

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Brock House , 19 Langham Street, London, W1W 6PA		
Proposal	Erection of two storey mansard roof extension to provide additional Class B1 office accommodation and including the installation of plant at roof level, infilling of existing lightwells, alterations to external facades, and other associated works.		
Agent	DP9 Ltd		
On behalf of	Gascoyne Holdings Limited		
Registered Number	18/02099/FULL	Date amended/ completed	28 June 2018
Date Application Received	13 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission, including a condition to secure the Crossrail payment.

2. SUMMARY

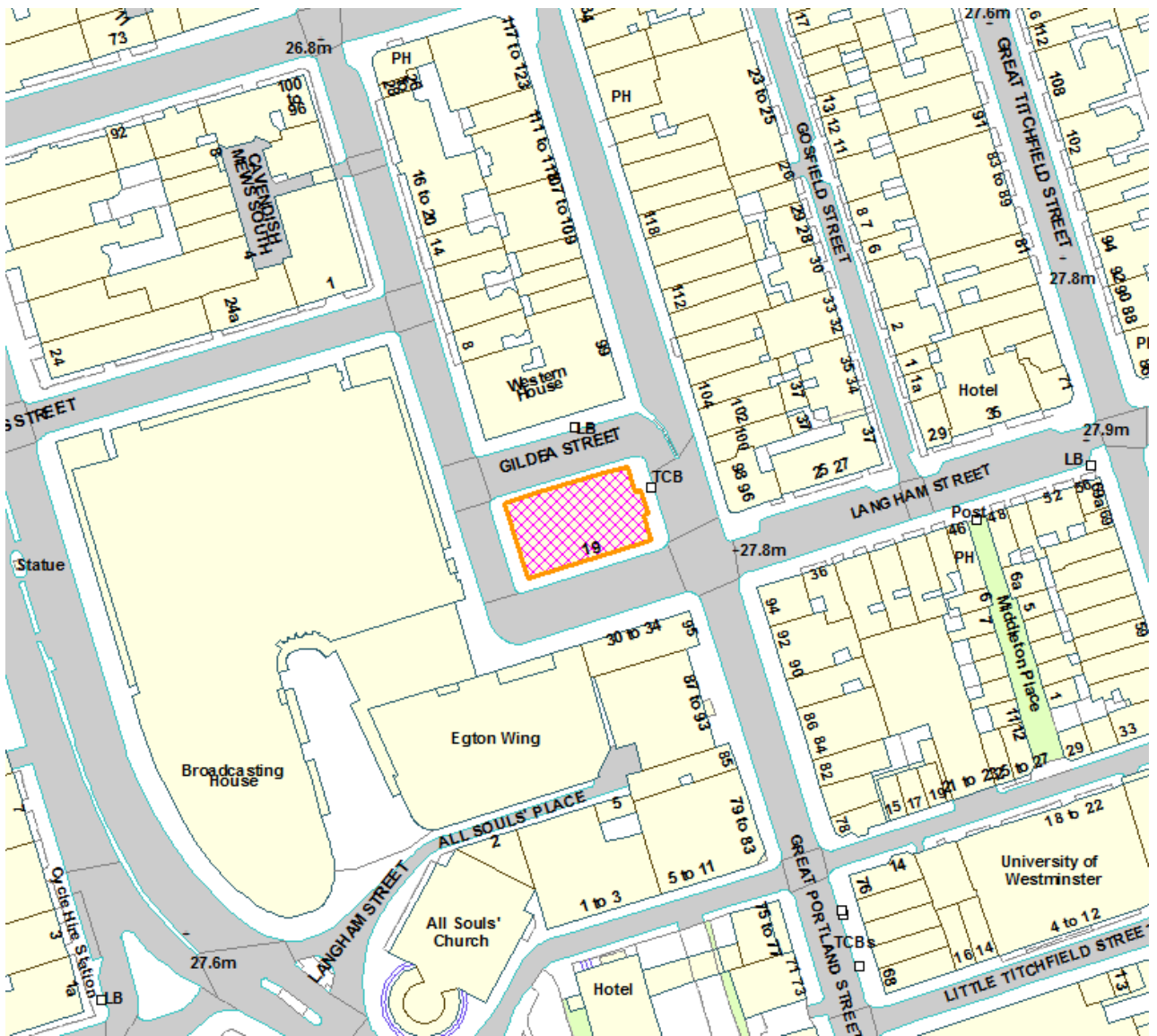
The application relates to an attractive early twentieth century building, the lawful use of which is as Class B1 offices. Permission is sought to build a 2-storey extension at roof level to provide additional office accommodation (640 sqm GIA) and mechanical plant, together with other alterations. The site is located within the Core Central Activities Zone and on a Named Street (as designated in the Westminster City Plan) and so the proposal complies with the Council's land use policies.

