

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 30 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	The Wellington Building, 28-32 Wellington Road, London, NW8 9SP		
Proposal	Variation of Condition 1 of planning permission dated 8 February 2017 (RN: 15/08352/FULL) for the 'Demolition of existing building and erection of a new six storey, plus basement building with frontages to Wellington Road and Cochrane Street to provide 36 units for a dual/ alternative use as residential flats (Class C3) or serviced apartments (Sui Generis), with car and cycle parking at basement level and new landscaping'; NAMELY, to the increase the height of the building by 0.93m to the Wellington Street frontage of the site, by 0.89m to the Cochrane Street frontage of the site and introduce a lift overrun to the central link block.		
Agent	DP9		
On behalf of	Roxburg Overseas Ltd		
Registered Number	18/01721/FULL	Date amended/ completed	4 October 2018
Date Application Received	28 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	No (but adjacent to the St. John's Wood Conservation Area)		

1. RECOMMENDATION

1. Grant conditional permission, subject to completion of a deed of variation to the legal agreement dated 8 February 2017 to ensure the continued provision of the following previously secured planning obligations:
 - i. (i) The provision of a financial contribution of £5.5m (index linked) in lieu of on-site affordable housing;
 - ii. (ii) Provision of a management plan to demonstrate that those units within the development used as serviced apartments providing short term visitor accommodation will only be used by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment;
 - iii. (iii) Highway works in Wellington Road and Cochrane Street to form vehicular access to the site and amend the layout of the public highway to reflect the proposed development.

- iv. (iv) Submission of a Site Environmental Management Plan (SEMP) and provision of a financial contribution of £28,000pa during the construction period to the Environmental Inspectorate to ensure compliance with the Code of Construction Practice.
- v. (v) Provision and management of on-site residents' car parking, including the making available of parking spaces to all occupiers of the building on an 'un-allocated' basis without restriction.
- vi. (vi) Restriction to prevent mixed use of the building as serviced apartments use and Class C3 residential use and to require the occupation of the whole building to be as one of these use at any one time.
- vii. (vii) Provision of costs for monitoring of agreement (£500 per Head of Term).

2. If the deed of variation has not been completed by 18 December 2018 then:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue 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 the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application seeks permission to vary Condition 1 of the planning permission dated 8 February 2017 (RN: 15/08352/FULL), which permitted the demolition of the existing building and redevelopment of the site to provide a six storey, plus basement, building to provide 36 units for a dual/ alternative use as residential flats (Class C3) or serviced apartments for use by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment (Sui Generis). It is proposed to vary Condition 1 to allow amendment of the approved drawings so that the height of the building can be increased by 0.93m to the Wellington Road frontage of the site, by 0.89m to the Cochrane Street frontage of the site and to introduce a lift overrun to the roof of the central link block.

The increases in height are proposed to enable the scheme to be amended to increase its weight (through use of thicker floor slabs etc.) to offset ground movement so that possible future ground heave does not adversely impact the structure of the adjacent Metropolitan and Jubilee Line London Underground tunnels.

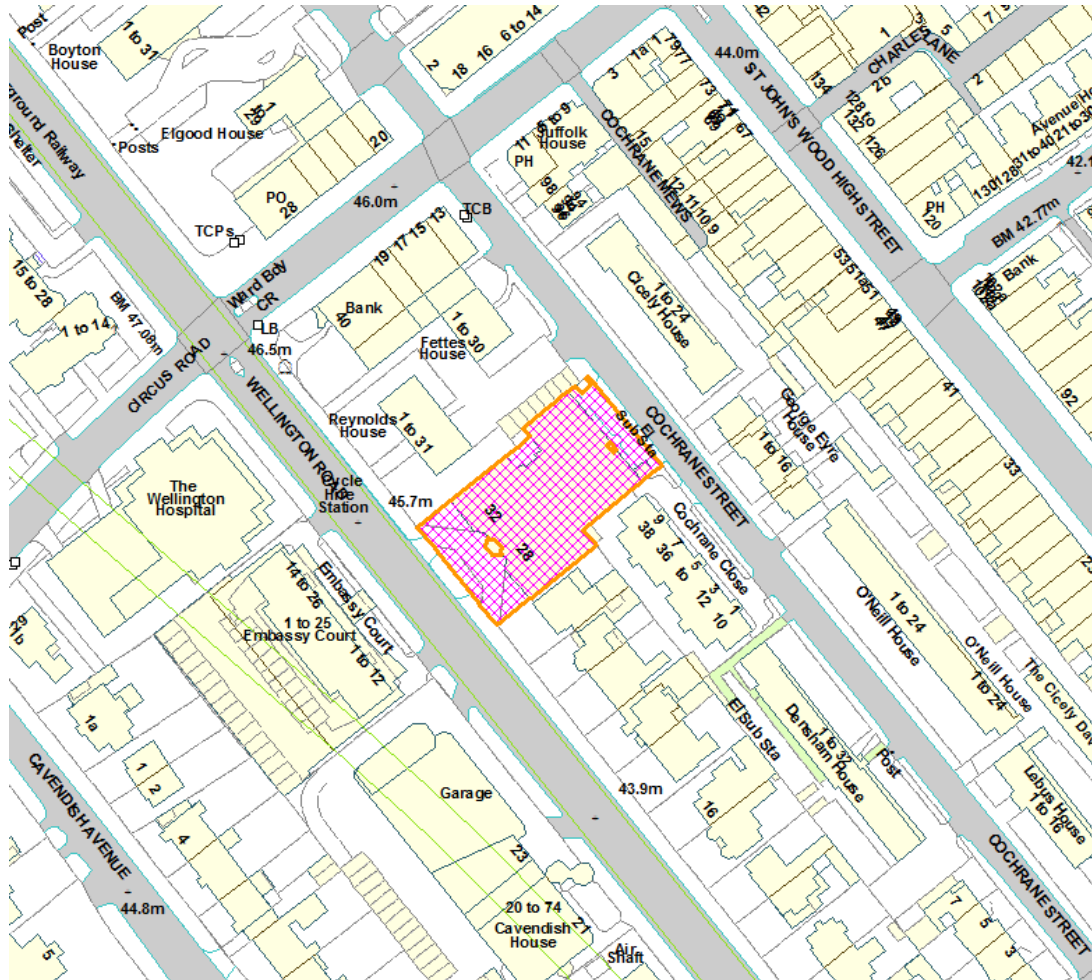
The key issues in this case are:

- The impact of the additional height proposed on the appearance of the building, the setting of the neighbouring St. John's Wood Conservation Area and grade II listed building.
- The impact of the additional height on amenity of neighbouring residents.

The proposed amended development is considered to be acceptable in land use, design, amenity, transportation and environment terms for the detailed reasons set out in the report and would accord

with the relevant policies in the Unitary Development Plan (UDP), Westminster's City Plan (the City Plan) and the adopted London Plan (March 2016).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Prior to demolition views of the site from Wellington Road (top) and Cochrane Street(bottom).



