



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (3)**

Meeting Date: **Tuesday 5th December, 2023**

Time: **6.30 pm**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Nafsika Butler-Thalassis (Chair)
Ryan Jude
Patrick Lilley
Louise Hyams



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.

If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact the Committee Officer, Katherine Stagg, Committee and Governance Officer.

**Email: kstagg@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting. In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

(Pages 5 - 8)

1.	ITEMS 1 & 2: 1-2 BARRETT STREET, LONDON. W1U 1AX AND 21-22 BARRETT STREET AND 24 JAMES STREET, MARYLEBONE, LONDON, W1U 1EL	(Pages 13 - 98)
3.	11 STRAND, LONDON, WC2N 5HR	(Pages 99 - 144)
4.	144 PRAED STREET, LONDON, W2 1HU	(Pages 145 - 186)
5.	68 WESTBOURNE PARK VILLAS, LONDON, W2 5EB	(Pages 187 - 220)
6.	TEMPLAR COURT, 43 ST JOHN'S WOOD ROAD, LONDON, NW8 8QJ	(Pages 221 - 242)
7.	42 QUEEN'S GARDENS, BAYSWATER, LONDON.W2 3AA	(Pages 243 - 270)

Stuart Love
Chief Executive
24 November 2023

Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** Committee held on **Tuesday 3rd October, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Nafsika Butler-Thalassis (Chair), Md Shamsed Chowdhury, Louise Hyams and Patrick Lilley

Also Present: Councillor Caroline Sargent (Item 2)

1 MEMBERSHIP

- 1.1 It was noted that Councillors Lilley and Hyams had replaced Councillor Sanquest and Langford on the Sub-Committee.
- 1.2 In addition it was noted that Councillor Chowdhury was substituting for Councillor Jude.

2 DECLARATIONS OF INTEREST

- 2.1 The Chair explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the 2 issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillors Butler-Thalassis, Chowdhury and Hyams all declared that they had attended a site visit on 28 September 2023 in respect of Item 1. Councillors Butler-Thalassis and Chowdhury also declared that they had sat on the Sub-Committee which had previously considered the application.

- 2.3 Councillor Lilley declared that in respect of Item 3 the application site was situated within his ward, but he had not held any discussions regarding the proposals with any parties.

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 8 August 2023 be signed by the Chair as a correct record of proceedings.

4 TREE PRESERVATION ORDER TPO: 696 - 9 CAMBRIDGE STREET, LONDON, SW1V 4PP

To confirm or not to confirm Tree Preservation Order No. 696.

Additional representations were received from MacAusland Design (26.09.23) and the Head of Westminster City Council's Arboricultural Services (28.09.23).

RESOLVED UNANIMOUSLY:

That Tree Preservation Order No. 696 (2023) be confirmed without modification with permanent effect.

5 PLANNING APPLICATIONS

1 40 EASTBOURNE TERRACE, LONDON, W2 6LG

Servicing Management Plan, Operational Management Plan for the hotel and restaurant uses, and details of how a no Coach/no group bookings policy will be managed, pursuant to condition 10A (OMP) and 10B (No coach or Group booking policy) and 32 (SMP) of planning permission dated 1 November 2019 (19/03058/FULL).

Additional representations were received from the South-East Bayswater Residents Association (SEBRA) (23.09.23), two local residents (25.09.23, 26.09.23 and 27.09.23) and Gerald Eve (27.09.23).

Late representations were received from SEBRA (29.09.23 and 02.10.23), three local residents (29.09.23 and 02.10.23) and Gerald Eve (02.10.23). A memo from the planning officer was circulated setting out the details of the site visit undertaken on 28 September 2023.

Nick Brindley addressed the Sub-Committee in support of the application.

Amy Rogers addressed the Sub-Committee in objection to the application.

David Hugh-Jones addressed the Sub-Committee in objection to the application.

The Committee Clerk read out the deputation from John Walton, representing the South East Bayswater Residents Association, in objection to the application.

