

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 <sup>th</sup> July 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>129 - 137 Marylebone Road, London, NW1 5QD</b>		
<b>Proposal</b>	Variation of conditions 1 (approved plans), 14 (Operational management plan for terraces), 28 (plant screen design) and 30 (Mews design details) pursuant to planning permission dated 13 July 2021 (RN. 20/06929/FULL) for Demolition and redevelopment of the mews building, partial demolition of the 1960s building and roof extension, facade alterations to the 1930s building all in connection with continued Class E use, associated cycle parking, landscaping, servicing area, external terraces, rooftop plant enclosure and associated external works. NAMELY external alterations including changes to the rooftop plant enclosure, mansard roof pitches, access to the mews building and other external changes.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	AG Beltane Marylebone B.V.		
<b>Registered Number</b>	21/06044/FULL	<b>Date amended/ completed</b>	03.03.2022
<b>Date Application Received</b>	2 September 2021		
<b>Historic Building Grade</b>	<b>Unlisted.</b> Listed buildings are located in proximity of the site on Wyndham Street and Knox Street and on the opposite side of Marylebone Road.		
<b>Conservation Area</b>	<b>Outside of Conservation Area.</b> The Portman Estate Conservation Area wraps around the site to the south, east and west, the Dorset Square Conservation Area lies to the north of the site on the opposite side of Marylebone Road and the Lisson Grove Conservation Area lies further north west.		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

1. Grant Conditional permission, subject to a deed of variation to the original S.106 legal agreement dated 13 July 2021.

2. If the legal agreement has not been completed within 6 weeks from the date of the Committee's resolution, then:

a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning authorise to determine and issue such a decision under Delegated Powers; however, if not:-

b) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that 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.

## 2. SUMMARY & KEY CONSIDERATIONS

Planning permission was granted last year for a proposal involving partial redevelopment and extensions and alterations to the buildings on site in connection with continued office use of the site (Class E). The permission has been implemented and works are well underway. The proposal was the subject of considerable local objection and in granting planning permission, very detailed conditions were imposed to seek to mitigate against potential impacts and address concerns raised with respect to residential amenity.

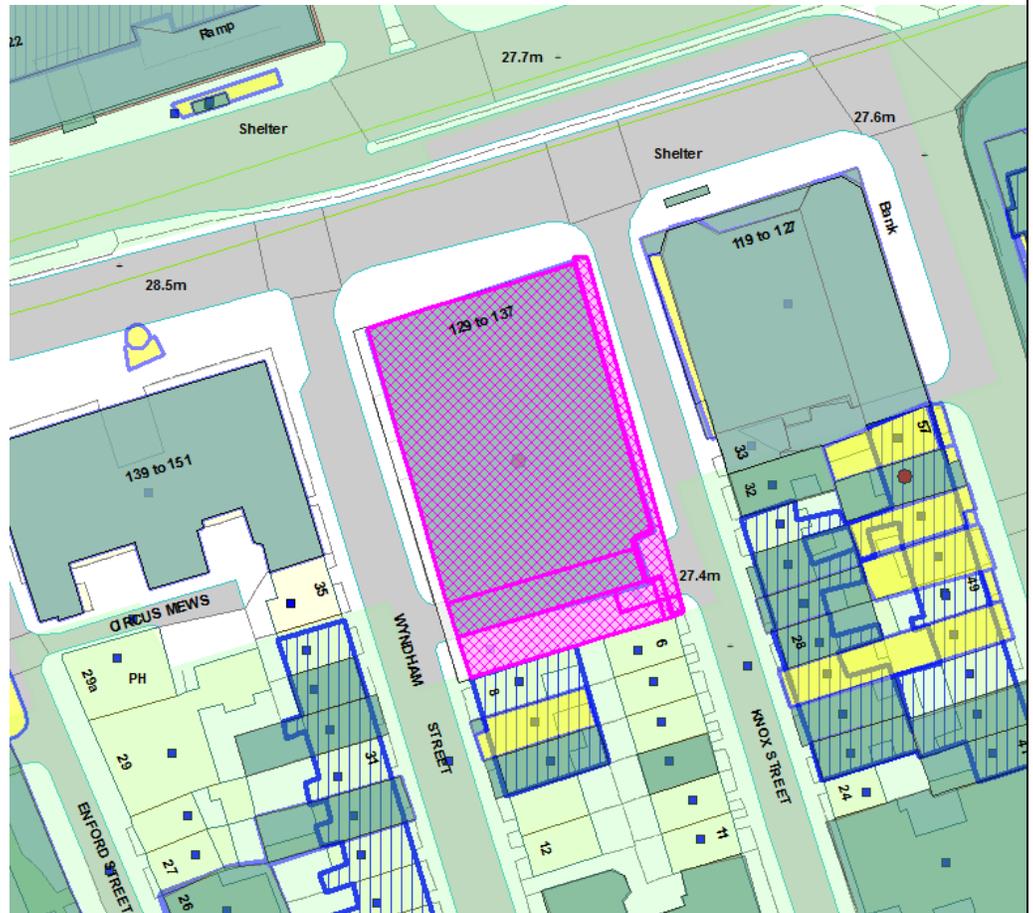
This minor material amendment application proposes to vary the original permission with respect to various matters including plant, enclosure and associated screen design and "mews" rear office building design details including doors, windows and lightwell. A number of representations of objection have been received from residents of Knox Street to the rear, on a number of grounds including noise, amenity and commercial creep.

The key considerations in this case are:

- The acceptability of the proposed amendments in design terms.
- The impact of the proposed amendments on the amenity of neighbouring residential properties.

Notwithstanding the objections and concerns raised, the proposed minor material amendment is considered to be appropriate development in this location within the CAZ frontage and a sensitive transition from the commercial building of Marylebone Road to the domestic residential properties to its rear. Overall, the proposal is considered to be acceptable subject to the recommended conditions and a Deed of Variation to the original S106 legal agreement and meets the relevant City Plan 2019-2040 policies and as such is recommended favourably.

### 3. LOCATION PLAN

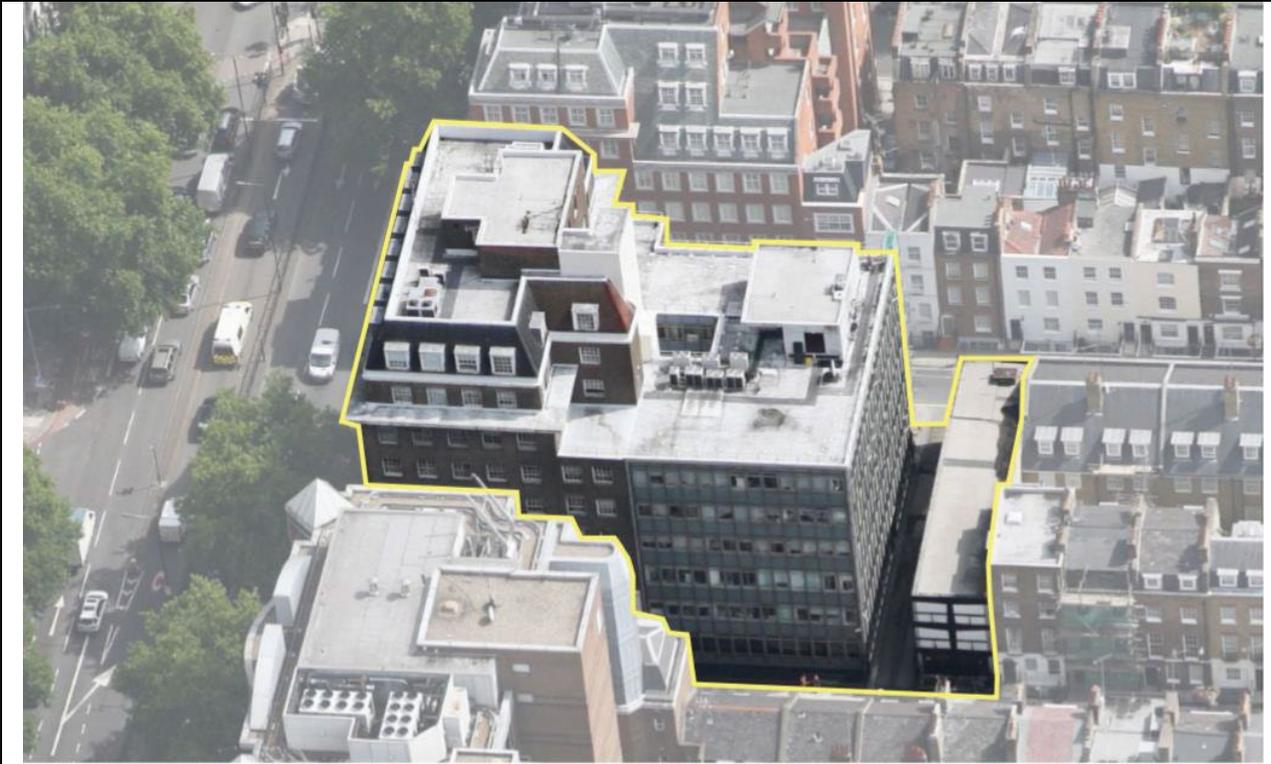


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#### 4. PHOTOGRAPHS

PHOTOGRAPHS PRIOR TO COMMENCEMENT OF DEVELOPMENT.