View of site from Wellington Road following demolition of the previous building pursuant to the February 2017 permission.

5. CONSULTATIONS

WARD COUNCILLORS - REGENTS PARK

Any response to be reported verbally.

ST. JOHN'S WOOD SOCIETY

No objection. The applicant has been diligent in consulting with the society in respect of the increased height of the building.

ARBORICULTURAL MANAGER

Alterations to height of the building have no direct impact on adjoining trees. Notes that the proposed section drawing suggests a greater degree of excavation within the root protection area (RPA) of the adjacent tree in Cochrane Street to form the vehicular ramp to basement level. This element of the scheme should be amended to be consistent with the originally approved scheme. Conditions recommended.

CITY WEST HOMES

Any response to be reported verbally.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No comment.

HEAD OF AFFORDABLE HOUSING & STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection. Note that Wellington Road is part of the Transport for London Road Network (TLRN). The proposed changes would not significantly affect the highway or transport issues. Threshold levels for the development (both Wellington Road and Cochrane Street) will still need to meet the Highway Authority requirements, as per the S106 legal agreement.

LONDON UNDERGROUND

No comment. Confirm that the applicant is in communication with London Underground (LU) in relation to the impact on the underground tunnel. Note that the applicant should continue to work with London Underground's engineers.

TRANSPORT FOR LONDON

The developer should continue to work closely with London Underground engineers to ensure that there will be no negative impact on the TfL and LU infrastructure.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 282; No. of Responses: 2.

Two emails received raising objection on all or some of the following grounds:

Design

- Increased impact on views from Embassy Court towards Primrose Hill.

Amenity

- Additional height will have an adverse impact on the amenity of occupiers of Embassy Court.
- Increased overshadowing and loss of daylight to flats opposite in Cochrane Street.
- Loss of outlook.

Other Matters

- Proposed additional height would not increase the number of units, only increase floor to ceiling heights.

ADVERTISEMENT/ SITE NOTICES (x2)

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site currently comprises a cleared site, with the previous three storey Class B1 office building on the site having been recently demolished pursuant to the planning permission for redevelopment of the site that was granted permission in February 2017 (see Section 6.2). The site has two street frontages to Wellington Road and Cochrane Street.

The site is not located within a conservation area and does not contain any listed buildings. However, the site does border the St. John's Wood Conservation Area to the south east. The neighbouring building to the south east at No.26 Wellington Road is Grade II listed. Wellington Road (A41) forms part of the Transport for London Road Network (TLRN).

6.2 Recent Relevant History

17/02462/ADFULL

Details of construction management and logistics plan pursuant to Condition 3(b) of planning permission dated 8 February 2017 (RN: 15/08352/FULL).

Application Approved 12 September 2017

17/03496/ADFULL

Details of trees protection measures pursuant to Condition 10 of planning permission dated 8 February 2017 (RN: 15/08352).

Application Approved 6 September 2017

17/02461/ADFULL

Details of construction management and logistics plan pursuant to Condition 3(a) of planning permission dated 8 February 2017 (RN: 15/08352/FULL).

Application Approved 1 August 2017

17/03845/ADFULL

Details of design and LUL method statements for all foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) pursuant to Condition 17 of planning permission dated 8 February 2017 (RN: 15/08352).

Application Approved

1 June 2017

15/08352/FULL

Demolition of existing building and erection of a new six storey, plus basement building with frontages to Wellington Street and Cochrane Street to provide 36 units for a dual/ alternative use as residential flats (Class C3) or serviced apartments (Sui Generis), with car and cycle parking at basement level and new landscaping.

Application Approved

8 February 2017

15/00004/P3JPA

Use of building from office (Class B1a) to provide 21 residential units (Class C3). Application for prior approval under Part 3 Schedule 2 Class J of the Town and Country Planning (General Permitted Development) (England) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014.

Prior approval was approved

25 February 2015

7. THE PROPOSAL

The application seeks permission to vary Condition 1 of the planning permission dated 8 February 2017 (RN: 15/08352/FULL), which permitted the demolition of the existing building and redevelopment of the site to provide a six storey, plus basement, building to provide 36 units for a dual/ alternative use as residential flats (Class C3) or serviced apartments for use by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment (Sui Generis). It is proposed to vary Condition 1 to allow amendment of the approved drawings so that the height of the building can be increased by 0.93m to the Wellington Road frontage of the site, by 0.89m to the Cochrane Street frontage of the site and to introduce a lift overrun to the roof of the central link block.

The increases in height are proposed to enable the scheme to be amended to increase its weight (through use of thicker floor slabs etc.) to offset ground movement so that possible future ground heave does not adversely impact the structure of the adjacent Metropolitan and Jubilee Line London Underground tunnels.

In terms of changes to the planning policy context since permission was originally granted in February 2017, there has been no change to the policies in the Unitary Development Plan adopted in January 2007 and the City Plan adopted in November 2016. Whilst the Mayor has published his 'Draft New London Plan showing Minor Suggested Changes', following public consultation on the Draft New London Plan earlier in 2018, it has yet to undergo a full examination in public and is therefore of limited weight for decision making purposes. Whilst the Revised NPPF was published by the Government in July 2018, the amendments made have not materially altered the

national policy context relevant to the assessment of the development previously approved in February 2017. Set in this policy context, the remaining sections of this report focus on the amendments now proposed to the previously approved development. The previous officer report to the Planning Applications Sub-Committee held on 18 October 2016 is provided in the background papers for information in respect of the previous policy considerations.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The removal of the previous office use of the site and its replacement with a development delivering 36 residential units, with the mix of units comprising 12 x 1 bedroom units, 11 x 2 bedroom units and 13 x 3 bedroom units (Class C3) accords with Policies H3 and H5 in the adopted UDP and Policies S13, S14 and S15 in the City Plan.

As part of the approved scheme the applicant successfully demonstrated that in this location there was a demand and a need to provide short term visitor accommodation to serve local hospitals in St. John's Wood to provide patients of the hospitals and their families and carers accommodation that was more suitable to their convenience than hotel accommodation. On this basis, the Sub-Committee determined that on this site there were exceptional circumstances that justified the provision of the flats within the development either as residential flats within Class C3 or as serviced apartments let on a short term basis to patients of local hospitals and their families and carers. However, this was subject to the restriction occupation of the serviced apartments being controlled via the S106 agreement.

There is no evidence to suggest that the demand for this type of accommodation from patients of local hospitals has been eroded in the time since approval of the original permission in February 2017. Therefore, it is not considered that there are grounds for revisiting this site specific exceptional circumstance to the normal presumption of providing only residential accommodation (Class C3) on this site as part of the current S73 application to vary the original permission. It is of course recommended that the previously negotiated controls on the occupation of the serviced apartments, restricting them to occupation by patients of local hospitals and their families and carers is maintained as part of any legal agreement accompanying any new permission that may be granted pursuant to the current application.

