

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 20 August 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>Site 1: 50 Weymouth Street, London, W1G 6NT</b> <b>Site 2: Blocks A-C Ossington Buildings, London W1U 4BG</b> <b>Site 3: Osborne House, Moxon Street, London, W1U 4EZ</b>		
<b>Proposal</b>	Site 1: Erection of a mansard roof extension at rear second floor level on Beaumont Mews building to create a self-contained flat (Class C3). Site 2: Alterations to existing roof to create 2 x self-contained flats (Class C3) including new dormer windows and conservation rooflights. Site 3: Erection of rear single storey ground floor extension within rear lightwell of Moxon House and use of enlarged ground floor of both Osborne House and Moxon House as four retail shop units (Class A1), installation of new shop fronts onto Moxon Street and Ossington Buildings and other minor external alterations.		
<b>Agent</b>	Howard De Walden Estate Management Limited		
<b>On behalf of</b>	Howard De Walden Estate Limited		
<b>Registered Number</b>	Site 1: 19/01218/FULL Site 2: 19/01237/FULL Site 3: 19/01219/FULL	<b>Date amended/ completed</b>	9 April 2019 (1) 30 April 2019 (2) 18 February 2019 (3)
<b>Date Application Received</b>	18 February 2019 – all sites		
<b>Historic Building Grade</b>	Unlisted – all sites		
<b>Conservation Area</b>	Harley Street – all sites		

## 1. RECOMMENDATION

Site 1: Grant conditional permission  
Site 2: Grant conditional permission  
Site 3: Grant conditional permission, subject to a Grampian condition to secure the replacement residential floorspace and units secured by Applications 1 and 2 prior to the commencement of development.

## 2. SUMMARY

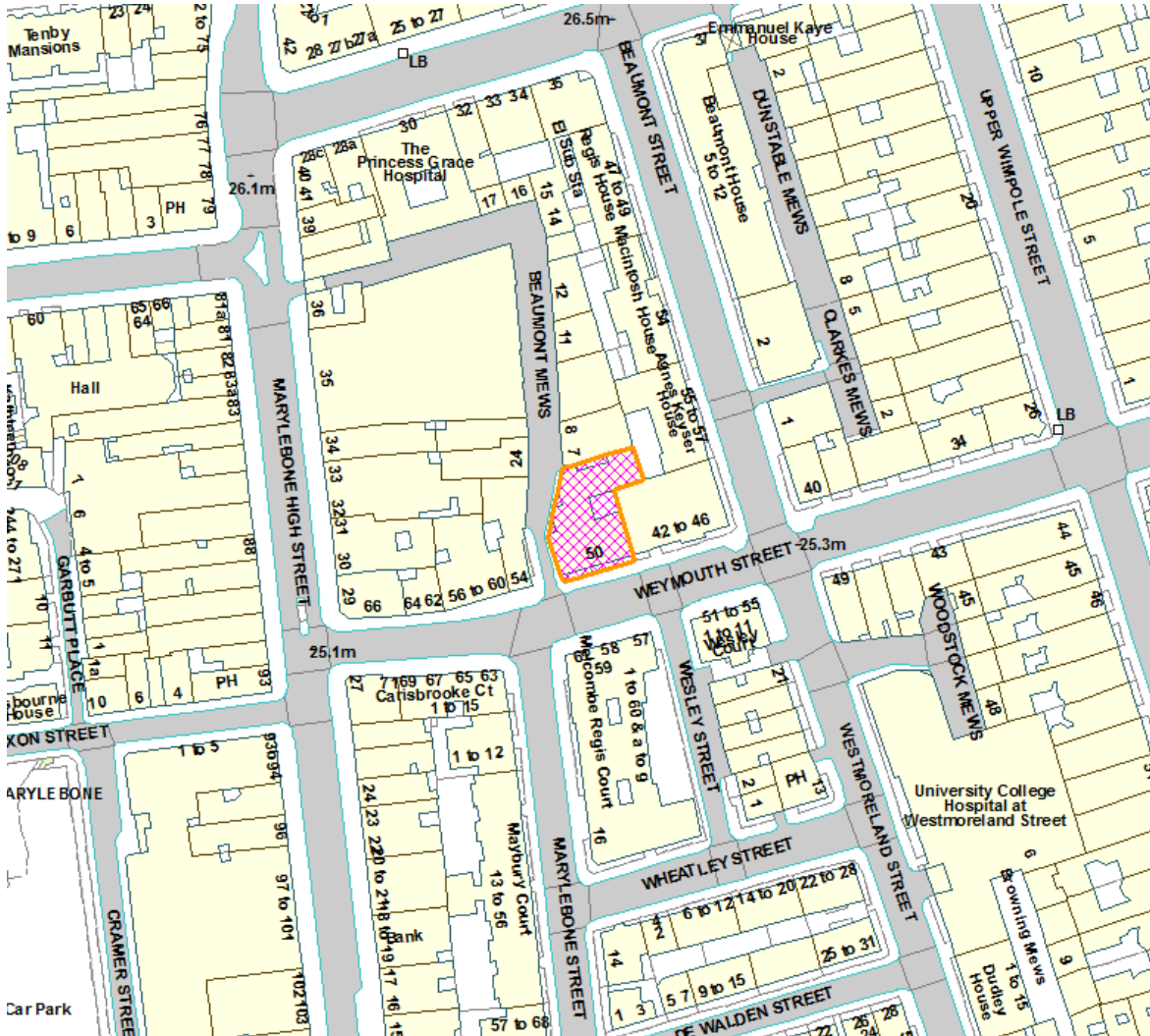
This report concerns proposals for three separate sites which form part of a land use package. It is proposed to convert three flats (1 x 2 and 2 x 1 bed) on the ground floors of Moxon and Osborne Houses to provide four new retail shops (Site 3) and to replace the same number of flats, floorspace and residential mix in new roof extensions on neighbouring sites in Ossington Buildings and Weymouth Street (Sites 1 and 2).

The key considerations are:

- the acceptability of the proposals in land use terms
- the impact of the proposals upon the character and appearance of the Harley Street Conservation Area and
- the impact of the individual schemes upon the amenity of neighbouring residents.

Subject to conditions, and an appropriate mechanism to secure the provision of the replacement residential accommodation, the proposals are considered acceptable in land use terms and in terms of their impact on the character and function of the area. It is also considered that there would be no material impact upon the amenity of neighbouring residential occupiers. The proposed works would also preserve the character and appearance of the Harley Street Conservation Area. The developments are considered to comply with relevant UDP and City Plan policies and are therefore recommended for approval.

**3. LOCATION PLAN – SITE 1**



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4. PHOTOGRAPHS SITE 1 50 WEYMOUTH STREET





## 3. LOCATION PLAN – SITE 2



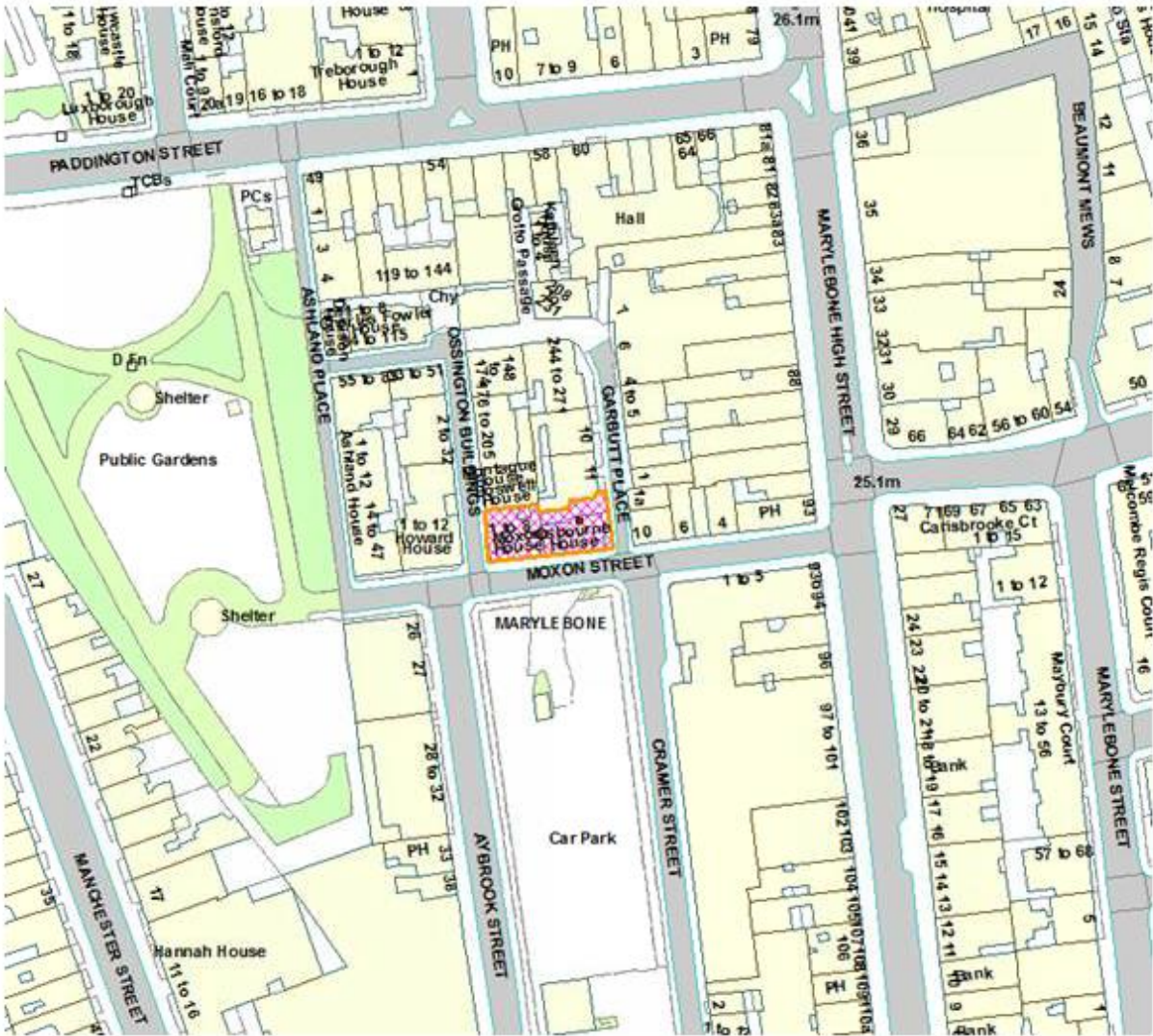
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PHOTOGRAPH – SITE 2 OSSINGTON BUILDINGS





**LOCATION PLAN SITE 3**



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PHOTOGRAPH – SITE 3 MOXON HOUSE AND OSBOURNE HOUSE





## 5 CONSULTATIONS

### SITE 1 (50 WEYMOUTH STREET)

#### MARYLEBONE ASSOCIATION

No objection to the principle for a roof extension for residential use; difficult to comment as poor-quality submission/documents missing.

#### PROJECT OFFICER (WASTE)

Details of refuse/recycling storage required.

#### HIGHWAYS PLANNING

Objection: impact on parking demand. Lifetime car club membership should be secured if scheme otherwise considered acceptable; details of cycle storage required.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 2

No. of objections: 2

No. in support: 0

#### Amenity

- Loss of light to neighbouring flats
- Loss of privacy

#### Design

- Extension out of keeping with area, existing buildings already quite tall

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### SITE 2 (OSSINGTON BUILDINGS)

#### MARYLEBONE ASSOCIATION

Any response to be reported verbally

#### PROJECT OFFICER (WASTE)

Details of refuse/recycling storage required

#### HIGHWAYS

No objection, details of cycle storage required

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted:

Total No. of replies: 1 No. of objections: 1

No. in support: 0

Comments regarding the cumulative impact of various developments upon the character of the conservation area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### **SITE 3 (OSBOURNE HOUSE AND MOXON HOUSE)**

#### **MARYLEBONE ASSOCIATION**

##### Objection:

- Adverse impact on residential amenity, particularly if the units are occupied as food retail units, as other food retail and restaurant uses in Moxon Street are the subject of longstanding enforcement investigations/neighbour complaints.
- Introduction of a retail use in historic residential buildings detrimental to the character of the conservation area; contrary to policies DES 1 and DES9.
- Pavement insufficiently wide to support retail activity.
- Loss of ground floor flat which are suitable for residents with more limited mobility
- No net gain in the number of dwellings in land use package.

