

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 4 June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Development Site At 63 - 65 Curzon Street, London		
Proposal	Demolition of existing buildings and redevelopment, including excavation to create up to three basement storeys, ground and eight storeys to be used for up to 42 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3), provision of up to 28 car parking spaces within the sub-basement levels. Provision of plant at basement and rooftop areas. Creation of terrace/balcony areas on both elevations.		
Agent	Gerald Eve LLP		
On behalf of	Maple Springfield Ltd		
Registered Number	19/00013/FULL	Date amended/ completed	21 December 2018
Date Application Received	21 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- i) Car Club Membership for 25 years for all the flats;
- ii) Unallocated parking (as there are less car parking spaces than proposed flats)
- iii) Walkway Agreement;
- iv) Car Lift Maintenance;
- v) Highways alterations required for the development to occur (at no cost to the City Council);
- vi) Stopping up and dedication of land; and
- vii) The costs of monitoring the S106 agreement.

2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:

- (a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

(b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

The application site comprises two adjacent properties in the Mayfair Conservation Area. One of the buildings has frontages on Curzon Street and Stratton Street and is currently vacant, but was last in use for office purposes. 63 Curzon Street is in use for retail purposes over the lower floors and five residential flats on the upper six floors.

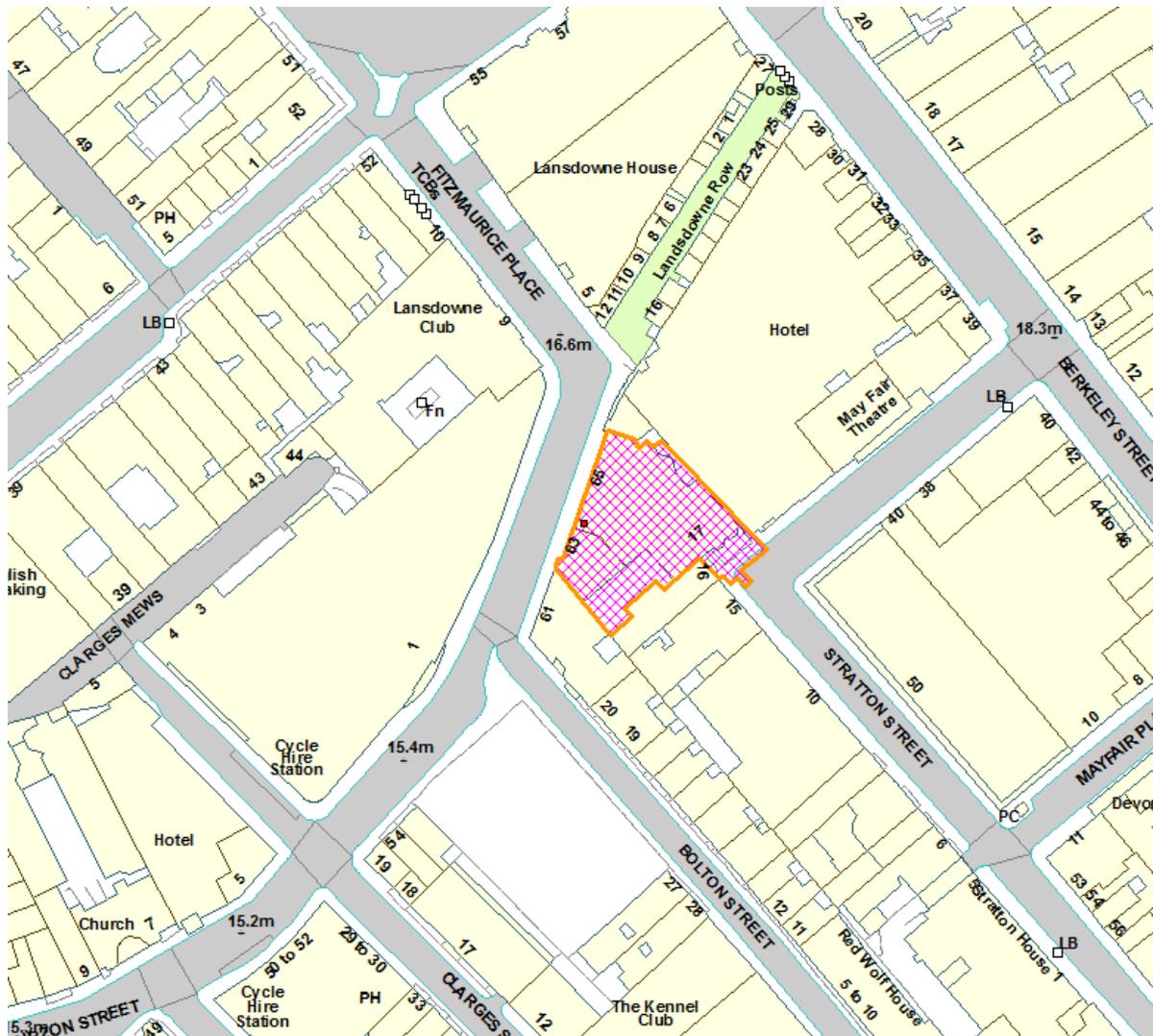
It is proposed to demolish and erect a new building comprising of two basement levels, lower ground, ground and eight upper levels. A new retail arcade is proposed at ground floor level and this will provide a pedestrian link between Stratton Street and Curzon Street. Retail/restaurant floorspace is proposed at lower ground and ground floor level, with up to 42 residential units proposed over the upper floors.

