

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Marylebone High Street	
Subject of Report	15-20 Manchester Square, London, W1U 3PW,		
Proposal	Demolition and replacement of existing fourth floor, demolition of existing plant room, and erection of a single storey roof extension at fifth floor and rear extension at second to fifth floor levels in connection with existing office (Class B1) use, provision of new main office entrance, flexible use of part ground and basement floor for either retail or office use (Class A1/B1), creation of roof terrace at fifth floor level, provision of cycle parking spaces and facilities, roof plant and associated external alterations, including replacement windows.		
Agent	Gerald Eve LLP		
On behalf of	IREEF Manchester Square Propco S.A.R.L		
Registered Number	18/10640/FULL	Date amended/ completed	7 January 2019
Date Application Received	17 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The building lies on the north west corner of Manchester Square and provides 6 floors of office accommodation (including an existing basement level). The application seeks to demolish the existing fourth floor and to reconstruct this together with a new fifth floor and rear extensions. A flexible use of the part basement and ground floor for an alternative retail use is also sought.

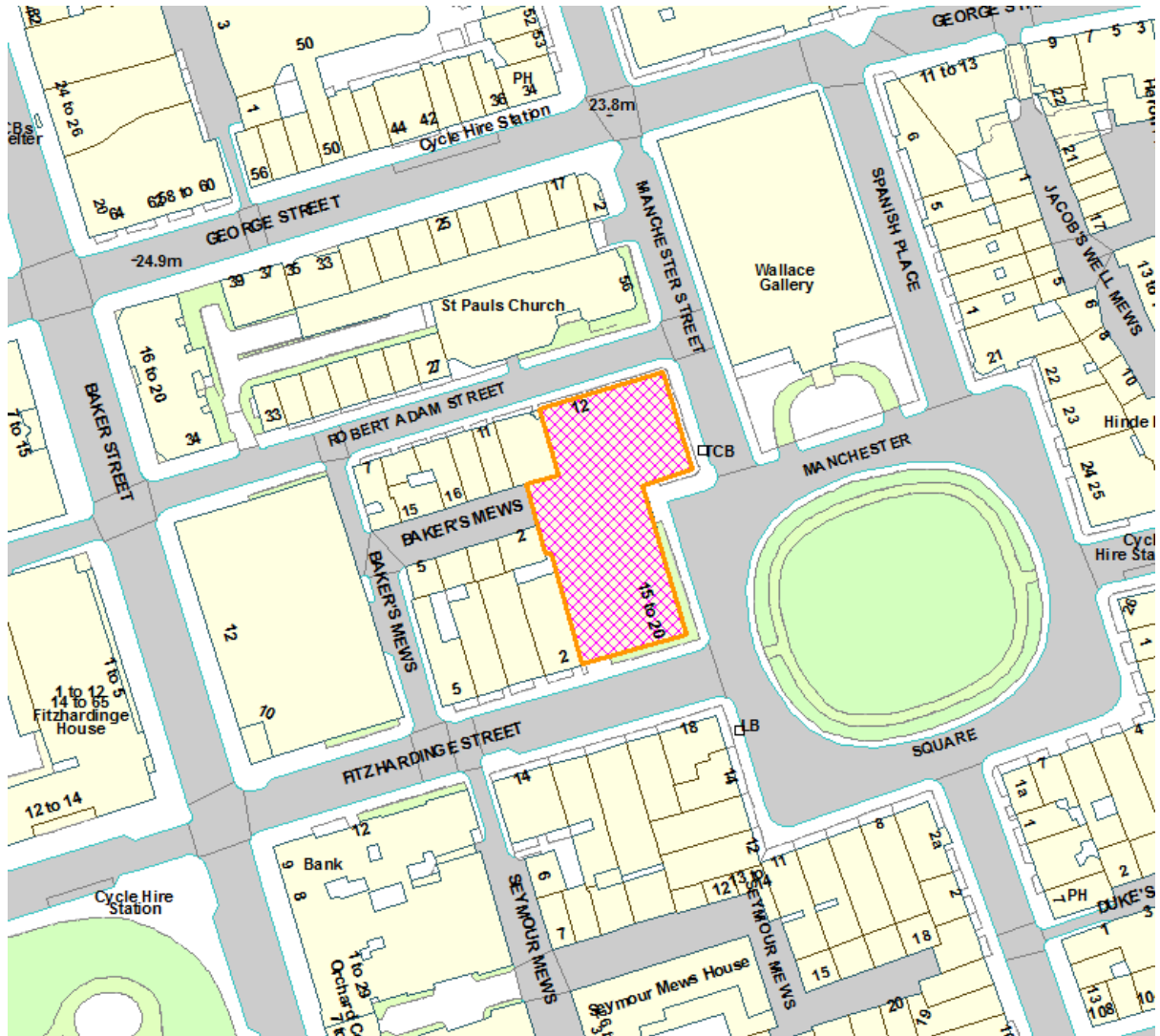
The key issues for consideration are:

- the impact of the proposed extensions on the character and appearance of the Portman Estate conservation Area;
- the impact on residential amenity

The City Plan places a strong emphasis on the provision of additional office accommodation within the Core CAZ and the alternative retail use is likewise acceptable in land use terms.

