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|--|---|---------------------------------------|---------------|
| CITY OF WESTMINSTER                                      |   |                                       |               |
| PLANNING APPLICATIONS SUB COMMITTEE                      | Date<br>6 August 2019   | Classification<br>For General Release |               |
| Report of<br>Director of Place Shaping and Town Planning |   | Ward(s) involved<br>West End          |               |
| Subject of Report  | Car Park At, 12 - 13 Wells Mews, London, W1T 3HE,   |                                       |               |
| Proposal   | Erection of a single storey extension at fourth floor and single storey extension at part fifth floor level, including external plant and taller lift over-run. Infill of existing internal lightwell, installation of new ground floor frontage, creation of a terrace at fifth floor level overlooking Wells Mews, use of existing flat area at rear third floor and fourth floors as terraces, all in connection with the use of the ground and upper floors for office (Class B1) purposes. |                                       |               |
| Agent  | DP9   |                                       |               |
| On behalf of   | AG Berners Street B.V.  |                                       |               |
| Registered Number  | 19/03311/FULL   | Date amended/<br>completed            | 30 April 2019 |
| Date Application Received                                | 30 April 2019   |                                       |               |
| Historic Building Grade                                  | Unlisted  |                                       |               |
| Conservation Area  | None  |                                       |               |

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The building comprises of a small basement area, ground and three upper floors, all of which are used as a public car park operated by NCP (Berners Street Car Park) access is from Berners Street.

Permission is sought use of the car park as offices (Class B1). The scheme includes alterations to the Wells Mews façade, 4<sup>th</sup> and 5<sup>th</sup> floor roof extensions and the creation of roof terraces..

The key issues for consideration are:

- The land-use implications including the loss of the existing car park;
- The impact of the proposals the character and appearance of the area;
- The impact on neighbouring residential amenity.

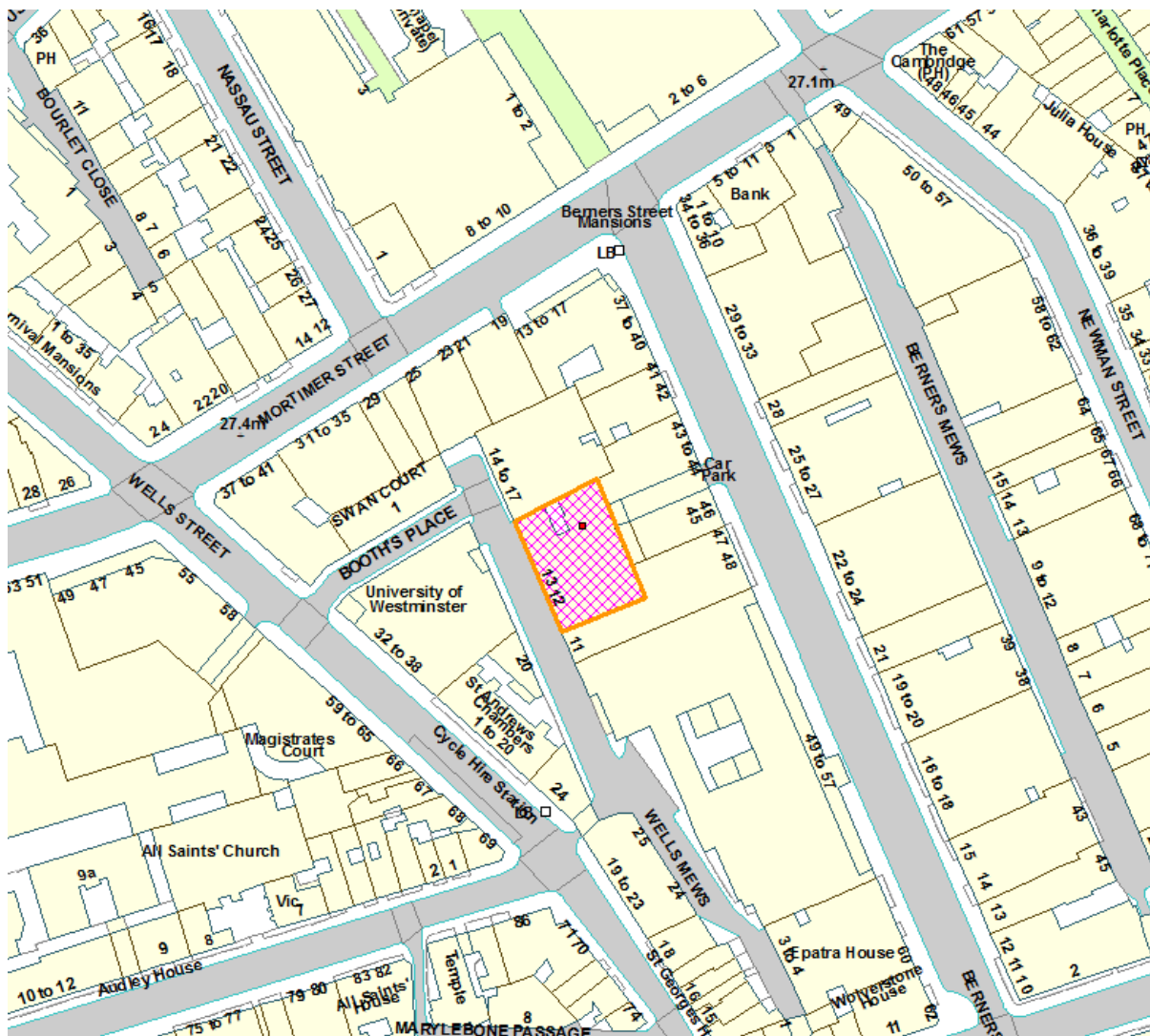
Given both the occupancy of the existing car park and the availability of off-street public car parking in the vicinity of the site the loss of the existing car park is considered acceptable. Use as offices on

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| Item No. |
| <b>2</b> |

this site within the Core Central Activities Zone is also acceptable. The alterations and extensions . are acceptable in design terms. The increased bulk and mass and proposed terraces would not result in a material loss of amenity to nearby residents.

The application is therefore considered acceptable in amenity terms and overall complies with the policies set out in the Unitary Development Plan (UDP) and Westminster’s City Plan (City Plan).

## 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response to date

### ENVIRONMENTAL SCIENCES

No objection subject to conditions

### WASTE PROJECT OFFICER

No objection subject to condition

### HIGHWAYS PLANNING

No objection subject to conditions

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 103

Total No. of replies: 5

No. of objections: 5

Five objections (2 from the same neighbour) have been received on some or all of the following grounds:

#### Amenity:

- Loss of daylight,
- Loss of privacy/ overlooking,
- Noise nuisance
- 

#### Other:

- Rights of Light issues,
- Applicants claim that letters were sent to local residents and business prior to submission is not correct,
- Impact from noise and disruption during construction,
- Increase in anti-social behaviour caused by increased use of existing building, and
- The cumulative impact of overdevelopments in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application premises is located on the east side of Wells Mews towards the northern end, where it meets Booth's Place. The building comprises of a small basement area, ground and three upper floors, all of which are used as a public car park operated by NCP. The building is not listed or within a Conservation Area. The site is within the Core Central Activities Zone.

The car park is known as Berners Street car park is accessed from Berners Street. This access tunnel is on under separate ownership and does not form part of this application site. The lease for this tunnel is due to expire, leaving access to the building only from

Wells Mews. Further to this, permission has been granted for the redevelopment of 45-46 Berners Street (Michelle House) which would involve the removal of the vehicular access to the car park. Large timber doors fronting onto Wells Mews are a secondary access to the car park .

The car park provides 96 parking spaces is operated in a valet style due to the absence of car ramps, relatively small floor plate sizes and presence of a single car lift.

## 6.2 Recent Relevant History

A certificate of lawfulness was granted at the application site on 23 October 2009 (RN: 09/07084/CLEUD) confirming the use of part ground to third floors as a public car park

Planning permission was granted at 45-46 Berners Street (Michelle House) (RN: 18/04936/FULL) to the rear of the site to allow redevelopment of the site to provide a nine storey building. The use of this building will be office (Class B1) on first to seventh floors and a triple / alternative use of the basement and ground floor as retail (Class A1) / restaurant (Class A3) / showroom uses (Sui Generis). This scheme includes the infill of the existing car park access tunnel from Berners Street to this site at ground floor.

## 7. THE PROPOSAL

Planning permission is sought for alterations and extensions in connection with the use of the premises as offices (Class B1). The works include erection of extensions at 4<sup>th</sup> and 5<sup>th</sup> floors, infill of the existing internal lightwell to create the access core. The works include alterations to the Wells Street frontage a terrace at 5<sup>th</sup> floor level overlooking Wells Mews and rear 3<sup>rd</sup> and 4<sup>th</sup> floor terraces.

The land use figures for the proposal are summarised in the table below.

|                   | Existing GIA (sqm) | Proposed GIA (sqm) | +/-   |
|-------------------|--------------------|--------------------|-------|
| Car Park          | 2049               | 0                  | -2049 |
| Office (Class B1) | 0                  | 2650               | +2650 |
| Total             | 2049               | 2650               | +601  |

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of Public Car Park

UDP policy TRANS 25, part C, states that the City Council will usually permit the loss of public off-street parking, subject to a number of factors. These factors are:

1. *“the need to reduce traffic levels and encourage more sustainable modes of transport*
2. *the average and peak usage of the car park*
3. *the availability of alternative, nearby public car parks*
4. *the impact on local on-street parking facilities*

5. *the impact on traffic and local residential amenity*
6. *any other factors considered relevant."*

A Transport Statement and a dedicated Car Park Study has been submitted as part of the application which considers the above points which has been assessed by the Highways Planning Manager.

According to the submitted data the Wells Mews car park is underutilised with an occupancy of 46% (44 out of 96 parking spaces occupied) weekdays and 15% at weekends. There are 5 car parks in the vicinity of the site that have been the subject of occupancy surveys. The two car parks closest to the application site are Poland Street and Clipstone Mews the peak/maximum occupancy levels of these were 58% (101 out of 174 parking spaces occupied) and 88% (142 out of 162 parking spaces occupied) respectively. There are 3 other sites within 800m of the site with an additional total of 783 spaces of which 415 were occupied at peak/maximum equating to 53% occupancy. These car parks have sufficient capacity to accommodate vehicles displaced from the application site.