#### **ENVIRONMENTAL HEALTH**

No objection subject to conditions

#### **PROJECT OFFICER (WASTE)**

Objection- details of refuse/recycling storage for shops required prior to commencement of development

#### **HIGHWAYS**

No objection subject to provision of cycle parking

#### **ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted:

Total No. of replies: 3 (2 letters from one objector)

No. of objections: 3

No. in support: 0

##### Land use

- Query demand for additional shops in Moxon Street given the shops and restaurants in the approved car park redevelopment.

##### Design

- Comment regarding the cumulative impact of various development upon the character of the conservation area.

##### Amenity

- Potential noise disturbance to flat at rear of site, would exacerbate problems of noise and smell nuisance associated with existing retail uses which are subject of longstanding nuisance complaints
- Additional potential disturbance if units used as cafes/snack bars with noise from early/late night deliveries for food preparation; use should be controlled to prevent café-type uses
- New doorway on Ossington Building frontage would bring commercial activity/shop deliveries onto residential street and this door should be omitted. (The proposal has been revised to remove this fixed shop).

##### Highways

- Pavement too narrow to accommodate retail use

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Sites

This report relates to separate applications for three sites within the Harley Street Conservation Area and the Marylebone and Fitzrovia area of the wider CAZ.

#### Site 1:50 Weymouth Street

This is a corner property located on the north side of Weymouth Street at its junction with Beaumont Mews. It is designated as an unlisted building of merit within the Harley Street Conservation Area Audit. The building is occupied as flats on the ground to fourth floors, with permission for a medical use at basement level.

The neighbouring buildings at 7 Beaumont Mews and 42-46 Weymouth Street are in commercial use as offices and private medical facility respectively. To the west of the site is Agnes Keyser House (55-57 Beaumont Street) which is occupied as a hospital (Class C2) with basement training and conference rooms and a self-contained resident medical officer's flat with independent access; ground floor offices and a self-contained Matron's flat and nurses' accommodation on the first to fourth floors with shared bathroom, laundry and kitchen facilities.

The closest residential properties are within the application building (12 flats), at 54 Weymouth Street, which has a return frontage on Beaumont Mews (8 flats), 23-24 Beaumont Mews (3 flats) and a new development of town houses at Nos. 22 A-E Beaumont Mews.

#### Site 2: Blocks A-C Ossington Buildings

Ossington Buildings (also the name of the street on which the blocks are located), comprises three residential blocks, located at the northern end of the street block bounded by Ossington Buildings North), Ossington Buildings (east), Ashland Place and Moxon Street. The existing accommodation rises to third floor level, with an attic above.

Two further residential blocks (Ashland House and Howard House) are located immediately to south and west of the site. There are residential buildings immediately to the north and east in Ossington Buildings. Paddington Street Gardens South is located directly to the west of the site.

#### Site 3: Moxon House and Osborne House

These are two adjoining, unlisted buildings of townscape merit, on the north side of Moxon Street, close to Ossington Buildings (Site 2). There is a return frontage to Osborne House on Garbutt Place and a return frontage to Moxon House on Ossington Buildings. The sites are located within the Harley Street Conservation Area and opposite the Portman Estate Conservation Area.

The buildings are occupied as flats. The ground floor of Moxon House currently provides 2 x 1 bed flats. There is no basement. The ground floor of Osborne House provides a 2-bed flat. There is also a 2-bed flat at lower ground floor level.

The site is located directly opposite Moxon Street car park. There is extant permission for the redevelopment of the car park to provide a new building with up to 79 flats and shops and restaurants on the majority of the lower ground and ground floors, including three retail units on the Moxon Street frontage, directly opposite Moxon and Osborne Houses. A Lawful



Development Certificate has been issued to confirm that this permission has been implemented.

The area in the vicinity of Sites 2 and 3 is in a mixture of residential and commercial use, with residential buildings at the western end of Moxon Street. The ground floor frontage to the east of the sites is characterised by retail and restaurant uses leading into the Marylebone High Street District Shopping Centre. There is also wine bar/restaurant on the ground floor of Ashland House (26-28 Moxon Street frontage).

## 6.2 Recent Relevant History

### Site 1: 50 Weymouth Street

10.08.17: Permission granted for the use of the basement as an extension to the medical facility at 42-248 Weymouth (part of a land use swap with 9 Weymouth Street) and erection of infill extensions to the northern lightwell to provide additional accommodation to existing ground and first floor flats (Flats 3 and 6) and associated alterations to the front and rear facades. The applicant has confirmed that this permission has been implemented and the basement is in medical use.

14.03.2018: Permission refused for the partial infilling of the lightwell on ground and first floors to provide additional accommodation to Flats 3 and 6; alterations to the Beaumont Mews façade; the erection of a third floor mansard roof extension to Beaumont Mews to provide a new 1 x 3 bed/ flat and additional bathroom accommodation to an existing second/third floor duplex apartment (Flat 9a). Permission refused on the grounds that the height and bulk of the roof extension would have been detrimental to the appearance of building and Beaumont Mews, and would have failed to preserve or enhance the character and appearance of the Harley Street Conservation Area

### Site 2: Ossington Buildings

None relevant

It is noted that there are extant permissions for roof level extensions to provide additional flat at Ashland House, Howard House (which form part of the same street block) and to Charles Fowler House and Denison House to the north of the site.

### Site 3: Osborne House and Moxon House

12.02.2010 Permission granted for rear extension at lower ground floor level to Osborne House to provide a 1 x 2 bed roomed flat. Implemented.

## 7. THE PROPOSALS

The schemes include:

- The erection of a roof extension to the rear of 50 Weymouth Street (Beaumont Mews frontage) to provide a 1 x 2 bed flat in a new second floor. The extension would also incorporate a shower room extension to an existing flat (Flat 9a).
- The erection of a roof extension, including dormer windows and conservation rooflights, to Blocks A, B and C of Ossington Buildings to provide 2 x 1 bed flats.
- The conversion of 2 x 1 bedroom flats on the ground floor of Moxon House and 1 x 2 bed flat on the ground floor of Osborne House to provide four separate retail units, with a

ground floor extension in the rear courtyard of Moxon House and the installation of new shopfronts.

The application for Ossington Buildings has been revised to delete a proposed roof terrace and to replace this with a kitchen extension and access to a shared secondary means of escape for the new units.

The application for Moxon House has been revised to delete the shopfront window on the Ossington Buildings frontage

Additional consultation letters have also been sent to adjoining occupiers to confirm that the application relates to Blocks A, B and C.

The existing and proposed floorspace figures (across all three sites) are as follows:

	Residential (C3) (GIA) sqm	Retail use (A1) GIA (sqm)	+/-
<b>50 Weymouth Street</b>	+ 87	0	+87
<b>Ossington Buildings</b>	+125.8	0	+ 125.8
<b>Moxon/Osborne</b>	-203	+203	+0
<b>Total</b>	<b>+9.8</b>	<b>+ 203</b>	<b>+212.8</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Land use package

The scheme proposes the conversion of existing ground floor flats within Moxon and Osbourne House (Site 3) into 4 x retail units and the replacement of this residential floorspace within roof extensions on the donor sites (Sites 1 and 2). All applications were submitted at the same time as part of a land use package.

Policy CM47.1 of the City Plan states that the swapping of uses between sites which are located in the CAZ will be appropriate where the sites are in the vicinity of each other; the mixed use character of the immediate area is secured at a fine grain; there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole; the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area; any residential accommodation is of a higher quality than could have been achieved without the land use swap or package; the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

Moxon and Osbourne House are immediately adjacent to the proposed flats at Ossington Buildings and approximately 140m from the donor site at 50 Weymouth Street. The proposals are considered to satisfy the 'vicinity test'. Other policy requirements are explored below.

### Proposed retail use/amenity

City Plan policy S8 states that the Named Streets (Edgware Road, Baker Street, Marylebone Road, Portland Place, Park Crescent and Great Portland Street) are appropriate locations for residential use and a range of residential commercial uses. Retail and other appropriate town centre uses will be directed to Marylebone High Street and the Local Shopping Centres. Outside of these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in the part of the CAZ.

Policy S18 seeks to direct commercial development towards a number of locations including the Core CAZ, Named Streets and designated shopping centres. It states that commercial uses must be appropriate in terms of scale and intensity, and the character and function of the area. Policy S21 of the City Plan states that new retail floorspace will be directed to the designated Shopping Centres.

The scheme would provide four small retail units on the ground floors of Osborne and Moxon Houses. They would measure between 35 sqm and 65 sqm. The plans show that there would be no ground floor openings at the rear of the Moxon House shops. The existing ground floor windows at the rear of Osbourne House would be retained. The original planning statement confirms that the applicant anticipates that the shops would be occupied by independent food retailers to reflect the emerging character of Moxon Street. However, the latest Operational Management Plan states that the intention that the units would be occupied by, *'...independent Class A1 retailer(s) who would complement the existing retail offerings in the surrounding area'*.

Objections have been received from the local amenity society and from two local residents on the grounds that the introduction of shop units within historic residential buildings would be detrimental to the character of the conservation area. Objectors have also questioned the need for new shops on the site given the new retail and restaurant uses approved as part of the Moxon Street car park redevelopment. However, the likely demand for a proposed use cannot be taken into account in determining the acceptability of planning proposals.

It is acknowledged that the site does not fall within the Core CAZ, a designated shopping centre, or any of the identified areas within Policy S18. However, No. 8-10 Moxon Street, which is the neighbouring site to Osbourne House (albeit separated by Garbutt Place) is the first unit within the designated shopping frontage commences and therefore the site is very close to a shopping frontage. In these circumstances, and in the context of the approved redevelopment of the car park, where new shops are located immediately opposite the application site (extending the shopping frontage on the south side of Moxon Street), it is considered that the proposed retail use would not have any adverse impact on the immediate character and function of the area. The application has been revised to omit a proposed shopfront window on the Ossington Street frontage to maintain the residential character of that street and to safeguard the amenity of adjoining residential properties. In these circumstances, it is considered that a departure from the Council's retail policies can be justified.

Objectors also consider that the retail operation would adversely affect the amenity of neighbouring residential properties at the rear of the site, including noise disturbance from within the premises and at the rear, which would be exaggerated if the units were occupied by food retail shops. Objectors have referred to enforcement investigations in respect of other retail and restaurant premises in Moxon Street, including the butcher's shop at No. 8-10, and are concerned that existing problems with noise and smell nuisance could be exacerbated. It is noted that permission was granted on 26 June 2019 for the use of No. 8-10 Moxon Street as a butcher's shop, hot food takeaway, delicatessen and butchery school, with a Reco-Air ventilation system to deal with cooking smells. One objector considers that any adverse impact of the proposed retail use would be heightened if the units were to be occupied as cafes/snack bars/restaurant, with additional nuisance from early morning/late evening



deliveries. Consequently, this objector has requested that any permission prevents the use of the premises as cafes/snack bars/restaurants. However, the proposed use of the units is for Class A1 retail purposes, which would preclude their use as cafes and restaurants.

The proposed hours of opening (between 0900 and 1800 hours on Monday to Saturday and from 10.00 until 1600 hours on Sunday) accord with traditional shop opening hours and would be controlled by condition.

The application is supported by an Operational Management Plan which includes details of measures designed to ameliorate the potential impact of the use on neighbours' amenities. The OMP confirms that:

- Rear windows to the shops and on the Ossington Buildings frontage will be fixed shut. (Additionally, it is considered that this restriction should apply to the windows on the return frontages on Garbutt Place and Ossington Buildings).
- Shop deliveries and servicing would be restricted to between 07.00 and 09.00 on Monday to Saturday and between 08.00 and 09.00 on Sundays. All deliveries will take place via the front entrance doors

The application does not include proposals for any new plant, including any air conditioning or refrigeration plant. It is likely that refrigeration plant would be required in association with food retail uses. The applicant acknowledges that any proposed plant would require further planning permission. Any such plant would need to be sensitively located to minimise its appearance, and acoustically attenuated and screened to safeguard neighbours' amenities. However, it appears that there would be limited opportunity to install plant on these sites. An informative is recommended advising the applicant of the constraints to installing plant so that it is aware of this potential issue when looking for future tenants of the unit.