## 5. CONSULTATIONS

### 5.1 Application Consultations

ORIGINAL CONSULTATION & RECONSULTATION ON REVISIONS including i) Reduction in quantum of roof top plant ii) The height of the screen and the plant reduced from 2.8m to 2.2m high; iii) The screen now incorporates a 25 degree pitch (to match the pitch of the mansard roof) with as much greenery as possible added around the screen; iv) Re-instatement of front lightwell to Wyndham Street.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

Comment. Not necessary to have been consulted.

#### TRANSPORT FOR LONDON (Infrastructure Protection for LUL)

No objection.

#### TRANSPORT FOR LONDON (Spatial Planning)

No objection.

#### ENVIRONMENT AGENCY

Any response to be reported verbally.

#### THAMES WATER

Any response to be reported verbally.

#### HIGHWAYS PLANNING

No objection.

#### WASTE PROJECT OFFICER

No objection. The proposal is not changing any components of the waste storage and management.

#### BUILDING CONTROL

Comment. No new basement, so outside of scope of comment.

#### ARBORICULTURAL SECTION

No objection. Same conditions and informatives apply. Note tree protection condition has been discharged 21/05026/ADFULL

#### WESTMINSTER EMPLOYMENT SERVICE

Comment. A response was already provided for this a year ago. Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2019), this scheme needs to provide: A Financial Contribution of £45,211.95.

#### ENVIRONMENTAL SCIENCES

No objection.

**DESIGNING OUT CRIME**

Any response to be reported verbally.

**WARD COUNCILLORS FOR BRYANSTON AND DORSET SQUARE**

Any response to be reported verbally.

**MARYLEBONE ASSOCIATION**

Any response to be reported verbally.

**THE ST MARYLEBONE SOCIETY**

Comment. Defer to Planning Officer.

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

No. Consulted: 563

No. of objections: From 9 addresses in Knox Street on Amenity grounds.

No. in support: 0

**Plant**

- Extra plant, large fans at high duty
- Noise from additional 9<sup>th</sup> floor plant
- Noise from mews well plant
- Acoustic report states external office terrace hours of 08.00-19.00 which should be 09.00-19.00.
- Noise recording of ambient levels of noise were carried out during pandemic and adjusted up- which is inappropriate. Readings should be taken from gardens of 6-11 Knox Street.
- Incomplete and unreliable acoustic data
- Maximum noise insulation required.
- New noise source from plant well for plant equipment
- Reduced level of acoustic barrier to 2.2m
- Will the plant operate through the night?

**Commercial Creep**

- Commercial development creep from use of mews for independent commercial use and impact on residential amenity, must be contrary to policy to protect local character and residential amenity in a 100% residential area.
- Marylebone House, has always had 129-137 Marylebone Road NW1 as its address, why it is being marketed as Wyndham Street W1?
- Contrary to City Plan - pages 25,28,32,74.
- Mews building being separated from the main building operationally with independent access.
- The mews building was the offices at the back of Marylebone House
- Would support the side wall to the Mews building being a plain brick wall or a living wall.

**Windows and Doors**

- Noise, overlooking and light pollution from windows
- Dummy architectural features replaced with glass

- Windows in the Mews office building (facing the streets and yard) will result in over-looking and light pollution to neighbours. There should not be any windows facing or visible from Knox Street.
- The Windows to replace the utility garage doors all windows in the Mews office building will result in an invasion of privacy.
- Installing real glass windows instead of mock windows will result in unacceptable invasion of privacy to adjacent basement front garden and houses opposite.
- Does less than 21m away contravene planning regulations.
- Bright light pollution from office windows
- The 3 floors of protruding windows to the mews office building will affect privacy
- Fire exit doors in the Mews office building should be omitted as two other usable exits.
- An increased number of exits and larger doors onto Knox Street at ground and lower ground floor (6).
- Use of doors to Knox Street, other than for fire exit will mean that Knox Street is no longer wholly residential which has huge implications for the area.
- Introduction of unnecessary doors
- Fire exit n Knox Street will be used by staff for coffee/cigarette breaks and staff congregating outside
- Annotation 13 and page 5 of planning design note mentions front gardens of which there are none.
- At no point was the main Mews building entrance on Knox Street or Wyndham Street, it was always from the service yard.
- Artist's impression on marketing material- shows the completed building with a tall entrance from Knox Street which is not the approved or proposed scheme. The use of the doors to Knox Street for fire exit only should be secured.
- Are the doors show for entry and exit or fire escape only. The marketing details and the submission do not match.
- Why is the developer so confident in being granted permission that it has shown the details in marketing brochure? Makes a mockery of the planning consultation
- Suggest side of mews to Knox Street is made into a green wall.
- Welcome relocation of door from Knox Street to Wyndham Street
- Do fire regulations require all these doors?
- Residents will have to police the activity on a daily basis if conditions are imposed
- Smoke ventilation break out panels to within the front garden of the mews building to Knox Street
- Increased footfall from all the new doors.

PRESS NOTICE/ SITE NOTICE:

Yes

## 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 on 24.08.2021 prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. Ongoing newsletters are also provided to local residents.

## **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**

Marylebone House occupies a street block on the south side of Marylebone Road between Wyndham Street and Knox Street. It was last occupied by Arcadia Group as offices, but is currently vacant, undergoing works associated with planning permission granted in 2021.

It is an unlisted 1930's building with 1960's rear extensions and a three storey car park/storage structure to the rear. It comprises of a 9-storey building plus basement and roof top plant and is located outside of a conservation area. The Portman Estate Conservation Area wraps around the site to the south, east and west and the Dorset Square Conservation Area lies to the north of the site on the opposite side of Marylebone Road. The Lisson Grove Conservation Area lies further north west.

There are a number of Grade II listed buildings in the vicinity of the site including the Marylebone Town Hall/ London Business School to the east the Landmark Hotel, 222 Marylebone Road, which lies north-west of the site, as well as residential properties directly south 8-10 and 26-34 Wyndham Street and 25,26-28 and 29-31 Knox Street. St Mary's Church lies south west of the site on Wyndham Place, York Street.

The site also has the following land use designations:

- o Central Activities Zone (CAZ Frontage)
- o Named Street in Marylebone and Fitzrovia
- o Marylebone Road is part of the Strategic Road Network (TFL)
- o Within an Area of Public Open Space Deficiency
- o Within an Area deficient in publicly accessible play space

The two side streets to the east and west of the site are Knox Street and Wyndham Street which comprise of three/four storey residential properties with gardens. These streets run between Marylebone Road to the north and York Street to the South. Bryanston Mansions lie south of the site on York Street. Further east and parallel with Knox Street is Upper Montague Street and further west parallel with Wyndham Street is Enford Street.

Knox Street, Wyndham Street and York Street form part of Westminster City Council's road network. Marylebone Road forms part of the Transport for London Road Network (TLRN) and is a designated red route. The trees on the footway outside the front of the site on Marylebone Road also fall within the remit of Transport for London.

## 7.2 Recent Relevant History

Permission was granted on 12th July 1963 for 'The erection of an extension, of basement, ground and five floors to an existing office building (Marylebone House) on the site of 1 - 5 Knox Street and 3 - 7 Wyndham Street, St Marylebone, together with a three-decked car park'. (Ref:-TP20737).

A Certificate of Lawful Development was issued on 20.06.2012 for Use of first and second floors of rear extension granted permission 12th July 1963 (TP/20373) as ancillary storage in connection with the main office building (Class B1). (10/06118/CLEUD).

Withdrawn Application for Partial demolition and redevelopment to provide a building ranging from ground plus 3 storeys to ground plus 9 storeys comprising office floorspace (Class B1), You should be aware that the above planning application had been the subject of significant objection from local residents on various aspects of the proposal including, design and townscape, amenity, and transportation grounds. (18/09637/FULL)

Conditional planning permission was granted on 13<sup>th</sup> July 2021 for the Demolition and redevelopment of the mews building, partial demolition of the 1960s building and roof extension, facade alterations to the 1930s building all in connection with continued Class E use, associated cycle parking, landscaping, servicing area, external terraces, rooftop plant enclosure and associated external works. (20/06929/FULL)

### Approval of Details Applications:-

Approval of Details granted on 23.09.2021 for Details of Construction Logistics Plan and Trees method statement pursuant to Conditions 21 (part A) and 22 of planning permission dated 13 July 2021 (RN: 20/06929/FULL). (21/05026/ADFULL)

Approval of Details granted on 27.09.2021 for Details of a completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team pursuant to condition 3 of planning permission dated 13th July 2021 (RN:20/06929). (21/06238/ADFULL).

Pending Approval of Details for Samples /specification of the facing materials pursuant to Condition 31 (part) of planning permission dated 13 July 2021 (RN: 20/06929).(21/07632/ADFULL).

Pending Approval of Details of a typical bay showing construction and detailed design of the component parts, including masonry, windows, window reveals, pursuant to Condition 29 of planning permission dated 13th July 2021 (RN:20/06929/FULL)(22/04179/ADFULL)

Pending Approval of Details of new windows on original buildings showing relationship to brickwork reveal, joinery and opening profiles, front entrance screen, including signage, new lightwells; railings; glass balustrades, design, material and finish of decorative metal work to window openings, any external rain/waste water goods, pursuant to Condition 32 of planning permission dated 13th July 2021 (RN:20/06929/FULL) (22/04180/ADFULL)

Advertisement Consent granted on 17.12.2021 for Display of non-illuminated hoarding signs measuring 2.44m X 16.08m, 2.44m X 14m and 16.08m X 20.5m. (21/07610/ADV).