The Sub-Committee was shown four videos of vehicles accessing the site, three from local residents and one from the applicant.

RESOLVED ON THE CHAIR'S CASTING VOTE (Councillors Butler-Thalassis and Hyams – Grant; Councillors Chowdhury and Lilley - Refuse:

That the details be approved subject to the following two additional informatives:

- i) The applicant to be reminded of the need to adhere to traffic regulations including height restrictions to the north and south Mews Arches to Chilworth Mews.
- ii) The applicant to be reminded of their commitment within the SMP that servicing vehicles are fitted with white noise bleepers as much as possible.

2 62 CLIFTON HILL, LONDON, NW8 0JT

Erection of roof extensions, a side extension at lower-ground floor level, minor internal and external works, alterations to the boundary treatment and landscaping scheme.

Additional representations were received from Heritage Information (09.23) and four local residents (27.09.23 and 28.09.23).

A late representation was received from the applicant (02.10.23).

Vic Aswani addressed the Sub-Committee in support of the application.

Councillor Caroline Sargent, in her capacity as Ward Councillor, addressed the Sub-Committee in support of the application.

RESOLVED (Councillors Butler-Thalassis, Chowdhury and Lilley – Refuse; Councillor Hyams – Grant):

That permission and listed building consent be refused on the grounds of inappropriate design, harm to the listed building, harm to the setting of the neighbouring listed building at No.64 Clifton Hill, and harm to the surrounding St Johns Wood Conservation Area.

3 1-4 MARBLE ARCH, LONDON, W1H 7EJ

Use of lower ground, part ground and first floor as modern art museum use (Class F1) [Site includes 1-1A Great Cumberland Place]

Chris Dunlop addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 8.26 pm

CHAIR: _____

DATE: _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 5th December 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 20/04535/FULL West End	1-2 Barrett Street London W1U 1AX	Demolition of 1 Barrett Street behind retained façade and retained structural ground floor and demolition of 2 Barrett Street to structural frame and floorplates. Erection of replacement building over basement, ground and five upper floors at 1 Barrett Street and erection of replacement facades and new fifth floor to 2 Barrett Street with roof level plant/plant screen, photovoltaic panels and green roof. Use of part basement and part ground floor level as restaurant (Class E). Flexible use of the first floor as a restaurant (Class E) or office (Class E). Use of part basement, part ground and second to fifth floor as offices (Class B1 E).	SCP Estate Ltd
<p>Recommendation</p> <p>Application 1: Grant conditional permission subject to a s106 legal agreement to secure</p> <ul style="list-style-type: none"> i) replacement residential floorspace at 21-22 Barret Street and 24 James Street ii) s106 monitoring costs <p>Application 2: Grant conditional permission subject to a s106 legal agreement to secure</p> <ul style="list-style-type: none"> i) replacement office floorspace at 1-2 Barrett Street ii) highways works iii) s106 monitoring costs <p>3. (Schemes 1 and 2) If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Place Shaping and Planning shall consider whether the 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 the benefits that would have been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 20/04447/FULL West End	21-22 Barrett Street & 24 James Street Marylebone London W1U 1EL	Demolition and redevelopment of 21 Barrett Street to provide a drinking establishment with expanded food offer on the basement and ground floors, in association with the basement and ground floors of 22 Barrett Street and 24 James Street, (Sui generis) ; use of the first to fourth floors at 21 Barrett Street and 24 James Street as six flats (4 x 1 bed flats and 2 x 2 bed); alterations to 22 Barrett Street including installation of opening shopfront; replacement of all windows on James Street facade; installation of new plant to the rear and alterations to the second means of escape. (Application linked via land use swap with	SCP Estate Ltd

