

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	9-11 Richmond Buildings, London, W1D 3HF,		
Proposal	Demolition of the existing building and redevelopment of the site to provide a six storey replacement building, with lowered basement, comprising offices (Use Class B1) at basement, ground and second to fifth floor levels and residential accommodation (Use Class C3) at first floor level comprising of 2 residential units.		
Agent	Jones Lang LaSalle Ltd		
On behalf of	Firmdale Hotels plc.		
Registered Number	18/03246/FULL	Date amended/ completed	14 August 2018
Date Application Received	20 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission, subject to a legal agreement to secure the following:
- i) a financial contribution of £7,623 (index linked and payable on commencement) towards the City Council's carbon offset fund;
 - ii) car club membership for each of the two residential flats for 25 years;
 - iii) monitoring costs for each of the above clauses.
2. If the S106 legal agreement has not been completed within six weeks from the date of the Sub-Committee's resolution, then:
- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The existing building, dating from the 1960s, is currently vacant but was last used as offices with two flats on the top floor. The flats use the same entrance, staircase and lift as the offices. There is basement car parking accessed from a ramp at the rear of the building, in Richmond Buildings. Part of the building oversails the entrance to Richmond Mews and abuts the Soho Hotel, creating a small lightwell onto which some of the hotel bedrooms look. Permission was first granted in August 2016 for the complete redevelopment of the site to provide a new building, with additional basements, for wholly residential use, comprising 13 flats with eight parking spaces. Permission was subsequently granted in February 2018 for partial demolition of the building and its extension to provide additional office accommodation and two replacement flats.

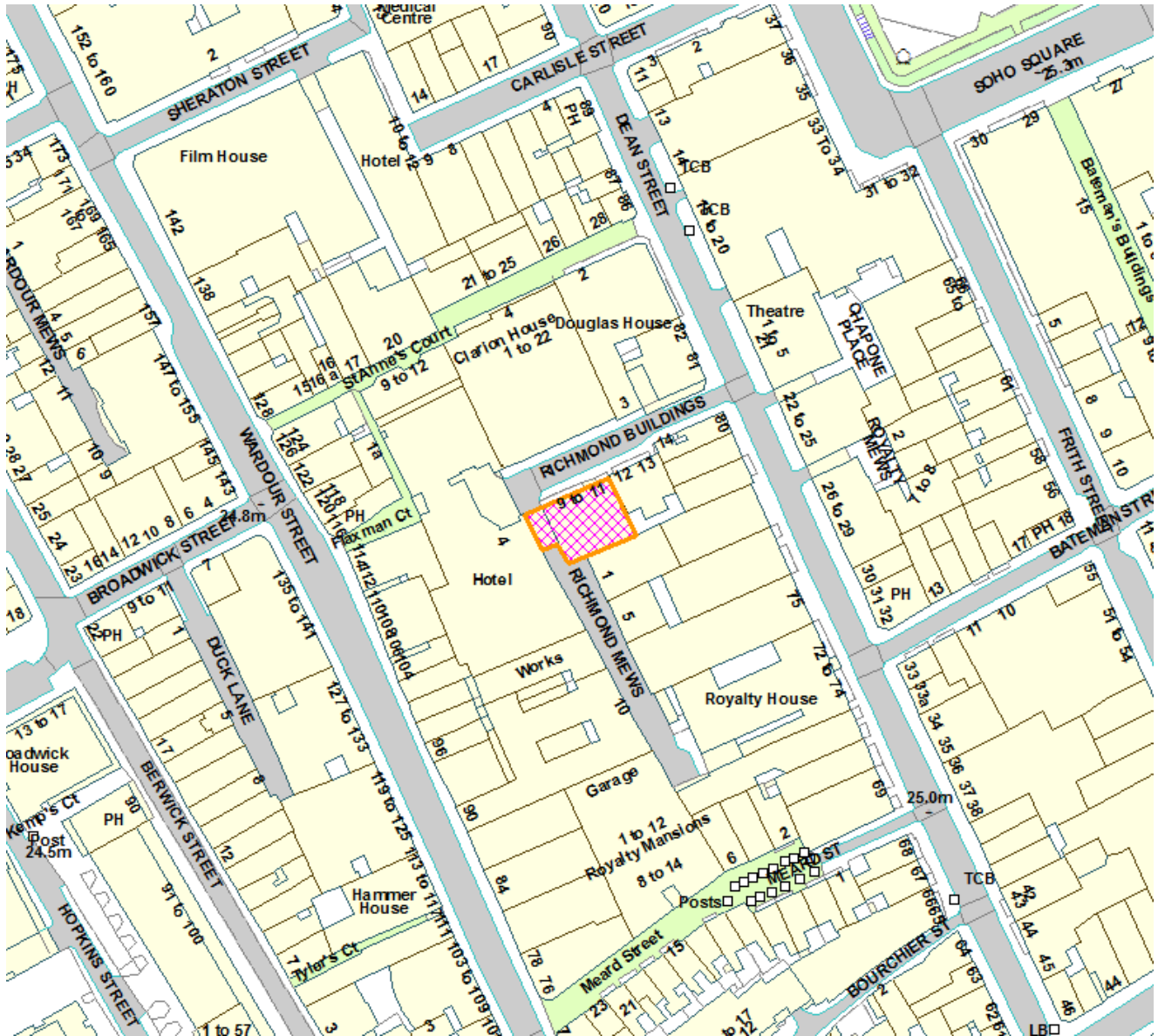
The new owner of the site (who also owns the adjacent hotel) now wishes to completely demolish the building and provide replacement office and residential accommodation. As with the previous schemes, there are extensions to the rear and one additional floor at roof level. The height and bulk of the new building are broadly similar to the previous schemes, though marginally lower in height than the first one and with slightly increased bulk at the rear. The main change is the design, particularly the front façade – previously approved brick and metalwork has been replaced with green glazed terracotta tiles. The building line will be brought forward slightly (600mm), again in accordance with the approved schemes.

There has been one objection on amenity grounds received from a resident living opposite, the proposals are considered to be acceptable as the impact on amenity is no worse than what the Council has previously agreed.

The key issue is considered to be the changes in the design of the new building.

