BD ZZ DR A 93 0004 Rev P2, KSS BD ZZ DR A 93 0005 Rev P2, KSS BD ZZ DR A 93 0006 Rev P2, KSS BD ZZ DR A 93 0007 Rev P1, KSS BD ZZ DR A 94 0001 Rev P1, KSS BD ZZ DR A 94 0002 Rev P1, KSS BD ZZ DR A 94 0003 Rev P1, KSS BD ZZ DR A 94 0004 Rev P1, KSS BD ZZ DR A 94 0005 Rev P1, KSS BD ZZ DR A 96 0001 Rev P1, KSS BD ZZ DR A 96 0002 Rev P1, KSS BD ZZ DR A 96 0003 Rev P1, KSS BD ZZ DR A 96 0004 Rev P1, KSS BD ZZ DR A 96 0005 Rev P1

FOR INFORMATION ONLY: Cover letter from Gerald Eve (dated 8 December 2017), BREEAM Pre-assessment by WSP (dated 24 November 2017), Daylight and Sunlight Assessment by Point 2 Surveyors (dated November 2017), Energy Statement by WSP (dated December 2017), Noise Impact Assessment by WSP (dated December 2017), Planning Statement by Gerald Eve (dated December 2017), Transport Statement by WSP (dated December 2017), Design and Access Statement by KSS (dated December 2017)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;

- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall 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)

- 4 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies efficiency and sustainability measures to be carried out while the development is being built. You must not carry out the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan (November 2016) and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 5 **Pre Commencement Condition.** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved

in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy 6.2 of The London Plan (March 2016) and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 6 **Pre-Commencement Condition:** You must apply to us, in consultation with Transport for London, for approval of a method statement explaining the measures you will take to protect the trees on and/or close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 7 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 of The London Plan (March 2016).

- 8 You must apply to us for approval of details of how waste is to be stored on site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details and clearly mark it and make it available at all times to everyone using the development. You must not use the waste store for any other purpose.

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.

- 9 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 Dorset Square 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)

- 10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Installation of privacy screens on the northern side of the terraces on the northern elevation at fifth, sixth and seventh floor levels. The privacy screens must be a minimum height of 1.8 m above finished floor level.

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

Reason:

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

- 11 You must apply to us for approval of detailed drawings of the following parts of the development:

- a) All new windows and doors (scale 1:20);
- b) The security shutters on the ground floor Balcombe Street elevation (scale 1:20);
- c) The reconstituted stone louvre on the ground floor Balcombe Street elevation (scale 1:20);
- d) The canopy's proposed at ground floor level on the Marylebone Road and Balcombe Street elevations (scale 1:20); and
- e) Integration of the PV panels into the roof structure (scale 1:20).

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

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 Dorset Square 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)

- 12 (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.

- 13 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 12 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.

- 14 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.

- 15 The development hereby approved shall not be occupied until a Delivery and Servicing Plan (DSP) has been submitted to and approved in writing by the City Council. You must then carry out the development in accordance with the approved details.

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 TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must not paint or apply vinyl films or obscure the window glass of the ground floor windows of the Great Central Street, Marylebone Road and/or Balcombe Street facades or block them in any other way. The windows must be clear glazed and must be maintained as such.

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 Dorset Square 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)

- 17 Before the development hereby approved is first occupied, a post-construction certificate shall be submitted to and approved in writing by the Local Planning Authority. This certificate shall demonstrate that the development has been constructed to meet BREEAM 2014 'Very Good'. You must then ensure that this standard is maintained thereafter.

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)

- 18 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:

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 Dorset Square 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)

- 19 You must not store items or furniture on the terraces and balconies.

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)

- 20 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme;
- a) Replacement of the glass balustrades at seventh floor level and on the Marylebone Road, Great Central Street and Balcombe Street elevations with a black metal balustrade. The metal balustrade must also extend along the full length of the parapet on these elevations.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings prior to occupation of the development. (C26UB)

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 Dorset Square 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)

- 21 The new terraces at fourth, fifth, sixth and seventh floor levels and on the northern side of the building shall only be used between 0800 and 2200 daily.

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)

- 22 Unless annotated as a terrace on the approved drawings, you must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

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

- 23 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme;

- Floor plans showing the length of the Loading Bay increased to 7.7 metres; and
- Floor plans showing the ground floor doors opening inward, rather than outward over public highway;

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 Unless occupied by an A1 and/or B1 use, the area shown as 'A1/B1/D2 Unit' on the approved drawings must only be used as a gym/fitness centre and not for any other use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

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)

- 25 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the A1 use hereby approved at ground and basement level shall not be used for convenience food retail/supermarket purposes.

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)

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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 The DSP required by condition 15 should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed

and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the DSP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The DSP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (ie set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the DSP.

- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 8 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 9 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.

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.