The proposed replacement fourth floor, new roof, rear extension and alterations are considered acceptable in design terms and the additional bulk is not considered to have a harmful impact on residential amenity. The application is therefore recommended for approval.

3. LOCATION PLAN

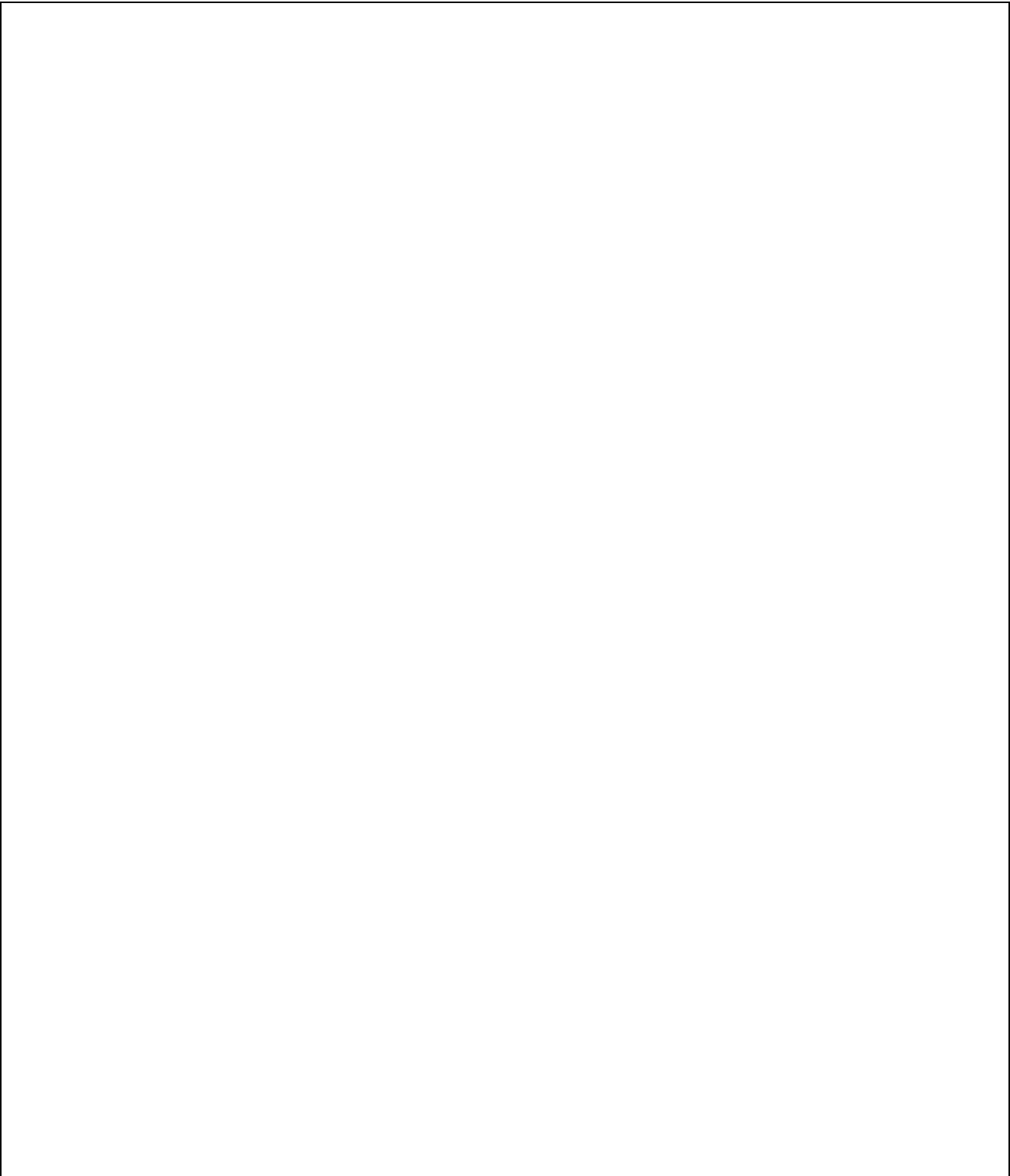


This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or Database rights 2013.

All rights reserved License Number LA 100019597

Item No.
2

4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Welcome the colouring of the facade but consider that the level of brick sooting should be agreed through sample panels. Expect an exemplary CMP to minimise disruption during the construction process.

HIGHWAYS PLANNING MANAGER

No objections subject to conditions.

ENVIRONMENTAL HEALTH

No objections raised.

WASTE PROJECT OFFICER

No objections raised.

ARBORICULTURAL MANAGER

No objections raised subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80; Total No. of replies: 2

One letter of support and one letter of objection raising the following issues:

- * Loss of daylight and sunlight
- * Overlooking
- * Adverse visual impact

Re-consultation following submission of revised plans

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

One letter of objection received stating that the amendments do not overcome the previous concerns raised.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

1. The Application Site

This application lies on the north west side of Manchester Square with frontages also onto Robert Adam Street to the north, Fitzhardinge Street to the south and Baker's Mews to the west. The site comprises a 1990's 5-storey building in office use that lies within the Central Activities Zone.