The key issues for consideration are:

- The design of the new building and the impact on the Mayfair Conservation Area;
- The impact of the new restaurant uses on existing and new residential properties.

The proposal is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Curzon Street frontage



Stratton Street frontage



5. CONSULTATIONS

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No requirement to be consulted on this application.

HISTORIC ENGLAND (ARCHAEOLOGY)

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

THE ROYAL PARKS

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection to lack of off-street servicing.

WASTE PROJECT OFFICER

Objection, insufficient details submitted.

DESIGNING OUT CRIME OFFICER

No objection, subject to conditions.

ENVIRONMENTAL HEALTH

No objection.

THAMES WATER UTILITIES LTD

No objection, subject to conditions.

WCC ECONOMY TEAM

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 189

No. of objections: 2 letters of objection raising all or some of the following:

Design

- Overdevelopment of area
- Too much development in historic area
- Large scale redevelopment undermines integrity and charm of Mayfair

Other

- Existing tenants will have to find alternative accommodation
- Other large building works are ongoing in the area
- Obstruction caused by construction works
- Impact of works on local businesses in the area

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site includes two separate, but adjacent buildings within the Mayfair Conservation Area. No.65 is an unlisted building which has two frontages on both Stratton and Curzon Street and is known as Nightingale House. The building is currently vacant, but was last in use for office purposes. No.63 is also an unlisted building comprising retail floorspace at basement and ground floor level and five residential units on the upper six floors.

Stratton Street runs north from Piccadilly, and then runs east to meet Berkeley Street. No.65 is located at the point the road changes direction.

No.65 has two distinct frontages, the Stratton Street facade dates from 1893, and was retained following redevelopment in late 1980's and the facade to Curzon Street is post modern.

The application site overlooks two lightwells, one to the east which is shared with the Mayfair Hotel and one to the west which is overlooked by two other buildings; 16 Stratton Street and 61 Curzon Street.

The nearest residential is located at 16 Stratton Street, where there are six residential flats.

6.2 Recent Relevant History

63 Curzon Street

Planning permission was granted on 30 January 2013 for the use of basement and ground floor for retail purposes (Class A1) and first to the sixth floor as residential (Class C3) apartments. The permission included alterations to facades including new entrance and windows with balconies to rear elevation and associated plant. This permission has been implemented.

65 Curzon Street

Planning permission was granted on 29 April 2016 for the demolition of existing building and redevelopment, including excavation, to create up to three basement storeys, ground and eight storeys to be used for up to 32 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3). The permission also included the provision of up

to 21 car parking spaces over the basement level, basement and rooftop plant areas and the creation of terrace/balcony areas on both elevations.

This permission has been implemented and a certificate of lawfulness confirming the lawful implementation was granted on 11 July 2018.

7. THE PROPOSAL

The proposal is broadly similar in terms of height, bulk and mix of uses to that granted in 2016 at 65 Curzon Street, the application site now includes the adjoining building at 63 Curzon Street.

Permission is sought for the demolition of the existing buildings and rebuilding to provide two sub-basement levels, lower ground, ground and first to eighth floor levels. Two of the basement levels will accommodate the car parking and cycle parking associated with the development; a new retail arcade is proposed at ground floor level and this will provide a pedestrian link between Stratton Street and Curzon Street. There are differences in levels between both streets, the ground floor level on Stratton Street being higher than Curzon Street. Therefore, the arcade will be slightly downward sloping towards Curzon Street, this also allows part of the first floor on Curzon Street to be used for retail/restaurant purposes. Part of the ground floor and part lower ground floor will accommodate retail/restaurant uses. Within the arcade, retail floorspace is proposed on both sides of the arcade.

