

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 26 June 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	18 Conduit Street, London, W1S 2XN		
<b>Proposal</b>	Extensions to office (Class B1) floorspace at second, third, fourth and fifth floor to the rear, and roof level (including creation of rear roof terraces at second third and fourth floor levels).		
<b>Agent</b>	Patrick Reedman		
<b>On behalf of</b>	Marisilver Investissement SA		
<b>Registered Number</b>	18/01287/FULL	<b>Date amended/ completed</b>	5 April 2018
<b>Date Application Received</b>	14 February 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional planning permission

## 2. SUMMARY

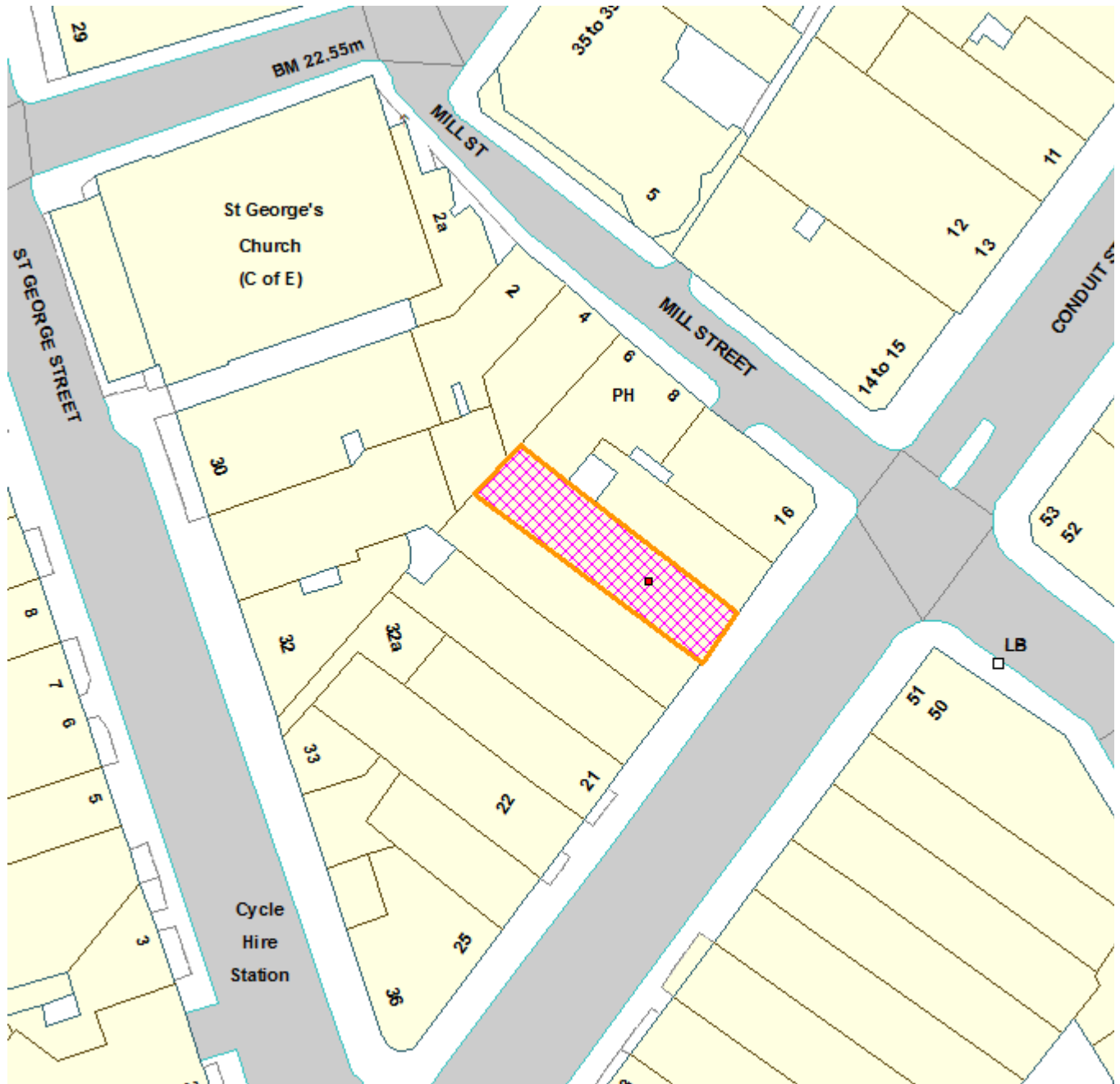
Permission is sought for the erection of rear extensions to existing office accommodation (B1 use class) at second floor level and above. The proposal would provide a total of 469.22 sq.m of office space- of which 96.13 sq.m would be newly created.

The key issues in this case are:

- The impact of the proposals upon the amenity of neighbouring properties
- Their impact on the character and appearance of the Mayfair Conservation Area

Objections have been received from a number of local businesses and residents on amenity, design and procedural grounds. The proposal is near identical in form to an extant planning consent which was granted in 2015 for residential use on the site. Overall, the application is considered acceptable in land use, amenity and design terms and is therefore recommended for approval.

### 3. LOCATION PLAN



4. PHOTOGRAPHS

Photograph 1: Front



Photograph 2: View from the rear

16 Nov 2016, 15:13:28



## 5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST.JAMES'S: Any comment to be reported verbally

ENVIRONMENTAL HEALTH: No objection subject to conditions

HIGHWAYS MANAGER: No objection, subject to conditions

CLEANSING MANAGER: No objection subject to condition

BUILDING CONTROL: Any comments to be reported verbally

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

The application went out for external consultation on 23.02.18. The submitted documents erroneously omitted a number of appendices including the daylight and sunlight report, and construction management plan. Following the submission of additional information, neighbouring properties were subsequently re-consulted on 06.04.2018.

No. Consulted: 51

Total No. of replies: 34, from 25 respondents.

No. of objections: 25

No. in support: 0

Of the respondents, 6 are local residents and 19 are from, or on behalf of, local businesses.

Objections raised the following concerns:

#### Amenity

- No daylight & sunlight report
- Loss of daylight and sunlight
- Loss of privacy
- Increased sense of enclosure
- Noise from use of terraces would be worse than previously approved residential use
- Loss of right of light
- Loss of fire escape which serves offices
- Contrary to paragraph 123 of the NPPF (avoiding adverse noise impacts on health and quality of life)

#### Building works

- Existing foundations will be insufficient
- Disruption from dust, noise, and vibrations from construction work will harm neighbouring retail and restaurant function
- No construction management plan
- Works within vaults are mis-represented

#### Design

- Poor design would harm conservation area
- Harm to setting of the Wren Church

- Loss of views to St George's Church

#### Other

- Contrary to paragraph 17 of the NPPF (12 core principles of planning)
- Use would give rise to complaints against an established public house

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is an unlisted building on the north side of Conduit Street between Mill Street and St George Street. The site is within the Mayfair Conservation Area. The building comprises a basement, ground and five upper floors. The basement and ground floors are occupied by a retail shop (class A1). There is a separate entrance that leads to the first- fifth floors which are vacant offices (Class B1).