The site lies within the Portman Estate Conservation area and adjoins Grade II listed buildings at the rear on both Robert Adam Street and Fitzhardinge Street and opposite the Grade II listed Hertford House (which houses the Wallace collection). Manchester Square itself is protected under the terms of the London Squares Preservation Act 1931.

An off-street servicing bay is located to the rear of the existing building and is accessed via Baker's Mews. This bay is restricted by condition to be used between 8am and 8pm only. The bay also provides four off street residential car parking spaces and seven car parking spaces for the office use.

Manchester Square itself is generally commercial in nature, although to the rear of the site, both Baker's Mews and Robert Adam Street are more residential in character. There are also 8 flats within St Paul's Court, 56 Manchester Street to the immediate north of the site.

The four flats at 12 Robert Adam Street were constructed as part of the redevelopment of this site and the four flats share the servicing bay on Baker's Mews.

2. Recent Relevant History

Planning permission granted in August 1998 for the 'erection of a building comprising basement, ground, part 3 and 4 upper floors plus plant for use as offices (Class B1), 4 residential flats and associated parking.'

7. THE PROPOSAL

The proposals seek to replace the existing fourth floor with a new sheer storey of accommodation and to add an extra storey above this at roof floor level, all for Class B1 office accommodation. A rear extension at second to fifth floors is also proposed to house the core stair and lifts that are to be relocated to the rear of the site.

A flexible use of part of the ground and basement floors is also sought to enable either the existing office use to be retained at these levels, or to introduce a retail art gallery. The proposals seek also to relocate and enhance the office entrance, by moving it to a more central location. Some of the ground floor windows are also to be enlarged to facilitate the proposed art gallery use and all of the windows are to be replaced.

A terrace is proposed at fifth floor level, plant is to be upgraded and alterations to the servicing bay are also proposed.

The application has been amended since it was originally submitted to include the following amendments:

1. Amended pitch to roof
2. Reduction in the width of rear dormer window
3. Amendment to 5th floor terrace to prevent overlooking
4. Increased set back from 12 Robert Adams Street to 2.5m from the originally submitted scheme.

A revised sunlight/daylight report has also been submitted.

In the event that a retail gallery is introduced, the proposals result in the following floorspace increases:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	8,361	8,261	-100
Retail (Class A1)	0	1,412	+1,412
Total	8,361	9,673	+1,312

In the event that the building is used entirely for office purposes, the proposals result in the following floorspace increases:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	8,361	9,673	+1,412
Total	8,361	9,673	+1,412 (+15%)

5. DETAILED CONSIDERATIONS

1. Land Use

Loss of office use

In the event that the entire building is used for office purposes the proposals would result in the uplift of 1,412 sqm of office floorspace. Policy S20 directs new office development to the Core CAZ and therefore the uplift in office floorspace is welcome. This increase in office provision, being less than a 30% net increase in floorspace, does not require any on-site residential to be provided through being in compliance with policy S1.

In the event that the ground and lower ground floors are to be used for retail purposes, the proposals would result in a net loss of 100sqm in office floorspace. However, as this loss is to an alternative commercial use it is acceptable in policy terms.

Retail use

The alternative use proposed for part of the ground and lower ground floors is for retail purposes. This is an entirely speculative proposal and the applicant has yet to secure a tenant for this space. Policy SS4 (UDP) aims to enhance the retail function and mixed-use character of the CAZ and recognises that redevelopments are an opportunity for introducing new shop-type units in locations which would benefit from additional retail uses. Policy S6 of the City Plan states that the Core CAZ is an appropriate location for a range of commercial uses whilst Policy S21 directs new retail floorspace to the designated shopping centres. Although the application site is not located on a designated shopping frontage, it is within the Core CAZ and a proposed retail art gallery would complement and enhance the adjacent Wallace Collection. It is considered that the use of the ground and lower ground floors for retail purposes is acceptable in land use terms.

2. Townscape and Design

The building is a modern addition to Manchester Square, built about 20 years ago. It replaced a 1960's office block and sought to integrate more harmoniously, through its massing and design, into the existing, strong Georgian character of the Square. The Square is dominated by late 18th century houses, with the exception of Hertford House (housing the Wallace Collection) on the north side of the square. The current proposals retain the existing building but add an extra floor and an extension at the rear, with amendments to the facades, most notably the use of a stain to darken the brickwork. The design of the scheme has been negotiated and revised at both pre-application and application stages.

The building will comprise five sheer storeys, with a mansard type roof, with wide dormers, set back from the facades. Railings are added to the parapet to create a terrace. The existing building sought to relate to the Georgian houses to the south which are four sheer storeys high, as originally built in the 1770's. However other buildings in the square, including the terrace on the east side of the Square, have been extended in the past and are now five storeys. In this context it is considered that the increased massing is acceptable.

The proposed roof storey takes a modern mansard form, in contrast to the existing top floor which has sheer, metal clad, walls. The mansard has a shallow secondary pitch, a traditional form, which hides the roof level plant. This is an appropriate profile, which relates more successfully to its context than the existing roof storey does. There are flues at the rear of the roof and their design and appearance should be controlled by condition.