The upper floors will be used for up to 42 residential units, with the residential entrance on Curzon Street.

The key differences in the consented and proposed scheme are:

- Inclusion of 63 Curzon Street;
- Retail arcade has been realigned to allow for larger retail units on both sides of the arcade; and
- Residential entrance will be from Curzon Street, rather than Stratton Street.

1. Existing land use figures for 63 Curzon Street

Use	Floorspace (GIA)
Residential	1088
Retail	113
Total	1201

2. Consented land use for 65 Curzon Street

	Existing (GIA)	Consented (GIA)	+/-
Office	4959	0	-4959
Retail/Restaurant	0	892	+892
Total Commercial	4959	892	-4067
Residential	0	7451	+7451
Total	4959	8343	+3384

As set out above, the 2016 consent for No.65 has been lawfully implemented, therefore the existing floorspace figures within the table below includes the consented (and implemented) position

3. Land use table

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail/Restaurant	882	1149	+267
Residential	6419*	6458	+39
Total	7301	7607	+306

* 1088sqm of this floorspace is located within No.63.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The 2016 scheme for No.65 has been lawfully implemented, and although the consent has not been fully implemented, the residential scheme could be completed at any time. In these circumstances, City Council policies relating to the protection of office floorspace are not applicable.

Residential (unit mix and standard of residential floorspace)

The proposal is for 42 residential units, which is an increase of five units from existing (and implemented) situation. The proposed mix would provide 3 studios, 7 x 1 bed, 15 x 2 beds, 16 x 3 beds and 1 x 5 bed unit and therefore 40% of the units would be provided as family accommodation, this complies with UDP Policy H5. This is an improvement over the consented position where 31% of the units were family sized.

It is noted that some of the units are larger than the standards set out in the London Plan. However, it is considered the flat sizes are varied and in these circumstances the size of the units is acceptable and complies with City Plan S14.

All the flats would comply with the minimum dwelling space standards as set out in the London Plan. All the flats are lifetime home compliant and four of the units (10%) will be provided as easily adaptable wheelchair housing.

2. Table showing the proposed flat sizes (sqm)

Level	Studio	1 Bed		2 bed			3 bed			5 bed
1		50					109			
2	39	51	59	80	117	107	110	128		
3	39	50	59	107	118	80	110	127		
4	39	50	59	107	118	80	110	127		
5				118	109	71	110	150	143	
6				118	109	71	110	150	143	
7							206	215	233	
8										467
Total	3	7		15			16			1

Affordable housing

Following the publication of the draft replacement London Plan and the new NPPF, the City Council has recently published a guidance note relating to the threshold for calculating affordable housing requirements. This states that the City Council will no longer base affordable housing requirements on the additional, or net increase in residential units or floorspace, but the **total** residential floorspace proposed. This change will come into effect for applications received after 1st June 2019, therefore as this application was received in December 2018, it will be considered on the net uplift of residential floorspace.

Taking into account the consented position, the proposal results in an uplift in residential floorspace of 39sqm and five residential units, therefore the proposal does not trigger City Plan policy S16.

Retail

There is an existing retail unit over the part basement and part ground floors of 63 Curzon Street comprising 113sqm. An objection has been received on behalf of the current occupier of the retail unit within No.63 on the basis that they would have to find alternative accommodation while the works are completed.

The existing retail floorspace will be re-provided and increased. The 2016 application included retail floorspace within the arcade, but this was limited to display shopfronts on the eastern side. As a result of the arcade being realigned, there will be an improved retail presence in the arcade. There will be four retail kiosks on the eastern side of the arcade, plus two units either side of the entrance facing Curzon Street and this will increase the presence of the arcade. The increased retail provision is welcomed and supported by Policy S21 of the City Plan. Retail policies aim to protect floorspace, not the user, therefore the objection is not considered sustainable to justify a reason for refusal.

All of the floorspace (apart from the retail kiosks in the arcade) will be used flexibly between retail and/or restaurant uses. It is considered reasonable to impose a condition to ensure that the existing retail floorspace (113sqm) is re-provided.

Restaurant

City Plan policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ, the site is not located within a Stress Area where the introduction of new entertainment uses is considered more sensitive.