The site is designated as part of the Core Central Activities Zone (Core CAZ) and as part of the West End Special Retail Policy Retail Area (WESRPA).

### **6.2 Recent Relevant History**

There are two recent planning applications (Refs: 15/07348/FULL and 15/05543/FULL) for the use of part of the ground and first to fifth floors as three flats (Class C3). The first established the principle of the change of use from office to residential use, with limited works. The second granted consent for substantial works behind a retained frontage, with a rebuilt mansard and new rear extensions. These schemes permitted between 480m<sup>2</sup> and 565m<sup>2</sup> of additional floor space.

These consents are extant and unimplemented, and will both expire on 14/12/2018.

## **7. THE PROPOSAL**

The application proposes the erection of stepped rear extensions at second floor and above. In total there would be 469.22 sq.m of office space- of this, 96.13 sq.m would be newly created B1 floorspace.

There would be no change to the use of the ground floor which will remain as retail (A1 use class).The basement floor will remain as offices used in association with the ground floor retail space, although it is noted that structural works are proposed to a rear basement vault.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

City Plan policy S20 sets out that the Council will work to exceed its targets of additional office floorspace, and that new office developments will be directed towards the Core CAZ. The scheme proposes extensions and alterations at second floor and above to increase the amount of office floor space by 96.13 sqm. This would comply with City Plan policy S20.

Under the City Council's adopted mixed use policy (City Plan Policy S1), there is no requirement to provide any on-site residential provision.

## 8.2 Townscape and Design

The existing Victorian building makes a positive contribution to the Mayfair Conservation Area. The proposed design seeks to retain the front façade and to redevelop behind with considerable stepped rear extensions. The rear extensions are modelled in a contemporary design which is considered acceptable in this case given the extant consents on the site.

The proposal would increase the height of the ridgeline by a small amount, however most of the additional extension is to the rear. The applicant has demonstrated that both the height of the ridgeline, and the massing and bulk to the rear is in line with that which was consented in 2015 under application ref. 15/05543/FULL.

Objections have been received on the grounds that the design is not in keeping with the area. Since the previously consented scheme was also of a contemporary design to the rear, it is considered a contemporary approach is suitable. The acceptability of the height and bulk of the scheme has already been established since the applicant has demonstrated that the proposed height and bulk is in line with that already consented.

The back of the building is only visible in private views, and it is considered the proposals are acceptable in design terms given the context of the site, the limited public views, and the land locked nature of the site.

Objections have been received stating that the proposals affect the setting of the Grade I church on St Georges Street. It is difficult to sustain these objections as the height and bulk of the scheme is as previously consented and the church is a significant distance away from the site.

The roof modifications and rear extensions are considered to be acceptable in design terms, subject to condition and to accord with the City Council's UDP policies DES 1, 5, 6, 9 and 10.

## 8.3 Residential Amenity

The nearest residential units are located to the north-east of the site, at 4 Mill Street and the upper floors of 6-8 Mill Street. There are also secondary windows at the rear of 16 Conduit Street which serve residential dwellings.

### Privacy

Objections raise concern that there would be a loss of privacy from both the proposed terraces, and the large windows proposed to the rear of the site.

The terraces would be of a limited size with acoustic enclosures and planters 1m high having been integrated into the design in order that the usable area of the terrace is set back from the north east boundary of the site by 1.5m. Since the proposed use of the building would be offices, a condition is recommended to limit the hours of use of the terraces to be 08.00 – 19.00 (Monday to Friday). Further, the principle of terraces has already been established by the 2015 consent which is still extant. On this basis, it is not

considered that there would be any harm to neighbours' amenity from the proposed terraces.

There would be no glazing to the south elevation. To the rear there would be floor to ceiling fixed panes with a single door, and to the north elevation there would be a number of floor to ceiling windows with Juliet balconies and one fixed, one inward opening pane.

The north elevation at first floor level already contains six windows. The proposal would maintain the same number, but would slightly increase the amount of glazing by introducing floor to ceiling glazing. At second floor level there would be four new windows to the north elevation, and at third floor there would be just two new windows. It is noted that there would be a total of six additional windows to this elevation when compared with the extant 2015 consent ref. 15/07348/FULL. In order to mitigate any overlooking to the rear of properties along Mill Street, it is proposed that approximately 50% of this glazing would be obscured.

There are a number of opposing neighbouring windows to properties along Mill Street. The majority of the residential windows are located at second floor or above, and so would not be in direct view of the first floor which is proposed to have the most glazing.

On balance, whilst there would be an increase in the amount of glazing to the property, it is not considered that this would be unacceptable given the positioning and relationship to neighbouring residential properties, and the context of the extant planning consents.

### **Daylight and Sunlight**

Policy ENV 13 seeks to ensure good daylight levels to habitable rooms in existing residential properties. Objections have been received on the grounds that the proposal would cause loss of daylight and sunlight.

The principle test for measuring the impact of the development upon the level of light received to neighbouring properties is the Vertical Sky Component (VSC), the amount of light reaching the face of a window. If the VSC is both less than 27% and values as a result of the development would be less than 0.8 times its former value then the impact would be noticeable.

The submitted report confirms that all of the neighbouring windows will have a VSC of more than 0.8 times their former value. All neighbouring rooms would comply with the BRE guidelines for daylight.

The impact of the development on the amount of sunlight received to neighbouring properties is measured by Annual Probable Sunlight Hours (APSH). Only those windows which face within 90 degrees of due south need to be tested. If the proposed sunlight is less than 25% APSH including 5% in the winter months, reduced by more than 20% of its former value and the loss is greater than 4% over the whole year, then the loss of sunlight will be noticeable.

The submitted daylight and sunlight report demonstrates that all windows except one would comply with the BRE guidelines for sunlight. That window is at second floor level at the rear of 16 Conduit Street. Planning history shows that this room is currently in use as an office. There is extant planning consent (ref. 15/06533/FULL) for this room to be



used as a bedroom, and the approved plans show that this window would be blocked up. Given that the room affected is commercial and therefore not protected by the BRE Guide (2011) or will be blocked up if converted to a flat, there is no objection to the proposal in this respect.