As a retail use would not involve any primary cooking on the site, it is not expected that the proposals would give rise to any smell nuisance. It is assumed that this neighbour concern relates to nuisance associated cooking smells associated with rotisserie cooking at the neighbouring butcher's shop, without adequate ventilation. Concerns regarding any potential future breaches of planning control could not justify the refusal of the application.

City Plan policy S32 and ENV 6 of the UDP require new development to incorporate design features and operational measures to minimise and contain noise and vibration to protect neighbouring properties. The Building Regulations also provide advice regarding levels of sound insulation between domestic and commercial uses, where the level of sound insulation required will depend upon the nature of the uses and likely level of noise generated.

The application is supported by an acoustic report which assess the impact of the proposed retail use on other flats within the same building, including the flat on the lower ground floor of Osborne House. The report confirms that noise levels generated by the proposed shops, which are relatively small in size, are not expected to be high but that the developer should target the highest levels of sound insulation between shops and flats within the building. As this is a speculative application, and as the flats were occupied when the report was produced, the assessment adopts a typical noise operating level of a retail clothes shop playing background music and the timber floor construction within a neighbouring building built at a similar date.

The report concludes that noise levels achieved within the first-floor flats at Moxon and Osbourne House are likely to meet the City Council's noise standards but recommends the construction of a false ceilings within the shop units (given that the first-floor flats are occupied) with independent ceiling joists to keep the ceiling isolated from the separating floor structure. The need for additional wall lining to prevent direct noise transfer via the party walls would also be assessed once the flats are vacated. The report makes further recommendations regarding music speakers and sound transfer via pipes running between

the commercial and residential areas. In addition, in order to safeguard the amenity of the lower ground floor flat in Osbourne House, the report recommends alterations to the floor to control impact sound transmission

This report has been assessed by the Council's Environmental Health Officer who has raised no objection to the application subject to a condition requiring further details of sound insulation measures to be submitted for the City Council's approval and these measures to be installed prior to occupation and retained for the life of the development. Subject to such a condition, it is considered that the development would satisfy policies ENV 6 and S32 and the impact upon the amenity of the occupants of neighbouring flats will be protected.

One resident has expressed concern about a potential new doorway on the Ossington Street frontage on the basis that this would introduce commercial activity/shop deliveries on to a residential street. The original application confirmed that this was a shop window rather than a new doorway. However, on officers' advice, this new window has been omitted from the scheme in order to safeguard the residential character of Ossington Buildings.

Subject to the conditions detailed above and the measures detailed in the Operational Management Plan, it is considered that the proposed uses on each site and the land use package are acceptable in land use and amenity terms. The mixed-use character of the area would be maintained, the proposed uses are appropriate in each location and it is not considered that there would be a material loss of amenity to neighbouring occupiers. The proposals would provide an equivalent amount of residential floorspace within high quality new flats in arguably quieter locations. The proposals therefore comply with the requirements of policy CM 47.1 and with policies ENV 6 and S32 which seek to ensure that new uses are designed and operated in a manner which would safeguard the amenity of neighbouring occupiers.

### **Residential use**

The proposals would result in the loss of a total of 203 sqm of residential floorspace comprising 2 x 1 bed flats on the ground floor of Moxon House and 1 x 2 bed flat on ground floor of Osbourne House.

Policy S14 of the City Plan seeks to protect all residential floorspace and units and the loss of these existing units would be unacceptable in principle. In order to address this policy, the applicant proposes to provide 212.8 sqm of replacement residential floorspace within roof extensions on Sites 1 and 2.

At 50 Weymouth Street, the scheme would provide a 1x 2 bed flat (87 sqm). The unit would be well lit and would comply with minimum space standards in the London Plan. The 2x 1 bed flats proposed in Ossington Buildings would measure 61.4 sqm and 64.4 sqm. Again, these units would meet minimum floorspace standards and would receive good natural light.

The Marylebone Association has objected to the proposals because the scheme provides no net increase in the number of dwellings. However, the replacement of the existing flats with the same number of units and the same residential mix is acceptable in relation policies S15 and H5. Neither these policies, nor policy CM47.1, require an increased number of dwellings to be provided as part of the land use package, which would also be constrained by townscape and design issues at the donor sites.

The provision the replacement residential floorspace would be secured by a Grampian condition to prevent the commencement of development at Site 3 until all replacement flats have been made ready for occupation. Subject to this condition, the principle of the land use package is considered acceptable.

## 8.2 Townscape and Design

One local resident has commented that the application proposals are amongst several submitted by the Howard De Walden Estate, both pending and approved, and that, cumulatively, these developments would have a detrimental impact upon the character of this part of the Harley Street Conservation Area. However, the acceptability of each proposals is assessed upon its individual merits. Whilst there are have been/are proposals relating to a number of sites in the area, the objector's concerns about the extent of development in the area does not constitute a ground for refusing the current applications.

### Site 1:

50 Weymouth Street is an unlisted building located in the Harley Street Conservation Area. The building is identified as an unlisted building of merit in the Harley Street Conservation Area Audit, which was adopted by the City Council in 2008

This corner property comprises of two distinct architectural elements. The main building fronts onto Weymouth Street and is an imposing building on basement, ground and four upper storeys, including an existing mansard storey, which is continued along the terrace. The secondary elevation faces Beaumont Mews. This part of the building, which rises to first floor level, is subservient to the main building and reads as a part of the of the terrace of buildings on the east side of Beaumont Mews which are consistently two storeys in height. The proposal affects this two storey Victorian mews building at the rear.

The Harley Street Conservation Area Audit identifies the building as a property where a roof extension would not normally be acceptable. This building forms part of a terrace in which there are no roof extensions, and is a relatively rare survival in the Harley Street Conservation Area. Consequently, there is a presumption against the addition of a storey at roof level. Previous proposals for the erection of a mansard roof were refused in March 2018 on the grounds that the height and bulk of the mansard roof would harm the appearance of the building, the mews terrace of which it is part, and the character and appearance of the Harley Street Conservation Area.

Following this refusal, the applicant has been in discussion with officers to try and find an acceptable form of extension, with minimal impact on the mews. The current proposal involves demolishing the shallow pitched roof and replacing it with a roof storey incorporating a shallow pitch at the front (34 degrees to match the existing) and a mansard at the rear. To the front, the existing roof form would be extended by approximately 1.3m at a point approximately 5m from the front building line

An objection has been received from one local resident on the grounds that the proposed roof extension would be out of keeping with the character of the area as the existing buildings are already 'quite tall'. However, the proposed design has the advantage of having little visual impact from street level, thereby preserving the character of this side of the mews. It is not considered to harm the character and appearance of the Harley Street Conservation Area. In future, the other buildings in the terrace could have similar shallow pitched extensions without having a harmful impact on the character of the mews.

The Marylebone Association considers the application documents to be of poor quality, making it difficult for them to comment on the application and that the Design & Access Statement is missing from the application. The Design and Access Statement has since been provided and sent to the local amenity society, who have made no further comment. Officers consider that the application documents and drawings are sufficient to enable a full assessment of the proposals.



For the reasons outlined above, the current scheme is considered to have overcome the reason for refusal of the previous proposals and complies with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 6 and DES 9 of the Unitary Development Plan and the objections cannot be supported.

#### **Site 2:**

The roof level alterations to Blocks A-C Ossington Buildings include the installation of dormers in the front shallow roof pitches pitch and extending some of these slopes to a higher ridge level. The changes on the street side of the roof will not have a significant visual impact. Mansard- type extensions are proposed at the rear, with roof lights rather than projecting dormers. The impact of these changes will not harm the appearance of the building or the character and appearance of the Harley Street Conservation Area. The proposals comply with the City Council's urban design and conservation policies, including DES 6 of the Unitary Development Plan.

#### **Site 3:**

The buildings are attractive, unlisted, late 19th century residential blocks with a central entrance bay, slightly recessed, and flanking bays of paired windows on all main floors. They make a positive contribution to the character and appearance of the Harley Street Conservation Area.

The proposal involves replacing the ground floor windows with shopfronts and the erection of a ground floor infill rear extension to Moxon House. The ground floor rear infill addition is considered uncontentious in design terms. With the change of use of the ground floor it is considered necessary, and justified, to install shopfronts because the retained residential windows would not be appropriate for a retail use, in this instance. Following negotiations, the proposed shopfronts will be formed of painted timber, following traditional design principles, albeit with some modern detailing. They relate well to the existing buildings and the street, are considered acceptable in design terms and will not harm the character and appearance of the Harley Street Conservation Area.

The Marylebone Association has objected to the application on the grounds that the introduction of shop uses within historic residential buildings would be detrimental to the character of the conservation area and contrary to UDP policy DES 1 and policy DES 9, which states that permission will only be granted for development, including a material change of use, which would preserve or enhance the character and appearance of the conservation area. However, as detailed in section 8.1, it is not considered that the introduction of new shops would have an adverse impact on the character of this part of the conservation area. As the proposed alterations are also considered acceptable in design terms, it is not considered that the fact that the buildings were originally built for residential purposes could justify a refusal of permission.

The proposals are considered to comply with all relevant City Plan and UDP design policies and the objection could not be supported.

### **8.3 Residential Amenity**

UDP policy ENV 13 states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. In addition, developments should not result in a significant increase in the sense of enclosure, or overlooking, and should not cause unacceptable overshadowing, particularly on gardens or on adjoining buildings. Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

## **i) Daylight/Sunlight**

The applications for 50 Weymouth Street and Ossington Buildings are supported by detailed daylight and sunlight assessments.

### **a) Daylight**

Under BRE guidelines, if the Vertical Sky Component (VSC), which is the amount skylight available at the centre of a window, is greater than 27%, enough light should still be reaching the window. Where, as a result of the development, this figure is below 27% and less than 0.8 (or 20%) of its former value, the reduction in light to that room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, losses of light to living rooms, dining rooms, studies and large kitchens (if they include dining space and are more than 12.6m<sup>2</sup>) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways. Additionally, principal living rooms are afforded more protection than bedrooms. The BRE guidance is clear that the advice given is not mandatory and that in some cases e.g. in historic city centres, " a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings". It also states that an assessment of relative impact figures should be treated cautiously as, where an existing value is low, a small reduction in real terms can appear as a large relative impact when, in practice, the loss would be barely perceptible.

The No-Sky Line assessment measures the distribution of daylight within a room and calculates the areas of the working plane which would have a direct view of the sky. Daylight may be adversely affected if the working area of the working plane which can receive direct skylight is reduced to less than 0.8 times its former value.

There is also an assessment of Average Daylight Factor for the new residential accommodation. Where the internal arrangements of the accommodation are known, including details of the internal decor to assess the reflectance of internal surfaces, the ADF test can be used to check that adequate daylight is provided. This test set out minimum values of ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens, which should be attained even if a predominantly daylit appearance is not achievable. Where a room is in a combined use, generally a kitchen/diner, the higher value is appropriate.

### **Site 1: 50 Weymouth Street**

The submitted daylight analysis assesses the impact of the proposed roof extension on neighbouring properties including flats within 50 Weymouth Street, 54 Weymouth Street, 55-57 Beaumont Street (Agnes Keyser House), 42-46 Weymouth Street, 23-24 Beaumont Mews and 7-8 Beaumont Mews.

### **54 Weymouth Street**

Objections have been received from the occupants of flats at 54 Weymouth Street on the grounds that the extension would result in a loss of light to flats within that building – where numerous windows overlook Beaumont Mews - in particular the kitchen, second bedroom and bathroom of Flats 2 and 4 (towards the front of the building) and to the bedroom, living room and kitchen of Flats 1, 2, 3, and 8 (towards the rear of the building).

Officers have secured access to Flat 4 (at second floor) where windows light the kitchen to a dual aspect living/kitchen area, (the principal windows to the living area overlook Weymouth Street); a second bedroom, (currently in storage use) and bathroom (obscured glazed).

Flat 3 (at first floor mezzanine level within the rear wing) has three windows serving a large kitchen/ living space (dual aspect), with a further window serving a bedroom. The residents advised that other flats have a similar layout.

The daylight assessment shows that the proposals would not have a material impact on windows fronting Beaumont Mews. Of the 26 windows tested, 18 would see no reduction in VSC values and the remaining windows would experience marginal reductions of between 1% and 4%.