## 8. THE PROPOSAL

### **What type of application is this?**

Section 73 of the Town and Country Planning Act 1990 allows applications to be made to amend proposals that have planning permission. Central Government Guidance on this matter was issued in March 2014- Flexible options for planning permissions. The guidance advises that:-

*“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”.*

The guidance also advises that the application should be considered against the :

*“Development plan and material considerations under section 38(6) of the 204 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of planning permission”.*

### **The Proposal**

This current application is a S73 application which seeks permission for Minor Material Amendments to the July 2021 permission.

The applicant has stated that the application relates to amendments that have emerged during design development to enable the deliverability of the permitted scheme and to ensure that it meets all technical standards. Since original submission, the proposal was further amended following officer advice to reinstate a traditional open lightwell to the Mews building on Wyndham Street as required by condition 30) and to reduce the height of the proposed rooftop plant screen from 2.8m to 2.2 with a revised pitch to match the mansard roof and the maximisation of greening. Condition 15 (plant noise) is no longer proposed to be amended.

A summary of the key proposed amendments is set out below:-

#### Lower Ground Floor

Lower ground floor general arrangement amended to revise cycle, shower, and locker provision.

Doors to existing lightwells to Knox Street and Wyndham Street frontages amended to single leaf to meet building regulations.

#### Ground Floor

Mews main entrance door and internal core position moved from Knox Street to Wyndham Street end of Mews building.

Window to replace utility garage door to Mews building facing Knox Street

Natural smoke ventilation breakout panels added to floor of curtilage to Mews Building frontage to Knox Street to meet Building Regulations

Existing and new transformer access hatches to UKPN substation on entrance and exit to road through site.

Birds mouth detail incorporated to the southern corners main building from ground to fifth floor level to improve vehicular access and egress to / from the through route.

Existing lightwell to main building on Wyndham Street retained.

#### Sixth, Seventh Floor

Window position at level 7 amended to avoid clash with acoustic screen.

Window sizes at levels 6 and 7 amended to facilitate better plant growth to green wall.

#### Eighth Floor

Existing window previously shown in elevation indicated on plan drawing

#### Ninth Floor (affects all elevations)

Enlarged plant enclosure and reduction in the size of the external terrace (requires tweaking of condition 15 to reduce capacity of terrace from 40 to 30).

Slate screen with planting concealing mechanical ventilation ductwork, setback from building profile.

Mansard pitch design amended to incorporate a shoulder with a change in pitch of 25°.

#### Roof Plan

Automatic opening smoke vent to stairwell.

Grey anodised aluminium finish to stair overrun to match roof slate colour.

#### Marylebone Road elevation

Mansard pitch design amended to incorporate a shoulder with a change in pitch of 25° and Slate screen with planting concealing mechanical ventilation ductwork, setback

from building profile. (required by condition 28)  
Dry riser to ground floor front

#### Wyndham Street elevation

New architectural metalwork railings to 2<sup>nd</sup> floor front to match existing 1930s Juliette balconies.

Window size on Level 06 and 07 amended to facilitate better plant growth to green wall.  
Birds mouth detail incorporated to façade corners from L00-L05 to alleviate vehicular impact concerns.

Single leaf doors to lightwell

#### Wyndham Street “Mews” elevation

New open lightwell reinstated (Requirement of condition 30)

#### Knox Street elevation

Birds mouth detail incorporated to façade corners from ground to 5<sup>th</sup> floor to alleviate vehicular impact concerns.

Ground floor Fire exit door fan-light omitted to achieve door height above 2.5m.

New architectural metalwork railings to 2<sup>nd</sup> floor front to match existing 1930s Juliette balconies.

#### Rear elevation

Ground floor Service yard door heights increased.

Window position Level 07 amended to avoid clash with acoustic screen.

#### Knox Street “Mews” elevation

Rainwater downpipe added to mews building.

Window to replace utility garage door

#### “Mews Building”

Mews main entrance door and core position moved from Knox Street to towards Wyndham Street.

Ground floor dry riser

Mechanical plant well incorporated within the consented mews building elevation profile.

Access hatch and stair indicated on mews building roof for access and maintenance.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

No amendments are proposed to the consented use of the building for office purposes within Class E. Condition 24 of the original permission prevents any other use of the building within Class E, without permission and it is proposed to impose this condition again.

### **9.2 Environment & Sustainability**

No amendments are proposed to the environmental and sustainability credentials of the proposed development which is a partial redevelopment and extension development.

An energy statement was submitted with the original application and addressed these

matters. The priority of the development has been to retain as much fabric of the buildings as possible, providing benefits in terms of embodied energy (as well as other benefits in terms of reducing build time and disruption that full demolition can bring). Whilst there would be an overall improvement in terms of energy savings, it was not able to meet the requirement for net zero carbon under policy 36. As such a carbon off-set payment of £197,505 was secured under the original permission and is also to be secured again.

### 9.3 Biodiversity & Greening

The original permission secure significant greening to the building in the form of the following:-

Soft landscaping and planting within planting beds at 6<sup>th</sup>, 7<sup>th</sup> 8<sup>th</sup> and 9<sup>th</sup> floor terrace levels.

Vertical greening (climbing planting on wire trellis system) to part 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> floor extensions and to the lift overrun at 9<sup>th</sup> floor

Biodiverse roof (including wildflowers) to the “Mews building” and lift overrun

Soft landscaping and planting to existing lower ground floor lightwells.

The amendments proposed would result in a minor loss of part of the bio diverse roof to the “Mews building” to accommodate a plant well. Whilst regrettable, overall proposed still significantly increase the greening and biodiversity on site and remains acceptable.

### 9.4 Townscape, Design & Heritage Impact

#### 9.5

#### Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the LBCA Act’) requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the LBCA Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the LBCA Act 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.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore 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. Chapter 16 of the NPPF clarifies that harmful proposals 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.

In granting the original permission, the scale, height, bulk and detailed design of the proposed building/s was considered acceptable in design and townscape terms. With respect to the proposed amendments, these are relatively minor and will not substantially change the character or appearance of the building, which remains a high quality contextually relevant design, which pays respect to the adjacent heritage assets. The most evident impact of these works are the alterations at roof level to the main building, which will be visible in longer views and from the upper storeys of surrounding buildings.

### **Mews' Building.**

The new lightwell to the mews on its Wyndham Street elevation is a requirement of a condition 29 and is a beneficial change. A lightwell will reflect that of the adjacent property no. 8, providing a continuity of townscape with the grade II listed terrace and conservation area. The visibility of the lightwell needs to be full, with a more convincing window detail (a replica window), with a bridge to the front door and airspace to either side, so a condition (30) is amended to achieve this.

Also at lower ground level, the doors to the Knox Street and Wyndham Street lightwells on the main building, are amended to single leaf to meet building regulations and internal changes are made to accommodate the new external lightwell to the Wyndham Street, which are acceptable.

At ground floor level, changing the position of the mews main entrance door and internal core from Knox Street to Wyndham Street side are acceptable. While the elevations of the mews buildings are subject to conditions in the original permission, the change from a garage door to a window to Knox Street is an acceptable change, as is the addition of a metal rainwater pipe. The fire smoke escape hatch to the forecourt of Knox Street to comply with Building Regulations is also acceptable. Hatches to the access road through the site, to transformers under the road will also be acceptable.

The introduction of mechanical plant, within a recessed well to the mews building's roof, results in a reduction in an area of the approved green roof, creating a more functional roofscape. While regrettable, this is on balance acceptable. Maintenance of the green roof and the plant, necessitates an access hatch, which is also acceptable.

### **Main elevations**

The 'birds mouth' brick detail to the rebuilt southern corners of the man building at ground to fifth floor level, mitigate the buildings sharp corner, providing a more interesting detail and improving vehicular flows via the access route.

Retaining the existing lightwell to main building on Wyndham Street is also an acceptable change.

Window position amendments at 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> floors are minor and acceptable, as are omission of ground floor fire exit door fan-lights.

The dry riser outlet at ground floor front is a functional addition to aid firefighting. As it a small feature, required by the fire brigade to be in an easily accessible location and replaces an existing example, it is acceptable.

New railings to 2<sup>nd</sup> floor windows to match existing 1930s Juliette balconies to Knox Street are welcome and acceptable.

### **Roof level changes.**

The change of the mansard form is a requirement of condition 28 of the approved scheme and while not the 30 degree pitch sought, the 25 degree angle to the mansard's shoulder to each elevation (except the rear) finesses the building's termination, while allowing the functional operation of the plant within. It will be appropriately clad in natural slate.

The enlarged plant enclosure at ninth floor level is regrettable, as it projects beyond the mansard screen, but results from fire engineering requirements. The additional plant reduces the size of the top floor terrace and will be screened, with a pitched slate screen with planting in front. The planted screen should be a durable material to take account of the seasonal nature of planting. However, in the event of failure, the slated pitch sits behind to afford the area a roof like appearance.

The grey anodised aluminium finish to stair overrun, matching slate colour and automatic opening smoke vent to stairwell, (which will not be visible from most vantage points) are acceptable.

### **Summary**

Given the scale of the development, these works are relatively minor and will not substantially change the character or appearance of the development. The scheme would remain high quality and contextually relevant, paying due respect to the adjacent heritage assets. In essence, the majority of the works are neutral in impact, while the lightwell change is positive.

The most evident impact of these works are the alterations at roof level to the main building, which will be visible in longer views and from the upper storeys of surrounding buildings. Here, the additional bulk of the plant screen and deviation from the approved situation, will represent a measure of minor visual harm.

While regard to the setting of listed buildings in development proposals is a statutory requirement, setting of conservation areas is not. Nether the less, given the 129-137 Marylebone Road is an unlisted building outside a conservation area, the impact of the works on adjoining heritage assets is also modest. In NPPF terms, it is the low end of 'less than substantial' harm.