It is noted that 4 Mill Street has not been included in the daylight and sunlight assessment. Given that the assessment demonstrates windows at 6 and 8 Mill Street would comply with the BRE guidelines, and that 4 Mill Street is further from the site, with residential windows located at roof level only, it is not considered that there would be any unacceptable harm to daylight and sunlight levels at this neighbouring property.

The proposals are fully compliant when assessed against the BRE Guide (2011) and the impact is therefore considered to be acceptable in terms of daylight and sunlight.

### **Sense of Enclosure**

Objections have been received on the grounds that the proposal would result in increased sense of enclosure. The proposed building would be similar in height and massing to the extant planning consent which was granted in 2015. Given its central London location, the application site is considered to have a normal relationship with neighbouring residential properties; the majority of which are to the upper floors along Mill Street; The upper floors of the proposal have been significantly stepped back. On this basis, it is not considered that the proposal would cause any unacceptable sense of enclosure to neighbouring properties.

### **8.4 Transportation/Parking**

No off-street servicing is available at the site. The site is located within a Controlled Parking Zone, which allows loading and unloading to occur. It is considered that the servicing requirements are unlikely to alter significantly as a result of the proposal given its size and use.

Cycle parking storage is not proposed. B1 requires 1 space per 90m<sup>2</sup> under the LP. Given the proposed floor area, a minimum of 1 space should be provided. Given the constraints of the site, it is not considered necessary to secure the provision of one cycle parking space on site.

### **8.5 Economic Considerations**

Any economic benefits arising from the increased office floorspace are welcome.

### **8.6 Access**

Owing to the existing floor levels, it is not possible to create step free access to the upper floors and the existing single step access will be maintained. Once inside the ground floor lobby, the proposed lift would provide step free access to each floor, which would improve the overall accessibility within the site.

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

#### Noise

Objections were received on the grounds that the proposed terraces would give rise to increased noise disturbance which would be worse than the 2015 residential scheme. The proposed offices are considered small-medium scale given the context of the wider area. With a condition recommended to restrict the hours of use of the terrace to typical

office opening hours, it is not considered that the use of the proposed terraces would give rise to any unacceptable noise disturbance.

Objections have been received on the grounds that the proposal would be contrary to paragraph 123 of the NPPF (avoiding adverse noise impacts on health and quality of life). The proposal is considered to be in accordance with policies ENV 6 and ENV 7 of the Unitary Development Plan (UDP) and Policy S32 of the City Plan. It follows that by virtue of compliance with adopted policies, the proposal considered to comply with the NPPF. NPPF paragraph 123 also recognises that existing businesses should not have undue restrictions placed on them because of subsequently assumed neighbouring land uses. There would be no additional restrictions applied to neighbouring properties, and it is considered that the proposed office use would be more readily compatible with the neighbouring land uses than the extant consent for residential units.

#### Plant

The acoustic report identifies the nearest residential property which appears to correspond with 6-8 Mill Street - at a distance of 7 metres from the site. The submitted report also identifies flats on the fifth floor of the development site itself although this is considered to be inaccurate since the site itself is currently vacant offices.

The application has been considered in the context of Policies ENV 6 and ENV 7 of the Unitary Development Plan (UDP) and Policy S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally, from excessive noise and disturbance.

It is proposed that each rear terrace would have plant equipment within acoustic enclosures. The submitted acoustic report has been reviewed by Environmental Health Officers, and the Council is satisfied that the proposals would comply with standard noise restrictions.

#### Refuse /Recycling

Details of waste and recycling storage will be secured by condition.

### **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**

The application does not trigger any planning contributions.

### **8.11 Environmental Impact Assessment**

Not relevant

### **8.12 Other Issues**

One objection raises concern that the proposal would give rise to complaints against an established public house. The proposal is for office use (B1 use class) and it is considered that this would be a less sensitive use than the residential use (C3 use class)

consented in 2015. The alleged conflict in uses is not considered a sustainable reason for refusal, particularly given that there is extant consent for residential use on the site.

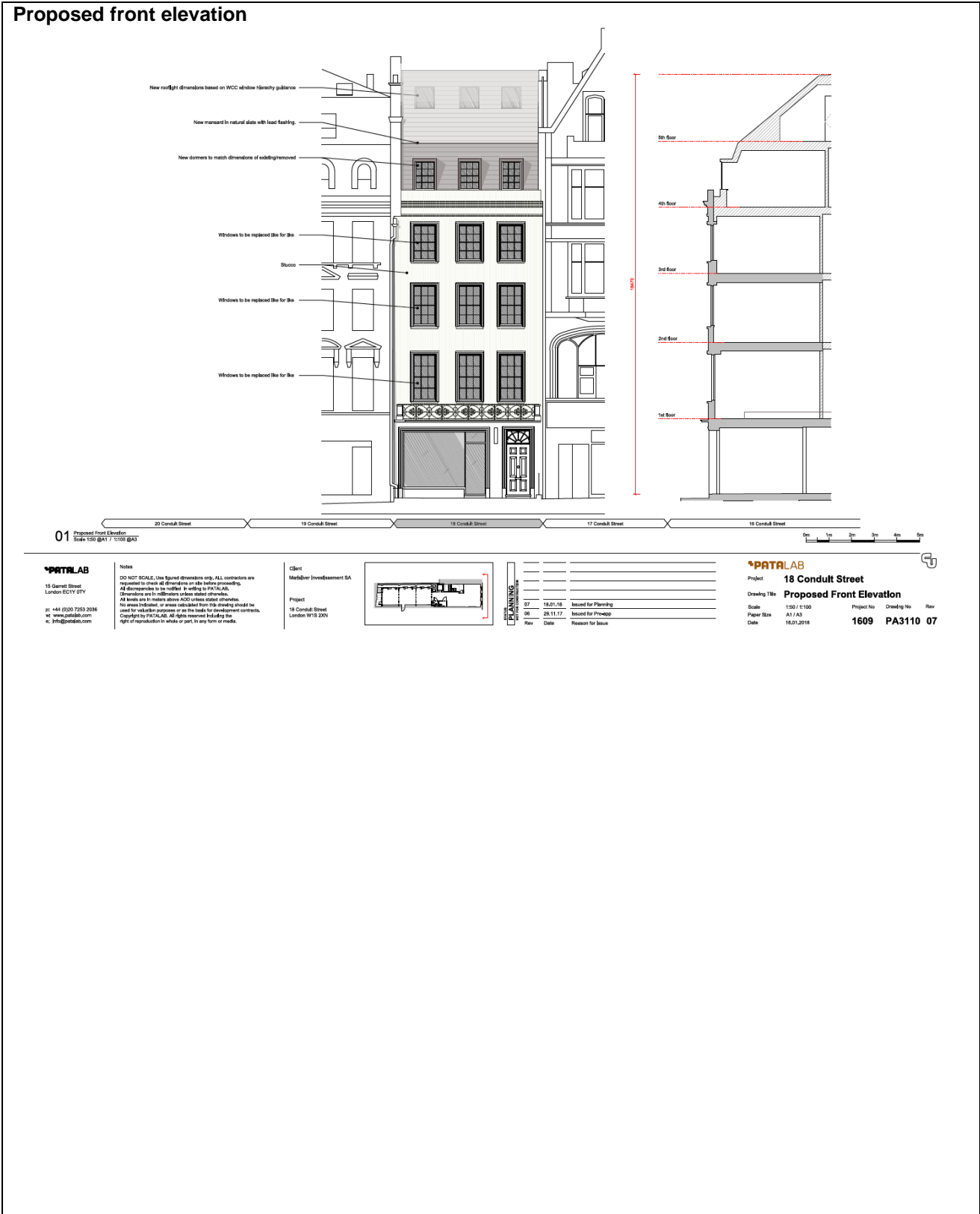
Objections raise concern that the proposal would result in the loss of a reciprocal fire escape. It is proposed that the fire escape will be re-routed to the internal stairwell to provide a more direct route. This approach is acceptable in planning terms, and any fire safety arrangements would be captured by building control processes. Any arrangements for re-routing reciprocal fire escapes would be a civil matter between the two parties.