For the reasons set out in detail in the main report, the revised proposal is considered to be acceptable. It is acknowledged that given the constraints of the site, partial demolition and construction of the new building will cause noise and disturbance, including local transport movements, but the proposals would be subject to the Council's Code of Construction Practice and this should help minimise disruption. The disruption will also be less than the first approved scheme, which could still be implemented, which included excavation to create additional basements.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to a condition securing archaeological works.

CROSS LONDON RAIL 2 LINKS LTD

No objection subject to a safeguarding condition.

SOHO SOCIETY

No objection subject to the residential units not being let on short leases but on assured tenancies to long term tenants.

BUILDING CONTROL

No objections

HIGHWAYS PLANNING MANAGER

Objection to:

- the loss of the car parking (on the assumption that this might have been used by the existing residential units and is not being re-provided for the replacement residential units);
- questions about the adequacy of the proposed cycle parking, including no separate cycle parking for the residential flats;
- lack of off-street servicing (though this may be overcome by a robust service management plan);

Confirms that the rebuilt section that oversails the highway is acceptable, as is the bringing forward of the building.

PROJECT OFFICER (WASTE)

Initial objection overcome by revisions/additional information.

ENVIRONMENTAL HEALTH

- Initial objections about the means of escape from the residential accommodation withdrawn following clarification that this is a matter for subsequent determination by Building Control;
- queries about environmental noise issues connected with the proposed plant subsequently overcome by additional information;
- Detailed comments and advice on the need for conditions with regard to the mechanical plant, sound insulation, contaminated land and the Code of Construction Practice.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 139;

Total No. of replies: 2, raising objections on

- noise/disruption/pollution from demolition and rebuilding works
- loss of amenity through obstruction, breach of privacy/overlooking, loss of natural light
- includes comments about an unrelated development for an hotel.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is located on the south side of Richmond Buildings, and partially oversails the entrance to Richmond Mews. Dating from the 1960s, it comprises a lower ground floor largely occupied as parking space (approximately 5-6 vehicles, accessed from a shallow ramp in Richmond Mews), upper ground and four upper floors. Apart from two small flats occupying the fourth floor (123 sqm), the rest of the building was last used as Class B1 offices (1,003 sqm): the whole building is currently vacant. The flats and offices share the same entrance, stairs and a single lift.

The building is not listed but it is within the Soho Conservation Area. It is also within the Core Central Activities Zone and the West End Stress Area. Most of the site, apart from the section which oversails the entrance to Richmond Mews, is within the safeguarding zone for Crossrail 2.

6.2 Recent Relevant History

August 2016 – permission granted for the demolition of the existing building and erection of a replacement building to provide sub-basements for use by a car stacker, and basement, lower ground, ground and first to fifth floor levels for use as residential accommodation comprising 13 residential units (Class C3); creation of terraces at first to fifth floor levels and lightwells to the front and rear of the property; installation of plant and PV cells at main roof level and condenser units within an enclosure at ground floor level within the undercroft.

This was subject to a legal agreement that secured the following:

- i) A financial contribution of £1,015,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) Provision of lifetime car club membership (minimum 25 years) for all 13 flats;
- iii) Provision of Site Environmental Monitoring Plan and £27,000 per annum towards construction monitoring;
- iv) Management and maintenance of the car lift;
- v) Securing unallocated car parking within the development;
- vi) Monitoring costs of £500 for each of the above clauses.

February 2018 – permission granted for demolition of existing front and rear façades and construction of replacement facades in new position incorporating full height front and rear extensions to provide additional office accommodation; extension to the undercroft; rooftop extension and relocation of the two existing residential units at 4th floor to the new 5th floor level, roof terraces at front fifth floor level and on the main roof, refurbishment of offices in remainder of the building and associated works.

This was subject to a legal agreement that secured the following:

- i) A financial contribution of £91,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) a Crossrail payment of £62,397;

- iii) car club membership for each of the two residential flats for 25 years;
- iv) Monitoring costs of £500 for each of the above clauses.

Neither of the above permissions has been implemented.

7. THE PROPOSAL

Since the last permission was issued, the site has been bought by Firmdale Hotels plc, which owns the Soho Hotel adjacent to the site. Their proposal is broadly similar to the last permission, in that it is a redevelopment to provide replacement offices and two replacement flats. Key changes are the design of the new building, with some increase in bulk at the rear and a different design, particularly in the use of the building materials for the front façade (green glazed terracotta tiles rather than brick and metalwork), and relocation of the two flats to first floor level. The proposed offices are to be occupied by the applicant, as Firmdale Hotel's headquarters.

The changes in floorspace are summarised in the table below:

	<i>Feb 2018 Existing GIA sqm</i>	<i>Feb 2018 Approved scheme GIA sqm</i>	<i>Feb 2018 +/-</i>	<i>Oct 2018 Existing GIA sqm - updated</i>	<i>Oct 2018 Proposed GIA (sqm)</i>	<i>Oct 2018 +/-</i>
Office (Class B1)	995	1,441	+446 (+44.82%)	1,003	1,213	+210 (+20.94%)
Residential (Class C3)	114	175	+61 (+53.51%)	123	217	+94 (+76.42)
Total	1,109	1,616	+507 (+45.72%)	1,126	1,430	+304 (+26.99)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office floorspace

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 existing accommodation is outdated and the provision of modern floorspace will help contribute to the area's economic function, which is welcomed. It is noted that the applicant company (which has five hotels within Westminster) intends to occupy the offices as their own headquarters (which are currently split across a couple of sites).

The existing basement is laid out as a car park. The proposed scheme replaces this with office accommodation. There are no planning controls that would prevent the existing parking area in the basement from being used as additional office accommodation, and this was accepted in the last permission.

Policy S1 also states that:

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.

The current proposal is slightly smaller than the previous one. In the current application the net additional floorspace (of all uses) is 304 sqm, an increase of 27% (compared with 507 sqm/45.72% in the last scheme). Accordingly these proposals do not trigger a requirement for additional residential accommodation.

Residential use

The existing two flats on the top floor of the building are both 1-bedroom and share the same access arrangements as the office accommodation. Policy S14 of the City Plan is clear that residential use is the priority across Westminster except where specifically stated. All residential uses, floorspace and land will be protected. The replacement of the two flats is therefore in accordance with this policy and the small increase in floorspace is welcome. There is no policy requirement to provide affordable housing, given the small increases in floorspace.