The facade alterations include the staining of the brickwork and also alterations to the fenestration. The bays above the proposed entrance, which is moved south of its current position in the corner, will feature double height window openings at second and third floor levels. The large glazed openings above the current entrance will be replaced with smaller windows. The very narrow windows in the recessed bays will be removed. Large glazed openings replace the smaller windows at ground floor level in the east facade onto the square.

It is considered that these alterations, coupled with the staining of the brick will not harm the appearance of the building, and overall, the architectural relationship of the building to the rest of the Square will be enhanced. The staining of the brickwork will require careful handling and should be controlled by conditions, including the approval of sample areas.

At the rear of the building an extension is added in the style of the existing building. The brickwork will not be stained here as the context is different from the square and it is not considered necessary to do it.

The original redevelopment included a work of public art, a sculpture by Tony Cragg, adjacent to the Manchester Square entrance. This has been removed in the recent past (seemingly without permission) and so there is a requirement to provide a replacement piece. This too can be controlled by condition.

It is considered that this is a well-designed scheme which will not harm the character and appearance of the Portman Estate Conservation Area or the settings of the adjacent listed buildings. It complies with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 5, DES 6 and DES 9 of the Unitary Development Plan.

3. Residential Amenity

The closest residential accommodation to the site are the four flats within 12 Robert Adam Street at the rear of the site and the mews houses on Baker's Mews, specifically 2 Baker's Mews. A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties. Following revisions to the scheme, a revised sunlight/daylight report has also been submitted.

Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC 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 BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window receives less than 25% annual probable sunlight hours and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected.

The sunlight/daylight assessment submitted with the application shows that two windows (one at first and one at third floor) within the rear of 12 Robert Adam Street would be adversely affected by the proposals in terms of loss of daylight with losses of 26.88% and 22.56% in VSC. The owner of this property objects to these losses. The Daylight Distribution analysis (NSL) does demonstrate full BRE compliance with all reductions well within 20%. Whilst the VSC losses would be over 20%, the windows affected serve bedroom accommodation which the BRE guidelines state as being less important in relation to daylighting distribution than main living rooms and on this basis, it is not considered that refusal on loss of daylight could be justified.

The owner of 12 Robert Adam Street also objects on the grounds of loss of sunlight. In the original submission, one first floor bedroom window would have experienced a loss of 44% in sunlight hours. In the revised scheme, the resultant loss of sunlight hours to this window would be within BRE tolerances.

Overshadowing

There are four external terraces at 12 Robert Adam Street which face the extensions proposed at the rear of the site. These have been assessed for potential overshadowing. All of the four respective spaces retain 50% or more of the area receiving two hours or

more direct sunlight on 21 March in accordance with BRE Guidance and therefore will remain adequately sunlit throughout the year.

Sense of Enclosure

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. One objection has been received on the grounds that the proposals would result in a loss of adverse visual impact. There is a part 2-storey extension at the rear of the site that is 9.8m from the rear first floor windows within 12 Robert Adam Street. The application initially involved an upward extension to this part of the site, rising an additional four floors. However, following negotiation, the bulk and massing of this part of the proposal has been amended and the rear extension has been set back from 12 Robert Adam Street by an additional 2.5m. Given that the rear extension is now between some 12.5 and 15.5m from these rear windows, it is not considered that the proposal would result in any adverse increased sense of enclosure to these windows.

Privacy/Noise

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. Terraces are proposed at fifth floor level, wrapping around the new roof extension proposed at this level. The applicant confirms that the terrace area immediately adjacent to the residential accommodation at 12 Robert Adam Street is for maintenance purposes only. This can be controlled by condition and addresses the overlooking concerns raised by the owners of 12 Robert Adam Street. There are flats within 56 Manchester Street opposite the northern part of the proposed terrace. The remainder of the terrace area is some distance from any other residential accommodation and it is not considered that the use of the terrace would result in increased privacy or overlooking. A condition however is proposed to limit the hours that the terrace may be used.

4. Transportation/Parking

A Transport Assessment produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. Trip generation modelling, which is considered to be robust, concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

Whilst the proposal will result in an increase in vehicle trips to the site, the Highways Planning Manager concludes that this will have no significant impact on the operation of the wider highway network.

Site servicing

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”.

The existing off-site servicing bay is to be retained to enable deliveries to be undertaken off street. The bay however is to be shortened (through the introduction of relocated parking spaces) however, the servicing area will continue to be able to accommodate long wheel based light goods vehicles.

There are currently between 10 – 20 deliveries daily, of which the majority are undertaken on-site in smaller vehicles. The applicant estimates that the proposed development will be serviced on average by an additional 3 service vehicles daily. The majority of scheduled and regular deliveries for the office building would be undertaken by Light Goods Vehicles (LGVs). The largest regular service vehicle expected to be associated with the proposed development in this location is the refuse collection. These will service the property in a similar fashion to the existing use and nearby properties.

