

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	29 Marylebone Road, London, NW1 5JX		
Proposal	Refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and extension of roof to provide internal and external terrace floorspace extensions to house a lift to rear at lower ground to fifth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1).		
Agent	Land Use Consultants		
On behalf of	University Of Westminster		
Registered Number	22/04635/FULL	Date amended/ completed	1 July 2022 & 3 February 2023
Date Application Received	1 July 2022		
Historic Building Grade	Unlisted		
Conservation Area	No, but lies directly to the north of the Harley Street Conservation Area.		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

- 1) Grant conditional permission.
- 2) That the City Council authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and extension of main roof to provide additional internal floorspace, extensions to house a lift to rear at lower ground to fifth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1). Amendments to the scheme were received in February 2023 on the advice of officers and sought changes to the roof and its detailed design; the removal of roof top terrace; amendments to

the rear lift enclosure, rear elevation and its detailed design and amendments to the Luxborough Street building front elevation design.

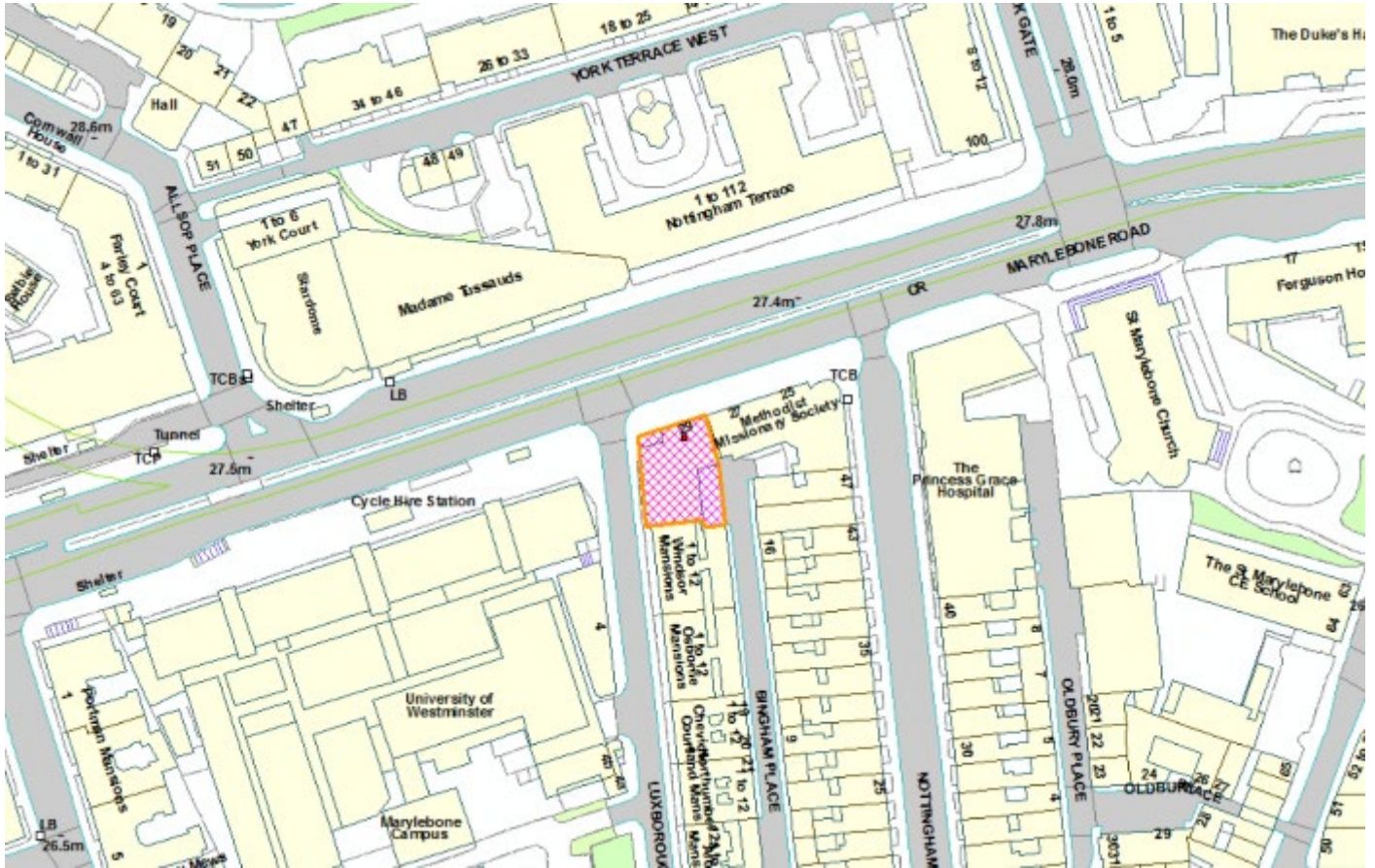
Objections have been received from the Marylebone Ward Councillors, the Marylebone Association and neighbouring properties primarily on the grounds of design; impact on amenity from the proposed terraces and impact to servicing on Bingham Place.

The key considerations in this case are:

- The acceptability of the proposed educational establishment in land use terms.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the adjacent conservation area and the setting of other nearby designated heritage assets.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the stopping up of the highway in Bingham Place and the implications on servicing to Bingham Place.

For the reasons set out in the report, the proposals are considered acceptable in land use, townscape, design, amenity, highways and environmental terms and complies with policies in the City Plan 2019-2040 policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Existing Building from Marylebone Road, and from across Marylebone Road



Luxborough Street building



Photo from Bingham Place looking to rear of application site (and 25 Marylebone Road)



Rear of Luxborough Street building showing Highway/ Servicing Area/ Car Parking (prior to hoarding)



With hoarding



5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR SCARBOROUGH (on behalf of the Marylebone Ward Councillors)
Objection received firstly on the grounds that they didn't receive their consultation.
Secondly they support the objection from a local resident and reiterate the ground for objection as:

- Overlooking/loss of privacy.
- Visual amenity (but not loss of private view)
- Adequacy of parking/loading/turning.
- Highway safety.
- Traffic generation.
- Noise and disturbance resulting from use.

REGENTS PARK WARD COUNCILLORS

Any response to be reported verbally.

MARYLEBONE SOCIETY

Objection on the grounds that the front and rear elevations are overly dominant to the existing building and will harm the street scene. The proposed additions to the front elevation are incongruous to Marylebone Road. The proposed additions to the rear are overly aggressive and dominating on Bingham Place, therefore harming the amenity of neighbouring residents. Objection also raised to colour palette of materials.

ROYAL PARKS:

No response received.

TRANSPORT FOR LONDON (TFL):

No objections subject to conditions securing cycle parking in and outside of the development site and a delivery and services plan.

HIGHWAYS PLANNING OFFICER:

No objections are raised to the proposed use and it is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g., walking, cycling). The cycle parking and waste provision is considered acceptable. Some concern raised as to the stopping up of the highway on the Bingham Place elevation which is against policy, however it is noted that servicing can still occur to the site, as demonstrated through the transport plan.

ENVIRONMENTAL HEALTH:

No objection to the use; plant proposed and air quality.

WASTE PROJECT OFFICER

No objection raised.

BUILDING CONTROL - DEVELOPMENT PLANNING

Any response to be reported verbally.

LOCAL FLOOD AUTHORITY

Any response to be reported verbally

DESIGNING OUT CRIME OFFICER (DOCO)

Any response to be reported verbally.

ECONOMY TEAM:

Based on the net uplift of floorspace a contribution of £3220.70 is required toward Economy & Skills team to provide employment, training and skills development for local residents.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 257

Total No. of replies: 6

No. of objections: 4

No. in support: 2

Two letters of support from The Howard de Walden Estate and Business LDN have been received on the grounds of the benefits of the University of Westminster and this proposed facility will bring to local businesses, the wider community and London as a city.

Four objections have been received on some or all of the following grounds:

Design & Heritage

- The roof form and profile is aggressive
- The roof form harms the setting of the tower of St Marylebone Church

Amenity

- Noise from proposed terrace
- Noise from proposed plant equipment
- The increased servicing and deliveries to Bingham Place will create noise and congestion.

Highways and Servicing

- The increased servicing and deliveries to Bingham Place will create congestion
- Inadequate turning space in Bingham Place.

Other

- Aware of a concurrent scheme at 25 Marylebone Road and the cumulative impact of the two developments should be taken into considerations.

PRESS NOTICE/ SITE NOTICE:

Yes

RECONSULTATION ON REVISED SCHEME (which included amendments to the roof and its detailed design; removal of roof top terrace; amendments to the rear lift enclosure, rear elevation and its detailed design; amendments to the new Luxborough Street front elevation design (letters sent 10 February 2023))

COUNCILLOR SCARBOROUGH (on behalf of the Marylebone Ward Councillors)
Concerns continue to be raised to the servicing and highways matters on Bingham Place. A request is made to the planning committee to restrict the hours and number of people able to use the terrace.

MARYLEBONE SOCIETY

The revised treatment at roof level is an improvement. Concerns still raised as to the harm to the amenity of residents on Bingham Place from servicing and deliveries and the servicing strategy should be read in conjunction with the adjacent application at 25 Marylebone Road. The terrace may cause noise and disturbance to residents.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 257

Total No. of replies: 0

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Community Engagement Event (advertised within Baker Street Quarter newsletter and in significant letter drop off dated 19 April 2022)	27 April 2022(5pm-8pm)	unknown	The proposals were outlined and the main topics for discussion were the operation of the new facility proposed; the design of the extensions proposed; the new terrace at roof level and who this would service and the impact of the proposals on highways/ servicing and Bingham Place.
Dedicated Website			
Online Meeting	15 June 2022	Unknown	Presentations given.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were:

- How would this facility operate, say in comparison to a typical University teaching space.
- Aesthetically how are the works going to relate to the surrounding properties, notably to Bingham Place.
- How is servicing and deliveries going to work and what's the impact going to be to Bingham Place?
- Concerns that students would use Bingham place as an entrance access, this will be more of a concern also if using bikes and e-scooters.
- How is the roof top terrace to be used and numbers and hours of operation etc.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- It has been confirmed that the main entrance and exit point to the development is from Marylebone Road. There are no other entry points into the site.
- There are emergency exit points to the surrounding roads, however these will not be used to enter the building.
- The ground floor space is restricted, so only 19 bicycle parking spaces are proposed to be hosted on site to comply with the London Plan. Those spaces will be a combination of Brompton lockers accessible from the Marylebone entrance and some back-of-house cycle storage facilities accessed via the Bingham Place services entrance. These would be used by staff in the building.
- Students visiting the building would use the short-stay cycle parking proposed on Marylebone Road on the pavement.
- People will not be allowed to gather in the service yard in Bingham Place, as this will not be accessible.
- Bingham Place will be strictly restricted to servicing vehicles and to the very few allocated cycle spaces located in the back-of-house bicycle storage facility.
- There is no proposed e-scooter parking for the site.
- To address the concerns in relation to vehicles reversing at the end of Bingham Place, the University and Design Team have reviewed and adjusted the ground floor layout, so that residents now have a turning head at the end of the cul-de-sac.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have

been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

29 Marylebone Road is a corner site at the junction of Luxborough Street with Marylebone Road. The building is in two main parts: the main part being an eight storey brick building facing onto Marylebone Road, with a return façade onto Luxborough Street; the annexe part of the building is a five storey structure facing onto Luxborough Street. The rear facades face onto Bingham Place. The property is vacant, since approximately early 2017 and has been stripped internally. The property has a lawful office use. The building is unlisted and lies outside but immediately to the north of the Harley Street Conservation Area.