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 5th December 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			1-2 Barrett Street)	
<p>Recommendation</p> <p>1 Grant condition permission subject to a S106 legal agreement to secure:</p> <p>i) the relocation of the office floorspace to Site 1 (1-2 Barrett Street)</p> <p>iii) highway works</p> <p>iii) S106 monitoring costs</p> <p>2 If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Town Planning and Building Control shall consider whether the 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 the benefits that would have been secured; if so the Director of Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN(s):</p> <p>Application 1: 23/02207/FULL</p> <p>Application 2: 23/02248/TCH</p> <p>St James's</p>	11 Strand London WC2N 5HR	<p>Application 1: Use of upper ground and lower ground floor as a public house and restaurant (Sui Generis) including associated external alterations and the provision of mechanical plant equipment on platform with associated enclosure within side courtyard and one air conditioning unit at rear lower ground level.</p> <p>Application 2: Use of two areas of the public highway measuring 5.63m x 1.2m and 46.8m x 97.8m for the placing of 7 tables, 14 chairs and 3 planters in connection with the ground floor use.</p>	Allvest Company Limited
<p>Recommendation</p> <p>Application 1 : Grant conditional permission.</p> <p>Application 2 : Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Applicant
4.	<p>RN(s):</p> <p>22/08247/FULL</p> <p>Hyde Park</p>	144 Praed Street London W2 1HU	Replacement of mansard roof with sheer brickwork extension, new mansard roof extension & roof top plant enclosure to provide additional Hotel Accommodation (Class C1). Alterations to façade fenestration and shopfronts to the building, installation of green wall to side (north east), and	LTH (Praed Street) Ltd

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 5th December 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			associated works.	
Recommendation Grant conditional permission, subject to a Grampian condition to secure mitigation for the demand for cycle parking.				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 23/05645/FULL Bayswater	68 Westbourne Park Villas London W2 5EB	Replacement of roof and erection of rear and side dormers, alterations to fenestration including replacement of windows, installation of plant machinery within enclosure at roof level and associated external alterations.	Mrs CARMEN MADALINA CHEVALIER- FIRESCU
Recommendation Refuse permission (on the grounds of inappropriate design and harm to the character and appearance of the surrounding Westbourne Conservation Area)				
Item No	References	Site Address	Proposal	Applicant
6.	RN(s) : 23/05600/FULL Abbey Road	Templar Court 43 St John's Wood Road London NW8 8QJ	Variation of condition 1 (and in turn condition 9) of planning permission dated 21st December 2021 (RN:21/03579/FULL) for the Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace. Namely, extend the front terraces on both sides of the consented extension to the front of the building.	WTB Development Co. Ltd
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
7.	RN(s) : 23/03813/COFUL 23/03814/COLBC Lancaster Gate	42 Queen's Gardens Bayswater London W2 3AA	Internal and external refurbishment of the property including Installation of five air source heat pumps to be fixed to the walls of the internal courtyard. Installation of secondary glazing. New roof lights and external render repairs.	Westminster City Council
Recommendation Grant Conditional Permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (Council's Own Development) and Conditional Listed Building Consent.				

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Agenda Item 1

Item No.

1 & 2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	1) 1 + 2 Barrett Street W1 2) 21+22 Barrett Street and 24 James Street W1		
Proposal	<p>1) Demolition of 1 Barrett Street behind retained façade and retained structural ground floor and demolition of 2 Barrett Street to structural frame and floorplates. Erection of replacement building over basement, ground and five upper floors at 1 Barrett Street and erection of replacement facades and new fifth floor to 2 Barrett Street with roof level plant/plant screen, photovoltaic panels and green roof. Use of part basement and part ground floor level as restaurant (Class E). Flexible use of the first floor as a restaurant (Class E) or office (Class E). Use of part basement, part ground and second to fifth floor as offices (Class B1 E).</p> <p>2) Redevelopment of 21 Barrett Street to provide a drinking establishment with expanded food offer on the basement and ground floors, in association with the basement and ground floors of 22 Barrett Street and 24 James Street (Sui generis); use of the first to fourth floors at 21 Barrett Street and 24 James Street as six flats (4 x 1 bed and 2 x 2 bed) (Class C3); alterations to 22 Barrett Street including installation of opening shopfront; replacement of all windows on James Street facade; installation of new plant to the rear and alterations to the secondary means of escape.</p>		
Agent	Rolfe Judd Planning		
On behalf of	SCP Estate Ltd		
Registered Number	20/04535/FULL(1) 20/04447/FULL (2)	Date amended/ completed	26 April 2023 (1)
Date Application Received	17 July 2020 (1) 15 July 2020 (2)		27 April 2023 (2)
Historic Building Grade	Unlisted		
Conservation Area	Stratford Place		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Application 1: Grant conditional permission subject to a s106 legal agreement to secure i) replacement residential floorspace at 21-22 Barret Street and 24 James Street