The applicant has also submitted a Servicing Management Plan (SMP) that demonstrates how servicing will be managed. All deliveries will be pre-booked where possible and scheduled to avoid conflict with waste / recycling collections. The Highways Planning Manager has confirmed that the approach set out in the SMP is acceptable. This will be secured by condition.

Cycle parking and waste storage

The proposal incorporates secure cycle parking at basement level, together with shower and changing facilities. These would be secured by condition.

Waste/recycling storage for the development will be located at ground floor level within the loading bay area. The level of storage provision is considered acceptable.

5. Economic Considerations

The economic benefits generated are welcomed.

6. Access

The office entrance on Manchester Square will have level access from street level. The main core provides three lifts that serve all the levels of the building to meet Part M of the Building Regulations.

7. Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement, within the rear extension and at roof level. An acoustic report has been submitted with the application and assessed by Environmental Health who raise no objection, subject to the imposition of conditions to control the noise output from the proposed plant to ensure that it is compliant with the Council's noise standards for operational plant.

Trees

There are several street trees that will be affected by the development and the applicants have submitted an Arboricultural Impact Assessment (AIA) in support of the application. The trees will need to be pruned back from the property to accommodate scaffolding and hoarding. The Arboricultural officer considers that the extent of pruning is acceptable and raises no objections. However, the precise extent of pruning will need to be agreed and is therefore controlled by condition.

Biodiversity

The proposed development includes the provision of a brown roof. This is welcomed and will be secured by condition.

Sustainability

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.

Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

An Energy Strategy has been submitted which sets out the energy efficiency measures for the proposals. The proposals comprise several energy efficiency measures to improve the sustainability credentials of the buildings as part of the energy strategy. These include:

- * Passive design measures, including new double-glazed windows; upgraded roof, floor and walls to the retained elements; and new thermal fabric to meet Part L2B of the Building Regulations;
- * Centralised and energy efficient gas fired boilers;
- * Centralised and energy efficient water-cooled chillers with dry air coolers;
- * Installation of roof level photovoltaics;
- * High efficiency Direct Current (DC) fan coil units;
- * Mechanical ventilation with heat recovery;
- * Low energy lighting and adequate lighting controls;
- * Variable speed pumping;
- * Pipework insulation to heating, cooling and hot water systems; and
- * Heating, cooling and hot water controls.

The proposed development provides carbon savings of 53% below the baseline emission rate. This improvement over the baseline meets the Mayor of London's target of a 35% carbon reduction.

A BREEAM pre-assessment has also been undertaken to establish the likely and potential score and rating for the commercial elements of the development. The results show that the development achieves a BREEAM Very Good Rating.

8. Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

9. Neighbourhood Plans

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

10. London Plan

This application raises no strategic issues.

11. 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 a pre-commencement condition to secure the applicant's adherence to the Council's Code of Construction Practice. The applicant has agreed to the imposition of the condition.

12. Planning Obligations

Planning obligations are not relevant in the determination of this application.

In relation to Community Infrastructure Levy payments, the development is estimated to be liable for a total of:

Mayoral CIL: £104,960 (index linked)

Westminster CIL: £312,749 (index linked)

Total CIL: £417,709 (index linked)

13. Environmental Impact Assessment

The application is not of a sufficient scale to require an Environmental Impact Assessment.

14. Other Issues

Construction impact

The applicant has agreed to comply with the City Council's Code of Construction Practice. As such, Condition 3 seeks to secure this in accordance with the concerns raised by the Marylebone Association.