Land Use Designations:

- Within the Central Activities Zone (CAZ)
- Marylebone Road Retail Centre
- TfL Red Route
- Marylebone & Fitzrovia Flooding Hot Spot
- Not listed or within a conservation area, but adjacent to Harley Street Conservation Area.

7.2 Recent Relevant History

Permission was granted under 16/10311/FULL for:
Alterations to the ground floor frontage, construction of roof top plant enclosures and extensions, facade alterations to the annexe on Luxborough Street at all levels including a roof terrace and use of the building as a dual/alternative Class B1 office/D1 non-residential institution.

This permission has not been implemented.

8. THE PROPOSAL

Planning permission is sought for the refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and works to roof level; extensions to house a lift to rear at lower ground to fourth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1).

The University of Westminster, the owners and applicant, intend to use the site as a Centre for Employability and Enterprise, a unique facility which will enhance the student experience across the University. The Centre will bring together enterprise and employment-services into a single central facility for students, providing a purpose-designed, work-oriented environment. The facility will feature creative spaces to support collaboration and engagement with local businesses, events and exhibition spaces to

showcase student enterprise and achievements. The building will not be used per se for university lectures, like a traditional university building.

Amendments were received (and reconsulted on) during the course of the application and these included:

- Reduction in height, bulk and materiality of the stair enclosure by 1 storey with relocation of plant to roof level 8;
- Main roof terrace now given over to plant with access via existing spiral staircase;
- A new sedum green roof to level 9 roof of existing stair landing;
- Height, bulk and materiality of the proposed lift shaft at the rear of the building reduced by 1 storey;
- Redesign of Luxborough Street infill between the main block and the neighbouring Edwardian Mansion bloc to better mediate between the two.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	2754	0	-2754m2
Learning & non-residential institution	0	2839	+2839
Total		2839	+85

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Offices

Policy 13D of the City Plan states the net loss of office floorspace from the CAZ: 1. to residential development will only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use; 2. to hotel use will only be permitted where there is no interest in its continued use for office or any other Class E (commercial, business and service) uses education or community use, as demonstrated by vacancy and appropriate marketing for a period of at least 12 months.

As policy 13D would only be triggered if the change of use was to residential development or hotel use, the principle of the change of use to this educational facility is acceptable.

Proposed Educational Facility

Policy 18 (Education and Skills) of the City Plan states:

- A. The council will support the provision of new or expanded primary and secondary schools and further education facilities, to meet the needs of a changing population and enhance education provision.
- B. The improvement and expansion of Westminster's world-class higher educational institutions will be supported in principle, in recognition of the economic benefits they provide to Westminster, London and the UK. This includes proposals for the upgrading of existing, and provision of new, teaching and research facilities and the provision of purpose-built student housing.

The principle of this new facility is therefore acceptable and complies very much with the aims and aspirations of City Plan policy.

The applicant advises that the University of Westminster has a long-standing reputation of delivering high quality education, particularly for those from disadvantaged and underrepresented groups and that the University has recognised a need to further equip students with digital enterprise skills, to succeed in a post COVID-19 employment market. However, there is not sufficient capacity within the existing University campus buildings (many of which are in the Marylebone area) to accommodate this type of facility.

The proposed Centre for Employability and Enterprise will bring together enterprise and employment-services into a single central facility for students, providing a purpose-designed, work-oriented environment. This will enable students to engage in cross-disciplinary teams on employer-led projects and subsequently increase opportunities for employment enhancing learning and enterprise development. The building will also become the home of many of Westminster's successful graduate mentoring programmes, such as the Career Ready Mentoring scheme, Westminster Working Cultures and the WE Network. These projects, and the organisations which choose to interact with the University will benefit from the state-of-the-art training facilities, including a digital broadcast studio.

The proposed building will include the following spaces:

Ground Floor/ Street Level – Café and Windows on the World Space

Level 1 – Project Space

Level 1.5 (Within the Luxborough Street building) - Collaboration Zone and Terrace

Level 2 – Incubation Hub and Freelance Lab

Level 2.5 (Within the Luxborough Street building) – Broadcast Studio

Level 3 – Collaboration Zone

Level 3.5 (Within the Luxborough Street building) –Event/ Flexible Space

Level 4 – Digital Skills Training Suite

Level 5 – Meeting/ Seminar/ Training Rooms

Level 6 Meeting/ Seminar/ Training Rooms

Level 7 – Event/ Exhibition Space

The applicant argues that the proposed development will strengthen the University's relationships with employers, businesses, alumni, and the local community and will, as a result widen their impact on business, industry and society. The facility will further enhance the University's reputation as an employment-generating and employer-facing institution.

The facility will be open from 8am until 9pm daily and will only be accessible to students, visitors, guest lecturers etc via Marylebone Road. Whilst it is envisaged that the majority of staff too will use the Marylebone Road entrance it is proposed that they be allowed to

the rear entrance on Bingham Place, for potentially out of hours circumstances and to access the long stay cycle parking.

Letters of support have been received to the application from The Howard De Waldon Estate and Business LDN. In the applicants Statement of Community Involvement there are also letters of support from London First, Westminster Business Council and the Baker Street Quarter Partnership.

The proposed use as an education institution is considered comply wholeheartedly with Policy 18 of the City Plan.

Café Use at Ground Floor

A café use is proposed at ground floor level accessed from the main entrance on Marylebone Road. The café will be open to the public and the hours of use will be 8am until 7pm daily. A letter of support to the café use has been received and this is welcomed in land use terms.

9.2 Environment & Sustainability

Sustainable Design

Policy 38 D of the City Plan seek to ensure a sustainably designed development and that measures have been incorporated into design in the following applications and as follows:

1. Non-domestic developments of 500 sq m of floorspace (GIA) or above will achieve at least BREEAM “Excellent” or equivalent standard.

A sustainability report has been submitted with the application and the key sustainability features of this development including the refurbishment of the building will be designed to achieve a BREEAM 'Excellent'. As noted below the proposals are set to achieve carbon savings beyond minimum UK Building Regulation requirements and London Plan targets reaching a 69% reduction in carbon emissions. The report has been reviewed by the Council’s Sustainability Officer and the proposals are very much welcomed.

The proposals are considered to comply with Policy 38D of the City Plan.

Energy Performance

Policy 36 of the City Plan relates to energy and promotes zero carbon; developments to reduce on-site energy demand and to maximise low carbon energy sources. Whilst the general aims of the policy are relevant here, as the application proposals are not considered ‘major development’ not all is applicable. The applicant has however provided an energy statement setting out their commitment to reducing energy demand CO2 emissions.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
Be Lean: Savings from energy demand	31.6	48

reduction		
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	13.5	21
Cumulative on-site savings	45.1	69

The following measures are proposed to reach the above reductions:

Be Lean – Reduce Energy Demand

Good passive building design, notably to the extensions of Luxborough Street annexe and fabric performance and highly efficient thermal envelope, improving upon the GLA notional specification for existing buildings; mechanical ventilation with high efficiency heat recovery; low energy LED lighting throughout; lighting controls to all areas and communal areas to include occupancy sensing and daylight dimming.

Be Clean – Supply Energy Efficiency

A building wide heat network is proposed to serve the development. There is no existing heat network within close proximity of the site.

Be Green – Use Renewable Energy

An appraisal of available renewable energy solutions has been carried out, which has identified that 66m2 of PV panels (on the Luxborough Street annexe building) and air source heat pumps are proposed.

Given the proposals are not ‘major development’ and therefore monitoring of the development to ensure that the commitments are being delivered is not formally required by the City Council, the applicant is still required under later RIBA stages of development.

The proposals comply with policy 36 of the City Plan.

Circular Economy

Policy 37(C) relates to waste management and circular economy and seeks the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan targets and the council’s Code of Construction Practice (CoCP).

As the proposals are not major proposals the applicant will have to comply with this requirement as part of the COCP which they are likely to have to sign up to. In order to reduce the amount of demolition waste being exported and the need of new materials used and transported to the site, the potential to reuse on site demolition and excavation materials as secondary aggregates will sought. In addition as noted above the building materials are selected based on their embodied impact and from responsible suppliers and where possible local suppliers are favoured.

The proposals comply with policy 37 of the City Plan.

Air Quality

Policy 32 of the City Plan seeks to improve air quality throughout the borough.

The site falls within an Air Quality Focus Area as designated by the Council. The application includes an Air Quality Statement. The report details the results of long term air quality monitoring carried out at the development site. The results show that NO₂, PM₁₀ and PM_{2.5} levels are all well within air quality target values and comply with air quality objectives. Mechanical ventilation (MVHR) is proposed for the facility.

The proposals are considered to comply with policy 32 of the City Plan

Flood Risk & Sustainable Drainage

The site is located within the Marylebone and Mayfair flooding hotspot. Measures to reduce the risk of surface water flooding include the planting and green roofs in accordance with policy 35 (Flood risk). There is little scope to introduce any other sustainable urban drainage systems elsewhere on site. Below ground drainage strategies are proposed and this too would aid in water run-off. Therefore, the overall risk of surface water flooding to the site and surrounds is considered to be very low

Light Pollution

A light spill assessment was submitted with the application originally and primarily looked at the potential light spillage from the proposed glazed rooftop extension and terrace. These elements have now been removed from the scheme and the top floor has been revised in its elevation treatment. An addendum to this assessment was submitted and whilst the top floor will be primarily glazed there are many solid elements and solid framing the findings are that the proposals will not have a detrimental impact to any surrounding buildings. All window apertures in the main building remain as existing and whilst there are some new openings in the Luxborough Street annexe building, given their siting away from neighbouring properties the level of light pollution is considered to be minimal.

The proposals are considered to comply with policy 33 (environmental impacts) of the City Plan.

9.3 Biodiversity & Greening

The existing site has no urban greening and a low ecology value. Given the site constraints and the nature of the proposals there are limited opportunities to improve this. Planting and landscaping are proposed to the 1st floor rear terrace and the top floor level of accommodation. A small green roof is proposed to the plant room at 8th floor level. It is disappointing to see that the 8th floor roof level has paving slabs surrounding plant rather than a green roof but given the existing situation it is not considered that a refusal could be sustained on this basis. The green roof and landscaping would contribute to the greening of Westminster and improve biodiversity of the site in accordance with policy 34 (Green infrastructure) and is to be conditioned to ensure its provision.

Bird and bat boxes are proposed at the site and these are to be conditioned.

9.4 Townscape, Design & Heritage Impact

The Site and Its Significance

Positioned on the Corner of Luxborough Street and Marylebone Road, the site includes an unlisted building outside of a designated conservation area, however it lies directly to the north of the Harley Street Conservation Area, and to the south of Regents Park Conservation Area.

The existing building on Marylebone Road dates from the 1960s and comprises basement plus 8 storeys. The main building is faced in yellow brick, punctuated by modest plane glazed windows, whilst the 7th (top floor is largely glazed. Two horizontal expressed brick bands extend across the façades above fifth and 6th floor level, replication the brick work detailing exhibited on no. 25 Marylebone Road. Directly to the south of the main building, fronting Luxborough Street, is a five-storey annexe building. The annexe has a tiered form with rendered facades featuring a horizontal arrangement of windows at each level. The rear of the site, constructed of pale brick with a simple arrangement of fenestration, presents an imposing backdrop to Bingham Place a modest enclave of new style properties, which lies within the Harley Street Conservation Area.