The key issues are considered to be:

- The acceptability of the roof extension on the design and appearance of the building and its contribution to the Harley Street Conservation Area;
- The impact of the extension on the amenity of residents living in Great Portland Street and Langham Street, opposite the site.

The design of the roof extension has been the subject of lengthy negotiations between Council officers and the applicant's agents and architects and is now considered to be acceptable. Objections have been received from three local residents on amenity grounds. For the reasons set out in the background report, the proposals are now considered to be acceptable in land use, design and amenity grounds.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

View from the corner of Great Portland Street and Langham Street



5. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

Request imposition of a standard archaeological condition requiring the submission for approval of a written scheme of investigation.

MARYLEBONE ASSOCIATION

Should the Council be minded to approve the application, the Association expects to see an exemplary site environmental management plan (SEMP) that goes above and beyond the basic requirements, to ensure that full consideration has been given to neighbouring residents and their amenity.

ENVIRONMENTAL HEALTH

No objection on environmental or nuisance grounds, subject to the imposition of standard conditions restricting noise levels and vibration from mechanical plant.

HIGHWAYS PLANNING MANAGER

Has raised concerns about inadequate provision for cycle parking, insufficient information about servicing, and the need for clarification about arrangements for waste collection (and to avoid potential conflict with pedestrians on the pavement).

PROJECTS OFFICER (CLEANSING)

No objection subject to a condition securing the storage of waste and recyclable materials.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 120;

Total No. of replies: 3, raising objections on some or all of the following:

- Loss of daylight and sunlight
- Loss of privacy
- Noise and disturbance from the construction works
- Increased business activity will increase noise levels

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is slightly unusual in that it is a free-standing, 'island' site, with frontages on Great Portland Street, Langham Street, Gildea Street and Hallam Street. It comprises basement, ground and four upper floors. Immediately to the west of the site is Broadcasting House. The lawful use of the premises is wholly as Class B1 offices and until recently it was occupied by the BBC.

The building is not listed but it is within the Harley Street Conservation Area and is regarded as an Unlisted Building of Merit. It was built in the early twentieth century, largely in Portland stone and red brick. The site is also located within the London View Management Framework protected vista from Primrose Hill to the Palace of

Westminster. The site is just located within the Core Central Activities Zone (CAZ) and Great Portland Street (which is one of the frontages of the building) is a 'Named Street' within the Marylebone and Fitzrovia area (policy S8 of the City Plan). This is a mixed use area, predominantly commercial but with a number of residential properties in the vicinity.

6.2 Recent Relevant History

May 2012 – permission granted for replacement of existing air handling unit on roof with a new unit; installation of a walkway next to new air handling unit on roof and installation of 1.8m satellite dish on roof.

August 1997 – permission granted for the erection of roof-top plant, modifications to the ground floor windows and installation of a new entrance to the Hallam Street frontage.

7. THE PROPOSAL

The application proposes the removal of the existing roof top plant and replacement with a two storey mansard roof extension (including new plant), the infilling of an existing internal lightwell (between the second and fourth floors) and changes to the external façade creating a building of ground floor plus six storeys (plus existing basement). The site will remain in continued office use (Class B1). The internal refurbishment will allow for better quality employment floorspace than existing. The floorspace changes are as follows:

	Existing GIA (sqm)	Proposed GIA(sqm)	+/- (GIA) (sqm)
Class B1 offices	2,849	3,489	+640 (22.5%)

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is located within the Core Central Activities Zone and under the terms of policy S1 and S20 of the City Plan an increase in office floorspace is acceptable in principle. The applicants advise that the existing accommodation is outdated and the provision of modern floorspace that will help contribute to the area’s economic function is welcomed.