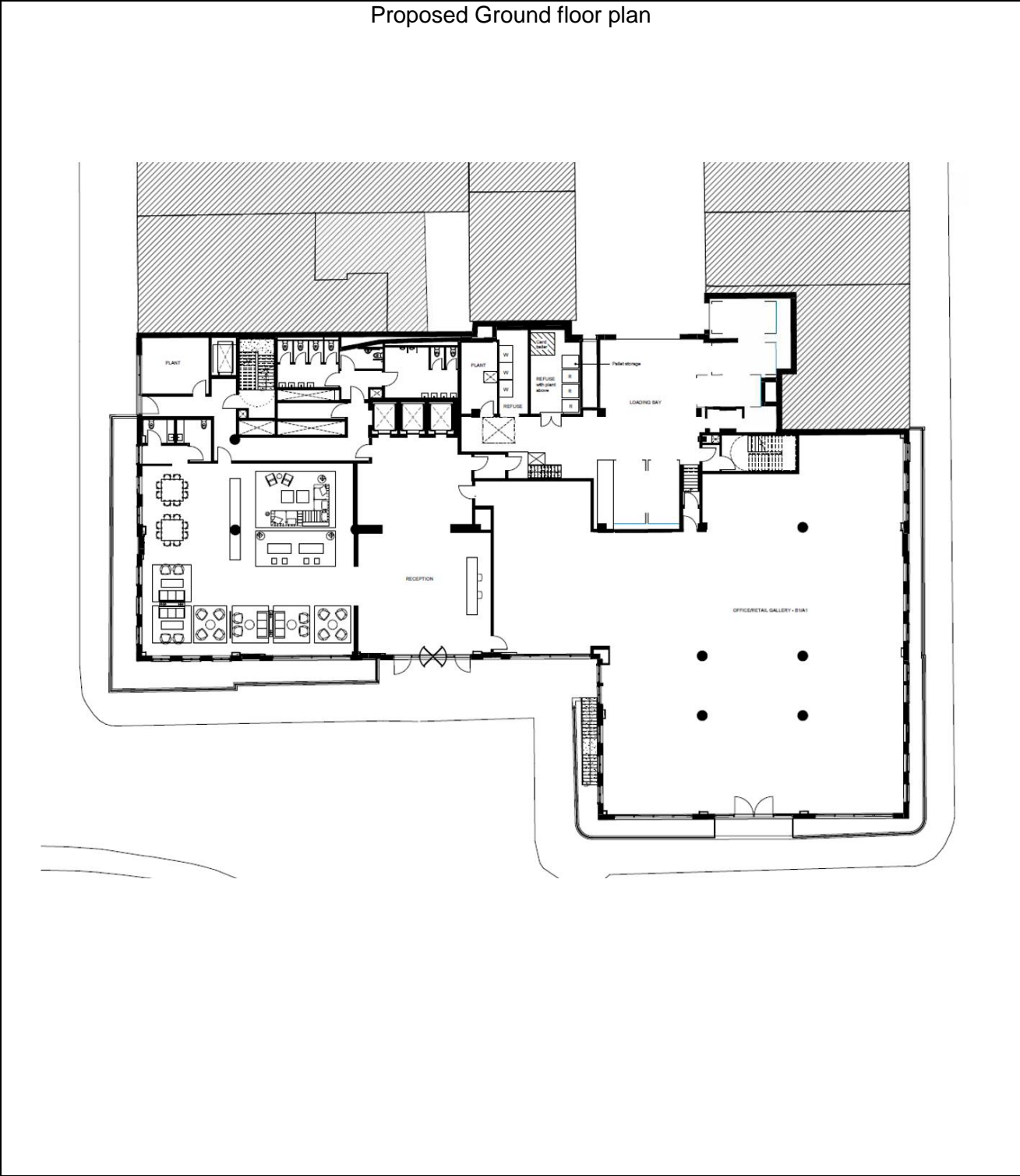
Statement of Community Involvement (SCI)

The applicant has submitted a SCI, which sets out the consultation with the local community. This has included a public exhibition, letter drops and individual meetings with the Marylebone Association, the Manchester Square Garden Committee and the Wallace Collection.

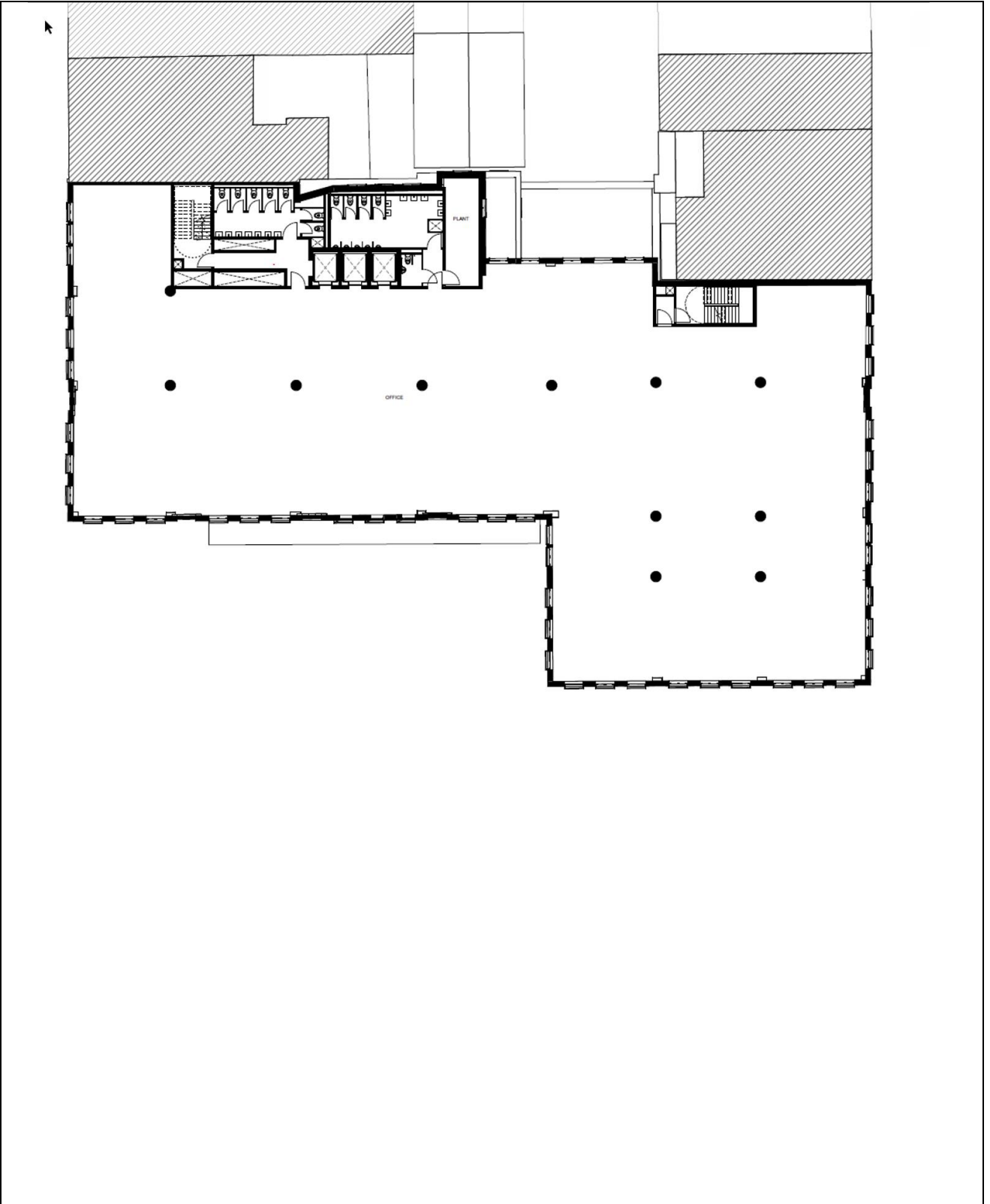
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