Weighed against the public benefits outlined in the original submission and of compliance with

various regulatory requirements, including fire protection, the scheme is considered to deliver those public benefits mitigating this minor diminution of visual amenity.

Subject to the conditions to further details of materials and detailing being applied for via conditions, the works comply with polices 38, 39 and 40 enhancing the settings of adjacent listed buildings and the Portman Estate and Lisson Grove Conservation Areas, from where the works will be visible.

## 9.6 Residential Amenity

In granting the original permission, the development was assessed in detail in relation to its potential impact on the amenities of surrounding residential properties with respect to both the physical and operational impact of the proposed development. Overall, the proposed development was considered to be acceptable in amenity terms. However, a number of detailed conditions were imposed to minimise impact and provide further protection to resident's amenities.

The proposed physical amendments to the original permission, including the changes at roof level to the mansard roof, stairwell, plant and plant screen are due to their scale, size and nature and distance to neighbours not considered to result in any new significant impact on surrounding residents when considering daylight and sunlight and sense of enclosure. It also results in a reduction in the capacity of the 9<sup>th</sup> floor roof terrace from 40 to 30 and condition 14 is consequently proposed to be amended accordingly.

The proposed amendments to the main roof top plant and introduction of a plant well within the "Mews building" have been designed to satisfy our standard noise conditions and our Environmental Health team have confirmed that the proposed plant is indeed expected to meet with our conditions, which are designed to protect residents from noise nuisance. The original conditions imposed to require compliance with our noise level conditions are to be reimposed. For these reasons, the proposal is considered to be acceptable at satisfies policy 33 of our City Plan. Whilst representations of objection have been received with respect to the adequacy of the noise report and potential for additional noise from the plant, given the advice from our technical noise team, the objections are not supported.

Whilst the ground floor elevation to the Knox Street elevation of the Mews Building is now proposed to contain a glass window, notwithstanding the office use inside, it is not considered that this would result in any significant noise, overlooking or light pollution to warrant withholding permission.

The amendments to a small number of windows at 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> floors, either to reflect a discrepancy that it was previously shown in elevation but not plan, to amend its position or reduce its size, do not raise any significant issues with respect to overlooking.

The amendments to the detail of doors within the lightwells are minor in nature and given their location, are not considered to raise amenity issues. The doors to the service yard are proposed to be increased in height, but this is considered to be minor.

Whilst the Mews main entrance door and internal core position are moved from Knox Street to Wyndham Street end of Mews building, the use of doors within the development are controlled under condition 35 (which is to be re imposed):-

*You must apply to us for approval of a final Operational Management Plan for the use of the*

*building. It should include, but not be limited to:-*

*o Hours of use of the building*

*o Pedestrian Access and Egress Arrangements via Marylebone Road and Wyndham Street only (including the office mews building)*

*o Use of doors to Knox Street and Office Mews Building to Knox Street and Wyndham Street for fire escape purposes only /fire evacuation details and meeting point/s/Fire strategy*

*o Smoking area limited to Marylebone Road*

*o Control of dropping off/picking up/courier deliveries - All directed to Marylebone Road*

*o Security control for cyclists*

*o Contact details for complaints*

*The use of the building/s must not commence operation until we have approved what you have sent us. You must then operate the use of the building in accordance with the approved Plan at all times.*

Details required for fire safety and maintenance access purposes, such as the access hatch and stair indicated on mews building roof for access and maintenance, the ground level natural smoke ventilation breakout panels, transformer access hatches to UKPN substation are a requirement and are not considered to raise any new significant amenity issues. In addition, the Birds mouth detail (a cut out) incorporated to the southern corners of the main building to improve vehicular access manoeuvres into the access road is considered a minor alteration to the building.

Whilst objections have been raised by residents of Knox Street with respect to the changes to the windows and the impact they will have on the amenity of residents in terms of noise, overlooking, light pollution and with respect to the principle of windows facing Knox Street, for the reasons set out above, those objections are not considered to be sustainable.

With respect to the amendments to doors and access arrangements, whilst these have also received objections on grounds of privacy, noise and disturbance and commercial creep into Knox Street, for the aforementioned reasons, including condition 35 and the requirements of the OMP, the objections are not considered to be sustainable.

Residents have made officers aware of inaccurate marketing material and this has been raised with the applicant's agent. If any part of the development is not built in accordance with the approved drawings, then the matter will be investigated by the City Council's Planning Enforcement Team.

In summary, notwithstanding the objections raised, the proposed minor material amendments are considered to be acceptable in amenity terms in accordance with policy 7 of our City Plan. The detailed conditions imposed on the original planning permission are transferred to this application to ensure that measures in place to protect

residents' amenities are also secured under this application, should permission be granted.

#### **9.7 Transportation, Accessibility & Servicing**

No amendments are proposed to the approved transport and servicing aspects of the original development.

#### **9.8 Economy including Employment & Skills**

In granting the original permission it is expected that the office building as proposed to be extended would provide around 700 full time jobs once the development has been completed and is occupied. This is in addition to its positive contribution to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The original permission secured an Employment and Skills contribution of £45,211.95 and this is also to be secured under this amendment.

#### **9.9 Other Considerations**

None.

#### **9.10 Environmental Impact Assessment**

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

#### **9.11 Planning Obligations & Pre-Commencement Conditions**

The planning obligations secured under the original permission as set out below are also to be secured under this amendment application, through a Deed of Variation to the original S106 legal agreement.

- a) Employment and skills contribution of £45,211.95 index linked and payable on commencement of development.,
- b) Highways works associated with and required to facilitate the development including but not limited to amendments to vehicular access and relocation of on-street car parking bays.
- c) Carbon Off-set payment of £197,505 index linked and payable on commencement of development.
- d) Monitoring costs

There is no change to the estimated CIL payment is:

Mayoral:-£230,175.00

Westminster:- £258,075.00

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.

The pre-commencement conditions relating to the original permission have been discharged and the development has lawfully commenced on site. As such those conditions are amended to compliance conditions to reflect this current situation. Other conditions are also proposed to be updated to reflect any discharge of conditions since the original permission was granted, so that the draft decision letter is up to date.

## 10. Conclusion

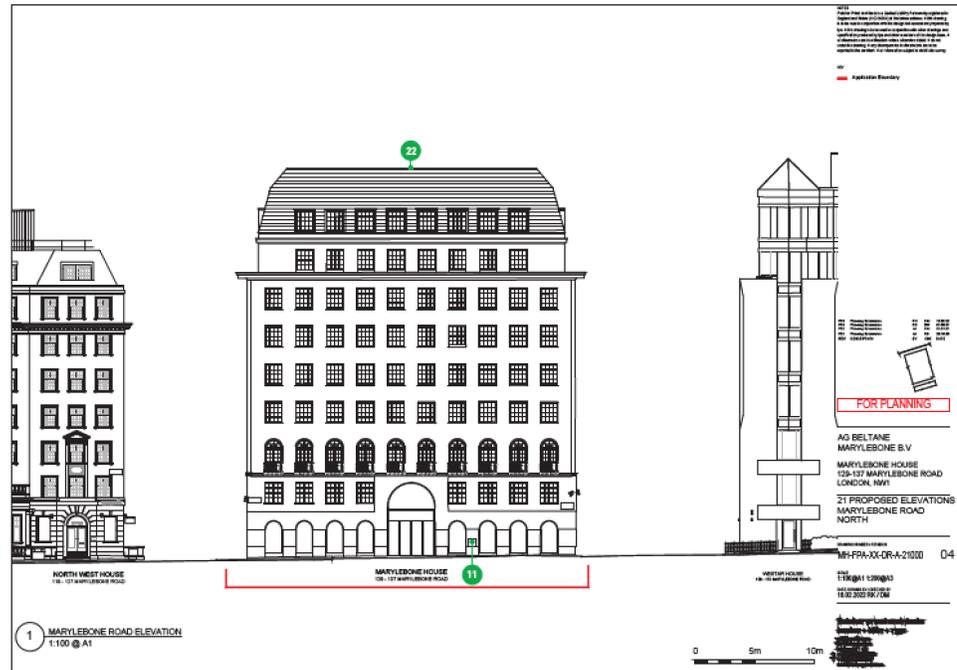
For the reasons set out within this report, the proposal is considered acceptable and a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The original conditions which are reimposed have been revised accordingly to reflect up to date legislation and the reasons for the conditions now reflect our current City Plan. Conditions (3,21A and 22) which have already been discharged have also been updated to compliance conditions. Other conditions are updated or amended to reflect this proposal, these are conditions 12 (waste- drawing number), 14 (Terrace capacity), 28 (Design-roof top screen), 30 (Design of lightwell)

(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: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

