

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	35 Marylebone High Street, London, W1U 4PU		
Proposal	Variation of condition 1 and 18 of planning permission dated 13 June 2017 (RN: 15/11114/FULL) for the Variation of Condition 1 of planning permission dated 21 August 2015 (RN: 14/10596) for a previous variation to condition to allow for amendments to the original planning permission; namely external alterations including; provision of emergency access steps and railings, introduction of bronze street lamp fittings over public highway, introduction of bronze coloured window frames, introduction of roller-shutter to car park entrance and introduction of glass balustrade to windows. NAMELY, to amend the approved drawing numbers to allow increase of flue heights, addition of heat dissipation fan, roof plant enclosure lighting, and addition of aerials.		
Agent	Dixon Jones		
On behalf of	W One International		
Registered Number	17/11071/FULL	Date amended/ completed	14 December 2017
Date Application Received	14 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the original S106 legal agreement.

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

(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

(b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured;

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

2. SUMMARY

Permission was originally granted November 2013 for the demolition of existing building behind retained front facade; erection of a new building of basement, lower ground, ground and six upper floors to provide 19 flats, with associated terraces, and five mews houses; creation of new retail accommodation at part basement and ground floor, residential car parking at basement levels, new plant, waste storage area and other associated works. (Site includes 22 Beaumont Mews).

Permission is now sought for amendments to the original scheme, this application is the third set of amendments to the scheme. The alterations are to the north elevation and the roof and include:

- increase in height of flue by 315mm;
- installation of a cowl on an approved heat dissipation fan;
- alterations to windows/window openings at fifth and sixth floor level.
- lights at roof level for maintenance purposes.

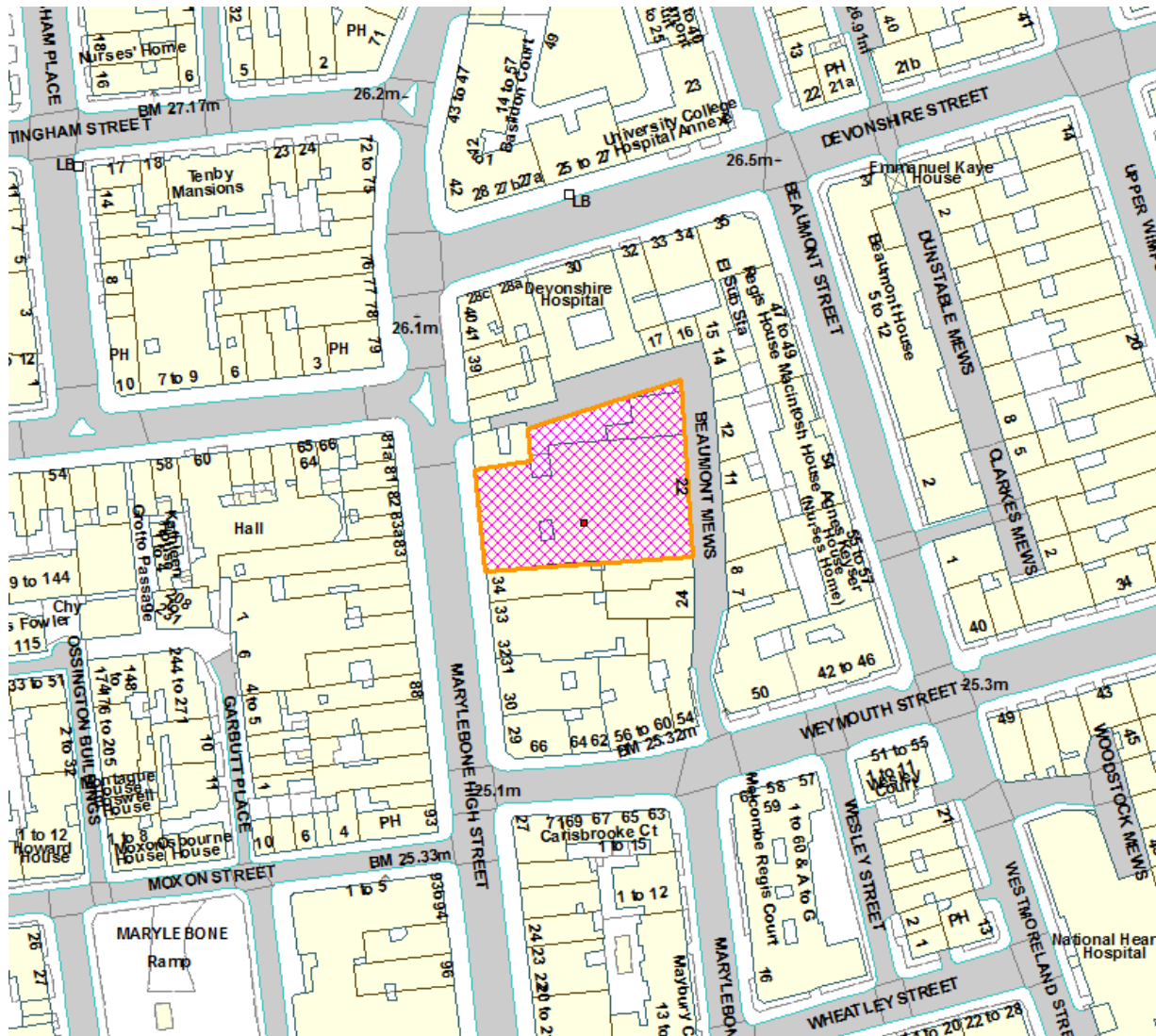
A letter of representation has been received to the scheme this states that the roof top alterations are intrusive and the City Council should seek a reduction in the height and bulk of the roof level. The objection also states that no further alterations should be allowed at this level.