The NSL assessment confirms that there would be minimal reductions in NSL to habitable rooms, with any reduction ranging from between 2 and 4%, with the exception of a bedroom window at rear first floor mezzanine level, which would see a 23% reduction. This bedroom is directly opposite the boundary of the application site with 7-8 Beaumont Mews at a point where the existing sloping roof will be altered to meet the party wall upstand. As the VSC analysis shows, only a 3% reduction in daylight to this bedroom window is expected, the retained VSC level is good for this location at 19.4% and the room affected is a bedroom that is afforded less protection in terms of NSL. For these reasons, it is not considered that light to this bedroom will be materially affected. In these circumstances, objections on daylight grounds could not be supported.

### **Existing flats at 50 Weymouth Street**

There are flats within the front building at 50 Weymouth Street and also flats on the lower floors of the Beaumont Mews building, where there is extant permission for the reconfiguration and extension of these flats within the existing lightwell on the boundary with 7-8 Beaumont Mews. No objections have been received from occupants of these flats. Plans suggest that the principal living areas are at the front of the building.

### **Flats in main building**

To the main building, the proposed roof extension is expected to result in reductions in VSC to ground and first floor bedroom windows of 43% and 33%, with retained VSC values of 9.1% (from 16.1%) and 16.8% (from 25.2%). Although these losses breach the 20% benchmark, they are not significantly different from those reductions in the 2018 scheme (40% and of 29% VSC losses) which was refused only on design and conservation grounds. Bedroom windows are afforded a lesser degree of protection than living rooms and the retained values are considered acceptable in this built up central location.

The report also shows VSC reductions to ground to second floor kitchens of 59%, 52% and 39% respectively. Again, these values are not significantly different from those under the 2018 scheme. These are small, non-habitable, kitchens and they would retain reasonable VSC values of 6.6%, 12.2% and 18.5%. For these reasons, these losses are considered acceptable. It is noted that plans attached to the daylight report showed that each of these kitchen windows is bisected by a partition to create a smaller kitchen and bathroom at each level.

Losses to the fourth-floor windows are below the BRE benchmark and therefore there will be no material losses in daylight to these rooms.

Although the VSC reductions to some rear habitable rooms would exceed BRE thresholds, for the reasons outlined above, it is not considered that the application could justifiably be

recommended for refusal on the grounds that there would be a material adverse impact on levels of light received.

### **Beaumont Mews building**

The daylight and sunlight assessment has also been updated to include an assessment of the impact of the proposals upon ground and first floor flats within the Beaumont Mews building itself which are served by windows fronting the mews and also by windows to a lightwell on the northern boundary with 7 Beaumont Mews. The report makes a comparison between the original situation, the scheme approved in August 2017 (which approved the partial infilling of the northern lightwell to provide additional accommodation) and the current proposals in relation to windows served by the northern lightwell.

Originally, there were three lightwell windows on both the ground and first floors. Two windows at each level served bedrooms and the third window was bisected to provide light to a bathroom and a kitchen. Under the 2017 scheme/current proposals, this lightwell is partially infilled to be provide extended accommodation with windows to each of three ground floor bedrooms and to two bedrooms and one of three windows to a, dual aspect, living/dining/kitchen room at first floor level. Windows facing the central courtyard serve internal or communal corridors.

The report shows that, within the original layout, all ground floor rooms failed to meet BRE ADF targets, with values of 0.6% and 0.8% to the bedrooms and 0.3% to the kitchen. While the first floor bedrooms also exceeded the 1% target, the kitchen (0.8%) failed the 2% target.

Under the 2017 approval (without a roof extension), ADF values to the ground floor bedroom windows were at 0.8% (two windows) or exceeded the minimum target (1.1%). The first floor bedrooms achieved values of 1.6% and 2.4%, the principal living room achieved a value of 1.6% (against the 2% target).

Under the current proposals (with the roof extension), two ground floor bedrooms would see ADF values of 0.6% and 0.7%, while the third would meet the 1% target. The first-floor bedrooms would still exceed the minimum ADF target (1.2% and 2.0%) and the main living area would see a slight reduction in the ADF value (to 1.3%). While the addition of a roof extension would have some impact on the levels of light received to the approved layouts to the ground and first floor flats, with the proposed changes it is not considered that these marginal changes would have a material impact upon the level amenity afforded by the approved accommodation.

All rooms within the proposed second floor flat would exceed ADF targets.

### **23 and 24 Beaumont Mews**

This building is occupied as ground and first floor offices and flats on the second and third floors. Again, the daylight assessment demonstrates that any losses to residential windows on would be well below BRE threshold with ten windows tested seeing no reduction on VSC and the remaining nine windows seeing losses of between 1% and 3%. The No-Sky Line assessment (NSL) confirms that, where there are any reductions in NSL, these would be limited to 9% in the case of four windows.

### **Agnes Keyser House (55-57 Beaumont Street)**

The daylight assessment shows that in the case of the nurses'/doctor's accommodation within Agnes Keyser House, including the separate flats at lower ground and ground floor levels, all reductions in VSC would be below the 20% threshold and those properties would continue to receive adequate daylight. It is noted that the nurses' accommodation could be converted to an alternative hospital use (Class C2) without the need for planning approval.

## **7-8 Beaumont Mews and 42-46 Weymouth Street**

The report shows that there would be no material loss of light to these buildings which are in office and medical use.

### **Daylight conclusions**

Although the VSC reductions to some rear habitable rooms at 50 Weymouth Street would exceed BRE thresholds, given that these windows serve bedrooms and kitchens (non-dining) and the resulting retained VSC values are not unusual in this built up central location, it is not considered that the application could justifiably be recommended for refusal on the grounds that there would be a material adverse impact on levels of light received to neighbouring properties. In terms of the impact upon the Beaumont Mews building itself, analysis shows that there would be no material impact upon the expected daylight levels within this approved residential accommodation. As such, the impact in this instance is acceptable.

### **Site 2: Ossington Buildings**

The application involves alterations to the front roof slopes on all three street frontages, including the installation of new dormer windows, with an extension of parts of the roof slope on the Ossington Buildings (north) and Ashland Place frontages (by approximately 0.7m) to match the height of the adjacent roof ridge. To the rear, the existing pitch roofs, and a flat roof on Block B, are proposed to be replaced by mansard roof extensions.

There are residential blocks opposite the site, on the northern and eastern branches of Ossington Buildings. The rear of the buildings is overlooked by windows in Ashland House and Howard House. The applicant, the Howard De Walden Estate, have submitted various proposals for roof level/alterations and extensions to residential blocks in the vicinity of the site. There are extant permissions for the installation of dormer windows in the front roof slope of Block D Ossington Buildings (east) and for a roof extension to Howard House.

The submitted daylight report assesses the impact of the proposals on existing rear windows to Block A. This shows that any reductions in VSC would be below 20%, with the exception of one third floor window, which appears to serve a bedroom, which would see a 25.4% reduction (from 19.43% to 14.49%). However, the retained value is considered acceptable on this constrained site.

An updated assessment has been submitted to show the impact of the extension on rear windows to Blocks B and C. This indicates that any reductions in VSC to four existing third floor windows to these blocks would be below the 20% target and that the impact would not be noticeable. The report concludes that, there would be no material impact on levels of light received to windows on the lower floors.

At Charles Fowler House, on the north side of Ossington Buildings (north), there is a current application for the installation of dormer windows in the front roof slope to provide additional residential accommodation (and an extension to the rear roof at the adjacent Denison House). Denison House fronts Ashland Place but also has windows overlooking the corner of Block C, where that part of the roof would be unaltered). The report confirms that all of the existing third floor windows tested would continue to receive a minimum VSC beyond the 27% target. Although the potential impact on the existing second floor windows or the proposed fourth floor dormer windows has not been assessed, given the retained values at third floor and in view of the modest increase in the height of the roof slope, it is considered that light to these windows would not be materially affected.



At Blocks D and E, on the opposite side of Ossington Buildings east, there would be no material loss of light as there would be minimal changes to the roof of the application buildings on this frontage. There is extant permission for the installation of dormer windows in the front roofslope of Block D to provide additional residential accommodation. Although the impact on these windows has not been analysed, it is considered that they would receive good levels of natural light.

Windows to the rear of Ashland House, to the south and west of the proposed extensions, have also been assessed. Those windows closest to the proposed extensions would see reductions in VSC below the 20% threshold and all windows would continue to receive reasonable levels of natural light.

The approved plans for the roof extension to Howard House show that the accommodation would be set back from the closest part of the proposed extension to Block A by approximately 10.5m. Given the relationship of the two sites and the layout of the approved flat, it is not considered that there would be a material impact of on the amenity of the approved accommodation.

### **Site 3**

The ground floor infill extension to the rear courtyard at Moxon House would not have a material impact on the level of light received to neighbouring windows.

### **Sunlight**

BRE guidelines state that access to sunlight should be checked for all neighbouring main living (habitable) rooms which have a window facing within 90 degrees of due south. Windows which face 90 degrees of due north do not need to be tested as they have no expectation of sunlight. The BRE guidance acknowledges that kitchens and bedrooms are of less importance, but states that in the case of these rooms care should be taken 'not to block too much sun'.

If the tested window receives more than one quarter of annual probable sunlight hours, including at least 5% of annual probable winter sun (during the winter months between 21 September and 21 March), then the room should still receive enough sunlight. Any reduction in sunlight below this level should be kept to a minimum. If available sunlight hours are both less than the amount given, less than 0.8 (i.e. more than a 20% loss) of their former value (either over the whole year or just during the winter months) and has a reduction in sunlighting over the whole year greater than 4% of annual probable sunlight hours, then the loss of sunlight will be noticeable.

### **Site 1:**

#### **50 Weymouth Street**

Windows to the rear of 50 Weymouth Street face north and do not require testing.

The updated daylight and sunlight assessment does not provide any data relating to levels of sunlight to bedroom and living rooms window to the northern lightwell. However, any existing sunlight to the existing or approved lightwell windows would be severely restricted by the height and proximity of the flank wall to 7 -8 Beaumont mews and it is not considered that the additional of the proposed roof extension would result in any material worsening when compared to the approved situation. Other windows facing the central courtyard serve internal or communal corridors and do not require testing.

### **54 Weymouth Street**

The sunlight analysis shows that reduction in annual sunlight levels is limited to three windows (at 4% and 5%) and that these windows would continue to experience annual sunlight values of 20% or more. There would be no loss of winter sun.

### **23 and 24 Beaumont Mews**

The sunlight analysis shows that there would be no impact on sunlight levels received to flats on the second and third floors.

### **55-57 Beaumont Street**

At Agnes Keyser House, there would be reductions in annual sunlight of 25% (from 4% to 3%) to a window serving a habitable room to a lower ground floor flat and of 36% (from 11% to 7%) to a window serving a habitable room to a ground floor flat. The reduction in sunlighting over the whole year, however, is not greater than 4% of annual probable sunlight hours and therefore the impact is not material.

At first floor level there are losses of 28% and 24% to two windows within a five-window bay to a nurse's room. The remaining panels within the bay achieve BRE targets or do not need to be tested due to their orientation. These values are similar to those under the 2018 scheme and are not considered to be so harmful as to warrant refusing permission.

There would also be some losses of winter sun to this property exceeding 20%, although the affected windows appear to serve non-habitable accommodation or single panels within five-panel bay windows to two nurse's rooms. However, in all cases, as the reduction in sunlight received over the whole year would be below 4%. As such, these reductions would comply with BRE guidelines.

Although some sunlight reductions exceed BRE targets it is not considered that the impact on the affected rooms would be significant. In addition, as stated above, these rooms could be converted to "non-residential" use at any time.

### **7-8 Beaumont Mews and 44-46 Weymouth Street**

Any impact on sunlight to the neighbouring offices at 7-8 Beaumont Mews and the clinic at 44-46 Weymouth Street would not affect the continued operation of these properties.

### **Sunlighting conclusions**

In conclusion is not considered that the proposed extension to 50 Weymouth Street would have a material impact on levels of daylight and sunlight received to neighbouring properties.

### **Site 2 Ossington Buildings**

The sunlight analysis for the Ossington Buildings scheme confirms that windows to the rear of Block A, and to the rear of Ashland House do not face within 90 degrees of due south and do not need to be tested.

The assessment has been updated to include an analysis of sunlight to existing habitable rooms at the rear of Blocks B and C. This shows that the third-floor windows would continue to receive annual and winter sunlight levels exceeding BRE minimum targets and that any reductions in annual and winter sun to windows on the lower floors would be below the 20% BRE target.