Whilst the existing complex of buildings is of limited architectural merit, the Marylebone property features heavily in key townscape views from within the Harley Street and Regents Park Conservation Areas. As such its relationship to the late Victorian terraces on Luxborough Street and mews buildings along Bingham Place are key considerations in the development proposals. Likewise, its direct connection with the Methodist Church House is also of importance, as it appears to have been purposefully designed to balance the architectural form and scale of its neighbour. Together they also form a coherent and relatively balanced townscape block but a somewhat imposing backdrop to Bingham Place.

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy 39 of the Westminster City Plan 2019-2040 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible. Also of relevance is Policy 38 (Design Principles) and Policy 40 (Townscape and Architecture) of the City Plan

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. This applies whether or not a site is formally designated.

Chapter 16 of the NPPF clarifies that harmful proposals affecting listed buildings and conservation areas (and other designated heritage assets) should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Where non-designated heritage assets are concerned, the NPPF clarifies that, where harm would be caused, a balanced judgement is required taking into account the level of harm caused and the relative significance of the asset.

The Proposals and their Impacts

The proposals seek to retain and refurbish the existing building, whilst introducing a new lift to the rear and building along Bingham Place. Proposals also seek to remodel the infill building fronting Luxborough Street.

Objections have been received to the proposals on design grounds. One of these letters of objection which was received during the earlier stages of the application, prior to the amendments (and although this objector was re-consulted, no additional comments were received), raised concerns with the proposed developments impact on the setting and appreciation of the tower of St Marylebone Church when viewed from along Marylebone Road. Grade I listed, the Church of St Marylebone lies to the east of the site. The tower of the church features in numerous views obtained from along Marylebone Road and is an important landmark within the area.

The original submitted scheme, by virtue of its height and roof profile, would have competed with the tower of the church in townscape views, diminishing its prominence and importance. However, the revised scheme is more restrained and maintains much of the existing buildings height, enabling the church to maintain its standing in the townscape.

The retention and refurbishment of the Marylebone Road building, including replacement windows with deep reveals, a fully glazed and activated ground floor and improved accessibility and services, is hugely positive. Upgrading the existing windows and remodelling of the top floor, introducing modern glazing system, and capped by a modest projecting canopy with brick frieze above. The proposals also include the introduction of an external terrace with glass balustrading running alongside the parapet.

The remodelling of the top floor markedly improves the conclusion of the building. Together with the facade improvements, the roof alterations improve the appearance of what is a tired building, without adding height and bulk. Whilst roof top plant is proposed, this has been adequately set back towards the rear of the building to limit its impact on long views.

The full height lift shaft on the rear the building is unavoidably imposing, particularly when viewed from Bingham Place. The projecting shaft will be clad in pale brickwork, to match the existing facade, and incorporates a panel of projecting brickwork to offer contrast, texture and visual interest. Similarly, the remainder of the rear facade is void of fenestration and to avoid an unyielding appearance, a second section of projecting brickwork has been incorporated to enliven the façade. For comfort, a condition is

imposed requesting a sample panel of the projecting brickwork to ensure it exhibits the quality and appearance expected.

The infill building to Bingham Place, will be contemporary in its appearance, but responds respectfully to the established height and scale of mews and would sit comfortably in its context. Whilst architecturally it will introduce a modern style utilising pale brick to tie in with the rear facade of the principal building, the mews exhibits a variety of styles for this not to detract from its overall character. Again, a sample panel of the brickwork intended for the building will be secure by condition to ensure its quality and appearance.

The remodelling the existing annexe building has the potential to be hugely beneficial from a townscape perspective. Permission was granted in 2016 for a new infill building however current proposals differ quite significantly from the previously approved scheme in terms of materiality and design. Whilst the previously approved scheme saw the introduction of a glass and metal framed building, the current proposals seek a more contexture approach, with red-bricked building articulated by a more conventional arrangement of openings and depressions. Whilst the infill will present more bulk than the existing building, its height, form, and composition are well considered and not overly assertive, it would also successfully mediate between their two very different architectural scales and styles.

As part of the submission, verified views have been prepared to establish the impact on views from within Regents Park, notably the impact on the roofscape of York Terrace west. It's been clearly demonstrated that the proposals will not impact upon these views or intrude upon the historic roofscape of the prestigious grade I listed terrace.

Visuals of the proposals show 'University of Westminster' wording within the building fabric. This is considered acceptable, and details could be secured through a materials condition.

Design & Heritage Conclusion

In conclusion, it is not considered that the design objections can be sustained as the proposals are considered to respond positively to the wider context of the site and will seek marked improvements in the appearance of the buildings. The proposals are supported on design and townscape grounds. The proposals are considered to comply with City Plan policies 38, 39 and 40.

Landscaping

As noted above given the site constraints there is little opportunity for landscaping. The planting proposed and the green roof are considered, on balance, to be considered acceptable and complies with Policy 34 (Green infrastructure) and Policy 40 (Townscape and architecture).

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and

overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

Objections from occupiers of mews properties in Bingham Place have been received to the proposals on amenity grounds.

Daylight/ Sunlight and Sense of Enclosure

The proposed elevational and roof top alterations to the Marylebone Road building raise no amenity concerns with regards to loss of daylight and sunlight, sense of enclosure or outlook. A significant amount of plant is proposed at roof level and the majority of this will be sited so as to be a minimally as intrusive as possible. An acoustic report has been submitted with the application and this demonstrates that the plant will comply with City Council policy 33 and will therefore not raise any noise concerns.

The annexe building which faces Luxborough Street and Bingham Place is to be extended and modified. This comprises an extension to the front elevation of the building at second, third and fourth floor to bring the building line flush with that of the main building at 29 Marylebone Road and the adjacent Windsor Mansions. At fifth floor plant is proposed behind the existing parapet wall with Windsor Mansions and solar panels are proposed above this equipment. The extensions will rise no higher than the existing boundary wall with Windsor Mansions directly to the south of the site and will not project any forward of the front or rear of this building. Extensions are proposed to the rear of the annexe building, on Bingham Place at street level (lower ground to the main building) and first floor level (ground floor to the main building) building over the existing off-street servicing and parking area. The extensions will house the new off-street servicing, the lift (allowing this to access all floors) and a sub-station. At first floor level a terrace of 33m is proposed. The plans show this to be heavily planted/ landscaped around the edges to restrict any overlooking to the mews. These extensions will rise no higher than the existing front elevation wall of the adjacent Bingham Place mews buildings to the south or the boundary wall with Windsor Mansions to the rear. Given the siting of the extensions to the annexe are generally contained behind existing party walls there is little impacts upon adjacent properties in terms of daylight, sunlight, outlook or sense of enclosure.

A new lift shaft/extension from lower ground to fifth level is proposed to the rear of the building. As noted above, the lower levels of this lift shaft run flush with the ground and first floor extension of the Bingham Place annexe extension. A daylight and sunlight assessment has been submitted in regards to this element as the lift constitutes additional bulk, outside of existing party walls etc. The assessment considers the impact of the development upon the following properties:

- 43 Nottingham Place – residential accommodation
- 16 Bingham Place – residential accommodation (adjoined to 43 Nottingham Place)
- 45 Nottingham Place – Latvian Embassy
- 47 Nottingham Place - Hospital

Windsor Mansions has not been assessed as this adjoins the application to the south and there are no direct facing windows to the additional bulk/ extensions proposed.

The assessment demonstrates that all windows and rooms assessed fully comply with the BRE targets, with the exception of one window within 47 Nottingham Place (the hospital), which experiences a technical transgression from the BRE targets, but which is so minor that it will be unnoticeable.

Amenity Implications from Use of Building

The applicant advises that facility will be open from 8am until 9pm daily and will only be accessible to students, visitors, guest lecturers etc via Marylebone Road. Whilst it is envisaged that the majority of staff too will use the Marylebone Road entrance it is proposed that they be allowed to the rear entrance on Bingham Place, for potentially out of hours circumstances and to access the long stay cycle parking.

The public café will be open from 8am until 7pm daily.

As noted above, the site has a lawful use as offices and could operate as such with no controls in place. It is therefore considered that the new use proposed, with nearly all comings and goings taking place from Marylebone Road is acceptable in amenity terms.

Noise and Overlooking from 1st Floor Terrace

Objections have been raised to the first floor rear terrace on the annexe building on noise and overlooking grounds to residents of Bingham Place. The terrace is proposed to provide an outdoor facility to the students and somewhere for events to take place. The applicant has confirmed that the terrace, measuring 33m² will fit 10-12 people maximum and will be accessible 9am and 6pm daily. Planting is proposed to the edges of the terrace to prevent use of the terrace right up to the parapet edge. The applicant has confirmed they'd be content with a condition securing the hours and planting.

Directly opposite the terrace are properties of a commercial nature: the rear of the Methodist Church House offices; the Latvian Embassy and a private hospital. Given the planting proposed to the edges of the terrace and the hours of operation and the nature of the properties directly opposite there are no concerns with regards to overlooking.

With respect to noise concerns, the applicant submitted a noise assessment pertaining to the roof terraces (the main roof terrace has since been omitted from the scheme for design reasons). The assessments indicate that with the terrace normally occupied there is expected to be +1 dB change in absolute noise level. The character of the sound (people talking) is consistent with the prevailing noise sources in the area and not out of context in central London. Given the nature of the development and that the terrace is relatively small at 33m it is not considered that the terrace will attract such noisy behaviour so as to warrant refusal.

Noise & Vibration from Plant

Plant is proposed at roof level of the annexe building and roof level of the main building. To the rear of the main building a lift is proposed. At rear ground floor to Bingham Place elevation of the annexe building, a UKPN substation is proposed and this has a louvre roller shutter fronting the Bingham Place elevation. Also at ground floor to the Bingham Place elevation, extract fans are proposed to the internal waste storage and servicing area.

Environmental Health officers have assessed the acoustic report submitted with the proposals and subject to the council's standard noise conditions, and a condition securing a supplementary acoustic report with acoustic specifications for the plant and substation and details of noise/ vibration attenuation measure; have no objections to the proposals. The plant is likely to comply with policy 33 of the City Plan.

Noise and Disruption from Servicing on Bingham Place

Objections have been received regarding noise and congestion from increased servicing on Bingham Place.

The application site has been vacant for a number of years, since approximately early 2017 and the existing servicing area has been hoarded up since approximately early 2018. The residents of Bingham Place will therefore notice new servicing associated with the building being brought back into use. Noting that the building at one time was operating fully as offices and being serviced from Bingham Place and noting that the building could be brought back into use as offices with no planning permission required, with no servicing controls it is not considered that a refusal could be sustained on this basis. Further details of servicing and the highways implications are assessed below.

Light Spillage

Whilst there is additional bulk proposed to the annexe building on Luxborough Street/ Bingham Place building, the proposed windows to these elevations are comparable to the existing situation and therefore it is not considered that there would be unacceptable level of light spill. Similarly, at roof level of the main building, whilst the proposed elevations are largely glazed this is no different a situation to the existing top floor and therefore there are no concerns with regards to light spill. As a point to note however, a small canopy is proposed above the glazed elevations, around the Marylebone Road and Luxborough Street elevations and this will aid in reducing any light spill.

Amenity Conclusions

The proposals raise very few amenity concerns to the occupiers of the adjacent properties in Windsor Mansions and to those in Bingham Place and Nottingham Place. The proposals are acceptable in terms of daylight and sunlight; enclosure; outlook; noise and vibration and disruption from servicing and complies with policy 7 and 33 of the City Plan.