## 11. KEY DRAWINGS

## North Elevation: Marylebone Road (Proposed)



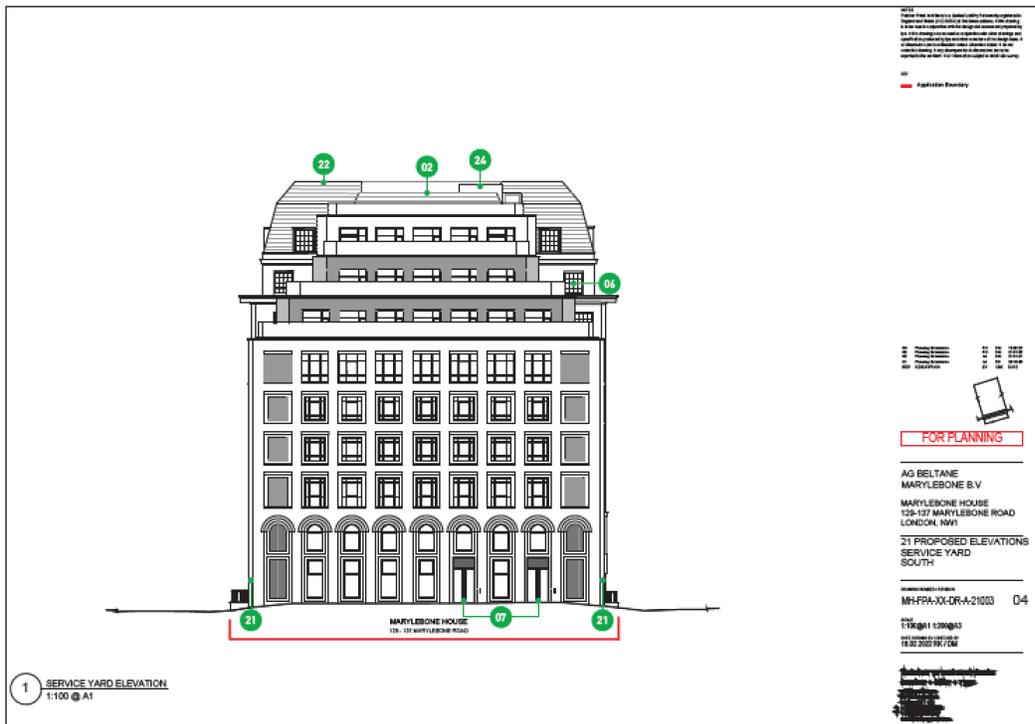
Substitute Drawing: MH-FPA-XX-DR-A-21000 REV 03

## DESIGN AMENDMENTS

## KEY N

1. New architectural metalwork railings to match existing 1930s Juliette balconies.
2. Slate screen with planting concealing mechanical ventilation ductwork, setback from building profile.
3. Fire exit door fan-light omitted to achieve door height above 2.5m.
4. Rainwater downpipe added to mews building.
5. Window to replace utility garage door - Detail design to be agreed via Condition 30.
6. Window position Level 07 amended to avoid clash with acoustic screen.
7. Service yard door heights increased.
8. Doors to lightwells amended to single leaf to meet building regulations (DDA compliance).
9. Lightwell and door height levels adjusted to survey information.
10. Mews main entrance door and core position moved from Knox Street to Wyndham Street.
11. **Dry riser position indicated following consultation with London Fire Brigade.**
12. Existing lightwell to remain.
13. Natural smoke ventilation breakout panels added to Mews Building front gardens to meet Building Regulations [Fire - Part B].
14. Existing and new transformer access hatches to UKPN substation indicated.
15. UKPN Substation detail design incorporated. Lower ground floor general arrangement amended to maintain cycle, shower and locker provisions.
16. Mechanical plant well incorporated within the consented Mews Building elevation profile.
17. Access hatch and stair indicated on Mews Building roof for access and maintenance.
18. Existing window previously shown in elevation indicated on plan drawing.
19. Window size on Level 06 and 07 amended to facilitate better plant growth to green wall.
20. Automatic opening smoke vent to stairwell.
21. Birdsmouth detail incorporated to facade corners from L00-L05 to alleviate vehicular impact concerns.
22. **Mansard pitch design amended to incorporate a shoulder with a change in pitch of 25°.**
23. New open railed lightwell instated.
24. Grey anodised aluminium finish to stair overrun to match roof slate colour.

South Elevation: Service Yard (Proposed)



Substitute Drawing: MH-FPA-6F-XX-A-21003 REV 03

DESIGN AMENDMENTS

KEY N

1. New architectural metalwork railings to match existing 1930s Juliette balconies.
2. **Slate screen with planting duct concealing mechanical ventilation ductwork, setback from building profile.**
3. Fire exit door fan-light omitted to achieve door height above 2.5m.
4. Rainwater downpipe added to mews building.
5. Window to replace utility garage door - Detail design to be agreed via Condition 30.
6. **Window position Level 07 amended to avoid clash with acoustic screen.**
7. **Service yard door heights increased.**
8. Doors to lightwells amended to single leaf to meet building regulations (DDA compliance).
9. Lightwell and door height levels adjusted to survey information.
10. Mews main entrance door and core position moved from Knox Street to Wyndham Street.
11. Dry riser position indicated following consultation with London Fire Brigade.
12. Existing lightwell to remain.
13. Natural smoke ventilation breakout panels added to Mews Building front gardens to meet Building Regulations (Fire - Part B).
14. Existing and new transformer access hatches to UKPN substation indicated.
15. UKPN Substation detail design incorporated. Lower ground floor general arrangement amended to maintain cycle, shower and locker provisions.
16. Mechanical plant well incorporated within the consented Mews Building elevation profile.
17. Access hatch and stair indicated on Mews Building roof for access and maintenance.
18. Existing window previously shown in elevation indicated on plan drawing
19. Window size on Level 06 and 07 amended to facilitate better plant growth to green wall.
20. Automatic opening smoke vent to stairwell.
21. **Birdsmouth detail incorporated to facade corners from L06-L05 to alleviate vehicular impact concerns.**
22. **Mansard pitch design amended to incorporate a shoulder with a change in pitch of 25°.**
23. New open railed lightwell instated.
24. **Grey anodised aluminium finish to stair overrun to match roof slate colour.**

East Elevation: Knox Street (Proposed)



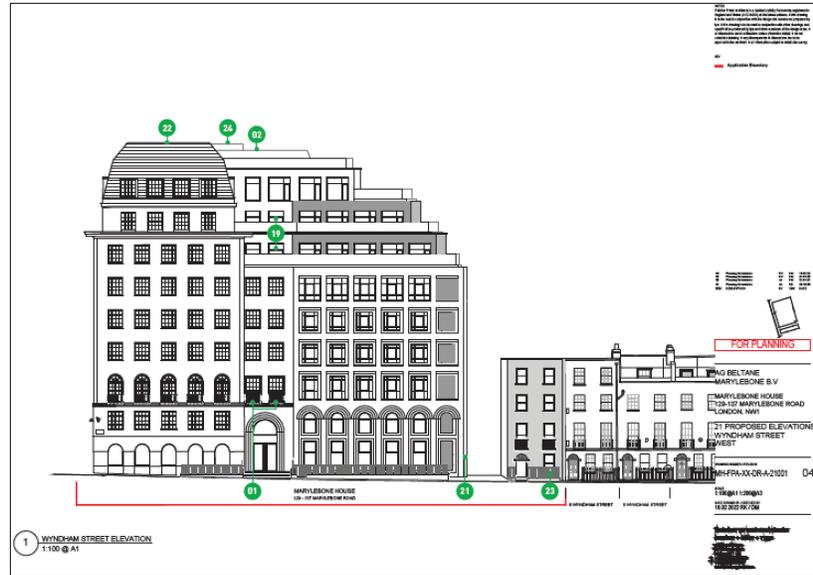
Substitute Drawing: MH-FPA-XX-DR-A-21002 REV 03

DESIGN AMENDMENTS

KEY **N**

1. New architectural metalwork railings to match existing 1930s Juliette balconies.
2. Slate screen with planting concealing mechanical ventilation ductwork, setback from building profile.
3. Fire exit door fan-light omitted to achieve door height above 2.5m.
4. Rainwater downpipe added to mews building.
5. Window to replace utility garage door - Detail design to be agreed via Condition 30.
6. Window position Level 07 amended to avoid clash with acoustic screen.
7. Service yard door heights increased.
8. Doors to lightwells amended to single leaf to meet building regulations [DDA compliance].
9. Lightwell and door height levels adjusted to survey information.
10. Mews main entrance door and core position moved from Knox Street to Wyndham Street.
11. Dry riser position indicated following consultation with London Fire Brigade.
12. Existing lightwell to remain.
13. Natural smoke ventilation breakout panels added to Mews Building front gardens to meet Building Regulations [Fire - Part B].
14. Existing and new transformer access hatches to UKPN substation indicated.
15. UKPN Substation detail design incorporated. Lower ground floor general arrangement amended to maintain cycle, shower and locker provisions.
16. Mechanical plant well incorporated within the consented Mews Building elevation profile.
17. Access hatch and stair indicated on Mews Building roof for access and maintenance.
18. Existing window previously shown in elevation indicated on plan drawing
19. Window size on Level 06 and 07 amended to facilitate better plant growth to green wall.
20. Automatic opening smoke vent to stairwell.
21. Birdsmouth detail incorporated to facade corners from L00-L05 to alleviate vehicular impact concerns.
22. Mansard pitch design amended to incorporate a shoulder with a change in pitch of 25°.
23. New open railed lightwell instated.
24. Grey anodised aluminium finish to stair overrun to match roof slate colour.