Given their relationship with the proposed extensions, east facing windows to the rear of Howard House would not be affected by the proposals. Other windows, including those within the approved roof extension, face north and therefore do not need to be tested.

There are south facing windows on the third floor of Charles Fowler House. Given their orientation, these windows would exceed the minimum threshold for sunlight and do not require assessing. Similarly, it is considered that good sunlight would be received to dormer windows within the proposed roof addition to Charles Fowler House.

As the alteration to the roofslope directly facing Blocks D and E Ossington Buildings is minimal in size, is it not considered that sunlight levels to existing windows or to windows within the approved fourth floor extension to Block D would be materially affected.

### **Site 3 Osbourne and Moxon House**

It is not considered that the proposed infill to Moxon House, which is enclosed the existing building, would have a material impact on levels of light received to neighbouring properties or affect light to flats on the upper floors of the application building.

### **iii) Sense of enclosure**

#### **Site 1 50 Weymouth Street**

The proposed second floor roof addition would extend in front of rear windows to existing flats at 50 Weymouth Street, to the clinic at 42-46 Weymouth Street and to the nurses' accommodation at Agnes Keyser House and there would be a slight increase in the height of the existing front roofslope when viewed. It is accepted that there would some increase sense of enclosure to the neighbouring flats. However, as the rear windows serve bedrooms, bathrooms and non-habitable kitchens, it is not considered that the impact up residents' amenity would be so significant as to justify a recommendation for refusal, Similarly, it is not considered that the amenity of the neighbouring clinic and hospital would be materially affected.

There would be a slight increase in the height of the front roofslope in views from the rear wing at 54 Weymouth Street. However, this increased height will be set well set back from the main front elevation and it is not considered that there would be a significant impact on the sense of enclosure to these neighbouring properties.

#### **Site 2 Ossington Buildings**

Given that only modest changes are proposed to the front and rear roofslopes at Ossington Buildings, it is not considered that there would be any material increase in the sense of enclosure to neighbouring windows.

### **iv) Overlooking**

#### **Site 1**

Objections have been received on the grounds that the roof extension would result in a loss of privacy to Flats 1, 2, 3, 4 and 8 at 54 Weymouth Street due to the narrow width of the mews.

The windows in the front part of the objectors' building look towards the flank elevation of the front building at 50 Weymouth Street, the closest windows to the site of the proposed extension being obscured glazed bathroom windows. Whilst there could be some increased potential for overlooking to windows at the rear part of 54 Weymouth Street it is not

considered that residents would be materially affected. The proposed extension incorporates three rooflights set within the extended front roofslope. One of these rooflights serves a shower room and the others light the seating area of a kitchen (where the roof is also set at an oblique angle). Given the position of these rooflights in relation to the internal floor level, it is considered that the opportunity for direct overlooking to rooms on the opposite site of the mews would be limited and it is not considered that objections on privacy grounds could be supported.

To the rear, the only window facing towards Agnes Keyser House is a rooflight to an en-suite bathroom. Windows facing the rear of existing flats at 50 Weymouth Street light an internal corridor and would be obscured glazed and fixed shut. Other east-facing windows to the same corridor would not provide any direct views towards neighbouring windows.

## **Site 2**

The proposed roof extension to Ossington Buildings would be in a 'L' shape with windows in the front roofslopes looking towards Charles Fowler House and Denison House to the north, and towards residential blocks on the east side of Ossington Buildings. Windows on the interior roof slope would look towards windows on the lower floors of the application buildings and towards windows at the rear of Ashland House and Howard House.

No objections have been received from the occupants of any neighbouring buildings, many of which have been the subject of recent permissions for roof extensions as part of a comprehensive development plan by the Howard de Walden Estate. Given the relationship between windows to existing flats on the application site and neighbouring buildings, it is not considered that the proposals would result in a material loss of privacy to neighbouring residential properties.

## **Site 3**

The proposals would not result in any material loss of privacy to neighbouring flats particularly given that the shopfront window on the Ossington Buildings frontage has been omitted.

## **8.4 Transportation/Parking**

### **Site 1**

#### **Parking/Cycle parking**

UDP policy TRANS23 includes an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of parking deficiency. In stress areas, the addition of even one additional residential unit can have an adverse impact on parking levels in the area and this could lead to a reduction in road safety and operation.

No off-street parking provided in association with the development. The evidence of the Council's most recent parking survey in 2015 (Buchanan's) indicates that parking occupancy within a 200 metre radius of the site is 37% at night and 93% during the day. It therefore exceeds the parking stress level set out within UDP Policy TRANS 23. It is acknowledged that the site has a high level of public transport accessibility. The number of households with 1 or more cars in the Marylebone High Street Ward is 35% (2011 Census figures). While this is lower than the borough average, but the above data indicates that residents in the area do own cars, and that Residential Bays have a high level of daytime occupancy.

As the level of on-street parking demand for the "linked" Osbourne/Moxon House site is lower (50% at night and 91% during the day) than for Site 1, it is considered that the relocation of a flat to Weymouth Street would worsen the overall parking situation in that area. Consequently,

the Highways Planning Manager has objected to the scheme on parking grounds. However, it is recommended that, if the scheme is otherwise considered acceptable, the developer should be required to provide Lifetime Car Club membership in association with the proposed flat (minimum 25 years) in order to ameliorate the potential impact on on-street parking demand. It is recommended that this be secured by condition.

The London Plan requires 1 cycle parking space per residential dwelling and 2 spaces for 2 bed and larger units. The submitted planning statement confirms that cycle storage for the new flat would be provided within the basement vault (Vault 1) at 50 Weymouth Street. This is considered acceptable in principle subject to the submission and approval of plans showing the location of this cycle parking in the context of other uses within these pavement vaults. This would be secured by condition.

## **Site 2 Ossington Buildings**

### **Parking/Cycle parking**

The development includes the creation of 2 x 1 bed flats which would be relocated from Osbourne/Moxon House (Site 3). No off-street parking is proposed. The evidence of the Council's most recent parking survey in 2015 (Buchanan's) indicates that parking occupancy within a 200 metre radius of the site is 48% at night and 88% during the day. Again, this exceeds the parking stress level set out within UDP Policy TRANS 23.

As the on-street parking pressure for the "linked site" (Osbourne/Moxon House) is higher (50% overall at night and 91% during the day) than at Site 2, subject to securing the land use swap by a suitable mechanism, the scheme is considered acceptable on parking grounds. However, it is recommended that the developer be required to provide Lifetime Car Club membership in association with the proposed flats as this is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers.

The Highways Planning Manager has requested a condition requiring the approval of details of cycle storage. However, given the site constraints, and as the new flats would be constructed at fourth floor level, with no lift access, it is not considered that the absence of dedicated cycle storage could justify a recommendation for refusal.

## **Site 3 – Osbourne/Moxon House**

### **Parking/Cycle parking**

The site and surrounding area is well served by public transport. The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. Resident bays are restricted to permit holders only 0830 to 2030, 7 days a week, with single yellow and other bays restricted from 0830 till 1830 Monday to Saturday. Given the parking controls and access to public transport in the area the impact of the change of use on parking levels is expected to be minimal.

No cycle parking is included on the submitted plans. The London Plan requires 1 cycle parking space to be provided for every 175 sqm of new retail floorspace, with a minimum of 2 spaces for a threshold of 100m<sup>2</sup>.

The scheme provides four separate shops measuring between 35 and 65 sqm. On the basis the size of the individual units it is not considered that the absence of cycle parking could justifiably form the basis of a recommendation for refusal.



## **Servicing**

Policies TRANS20 and S41 require off-street servicing to be provided in association with new developments. Given the site constraints, there is no opportunity to create a servicing bay. The site is located within a Controlled Parking Zone, which means that the locations single and double yellow lines allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the unit in a similar fashion to the existing use and nearby properties. Given the size of the units, site servicing is not considered likely to have a significant adverse impact on the operation of the public highway.

An objection has been received on the grounds that the narrow pavement widths outside the site make the proposed retail uses unacceptable. However, it is not considered that the level of activity associated with these small shop units would be likely to compromise the use of the pavements by pedestrians and it is not considered that this objection could be supported.

Objectors are also concerned that the proposed retail uses would result in a worsening of traffic congestion in the area, principally as a result of deliveries, which has been exacerbated by the closure of Vincent Street. Given the size of the proposed shop units they are not expected to generate a level of servicing that would have a significant adverse impact on the operation of the public highway. The carriageway is wide enough within a suitable distance of the site to enable a service vehicle to stop and another vehicle to pass it. Any service vehicle stopping on the public highway would need to abide by traffic regulations or face enforcement action. In these circumstances, it is not considered that the objection could be supported. Concerns regarding the redirection of traffic flows in the area cannot be taken into account in the consideration of the current application.

### **8.5 Economic Considerations**

Any economic benefits generated by the proposed new retail units are welcome.

### **8.6 Access**

UDP policy DES 1 requires new development to provide safe and convenient access for all. The Marylebone Association has objected to the proposals on the grounds they would result in the loss of three ground floor units which are likely to be more accessible to people with mobility problems, or with young children, than the replacement flats at second and fourth floor levels, which are only accessible via the main stair cores.

In response the applicant has made the following points:

- There are various examples of other developments on the Estate where replacement accommodation has been approved within new mansard roof extensions. However, no examples have been provided of examples where existing ground level accommodation has been relocated
- Although the existing flats are at ground floor level, with direct access from the pavement level, there is a 'step up' at the entrance (although this is a change of materials rather than a 'step') and the internal doorways, kitchen spaces and internal bathroom spaces are not designed to be DDA compliant
- Matters of accessibility and inclusiveness are limited by design considerations and the fact that the buildings are located within a conservation area.

Whilst it is considered that it would be possible to provide lift access, in principle, it is accepted that this would result in a major redesign of the scheme and significant disruption to the existing occupants of the application buildings. Given the potential improvements in the overall standard of amenity provided by the new flats, including their relocation from the ground floor of the, increasingly busy, Moxon Street where there are direct views into windows from the

adjacent pavement and where levels of natural light are likely to be reduced through the redevelopment of the car park site, although the absence of level/lift access is regrettable, it is not considered that objection on access grounds could justifiably form the basis of a recommendation for refusal.

Level access would be provided to each of the proposed retail units.

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

### **Plant**

The applications do not include proposals for new plant.

### **Refuse /Recycling**

The applicant proposes that waste storage for new Weymouth Street flat will be provided in the front basement vaults. The applications for Ossington Buildings and Moxon/Osbourne House have been revised to provide details of waste storage for the new flats and shops. In all cases, the Waste Project Officer has advised that the submitted details do not accord with council recycling and waste storage requirements.

Revised details are required confirming the bin capacities for the storage of general waste and recyclable materials, with the bins marked accordingly. The Waste Project Officer has asked that these details be required prior to the commencement of the development but it is considered that this information can be provided before work starts on the relevant part of the development

### **Sustainability**

City Plan policy S28 requires all new development to incorporate exemplary standards of sustainable design which reduces energy use and emissions that contribute to climate change during the lifecycle of the development. Including the use of high-quality durable materials and efficient operation. All new construction would be undertaken using thermally efficient building fabric energy efficient heating, water and lighting systems and this is welcomed.

### **Biodiversity**

The applications do not include any proposals to improve the sites' contribution to the biodiversity of the area. However, given the proposed roof forms, there is no obvious location for such provision as part of the schemes for new roof extensions.

## **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**

Not applicable

### **8.10 London Plan**

These applications do not raise any 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.

The applicant has agreed to the pre-commencement conditions in respect to car club membership (Sites 1 and 2) and in respect to securing the replacement residential accommodation prior to the commencement of development at Site 3.

### **8.12 Planning Obligations**

The proposals do not trigger a requirement for any planning obligations.

The estimated Westminster CIL payments are:

Site 1: Weymouth Street - £63,976.30

Site 2: Ossington Buildings - £63,389.37

Site 3: No CIL requirement

### **8.13 Environmental Impact Assessment**

The proposals are not of a sufficient scale to require an Environmental Impact Assessment.