9.6 Transportation, Accessibility & Servicing

Objections to the proposals have been received on the grounds of increased traffic and servicing to Bingham Place and that there is inadequate servicing at the end of Bingham Place to cope with this.

Stopping-Up of the Highway

The most controversial issue from a highways point of view is that by virtue of building out the rear of the annexe building over the highway the applicants would be stopping-up part of the highway within Bingham Place and what impact this will have on the servicing of Bingham Place properties.

This land is identified as City Council land, but has for many years been marked out for servicing of the office building and as car parking for the office building. It has not been maintained by the City Council. Since early 2018 this area of land has been hoarded up.

Policy 28 A of the City plan says “Given the increasing demands on existing highway space, the council will resist the loss of highway land, particularly footways”.

Whilst technically the proposals are contrary to this policy, it is important to consider the particular circumstances around the proposals and the harm that the stopping up of this ‘dead-end’ mews would have upon the occupiers of Bingham Place and the surrounding highway network. This is therefore a two-fold issue when considering the servicing arrangements proposed.

It is not possible to service the building from Marylebone Road, which is a Red Route and has a bus lane along the frontage and neither is it possible to legally service the building from Luxborough Street as it’s a narrow road with parking on its west side.

The Transport Statement says that “All servicing will be undertaken by a Transit style (or panel) van internally within the site. The types of vehicles that can access the Site will be restricted to vehicles no longer than a 7.5 panel van” and this is confirmed with swept path analysis which also shows that any servicing vehicle will be able to enter and leave Bingham Place in a forward gear with the area in question stopped-up.

The highways planning manager confirms that in this instance, because of the off-street servicing proposed and that it can all be done in forward gear, subject to a condition securing the maximum size of van for servicing, the stopping up of the highway would be difficult to resist.

The proposals are, on balance considered acceptable in highways terms.

Servicing

In terms of the extent of servicing, not the logistics of servicing as discussed above, given the scale of development, the number of delivery vehicles is expected to be fairly low. The proposals are considered acceptable and comply with Policy 29 of the City Plan. It must be remembered that should the building be brought back into office use, without any need for planning permission that there would be degree of servicing required from Bingham Place, utilising the existing servicing area as it can’t be carried out from Marylebone Road or Luxborough Street.

Cycling & Cycle Storage

Long-stay cycle parking is intended to be provided in the ground floor of the annexe building, and according to London Plan standards, which is welcomed. TfL are content with the proposals.

Short-stay cycle parking is intended to be provided on Marylebone Road, which is TfL land. TfL raise no objection to this given the width of the pavement and the provision of additional cycle parking in the area. This will need to be secured via a S278 agreement with TfL.

Parking

No parking is included within the site, which is welcome.

Waste and Recycling Storage

Waste provision is proposed in the ground floor of the annexe building and collection will be carried out via Bingham Place. The waste projects officer has no objection to the proposals. A condition securing its provision is recommended.

9.7 Economy including Employment & Skills

Policy 18 (Education and Skills) of the City Plan sets the policy framework for ensuring new developments help facilitate improved employment prospects for local residents.

The development is of insufficient scale to require an employment and skills plan, but it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new University of Westminster facility will support the investment and local economy through increased local spending, thereby supporting local employment and services. The facility is expected to generate numerous jobs, likely to be far more than compared to the existing industrial uses. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

Under Policy 18, as has been the case since the introduction of the council's Inclusive Economy and Employment guidance note in May 2019, recently updated in November 2021, financial contributions towards initiatives that provide employment, training and skills development for local residents will be sought from development proposals where there is a net uplift of over 1,000sqm of commercial floorspace.

This is calculated at £3,220.70

9.8 Other Considerations**Access**

The proposals will allow for level access from Marylebone Road and Luxborough Street which does not exist at present. This is very much welcomed under policy 38 of the City Plan.

Noise and Disruption During Works

Objections have been received to unnecessary construction and disruption to amenity, presumably from noise and disturbance.

It is likely that the applicant will have to sign up to the Council's Code of Construction Practice. The CoCP has been set up to help reduce the impact of developments on neighbouring occupiers and provides the council with funding to help to inspect construction sites and address issues should they arise.

In addition, a condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and

08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructor's scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

Cumulative Impact of Developments

Comments have been received from occupiers in Bingham Place that as there are proposals for works to the adjacent site, 25 Marylebone Road (Methodist Society offices) the cumulative impacts of both these schemes in terms of servicing strategies and noise and disruption during any approved works should be assessed. Whilst officer's sympathise with the occupiers of Bingham Place on future noise and disruption, the cumulative impacts of a development are not a reason in which to withhold planning permission.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

In accordance with the Planning Obligations and Affordable Housing SPD, Draft March 2022, the following will be sought:

- Economy and Skills contribution of £3220.70

Given the application is not considered a major proposal; and the nature of the proposals, planning obligations such as carbon-off set contribution are not relevant in the determination of this application.

A CIL contribution will be sought.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice; provision of financial contribution to Employment and Skills. The applicant has agreed to the imposition of the condition.

10. Conclusion

As such, the proposal is considered acceptable in land use, townscape, design, amenity,

highways and environmental terms mindful of policies 7, 13, 18, 28, 29, 33, 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

11. KEY DRAWINGS

Existing building



Existing (top) and Proposed (bottom) Verified Views – Marylebone Road



Existing (top) and Proposed (bottom) Verified Views – Marylebone Road



Proposed Visual of Luxborough Street annexe



Existing (top) and Proposed (bottom) Verified views – Bingham Place



3D Diagram of Spaces in building

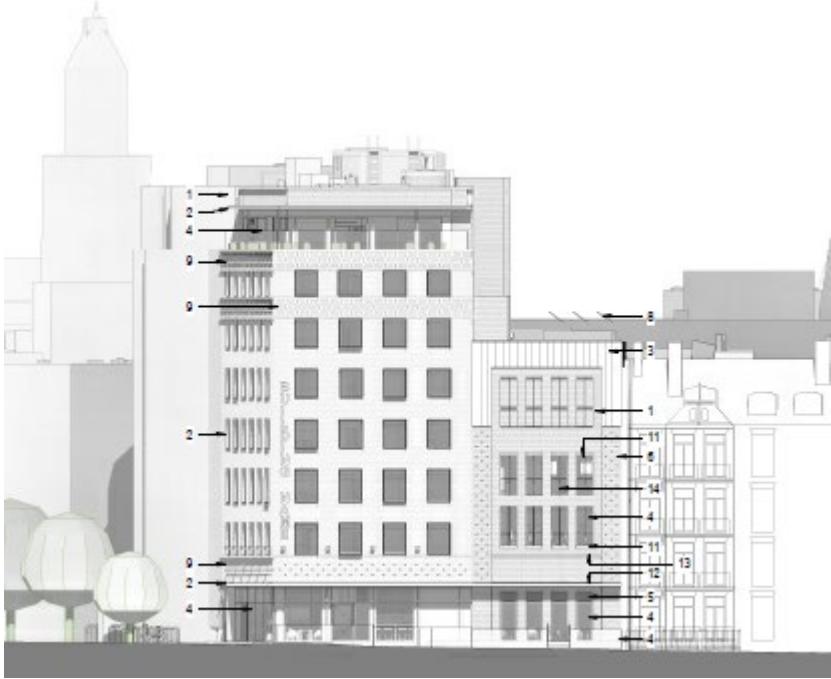
03 Proposed Plans
3D Vertical Adjacency Diagram



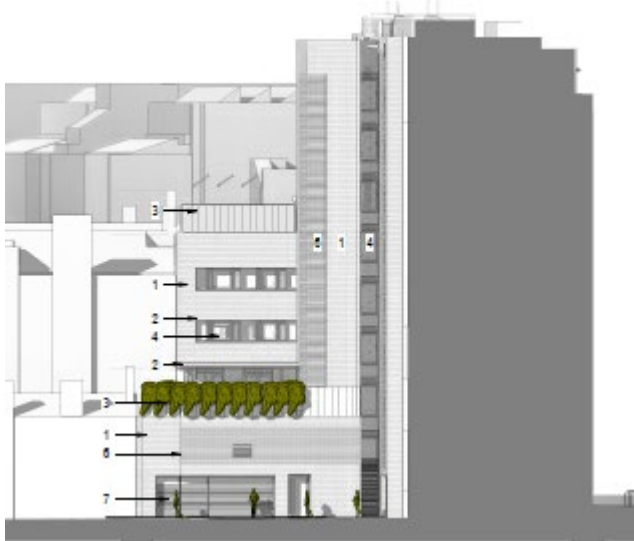
Existing (top) and Proposed (bottom) Marylebone Road (north) elevations



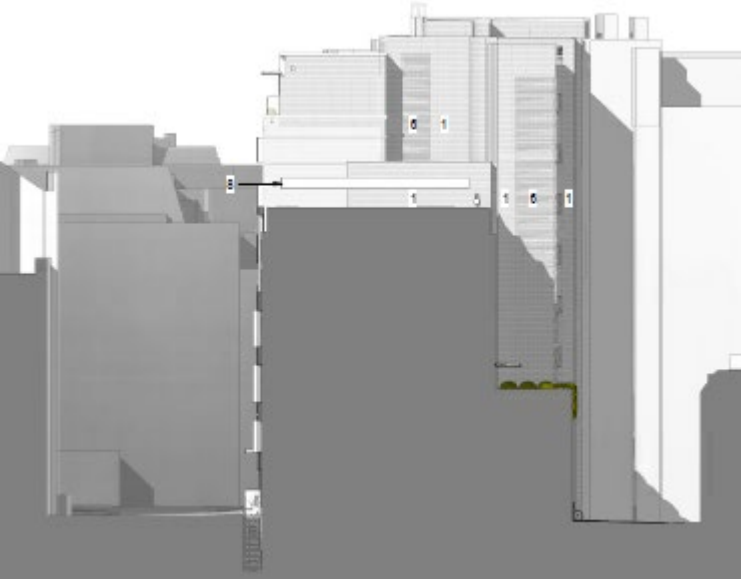
Existing (top) and Proposed (bottom) Luxborough Street (west) elevations



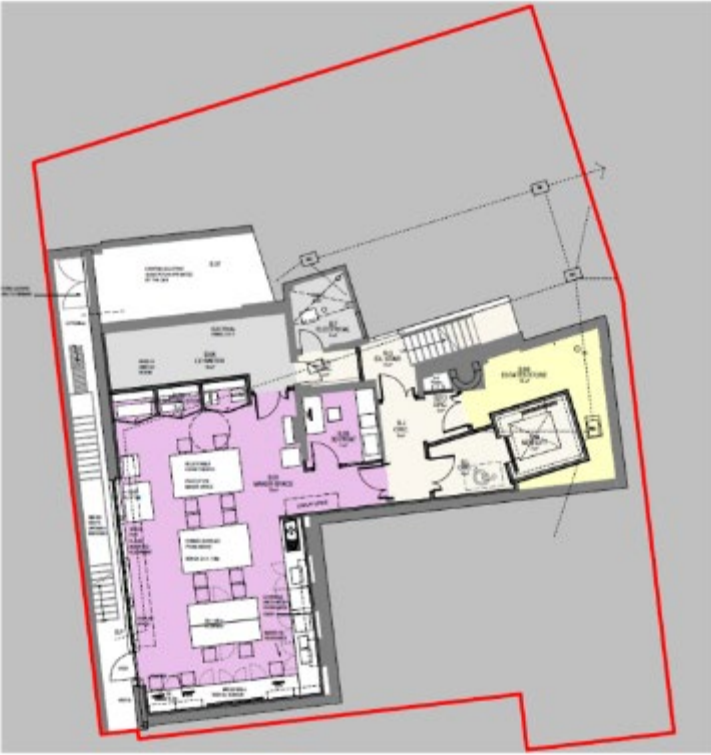
Existing (top) and Proposed (bottom) Bingham Place (east) elevations