The pressure on on-street car parking in the area is high, however given the availability of off-street public car parking in the vicinity of the site and the limited number of spaces occupied at the application site is not considered that a refusal under TRANS 25 part C could be substantiated. On this basis the loss of the existing car park is considered acceptable in this instance.

### **Proposed Office Use**

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness.

The Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan as offices contribute to the unique and varied mixed use character of the Core CAZ which will ensure the continued vitality, attraction and continued economic success of Central London. The scheme will provide 2650sqm (GIA) of new office (Class B1) floorspace. The provision of additional office floorspace in this location is therefore acceptable in principle.

City Plan Policy S1 sets out the circumstances in which development proposals which include an increase in Class B1 office floorspace trigger a requirement to provide new residential accommodation.

As the net increase in floorspace of all uses (601sqm GIA) is less than 30% of the total existing building floorspace (30% being 614.7sqm GIA), no residential is required to offset the increase in office floorspace.

An objection has been received that use as offices would result in noise nuisance. The area is however mixed use in character and use of the premises as offices is considered wholly appropriate on this site within the CAZ.

## **8.2 Townscape and Design**



12- 13 Wells Mews is an unlisted purpose built garage dating from the early 1920s. The site is located outside of a conservation area but the boundary of the East Marylebone Conservation Area runs immediately opposite the proposal site. The main design implications of the proposals involve the addition of a sheer storey at fourth floor level, a set back storey including a plant enclosure at fifth floor level with a lift overrun above, alterations to the ground floor frontage, infill of the inner lightwell and the creation of terraces at third, fourth and fifth floors.

The existing building is four storeys in height and is flanked by a taller five storey building immediately to the north at no. 14- 17 Wells Mews. Permission has recently been granted for upwards development at the rear of the site at nos. 43- 44 and 45- 46 Berners Street, the latter of which has been implemented. The proposed scheme consists of an additional sheer storey at fourth floor level, which relates sensitively to the palette and appearance of the building and does not exceed the height of the principal frontage of 14- 17 Wells Mews. In this context, the proposed sheer storey extension will appear proportionate to the scale and appearance of the existing building and its context.

Following advice from officers, the proposed fifth floor extension has been set well back from the front of the building in order to minimise its visual impact from street level. The proposed zinc clad fifth storey will have a very limited visual impact on street level views and given the taller buildings which front on to Berners Street, will not appear uncharacteristically tall in private views. Following negotiations with the applicant, the design of the upwards extension has been amended to include the heightening of the southern gable, to ensure this attractive feature remains prominent in the context of this roofscape. Details of this aspect of the proposals are to be secured through condition. The minor projection of the lift overrun is centred on the roof and will also have very limited impact on public and private views. Overall therefore, the proposed roof extensions are considered compliant with DES 6 of the UDP and are recommended for approval in design terms.

The proposed terraces located at the rear of the site will only be visible from private vantage points. There are many terraces in the immediate vicinity of the site at the rear and they are characteristic of this area. Subject to the imposition of a condition requiring the terrace railings to be black painted metal, this aspect of the proposals is considered acceptable. The proposed infill of the inner lightwell is also considered uncontentious in design terms.

The proposals also involve alterations to the ground floor frontage, involving the removal of the existing garage doors and the installation of glazing. This aspect of the proposals has been subject to design negotiations. The original proposals for fully glazed openings at ground floor level was considered uncharacteristic of the frontages in this mews and lacked visual interest. Following negotiations with the applicant, the design has been amended to show metal framed glazing reflective of the industrial character of this building, which is considered appropriate. The attractive decorative tiling at ground floor is to be retained. The proposed alterations are therefore considered compliant with DES 5 of the UDP and are recommended for approval.



Overall, the proposals are considered compliant with DES 5 and DES 6 of the UDP and are acceptable in design terms.

### 8.3 Residential Amenity

Council records indicate that the site has few residential properties surrounding it. The only residential in Wells Mews appears to be at number 20 which contains 2 flats. This is located to the south of the site on the opposite side of the street. Behind this, fronting onto Wells Street, is a block of flats at 1-20 Wells Street (St Andrews Chambers). Booths Place (located at the northern end of Wells Mews forming the connection with Wells Street) has a residential block of 4 flats (Swan Court). 23-25 Mortimer Street appears to be in residential use. This building partially backs onto the northern most end of Wells Mews.

#### Sunlight and Daylight

Objections have been received from the residents at 1 Swan Court (Booths Place) regarding a loss of light. The application includes a daylight and sunlight report which assesses the impact in accordance with the Building Research Establishment's (BRE) guidelines: 'Site Layout Planning for Daylight and Sunlight'.

UDP Policy ENV13 aims to protect and improve residential amenity, including safeguarding daylight and sunlight levels. Policy S29 of the City Plan aims to improve the residential environment of Westminster.

The application daylight and sunlight report assesses the impact of the development on properties at 20 Wells Mews, 1 Booths Place (Swan Court), 1-20 Wells Street (St Andrews Chambers). 23-25 Mortimer Street, and the 6<sup>th</sup> floor of the University of Westminster building (which the consultant believes to be in residential use).

#### Daylight

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

The report demonstrates that the windows assessed will experience only small losses in daylight all below the 20% threshold identified by BRE guidance. The most significant reductions in VSC (10.9%) is to a first floor window at 20 Wells Mews (from 15.6% to 13.9 %) This loss will not be noticeable.

#### Sunlight

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

during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The sunlight assessment demonstrates that any losses in APSH are below 20%, with the highest being 6.7% to a first floor bedroom window and the same amount to a second floor living room window (four windows serve each living room) at Swan Court.

The highest loss in winter APSH is 20% loss to a ground floor window at 23-25 Mortimer Street. This window is one of three which appears to serve the same room. It should also be noted that percentage loss is high due to a small reduction in already small absolute levels of winter APSH (from 5 to 4). The window experiences a loss of only 5.6% in APSH annually and with its low base levels of APSH, it is considered that the loss is acceptable in this instance. The next highest loss in winter APSH is 16.7%, to a second-floor bedroom window at Swan Court, which is within BRE guidelines.

### Objections

All the objectors have raised concern about the impact of the proposal on the flats at Swan Court. The submitted report demonstrates that all windows at Swan Court comply with BRE guidelines both in terms of daylight (VSC) levels and sunlight (APSH). The objections are not therefore sustainable.

One objection refers to the impact on rights of light. This is however a private matter and permission could not reasonably be withheld on this basis.

### **Sense of Enclosure**

It is not considered that the proposed fourth and part fifth floor extensions will create any significant increase in sense of enclosure. The fifth floor is significantly set back from the main facades of the building and the distances to nearby residential properties are considered to be reasonable, if not larger than other service style streets such as this. Swan Court is located approximately 25m from the site while the distance between the site and 20 Wells Mews is approximately 9.3m

### **Proposed Terraces (Overlooking, Privacy and Noise)**

The proposals include the creation of three new roof terraces. One of these is located at the rear of the building at third floor and a second at rear fourth floor, both on small existing flat roof areas. There are no residential properties located to the rear of the site, it is not considered that these terraces will cause any loss of amenity to the area.

It is also proposed to create a fifth floor terrace at the front of the building. Objections have been received on the grounds of a loss of privacy and increase in overlooking from this front terrace from residents at Swan Court. As noted above, the site and Swan Court are located some 25 m apart. Given both the distance and orientation between the buildings use of the 5<sup>th</sup> floor terrace at the application site would not result in a loss of privacy.

Objections have also been received on the grounds that use of the terrace will cause noise disturbance. A condition is recommended restricting use of the terrace to between 08:00-21:30 Monday – Friday and not at all on weekends. Subject to this condition use

of the terrace is considered acceptable and would not result in disturbance and a loss of residential amenity.

#### **8.4 Transportation/Parking**

The issue of the loss of the existing car park has been discussed in the land use section 8.1 of this report.

##### **Cycle Parking**

The application refers to the provision of 40 cycle parking spaces. This complies with London Plan standards. The Highways Planning Manager advises that this is acceptable. It is recommended that the cycle parking is secured by condition.

The Highways Planning Manager has advised that impact of the proposal on car parking levels (on street) in the area is likely to be minimal due to the good accessibility to public transport the site benefits from.

The proposed office use is unlikely to result in significant servicing requirements. A Servicing Management Plan (SMP) will ensure that there is no adverse impact on the highway. It is recommended that an SMP is secured by condition.

#### **8.5 Economic Considerations**

The economic benefits of the scheme are welcomed.

#### **8.6 Access**

The site already benefits from level access from Wells Mews. The proposal will maintain this and provide disabled access throughout the site by the provision of lifts. As described above, the current access from Berners Street is to be lost as a result of the permission granted for development at 45-46 Berners Street (Michelle House) (RN: 18/04936/FULL).

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

##### **Plant**

The application is accompanied by an acoustic report. Environmental Health have confirmed that the proposed plant installations at the roof and in the basement are likely to comply with the relevant noise criterion within UDP Policy ENV 7. In order to achieve this the acoustic screening will be required at roof level, the installation of which shall be secured by condition.

The Environmental Health officer has advised that as the specific equipment to be installed is not yet decided (this will be decided by the future tenants), a supplementary acoustic report will be required to be submitted to the Council for assessment prior to its installation to demonstrate that compliance with the criteria is achieved. This shall be secured by condition.

##### **Refuse /Recycling**

The Waste Project Officer has assessed the application which originally did not provide sufficient detail regarding the storage of waste on site. This objection was also raised by the Highways Planning Manager. However, following the provision of additional details from the applicant, the Waste Project Officer has advised they have no objection to the proposed waste storage on the site. This provision shall be secured by condition.

### **8.8 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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019.

In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

### **8.9 Neighbourhood Plans**

There are no adopted neighbourhood plans for the area.

### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 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.