Policies H5 of the UDP and S15 of the City Plan seek to secure an appropriate mix of units in housing developments. Policy H5 normally requires at least 33% of new units providing three or more bedrooms. The proposed replacement flats would comprise 1 x 1-bedroom and 1 x 2-bedroom units, a slight improvement in the mix, which is welcome and given that there are only two units, there are not considered to be any policy grounds for requiring a 3-bedroom unit. This would not be practical anyway, given the small size of the floor plate.

The replacement flats are larger than the existing flats and would have a good standard of accommodation and amenity. The existing flats are on the top floor and have their own very small balconies: the proposed flats are at first floor level and would arguably have less natural lighting, nor do they have any outdoor amenity space, but they are larger and the design incorporates larger windows to the front. (The original proposal had 'winter gardens' at the front of the flats, but these limited light penetration into the main body of the flat and were subsequently removed.)

There is also a slight improvement to the access arrangements for the flats, which at the moment is shared with the office entrance on the Richmond Buildings frontage. The proposed residential entrance is at the rear of the site, in Richmond Mews (where there is other residential accommodation) and would be solely for the flats (the office entrance would remain on Richmond Buildings). However, they would still share the stairs and lift, along with waste and bike storage. On balance the proposed arrangements for the replacement residential accommodation is considered to be acceptable.

The Soho Society have commented that they have no objections to the proposal subject to the residential units not being let on short leases but on assured tenancies to long term tenants. There are no planning grounds for controlling the tenancies of the flats, so long as they are used for permanent residential accommodation. It is noted however that

legislation allows that the flats could be used for short-term let purposes for up to 90 nights per calendar year.

8.2 Townscape and Design

The existing building is a post war development of little merit. It does not make a positive contribution to the character and appearance of the Soho Conservation Area in which it is located. Planning permission has already been granted for its redevelopment. Richmond Mews is of very mixed architectural character. The street has been comprehensively redeveloped and no buildings of historic interest or architectural merit survive other than at the south-east corner. The western end is dominated by the former Wardour Street Car Park, now the Soho Hotel, which has a warehouse/ light industrial character. On the north side is a modern housing development from the 1980's. Immediately east of the site is another post war building which has recently been refurbished (although some works carried out are not in accordance with the planning permission granted and are under investigation by the Planning Enforcement Team).

The proposed scheme is very different to that which was granted planning permission on 2 February 2018. The height is similar to the approved scheme, but the massing is greater, especially at the rear where the top floor is not recessed from the facade. Officers have sought to negotiate changes to this part, to reduce its bulk. However, because of the location of the core (lift, staircase and plant) of the building, the applicant has not been able to set the top floor back. Given that this part of the building is not visible from street level, except from the southern end of the mews, which is not heavily used by pedestrian, it is considered that the proposed massing is acceptable on balance.

The design of the front facade is extensively glazed with large window openings. The approved scheme was influenced by the proportions and solidity of the Georgian houses which characterise much of Soho. The current proposal makes reference to the larger scale redevelopments of the 19th and 20th centuries. It relates more closely to the former car park, now hotel, immediately to the west. This approach is considered acceptable in principle. The facade is to be clad in glazed ceramic blocks, which also makes reference to 19th century commercial buildings in the conservation area. This is also considered to be acceptable. The rear of the building is clad in metal rainscreen panels. The top floor is clad in perforated panels. These are considered acceptable in this location, subject to approval of samples of the materials.

This is a well-designed modern building which will sit comfortably in the context of the street. The proposals are considered to be acceptable in urban design and conservation terms and compliant with the relevant policies of the City Plan and Unitary Development Plan, including S25, S28, DES 1, DES 4 and DES 9.

The site lies within protected vista 2A.2 – Parliament Hill summit to the Palace of Westminster. In accordance with London Plan Policies 7.11 and 7.12 and WCC Policies S26 of the City Plan and DES15 of the UDP, the proposed development will not rise above the threshold plane.

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 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). 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.

There has been one objection from a resident in Clarion House (a residential building directly opposite the site) raising concerns about the impact of the proposals on the amenity of their property. The current proposal is slightly higher and bulkier than the 2018 consented scheme but marginally lower than the August 2016. An updated daylight and sunlight assessment shows that whilst there will still be some losses of daylight to the flats in Clarion House, only three bedroom windows will have losses exceeding 20% (the worst being 24.28%).

Similarly, with regard to sunlight, the current proposals will have a similar impact on the flats in Clarion House to what has already been approved in the 2016 development, namely, three windows will lose more than 20% of their annual probable sunlight hours (APSH) and 14 will lose more than 20% of their winter sunlight (of which four will lose all of their winter sunlight). However, for the winter sunlight, most of the affected windows currently enjoy very limited amounts of winter sun and therefore any reduction expressed as a percentage is disproportionate. This is the same as the 2016 permission.

Whilst sympathetic to the resident's concerns, although the loss of daylight and sunlight to this property is regrettable, it is not considered to justify a refusal, as these losses are small and have previously been agreed by the Council. The existing application building is barely visible from the communal courtyard at the centre of the Clarion House and it is not considered that the additional floor that is proposed will have any material impact on the daylight or sunlight to this space.

Immediately adjoining the site to the east is 12-13 Richmond Buildings, which has recently been converted to residential accommodation. The approved plans show a mix of bedrooms and living accommodation at the rear of the building. To address concerns about the potential impact of the proposals on the new flats, a condition to ensure that the office windows very close to the new flats are kept closed (to minimise outbreak of noise). Whilst this scheme, like the previous ones, largely infills the rear of the site, the amenity at the rear is already largely determined by the flank wall of 1 Richmond Mews. This aspect of the latest proposals are virtually identical to the approved scheme, though it is a little bulkier on the top floor, to accommodate the main staircase. Three of the windows in the rear of these flats will experience losses of daylight in excess of 20% (up to 24.46% to an open plan living-kitchen-diner) but again, this is comparable to the approved schemes.