### **Construction impact**

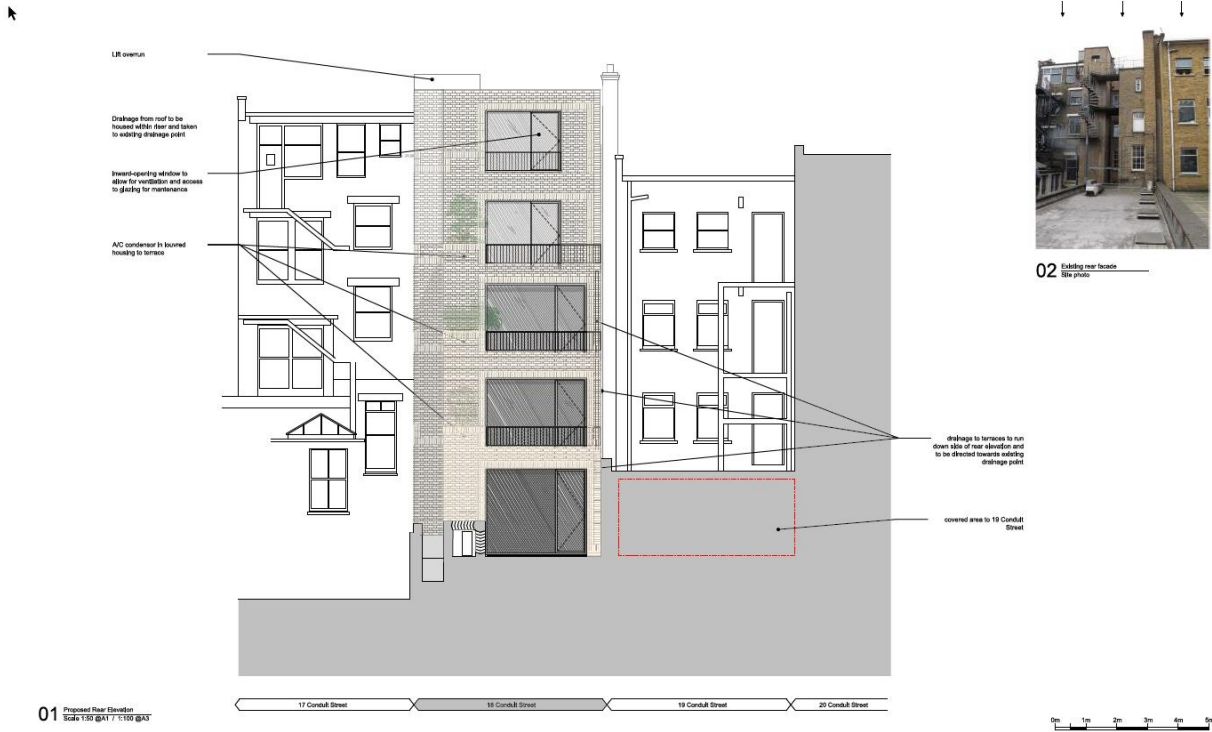
One objection has been received which highlights that the applicant does not have the right to carry out the proposed structural works within the basement vaults. Since planning consent is granted to the land, and not to the applicant this would not be a sustainable reason for refusal. Any dispute over the rights to carry out works would be a civil matter and cannot be given any weight in the determination of the planning application.

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

**KEY DRAWINGS**



**Proposed rear elevation**

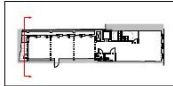


**01** Proposed Rear Elevation  
Scale: 1:50 (A1) 1:100 (A2)

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Marketier Investment SA  
  
**Project**  
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Rev	Date	Reason for Issue
05	16.05.18	Issued for Planning
04	28.11.17	Issued for Pre-application

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**Project**  
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Proposed Rear Elevation  
Scale: 1:50 / 1:100  
Paper Size: A1 / A3  
Date: 16.01.2018  
Project No: 1609  
Drawing No: PA3111  
Rev: 05