The maximum size for the restaurant within the flexible floorspace is 1036sqm (241sqm larger than the consented scheme). In such circumstances, given that these are 'large-sized' entertainment uses, UDP Policy TACE 10 applies which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses measuring in excess of 500sqm, will not generally be appropriate within Westminster.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the uses would essentially be sit-down restaurants with any ancillary bar limited to a small part of the premises (i.e. 15%) and the bar could only be used by diners before and after meals. The restaurant would only be accessible when the arcade is open, and it is proposed that the arcade will be open from 07.00 – 02.00. It is considered to protect residential amenity, that the restaurant is restricted to a terminal hour of 12.30. This will allow the customers to leave and allow staff to clean up before the arcade is closed at 02.00.

The proposed lower ground floor plan indicates that part of the western lightwell will be used for outside seating in connection with the restaurant use. As there are residential windows at first floor level and above in the proposed development and within 16 Stratton Street a condition is recommended that the courtyard is only used until 21.00 daily.

The building has been designed to incorporate an internal kitchen extract terminating at high level.

8.2 Townscape and Design

The site comprises two buildings, the main building has two principal facades, one facing Curzon Street and the other facing Stratton Street. Only the Stratton Street façade has merit and it makes a positive contribution to the street and surrounding Mayfair Conservation Area despite its rather crude modern roof. There are various longer views of the site from the north and south and the site is prominent in views from Berkeley Square and particularly Piccadilly where it terminates the view north along Stratton Street. The second building is wholly modern and faces Curzon Street.

In urban design terms, there has never been any connection between Stratton Street and Curzon Street and this layout reflects the historic development of the area which was formerly occupied by the grounds of Devonshire House and Lansdowne House.

The culverted River Tyburn runs along Curzon Street, and there may be archaeological deposits related to early development on this site. The archaeological desk-top assessment has identified potential for remains of low significance but an archaeological

watching brief during preliminary ground preparation and subsequent foundation construction would ensure that any archaeological assets were not removed without record. It is also recommended that geoarchaeological sampling is undertaken if alluvial deposits are present within the site. Any archaeological work would need to be undertaken in accordance with an approved Written Scheme of Investigation (WSI) and this may be secured by condition.

There are listed buildings near the site in Fitzmaurice Place and Stratton Street, the setting of which will be affected by the proposed development, and Berkeley Square is a grade II registered garden.

Proposed design

Curzon Street

The facade is divided into five principal bays with four subsidiary bays between. Each of the main bays has a projecting window or balcony and has a pavilion roof. The larger area of masonry between the bays creates a vertical rhythm and the arcade entrance has a projecting canopy. The façade is of ashlar stone and coloured metal panels (the precise materials have not been chosen). The inner lightwell facades mostly are of brickwork.

In design and heritage asset terms, the proposed façade will be an improvement because of its more visually interesting and appropriate palette of materials and detailed design. Thus, the view from Berkeley Square will be improved and the setting of the grade II-star listed Lansdowne Club will be improved.

Stratton Street

The proposed facade comprises two bays and incorporates the southern entrance to the arcade which stands forward of the adjoining entrance to the residential accommodation. The verticality of the design sits well in its context and will maintain the setting of nearby listed buildings in Stratton Street and the character and appearance of the surrounding conservation area.

Arcade

The new arcade is a substantial public benefit which will help to better connect the new Crossrail Station in Davies Street to Green Park and the streets south of Berkeley Square. Furthermore, it will be an attractive feature in its own right and will reinforce the character of Mayfair as a high quality retail destination which features several other arcades. The layout and generous scale of the arcade will make it an attractive feature of the building and of the new walking route it creates.

Conclusion

In design and heritage asset terms, there is no objection to redevelopment of the site as the detailed design is suitable for the site and its surroundings. Objections to the overdevelopment and increased bulk are not considered sustainable to justify a reason for refusal. The arcade is highly attractive and will provide substantial public benefits to outweigh the harm caused by loss of the existing Stratton Street façade which, whilst handsome, has been very poorly served by the 1980s conversion to office use and which could not be sensibly altered to accommodate the new arcade.

8.3 Residential Amenity

The nearest residential is located within 16 Stratton Street where there are six residential units. This building shares an internal lightwell with the application site and 61 Curzon Street and all these buildings have windows that overlook the lightwell.

Daylight and Sunlight overview

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and this is analysed below.