The proposal will have an impact on the windows to rooms of the adjacent hotel. However, Council policy does not seek to protect such accommodation. Furthermore, the hotel is in the ownership of the applicant. The hotel's lightwell created where the application site over sails the entrance to Richmond Mews will be the same as existing.

Sense of Enclosure and Privacy

Part (F) of Policy ENV13 seeks to resist developments that would result in an unacceptable degree of overlooking or increased sense of enclosure. There has been an objection from a resident in Clarion House about increased overlooking. Whilst the objection appears to refer to the increased height of the building, this is no worse than the previous proposals. The new scheme does have slightly larger windows than the previous designs but there is already a degree of overlooking from the existing offices and flats, and there is not considered to be any material worsening of this aspect.

The latest proposal does differ from the approved scheme in how the proposed roof terrace is designed. The last office/residential scheme had a terrace on the main roof, for use by the staff in the office accommodation. It had a screen around it which minimised the possibility of overlooking the flats opposite or the hotel bedrooms. It was also conditioned for use between 08.00 – 21.00 hours, Monday to Friday only, to protect residents' amenity from potential noise nuisance. There are a number of roof terraces in the vicinity, though these largely seem to be for residential use.

The proposed terrace in the latest scheme is at fifth floor level, between the fifth floor office accommodation and the hotel (with a planted area separating the two uses). The Environmental Health officer initially raised concerns about potential noise nuisance from use of the roof by the office occupiers: although the applicant intends to occupy the offices as the headquarters of the hotel company, there is no intention for the terrace to be used in any way as part of the adjacent hotel. The hours that the terrace can be used will also be conditioned as before. The terrace is set back from the building frontage but a condition requires the submission of details of a screen, to ensure there is no overlooking of Clarion House.

8.4 Parking, Servicing and Waste Storage

The Highways Planning Manager has raised some concerns about the current proposal:

Loss of Existing Car Parking and Car Parking for Residential Units

The existing site has some off-street car parking, accessed from a ramp in Richmond Mews, for approximately 5-6 car parking spaces. UDP policy TRANS23 states “The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.” The Highways Planning Manager is concerned that the loss of the car parking will add to existing on-street parking pressures and be contrary to TRANS23 and therefore objects to the proposals. However, there is no restriction on how this parking might have been used, i.e. it may have been used just by the offices and would not have been protected for use by the flats. Furthermore, the basement could have been used for other purposes ancillary to the office use on the upper floors of the building without the need for planning permission.

Notwithstanding the objection to lack of parking for the residential accommodation, the replacement of the existing flats is considered to take priority over the objection raised. The applicant has agreed to offer life time (25 years) car club membership for each of the flats and given the circumstances of the case, this is considered to be an acceptable compromise.

Cycle Parking

The London Plan Policy 6.9 requires 1 space per 90m² of B1 office and 1 space per 1 bedroom residential unit or 2 spaces for 2 plus bedroom units. Long term off-street cycle parking promotes this sustainable transport to staff. The proposed additional residential units would require 3 cycle parking spaces (1 x 1-bed unit and 1 x 2-bed unit). For the B1 office floor space, 14 cycle parking spaces are required.

The total required for the site is 17 long stay cycle parking spaces and storage for this number is provided at basement level. However, the cycle storage for the office and residential accommodation is provided together. Although the Highways Planning Manager has queried this, these arrangements are considered to be acceptable given the relatively small size of the building. Cycle parking access for both the residential and office spaces will be facilitated via a separate access on Richmond Buildings, which will provide access to the platform lift leading to the cycle spaces at basement floor. Access will be managed and controlled by an electronic system.

Servicing

Policies S42 and TRANS20 seek off-street servicing. The Highways Planning Manager has commented that even though servicing currently occurs on-street, given the substantial intervention within the site, there appear to be no valid reasons not to provide off-street servicing. However, the site is relatively small, and whilst a service bay could potentially be provided at the rear of the site, this would create its own problems, including increased traffic congestion with Richmond Mews.

Servicing for the site will be undertaken via Richmond Buildings. Given the proposed uses and the small scale of the development, it is not expected that there will be any regular daily deliveries to the site, except for post deliveries. It is likely that the majority of vehicles associated with servicing and deliveries to the site will be of the transit van

type, if not smaller. Such vehicles can utilise the natural turning head available at the junction of Richmond Buildings/Richmond Mews to ensure that vehicles enter and exit Richmond Buildings in a forward gear. For larger vehicles, such as refuse collection, the servicing strategy will be consistent with the existing strategy for units on Richmond Buildings/Richmond Mews, with vehicles reversing onto Richmond Buildings via Dean Street. In addition, the western side of Dean Street has unrestricted double yellow lines which permit loading at any time, providing alternative arrangements for vehicles to undertake deliveries to the site from this point.

It is considered that servicing can be adequately dealt with by requiring a servicing management plan, which will be secured by condition.

Supported transportation issues

There is no objection to the lack of car parking for the replacement offices. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal and consistent with TRANS21 and TRANS22.

The existing building over sails the highway, across Richmond Mews. The proposal is for the over-sail to be demolished and rebuilt. The drawings submitted by the applicant indicate a minimum clearance of 5.3 metres. This is consistent with the minimum requirements of the Westminster Highways Planning Guide. Therefore, the over sailing section of the proposal is considered acceptable.

Highway Boundary/Building Line

The proposal alters the building line in Richmond Buildings by bringing it forward (towards Richmond Buildings) by approximately 600mm. This space isn't highway, but within the site boundary. Given the existing highway layout and existing structures, namely the stairs that lead up the entrance of the existing building, it is not considered that the proposed change to the building line will have an adverse impact on the visibility splays. This aspect of the proposals has been approved in the two previous permissions.

Waste storage

The proposed refuse store is at basement level, with separate but adjacent storage areas for the offices and the flats. On collection days, the management team will transfer the waste to a collection point on Richmond Buildings, via the platform lift. The collection point is within the site boundary; therefore, no refuse will be stored on the carriageway. The applicant has provided additional information about the capacities of the waste storage bins and clarified that there will also be provision for recyclable material storage. This will be secured by condition.

8.5 Economic Considerations

The updated office accommodation is likely to contribute positively to the economic vibrancy of this part of the Core CAZ and as such is welcomed in principle.