Policy S1 also states

“For development within Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace:

- A) Where the net additional floorspace (of all uses) is
 - i. less than 30% of the existing building floorspace, or
 - ii. less than 400sqm; (whichever is the greater),

or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required.”

In this case the office increase is 22.5% of the total floorspace, and the net additional floorspace of all uses is less than 400sqm; therefore the proposal does not trigger a requirement for residential floorspace. Similarly there is no requirement for the provision of affordable housing.

The Highways Planning Manager has queried whether some of the changes to the facades at ground floor level imply change of use to Class A1 retail (with potential implications for cycle parking, waste storage and servicing): this is not part of the proposal, which is to retail the building in wholly Class B1 office use. Use of part of the property for retail purposes would require separate planning permission and would be considered on its own merits under relevant planning policies.

8.2 Townscape and Design

Brock House, 19 Langham Street, is an unlisted c1907 building located within the Harley Street Conservation Area. Broadcasting House, which is grade II* listed, is located immediately to the west of the site and a grade II listed building is also located opposite the site at 94 Great Portland Street. The existing building consists of a basement, ground floor and four upper storeys with an additional plant enclosure at roof level. The building is located on an island site with frontages on to Great Portland Street to the east, Hallam Street to the west, Langham Street to the south and Gildea Street to the north.

The building is identified in the Harley Street Conservation Area Audit as a site where a roof extension may be acceptable in principle. It is also located within the protected viewing corridor from Primrose Hill to the Palace of Westminster. The proposed development falls below the height of the development plane.

Planning permission is sought for a two storey mansard roof extension. The penultimate storey of the proposed extension is designed as a sunken storey behind the parapet of the principal facades with full width glazing. The uppermost storey has dormers to all sides. A secondary pitch continues upwards from the ridge to obscure a lift overrun and PV panels.

The principle of a roof extension on this building is considered acceptable in design terms. Buildings immediately to the north, south and west of the application site, including the listed building at Broadcasting House, are higher than the application site and an increase in height would not be uncharacteristic of buildings in this part of the conservation area nor out of scale with the composition of these larger buildings. The applicant was originally advised that a single storey roof extension with a plant enclosure above was likely to be considered the most appropriate form up upwards extension. However, the submission proposes the addition of two full storeys with plant incorporated into the uppermost storey. Following extensive negotiations with regards to its design, it is considered that the revised proposal for a two storey roof extension is now acceptable for the reasons set out below.

Design negotiations have sought to minimise the height, bulk and visual impact of the proposed roof extension. Revised drawings have been submitted which show the height of the ridge lowered compared with the original submission which reduces the bulk visible from street level. Original proposals for full height dormers to the uppermost

storey were also resisted and these have also been reduced in size, and now relate more successfully to the hierarchy of the principal facades. Whilst the proposed secondary pitch results in an increase in overall height, this has the design benefit of obscuring the lift overrun and PV panels. 3D visuals demonstrate that this secondary pitch will not be visible from street level. Following these design revisions, it is considered that the proposed roof extension relates more successfully to the composition and scale of the existing building and will appear less top heavy from street level and private high level views. Furthermore, options which showed the uppermost storey as a plant enclosure demonstrated that due to the extent of plant required, the enclosure would have been extremely prominent in views from street level.

On balance therefore, given the design revisions which have been secured, it is considered that the proposal for a two storey roof extension (the uppermost of which incorporates plant) to this building will preserve the character and appearance of this part of the conservation area and is compliant with DES 6 and DES 9 of the UDP.

Alterations are proposed to all facades including the replacement of the existing steel windows. Original proposals to replace the steel windows with bronze coloured aluminium frames were resisted, because this was considered inappropriate for a building of this age and character. The proposals have subsequently been revised to show steel framed replacements coloured white to match the existing originals.

Permission is also sought to infill an existing internal lightwell, which will not be visible from any public or private vantage points and is considered uncontentious in design terms.