All the windows within 16 Stratton Street have been tested for reductions in VSC. Four windows out of the 56 tested result in a loss in VSC levels over 20% (27%, 30%, 32% and 33%) These windows are located on the front elevation close to the boundary with the application site at first to fourth floor level. There are three windows per floor which are likely to serve the same room window. The other two windows comply with the BRE guidelines and it is therefore considered that the occupants of this room are unlikely to notice the loss to this one window. A number of windows (26No.) see an improvement to VSC levels as a result of the development.

None of the windows within 16 Stratton Street face within 90 degrees of due south and therefore do not need to be tested for sunlight.

Sense of Enclosure

The proposed building will not extend beyond the existing footprint, but will be approximately one storey taller. It is not considered the proposed building will have an adverse effect on the nearest residential windows within 16 Stratton Street.

Privacy

As set out above, the 2016 consent has been implemented, so the approved development can continue at any time, but full redevelopment works have not started. The existing building at No. 65 includes office windows within the lightwell shared with the residential windows within 16 Stratton Street and there is mutual overlooking between these two properties. The existing office windows clad the whole façade but they are set away from No.16 due to an existing escape stair enclosure which has a blank facade. There are existing windows to the rear of No.63 (which includes existing residential), which also look onto No.16.

In line with the consented scheme, the proposals introduce a more traditional fenestration pattern which will be extended across the rear of No.63. The windows are also proposed to be built closer to the existing residential windows (where they are currently set back as a result of the escape stair), thereby reducing the distance window to window. This may lead to greater mutual overlooking, but it is not considered that this is so significant to justify the refusal of the planning application.

New windows are proposed to the east lightwell which overlooks the Mayfair Hotel. There is a two-storey bar (Skybar) in close proximity (within the lightwell) to the boundary of the application site, the Skybar is fully glazed on all sides, including the roof. There is the potential for overlooking from customers using the Skybar into the new residential windows at second floor level. The applicants have set back this elevation from the boundary and are proposing a 2m high screen to reduce the opportunity for overlooking. This is considered acceptable.

Noise

As previously mentioned the Mayfair Hotel's 'Skybar' is located 3 metres from the proposed residential windows and although there are no openable windows in the 'Skybar'. It is important to ensure that the proposed residential units are adequately protected from the potential noise from the 'Skybar'. In line with the consented scheme, it is considered that suitable glazing is selected to ensure the internal noise levels are in line with the standard conditions. It is considered that a supplementary acoustic report should be submitted and this is secured by condition.

8.4 Transportation/Parking

Off-street residential parking is proposed over the sub-basement levels, 28 spaces are proposed for the 42 units proposed, which is a shortfall of 14 spaces. On-street parking pressures within 200m of this site are 56% during the nighttime and 64% during the daytime. The worst-case scenario is that all 14 vehicles would not have access to an off-street car parking space. Even if they did, it is accepted that the on-street stress levels would not increase over the 80% threshold.

The applicant has indicated that they will offer car club membership for 25 years for all of the residential flats. However, the applicant has not indicated that the off-street car parking would be provided on an unallocated basis. It is considered that the 28 spaces should be offered on an unallocated basis and this in conjunction with car club membership would be considered consistent with UDP Policy TRANS23. The unallocated parking and car club membership will be secured within the S106.

There is a shortfall in electric charging points, six are required, but two are proposed. A condition required an additional four charging points is recommended.

Access to the basement car parking is via single car lift, while the lift is set back, there is no independent off-street waiting space. Concern has been raised by the Highway Planning Manager that this may lead to localised congestion. It is considered that this situation will be rare due to the number of car parking spaces proposed.

Concern has also been raised to the lack of pedestrian visibility splays for vehicles exiting the car park. A condition is recommended to ensure that adequate visibility splays are incorporated into the ground floor design.

In terms of cycle parking provision, 74 cycle spaces are proposed for the residential units and seven are proposed for the retail/restaurant part of the development, this is considered acceptable. although this is not shown adequately on the plans, a condition is recommended requiring detailed drawings of this aspect of the scheme.

The existing building incorporates off-street servicing. The proposed building relies on on-street servicing and the Highways Planning Manager concludes that the proposal is not consistent with S42 of the City Plan or TRANS20 of the UDP, which requires off-street servicing provision. A servicing management plan has been submitted but it is considered that this is insufficiently detailed and as such an updated SMP is required. This will be secured by condition and this approach was agreed in the consented scheme.