West Elevation: Wyndham Street (Proposed)

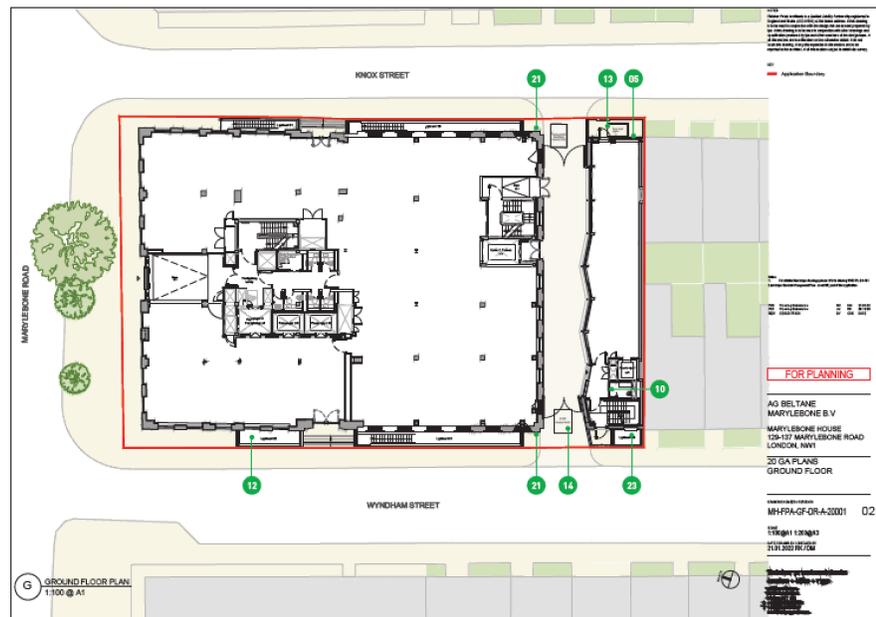


Substitute Drawing: MH-FPA-XX-DR-A-21001 REV 03

DESIGN AMENDMENTS KEY

1. New architectural metalwork railings to match existing 1930s Juliette balconies.
2. Slate screen with planting concealing mechanical ventilation ductwork, setback from building profile.
3. Fire exit door fan-light omitted to achieve door height above 2.5m.
4. Rainwater downpipe added to mews building.
5. Window to replace utility garage door - Detail design to be agreed via Condition 30.
6. Window position Level 07 amended to avoid clash with acoustic screen.
7. Service yard door heights increased.
8. Doors to lightwells amended to single leaf to meet building regulations (DDA compliance).
9. Lightwell and door height levels adjusted to survey information.
10. Mews main entrance door and core position moved from Knox Street to Wyndham Street.
11. Dry riser position indicated following consultation with London Fire Brigade.
12. Existing lightwell to remain.
13. Natural smoke ventilation breakout panels added to Mews Building front gardens to meet Building Regulations (Fire - Part B).
14. Existing and new transformer access hatches to UKPN substation indicated.
15. UKPN Substation detail design incorporated. Lower ground floor general arrangement amended to maintain cycle, shower and locker provisions.
16. Mechanical plant well incorporated within the consented Mews Building elevation profile.
17. Access hatch and stair indicated on Mews Building roof for access and maintenance.
18. Existing window previously shown in elevation indicated on plan drawing.
19. Window size on Level 06 and 07 amended to facilitate better plant growth to green wall.
20. Automatic opening smoke vent to stairwell.
21. Birdsmouth detail incorporated to facade corners from L00-L05 to alleviate vehicular impact concerns.
22. Mansard pitch design amended to incorporate a shoulder with a change in pitch of 25°.
23. New open railed lightwell instated.
24. Grey anodised aluminium finish to stair overrun to match roof slate colour.

Ground Floor Plan (Proposed)

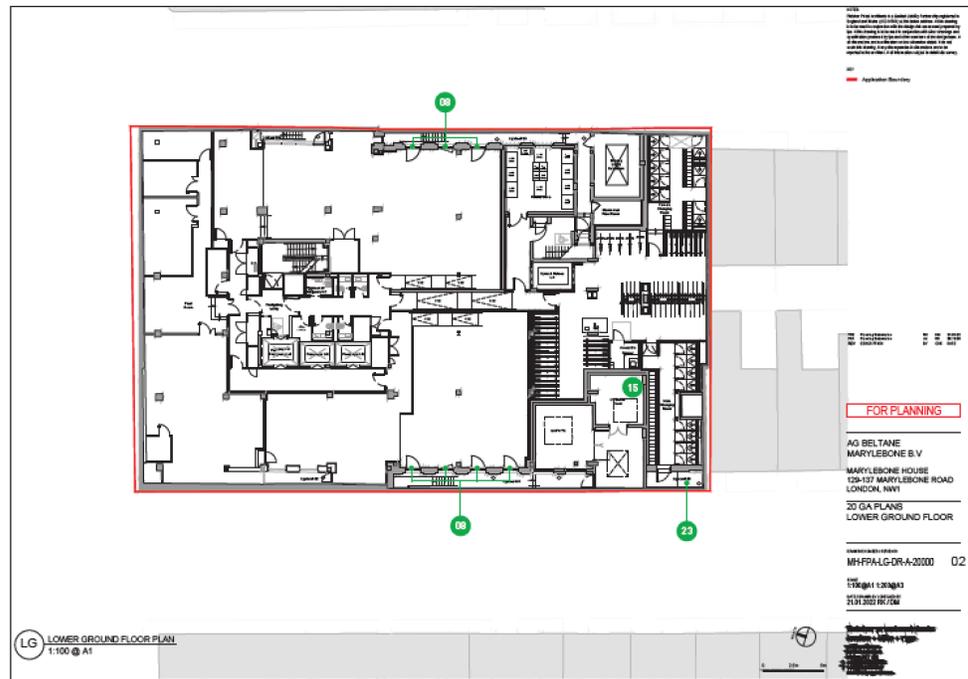


Substitute Drawing: MH-FPA-6F-DR-A-20001 REV 02

DESIGN AMENDMENTS KEY

1. New architectural metalwork railings to match existing 1930s Juliette balconies.
2. Slate screen with planting concealing mechanical ventilation ductwork, setback from building profile.
3. Fire exit door fan-light omitted to achieve door height above 2.5m.
4. Rainwater downpipe added to mews building.
5. Window to replace utility garage door - Detail design to be agreed via Condition 30.
6. Window position Level 07 amended to avoid clash with acoustic screen.
7. Service yard door heights increased.
8. Doors to lightwells amended to single leaf to meet building regulations (DDA compliance).
9. Lightwell and door height levels adjusted to survey information.
10. Mews main entrance door and core position moved from Knox Street to Wyndham Street.
11. Dry riser position indicated following consultation with London Fire Brigade.
12. Existing lightwell to remain.
13. Natural smoke ventilation breakout panels added to Mews Building front gardens to meet Building Regulations (Fire - Part B).
14. Existing and new transformer access hatches to UKPN substation indicated.
15. UKPN Substation detail design incorporated. Lower ground floor general arrangement amended to maintain cycle, shower and locker provisions.
16. Mechanical plant well incorporated within the consented Mews Building elevation profile.
17. Access hatch and stair indicated on Mews Building roof for access and maintenance.
18. Existing window previously shown in elevation indicated on plan drawing.
19. Window size on Level 06 and 07 amended to facilitate better plant growth to green wall. Automatic opening smoke vent to stairwell.
20. Automatic opening smoke vent to stairwell.
21. Birdsmouth detail incorporated to facade corners from L00-L05 to alleviate vehicular impact concerns.
22. Mansard pitch design amended to incorporate a shoulder with a change in pitch of 25°.
23. New open railed lightwell instated.
24. Grey anodised aluminium finish to stair overrun to match roof slate colour.