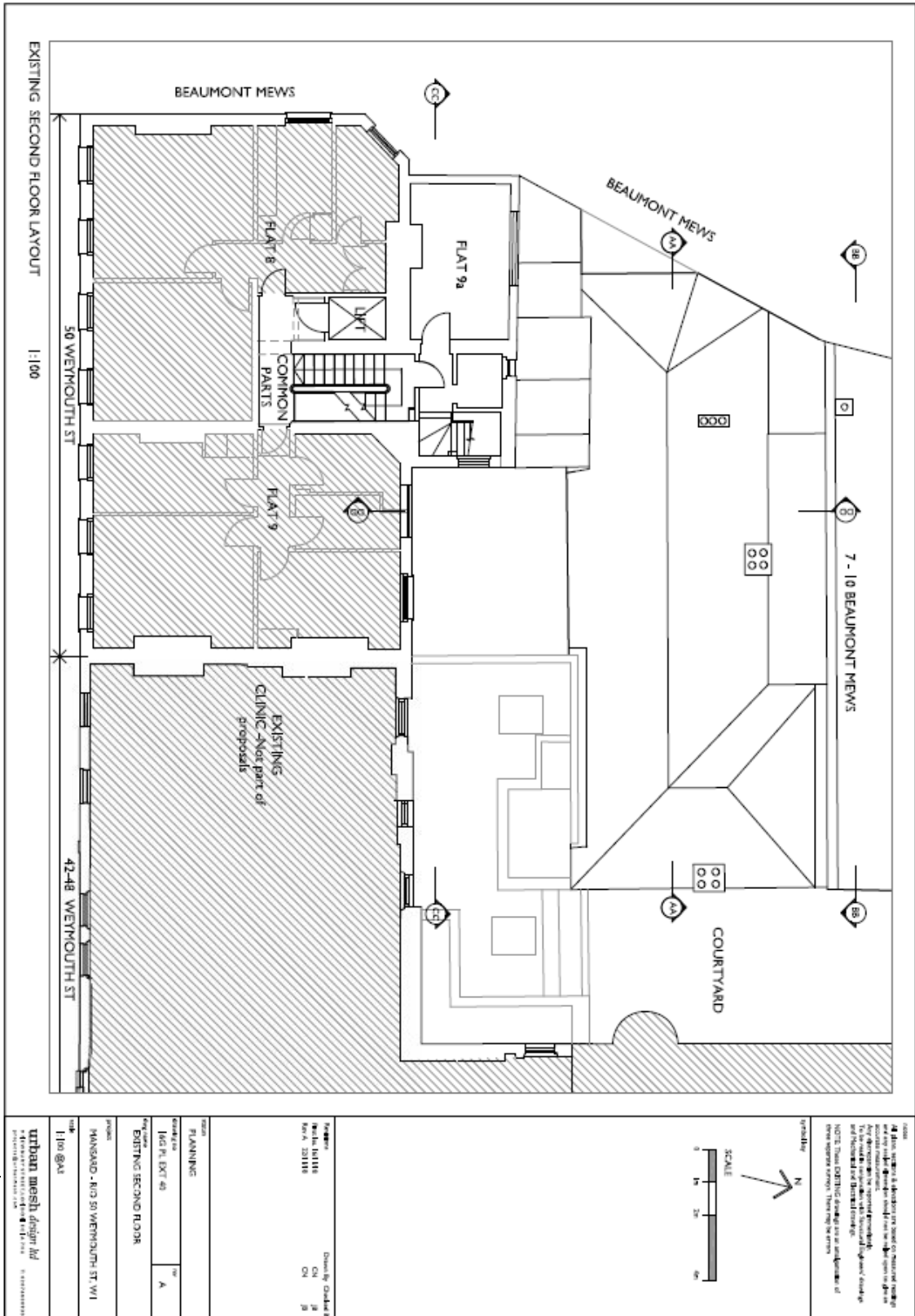
### **8.14 Other Issues**

Not relevant

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

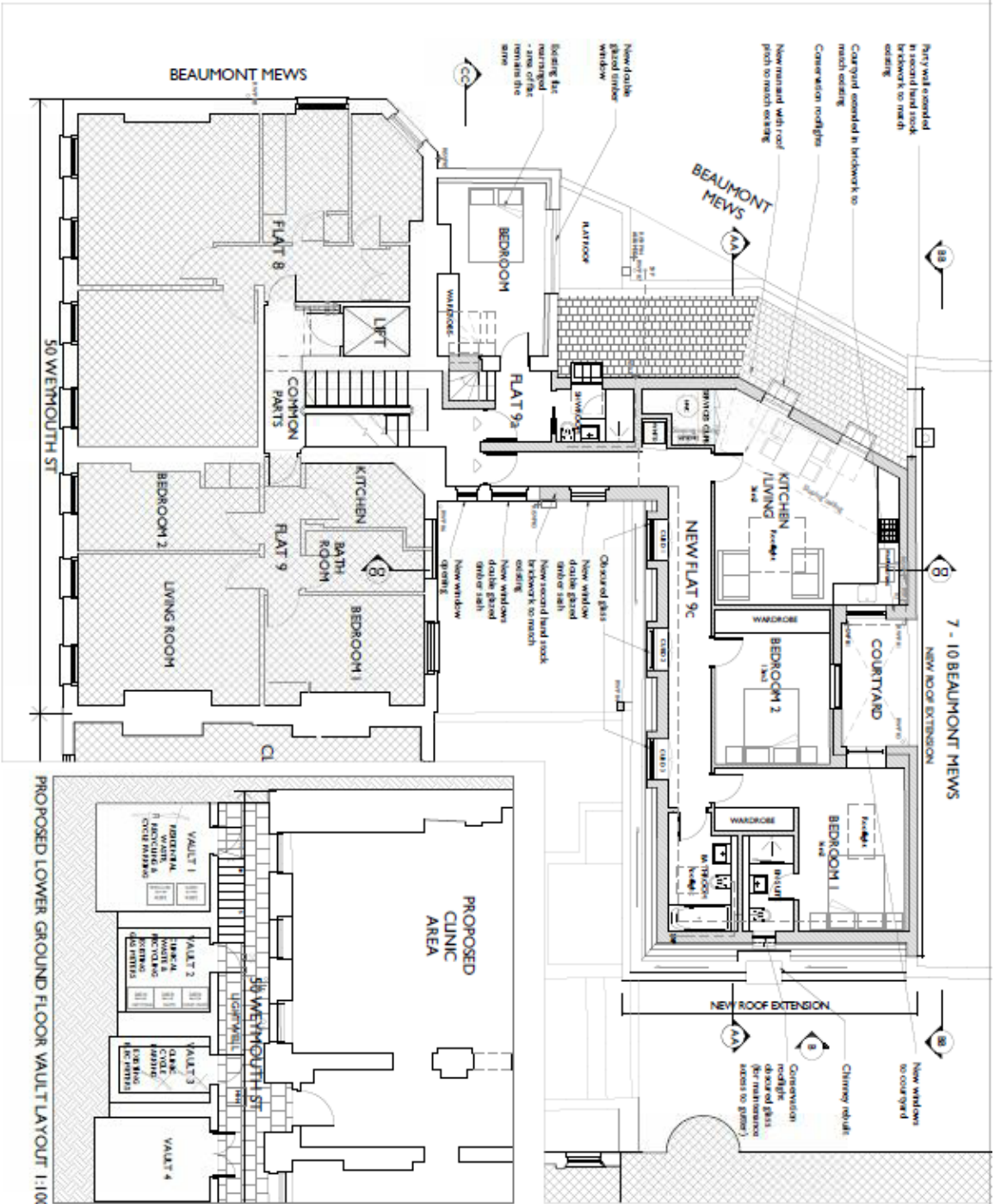
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

9. KEY DRAWINGS: SITE 1 50 WEYMOUTH STREET

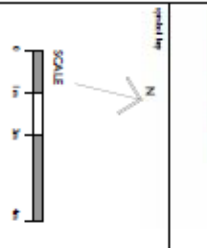


PROPOSED SECOND FLOOR LAYOUT

1:100



Notes:  
 All flats, including a proposed new flat, are proposed to be built on the existing foundations.  
 All existing walls to be retained are shown in grey.  
 All new walls are shown in black.  
 All new windows are shown in black.  
 All new doors are shown in black.  
 All new floors are shown in black.  
 All new roofs are shown in black.

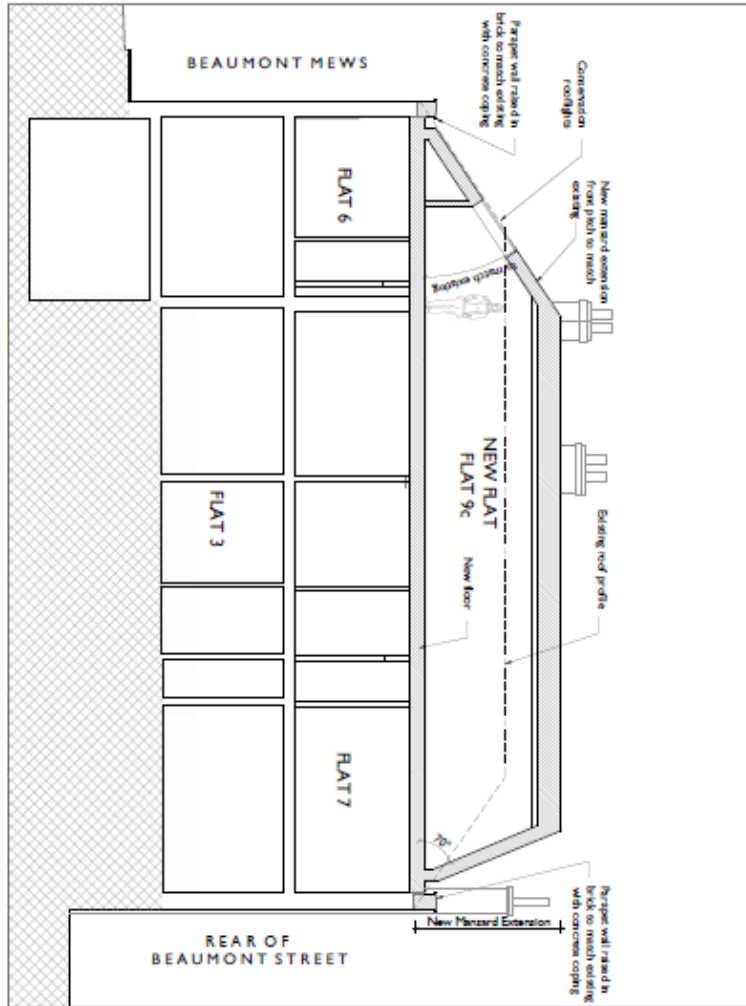


Author	Checked
Paula Miller	Chris Clarke
Paula Miller	Chris Clarke
Paula Miller	Chris Clarke

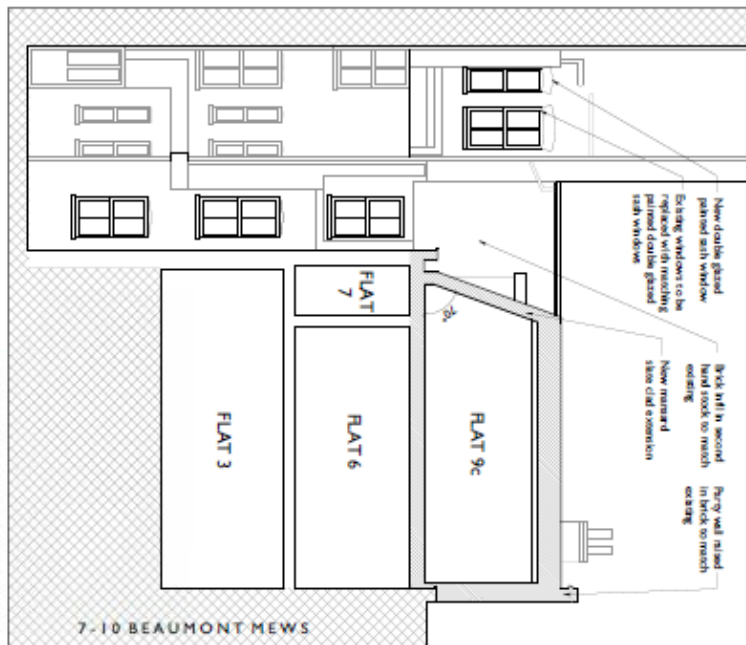
Date	Revision
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16/01/2024	7
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urban north design ltd  
 100 Weymouth Street, Bristol, BS1 2JF  
 0117 924 4444  
 www.urbannorthdesign.com

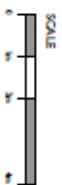




PROPOSED SECTION AA 1:100



PROPOSED SECTION DD 1:100



**Notes**  
 All plans, sections & elevations are based on measured readings and any scaled dimensions should not be relied upon to give an accurate measurement.  
 To be used in conjunction with Structural Engineer's drawings and Mechanical and Electrical drawings.