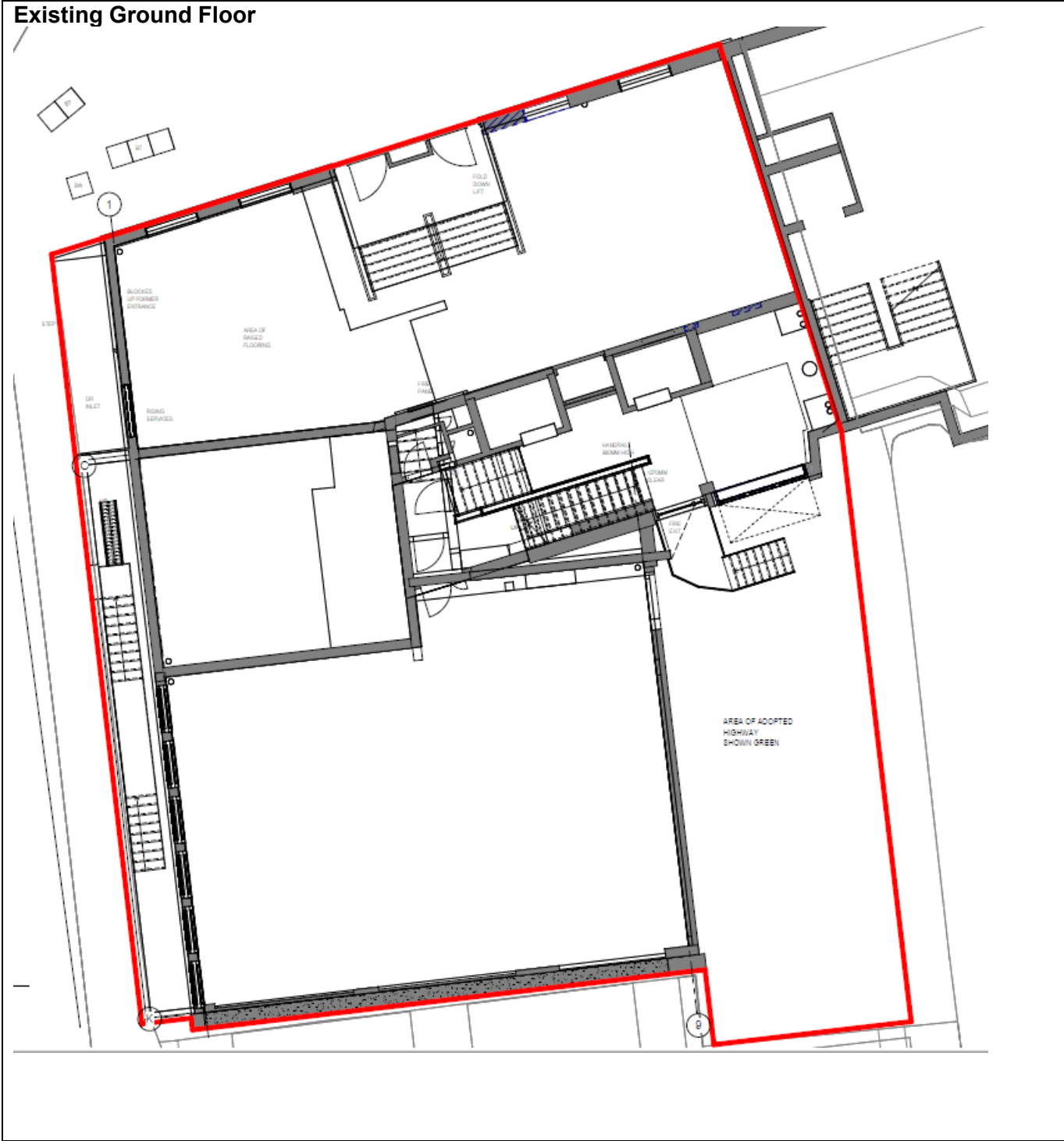
Existing (top) and Proposed (bottom) Bingham Place (south) elevations/ sections



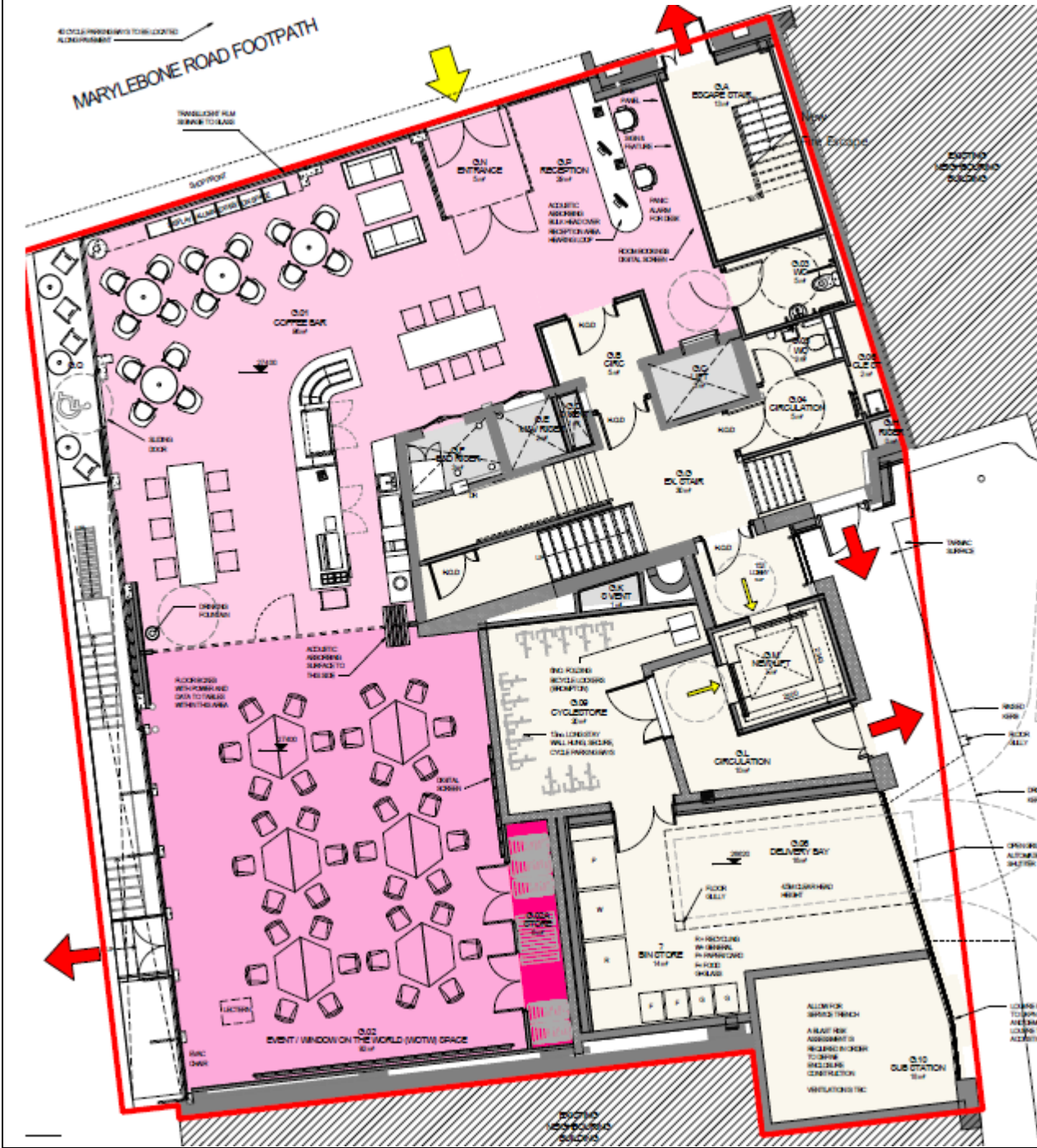
Proposed Basement Levels (showing plant rooms and maker space). No change to building bulk and therefore no existing drawings for comparison.



Existing Ground Floor



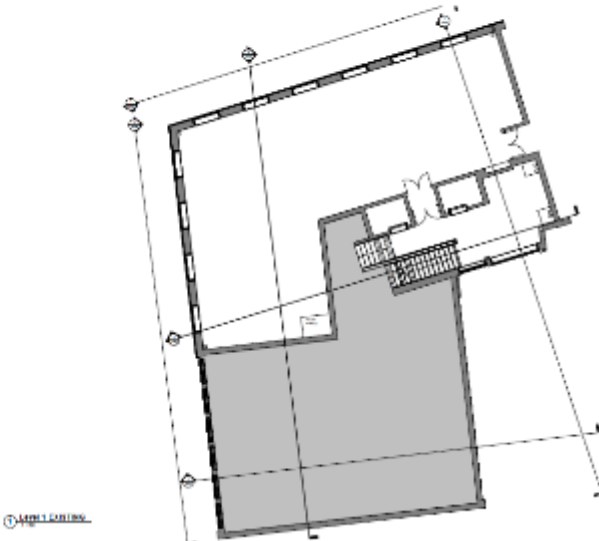
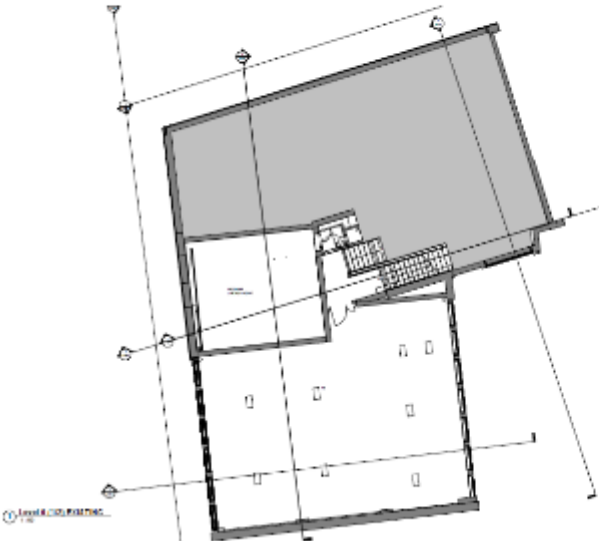
Proposed Ground Floor