The new building is nearing completion and officers are content that the building has been constructed in accordance with the consented drawings. On this basis, amendments cannot be requested to carry out remedial works to alter something which has planning permission and is lawful in planning terms.

The increase in height of the flue and the installation of the cowl are required by the Clean Air Act. The alterations to the windows are considered acceptable and the lights at roof level will only be used for maintenance purposes, a condition is recommended to ensure that they are not on constantly.

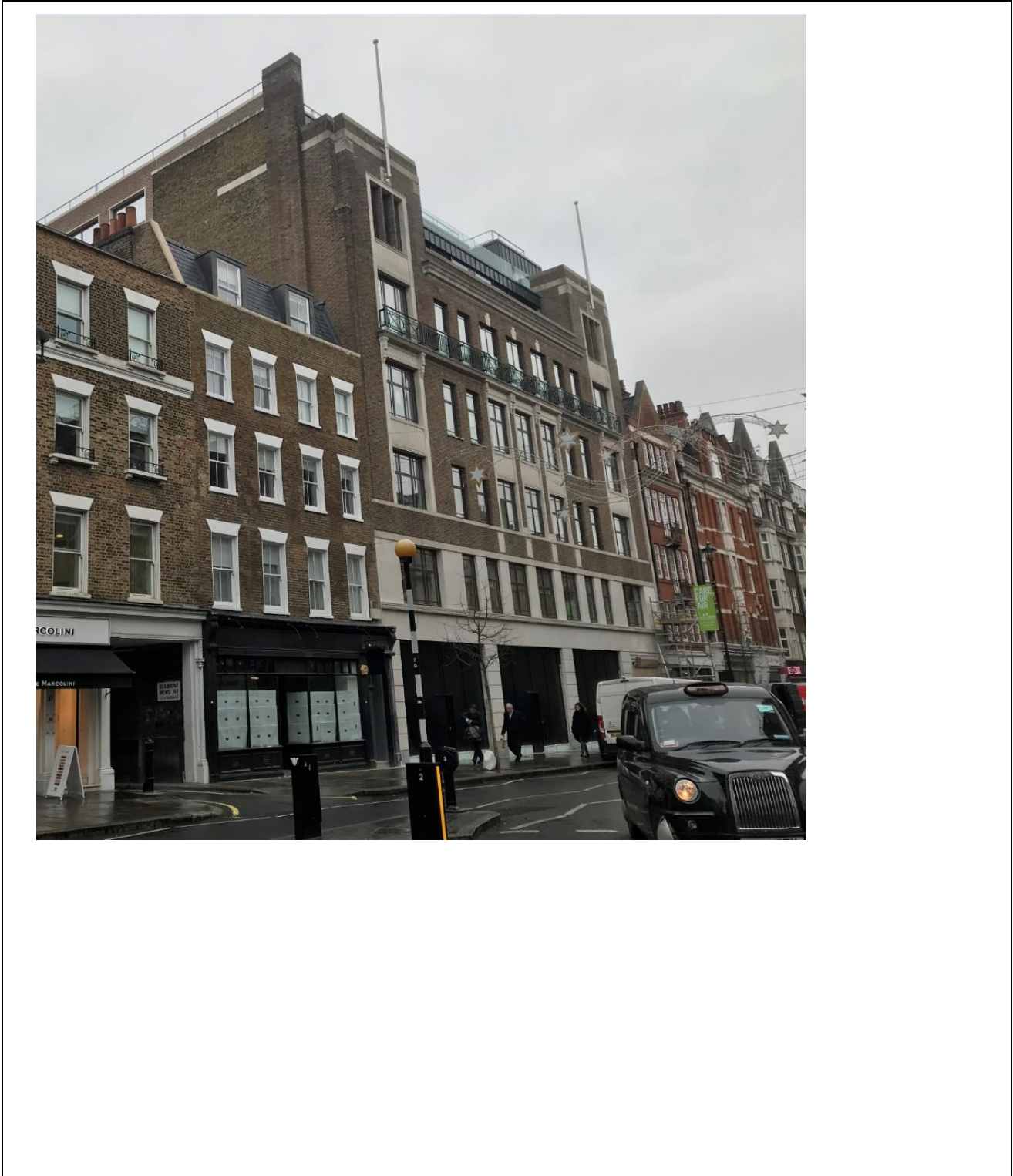
The proposed alterations are considered to be minor and not considered to have an adverse impact on the character or appearance of the conservation area. The application is therefore recommended for approval, subject to a deed of variation to the original S106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 78