The originally approved scheme delivers a financial contribution of £4 million to the Affordable Housing Fund (index linked from the date of that permission). There are no amendments proposed to the originally approved floorspace in the current scheme and therefore it is recommended that the originally secured affordable housing contribution continues to be secured, with the contribution index linked from the date of the original approval in February 2017.

8.2 Townscape and Design

In design terms the footprint and detailed design of the proposed building is identical to that previously approved, with the only alterations proposed to 'stretch' the proportions of

the blocks facing Wellington Road and Cochrane Street, such that their overall height would be increased by 0.93m and 0.89m, and to introduce a lift overrun to the previously approved lift core to the centre of the site.

The increase in height of the two street facing blocks would not have any adverse impact on the appearance of the development in terms of its proportions and detailed design. Whilst the blocks would be marginally taller than approved, the increase in height proposed would not have an adverse impact in this case in design terms as the blocks would continue to comprise buildings of transitional scale between the smaller scale townscape to the south of the site and Fettes House and Reynolds House to the north. Given this the additional height proposed is not considered to have a harmful effect on the setting of the neighbouring St. John's Wood Conservation Area or the grade II listed building at No.26 Wellington Road.

The increase height to the central link block to accommodate a lift overrun would increase the height of part of this element of the building by 2.5m. This would result in the lift overrun being taller than both the street facing blocks. However, given the relatively small size of the overrun structure and its location at the centre of the site where it would not be visible in any public views, due to the screening afforded by the two street facing blocks, it is not considered that the proposed overrun would harm the appearance of the building or the setting of the neighbouring heritage assets to such an extent that it would warrant withholding permission on design grounds. In terms of detailed design, the link block would clad in translucent glazing, as per the approved scheme, so that it appears subservient to the principal street facing blocks.

In summary, in design terms the amendments proposed to the approved scheme are considered to be acceptable and would accord with Policies DES1, DES4, DES9 and DES10 in the UDP and S25 and S29 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight

The application is accompanied by a detailed daylight and sunlight assessment, which surveys the impact of the amended scheme now proposed relative to both the existing situation (the now demolished building) and the scheme previously approved in February 2017. The assessment identifies that the proposed development would result in a small number of additional material losses of daylight relative to the approved scheme, which caused a material loss to 5 windows in the south eastern elevation of Reynolds House. Reynolds House faces the north western side elevation of the application site. The proposed scheme would increase the material loss of daylight caused to the five windows that were already materially affected by approved scheme and would cause the loss of light caused to two further windows (Windows 1 and 6 in Table 1) to become material (i.e. the loss of daylight caused would exceed 20% of that previously enjoyed by the window using the Vertical Sky Component (VSC) method of assessment). The material losses caused would be to windows at first, second and third floor levels and are set out in Table 1 along with the losses caused by the approved scheme.

The daylight and sunlight assessment demonstrates that the proposed development would continue to have no material impact on the daylight reaching all residential windows in other surrounding buildings.

Table 1: Material Losses of Vertical Sky Component (VSC) caused to Windows in Reynolds House, as previously approved and as now proposed.

No.	Flr	Elevation	Window Description	Exist. VSC	Appr. Scheme VSC	Appr. Scheme Loss	Appr. % Loss	Prop. VSC	Prop. Loss	Prop. % Loss
1 *	1 st	South East	Window adjacent to balcony door (west side of elevation)	10.3	8.5	1.8	17%	7.4	3.0	29%
2	1 st	South East	Window adjacent to balcony door (east side of elevation).	9.2	6.4	2.4	31%	5.1	4.2	46%
3	2 ⁿ _d	South East	Window adjacent to balcony door (west side of elevation).	16.6	12.5	4.1	24%	11.0	5.6	34%
4	2 ⁿ _d	South East	Window adjacent to balcony door (east side of elevation).	16.3	11.2	5.0	31%	9.5	6.8	42%
5	2 ⁿ _d	South East	Balcony door (east side of elevation).	23.2	18.4	4.8	21%	16.7	6.5	28%
6 *	3 rd	South East	Window adjacent to balcony door (west side of elevation)	21.0	17.0	4.0	19%	15.4	5.6	27%
7	3 rd	South East	Window adjacent to balcony door (east side of elevation).	21.7	16.7	5.0	23%	14.8	6.9	32%

The seven windows/door affected in terms of VSC losses in Table 1 serve the living accommodation of flats in the south eastern end of Reynolds House, some of which are studio flats. Small units of residential accommodation such as this can be particularly susceptible to losses of daylight. However, in this case, the 6 rooms served by the affected windows and door are all dual aspect and are also served by further unaffected windows in the north east or south west elevations of Reynolds House. As a result, none of the rooms served by the windows that individually suffer an increased material loss of daylight as a result of the amended scheme, using the VSC method of assessment, would suffer any significant loss when assessed using the No Sky Line method of assessment, which assesses the impact on the daylight distribution within a room, having regard to the daylight received by that room from all of the windows serving it.

Accordingly, in this case, despite the additional material losses of daylight that have been identified, the proposed development would not result in an unacceptable loss of daylight and therefore the scheme accords with the guidance set out in the Building Research Establishment (BRE) Guidelines (2011) and would be compliant with Policy ENV13 in the UDP and Policy S29 in the City Plan. As such, the objections raised on loss of daylight grounds cannot be supported as a ground on which to withhold permission.

8.3.2 Sunlight

In terms of sunlight losses caused by the amended scheme now proposed, those losses that would be material and may therefore be noticeable to occupiers of neighbouring properties, would be limited to windows serving the same rooms to the south east and south west elevations of Fettes House and Reynolds House that were materially affected by the previously approved scheme. The material losses of sunlight (i.e. those where sunlight losses exceed 20% of existing total or winter Annual Probable Sunlight Hours - APSH) are set out in Table 3 below.

Table 2 – Material sunlight losses to windows in Fettes House and Reynolds House. Losses caused by approved scheme in brackets.