Existing Level 1 (main building) and 1/2 level Luxborough Street building

Level 0 1/2

Level 1



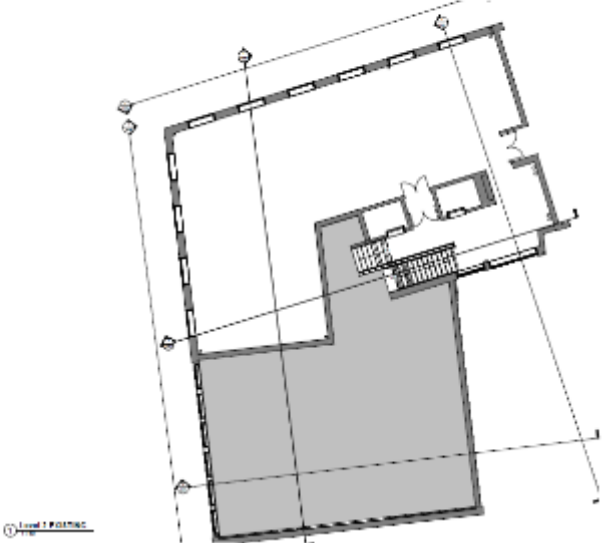
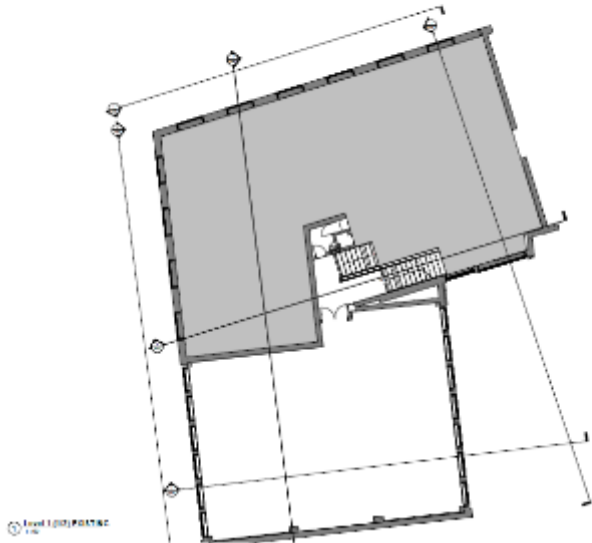
Proposed Level 1 – Project space/ collaboration zone and terrace



Existing Level 2 (main building) and 1½ level Luxborough Street building

Level 1 1/2

Level 2



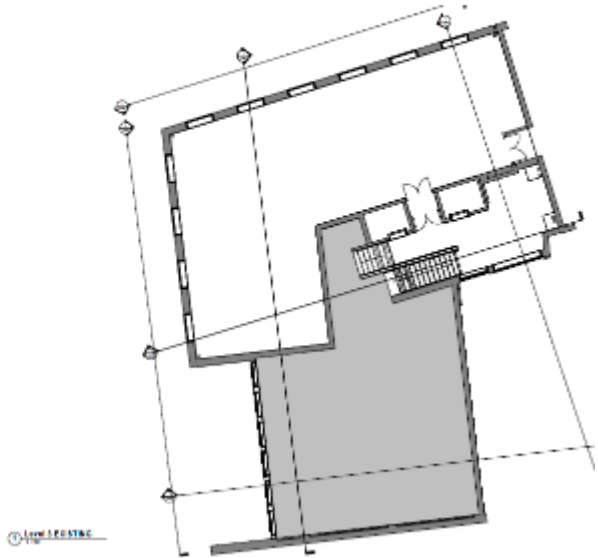
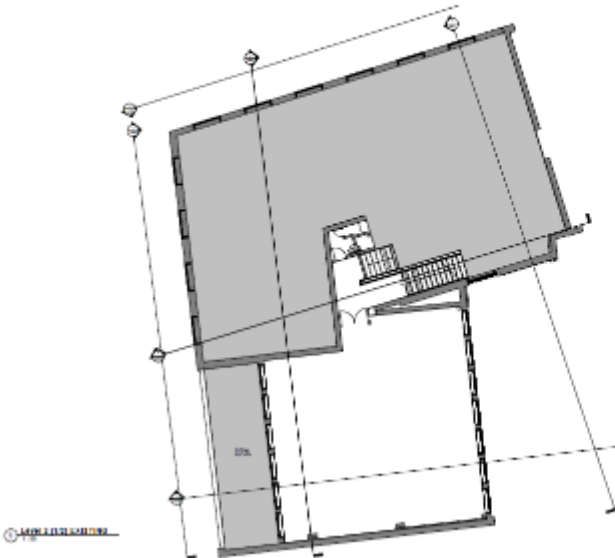
Proposed Level 2 – Incubation hub and broadcast studio



Existing Level 3 (main building) and 2½ level Luxborough Street building

Level 2 1/2

Level 3



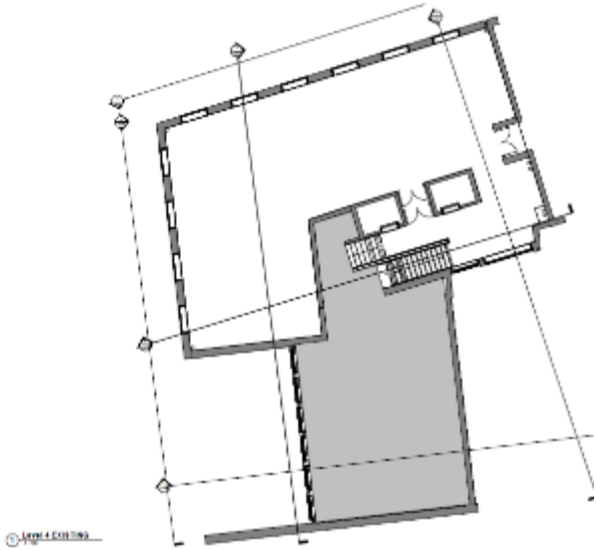
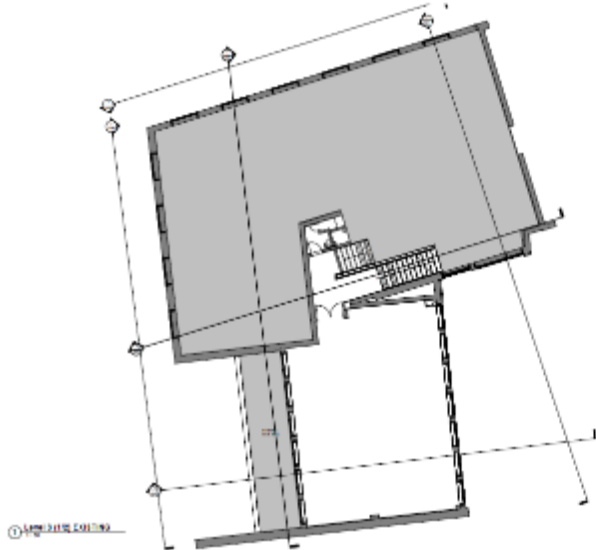
Proposed Level 3 – Collaboration Zone and Flexible Space



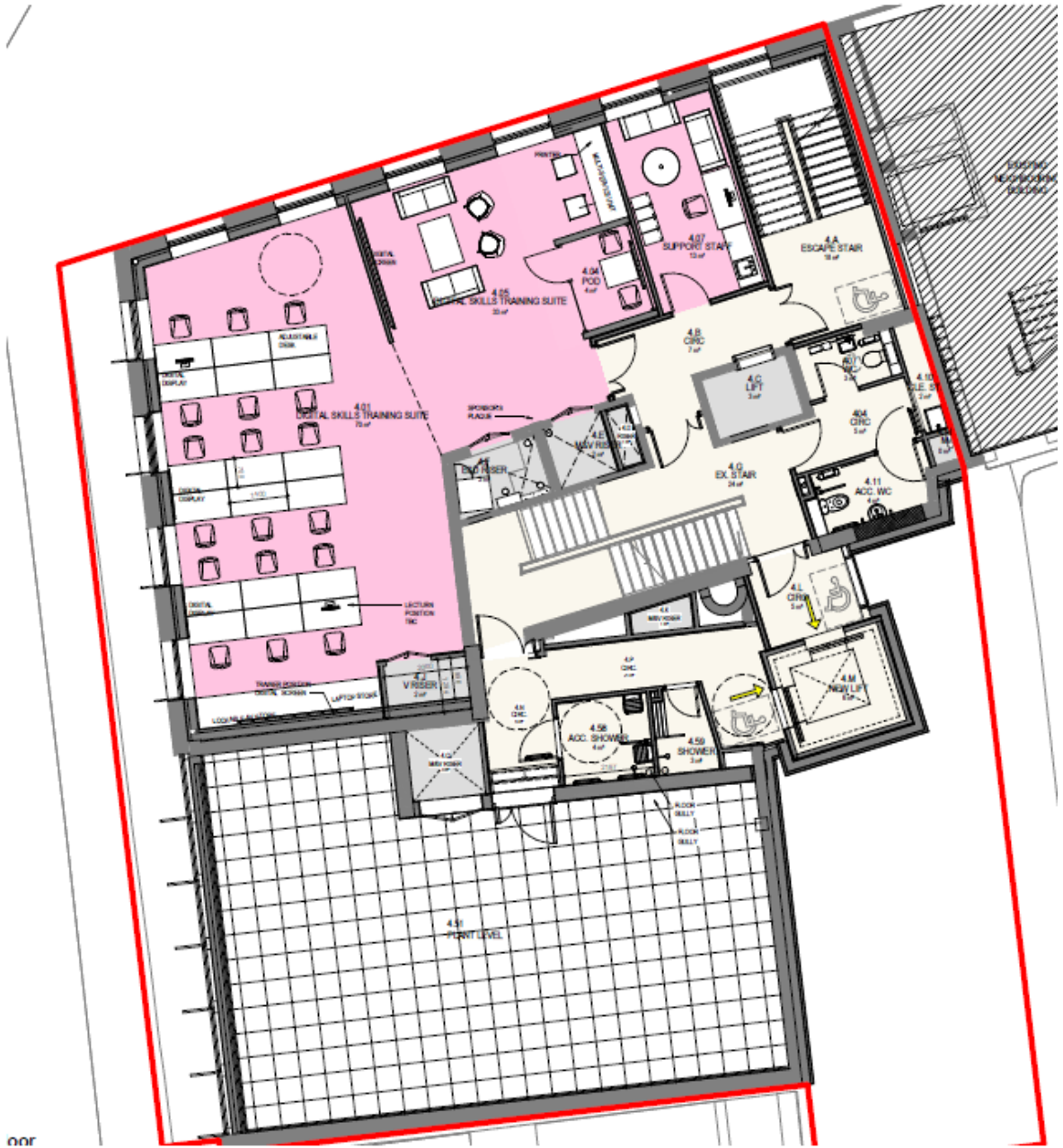
Existing Level 4 (main building) and 3½ level Luxborough Street building

Level 3 1/2

Level 4



Proposed Level 4 – Digital Skills Suite and Plant

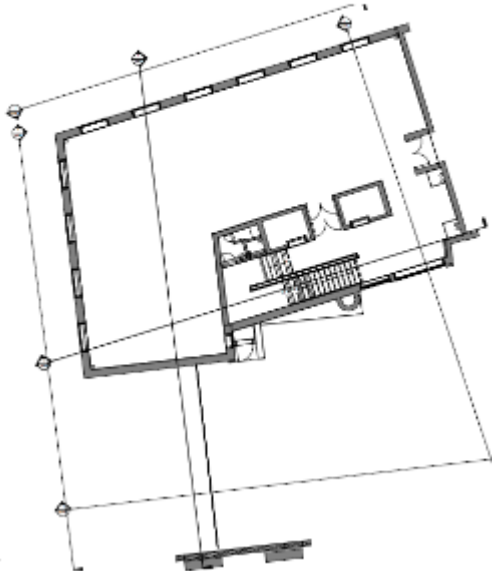
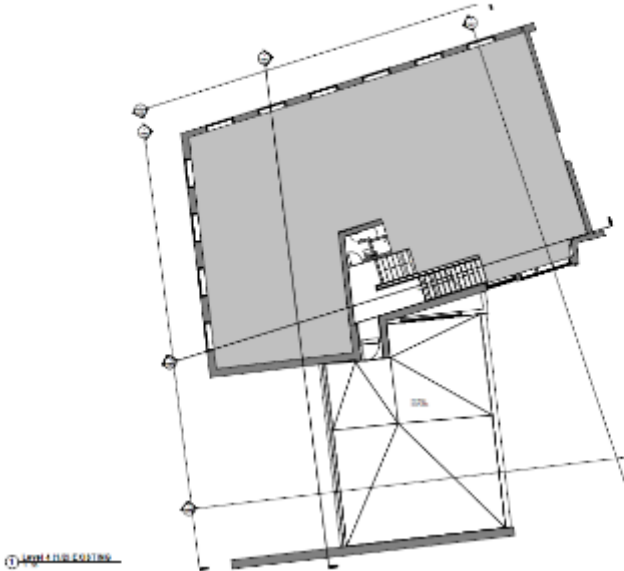