The applicant has been asked if they would consider signing up to an Employment and Training Strategy, but they have declined, advising that as a company Firmdale already employ personnel from the local borough and have a number of their own apprenticeship schemes.

8.6 Access

The development is designed to provide step-free access throughout the entire building. Access to the site will be via Richmond Buildings and Richmond Mews. The office access will be taken from Richmond Buildings, the key frontage of the site. The office entrance will lead into a main area and through to a lift, which provides access to all the upper floors. Residential access will be at the south western corner of the site, via Richmond Mews. The level entrance leads to the lift, which is also accessible at this level. This is an improvement on the existing situation, where there is a flight of stairs up to the main entrance (for both the offices and the flats).

8.7 Other UDP/Westminster Policy Considerations

Plant

The NPPF contains guidance on noise management in planning decisions: it advises that decisions should aim to avoid noise giving rise to significant impacts on quality of life as a result of development, and mitigate noise impacts, but recognises that development will 'often create some noise'. Policy 7.15 of the London Plan, 'Reducing Noise and Enhancing Soundscapes' aims to support the Mayor's Ambient Noise Strategy. The reduction of noise resulting from developments, and screening of them from major noise sources, is sought under this policy. The reduction of noise pollution is covered in Westminster's City Plan Policy S 32. Improvements to the borough's sound environment will be secured, as will the minimisation and containment of noise and vibration in new developments. Developments should provide an acceptable noise and vibration climate for occupants. UDP Policy ENV 6 describes policy to address noise pollution issues. Design features and operational measures which minimise and contain noise from developments are required. Residential developments should be appropriately protected from background noise.

Plant is proposed within the basement but also at roof level. A noise survey report is provided as part of the application package, which identifies surveyed background noise levels and identifies the maximum plant noise emission limits for the proposed rooftop plant, in accordance with Westminster City Council's standards, so as to prevent any adverse noise from the plant adversely affecting the amenity of residents in the vicinity of the site. The proposals have been assessed by the Council's Environmental Health officer who has no objections in principle to the proposals, subject to standard conditions. This includes the need for a supplementary acoustic report to ensure that the installed plant will comply with the relevant noise conditions. On this basis this aspect of the proposal is considered to be acceptable.

Basement excavation and Flood Risk

The proposed scheme includes the excavation of the basement below the existing half basement. The proposed basement would occupy the footprint of the existing half basement and would be approximately 1.9m deeper than the finished floor level of the existing basement.

A Basement Impact Assessment has been submitted to support the planning application submission which indicates that the proposed works are not likely to adversely impact on the surrounding environment. In relation to adjacent structures, any potential risks will need to be managed by experienced temporary works design and execution. Several

mitigation measures are set out within the report to reduce the risk of movement and subsequent cracking to neighbouring properties.

A review of the Environment Agency's ('EA') flood map has shown that the proposed development site is in Flood Zone 1 – landed assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

The proposals have been assessed by the Council's Building Control officers, who advise that the structural method statement is considered to be acceptable and the investigation of existing structures and geology is of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been considered in the design. The basement is to be constructed using secant piles and mass concrete underpins, which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable. Therefore, the proposal is in accordance with WCC Policy CM28.1.

Archaeology

NPPF section 16 and the London Plan (2011 Policy 7.8) make the conservation of archaeological interest a material planning consideration. NPPF paragraph 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. If you grant planning consent, paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public. UDP policy DES 11 seeks to ensure that archaeological remains are properly evaluated and protect and preserve where appropriate

The site is situated within the Great Estates Tier 2 Archaeological Priority Area (APA) covering Soho and Mayfair. A Historic Environment Assessment (Archaeology) has been prepared by MOLA (Museum of London Archaeology) in support of the planning application. The desk-based study assesses the impact of the scheme on buried heritage assets (archaeological remains). It is considered that archaeological survival potential on the site is likely to be low to moderate, rising to moderate on the western side of site where there is no basement. As requested by Historic England (Archaeology), a pre-commencement safeguarding condition is attached to the draft permission, requiring that a written scheme of investigation is submitted to and approved by the Council before any demolition or development works commence.

Energy, Sustainability and Biodiversity

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO2 emissions over the baseline emissions to be achieved by the development.

An Energy Strategy has been submitted in support of the planning application. The proposed development demonstrates an estimated reduction of 25.94% in on-site

regulated emissions. This is against a target emission reduction of 35% over Building Regulations Part L for new non-domestic buildings and Zero Carbon for the residential element (introduced as part of the Zero Carbon Homes criteria by the GLA in October 2016). The Energy Strategy sets out several energy efficiency measures that have been incorporated to achieve the 25.94% carbon dioxide saving.

- Be Lean – The heating specification for the domestic element is gas system boilers. For the non-domestic element, space heating will mainly be provided by an air source heat pump, with other areas being heated by electric heating. Water heating will be provided by a gas-fired water heater. Other factors include optimising orientation and site layout, natural ventilation and lighting, thermal mass and solar shading.
- Be Clean – The potential for connecting the development to an existing or planned heat network has been investigated. Due to the absence of a heat network close to the development site and the limited heat demand, the connection to a network is not considered viable.
- Be Green – A detailed assessment of renewable energy opportunities has been undertaken and has determined that renewable energy will be provided in the form of photovoltaic (PV) solar panels on the roof: a system of 3.92 kWp is proposed.

The applicant has been demonstrated that the minimum improvement over the target emission reduction cannot be achieved on-site. This is mainly due to the limited roof space available which restricts the amount of PV that can be placed on-site. On-site emissions have been reduced as far as reasonably possible with a high performance fabric, efficient services and renewable energy (both solar PV and heat pumps). As such, the shortfall will be provided through a payment in lieu contribution (of £7,623) to the Council's carbon-offset fund to secure delivery of carbon dioxide savings elsewhere. Subject to entering a legal agreement to provide a carbon offset contribution, the development proposal is in accordance policy.

A Thermal Comfort Study has been undertaken by Build Energy Limited in support of the planning application. The study assesses the overheating risk in the proposed office floorspace and investigates the efficacy of the proposed passive design strategies. The scheme seeks to reduce the requirement for cooling through the implementation of passive design solutions, including minimising internal heat gains and the application of solar control glazing. It is also proposed that the heavyweight construction of the building is exploited through the implementation of a night cooling strategy whereby outside air is passed through the office floorspace during non-occupied hours to provide free cooling. The reliance on active cooling is mitigated as far as possible through passive design measures, however some active (mechanical) cooling is also required.