No pre-commencement conditions are considered to be required for this application.

### **8.12 Planning Obligations**

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

### 8.13 Environmental Impact Assessment

Not applicable.

### 8.14 Other Issues

#### Construction Impact

Objectors have raised concern regarding the impact on amenity and the area during the course of construction.

A scheme of this scale would not usually be required to comply with the Code of Construction Practice (it is a level 3 application) and would be subject to a standard condition applied to limit the hours of noisy work on the site. It is not considered reasonable to withhold permission on the grounds of this objection given the size of the scheme, and this objection cannot be upheld.

#### Crime and Security/Anti-social Behaviour

An objection has been raised on the grounds that the proposal will result in an increase in anti-social behaviour. It is not considered that an office use would create an increase in anti-social behaviour and would be less likely to attract such issues when compared to a car park. Office uses provide opportunities for neutral surveillance in the area as a result of a greater presence of people in the building and arriving. It is therefore not considered reasonable to withhold permission on these grounds.

#### Applicants not sending letters to neighbours before hand

One objector has raised objection on the grounds that, while the applicant claims that letters were sent to 109 local residents and businesses prior to submitting the application, however no such letter was received. While the objector's concerns are noted, the planning system does not allow the Council to withhold permission on such grounds. It is at the applicant's discretion if they choose to engage with neighbours prior to submitting a planning application in any form (which is strongly encouraged by the Council) and not a requirement of the planning system. For this reason, the objection cannot be upheld.

#### Overdevelopment of the area and Cumulative Impact

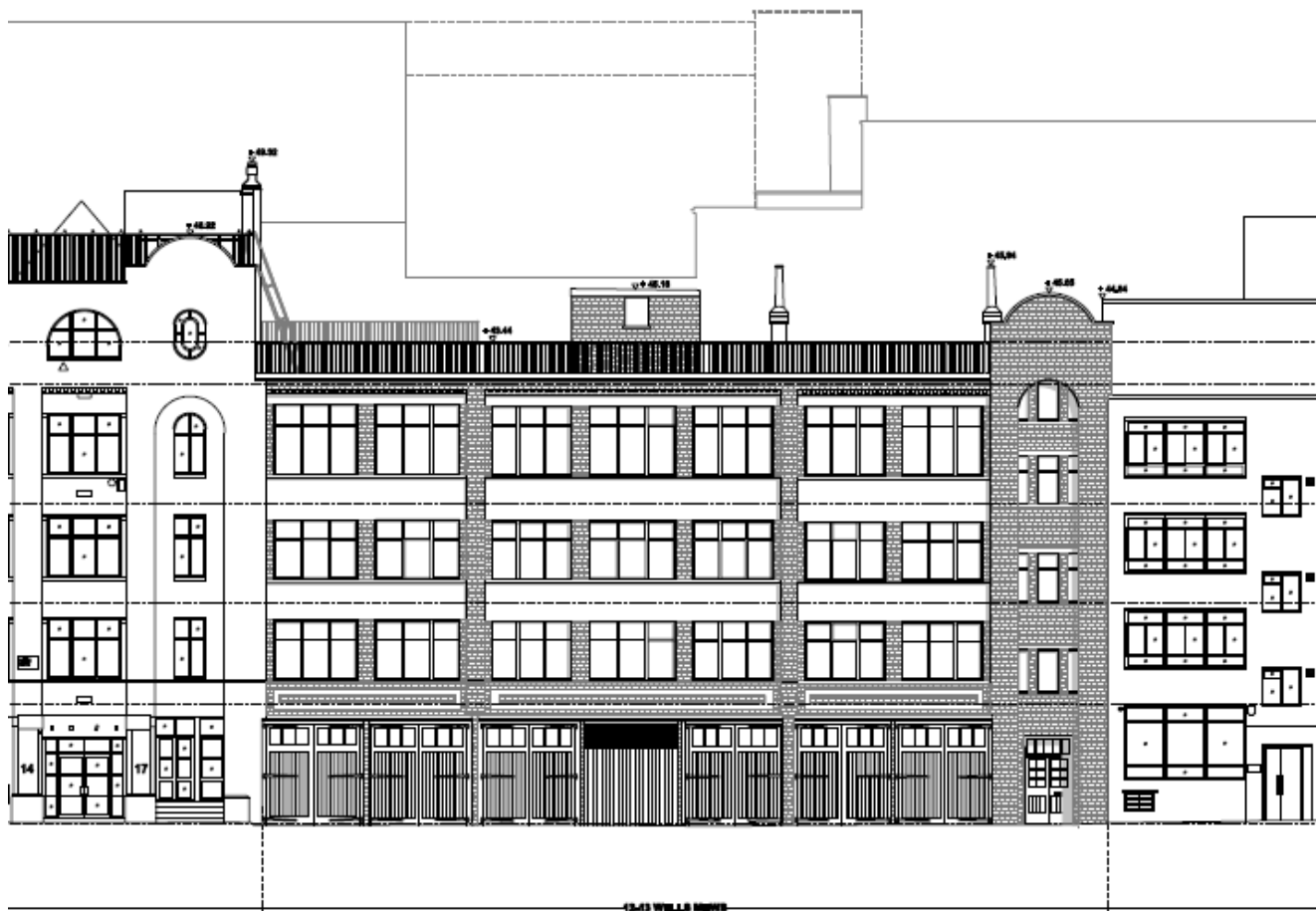
An objection has been raised on the grounds that the proposal is overdevelopment of the area and will have a cumulative impact on residents in the area. As set out above the proposal is considered to accord with the development plan.

(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: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

## 9. KEY DRAWINGS

## Existing Front Elevation

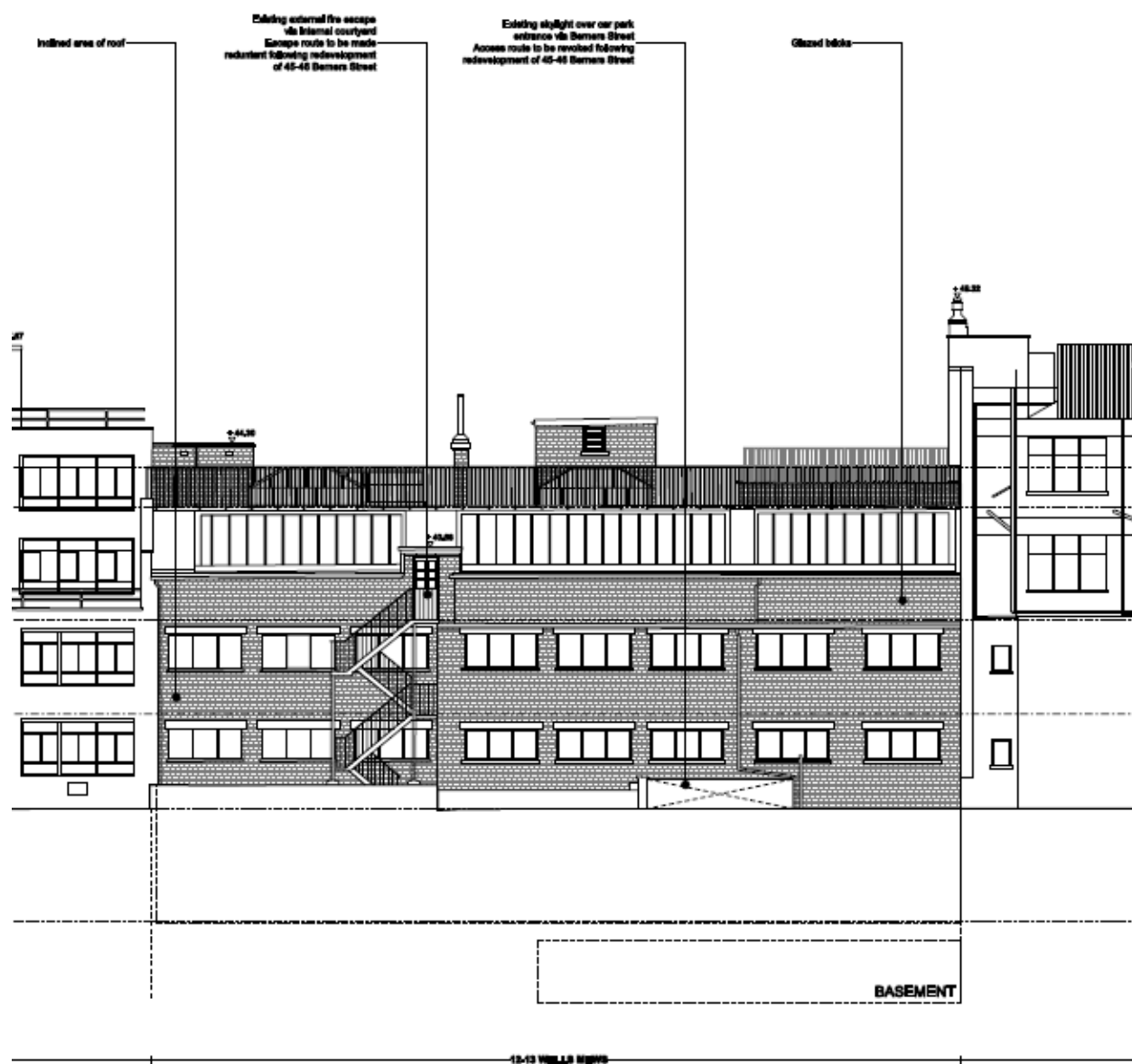


Architectural elevation drawing of a building facade. The drawing includes the following annotations:

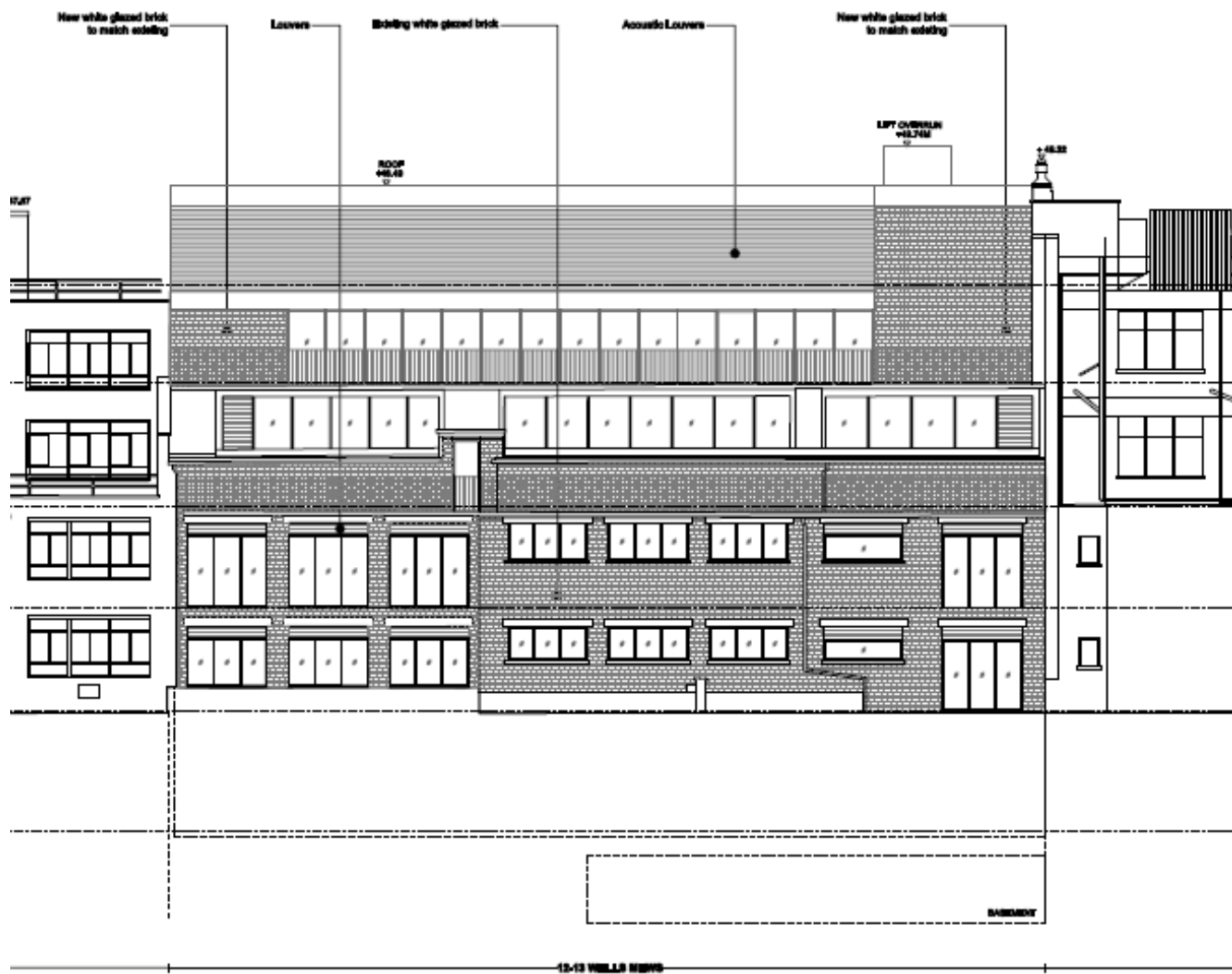
- Red and white patterned tiling to be retained throughout
- Alternating red/ buff colour banding on bulkhead plane to be retained throughout
- New brickwork
- Existing render
- New metal cladding
- New metal framed operable windows
- New decorative brickwork to match the existing with new gable
- UPPER CHIMNEY with 24" ST
- ROOF 448.48
- 7.48.32
- 14
- 17
- New metal framed glazing in existing opening
- New glazed brick
- New door