ii) s106 monitoring costs

Application 2: Grant conditional permission subject to a s106 legal agreement to secure

- i) replacement office floorspace at 1-2 Barrett Street
- ii) highways works
- iii) s106 monitoring costs

3. (Schemes 1 and 2) If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

- a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Planning shall consider whether the 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 the benefits that would have been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

This report relates to two sites on the opposite sides of St Christopher's Place Piazza. Site 1, nos 1-2 Barrett Street are currently in commercial use on the lower floors, including a restaurant on the lower floors of 2 Barrett Street, with a mixture of residential flats and flatlets (total 9 units) on the upper floors of the buildings. Permission is sought for a scheme of partial redevelopment and part retention including a roof extension to create a single building for restaurant and office use.

The second site 21-22 Barrett Street and 24 James Street comprises a traditional corner public house, (at 24 James Street) an adjacent basement and ground floor restaurant and offices on the upper floors of 21 Barrett Street, (the site excludes the first to third floors of 22 Barrett Street). Permission is sought for the demolition and redevelopment of No 21 Barrett Street including the erection of an additional storey. The basement and ground floors would be amalgamated to create a drinking establishment with expanded food provision, retaining the bar use in the former public house and the traditional shopfront.

The schemes propose a land use swap with residential at site 1 being provided on the upper floors of site 2, in the form of 6 flats and office use at site 1.

The key considerations in this case are:

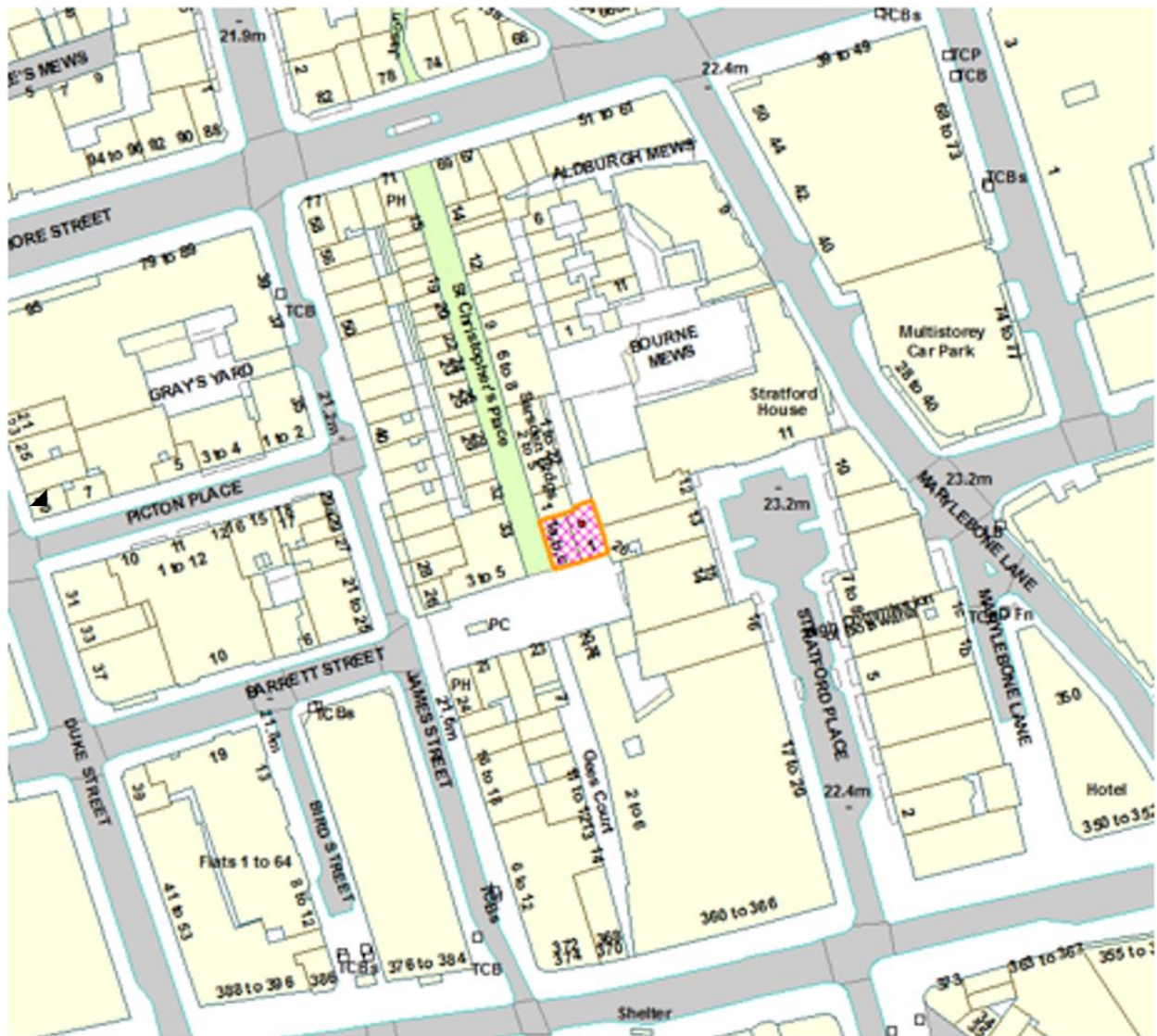
- The acceptability of the proposals in land use terms, particularly the 'loss' of the public house and the reduction on the number of residential units.
- The impact of the proposals on the appearance of the buildings, the character and appearance of the Stratford Place conservation area and the setting of other nearby listed buildings
- The acceptability in sustainability terms with regards to the energy performance of the buildings;

No objections have been received to either application in response to consultations. As set

out in the main body of the report the applications primarily comply with City Plan policies. It is considered that the schemes would result in townscape improvements. Subject to appropriate controls and arrangements to secure the residential and office land use swap between the sites the applications are considered acceptable and are accordingly recommended for approval.