The applicant is proposing a number of changes to the on-street parking restrictions, including changes to two existing taxi ranks, cycle parking and new street trees. It is not clear whether the applicant has approached TfL Taxi and Private Hire office to discuss the proposed changes. Within Stratton Street, an existing taxi bay is proposed to be removed. These changes will be subject to the formal Traffic Management Order process, which is a separate legal process and does not form part of this application.

Arcade/Walkway Agreement

The pedestrian link is welcomed, and the applicant has agreed that it will be secured with a formal Walkways Agreement with a two-metre passage to be kept clear at all times, this will be secured via S106 to ensure that the benefit is delivered and retained. To prevent anti-social behaviour a condition is recommended to ensure that the arcade is closed between 02.00 and 07.00 daily.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access will be provided for the retail arcade and to the residential entrance. Lift access is provided to all the residential units.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed within the basement and at roof level. The roof top plant will be enclosed by a screen. An internal full height extract duct is proposed and this will terminate within the plant screen. Environmental Health has no objection to the proposed plant and it is likely to comply with the City Council's standard noise conditions.

Basement excavation

The proposal includes excavation to create additional sub-basement levels under application site. City Plan Policy CM28.1 does not restrict the size or the depth of basements within the Core CAZ.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Sustainability

The London Plan requires non-domestic building to be 35% below Part L 2013 of the Building Regulations.

The submitted documents indicate that the energy efficiency measures incorporated in the scheme, including improved fabric insulation; improved air tightness, high efficient heating and cooling plant, will provide carbon savings of 51%, therefore complying with London Plan policy.

Waste and Recycling

The Waste Project Officer has raised concerns over the lack of oil storage for the restaurant element of the scheme. At this stage it is unknown whether a restaurant will be implemented and therefore a condition is recommended requiring details at a later date.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the

NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

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

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and to ensure they enter into a demolition contract. The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- i) Car Club Membership for 25 years for all the flats;
- ii) Unallocated parking (as there are less car parking spaces than proposed flats)
- iii) Walkway Agreement;
- iv) Car Lift Maintenance;
- v) Highways alterations required for the development to occur (at no cost to the City Council);
- vi) Stopping up and dedication of land; and
- vii) The costs of monitoring the S106 agreement.

The estimated CIL payment is : £2,015,366.05

8.13 Environmental Impact Assessment

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

8.14 Other Issues

Construction impact

Objections have been received on the grounds of increase disruption in this part of Curzon Street. A development at 60 Curzon Street is nearing completion and objections have highlighted that this is likely to continue with this development. The objector also states that the works are likely to have an impact on their business. Planning permission cannot reasonably be withheld on these grounds.

Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

Crime Prevention

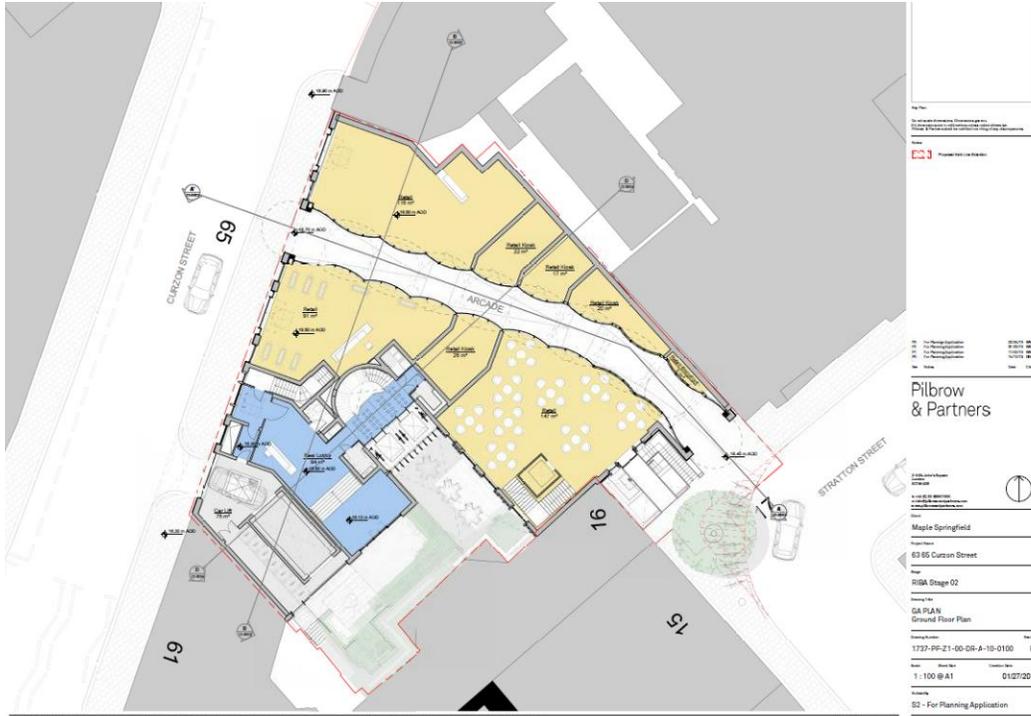
The designing out crime officer has made various recommendations for elements to be incorporated into the scheme. Conditions are recommended to ensure that the scheme is designed with crime prevention, security and community safety in mind.