Building	Floor Level	Elevation	Window Description	Exist Total APSH	Exist Winter APSH	Prop Total APSH	Prop Winter APSH	Total Loss	Winter Loss
Fettes	Grd	SE	Single High Level Window	4	3	1 (2)	0 (1)	75% (50%)	100% (67%)
Fettes	Grd	SE	Single High Level Window	5	3	3 (3)	1 (1)	40% (40%)	67% (67%)
Fettes	1 st	SW	Window	27	5	25 (25)	3 (4)	8% (8%)	40% (20%)
Fettes	1 st	SW	Window	26	6	24 (24)	4 (4)	8% (8%)	33% (33%)
Reynolds	1 st	SE	Window adj. to Balcony Door	13	9	9 (9)	9 (9)	31% (31%)	0% (0%)
Reynolds	1 st	SE	Window adj. to Balcony Door	12	2	3 (6)	1 (1)	75% (50%)	50% (50%)
Reynolds	1 st	SE	Balcony Door	27	6	19 (21)	5 (5)	30% (22%)	17% (17%)
Reynolds	2 nd	SE	Balcony Door	50	16	39 (44)	11 (13)	22% (12%)	31% (19%)
Reynolds	2 nd	SE	Window adj. to Balcony Door	22	15	13 (16)	9 (11)	41% (27%)	40% (27%)
Reynolds	2 nd	SE	Window adj. to Balcony Door	27	10	12 (18)	1 (5)	56% (33%)	90% (50%)
Reynolds	2 nd	SE	Balcony Door	38	14	26 (30)	6 (8)	32% (21%)	57% (43%)
Reynolds	3 rd	SE	Balcony Door	54	19	48 (50)	14 (15)	11% (7%)	26% (21%)

Reynolds	3 rd	SE	Window adj. to Balcony Door	26	19	20 (22)	14 (15)	23% (15%)	26% (21%)
Reynolds	3 rd	SE	Window adj. to Balcony Door	31	14	22 (25)	7 (8)	29% (19%)	50% (43%)
Reynolds	3 rd	SE	Balcony Door	46	20	39 (39)	13 (14)	15% (15%)	35% (30%)

Whilst the material losses that would be caused to the windows included in Table 3 would be increased relative to the previously approved scheme, the additional sunlight losses that would be caused would be relatively limited and all but one window would retain access to sunlight both annually and during winter months. Only one ground floor window in Fettes House, which currently receives very limited sunlight due to the balcony above it, would suffer a complete loss of existing winter sunlight. However, this small window does not appear to serve a habitable room.

On this basis, whilst the amended scheme would have a marginally greater impact in terms of sunlight loss to windows in Fettes and Reynolds House, it is not considered that the impact would be so significant so as to warrant withholding permission. Consequently, having regard is had to the wider planning benefits of the scheme in terms of housing delivery. the proposal is acceptable in sunlight terms.

8.3.3 Sense of Enclosure

To the north west of the site, Fettes House is approximately 19 metres from the application site and at this significant distance it is not considered that the proposed development, despite the additional height now proposed to the Cochrane Street frontage of the site (0.89 metres), would cause a material increase in enclosure to windows in this neighbouring building.

Reynolds House is closer to application site (approximately 7 metres), but the windows are already significantly enclosed by the flank wall of the existing building below second floor level. As such, the additional height now proposed to the Wellington Road frontage of the site relative to the approved scheme (0.93 metres), would not materially increase the sense of enclosure felt by windows at ground and first floor level facing the application site.

The windows in the south east elevation of Reynolds House at second and third floor levels currently enjoy a more open aspect to the south. However, as the approved building would be set back further from the site boundary relative to the now demolished existing building, it is not considered that the small amount of additional height and bulk now proposed to the Wellington Road frontage of the site would cause a material increase in enclosure to these windows. It should also be noted that the rooms served by windows in the south east elevation are dual aspect with unaffected windows serving the same rooms in either the north east or south west elevations of Reynolds House.

To the south east of the application site No.26 Wellington Road is already significantly enclosed by the existing building. The approved building is set back from the boundary with No.26 by approximately 4 metres; whereas the existing (now demolished building) extends right up to the boundary. The previously approved set back therefore

significantly eases the relationship with No.26 relative to the existing relationship, and as a result the additional height now proposed to the Wellington Road frontage of the site would not result in a materially increased sense of enclosure for the occupiers of No.26 Wellington Road. Similarly, the previously approved building is to be set back slightly further from the windows to the side and rear of Cochrane Close and therefore despite the increase in height now proposed to the Cochrane Street frontage of the site, the windows to the rear of Cochrane Close would retain unaffected outlook to the south and west. Consequently, the amended scheme now proposed would not result in a material increase in enclosure to these neighbouring residential buildings.

The residential blocks adjacent on the opposite side of Cochrane Street, such as Cicely House, would be approximately 22m from the Cochrane Street elevation of the proposed building and at this distance, whilst the outlook from the front windows of adjacent blocks would be altered by the appearance of the new building, the marginal increase in height now proposed would not amount to a significant increase in enclosure relative to either the existing situation (i.e. the now demolished building) or the previously approved scheme. Similarly, the proposed scheme would not cause a significant increase in enclosure to residential windows in buildings on the opposite side of Wellington Road given the distance of approximately 34m to these buildings, which include Embassy Court.

In summary the proposals are acceptable in sense of enclosure terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.4 Privacy

As per the previously approved scheme, the proposed development would introduce residential windows and balconies to the street elevations of the site in Wellington Road and Cochrane Street. These windows and balconies would be sufficiently distant from the windows in residential blocks on the opposite sides of these streets so as not to cause a significant increase in overlooking.

To the side elevations of the proposed building, the arrangement of windows and balconies remains as per the approved scheme. The amendments to the floor levels within the building, associated with the proposed increase in height of the approved building, would not result in the previously approved windows and balconies causing an increase in overlooking relative to the approved scheme.

To prevent unacceptable overlooking occurring, as per the approved scheme conditions are recommended to (i) require the windows at the corner north western corner of the building, which would face Reynolds House, to be obscure glazed; (ii) require the balconies proposed to the north western and south eastern (side) elevations to be partially enclosed by obscure glazed screens to prevent overlooking; (iii) ensure the proposed vertical fins are installed and retained either side of the windows in the side elevations of the recessed roof storey at fourth floor level; and (iv) to prevent the use of the roofs of the building as terraces in future.

Subject to the recommended conditions, the amended scheme now proposed is considered to be acceptable in overlooking terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

The current scheme has been submitted principally to enable the form and structure of the development to be amended to ensure that it would not have an adverse impact on adjacent London Underground infrastructure as a result of ground heave. To alleviate the risk of ground heave the scheme proposes the thickening of floor structures within the building to increase the weight of the development, thus resulting in the increased height of the proposed development. London Underground have acknowledged that the applicant is working with them to resolve the issue of ground heave and on the basis that the applicant continues to work with them, they do not object. TfL make similar comments on the basis that the applicant will continue to work with London Underground on this issue. In light of these comments, the amendments to the scheme to ensure it does not harm the strategic transport infrastructure running adjacent to and below the site are welcomed and they would accord with Policy 6.3 in the London Plan, which states that *'Development should not adversely affect safety on the transport network'*.

The amendments to the approved scheme would not result in any reduction in the number of car or cycle parking spaces at basement level and no changes are proposed to waste and recycling storage. 34 off-street car parking spaces would continue to be provided at a ratio of 0.94 spaces per unit, of which 20% would have electric car charging facilities in accordance with the London Plan. 61 cycle parking spaces would be provided at basement level in accordance with Policy 6.9 in the London Plan. As per the approved scheme, servicing would occur on-street. Given that there would be no material changes in circumstance relative to the approved scheme in parking and servicing terms, the Highways Planning Manager does not raise any objections to the current application.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The proposed amendments to the levels of the building would not have any adverse impact on the accessibility of the building relative to the approved scheme. The proposed building would continue to provide level access from the public highway and all flats within the development would be accessible by lift. As such, in terms of access the development remains in accordance with Policy DES1 in the UDP and Policy S28 in the City Plan.