Total No. of replies: 1

No. of objections: 1

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of Flat 42, Basildon Court, dated 25 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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

DRAFT DECISION LETTER

Address: 35 Marylebone High Street, London, W1U 4PU

Proposal: Variation of condition 1 and 18 of planning permission dated 13 June 2017 (RN: 15/11114/FULL) for the Variation of Condition 1 of planning permission dated 21 August 2015 (RN: 14/10596) for a previous variation to condition to allow for amendments to the original planning permission; namely external alterations including; provision of emergency access steps and railings, introduction of bronze street lamp fittings over public highway, introduction of bronze coloured window frames, introduction of roller-shutter to car park entrance and introduction of glass balustrade to windows. NAMELY, to amend the approved drawing numbers to allow increase of flue heights, addition of heat dissipation fan, roof plant enclosure lighting, and addition of aerials.

Reference: 17/11071/FULL

Plan Nos: 14006 PA170 C, 14406 PA 201 B, 14006 300 G, 14006 PA 301 H, 14006 PA 302 F, 14006 PA 303 E, 14006 21 431 D, 14006 432 G,

17/08891/ADFULL , Report 6569/SAR dated 4 October 2017,

17/10928/NMA

14006 PA 170 B, 14006 PA 300 F, 14006 PA 302 E, 14006 PA 303 D, 14006 21 410 C, 14006 21 415 C, 14006 21 441 B, 14006 21 444 C, 14006 21 445 D, 14006 21 460 C, 14006 21 469 C, 14006 21 625 C, 14006 21 634 C, 14006 21 751 B, 14006 21 896 A

15/11114/FULL

14006 PA 080 C, 14006 PA 090 C, 14006 PA 100 B, 14006 PA 110 A, 14006 PA 120 A, 14006 PA 130 A, 14006 PA 140 A, 14006 PA 150 A, 14006 PA 160 A, 14006 PA 170 A, 14006 PA 300 D, 14006 PA 301 B, 14006 PA 302 B, 14006 PA 303 B, 14006 PA 200 B, 14006 PA 202 B, 14006 PA 206 A, 14006 PA 207, Street lighting report,

15/10932/ADFULL

De Lank Cornish Granite - honed finish ; natural Portland stone - Bowers Base bed; Petersen Tegl D71 brick; Zinc - Rheinzink standing seam cladding; Freshfield Lan,

15/06231/ADFULL

AECOM Technical Note 01; MSK-101; MSK-102; 14006_PA_080 B; 14006_PA_090 B; Cyclepod literature; AECOM Technical Note 02; 47072825-EL-1000; 4704-2825-E-29; Blackdown Greenroofs Maintenance Recommendations; Blackdown Greenroofs Temporary Irrigation Fact Sheet; 1406_EC02-170; 1406_EC02-180; 1406_EC02-220; 1406_EC02-400; Blackdown Greenroofs Extensive Plug Plant List; Q37 Green Roofs- Bio-diverse Brown Roof Details and Q37 Green Roofs - Blackdown Sedum Plug Plant Roof Details.,

14/10596/FULL

14006 PA 010, 080, 090, 100 V1, 100 V2, 110, 120, 130, 140, 150, 150, 160, 170, 200, 201, 202, 203, 204, 205, 206, 300 B, 301, 302, 303, ,

15/00464/ADFULL

Archaeological Desk Top Assessment Report No: R11487,

16/01826/ADFULL

14006_21_471 Rev A ; 14006_21_472 Rev A ; 14006_21_473 Rev A ;
14006_21_474 Rev A ; 14006_21_475 Rev A ; 14006_21_476 Rev A ;
14006_21_477 Rev A ; 14006_21_478 Rev A ; 14006_21_479 Rev A ;
14006_21_480 Rev A ; 14006_21_464 Rev B ; 14006_21_465 Rev B ;
14006_21_708 Rev A ; 14006_21_712 Rev B ; 14006_21_717 Rev B ;
14006_21_409 Rev C ; 14006_21_439 Rev A ; 14006_21_449 Rev A ;
14006_21_573 Rev A ; 14006_21_575 Rev A ; 14006_21_576 Rev A ;
14006_21_520 Rev A ; 14006_21_522 Rev A ; 14006_21_301 Rev C ;
14006_21_302 Rev C,

16/03095/ADFULL

Document 14006 REP 005 A.