## Lower Ground Floor Plan (Proposed)

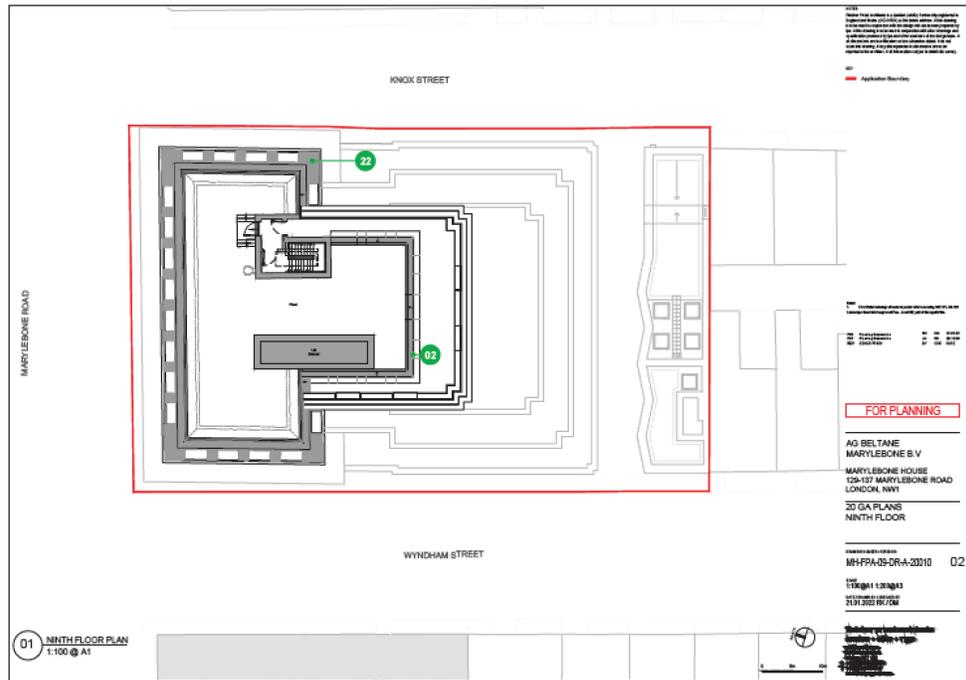


Substitute Drawing: MH-FPA-LG-DR-A-20000 REV 02

DESIGN AMENDMENTS  
KEY

1. New architectural metalwork railings to match existing 1930s Juliette balconies.
2. Slate screen with planting concealing mechanical ventilation ductwork, setback from building profile.
3. Fire exit door fan-light omitted to achieve door height above 2.5m.
4. Rainwater downpipe added to mews building.
5. Window to replace utility garage door - Detail design to be agreed via Condition 30.
6. Window position Level 07 amended to avoid clash with acoustic screen.
7. Service yard door heights increased.
8. **Doors to lightwells amended to single leaf to meet building regulations (DDA compliance).**
9. Lightwell and door height levels adjusted to survey information.
10. Mews main entrance door and core position moved from Knox Street to Wyndham Street.
11. Dry riser position indicated following consultation with London Fire Brigade.
12. Existing lightwell to remain.
13. Natural smoke ventilation breakout panels added to Mews Building front gardens to meet Building Regulations (Fire - Part B).
14. Existing and new transformer access hatches to UKPN substation indicated.
15. **UKPN Substation detail design incorporated. Lower ground floor general arrangement amended to maintain cycle, shower and locker provisions.**
16. Mechanical plant well incorporated within the consented Mews Building elevation profile.
17. Access hatch and stair indicated on Mews Building roof for access and maintenance.
18. Existing window previously shown in elevation indicated on plan drawing
19. Window size on Level 06 and 07 amended to facilitate better plant growth to green wall.
20. Automatic opening smoke vent to stairwell.
21. Birdsmouth detail incorporated to facade corners from L00-L05 to alleviate vehicular impact concerns.
22. Mansard pitch design amended to incorporate a shoulder with a change in pitch of 25°.
23. **New open railed lightwell instated.**
24. Grey anodised aluminium finish to stair overrun to match roof slate colour.

## Ninth Floor Plan (Proposed)



## DESIGN AMENDMENTS

## KEY

1. New architectural metalwork railings to match existing 1930s Juliette balconies.
2. **Slate screen with planting concealing mechanical ventilation ductwork, setback from building profile.**
3. Fire exit door fan-light omitted to achieve door height above 2.5m.
4. Rainwater downpipe added to mews building.
5. Window to replace utility garage door - Detail design to be agreed via Condition 30.
6. Window position Level 07 amended to avoid clash with acoustic screen.
7. Service yard door heights increased.
8. Doors to lightwells amended to single leaf to meet building regulations (DDA compliance). Lightwell and door height levels adjusted to survey information.
9. Mews main entrance door and core position moved from Knox Street to Wyndham Street.
10. Dry riser position indicated following consultation with London Fire Brigade.
11. Existing lightwell to remain.
12. Natural smoke ventilation breakout panels added to Mews Building front gardens to meet Building Regulations (Fire - Part B).
13. Existing and new transformer access hatches to UKPN substation indicated.
14. UKPN Substation detail design incorporated. Lower ground floor general arrangement amended to maintain cycle, shower and locker provisions.
15. Mechanical plant well incorporated within the consented Mews Building elevation profile. Access hatch and stair indicated on Mews Building roof for access and maintenance.
16. Existing window previously shown in elevation indicated on plan drawing
17. Window size on Level 06 and 07 amended to facilitate better plant growth to green wall.
18. Automatic opening smoke vent to stairwell.
19. Birdsmouth detail incorporated to facade corners from L00-L05 to alleviate vehicular impact concerns.
20. **Mansard pitch design amended to incorporate a shoulder with a change in pitch of 25°.**
21. New open railed lightwell instated.
22. Grey anodised aluminium finish to stair overrun to match roof of slate colour.

**DRAFT DECISION LETTER**

- Address:** 129 - 137 Marylebone Road, London, NW1 5QD,
- Proposal:** Variation of conditions 1 (approved plans), 14 (Operational management plan for terraces), 28 (plant screen design) and 30 (Mews design details) pursuant to planning permission dated 13 July 2021 (RN. 20/06929/FULL) for Demolition and redevelopment of the mews building, partial demolition of the 1960s building and roof extension, facade alterations to the 1930s building all in connection with continued Class E use, associated cycle parking, landscaping, servicing area, external terraces, rooftop plant enclosure and associated external works. NAMELY external alterations including changes to the rooftop plant enclosure, mansard roof pitches, access to the mews building and other external changes.  
RECONSULTATION ON REVISIONS including i) Reduction in quantum of roof top plant ii) The height of the screen and the plant reduced from 2.8m to 2.2m high; iii) The screen now incorporates a 25 degree pitch (to match the pitch of the mansard roof) with as much greenery as possible added around the screen; iv) Re-instatement of front lightwell to Wyndham Street.
- Reference:** 21/06044/FULL
- Plan Nos:** ORIGINAL PLANS AND DOCUMENTS (20/06929/FULL), MH-FPA-SW-DR-A-01000 01., MH-FPA-LG-DR-A-10000 01; 10001 01; 10002 01; 10003 01; 10004 01; 10005 01; 10006 01; 10007 01; 10008 01; 10009 01; 10010 01; 10011 01., MH-FPA-XX-DR-A-11000 01; 11001 01; 11002 01; 11003 01; 11004 01; 11011 01; 11012 01., MH-FPA-LG-DR-A-13000 01; MH-FPA-GF-DR-A-13001 01; MH-FPA-01-DR-A-13002 01. , MH-FPA-02-DR-A-13003 01; 13004 01; 13005 01; 13006 01; 13007 01; 13008 01; 13009 01; 13010 01.  
MH-FPA-LG-DR-A-20000 02 (Nov2020); 20001 01; 20002 01; 20003 01; 20004 01; 20005 01; 20006 01; 20007 01; 20008 01; 20009 01; 20010 02; 20011 02., , MH-FPA-XX-DR-A-21000 02 (Jan 2021) 21001 02 (Jan 2021); 21002 02 (Jan 2021); 21003 02 (Jan 2021) ; 21004 01; 21011 02 (Jan 2021); 21012 02 (Jan 2021); 22000 02 (Jan 2021).,  
Daylight and Sunlight Assessment Point 2 October 2020, Air Quality Assessment Ramboll 19 October 2020 - Rev 1, Applicants Covering Letter GE 28 October 2020, Archaeological Report MOLA 22 October 2020 - Rev 2, Code of Construction Practice Appx A BAM 14 October 2020, Design and Access Statement FPA October 2020, Energy and Sustainability Assessment MZA 23 October 2020 - Rev 2, FRA and SUDS HTS October 2020 - Rev 1, Heritage and Townscape Report DIA October 2020, Acoustic Planning Report MZA October 2020 - Rev 1, Operational Management Statement BMA October 2020, Planning Statement GE 28 October 2020, Statement of Community Involvement Kanda October 2020, Structural Statement HTS October 2020, Transport Statement PF 28 October 2020 - Rev F1, Travel Plan PF 28 October 2020 - Rev F1, Ventilation and Extraction Statement MZA 19 October 2020 - Rev 2, Acoustic Technical Note MZA 16 December 2020, Air Quality Technical Note Ramboll 12 January 2021, Noise - response to EHO MZA 15 January 2021, Air quality - response to EHO Ramboll 18 January 2021., Ramboll Tech Note 3 dated 17.02.2021  
AS PART SUPERSEDED BY (21/06044/FULL), Design Report and Drawings prepared by Fletcher Priest Architects February 2022., Acoustic Report, prepared by

MZA 16.08.2011., Daylight and sunlight report, prepared by Point 2 0408.2021., Agent email 03.02.2022 on amendments, MH-FPA-LG-DR-A-20000\_03, MH-FPA-GF-DR-A-20001\_03, MH-FPA-01-DR-A-20002\_03, MH-FPA-02-DR-A-20003\_03, MH-FPA-03-DR-A-20004\_03, MH-FPA-04-DR-A-20005\_03, MH-FPA-05-DR-A-20006\_03, MH-FPA-06-DR-A-20007\_03, MH-FPA-07-DR-A-20008\_03, MH-FPA-08-DR-A-20009\_03, MH-FPA-09-DR-A-20010\_04, MH-FPA-LG-DR-A-20000\_02, MH-FPA-RF-DR-A-20011\_04, MH-FPA-XX-DR-A-21000\_04, MH-FPA-XX-DR-A-21001\_04, MH-FPA-XX-DR-A-21002\_04, MH-FPA-XX-DR-A-21003\_04, MH-FPA-XX-DR-A-21004\_03, MH-FPA-XX-DR-A-21011\_04, MH-FPA-XX-DR-A-21012\_04, MH-FPA-XX-DR-A-22000\_03

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641  
07866036375

### 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 , onot 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.

This is unless you carry out the development in accordance with the details approved on 27.09.2021 under reference : 21/06238/ADFULL

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 25 of our City Plan 2019-2040: Adopted April 2021 and the London Plan 2021.

- 5 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)

- 6 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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)

- 7 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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)

- 8 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway.

You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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)

- 9 You must only use the vehicle access in line with the direction of movement shown on the approved drawings (Access from Wyndham Street, Egress to Knox Street). (C24CA)

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)

- 10 Notwithstanding the draft delivery, servicing and waste plan submitted, you must apply to us for approval of a final detailed Delivery, Servicing and waste Management Plan in relation to the use of the entire site. It should include, but not be limited to:-
- o All servicing to take place off-street within the servicing yard.,
  - o Vehicle Flow arrangement- from Wyndham Street to Knox Street.,
  - o Preferred servicing route - where possible service vehicles access from and depart to Marylebone Road.,
  - o Servicing hours of between 08.00-18.00 hours Monday to Friday, 10.00-16.00 on Saturdays and not at all on Sundays,
  - o Goods in manager to operate in accordance with the final version of this plan., o Booking of deliveries and scheduling of delivery slots and coordinating with suppliers with "Goods in" manager,
  - o Servicing arrangement allows in the event of additional servicing vehicles arriving at the same time to wait within the servicing yard and not on-street.