8.7 Other UDP/ Westminster Policy Considerations

As initially submitted, the current application included additional excavation in the south east corner of the site within the root protection area (RPA) of the Poplar tree in the front garden of Cochrane Close. The excavation in this corner of the site, where it is required to form the ramped access to the basement car park, is subject to a condition on the original February 2017 permission (Condition 11) which reserves details of the level changes within the RPA of the tree to ensure it would not be harmed.

The significant level changes shown on the initially submitted drawings were unacceptable in arboricultural terms and the submitted drawings have therefore been amended to omit this level change and revert to the originally approved levels in this corner of the site. Officers are now working with the applicant outside of the scope of the current S73 planning application to reach agreement on the extent of excavation within the RPA of the Poplar tree that would be acceptable pursuant to Condition 11, which it is recommended is re-imposed should the Sub-Committee resolve to approve the current application.

No other amendments are proposed to the originally approved scheme in Arboricultural terms and therefore the Arboricultural Manager does not object, subject to imposition of the same condition. Subject to these conditions, the amended scheme would continue to accord with Policies ENV16 and ENV17 in the UDP.

8.8 Neighbourhood Plans

Not applicable.

8.9 London Plan

The proposed development is of insufficient scale to be referred to the Mayor of London. Where relevant policies in the London Plan are referred to elsewhere in this report.

8.10 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.

In this case there are no pre-commencement conditions requiring the agreement of the applicant, as details pursuant to the pre-commencement conditions imposed on the original permission dated 8 February 2017 have already been approved in late 2017 (see Section 6.2). As such, Conditions 3 (construction management plan), 10 (tree protection measures) and 17 (details of below ground structures/ piling to protect London Underground structures) have been amended to comprise compliance conditions requiring ongoing compliance with the details that were previously approved.

8.11 Planning Obligations

The approved scheme for redevelopment of this site is subject to a S106 agreement, which secured the planning obligations that are set out below. It is recommended that a deed of variation is entered into in the event the Sub-Committee resolve to grant conditional permission for the current application, to ensure these planning obligations continue to be delivered.

- i. A financial contribution of £5.5 million to the Affordable Housing Fund (index linked).
- ii. A management plan to demonstrate that those units within the development used as serviced apartments providing short term visitor accommodation are used only by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment.
- iii. Highway works in Wellington Road and Cochrane Street to form vehicular access to the site and amend the layout of the public highway to reflect the proposed development (appropriate arrangements to be agreed prior to commencement and highway works to be carried out prior to occupation at the applicant's expense).
- iv. Submission of a Site Environmental Management Plan and provision of a financial contribution of £28,000pa during the construction period to the Environmental Inspectorate to ensure compliance with the Code of Construction Practice.
- v. Provision and management of on-site resident's car parking, including the making available of parking spaces to all occupiers of the building on an 'un-allocated' basis without restriction.
- vi. Provision of costs for monitoring of agreement (£500 per Head of Term).

The current scheme does not propose any additional floorspace and therefore the CIL liability would remain the same as the approved scheme. Therefore, the Westminster CIL payment, based on the floorspace figures in the applicant's CIL form and assuming that the application does not qualify for any CIL exemptions would be £2,781,900. The Mayoral CIL payment, again based on the floorspace figures in the applicant's CIL form and assuming that the application does not qualify for any CIL exemptions would be £252,900.

8.12 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment.

8.13 Other Issues

None relevant.

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

Item No.
3

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

11. KEY DRAWINGS



A3
Sketch No. 469-513
SKETCH VIEW FROM SOUTH-WEST 28-32 WELLINGTON RD LONDON N16 9SP
Alan Power Architects Ltd 13 Needham Road London W11 2BP April 2015 Copyright Alan Power

View along Wellington Road as consented under planning permission dated 8 February 2017, planning ref. 15/08352/FUL



A3
Sketch No. 469-613
SKETCH VIEW FROM SOUTH-WEST 28-32 WELLINGTON RD LONDON N16 9SP
Alan Power Architects Ltd 13 Needham Road London W11 2BP Nov. 2017 Copyright Alan Power

Revised view along Wellington Road : 2017

As approved (top) and as proposed (bottom) photomontages of Wellington Street elevation.



A3
Dwg No. 469-515
SKETCH VIEW FROM SOUTH-EAST 28-32 WELLINGTON RD LONDON NW8 9SP
Alan Power Architects Ltd 13 Needham Road London W11 2RP April 2015 Copyright reserved

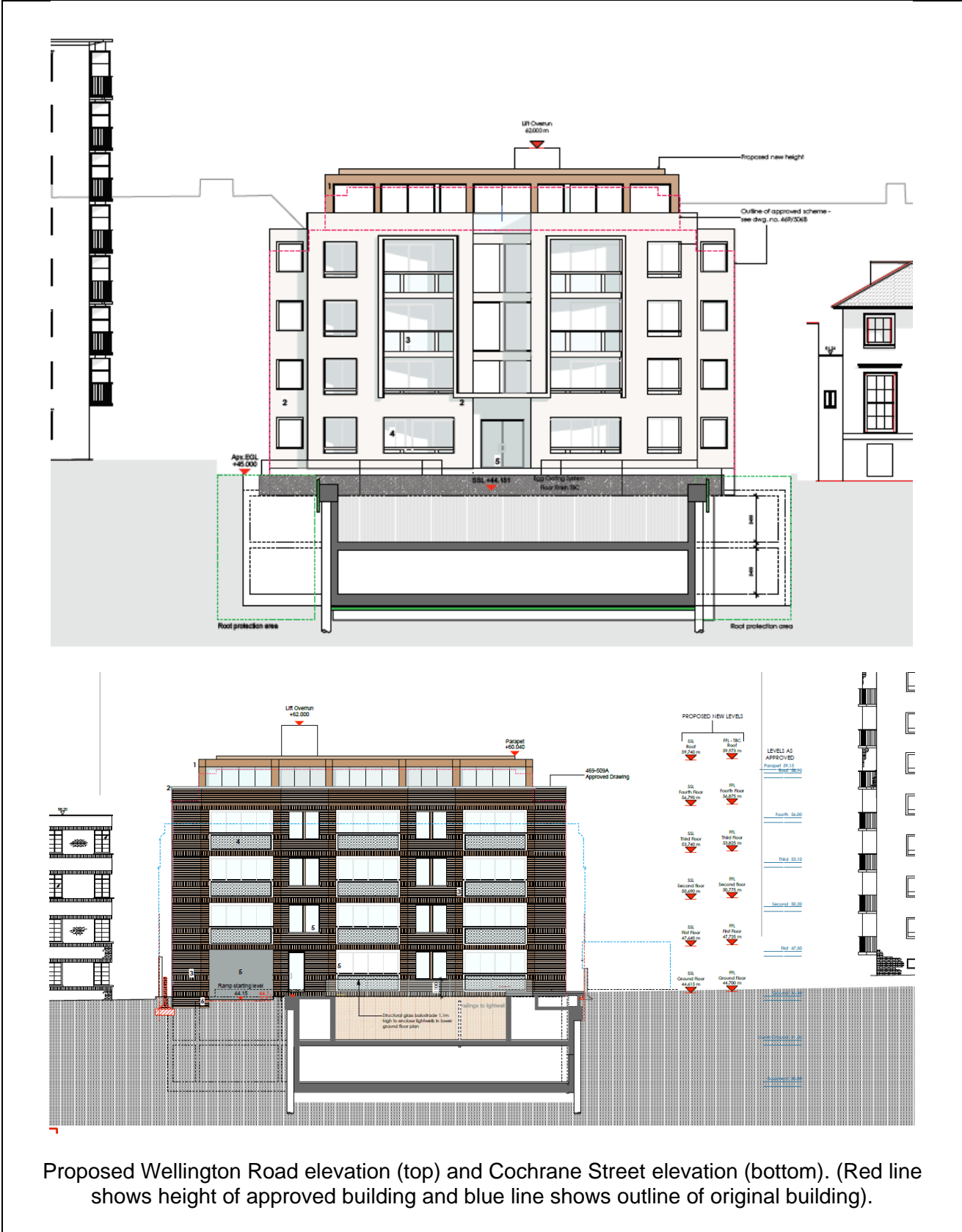
View along Cochrane Street as consented under planning permission dated 8 February 2017, planning ref. 15/08352/FUL