17/06772/ADFULL

Report by Dixon Jones entitled: 35 Marylebone High Street - Condition 17 proposal for public art (July 2017); 14006/PA100/E, 21/429/-, PA301/E

12/07084/FULL

11017 01 010, 11017 PA 010, 11017 05 090, 11017 05 100, 11017 05 110, 11017 05 120, 11017 05 130, 11017 05 140, 11017 05 150, 11017 05 160, 11017 05 170, 11017 05 201, 11017 05 207, 11017 05 300, 11017 01 030, 11017 PA 030, 11017 01 031, 11017 01 302, 11017 01 032, 11017 PA 032, 11017 PA 302 11017 20 301, 11017 01 300, 11017 PA 300, 11017 PA 301, 11017 PA 031 11017 01 303, 11017 01 090, 11017 PA 080, 11017 PA 090, 11017 01 100, 11017 PA 100 A, 11017 01 110, 11017 PA 110 A, 11017 01 120, 11017 PA 120, 11017 01 130, 11017 PA 130 A, 11017 01 140, 11017 PA 140 A, 11017 01 150, 11017 PA 150, 11017 01 160, 11017 01 170, 11017 PA 170, 11017 01 180, daylight and sunlight statement C-0185484, sustainability statement, energy statement, acoustic assessment 4597/AAR, transport statement 1189/R01, planning statement, townscape, heritage and visual impact assessment, design and access statement, site location plan, archaeological desk based assessment R11093, demolition, facade retention and basement impact assessment (INFORMATION ONLY), construction management plan

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and,
 - * not at all on Sundays, bank holidays and public holidays.You must carry out basement excavation work only:
 - * between 08.00 and 18.00 Monday to Friday; and
 - * not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours. (C11BA)

Reason:

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

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

Reason:

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

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure

and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 5 (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.

- 6 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.

- 7 You must carry out the development in accordance with the supplementary acoustic report approved by the City Council as Local Planning Authority on 26 October 2017 under reference RN:17/08891/ADFULL or in accordance with any other supplementary acoustic report as submitted to and approved by the City Council.

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.

- 8 You must not occupy the residential part of the development unless the ventilation system to get rid of vehicle exhaust emissions has been undertaken in accordance with the details approved by the City Council as Local Planning Authority on 3 September 2015 under reference RN/15/06231/ADFULL or in accordance with other ventilation measures as submitted to and approved by the City Council

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

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

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

Reason:

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

- 11 You must not occupy the residential part of the development unless the electric charging points have been undertaken in accordance with the details approved by the City Council as Local Planning Authority on 3 September 2015 under reference RN/15/06231/ADFULL or in accordance with other detail and measures as submitted to and approved by the City Council

Reason:

To promote sustainable forms of transport.

- 12 You must adhere to the Construction Management Plan dated 02.10.2012 by McGee and the Mews Occupier Continuity Plan dated June 2013 at all times during demolition and redevelopment.

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)

13 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application:

- CHP,
- photovoltaic panels,
- energy efficient and passive design measures as listed in the approved documents.

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

14 You must maintain and retain the green and brown roofs in accordance with the details approved by the City Council as Local Planning Authority on 3 September 2015 under reference RN/15/06231/ADFULL or in accordance with other detailed drawings and management plan as submitted to and approved by the City Council

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

15 You must not commence the development unless archaeological investigations have been undertaken in accordance with the details approved by the City Council as Local Planning Authority on 25 February 2015 under reference RN/15/00464/ADFULL or in accordance with an alternative archaeological desktop study as submitted to and approved by the City Council.

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

16 You must not occupy the flats unless the facing materials have been undertaken in accordance with the details approved by the City Council as Local Planning Authority on 17 December 2015 under reference RN/15/10932/ADFULL or in accordance with other facing materials as submitted to and approved by the City Council.

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

- 17 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development: 1. New shopfronts. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 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:

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)

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

Reason:

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

- 20 This permission must be commenced no later than 12.11.2016.

Reason:

This permission authorises amendments to the original planning permission granted on 13.11.2013 (RN 12/07084/FULL) which must be commenced no later than the above date.

- 21 You must carry out the development in accordance with the following:, - the details of all new facades and the details of the residential entrance approved by the City Council as Local Planning Authority on 17 March 2016 under reference RN:16/1826/ADFULL - the details of the public art approved by the City Council as Local Planning Authority on 14 September 2017 under reference RN: 17/6772/ADFULL, , or in accordance with other details of the facades and residential entrance as submitted to and approved by the City Council.

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

- 22 The lights at roof level must only be used for maintenance purposes, they must not be left in a 'switched on' position.

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

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 relates to a deed of variation to the original S106. (I55AA)

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.