The use of the building/s must not commence operation until we have approved what you have sent us. You must then operate the use of the building in accordance with the approved Plan at all times.

Reason:

To protect the environment of residents and the area generally and to safeguard highway safety as set out in Policies 7, 25, 27, 28 and 33 of the City Plan 2019 - 2040 (April 2021). (R22CD)

- 11 All servicing must take place between 08.00-18.00 hours Monday to Friday, 10.00-16.00 on Saturdays and not at all on Sundays. Servicing includes loading and unloading goods from vehicles and waste collection. (C23DA)

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)

- 12 You must provide the waste store shown on drawing MH-FPA-LG-DR-A-20000\_03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building/s and No Waste should be left on the Public Highway., You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 13 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises. (CO5DB)

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R05DD)

- 14 Prior to the use of any of the external terraces at 6th, 7th, 8th and 9th floors, you must apply to us for approval of an operational management plan to show how you will maintain the terraces and minimise noise from their use causing nuisance for people in the area, including people who live in nearby buildings.

The operational management plan shall include, but not be limited to, the following measures:-

- a. Hours of use 09.00-19.00 Monday to Friday and not at all on Saturdays and Sundays (including cleaning, tidying and maintenance) unless used for emergency/escape access purposes.,
- b. Maintenance of the hard and soft landscaping (including planters, green wall/ climbers and green roofs) on the terraces,
- c. Installation of the acoustic/privacy barriers prior to use of terraces and their maintenance in perpetuity,
- d. Installation of planters and soft landscaping prior to use of terraces and their maintenance in perpetuity to a height of 1.8m in so far as possible.,
- e. No live, amplified or recorded music.,
- f. No external lighting outside of approved operational hours of the terrace,
- g. Capacity limits (6th floor terrace 20 people, 7th floor terrace 22 people, 8th floor terrace 28 people, 9th floor terrace 30 people),

You must not use the external terraces until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the terrace is in use.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 15 (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 draft Environmental Supplementary Planning Document (May 2021), 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)

- 16 (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 IN; 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 IN; 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 draft Environmental Supplementary Planning Document (May 2021), 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)

- 17 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

(C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 18 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 draft Environmental Supplementary Planning Document (May 2021), 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)

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 15,16,17,18 and 19 of this permission. This report should include an assessment of the potential for low frequency noise from the substation and appropriate mitigation recommended where necessary. You must not start work on this part of the development until we have approved what you have sent us.

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 draft Environmental Supplementary Planning Document (May 2021), 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)

- 20 Prior to the installation of any generator (including a generator for emergency use) or any combustion generating equipment (e.g., boilers) a revised air quality assessment and air quality neutral assessment must be submitted for approval.

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 draft Environmental Supplementary Planning Document (May 2021), 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)

- 21 No development shall take place, including any works of demolition, until the following plan has been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:-, a) Construction Logistics Plan., , This is unless you carry out the development in accordance with the details approved on 23.09.2021 under reference 21/05026/ADFULL, , No use shall take place until the following plan has been submitted to and approved in writing, by the City Council as local planning authority in liaison with Transport for London:-, b) Delivery and Service Plan, c) Travel Plan, these documents should detail the traffic impact resulting from construction vehicles and ongoing delivery and servicing vehicles on Marylebone Road (part of the Strategic Road Network) as well as details of a travel plan to encourage sustainable modes of transport. You must then carry out the development in accordance with the approved details.

Reason:

In order to appropriately manage any potential adverse effects on the strategic road network as requested by Transport for London.

- 22 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. , , This is unless you carry out the development in accordance with the details approved on 23.09.2021 under reference 21/05026/ADFULL.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 23 You must apply to us for approval of detailed drawings/details of:-, , a. a hard and soft landscaping scheme which includes the number, size, species and position of trees, shrubs, climbers and herbaceous plants. , , b. the soil or other planting medium, including composition, depth, volume and drainage in each of the different areas of soft landscaping. , , c. the green roofs to include construction method, layout, species and maintenance regime. , , d. irrigation and maintenance strategy, , You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing). , , If you remove any

plants or find that they are dying, severely damaged or diseased you must replace them with plants of a similar size and species. You must retain and maintain the planting scheme in perpetuity in accordance with the approved irrigation and maintenance strategy.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 24 You must only use the premises or part of the premises for office use. You must not use them for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

Reason:

To protect neighbouring residents from noise nuisance, avoid blocking surrounding streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site or uses that would have a significant adverse effect on air quality, policies 7, 25,28, 29, 32, 33, 38,39,40 of the City Plan 2019 - 2040 (April 2021).

- 25 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site., , You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA),

- 26 You must apply to us for approval of a scheme of public art as described in design and access statement., , You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details., , You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 27 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

**Reason:**

To maintain the character of the setting of the Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 28 The slated plant screen to the mansard, must be carried out in accordance with the details indicated on the drawings approved as part of this development. (C26UB)

**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)

- 29 Notwithstanding the approved drawings, you must apply to us for approval of detailed drawings of the following parts of the development: , 1) Elevational sections through a typical bay showing construction and detailed design of the component parts, including masonry, windows, window reveals; , You must not start any work on these parts of the development until we have approved what you have sent us. , You must then carry out the work according to these drawings. (C26DB)

**Reason:**

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

- 30 Notwithstanding the approved drawings, you must apply to us for approval of detailed drawings of the following parts of the development: ,  
1) Full details, including elevations and sections of the mews buildings and both street facades, including masonry, windows, window reveals;  
2) Full details, including sections of the green roof to show soil building up and any necessary mechanical equipment and any works to boundary wall to integrate the green roof or parapet; ,  
3) Square off the lightwell adjacent to the new entrance gates and include an open section to left hand side of the entrance path (so that the path over the lightwell is open to either side);  
4) New window to be resized and have a window with obscured glazing, if necessary, ,  
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 details. (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)

- 31 You must apply to us for approval of samples /specification of the facing materials you will use, including glazing, with elevations and roof plans annotated to show where the

materials are to be located. The samples must include brickwork panels showing brick type, bond and pointing (colour, texture, finish) for the rear extension. , , 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)

- 32 Notwithstanding the approved drawings, you must apply to us for approval of detailed drawings of the following parts of the development: ,
- 1) Sections through new windows on original buildings showing relationship to brickwork reveal, joinery and opening profiles; ,
  - 2) Front entrance screen, including signage;
  - 3) Rear gates to vehicular entrance (design; materials; colour);
  - 4) New lightwells; railings; glass balustrades;
  - 5) Design, material and finish of decorative metal work to window openings;
  - 6) Any external rain/waste water goods;
  - 7) Vents; grilles; flues; alarms and external plant.

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 details. (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)

- 33 The biodiverse roofs on the "Mews" building and main building shall not be accessible for general use and shall only be used when carrying out maintenance work and for escape purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 34 The surface to the service yard shall not be cobbles or noise generating material, but shall be constructed of a smooth material.

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). (R13ED)

- 35 You must apply to us for approval of a final Operational Management Plan for the use of

- the building. It should include, but not be limited to:- ,
- o Hours of use of the building ,
  - o Pedestrian Access and Egress Arrangements via Marylebone Road and Wyndham Street only (including the office mews building),
  - o Use of doors to Knox Street and Office Mews Building to Knox Street and Wyndham Street for fire escape purposes only /fire evacuation details and meeting point/s/Fire strategy,
  - o Smoking area limited to Marylebone Road,
  - o Control of dropping off/picking up/courier deliveries - All directed to Marylebone Road,
  - o Security control for cyclists ,
  - o Contact details for complaints,

The use of the building/s must not commence operation until we have approved what you have sent us. You must then operate the use of the building in accordance with the approved Plan at all times.

**Reason:**

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

**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 This permission is governed by a Deed of Variation of the original legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:-, 1. Grant conditional permission, subject to a S106 legal agreement to secure the following obligations:-, , a) Employment and skills contribution of £45,211.95 index linked and payable on commencement of development., , b) Highways works associated with and required to facilitate the development including but not limited to amendments to vehicular access and relocation of on-street car parking bays., , c) Carbon Off-set payment of £197,505 index linked and payable on commencement of development., , d) Monitoring costs
- 3 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](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)

- 4 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 5 The term 'clearly mark' in condition 12 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 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](mailto: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).
- 7 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](mailto: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.
- 8 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , , \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , , \* This not only relates to

the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.

- 9 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:,\* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,\* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;,\* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained,\* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary,\* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 10 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](http://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)
- 11 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.

- 12 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](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 13 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order. , B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems. Particular attention should be given to ; , Section 2 - New ductwork system cleanliness , Section 3 - Design and access to the internal surfaces of the ventilation system , Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning). , Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.
- 14 You must ensure that the planters provide sufficient soil for the proposed number and size of plants and that the plant species selection is designed to increase drought tolerance and reduce reliance on automated irrigation.
- 15 The developer is requested to encourage occupiers of the building to use their best endeavours to encourage the use of electric servicing vehicles.
- 16 The developer is requested to discourage the operator from allowing office workers from receiving personal deliveries on site.
- 17 The Developer is encouraged to undertake positive community liaison through the Code of Construction Practice process.

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.