At fifth floor level a 30 sqm green roof is proposed, with a range of plants, on top of the rebuilt portion that over sails the entrance to Richmond Mews. Rainwater will be retained on top of the raised planter to provide sustainable urban drainage/attenuation. Although the main benefit of the green roof is likely to be visual (given that it is immediately next to the proposed roof terrace), it may help promote biodiversity, in accordance with Policy 7.19 of the London Plan, Policy S38 of the City Plan: Strategic Policies and policies ENV4 and ENV17 of the UDP.

A proposed blue roof over the stairwell consists of a void former set between the building envelope and the roof pavers. A blue roof is a roof design that is intended to store water, typically during rainfall and helps with water attenuation and management to regulate drainage of water from the roof.

Crossrail

The application site is within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction. Transport for London have been consulted and have confirmed that they have no objection, subject to a pre-commencement condition requiring the submission of a detailed design and construction method statement for their approval. This condition is on the draft decision letter.

Construction works

There have been two objections from residents in the block of flats opposite the site about the noise and disruption caused by the building works, as well as increased traffic congestion. The current proposal will be less disruptive than the 2016 residential development, as it does not involve significant excavation works to create additional basement levels. However, it is considered appropriate that the scheme is subject to the Council's Code of Construction Practice (as with the previous approvals) and this will be secured by pre-commencement condition.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London. Because the office increase is less than the February 2018 approval, and under 500 sqm, this scheme does not generate a Crossrail contribution.

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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, to submit and comply with an archaeological written scheme of investigation, submission of a remediation strategy to deal with any potential land or building contamination, and detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, to comply with the Crossrail 2 Safeguarding Direction. The applicant's formal response is awaited.

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) a financial contribution of £7,623 (index linked and payable on commencement) towards the City Council's carbon offset fund;
- ii) car club membership for each of the two residential flats for 25 years;
- iii) monitoring costs for each of the above clauses.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

The applicant estimates that the Mayoral CIL will be £21,607 (subject to indexation) and the Westminster CIL to be £81,913 (subject to indexation).

8.11 Conclusion

The current proposal is considered to comply with relevant policies and its impact on the amenity of neighbouring properties is no worse than the two previously approved schemes. The main change is to the design, particularly to the front façade. Given the context of the site, the proposed design is considered to be acceptable.