**Proposed section (North elevation)**



01 Proposed Section BB  
Scale 1/150 (B1) 7/1/2018 (B3)



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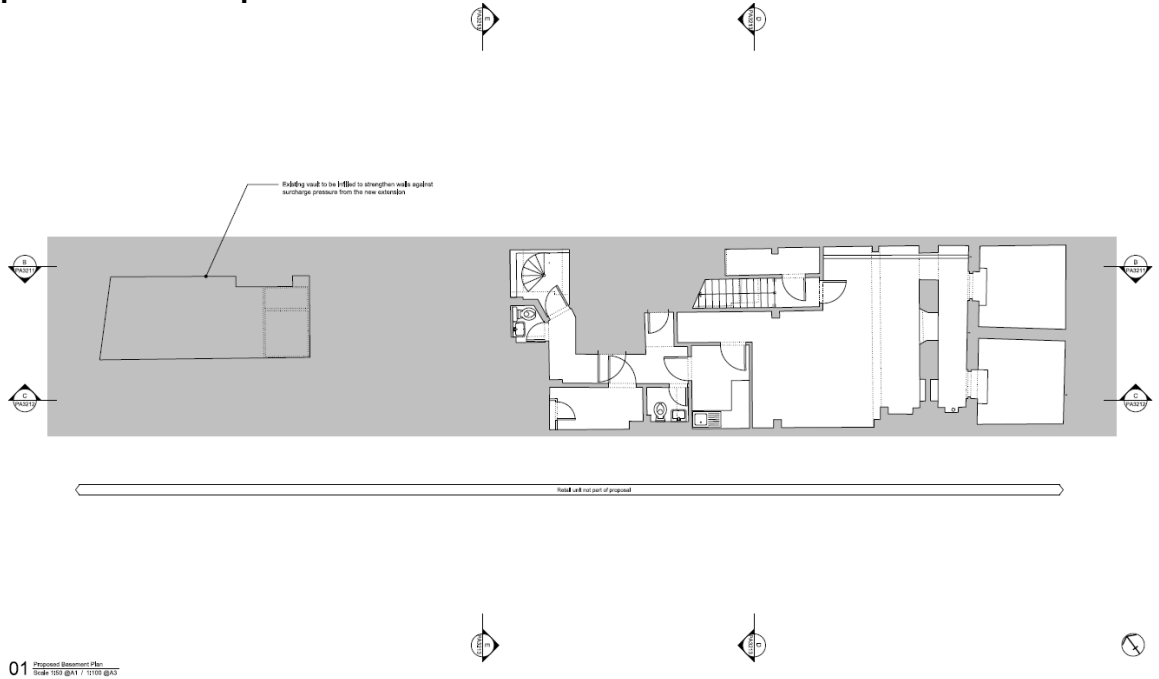
**Client**  
Metabolv Investment SA  
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05	16.05.18	Issued for Planning
06	29.11.17	Issued for Pre-Application

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**Scale**  
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**Drawing No**  
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**Rev**  
06  
**Date**  
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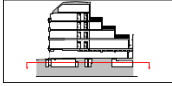
### Proposed basement plan



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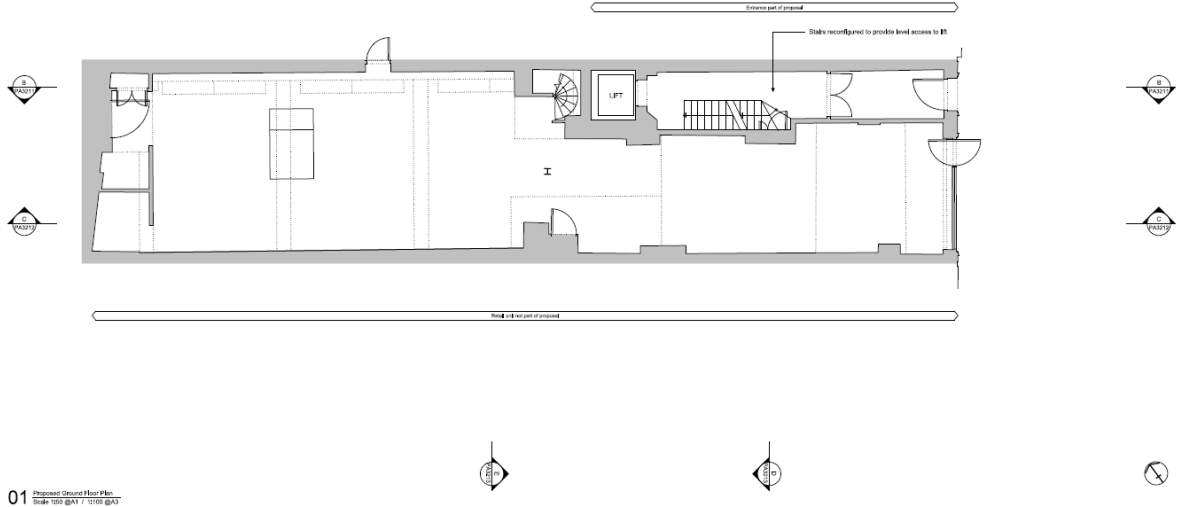
**Client**  
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**Project**  
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03	28.11.17	Issued for Planning

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**Drawing Title**  
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**Scale**  
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**Paper Size**  
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**Date**  
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**Project No**  
1609  
**Drawing No**  
PA3009  
**Rev**  
04

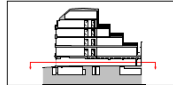
### Proposed ground floor plan



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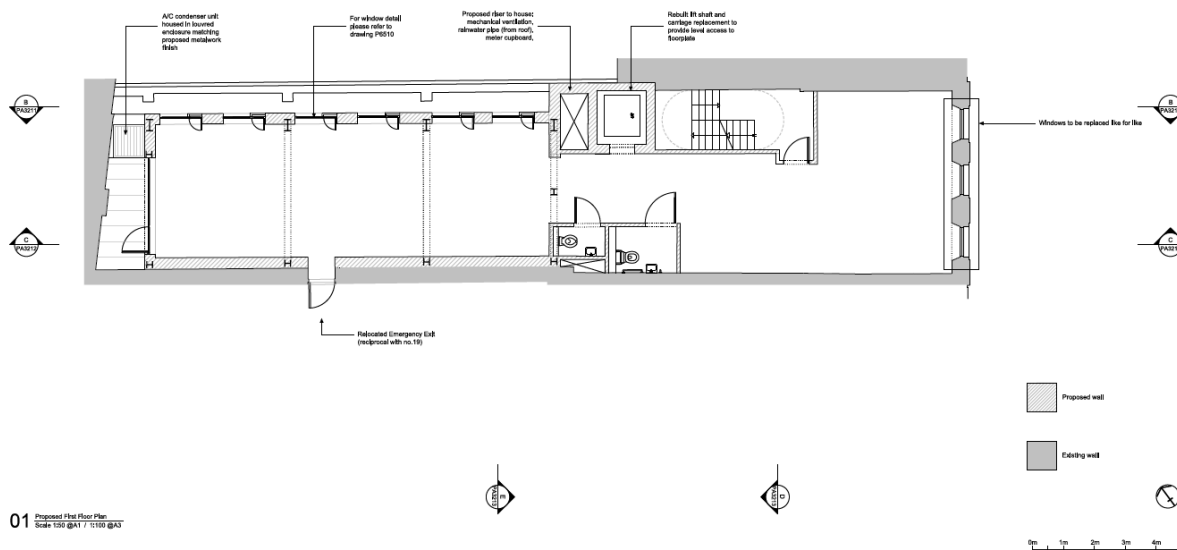
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Proposed Ground Floor Plan  
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**Paper Size**  
A1 / A3  
**Date**  
16.01.2018  
**Project No**  
1609  
**Drawing No**  
PA3010  
**Rev**  
04