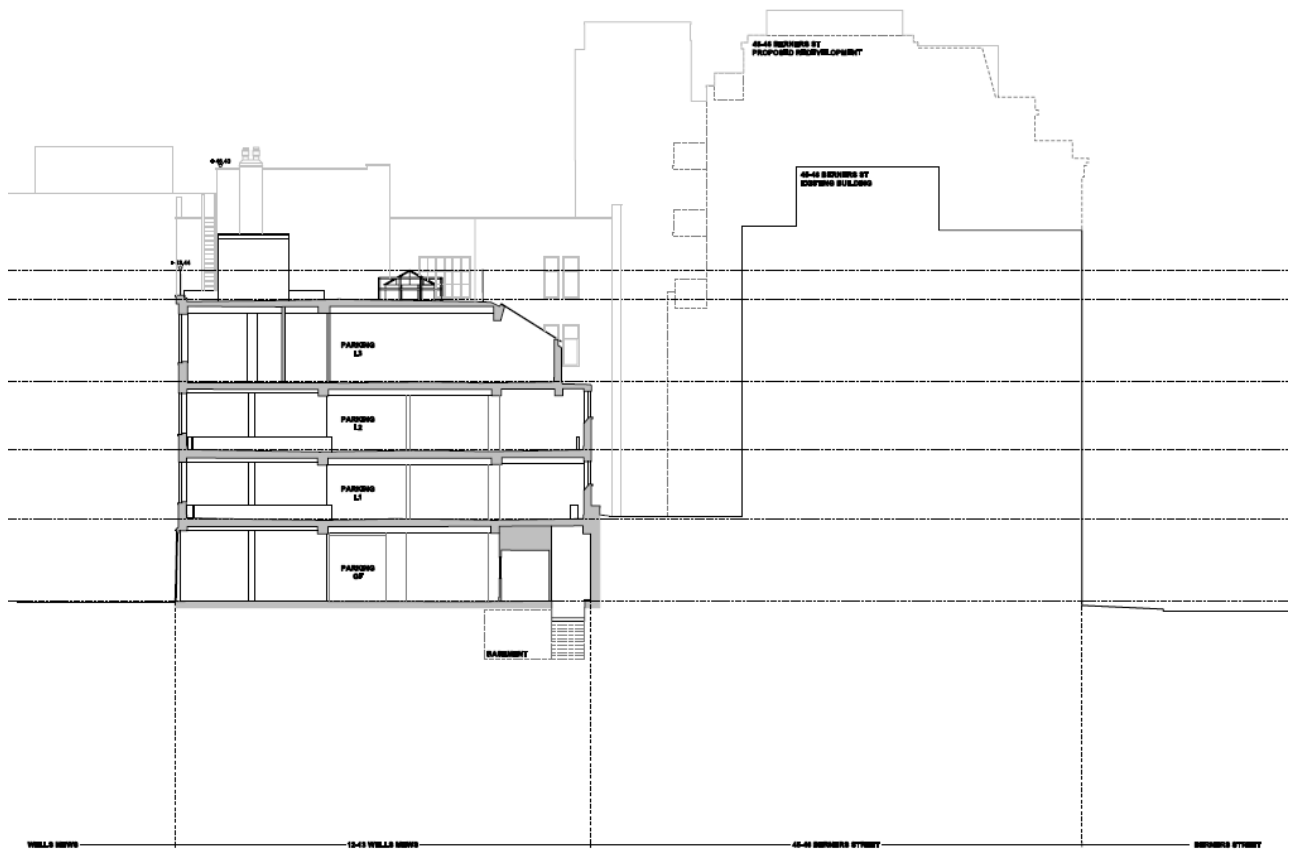
## Existing Rear Elevation



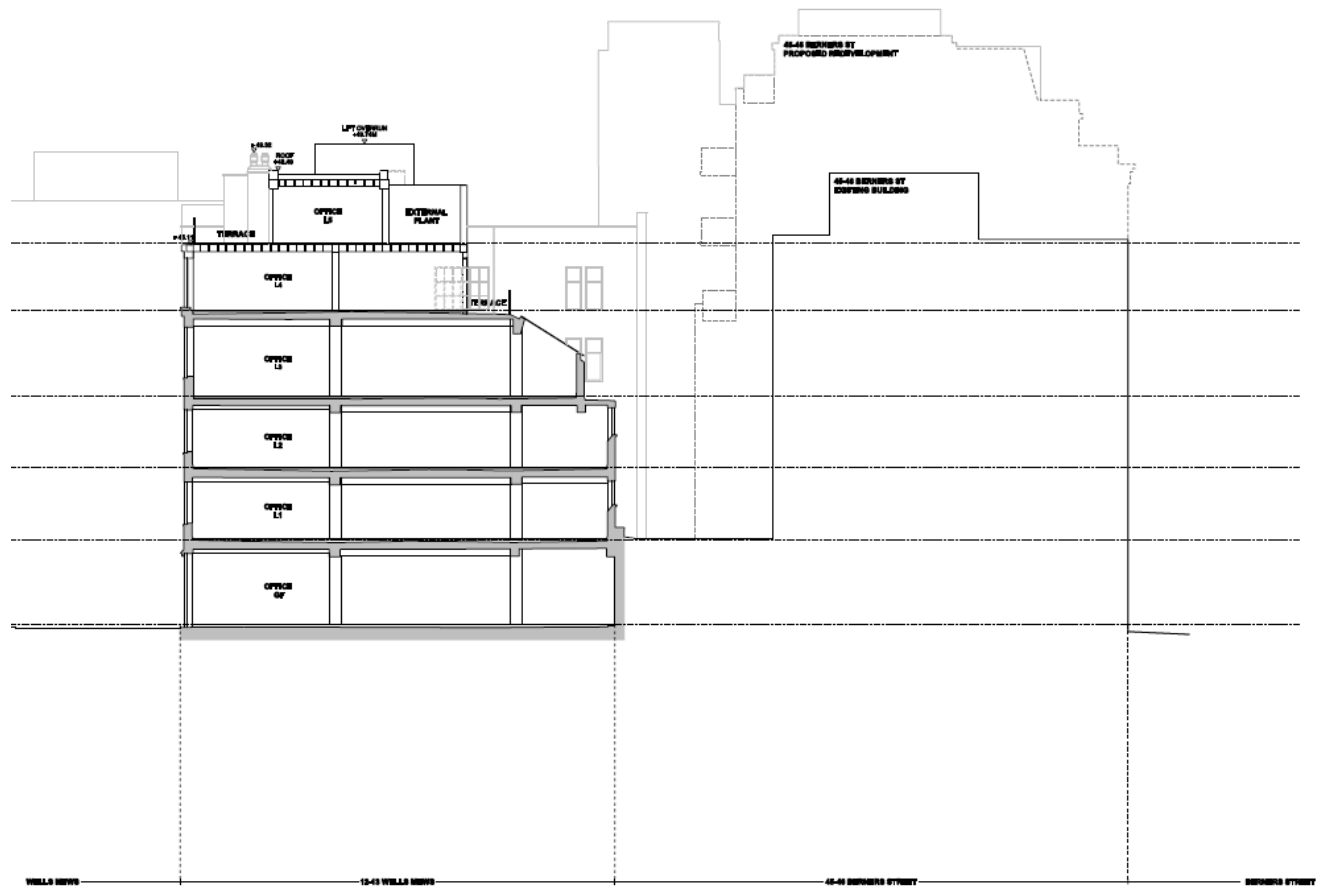
## Proposed Rear Elevation



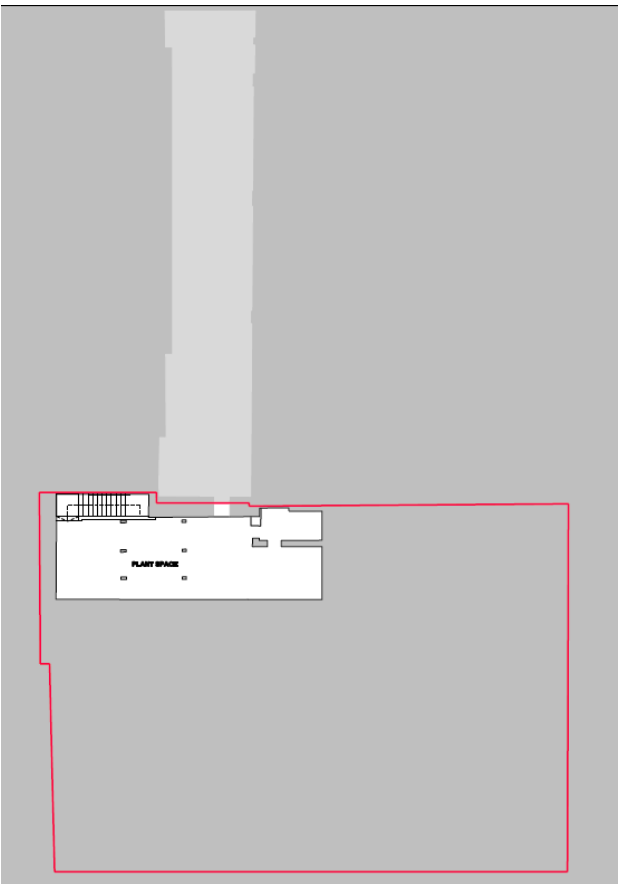
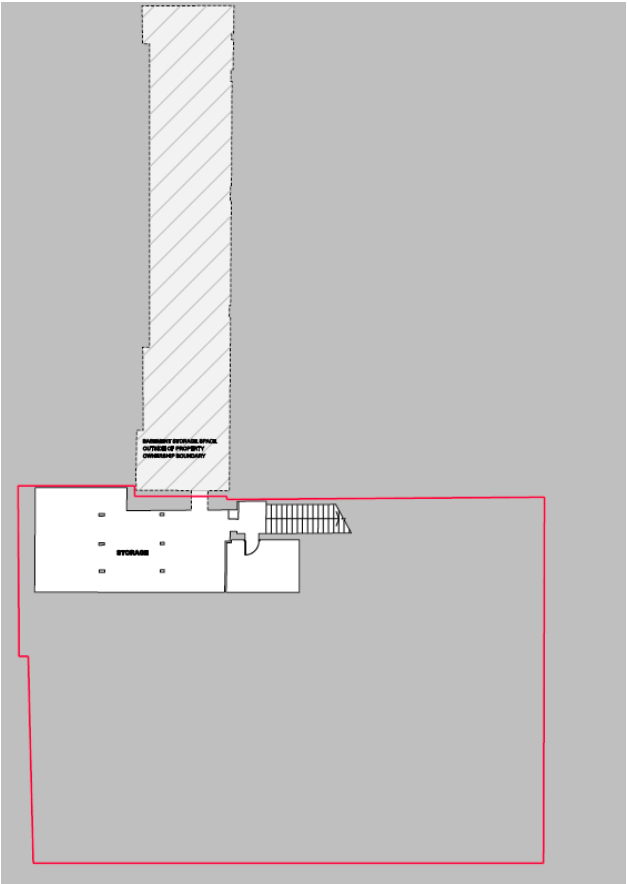
Existing Section B-B