Overall, the revised proposals are considered compliant with DES 5, DES 6 and DES 9 of the Council's Unitary Development Plan and will preserve the character and appearance of this part of the conservation area and the setting of nearby listed buildings. The application is therefore recommended for approval in design terms.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of residential amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Sunlight and Daylight

The application is supported by a daylight and sunlight report based on the guidance published by the Building Research Establishment (BRE). Residential properties within the vicinity of the site are located at 30-34 Langham Street/95 Great Portland Street, 94, 98-100, 102, 106 and 108 Great Portland Street. These properties have been consulted about the application and three objections have been received – one from an occupier of a flat in 30 Langham Street (immediately to the south of the application site, on the corner with Great Portland Street) and two from occupiers of flats in 100 Great Portland Street (immediately to the east, on the corner with Langham Street). The objections are on amenity grounds:

- Loss of daylight and sunlight
- Loss of privacy
- Noise and disturbance from the construction works
- Increased business activity will increase noise levels

The case officer has visited all three objectors to assess the impact of the proposals on their flats.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The BRE guidelines do advise that they should be applied sensibly and flexibly.

The application is accompanied by a daylight and sunlight report. This demonstrates that whilst there will be some loss of daylight and sunlight to some flats, all losses are within the BRE guidelines.

At 30 Langham Street, there are five flats on the first to fifth floors, with one flat per floor: the large living-kitchen-dining rooms occupy the corner of Langham Street and Great Portland Street and are thus dual aspect, with bedrooms and bathrooms occupying the rest of the floor facing the application site. The daylight and sunlight study indicates that the maximum loss of daylight to this property is a reduction of VSC of 17.45%, to a bedroom. Apart from a loss of 11.11% VSC to a window serving a kitchen area, there is no loss of VSC more than 10% to any living-kitchen dining rooms in this property, including the objector's flat. As these flats are largely north facing, the proposal would have no impact on the sunlight they receive.

The two objectors in 100 Great Portland Street occupy the two flats on the top (fourth) floor of the property: Flat A's living room faces the application site and Gildea Street and it will lose 5.3% of its VSC; the open plan living-kitchen-dining room of Flat B occupies the corner with Langham Street and has the 'turret' window, and so is dual aspect: its loss of VSC is less than 6%. Losses to other flats on the lower floors are all less than 9%, and there are similar losses to the residential accommodation in adjoining properties on Great Portland Street. The impact of the extension on daylight distribution within the affected flats is also well within the recommended BRE guidelines.

As these buildings are largely west facing, there will be some loss of sunlight, however the losses are relatively small and the affected rooms remain fully compliant with the BRE guidelines. The resident of Flat A, 100 Great Portland Street (fourth floor) has objected on the grounds of loss of sunlight: the living room will lose 8.2% of its annual probable sunlight hours (APSH) and 18.8% of its APSH, but the annual figure remains high at 45% and the winter at 13%. For her bedroom, the annual loss of sunlight is only 4%, and there is no winter loss. The impact on the adjoining Flat B (whose occupier has also objected) is also minimal – a maximum of 11.8% annual sunlight and no loss during winter.

Therefore the impact on the daylight and sunlight to neighbouring residential properties is compliant with the BRE guidelines and the objections on these grounds are not considered to be sustainable.

Sense of enclosure and overlooking

Part (F) of Policy ENV13 states that developments should not result in an increased sense of enclosure, and seeks to resist developments that would result in an unacceptable degree of overlooking.

Although the extension will be clearly visible for the upper floors of residential properties opposite, it is not considered that it will result in any excessive sense of enclosure that would justify a refusal. The flats in 100 Great Portland Street benefit from being partially opposite Gildea Street and Langham Street, thereby maintaining a degree of openness.

As the residential properties are already overlooked from the application site, it is not considered that the objection to overlooking of the fourth floor flat in 100 Great Portland Street can be sustained. There are some sliding windows in the new fifth floor, opposite the flats in 100 Great Portland Street, but there is a metal railing to prevent anyone stepping out onto the very small flat roof and a condition require this handrail to be installed and prevent use of the flat roof areas. The distance between the new windows and the flats in No. 100 is also approximately 20m, and on this basis it is considered that the opportunity for overlooking is minimal.

8.4 Transportation/Parking

The site is in a highly accessible location with excellent access to sustainable modes of transport, with a PTAL score of 6b. The development will be car free (as existing). A transport statement submitted with the application indicates that most trips to the site will be by public transport and on foot.