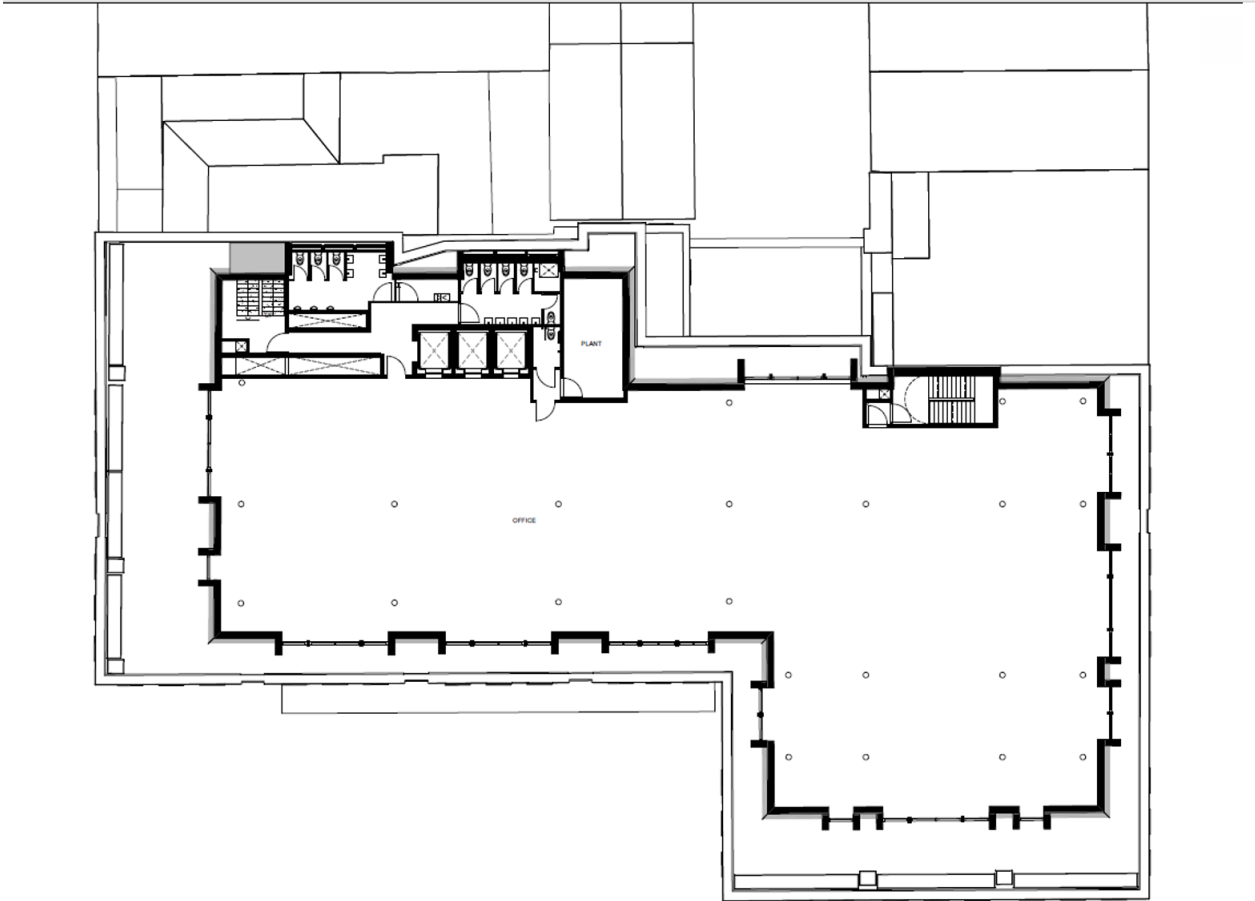
6. KEY DRAWINGS



Typical Upper floor plan



Proposed fifth floor



Item No.