(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: HELEN MACKENZIE BY EMAIL AT HMACKENZIE@WESTMINSTER.GOV.UK

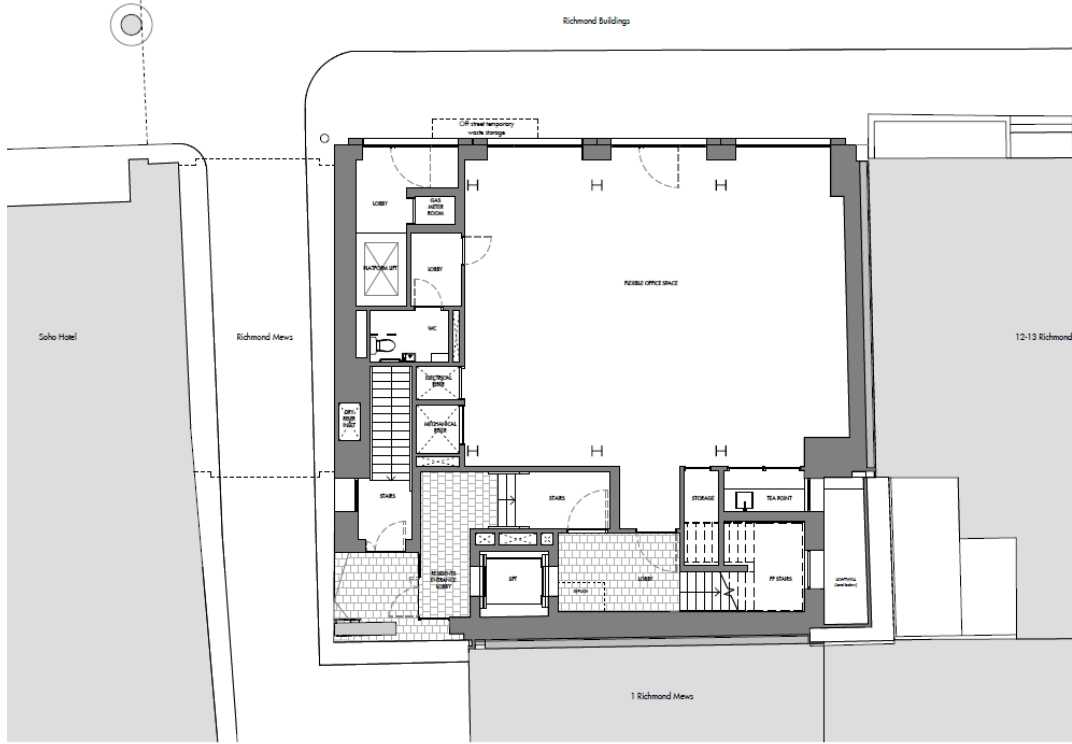
9. KEY DRAWINGS



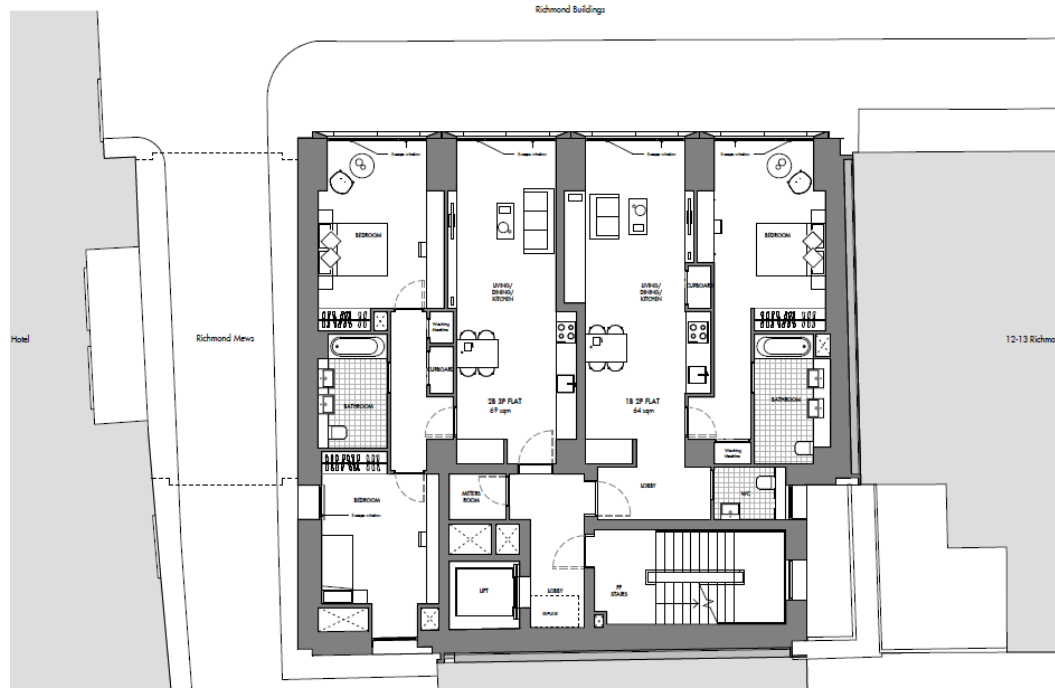
Proposed section B-B



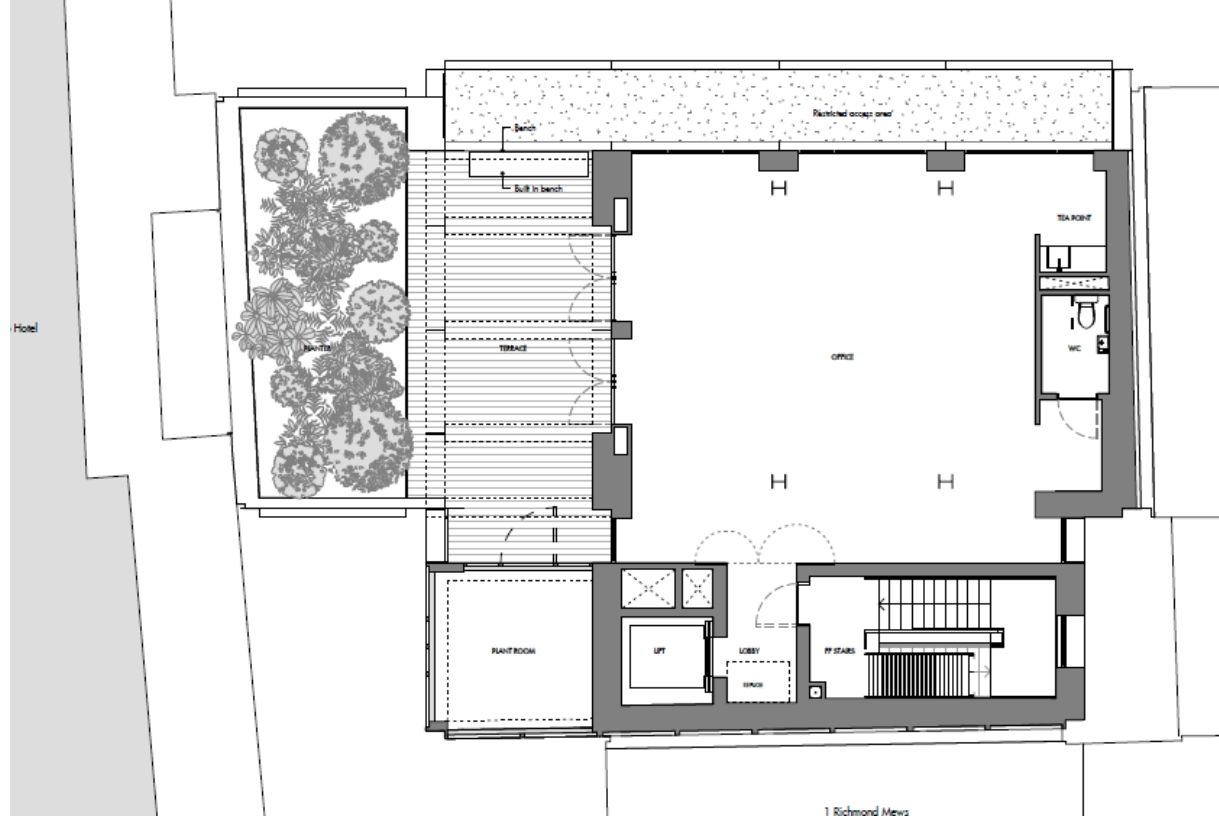
Proposed ground floor



Proposed first floor



Proposed fifth floor plan



DRAFT DECISION LETTER

Address: 9-11 Richmond Buildings, London, W1D 3HF,

Proposal: Demolition of the existing building and redevelopment of the site to provide a six storey with basement replacement building comprising offices (Use Class B1) at basement, ground and second to fifth floor and residential accommodation (Use Class C3) at first floor comprising of 2 residential units.

Reference: 18/03246/FULL

Plan Nos: 17176_07_001; 17176_07_099 P2, 17176_07_100 P3, 17176_07_101 P2, 17176_07_102 P1, 17176_07_105 P2, 17176_07_106 P2, 17176_07_120 P2, 17176_07_200 P2, 17176_07_201 P2, 17176_07_202 P2, 17176_07_300 P2, 17176_07_301 P2, 17176_07_302 P2, 17176_07_400 P1, 17176_07_401 P1, 17176_07_402 P1.