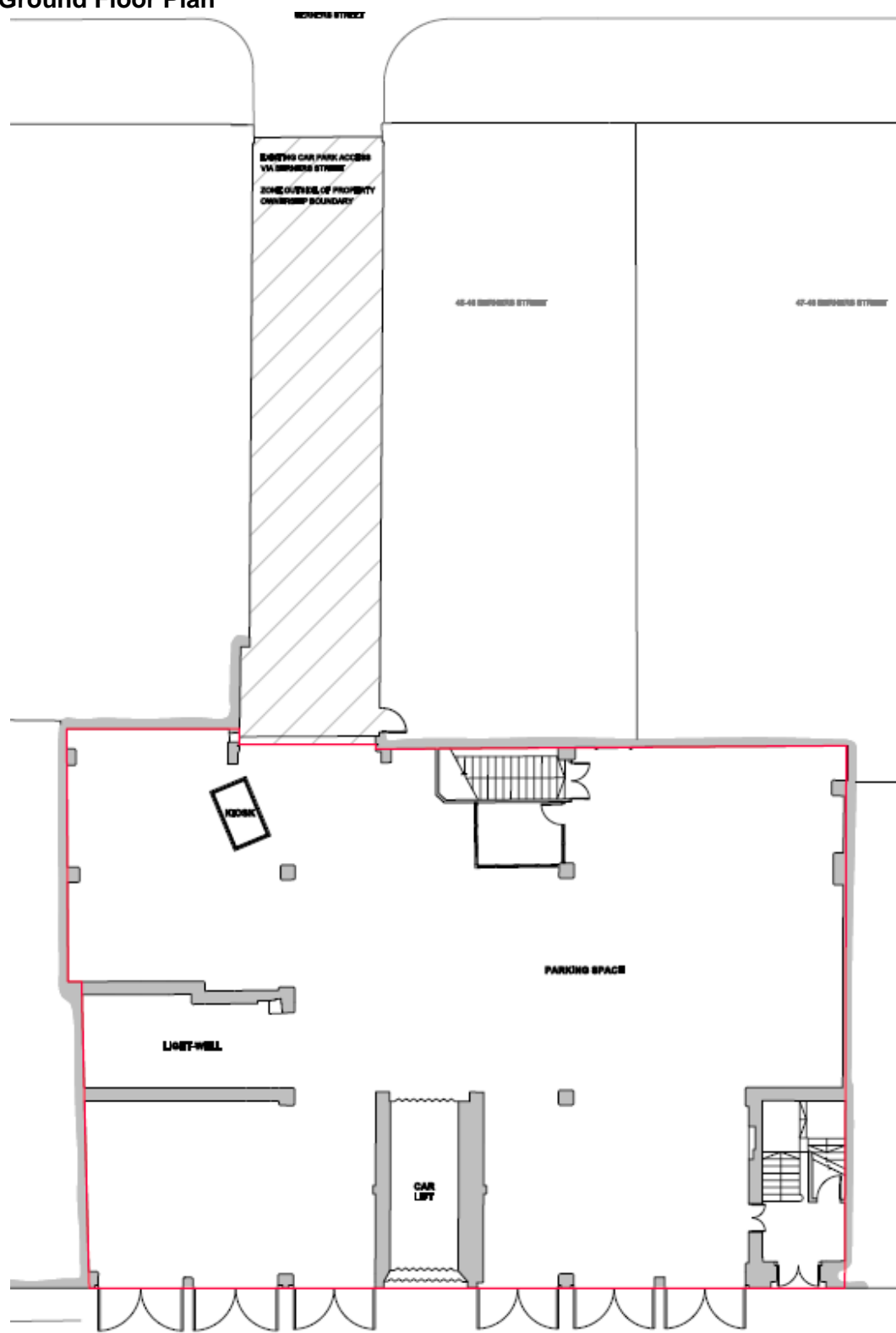
# Proposed Section B-B



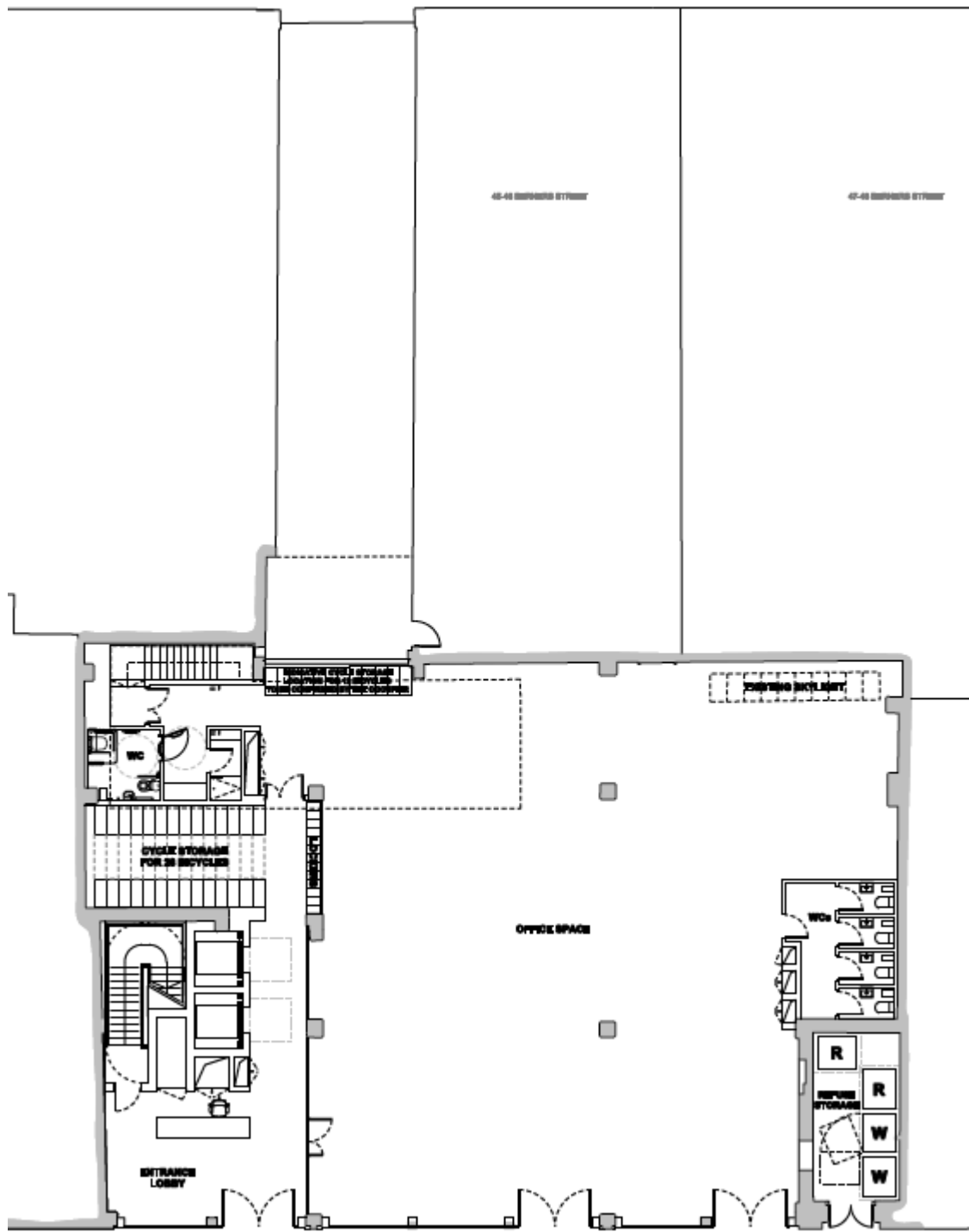
**Existing (Left) and Proposed (Right) Basement Plan**