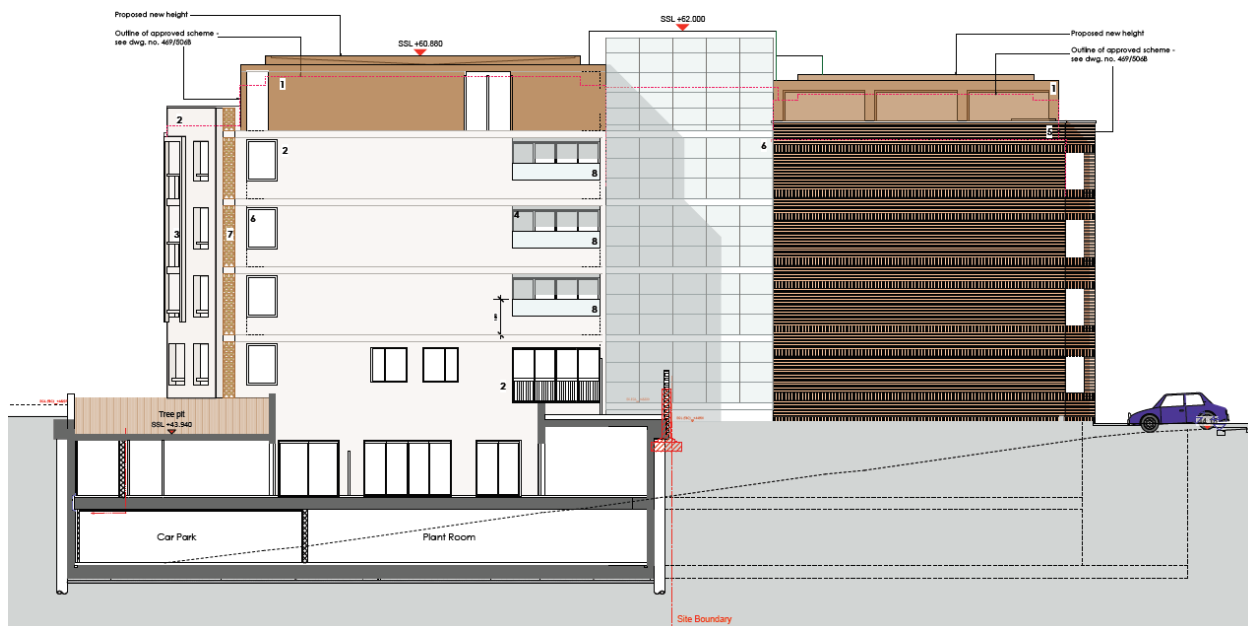
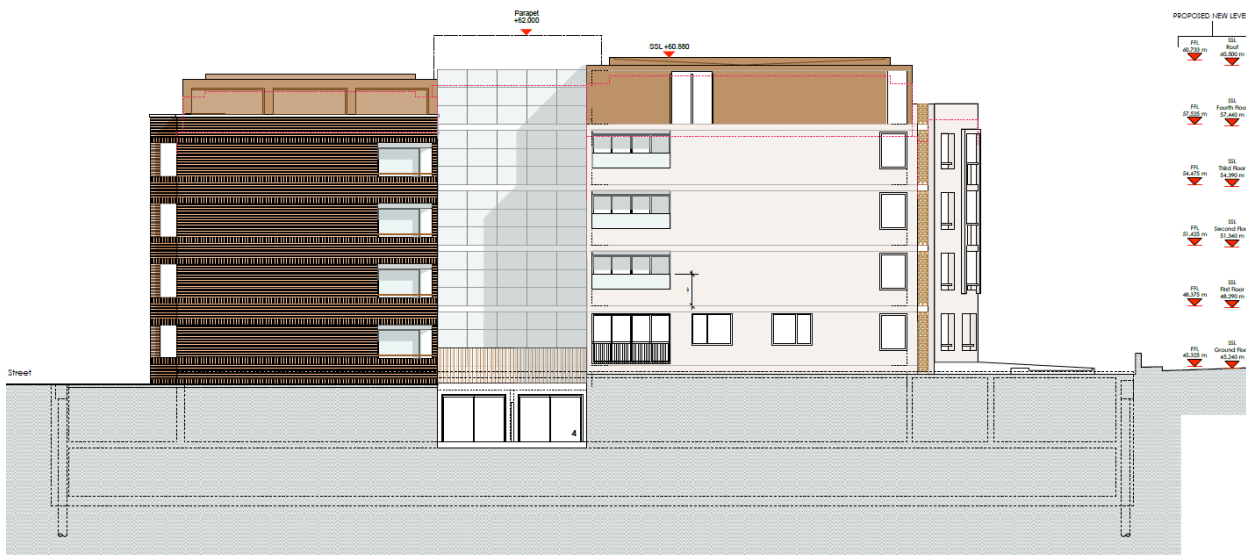
A3
Dwg No. 469-615
SKETCH VIEW FROM SOUTH-EAST 28-32 WELLINGTON RD LONDON NW8 9SP
Alan Power Architects Ltd 13 Needham Road London W11 2RP Nov. 2017 Copyright reserved