### Proposed first floor plan



01 Proposed First Floor Plan  
Scale 1:50 @A1 / 1:100 @A3

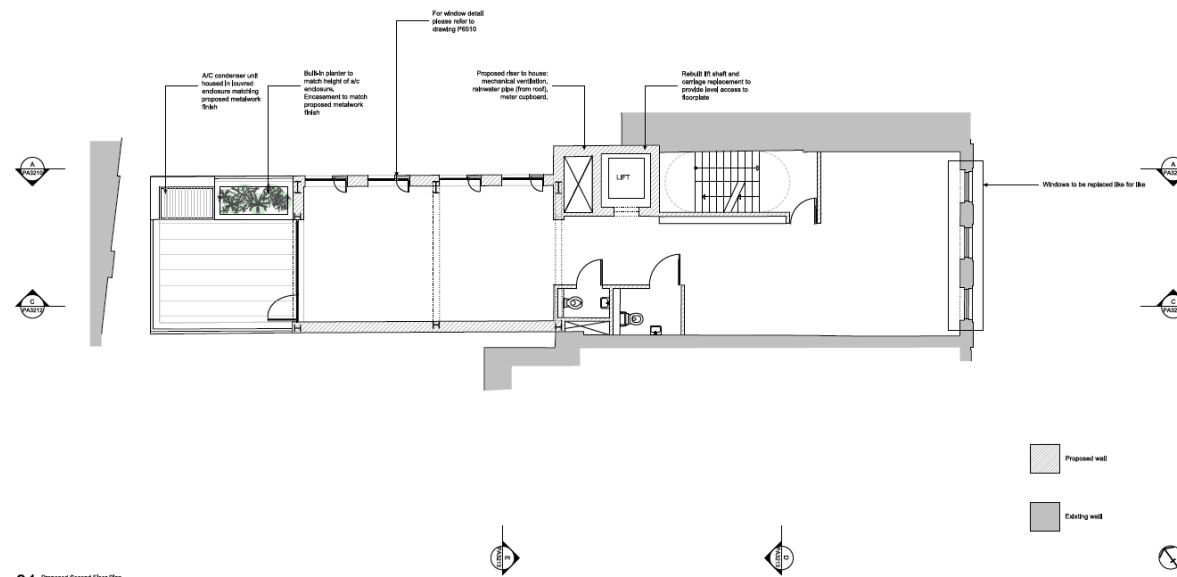
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Proposed First Floor Plan  
**Scale**  
1:50 / 1:100  
**Paper Size**  
A1 / A3  
**Date**  
16.01.18  
**Project No**  
1609  
**Drawing No**  
PA3011  
**Rev**  
07

### Proposed second floor plan



01 Proposed Second Floor Plan  
Scale 1:50 @A1 / 1:100 @A3

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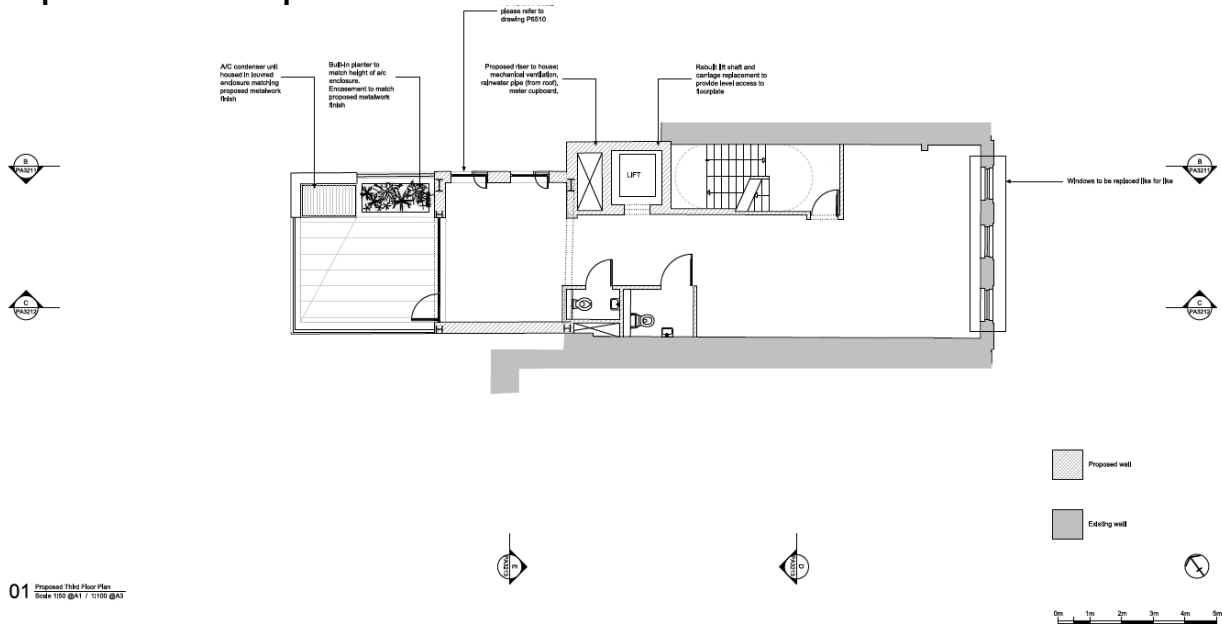
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**Drawing Title**  
Proposed Second Floor Plan  
**Scale**  
1:50 / 1:100  
**Paper Size**  
A1 / A3  
**Date**  
16.01.2018  
**Project No**  
1609  
**Drawing No**  
PA3012  
**Rev**  
07