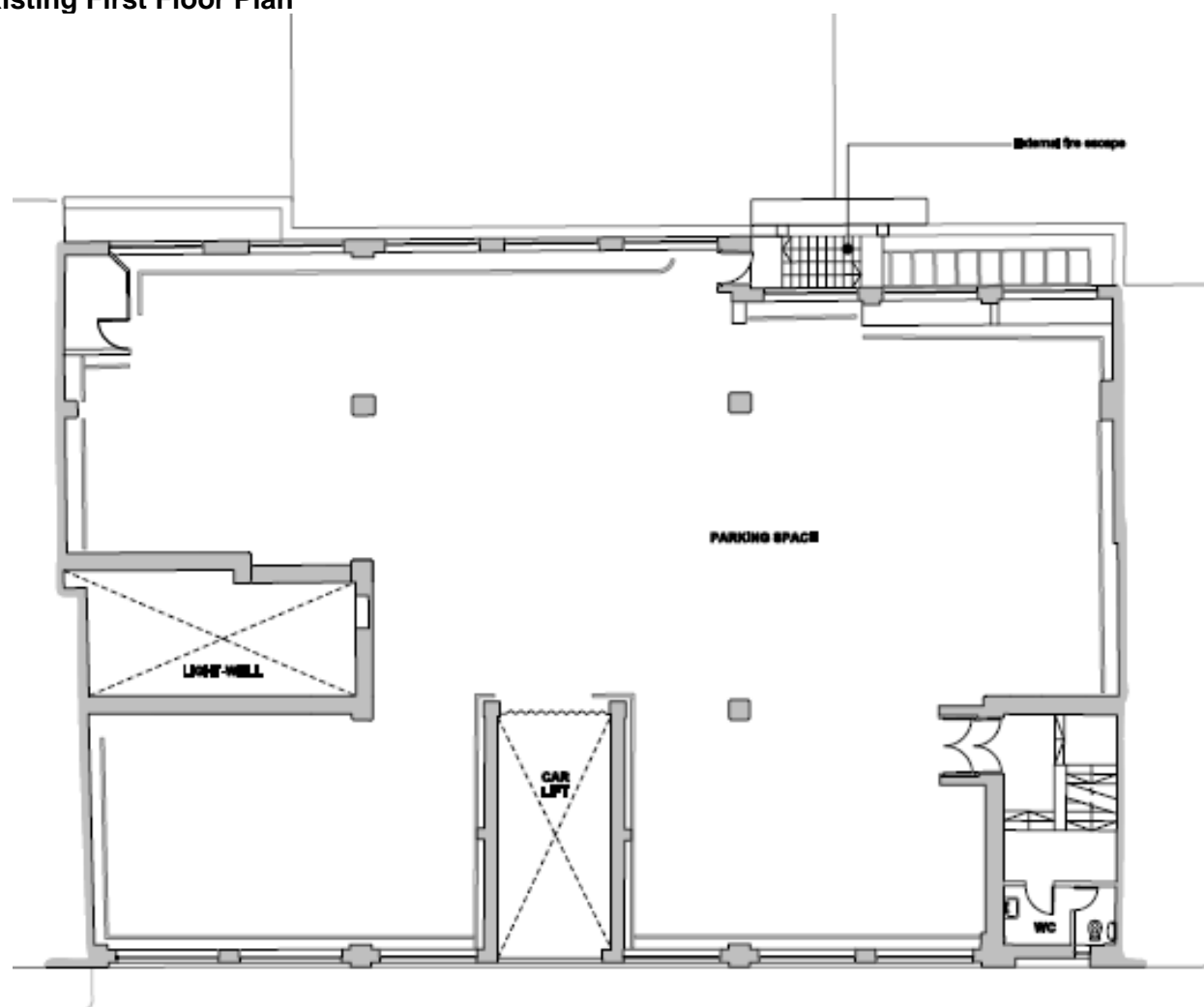
## Existing Ground Floor Plan

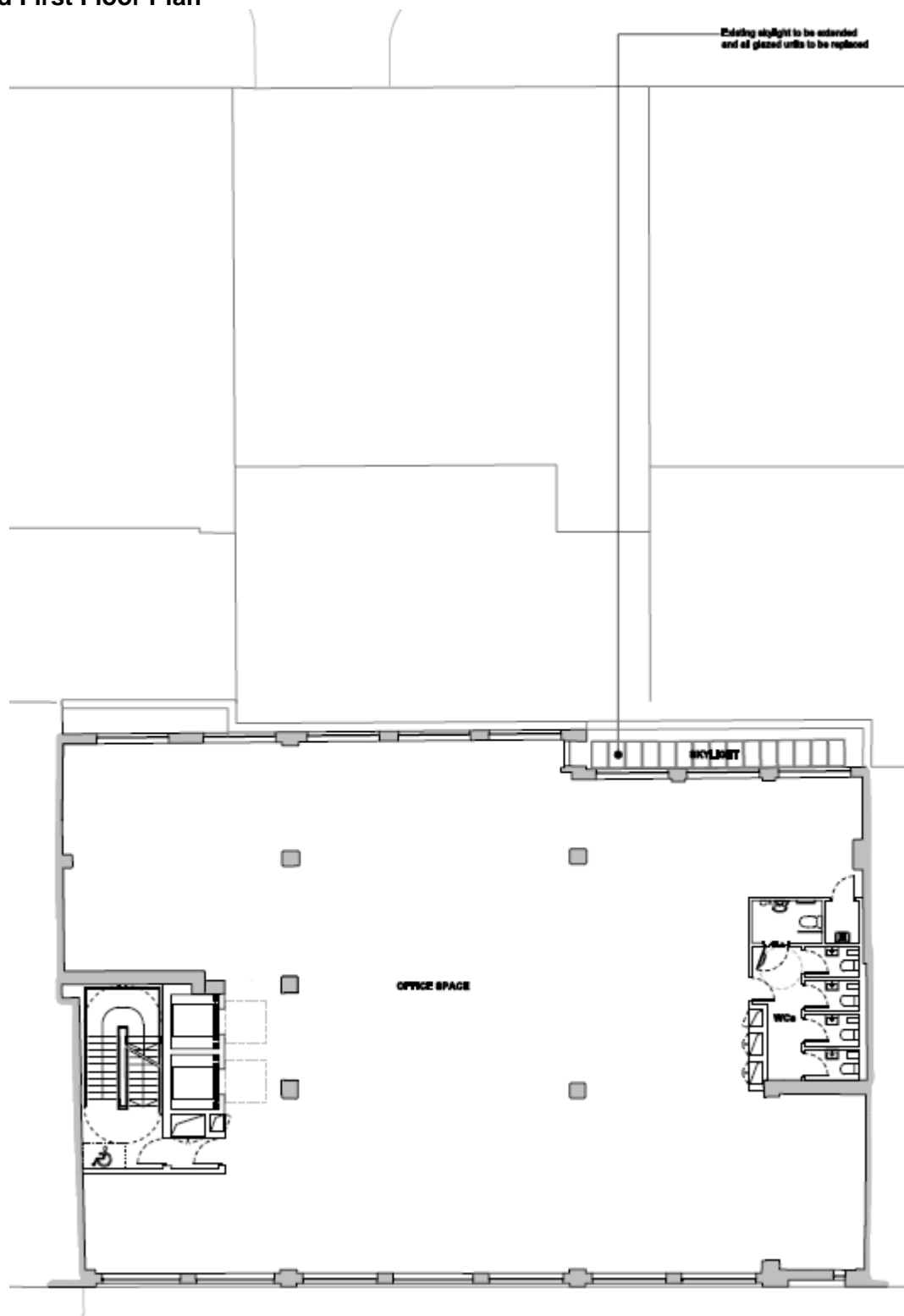


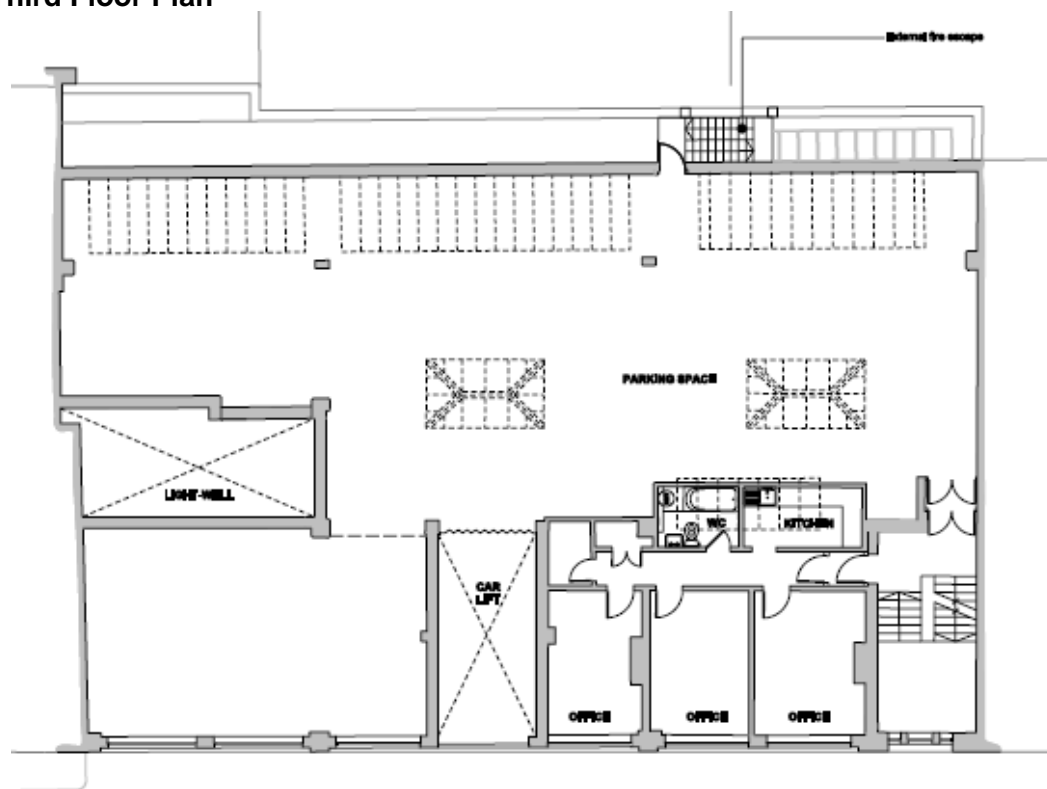
Proposed Ground Floor Plan

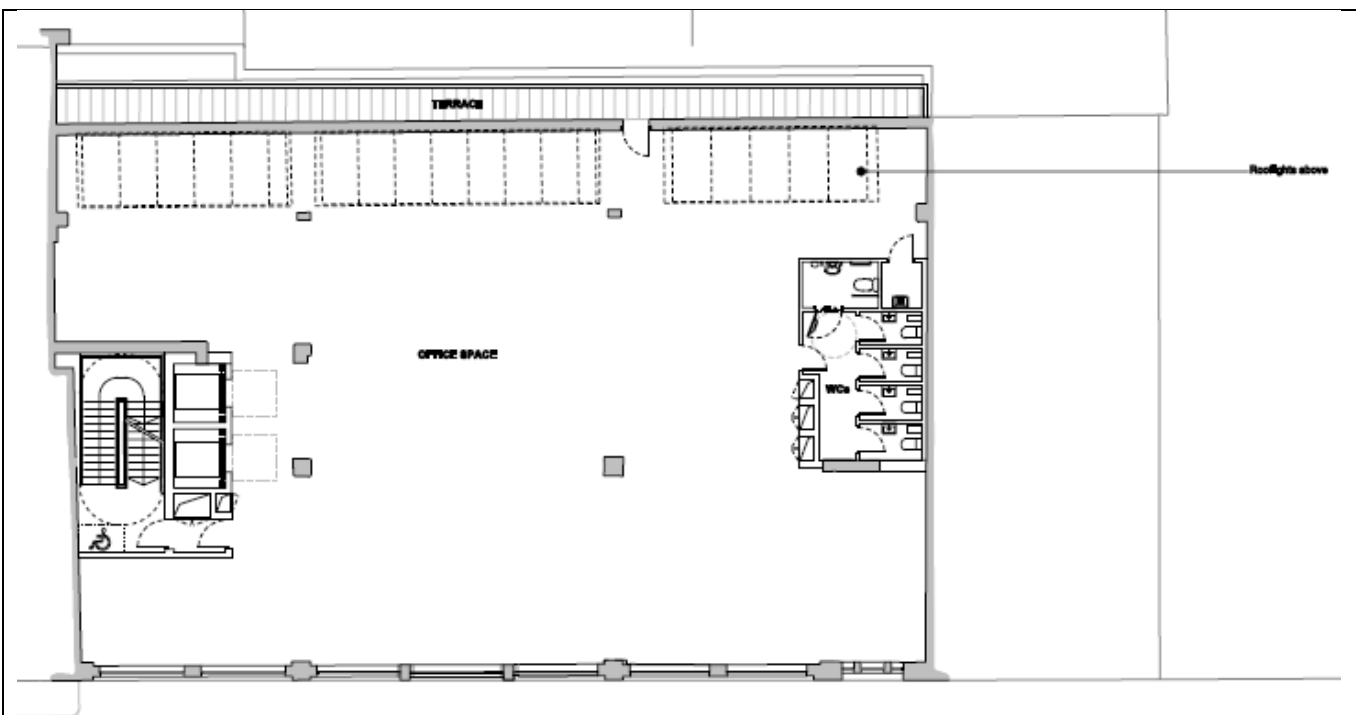




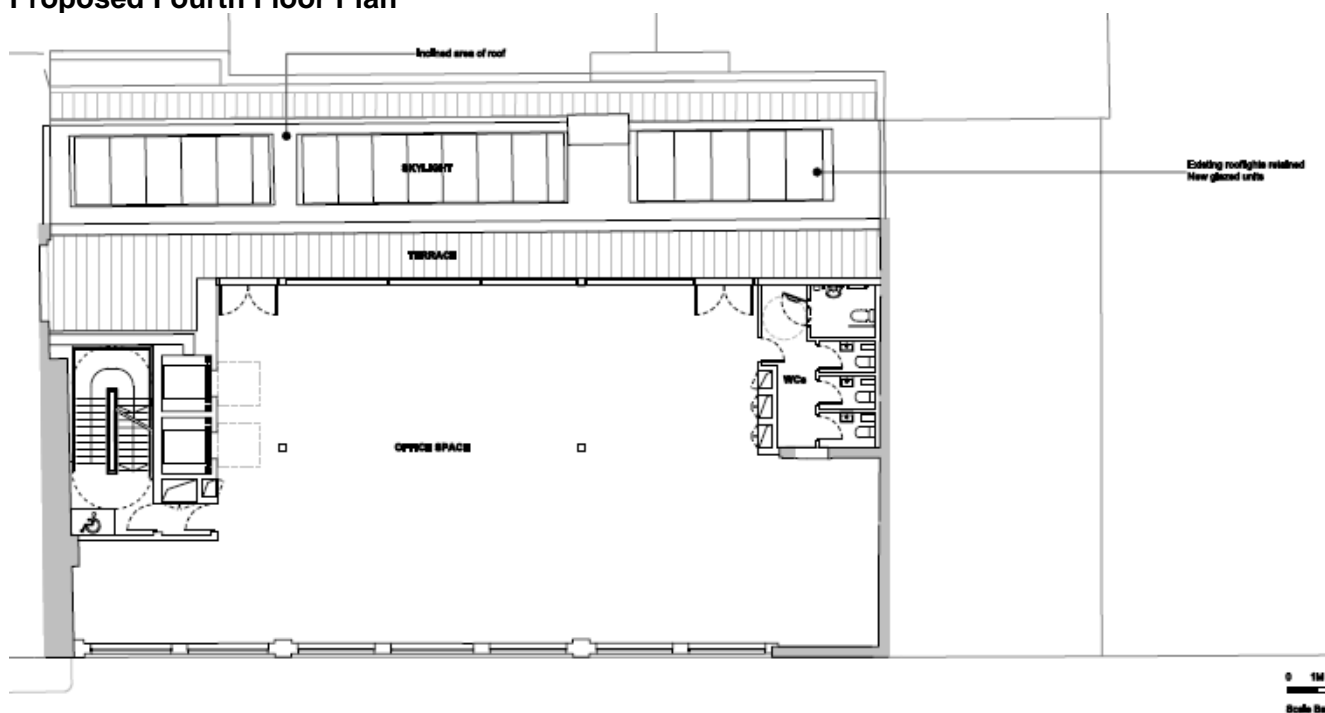
**Existing First Floor Plan**

**Proposed First Floor Plan**

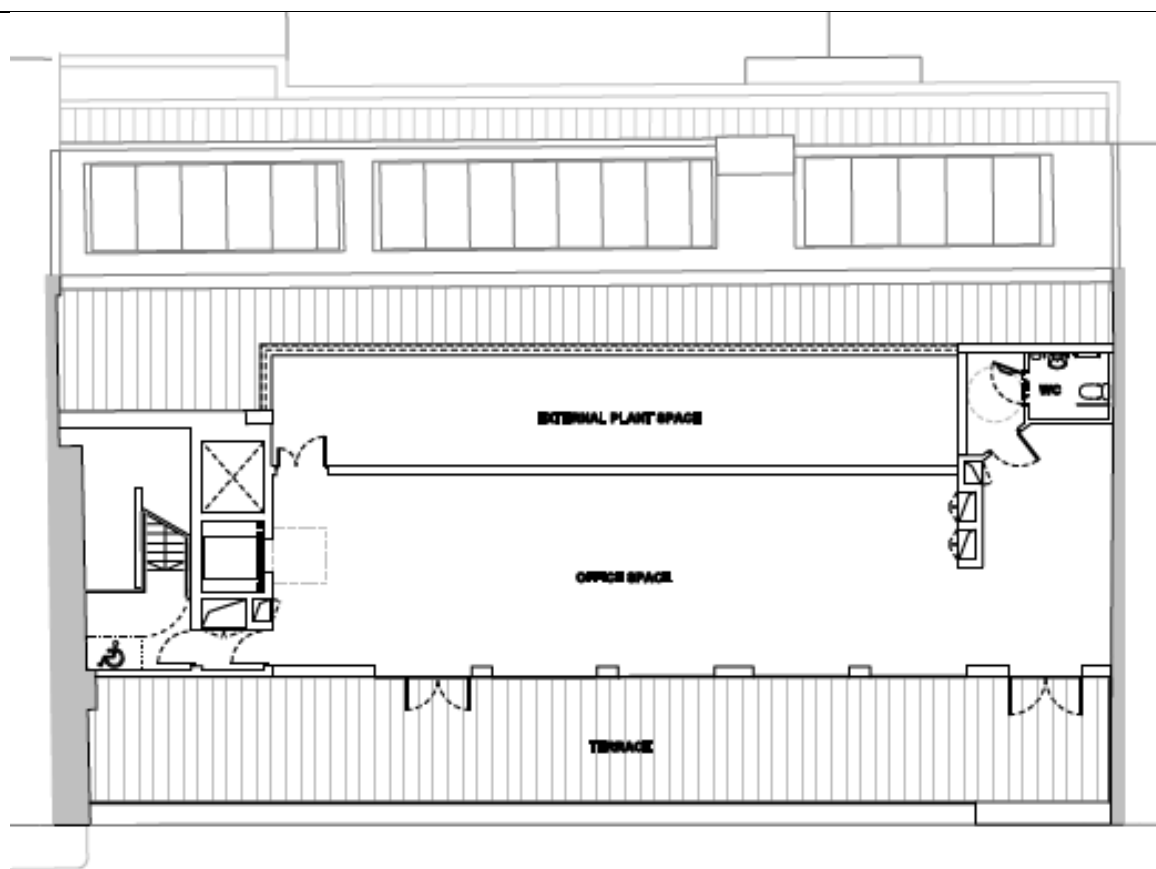
**Existing Third Floor Plan****Proposed Third Floor Plan**



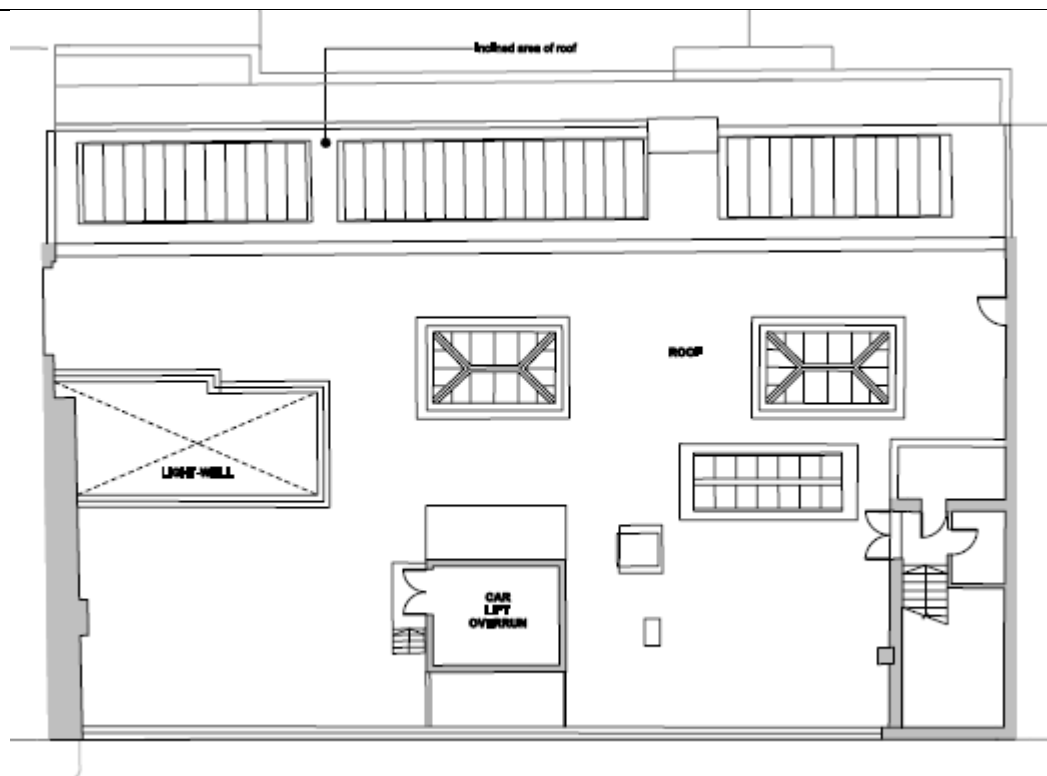
**Proposed Fourth Floor Plan**



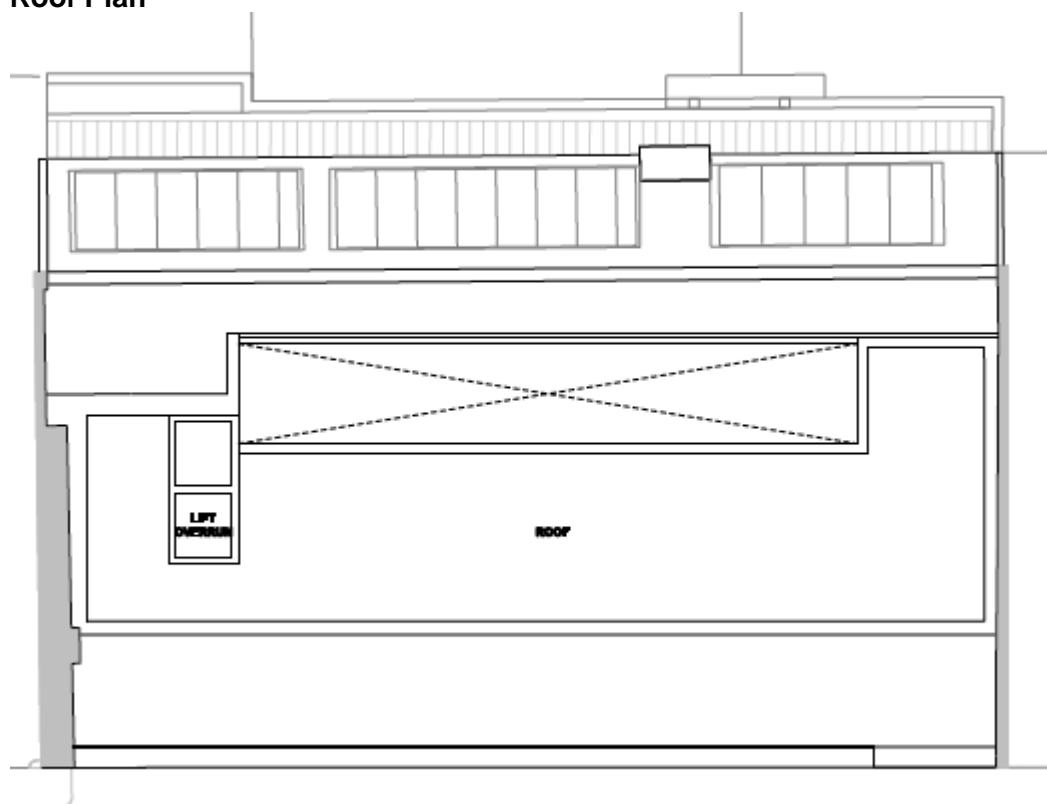
**Proposed Fifth Floor Plan**



**Existing Roof Plan**



**Proposed Roof Plan**



**DRAFT DECISION LETTER**

**Address:** Car Park At, 12 - 13 Wells Mews, London, W1T 3HE,

**Proposal:** Erection of a single storey extension at fourth floor and single storey extension at part fifth floor level, including external plant and taller lift over-run. Infill of existing internal lightwell, creation of a terrace at fifth floor level overlooking Wells Mews, use of existing flat area at rear third floor and fourth floors as terraces, all in connection with the use of the ground and upper floors for office (Class B1) purposes

**Reference:** 19/03311/FULL

**Plan Nos:** P199/- ; P200/- ; P201/- ; P202/- ; P203/- ; P204/- ; P205/A ; P206/A ; P400/A ; P401/- ; P500/- ; P501/- ; Servicing Management Plan dated April 2019 by Caneparo Associates for 12-13 Wells Mews, Fitzrovia, City of Westminster

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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)

- 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 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 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 detailed drawings of the following parts of the development:

1. New external windows and doors (1:5 and 1:20)
2. Rebuilt southern gable (1:20)

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

You must then carry out the work according to these 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)

- 6 The roof level railings and terrace railings hereby approved shall be black painted metal and maintained that colour.

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 not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces. (C26NA)

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)

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

Reason:

To 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)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping

equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;

(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 9 and 10 of this permission. You must not install the plant 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)

- 12 You must provide the waste store shown on drawing P200/- before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the office (Class B1). You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 13 You must apply to us for approval of details of secure cycle storage for the office (Class B1) use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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 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)

- 15 You must operate the office (Class B1) use in accordance with the details set out in the approved Servicing Management Plan, unless otherwise agreed in writing by the Council Planning Department.

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 COM 5, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 The approved terraces may only be used by tenants of the associated office (Class B1) space, and between the following hours:  
- 08:00-21:30 Monday - Friday and not at all on weekends

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 Conditions 9 and 10 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)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 6 The term 'clearly mark' in condition 12 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 With regards to condition 13, you will need to provide details showing the proposed 40 spaces are laid out appropriately and are accessible for cyclists wishing to use the facilities.

| Item No. |
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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.