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS

Proposed ground floor plan



Proposed first floor plan



Proposed third-fourth floor plan



Proposed eighth floor plan



Proposed section



Proposed Curzon Street elevation



DRAFT DECISION LETTER

Address: Development Site At, 63 - 65 Curzon Street, London

Proposal: Demolition of existing buildings and redevelopment, including excavation to create up to three basement storeys, ground and eight storeys to be used for up to 42 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3), provision of up to 28 car parking spaces within the sub-basement levels. Provision of plant at basement and rooftop areas. Creation of terrace/balcony areas on both elevations.

Reference: 19/00013/FULL

Plan Nos: 1737-PP-Z1-B1-DR-A-02-0099 P0, 1737-PP-Z1-00-DR-A-02-0100 P0, 1737-PP-Z1-01-DR-A-02-0101 P0, 1737-PP-Z1-02-DR-A-02-0102 P0, 1737-PP-Z1-03-DR-A-02-0103 P0, 1737-PP-Z1-04-DR-A-02-0104 P0, 1737-PP-Z1-05-DR-A-02-0105 P0, 1737-PP-Z1-06-DR-A-02-0106 P0,

1737-PP-Z1-B3-DR-A-10-0097 P1, 1737-PP-Z1-B2-DR-A-10-0098 P0, 1737-PP-Z1-B1-DR-A-10-0099 P2, 1737-PP-Z1-00-DR-A-10-0100 P3, 1737-PP-Z1-01-DR-A-10-0101 P0, 1737-PP-Z1-02-DR-A-10-0102 P0, 1737-PP-Z1-03-DR-A-10-0103 P0, 1737-PP-Z1-05-DR-A-10-0105 P0, 1737-PP-Z1-07-DR-A-10-0107 P0, 1737-PP-Z1-08-DR-A-10-0108 P0, 1737-PP-Z1-09-DR-A-10-0109 P0,

1737-PP-Z1-XX-DR-A-21-0100 P0, 1737-PP-Z1-XX-DR-A-21-0102 P0, 1737-PP-Z1-XX-DR-A-21-0105 P0, 1737-PP-Z1-XX-DR-A-12-0001 P0, 1737-PP-Z1-XX-DR-A-12-0002 P0, 1737-PP-Z1-XX-DR-A-12-0003 P0, 1737-PP-Z1-XX-DR-A-12-0004 P0, 1737-PP-Z1-XX-DR-A-11-0001 P0, 1737-PP-Z1-XX-DR-A-11-0002 P0, 1737-PP-Z1-XX-DR-A-11-0003 P0, 1737-PP-Z1-XX-DR-A-21-0113 P1

Structural Methodology Statement by AKT II Ltd dated December 2018 (INFORMATION ONLY), Energy Statement from GDM Partnership dated 11.12.2018

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 5 You must apply to us for approval of detailed drawings at 1:10 of a typical example of each window type and of all external doors and gates. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 6 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

- 7 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

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

- 9 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

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

- 10 Prior to occupation, confirmation must be provided that either: all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied, which must be submitted to and approved by the local planning authority in consultation with the sewerage undertaker. , , Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 11 Prior to occupation, you must provide confirmation that either: all surfacewater network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow the additional properties to be occupied, which must be submitted to and approved by the local planning authority in consultation with the sewerage undertaker. , , Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance

with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development.