Revised view along Cochrane Street : 2017

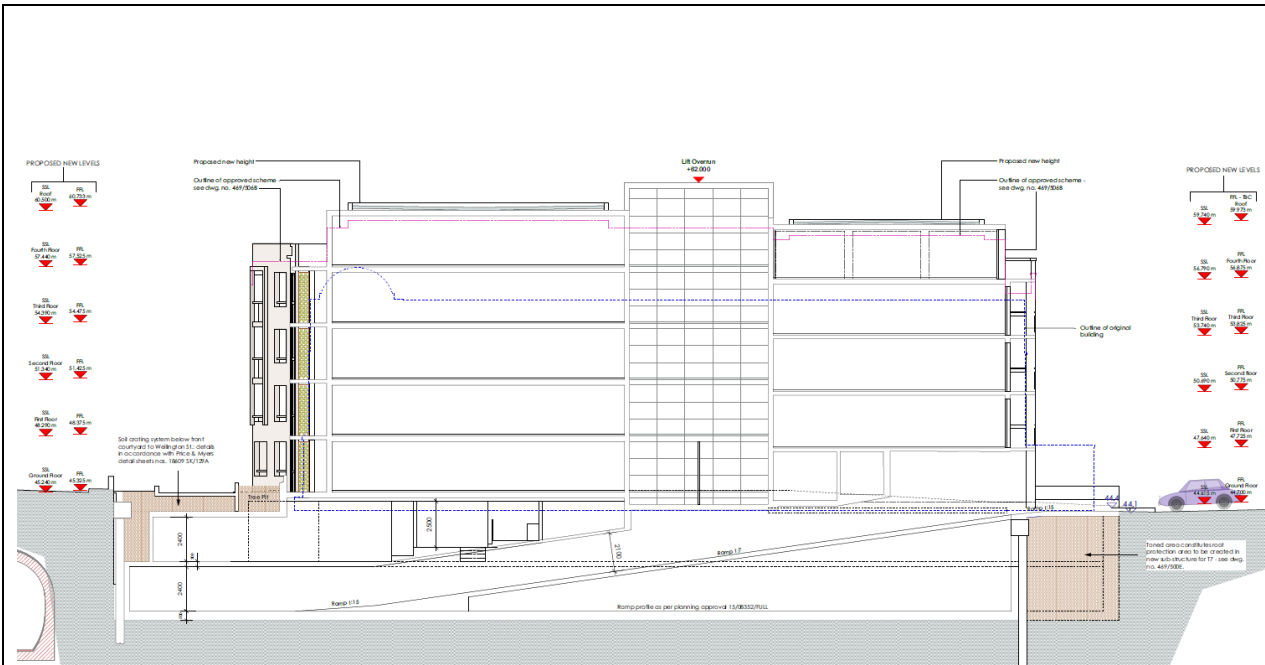
As approved (top) and as proposed (bottom) photomontages of Cochrane Street elevation.



Proposed Wellington Road elevation (top) and Cochrane Street elevation (bottom). (Red line shows height of approved building and blue line shows outline of original building).



Proposed North West side elevation (top) and proposed South East side elevation (bottom). (Red line shows height of approved).



Proposed fourth floor plan (top) and proposed section with outline of existing building in blue (bottom). (Red line shows height of approved building and blue line shows outline of original building).

DRAFT DECISION LETTER

Address: The Wellington Building , 28-32 Wellington Road, London, NW8 9SP

Proposal: Variation of Condition 1 of planning permission dated 8 February 2017 (RN: 15/08352/FULL) for the 'Demolition of existing building and erection of a new six storey, plus basement building with frontages to Wellington Road and Cochrane Street to provide 36 units for a dual/ alternative use as residential flats (Class C3) or serviced apartments (Sui Generis), with car and cycle parking at basement level and new landscaping'; NAMELY, to the increase the height of the building by 0.93m to the Wellington Street frontage of the site, by 0.89m to the Cochrane Street frontage of the site and introduce a lift overrun to the central link block.

Plan Nos: **Drawings and Documents Approved Under RN: 15/08352/FULL:** 469/01 Rev.A, 469/02 Rev.B, 469/03 Rev.A, 469/04 Rev.A, 469/500 Rev.E, 469/501 Rev.C, 469/502, 469/503, 469/504, 469/505 Rev.C, 469/506 Rev.B, 469/507 Rev.C, 469/508 Rev.B, Rev.C, 469/509, 469/510 Rev.C, 469/511 Rev.B and 469/512. Design and Access Statement dated June 2015, Planning Statement dated August 2015, Transport Statement dated 28 August 2015, Noise Impact Assessment dated 26 May 2015, Environmental Performance Statement dated 31 July 2015, Energy Strategy Report dated 31 July 2015, Statement of Community Involvement dated August 2015, Tree Assessment dated 25 July 2015 (as amended revised drawings listed on this decision letter and by emails dated 5 May 2016 and 12 May 2016 with attached drawings 18609/110 Ver.1 and SK-131), Landscape Stage D Design Proposals document dated 02-12-2015, Flood Risk Assessment dated November 2014 (Rev.03), Drainage Feasibility Report dated November 2014 (Rev.02), Daylight and Sunlight Report dated 31 July 2015, Structural Method Statement dated July 2015 (for information only) and Construction and Logistics Plan dated 4 August 2016 (for information - see Condition 3). (All supporting documents as amended by revised drawings hereby listed).
As Amended By Drawings and Documents Hereby Approved: 469/604 Rev.A, 469/606 Rev.A, 469/608 Rev.A, 469/609 Rev.A, 469/611 Rev.B, 469/612 Rev.A, 469/510 Rev.D, Daylight and Sunlight Report dated 13 February 2018, Design and Access Statement dated November 2017 (as amended by revised drawings listed here), letter from Price and Myers dated 30 June 2017, Proposed Loading data sheet by Price and Myers, Figure 8 Rev.P1 (Proposed Loading Schedule) and letter from DP9 dated 28 February 2018.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 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 You must carry out the demolition works and construction works in accordance with the construction management and logistics plans we approved on 1 August 2017 and 12 September 2017 (RNs: 17/02461/ADFULL and 17/02462/ADFULL) unless or until we approve an alternative construction management and logistics plan in writing. If an alternative construction management and logistics plan is approved, you must then carry out the remaining construction works in accordance with that plan.

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. (R21HB)

- 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the

approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

- (a) Typical detailed elevations and sections of all new windows and doors.
- (b) Typical detailed elevation of Limestone and bronze cladding showing typical cladding joints and relationship of cladding to fenestration.
- (c) Elevation and section of glazed and bronze balustrades to balconies.
- (d) Detailed elevation of front entrance and canopy to Wellington Road.
- (e) Plan and elevation of vehicular door/ gate/ shutter to basement car park.
- (f) Plans and elevations of all new boundary walls and fences/ walls within the site.
- (g) Elevations of all railings or other means of enclosure around lightwells.
- (h) Typical details, including plans and elevations showing their location, of lighting and CCTV units.
- (i) The fins to the side elevation windows at fourth floor level.