A total of 14 cycle parking spaces will be provided in the basement and accessed via lift. The Highways Planning Manager has expressed disappointment that more cycling parking is not provided: The London Plan Policy 6.9 requires 1 space per 90m² of B1 office. With a total floorspace of 3,495 sqm, there would be a requirement for 39 cycle parking spaces. The applicant argues that the uplift in B1 floor space (640 sqm) would only generate a requirement for 8 cycle parking spaces and therefore the 14 exceeds the minimum policy requirement.

In this case the amount of cycle parking provision is considered to be adequate and this will be secured by condition.

City Plan policy S42 and TRANS20 of the Unitary Development Plan (UDP) requires off-street servicing. No off-street servicing is provided for the development, but this is the existing situation. The applicant has included overarching servicing information within the submitted Transport Statement, which is considered to contain a number of sound principals on minimising the impact of servicing on the highway, however the detail is considered lacking. An updated, more detailed Servicing Management Plan is secured by condition.

8.5 Economic Considerations

There will be small economic benefits arising from the increase in office accommodation and the refurbishment of the building as a whole, which are welcomed given the location within the Core CAZ.

8.6 Access

The refurbished building provides level access to main entrance, two accessible lifts for staff and disabled refuse points on every floor.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

Noise

There has been an objection that the increased business activity will increase noise levels. This is a commercial location, next to the busy Broadcasting House, and it is considered that the additional accommodation to this existing office building will have a negligible impact on noise levels perceived by residents within their flats.

Plant

Plant is proposed within the basement and at roof level, as part of the new sixth floor. It is located on the Hallam Street side of the site, and therefore located away from the main residential properties on Great Portland Street. Policies ENV6 and ENV7 of the

UDP and S32 of the City Plan seek to protect occupants of adjoining noise sensitive properties from the impacts of noise from new development, including from plant. Environmental Health have assessed the plant and have no objections to it. Conditions will ensure that the plant operates within acceptable limits.

Refuse /Recycling

The proposals include a dedicated bin store for refuse and recyclable materials. The Projects Officer (Waste) has confirmed that this is acceptable. It will be secured by condition.

Biodiversity

Part of the main roof is designated as a green roof. However, it occupies less than half of the area, which includes a lift overrun and solar PV panels. Although welcomed, the contribution to biodiversity is likely to be minimal.

Sustainability

The London Plan requires proposals to contribute to minimising carbon dioxide emissions in accordance with the Be Lean, Be Clean and Be Green hierarchy to be achieved (Policy 5.2). The London Plan also requires the highest standards of sustainable design and construction (Policy 5.3) and increase the proportion of energy generated from renewable resources (Policy 5.7). City Plan Policy S28 requires development to incorporate exemplary standards of sustainable and inclusive design and architecture. Policy S40 states that all major development should maximise on-site renewable energy generation.

An Energy and Sustainability Statement has been submitted with this application. The energy strategy adopts a hierarchical approach using passive and low energy design technologies to reduce baseline energy demand and CO2 emissions followed by the application of low and zero carbon technologies. The focus of this energy strategy is on CO2 reduction by using a highly efficient building envelope where feasible with high efficiency mechanical and electrical services, along with air source heat pumps and the photovoltaic (PV) cell renewable technology. The result is a proposed development with predicted CO2 emissions reduction of 28.02% over the Building Regulations 2013 compliant baseline scheme. The renewable energy technologies of air source heat pumps and solar PV panels are predicted to achieve a 22.36% CO2 reduction of regulated uses.

An Air Quality Assessment has been undertaken and submitted with this planning application. Overall, the building and transport emissions calculated for the proposed develop show that the Development is likely to be 'air quality neutral'.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

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. The estimated Westminster CIL payment is £128,000; the estimated Crossrail payment is £89,600, though this will be partially offset by the Mayoral CIL. The Crossrail payment will be secured by condition.