- 12 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 If you provide an A3 use or uses, customers shall not be permitted within the restaurant premises before 07.00 or after 00.30 on Monday to Saturday and before 08.00 or after 23.00 on Sundays (C12DD)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 14 You must apply to us for approval of details of the ventilation system to get rid of cooking smells from the restaurant(s), including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 15 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use(s) until we have

approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant(s) are in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 16 If you provide an A3 use or uses, you must provide detailed drawings (plans, sections and elevations) showing the full height extract duct indicated on your approved drawings. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurant is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 17 You must apply to us for approval of detailed drawings of the following parts of the development: - 74 cycle parking spaces for the residential part of the development; and - 7 cycle parking spaces for the Class A1/A3 part of the development. 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 provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 18 You must apply to us for approval of details of how waste is going to be stored on the site (for the residential and Class A1/A3 uses) and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times. (C14EC)

Reason:

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

- 19 Prior to occupation of retail/restaurant uses, you must submit and have approved in writing a Servicing Management Plan. The plan should identify the process, internal storage locations, scheduling of deliveries and staffing.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: four additional electric charging points (to bring the total to 6) within the basement car parking levels. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To promote sustainable forms of transport.

- 21 You must apply to us for approval of details of the ventilation system to get rid of vehicle exhaust emissions from the basement car park. You must not occupy the residential part of the development until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 22 You must apply to us for approval of detailed drawings of the following parts of the development; the detailed design of the vehicle entrance/exit and adjoining walls. You must not start work until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26CB)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 23 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 24 You must apply to us for approval of a lift gate management strategy. This should include the provision of a traffic light system to the entrance to the car lift, ensure that the lift should always be returned to ground floor level to give priority to drivers entering the development, and set out a maintenance strategy to minimise downtime.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 25 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either: , (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or, (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building., , You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 26 All vehicles must enter and exit the site in forward gear.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that

we adopted in January 2007. (R24AC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 28 (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. No works below the existing ground level or basement slab level to be carried out until we have approved what you have sent us. (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST. (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

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

Reason:

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

- 30 The design and structure of the development shall be of such a standard that it will protect

residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

- 31 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 29 and 30 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

- 32 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a

further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 34 You can only use the western courtyard for sitting out purposes (in connection with the restaurant/retail use) between 07.00 - 21.00 Monday to Sunday. Outside these hours the full height doors must be fixed shut.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of

Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 35 The gates to the arcade on Curzon Street and Stratton Street must be fixed shut between 02.00 - 07.00 daily.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 36 Before you start to use any part of development, you must provide the energy efficiency measures as set out in the Sustainable Energy Assessment report by GDM dated 11.12.2018. You must then maintain and retain them in perpetuity and you must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 37 You must provide a minimum of 133sqm of retail (Class A1) floorspace, in addition to only using the retail kiosks (4No.) on the eastern side of the arcade for Class A1 purposes.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S21 of Westminster's City Plan (November 2016). (R05AB)

- 38 Prior to the occupation of the development a Secured by Design accreditation must be secured in line with the relevant Secured By Design guidelines, this must be submitted to and approved in writing by the City Council in consultation with the Metropolitan Police Designing Out Crime Officers. The development must thereafter be carried out in accordance with these details.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Mayfair Conservation Area as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 39 The development shall achieve a security standard to the satisfaction of the Metropolitan Police and or relevant government authority in relation to counter terrorism, details must be submitted to the City Council as Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, prior to occupation of the development.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Mayfair Conservation Area as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code 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 must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition)., , 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 Sciences team must be paid on submission of the details relating to the relevant phase., Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , ,

- 3 You are advised that in relation to Conditions 11 and 12, you can visit the Thames Water website at www.thameswater.co.uk/preplanning
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (aprox 1bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 In relation to Condition 22, details are required to ensure that there are adequate visibility splays for other highways users including pedestrians.
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and

complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 9 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 10 The term 'clearly mark' in condition 18 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 11 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 12 The Servicing Management Plan (SMP) should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (i.e set out how the occupant is expected to service the unit). A supplier instruction sheet is a helpful part of the SMP.
- 13 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: i) Car Club Membership for 25 years for all the flats; ii) Unallocated parking (as there are less car parking

spaces than proposed flats) , iii) Walkway Agreement;, iv) Car Lift Maintenance; , v) Highways alterations required for the development to occur (at no cost to the City Council); , vi) Stopping up and dedication of land; and, vii) The costs of monitoring the S106 agreement. (155AA)

- 14 You are advised in relation to Condition 38, you must seek the continual advice of the Metropolitan Police Designing out Crime Officers (DOCOs) for each building or phase of the development and the accreditation must be achieved according to the current and relevant Secured by Design guidelines at the time of each building or phase of the development.

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.

Item No.

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