### Proposed third floor plan



01 Proposed Third Floor Plan  
Scale 1:50 @A1 / 1:100 @A3

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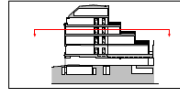
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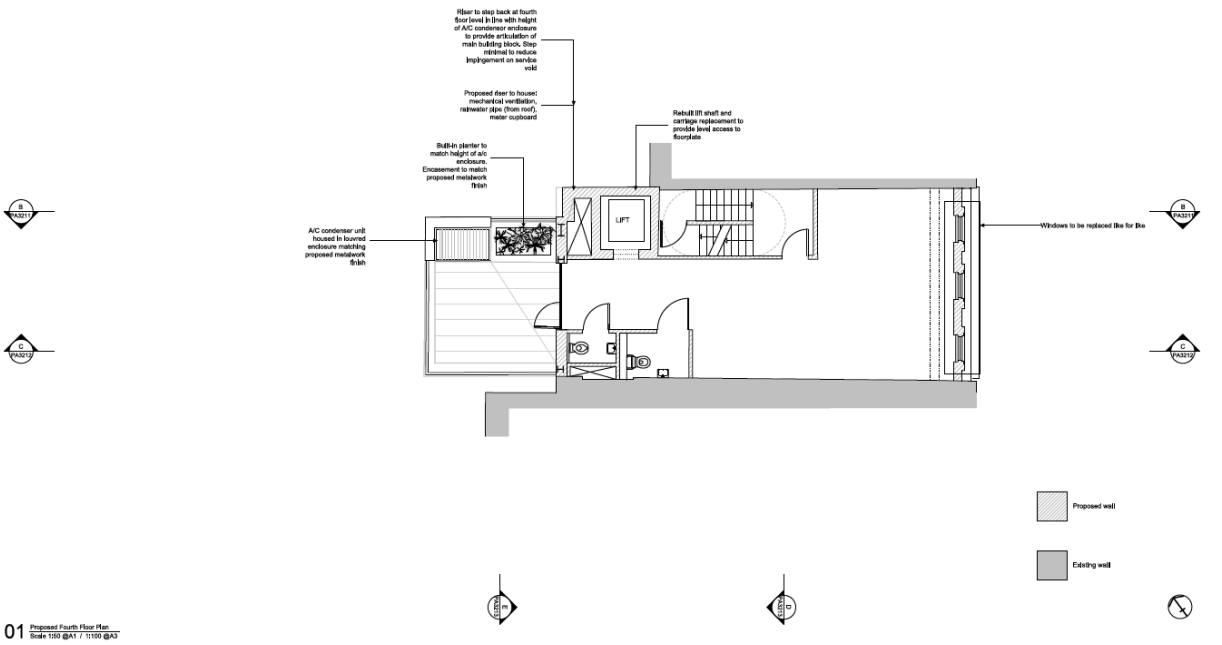


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Project  
**18 Conduit Street**  
Drawing Title  
**Proposed Third Floor Plan**  
Scale 1:50 / 1:100 Project No. Drawing No. Rev  
Paper Size A1/A3 1609 PA3013 07  
Date 16.01.2018

### Proposed fourth floor plan



01 Proposed Fourth Floor Plan  
Scale 1:50 @A1 / 1:100 @A3

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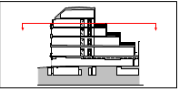
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**Notes**

DO NOT SCALE. Use figured dimensions only. ALL contractors are required to check all dimensions on site before proceeding. All discrepancies to be notified in writing to PATALAB. Dimensions are in millimeters unless stated otherwise. All levels are in meters above ACD unless stated otherwise. No areas indicated, or areas calculated from this drawing should be used for valuation purposes or as the basis for development contracts. Copyright by PATALAB. All rights reserved including the right of reproduction in whole or part, in any form or media.

**Client**

Marteliver Investment SA  
Project  
18 Conduit Street  
London W1S 2DN

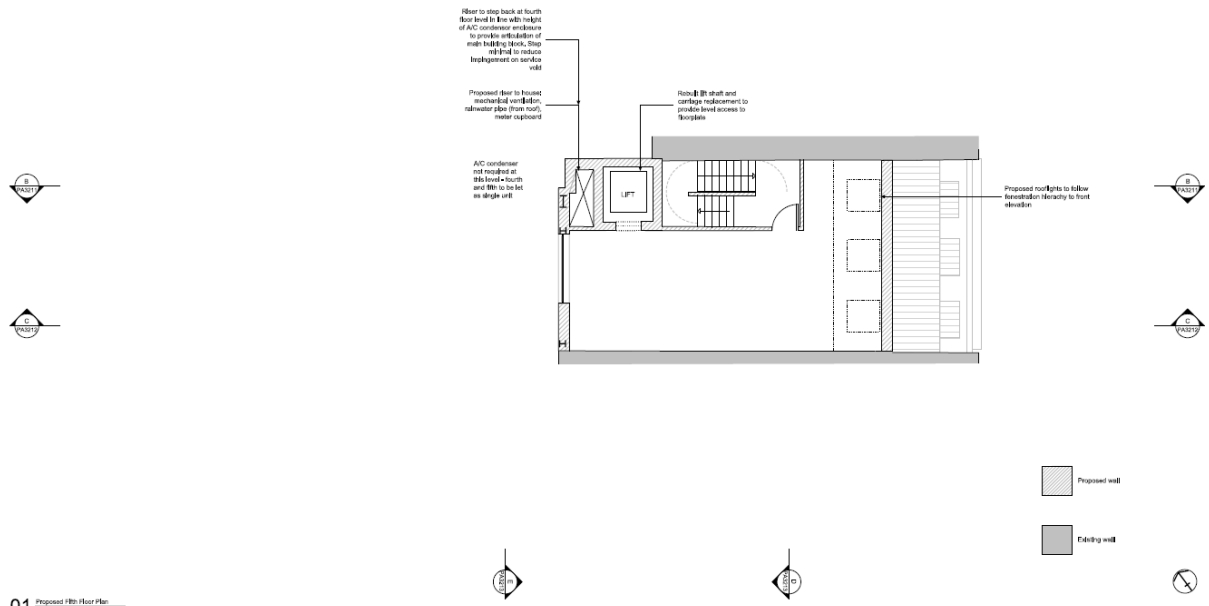


Rev	Date	Reason for Issue
07	16.05.18	Issued for Planning
08	29.11.17	Issued for Pre-Application

**PATALAB**

Project  
**18 Conduit Street**  
Drawing Title  
**Proposed Fourth Floor Plan DRAFT**  
Scale 1:50 / 1:100 Project No. Drawing No. Rev  
Paper Size A1/A3 1609 PA3014 07  
Date 16.01.18

### Proposed fifth floor plan



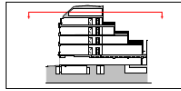
01 Proposed Fifth Floor Plan  
Scale 1:50 @A1 / 1:100 @A3



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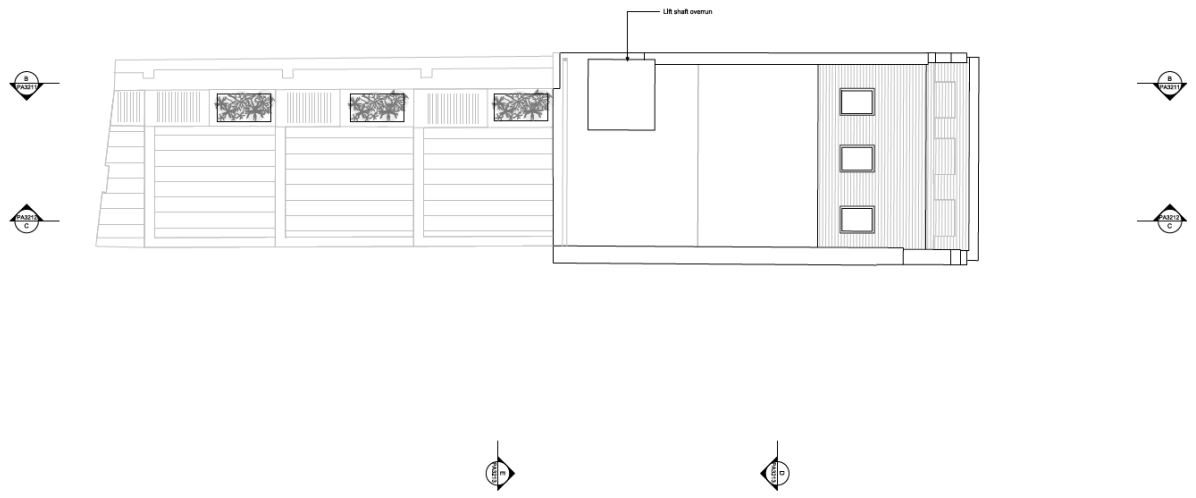
**Client**  
Meridian Investment SA  
**Project**  
18 Conduit Street  
London W1B 2XN