8.11 Other Issues

Basement Works and Archaeology

The site is located within the Great Estates Archaeological Priority Area (APS). There is an existing basement but the proposal includes a small amount of excavation to create a new lift pit. The application was accompanied by an Archaeological Assessment, which has been reviewed by the Archaeological Advisor at Historic England. She advises that the Assessment indicates modest archaeological potential for Palaeolithic, Roman and post-medieval remains, with the slight possibility of burials associated with an eighteenth century chapel. However, overall there is only likely to be low/localised harm from new groundworks. A condition is therefore attached to the draft planning decision to require further archaeological investigation in the form of a written scheme of investigation.

Construction impact

The Marylebone Association have requested that if approved, there should be an “exemplary” Site Environmental Management Plan to protect the amenity of local residents. One of the residential objectors (who states that he works from home) is also concerned about noise and disruption during building works. This is considered to be a Level 3 development, being a sensitive site, very close to a number of residential properties and having potentially harmful impacts during construction. The applicant has offered to sign up to the Council Code of Construction Practice which would deal with this matter, and this is secured by condition.

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

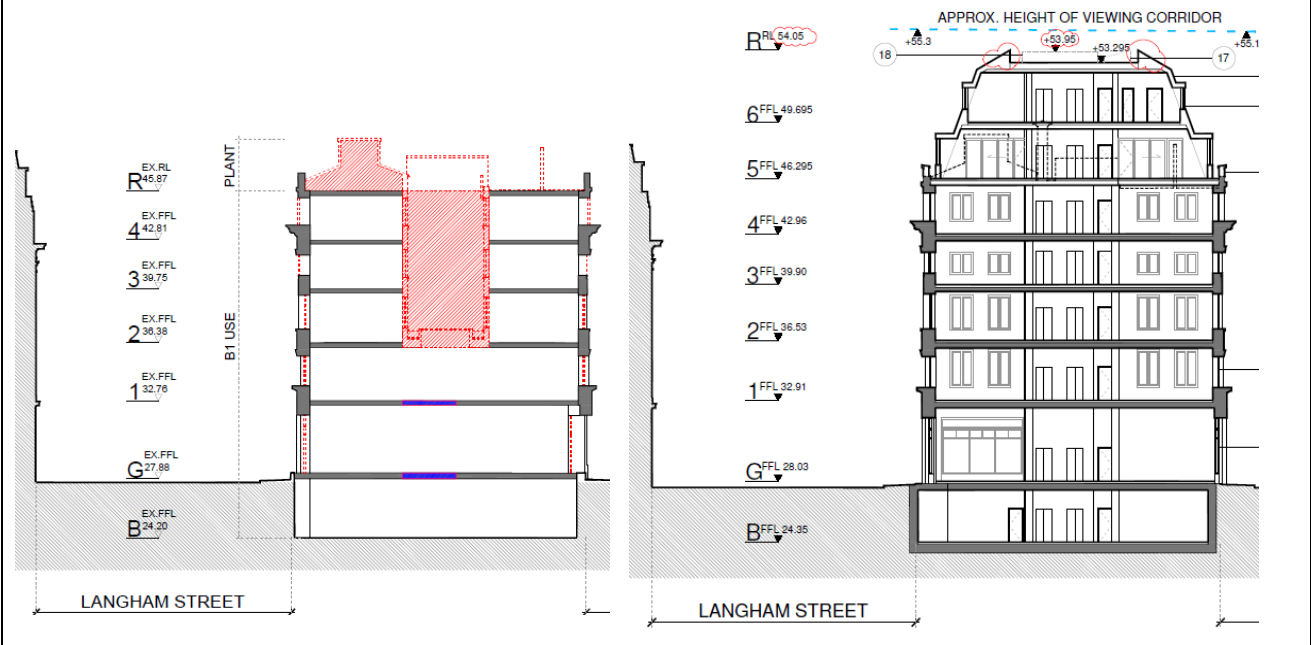
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