**Revision**  
 Revision with  
 Date 13/03/24

**Drawn by** Olanth  
**Checked by** M  
**Scale** 1:100

**Drawing name**  
 PROPOSED SECTIONS AA & DD

**Project**  
 PHOENIX - NO 30 WINDMILL ST, W1

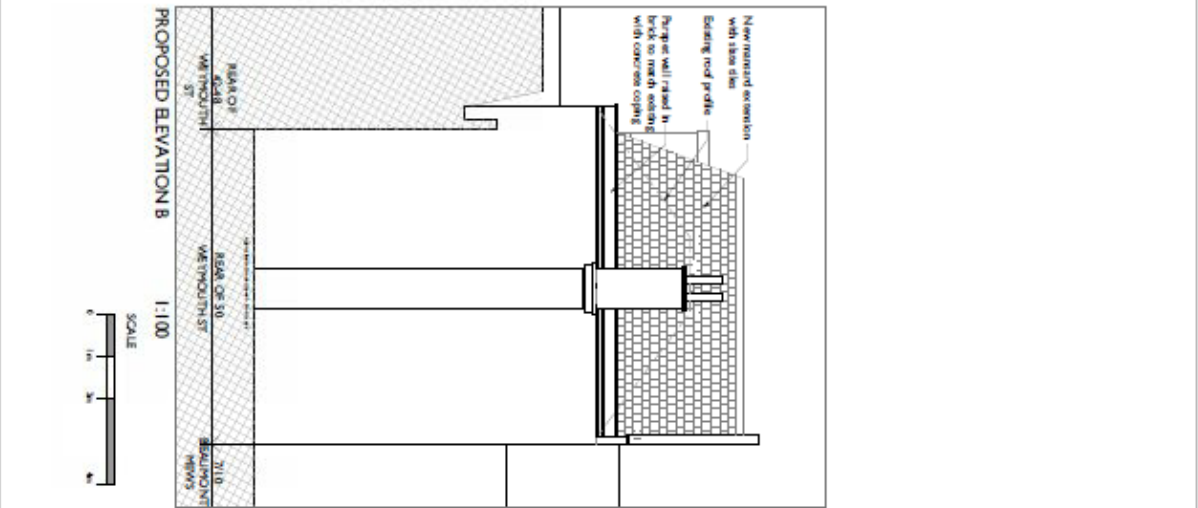
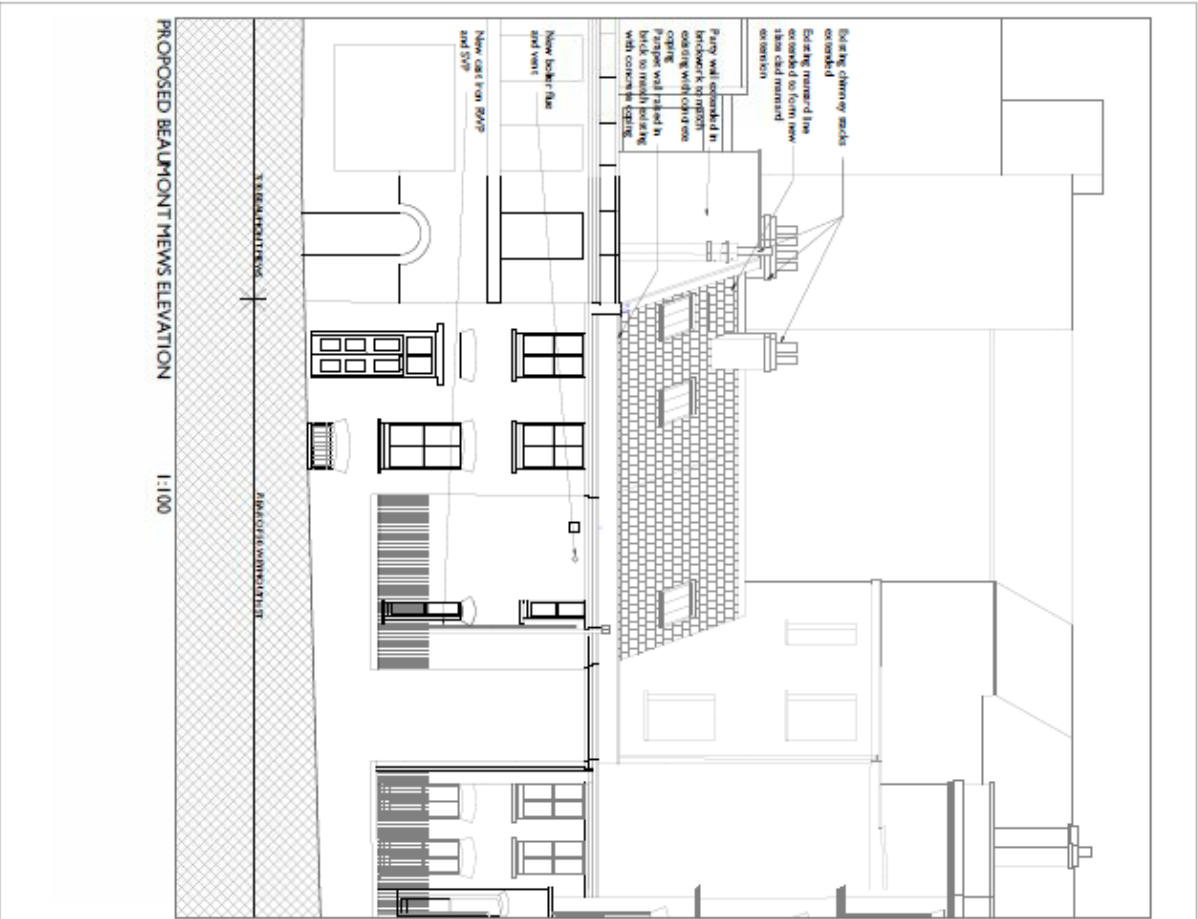
**Scale**  
 1:100 @ A3

**Issue**  
 PLANNING

**Drawn to**  
 100 PL NO 44

**urban mesh design ltd**  
 NEWBURY STREET, LONDON, EC1A 7NU  
 02072828978

**Rev**  
 3



NOTES:  
1. All work shall be in accordance with the City of Madison Building Code and all applicable codes and regulations.  
2. All work shall be in accordance with the City of Madison Building Code and all applicable codes and regulations.  
3. All work shall be in accordance with the City of Madison Building Code and all applicable codes and regulations.

Symbol key

Product	Order By	Quantity
1/2" x 1/2" x 1/2"	01	18
1/2" x 1/2" x 1/2"	01	18
1/2" x 1/2" x 1/2"	01	18

PLANING	Order By	Quantity
1/2" x 1/2" x 1/2"	01	18

PROPOSED BEAUMONT NEWS AND BELEVATIONS  
MANSARD - 810 30 WINDMOUTH ST, WI  
1:100 GMA3  
urban mesh design llc  
1000 UNIVERSITY AVENUE  
MADISON, WI 53706

**DRAFT DECISION LETTER (SITE 1)**

**Address:** 50 Weymouth Street, London, W1G 6NT,

**Proposal:** Erection of a mansard roof extension at rear second floor level on Beaumont Mews building to create a self contained flat (Class C3).

**Plan Nos:** 16G PL PRO/ 40B, 41B, 42B, 43B, 44B

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 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)

- 4 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)

- 5 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the residential (Class C3) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the flat. You must not use the waste and recycling store for any other purpose. (C14GA)

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)

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

Reason:

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

- 7 **Pre Commencement Condition.** You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

- Measures to mitigate the impact of the development on on-street parking demand in the area.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

Reason:

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

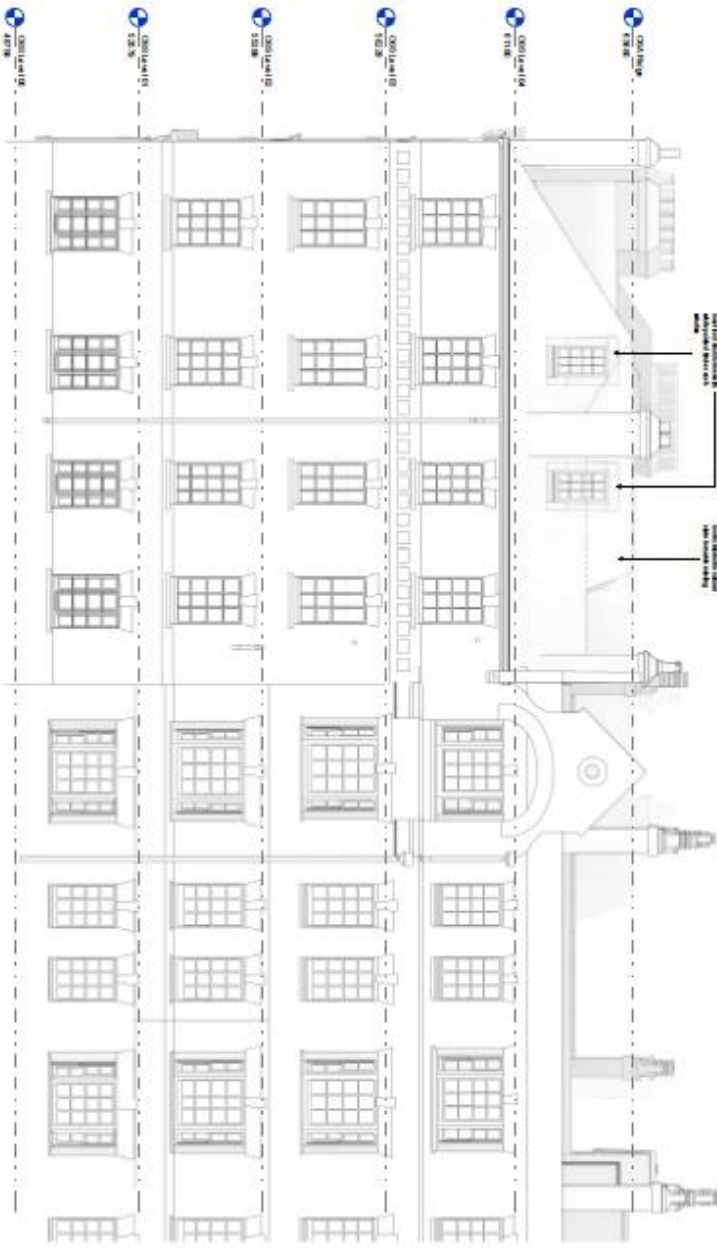
**Informative(s):**

- 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 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
  1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
  2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

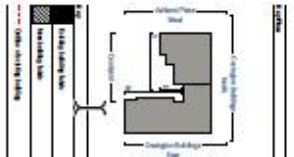
This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
  
- 3 Under condition 7, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Lifetime Car Club Membership (minimum 25 years) in association with the new flat as agreed in the email from the Howard De Walden Estate dated 30 July 2019. Please refer to the 'Supplementary planning guidance' on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)





2 Proposed Addition Floor Level



**FT**  
HOLT  
ARCHITECTURE

2000 1st Avenue  
Seattle, WA 98101  
Tel: 206.468.1100  
www.ft-holt.com

PROJECT: 1000 1st Avenue  
DATE: 10/15/2011  
SCALE: 1/8" = 1'-0"







**DRAFT DECISION LETTER (SITE 2)**

**Address:** A Block, Ossington Buildings, London, W1U 4BG

**Proposal:** Alterations to existing roof to create 2 self-contained flats (Class C3) including new dormer windows and conservation rooflights.

**Plan Nos:** 1613-HA-Z3-DR-A-/1220 Rev 2, 1221 Rev 7 , 1222 Rev 6, 1320 Rev 2, 1321 Rev 2, 1322 Rev 1, 1323 Rev 4, 1324 Rev 4, 1420 Rev 1, 1421 Rev 2, 1422 Rev 2, 7003 Rev 1, 7103 Rev 2, 0420 Rev 1, 0421 Rev 2; 1613-HA-Z3-DR- A/1223 Rev 1.