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 **Pre Commencement Condition.** 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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 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 Soho 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 at scale 1:20 and 1:5 of the following parts of the development: typical facade details at all levels (front and rear). 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 details. (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 Soho 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Soho 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 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 8 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 Soho 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)

- 9 (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. (R46AB)

- 10 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. (R48AA)

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that all plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must submit this report before occupation of any part of the building. Any remedial measures identified by the report or required by the Council must then be installed within three months of the Council's approval of the supplementary acoustic report., The supplementary acoustic report must include:
- (a) A schedule of all plant and equipment installed;
 - (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 all most affected noise sensitive receptor locations and the most affected windows;
 - (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) The lowest existing L A90 (15 minutes) measurement as already established.;
 - (g) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

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. (R51AB)

- 12 **Pre Commencement Condition.** You must complete a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. It is noted that the reports for Phases 1 and 2 have already been submitted. You must apply to us and receive our written approval for phase 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., , With regard to the Phase 2 report already submitted (Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property), you should adhere to its recommendations where appropriate.

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18BA)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 14 The design and structure of the development shall be of such a standard that it will protect residents within it from structural borne noise from London Underground tube lines so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day or night.

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. (R48AA)

- 15 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development (in particular the lift), so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 16 You must provide each cycle parking space shown on the approved drawings prior to occupation - with a minimum of 14 spaces for the office accommodation and clearly designated spaces for a minimum of 3 cycles for the residential accommodation. Thereafter the cycle spaces and changing facilities 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 2016 (R22FA)

- 17 You must provide the separate residential and office waste stores shown on the approved basement plan before anyone moves into the property, distinguishing for normal waste and recyclable waste. You must also clearly mark them for the separate office and residential uses and make them 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. No waste is to be left on the highway. You must not use the waste stores 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)

- 18 Any structure over the highway must maintain a minimum of 5.3m vertical clearance from the highway surface at all times.

Reason:

To make sure that the entrance to Richmond Mews will be available for all types of vehicles, 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. (R23BB)

- 19 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)

- 20 Any development beneath the footway must maintain a minimum depth between the surface of the footway and the development of 900mm.

Reason:

To ensure sufficient space remains for utilities, in accordance with TRANS 19 of our Unitary Development Plan that we adopted in January 2007.

- 21 **Pre Commencement Condition.** None of the development hereby permitted shall be commenced until detailed design and Construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations have been submitted to and approved in writing by the Local Planning Authority which:-, (i) Accommodate the proposed location of the Crossrail 2 structures including temporary works;; (ii) Accommodate ground movement arising from the construction thereof; , (iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures., , The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (ii) and 1 (iii) of this condition on shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Crossrail 2.

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

- 22 The windows in the rear elevation immediately adjacent to 12-13 Richmond Buildings must be fixed permanently shut.

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)

- 23 **Pre Commencement Condition.**, (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 in writing 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, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.
(c) You must not use any part of the new building until we have confirmed in writing 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)

- 24 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 before you use any part of 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)

- 25 The entrance to the building in Richmond Mews shall only be used by the residents of the two flats and shall not be used by the occupiers of the office accommodation except for maintenance purposes or in the case of an emergency.

Reason:

To protect the environment of the people in the residential part of the development. This is 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. (R21CC)

- 26 The roof terrace at fifth floor level may be used by occupiers of the office accommodation only between 08.00 and 21.00 hours Mondays to Fridays and not at all at any other time. The area shown annotated as 'Planter' on the fifth floor plan (on top of the part of the building that oversails the entrance to Richmond Mews) may not be used at any time (apart from maintenance of the plants). However, these areas may be used at any time to escape in an emergency.

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 27 You must apply to us for approval of detailed drawings (part plan, elevation and section) showing the following alteration to the scheme: screening that is 1.8m high along the perimeter (behind the built in bench shown on the floor plan) of the roof terrace at fifth floor level that faces Clarion House. You must not start any work on this part of the development nor use these terraces until we have approved what you have sent us. You must then carry out the work according to these approved details and install the screen before occupation of any part of the building hereby approved and permanently maintain the screen thereafter. The flat roof on the northern edge of the fifth floor (annotated as 'Restricted access area' on the fifth floor plan) shall not be used for any purpose, except for escape in an emergency.

Reason:

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

- 28 You must apply to us for approval of a servicing management plan. You must not commence any of the uses until we have approved what you have sent us. The servicing of the building must then be carried out in accordance with the approved servicing management plan.

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)

- 29 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 30 You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans. (C34AA)

Reason:

This is as set out in 7.11 and 7.12 of the London Plan 2016, S26 of Westminster's City Plan (November 2016) and DES 14 of our Unitary Development Plan that we adopted in January 2007. (R34AC)

- 31 You must apply to us for approval of a detailed drawing (with accompanying details of species to be used) showing the provision of a green roof/planter on the flat roof of the building that oversails the entrance to Richmond Mews (ie the roof adjacent to Soho Hotel) at fifth floor level. You must not commence work on this part of the development until we have approved what you have sent us. The development must then be carried out in accordance with these approved details prior to occupation of any part of the development, and thereafter permanently retained.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 32 You must provide the environmental sustainability features (environmentally friendly features) set out in the Energy and Sustainability Statement prepared by Building Energy Ltd issued on 20.04.2018 before you start to use any part of the development. You must not remove any of these features without the written approval of the City Council as local planning authority. (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)

- 33 You must apply to us for approval of details/detailed drawings showing the proposed treatment of the lightwell shared with the Soho Hotel. You must not commence work on this part of the development until we have approved what you have sent us. The development must then be carried out in accordance with these approved details, prior to occupation of any part of the development.

Reason:

To minimise the impact of the development on the adjoining hotel, in accordance with policy ENV 13 of our Unitary Development Plan that we adopted in January 2007.

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 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.**
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:, i) A financial contribution of £7,623 (index linked) towards the City Council's carbon offset fund;, ii) car club membership for each of the two residential flats for 25 years;, iii) monitoring costs for each of the above clauses.
- 4 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)

- 5 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 6 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 7 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)
- 8 With regard to condition 21, you should refer to the Crossrail 2 Information for Developers available at crossrail2.co.uk. Crossrail 2 will provide guidance in relation to the proposed location of the Crossrail 2 structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to contact the Crossrail2 Safeguarding Engineer in the course of preparing detailed design and method statements. If you require any further information or assistance then please contact a member of the Safeguarding Team on 0343 222 1155, or by email to crossrail2@tfl.gov.uk.
- 9 Condition 9 controls 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)
- 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.

- 11 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]. 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises). This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

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.