Rev	Date	Reason for Issue
07	18.05.18	Issued for Planning
08	20.11.17	Issued for Pre-application

**PATLAB**  
**Project**  
18 Conduit Street  
**Drawing Title**  
Proposed Fifth Floor Plan  
**Scale**  
1:50 / 1:100  
**Paper Size**  
A1 / A3  
**Date**  
19.01.2018  
**Project No**  
1609  
**Drawing No**  
PA3015  
**Rev**  
07

### Proposed roof plan



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**Client**  
Meridian Investment SA  
**Project**  
18 Conduit Street  
London W1B 2XN



Rev	Date	Reason for Issue
04	18.05.18	Issued for Planning
05	20.11.17	Issued for Pre-application

**PATLAB**  
**Project**  
18 Conduit Street  
**Drawing Title**  
Proposed Roof Plan  
**Scale**  
1:50 / 1:100  
**Paper Size**  
A1 / A3  
**Date**  
19.01.2018  
**Project No**  
1609  
**Drawing No**  
PA3016  
**Rev**  
04



**DRAFT DECISION LETTER**

**Address:** 18 Conduit Street, London, W1S 2XN,

**Proposal:** Extensions to office (Class B1) floorspace at second, third, fourth and fifth floor to the rear, and roof level (including creation of rear roof terraces at second third and fourth floor levels).

**Reference:** 18/01287/FULL

**Plan Nos:** PA3009 Rev 04, PA3010 Rev 04, PA3011 Rev 07, PA3012 Rev 07, PA3013 Rev 07, PA3014 Rev 07, PA3015 Rev 07, PA3016 Rev 04, PA3110 Rev 07, PA3111 Rev 5, PA3112 Rev 05, PA3113 Rev 00, PA3210 Rev 06, PA3211 Rev 06, PA3213 Rev 03, PA6510 Rev 02

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

**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:

- between 08.00 and 18.00 Monday to Friday;
- between 08.00 and 13.00 on Saturday; and
- not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the enlarged office (Class B1) hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the offices (B1 use class). (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 4 (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 LA90, 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.

- 5 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.

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

**Reason:**

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

- 7 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

**Reason:**

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 8 You must not play live or amplified music on your property.

**Reason:**

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

- 9 You must keep the doors and windows in the north east elevation closed. You can use them in an emergency or for maintenance only. (C13LA)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 10 You must apply to us for approval of a sample of the glass (at least 300mm square) for the windows in the north east elevation of the building annotated as being obscure glass. You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

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)

- 11 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 12 You must apply to us for approval of samples including specifications 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

Reason:

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

- 13 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:2) of the following parts of the development:

- i) external doors;

- ii) windows and rooflights;
- iii) balconies;
- iv) railings;
- v) balustrades.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 14 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

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

- 16 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

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

- 17 You must not use the terraces hereby approved outside of the following hours: 08.00 - 19.00 Monday to Friday

**Reason:**

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

**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](mailto: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](http://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](http://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](http://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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the



Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 6 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 7 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 8 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)
- 9 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 10 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.

Item No.
<b>7</b>

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.

**BACKGROUND PAPERS – 18 Conduit Street, London, W1S 2XN, 18/01287/FULL**

1. Application form
2. Response from Highways Manager, dated 20 February 2018
3. Response from Plant And Equipment, dated 13 April 2018
4. Response from Cleansing Manager, dated 08 March 2018
5. Letter from occupier of Ground Floor, 18 Conduit Street, dated 5 March 2018 and 13 April 2018
6. Letter from Fuller & Long on behalf of occupier of 18 Conduit Street dated 12 March 2018
7. Letter from occupier of Flat 1, 58 Maddox St, dated 5 March 2018, and 18 April 2018
8. Letter from occupier of 20 Conduit Street, London, dated 5 March 2018
9. Letter from occupier of 19 Conduit Street, London, dated 5 March 2018, and 13 April 2018
10. Letter from occupier of 2 Mill Street, London, dated 6 March 2018
11. Letter from occupier of Flat 2, 50 Maddox Street, dated 6 March 2018, and 18 April 2018
12. Letter from occupier of 16 Conduit Street, London, dated 7 March 2018, and 13 April 2018
13. Letter from occupier of 19 Conduit Street, London, dated 7 March 2018, and 14 April 2018
14. Letter from occupier of 16 Conduit Street, London, dated 7 March 2018
15. Letter from occupier of 17 Conduit St, London, dated 7 March 2018, and 13 April 2018
16. Letter from occupier of 20 Conduit St, London, dated 8 March 2018
17. Letter from occupier of 4 Mill Street, London, dated 10 March 2018
18. Letter from occupier of 20 Conduit Street, London, dated 10 March 2018 and 14 April 2018
19. Letter from occupier of Fourth Floor, 20 Conduit St, dated 10 March 2018
20. Letter from occupier of Fourth Floor, 2 Mill Street, dated 11 March 2018
21. Letter from occupier of 3rd Floor, 2 Mill Street, London, dated 11 March 2018, and 13 April 2018
22. Letter from occupier of Flat 1, 6-8 Mill Street, dated 11 March 2018
23. Letter from occupier of Fourth Floor Flat, 31 St George Street, dated 11 March 2018
24. Letter from occupier of 6/8 Mill Street, London, dated 12 March 2018,
25. Letter from occupier of 6/8 Mill Street, London, 15 April 2018
26. Letter from occupier of Top Floor Flat, 4 Mill Street, dated 12 March 2018
27. Letter from occupier of Ground and Basement, 18 Conduit Street, dated 12 March 2018
28. Letter from Dentons on behalf of Conduit Street Development Ltd, dated 22 May 2018
29. Letter from Conduit Street Development Ltd, dated 06 June 2018

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