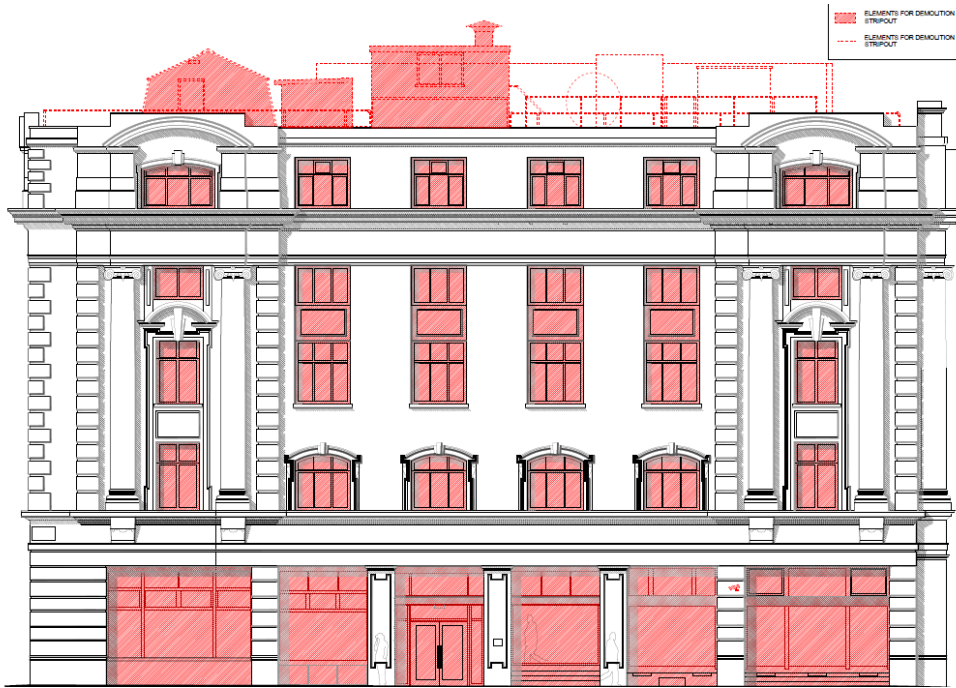
Great Portland Street façade – existing and proposed



Section B-B – existing and proposed



Langham Street façade – existing and removed



DRAFT DECISION LETTER

Address: Brock House , 19 Langham Street, London, W1W 6PA

Proposal: Erection of two storey mansard roof extension to provide additional Class B1 office accommodation and including the installation of plant at roof level, infilling of existing lightwell, alterations to external facades, and other associated works.

Reference: 18/02099/FULL

Plan Nos: A101-REV C, A102-REV C, A104-REV B, A107-REV B, A108-REV E, A109-REV D, A112-REV F, A113-REV D, A115-REV E, A116-REV F, A117-REV E, A118-REV E and A119-REV C; Design and Access Statement dated March 2018; Site Location Plan A010.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

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)

- 4 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 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)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: , , 1. New external windows (1:5 and 1:20), 2. Dormers (1:5 and 1:20), 3. Shopfronts (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 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)

- 6 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 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)

- 7 (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.

- 8 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.

- 9 (1) Noise emitted from any emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., , (2) Any emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., , (3) Testing of any emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 10 You must provide the waste store shown on drawing A102 Rev C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 11 Before the commencement of any excavation works at basement level: , , (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us. , (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST. , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 12 You must not use the roof of the extension, nor any of the areas on the approved plans that are annotated as 'flat roof', for sitting out or for any other purpose. The metal handrail (shown annotated at fifth floor level on the Great Portland Street frontage) must be installed before the office use commences at fifth floor level. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 13 You must provide each of the 14 cycle parking spaces (and the associated shower and change facilities) 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.

- 14 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)

- 15 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)

- 16 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated March 2018 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 17 You must provide an updated Servicing Management Plan (SMP), to clearly identify process, storage locations, scheduling of deliveries (including waste collection) 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. The SMP must be submitted for our approval before commencement of the office use in the extensions hereby approved. The offices must then be occupied in accordance with the approved SMP.

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)

- 18 You must provide the environmental sustainability features (PV panels and air-source heat pumps) as set out in the Watkins Payne Energy Strategy Planning Issue Revision A, before you start to use any part of the development, as set out in your application. 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)

- 19 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following: the Crossrail payment., , In the case of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefit in accordance with the Greater London Authority's Supplementary Planning Guidance Updated March 2016 'Crossrail Funding Use of Planning Obligations and the Mayoral Community Infrastructure Levy'.

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 Under condition 19, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the Crossrail payment. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 4 Conditions 7, 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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.