2

Existing front elevation (Manchester Square)



Proposed front elevation





Existing rear elevation (Bakers Mews)



Proposed rear elevation





DRAFT DECISION LETTER

Address: 15-20 Manchester Square, London, W1U 3PW,

Proposal: Demolition and replacement of existing fourth floor, demolition of existing plant room, and erection of a single storey roof extension at fifth floor and rear extension at second to fifth floor levels in connection with existing office (Class B1) use, provision of new main office entrance, flexible use of part ground and basement floor for either retail or office use (Class A1/B1), creation of roof terrace at fifth floor level, provision of cycle parking spaces and facilities, roof plant and associated external alterations, including replacement windows.

Reference: 18/10640/FULL

Plan Nos: 18046-SQP-Z1-00-DR-A-PL001 Rev B, 18046-SQP-Z1-01-DR-A-PL002 Rev A, 18046-SQP-Z1-02-DR-A-PL003 Rev A, 18046-SQP-Z1-03-DR-A-PL004 Rev A, 18046-SQP-Z1-04-DR-A-PL005 Rev A, 18046-SQP-Z1-05-DR-A-PL006 Rev A, 18046-SQP-Z1-B1-DR-A-PL000 Rev A, 18046-SQP-Z1-RF-DR-A-PL007 Rev A, 18046-SQP-Z1-XX-DR-A-PL201 Rev A, 18046-SQP-Z1-XX-DR-A-PL202 Rev A, 18046-SQP-Z1-XX-DR-A-PL203 Rev A, 18046-SQP-Z1-XX-DR-A-PL204 Rev A, 18046-SQP-Z1-XX-DR-A-PL401 Rev A, 18046-SQP-Z1-XX-DR-A-PL402 Rev A

18046-SQP-Z1-00-DR-A-01001, 18046-SQP-Z1-01-DR-A-01002, 18046-SQP-Z1-02-DR-A-01003, 18046-SQP-Z1-03-DR-A-01004, 18046-SQP-Z1-04-DR-A-01005, 18046-SQP-Z1-B1-DR-A-01000, 18046-SQP-Z1-RF-DR-A-01006, 18046-SQP-Z1-XX-DR-A-01201, 18046-SQP-Z1-XX-DR-A-01202, 18046-SQP-Z1-XX-DR-A-01203, 18046-SQP-Z1-XX-DR-A-01204, 18046-SQP-Z1-XX-DR-A-01401, 18046-SQP-Z1-XX-DR-A-01402

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of 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 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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

- 4 You must apply to us for approval of a methodology, specification and sample panels (to be inspected on site) of the following parts of the development:

- Brickwork staining.

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 reports and sample panels. (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 Portman Estate 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 (Scales 1:20, 1:5 and 1:1) of the following parts of the development:

1. Alterations to facades - including new windows and entrances,
2. Mansard roof and dormers

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate 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 apply to us for details of the following parts of the development:

Public art (to replace that which was part of the original development).

You must not start any 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 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 Portman Estate 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 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)

- 8 You must apply to us for approval of detailed drawings and specifications showing the following alteration(s) to the scheme:

Revised design of the roof level flues to reduce their visual impact (design and materials)

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate 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)

- 9 Prior to the commencement of any
- (a) demolition, and/or
 - (b) earthworks/piling and/or
 - (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein.

Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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),

- 10 (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)

- 11 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)

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

Reason:

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

- 13 You must provide each cycle parking space, showers and lockers 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)

- 14 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved at basement and ground floor levels shall not be used for retail supermarket purposes.

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)

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 18046-SQP-Z1-00-DR-A-PL001 Rev B. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

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, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

1. photovoltaics;

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

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. (R43AB)

- 17 You must not use the west facing fifth floor flat roof of the building (facing Bakers Mews) for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 18 You must not use the fifth floor terrace areas facing Fitzhardinge Street, Manchester Square/Manchester Street and Robert Adam Street, except between the hours of 08.00 and 20.00 Monday to Fridays only; and not at all on Saturdays, Sundays, bank holidays and public holidays.

Outside of these hours you can only use the terraces to 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)

- 19 Servicing from Bakers Mews shall only take place between 08:00 and 20:00 Mondays to Saturdays and not at all on Sundays and Bank Holidays.

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)

- 20 All servicing shall be undertaken in accordance with the submitted Servicing Management Plan unless otherwise agreed in writing by the local planning authority.

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)

- 21 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)

22 You must apply to us for approval of detailed drawings of the following parts of the development

- a cycle gutter within the stairs.

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 approved details. (C26DB)

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)

23 You must write to us for approval of any pruning works required to the Council's own trees. The extent of works must not be harmful to the appearance, structure or condition of the trees and must follow the recommendations in BS3998 (2010): Tree work - Recommendations. The agreed works must then be carried out by the Council's contractors unless otherwise agreed in writing with us.

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)

You must apply to us for approval of detailed drawings and a bio-diversity management plan in

- 24 relation to the brown roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

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)

- 25 You must apply to us for approval of the design and the planting scheme of the terrace planters. 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 planting scheme according to these approved drawings within 1 year of completing the development.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Portman Estate Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 Conditions 10 & 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 5 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)

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.