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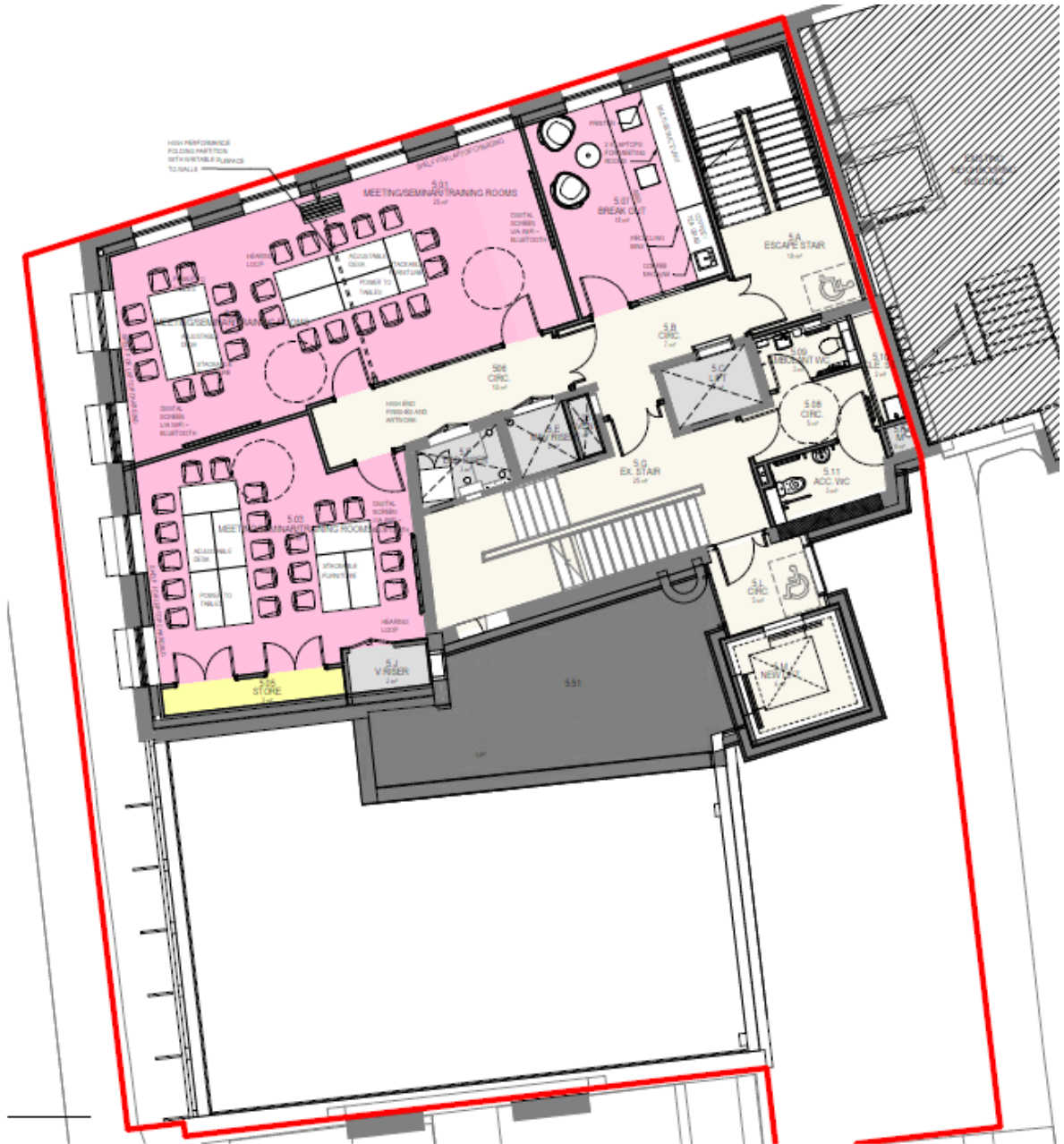
Existing Level 5 (main building) and 4½ level Luxborough Street building

Level 4 1/2 Roof

Level 5



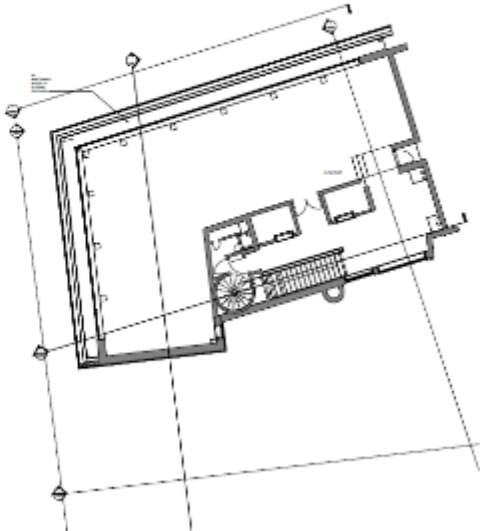
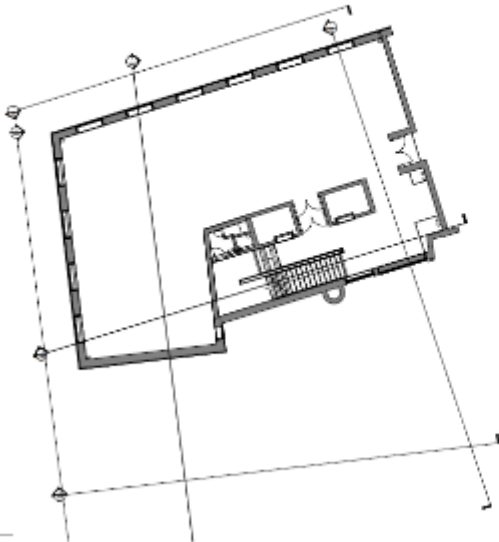
Proposed Level 5- Meeting/ Seminar/Trainings Rooms



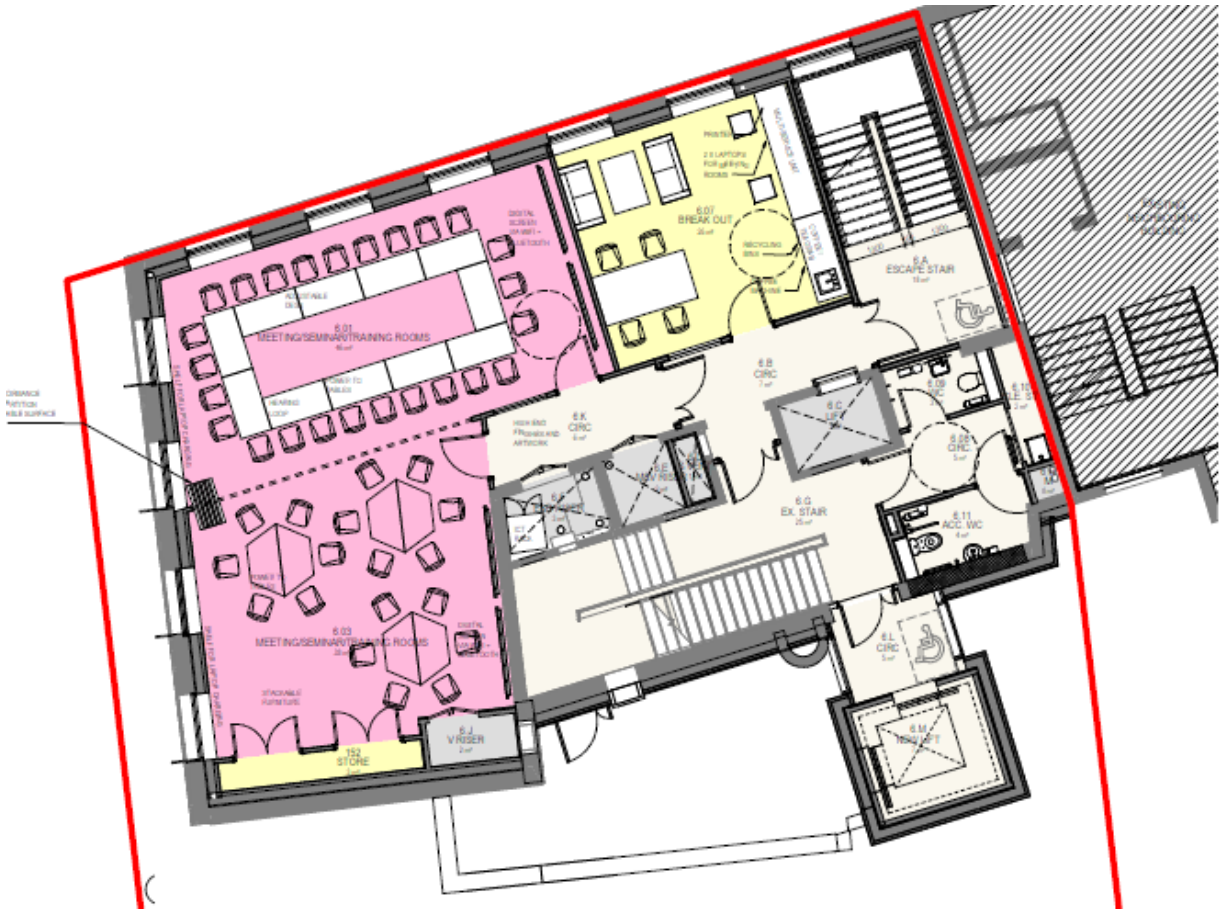
Existing Level 6 and 7 (main building)