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 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)

- 4 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)

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

Reason:

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

- 6 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the new flats use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the flats. You must not use the waste and recycling store for any other purpose. (C14GA)

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)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 7 **Pre Commencement Condition.** You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

- Measures to mitigate the impact of the development on-on street parking demand in the area.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

#### 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 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

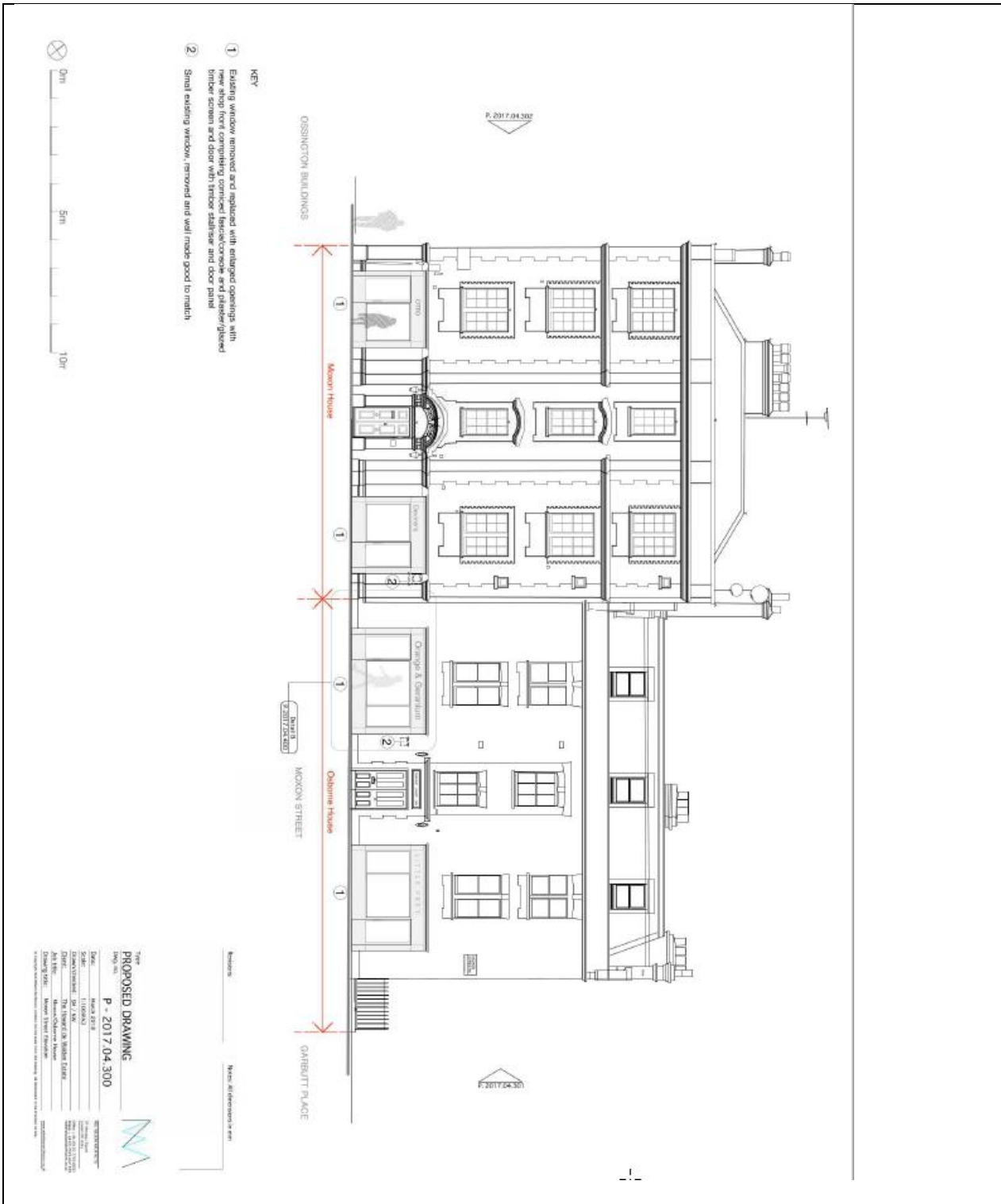
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

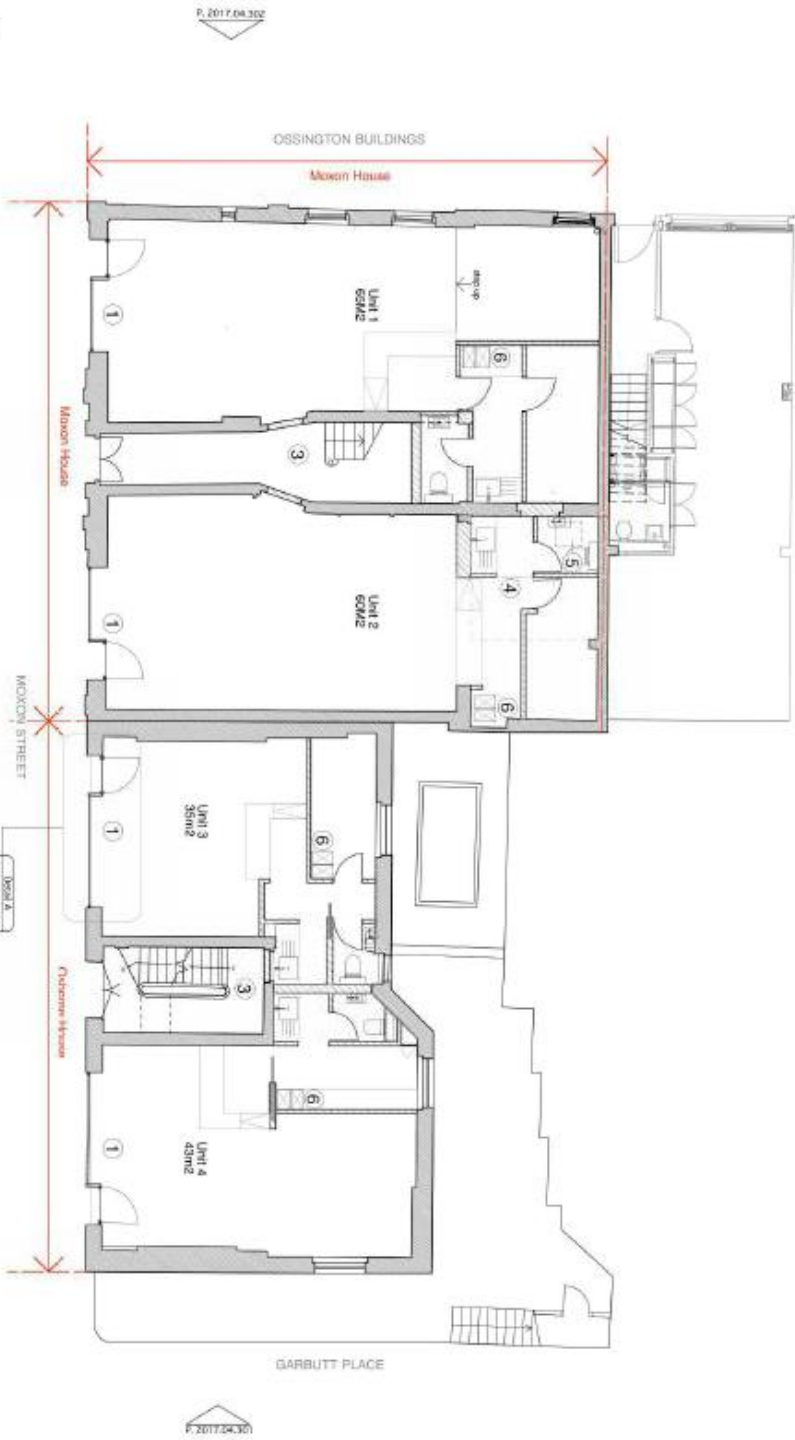
This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 3 Under condition 7 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Lifetime Car Club Membership (minimum 25 years) in association with the new flats as set out in the email from the Howard De Walden Estate dated 30 July 2019. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 4 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

# KEY DRAWINGS SITE 3: OSBOURNE AND MOXON HOUSE





- KEY**
- Note: Hatching indicates new endowments creating ancillary areas/shop carter.  
Refer to Auckland drawings for existing fabric removed.
- 1 Existing window removal and replaced with enlarged floor to ceiling openings with smoothie gazing including door
  - 2 Reference note omitted
  - 3 Ground floor access off residential driveway sealed.
  - 4 Area infilled, with new walls shown hatched - creating two new retail units
  - 5 Sky-light over new WC
  - 6 Dedicated storage for waste and recycling

Revision  
A 02/02/19 Proposed addition to Ossington Regd structure.  
Dedicated storage for waste and recycling added

Name of drafter or person  
P-2017.04.101-A

**PROPOSED DRAWING**

Scale: 1:100

Client: The Council of Māori Leaders

Author: Māori Leaders

Check: Māori Leaders

Drawn by: Māori Leaders

Project No: P-2017.04.101-A

Project Name: Ossington Regd structure.  
Dedicated storage for waste and recycling added



Item No.
2

### DRAFT DECISION LETTER (SITE 3)

**Address:** Osbourne House , Moxon Street, London, W1U 4EZ

**Proposal:** Erection of rear single storey ground floor extension within rear lightwell of Moxon House and use of enlarged ground floor of both Osbourne House and Moxon House as four retail shop units (Class A1), installation of new shop fronts onto Moxon Street and Ossington Buildings and other minor external alterations. (Part of a land use swap with 2nd Floor rear of 50 Weymouth Street and Blocks A-C Ossington Buildings)

**Plan Nos:** P-2017.04./101A, 102; P-2017.04/300, 301, 302A; P-2017.04/400, 401

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 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

Item No.
2

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)

- 4 You must apply to us for approval of a detailed acoustic report setting out noise and vibration mitigation measures that will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. You must not occupy any of the retail units hereby approved until the approved noise and vibration mitigation measures have been installed in full. The noise and vibration mitigation measures shall be retained in situ for the life of the development.

Reason:

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

- 5 Customers shall not be permitted within any of the retail units hereby approved before 09.00 or after 18.00 on Monday to Saturday (not including bank holidays and public holidays) and before 10.00 or after 16.00 on Sundays, bank holidays and public holidays. (C12BD)

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)

- 6 You must carry out the measures included in your management plan dated 3 June 2019 at all times that the shops are in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 No deliveries shall be accepted and no servicing of the retail units hereby approved shall take place except between 07.00 and 09.00 (Monday to Friday) or between 08.00 and 09.00 (Sundays).

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)

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P-2017.04.101A. You must clearly mark them and make them available at all times to everyone using the shops. (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)

- 10 The retail floorspace must be provided and kept as four self-contained units and no unit should be larger than 65 square metres. (C15AB)

Reason:

In accordance with the submitted application and to protect the special retail character of the area as set out in S21 of Westminster's City Plan (November 2016) and SS 10 (B) of our Unitary Development Plan that we adopted in January 2007.

- 11 Other than for the purpose of access/egress through the front doors of the retail units hereby approved, you must keep the doors and windows in all ground floor elevations to the shops hereby approved closed at all times other than in the case of emergency or for maintenance purposes.

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)

- 12 **Pre Commencement Condition.** This permission shall not be implemented until points i) to iv) below have all been complied with:

- i) the works to provide replacement flats at Blocks A-C Ossington Building and 50 Weymouth Street have been completed in accordance with the planning permissions (RN: 19/01218/FULL and 19/01237/FULL) and the residential floorspace on both sites is made ready for occupation;
- ii) the City Council has been notified in writing that the residential accommodation on both sites is complete;
- iii) access has been arranged to 50 Weymouth Street and Blocks A-C Ossington Buildings for an officer from the City Council to inspect the new accommodation and
- iv) the City Council has confirmed, in writing, that the replacement flats at 50 Weymouth Street and Blocks A-C Ossington Buildings has been completed to our satisfaction.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33, S14 and CM 47.1 of Westminster's City Plan (November 2016) and in H3 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

Item No.
2

**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 You are advised that any proposals for the installation of new plant in association with the retail shops hereby approved would require further planning permission, which must be obtained prior to the operation of any equipment. Given the site constraints, such proposals are likely to be considered contentious in design and amenity terms, and planning permission may not be forthcoming.
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)

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.