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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of details (including drawings, samples and any other supporting documents as appropriate) of the public art to be provided on the external envelope of the building. You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work in accordance with these details.

Reason:

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and the landscaping scheme should include the provision of not less than four new trees to replace those previously

removed from the Cochrane Street frontage of the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that form part of the landscaping scheme we approve or find that they are dying, severely damaged or diseased within five of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 9 You must provide the soil depth and overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in CM28.1 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 10 You must carry out the construction work in accordance with the tree protection method statement we approved on 16 September 2017 (RN: 17/03496/ADFULL), unless or until we approve an alternative tree protection method statement in writing. If an alternative tree protection method statement is approved, you must then carry out the remaining construction works in accordance with that statement.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 11 Notwithstanding the details shown on the drawings hereby approved, you must apply to us for approval of detailed drawings and a method statement in relation to the following parts of the development:

- (a) The level changes and excavation required to form the vehicular entrance to the basement from Cochrane Street.
- (b) The soil crating system to be installed below the driveway to the Wellington Road frontage (a manufacturer's specification should also be submitted).
- (c) The gaps to be created in the retaining wall of the planter to Cochrane Street to enable root growth below the highway.

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 drawing and method statement. (C26DB)

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 12 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of occupiers of the development.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 13 You must apply to us for approval of detailed drawings the vehicular ramp to basement level, including drawings that demonstrate the gradient of the ramp and the gradient of the transition zones at the top and bottom of the ramp. 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 ensure the basement car parking spaces can be safely accessed, thereby providing car parking for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 15 Prior to occupation, you must provide the separate stores for waste and materials for recycling shown on the drawings hereby approved. You must clearly mark them and make them available at all times to everyone occupying the flats.

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)

- 16 You must provide the vehicle electric charging points shown on the drawings hereby approved prior to occupation of the flats and thereafter you must permanently retain them.

Reason:

To enable the use of electric vehicles in accordance with Policy 6.13 in the London Plan (FALP 2015).

- 17 The development shall be carried out in accordance with the detailed design and method statement for all foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) that we approved on 1 June 2017 (RN: 17/03845/ADFULL), unless or until we approve an alternative detailed design and method statement in writing. If an alternative detailed design and method statement is approved, you must then carry out the remaining construction works in accordance with that statement.

All structures and works comprised within the development hereby permitted which are required by the approved design statements shall be completed in their entirety, before any part of the building is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy 6.2 and Table 6.1 in the London Plan (FALP 2015) and the Mayor's 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

- 18 You must carry out the development in accordance with the Energy Strategy Report by Price and Myers dated 31 July 2015 that is hereby approved and following occupation you must operate the development in accordance with the approved energy strategy.

Reason:

To make sure that the development provides is environmental sustainable and would accord with Policies S28, S39 and S40 of Westminster's City Plan (November 2016) and Policies 5.1, 5.2, 5.3, 5.6, 5.7 and 5.9 in the London Plan (FALP 2015). (R44AC)

- 19 You must carry out the development in accordance with the drainage strategy set out in the Drainage Feasibility Report (Rev.02) by Price and Myers that is hereby approved and following occupation you must operate the development in accordance with the approved drainage strategy.

Reason:

To ensure the development incorporates sustainable urban drainage in accordance with Policy 5.13 in the London Plan (FALP 2015).

- 20 Unless the omission of green and/ or brown sedum roofs can be fully justified by the submission of a written statement, submitted pursuant to this condition, setting out the site specific constraints that prevent their provision, you must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Incorporation of green and/ or brown sedum roofs to the roofs of the building.

You must not start on these parts of the work until we have approved what you have sent us.

You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To reduce the effect the development has on 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 and to ensure compliance with Policy 5.11 in the London Plan (FALP 2015). (R43AB)

- 21 The glass that you put in the windows at the western end of the north west elevation between first and third floor levels must not be clear glass, and you must fix the windows permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 22 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of obscure glazed screens to the balconies to the north west and south east side elevations.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings prior to occupation of the flats that the balconies serve and thereafter you must not remove the obscure glazed screens.

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 You must install the privacy screen fins to the side elevation windows in accordance with the drawings hereby approved prior to occupation of the flats that these windows serve. Thereafter you must permanently retain these fins and you must not remove them.

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)

- 24 You must not use the roofs of the building for sitting out or for any other purpose, unless the drawings hereby approved are annotated or otherwise marked (by lines indicating the provision of decking) to show their use as balconies or terraces. You can however use the roofs to

escape in an emergency. (C21AA)

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)

- 25 (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)

- 26 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)

- 27 You must apply to us for approval of full details, including detailed drawings, of the mechanical plant and equipment to be installed within the development and any external manifestations in the form of flues and extract grilles. You must not start work on these parts of the development until we have approved what you send us. You must then carry out the development in accordance with the details of mechanical plant and equipment that we approve.

Reason:

To protect the appearance of the building and this part of the City and to protect the noise environment of people in noise sensitive properties in accordance with S28, S29 and S32 in Westminster's City Plan (November 2016) and Policies DES1, DES4, ENV6 and ENV7 in the Unitary Development Plan we adopted in January 2007.

- 28 You must apply to us for approval of a supplementary acoustic report demonstrating that the plant and equipment proposed pursuant to Condition 27 will comply with the Council's noise criteria as set out in Conditions 25 and 26 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 29 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)

- 30 The central link block containing the stair and lift core shall be clad in translucent glass prior to occupation of the building and thereafter retained in this material.

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)

- 31 This permission must be commenced no later than 7 February 2020.

Reason:

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 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 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) The provision of a financial contribution of £5.5m (index linked) in lieu of on-site affordable housing;
 - (ii) Provision of a management plan to demonstrate that those units within the development used as serviced apartments providing short term visitor accommodation will only be used by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment;
 - (iii) Highway works in Wellington Road and Cochrane Street to form vehicular access to the site and amend the layout of the public highway to reflect the proposed development.
 - (iv) Submission of a Site Environmental Management Plan (SEMP) and provision of a financial contribution of £28,000pa during the construction period to the Environmental Inspectorate to ensure compliance with the Code of Construction Practice.
 - (v) Provision and management of on-site residents car parking, including the making available of parking spaces to all occupiers of the building on an 'un-allocated' basis without restriction.
 - (vi) Restriction to prevent mixed use of the building as serviced apartments use and Class C3 residential use and to require the occupation of the whole building to be as one of these use at any one time.
 - (vii) Provision of costs for monitoring of agreement (£500 per Head of Term).
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 6 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)
- 7 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 8 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 9 For the avoidance of doubt the Construction Management Plan required under Condition 3 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 10 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)
- 11 Condition 10 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;

- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

- 12 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

- 13 In respect of Condition 17 you are advised to contact London Underground Infrastructure Protection (Locationenquiries@tfl.gov.uk) in advance of preparation of final design and associated method statements, in particular with regard to demolition, excavation and construction methods.