Level 6

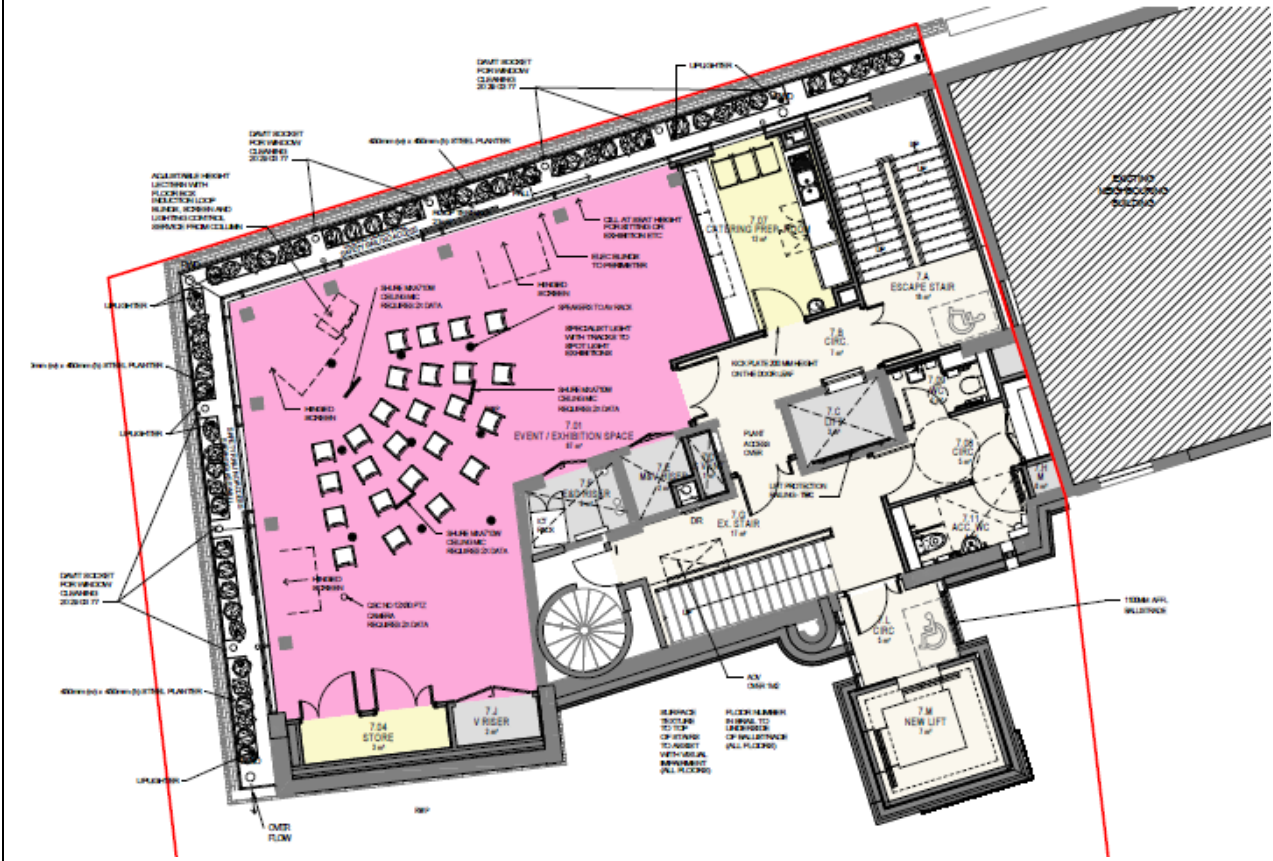
Level 7



Proposed Level 6 – Meeting/ Seminar/Trainings Rooms



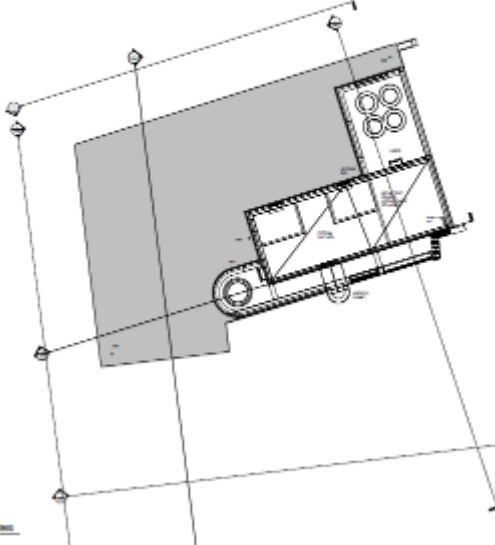
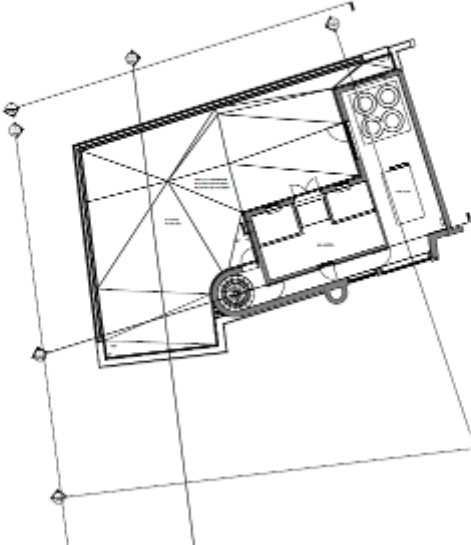
Proposed Level 7 – Event/ exhibition Space



Existing Plant and Roof Level (main Building)

Level 8 Roof

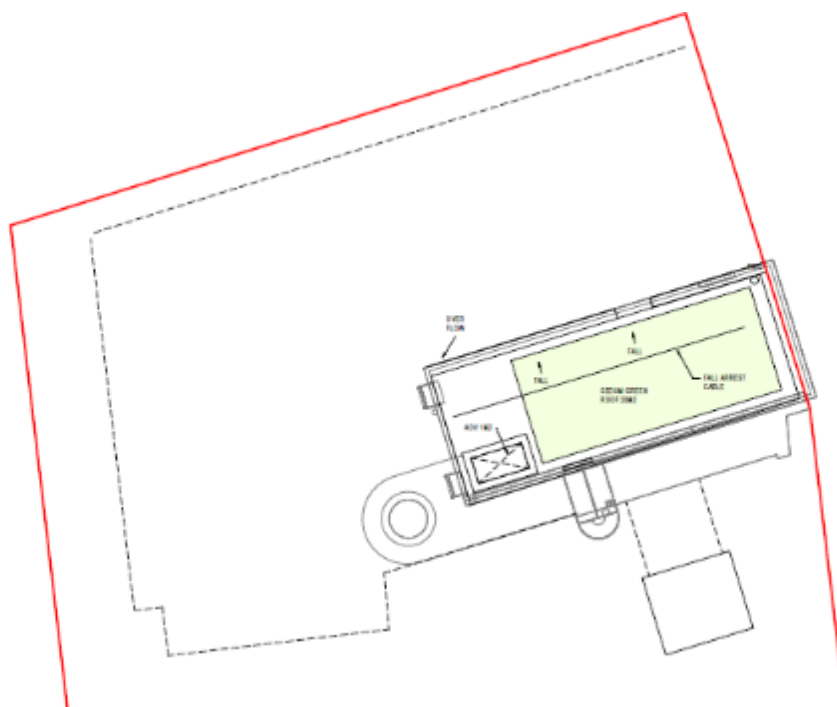
Level 9



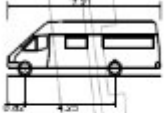
© 2013 LAMAR CORP.

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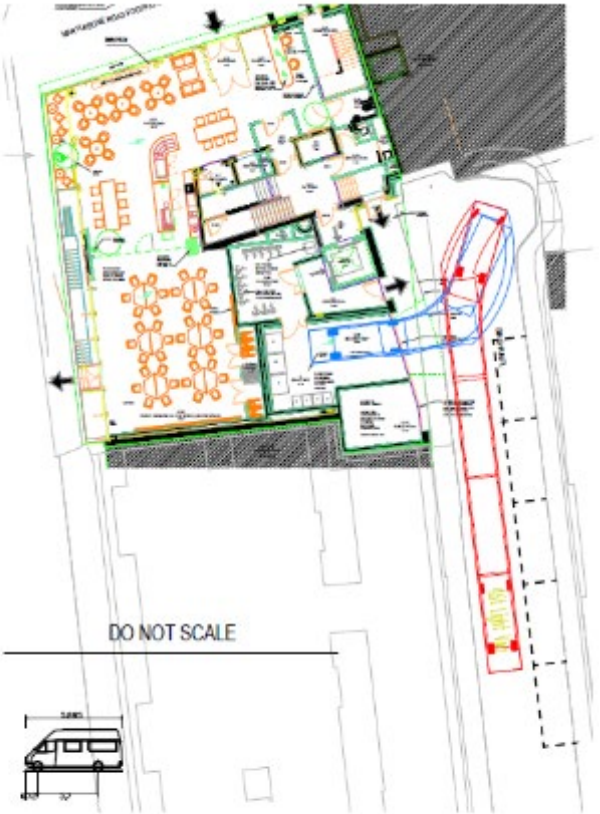
Proposed Roof and Plant Room (Level 8 and 9 – Green Roof on 9)



Swept Path Analysis



7.5t Panel Van	
Overall Length	7.210m
Overall Width	2.192m
Overall Body Height	2.544m
Min. Body Ground Clearance	0.316m
Track Width	1.865m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	7.400m



4.5t Light Van	
Overall Length	3.850m
Overall Width	1.740m
Overall Body Height	2.050m
Min. Body Ground Clearance	0.250m
Track Width	1.740m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	6.000m

DRAFT DECISION LETTER

Address: 29 Marylebone Road, London, NW1 5JX,

Proposal: Refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and extension of roof to provide internal and external terrace floorspace extensions to house a lift to rear at lower ground to fifth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1).

Plan Nos:

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or

(c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

a financial contribution to Economy and Skills of £3200.70

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 Policy 18 of the City Plan 2019 - 2040 (April 2021). (R19AD)

- 5 Staff, students and visitors shall not be permitted within the educational premises before 08.00 or after 21.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 6 Customers shall not be permitted within the cafe at ground floor level premises before 08.00 or after 19.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 7 All students and guest visitors shall use the entrance on Marylebone Road at all times, and not the entrance on Bingham Place.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 8 The planting to the first floor terrace shown on drawing ADP-XX-DR-L-1912 S0 P5 and hereby approved shall be installed prior to the use of the terrace and be maintained in accordance with drawing ADP-XX-DR-L-1912 S0 P5 at all times.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 9 Staff, students and visitors shall not be permitted to use the terrace hereby approved at first floor level before 09.00 or after 18.00 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 10 You must not play live or recorded music on the first floor terrace hereby approved.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 11 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 12 The development hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy

SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

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

- PV panels and ASHP's

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 14 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

green roof, 2 bat boxes and 3 bird boxes

You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 15 You must apply to us for approval of photographs and samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 16 You must apply to us for approval of a sample panel of brickwork, built on site (and either viewed on site or via photographs), which shows the colour, texture, face bond and pointing of the following parts of the development:

-rear facade; lift shaft; Bingham Place infill and annex building front facade.

You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

Reason:

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

the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 17 You must apply to us for approval of detailed elevation section drawings at a scale of 1:20 (indicating materials and colour also); of the following parts of the development - window details;. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 18 You must apply to us for approval of detailed elevation and section drawings at a scale of 1:20 of the following parts of the development - roof glazing system and canopy at 8th floor level. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 19 Should you incorporate any signage into the building fabric you must apply to us for approval of detailed drawings and the facing materials you will use. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved drawings and materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

(C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 21 All noise mitigation measures for the plant hereby approved (including attenuation; acoustic screening etc) as set out in the acoustic report by Hoare Lea shall be installed prior to any use of the plant and be retained in that condition thereafter.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 22 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant, including the substation will comply with the Council's noise criteria as set out in Condition(s) 19 and 20 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

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

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by

submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 24 The design and structure of the building 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 25 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 26 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the adjacent residential units will comply with the Council's noise criteria set out in Condition(s) 23, 24 and 25; of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51BC)

- 27 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

(1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 28 You must apply to us for approval of a Servicing Management Plan for the education facility. You must not use the educational facility until we have approved in writing what you have sent us. You must permanently operate the development and manage

the service area in accordance with the Servicing Management Plan

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 29 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 30 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 31 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number ADP-00-00-DR-A1022 REV 13 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the educational facility. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 4 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 8 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 9 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 10 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 11 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 12 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 13 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 14 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)

- 15 Under condition 4 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a financial contribution towards Employment and Skills. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at 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)
- 16 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 17 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 18 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 19 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 20 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 21 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature:
www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 22 You must ensure that you maximise the water efficiency of the development as required by Condition 12 attached to this permission. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further information on these discounts can be found at:
www.thameswater.co.uk/developers/charges.
- 23 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

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24 Highway works will be required to provide the visitor cycle parking spaces through a S278 with TfL.

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.