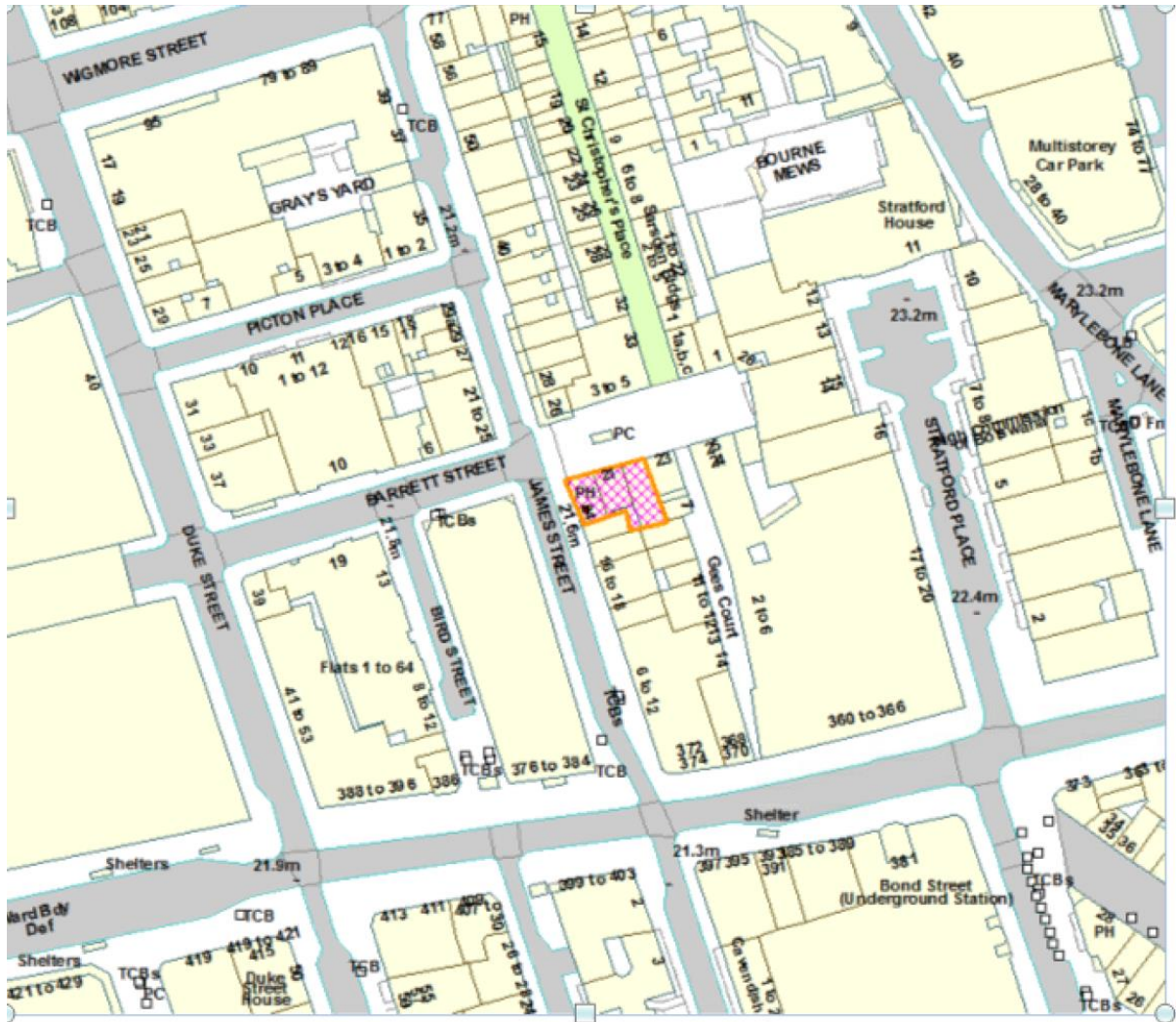
3. LOCATION PLAN

Scheme 1



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Scheme 2



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4. PHOTOGRAPHS



1-2 Barrett Street



24 James Street and 21-22 Barrett Street

5. CONSULTATIONS

5.1 Application Consultations

1-2 BARRETT STREET (Scheme 1)

Historic England (Archaeology)
No objection subject to conditions

London Underground
No objection subject to conditions

Marylebone Association
Support the application commenting that the proposal will enhance the Conservation Area.

Waste Project Officer
Revised waste storage arrangements acceptable

Highways Planning Team - City Highways
No objection subject to additional cycle parking

Environmental Services
No objection subject to conditions

Building Control - Development Planning
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 78
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

21 and 22 BARRETT STREET & 24 JAMES STREET (Scheme 2)

Thames Water
No objection

Marylebone Association
No objection

Historic England (Archaeology)
No objection subject to safeguarding conditions

London Underground
No objection subject to conditions

Waste Project Officer
No objection to revised details.

Highways Planning Team - City Highways
No objection subject to cycle parking provision

Environmental Services
No objection subject to conditions

Building Control - Development Planning
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
RECEIVED

No. Consulted: 78
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

5.2 Applicant's Pre-Application Community Engagement

These applications were submitted in July 2020, prior to the adoption of the Council's Early Community Engagement guidance.

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 sites are 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 Sites

This report relates to two separate development sites:

Site 1: 1-2 Barret Street, hereafter known as ‘the Barrett Street site’) and

Site 2: 24 James Street and 21 and 22 Barret Street, hereafter called ‘ the James Street site’.

None of the buildings are listed but both sites are located within the Stratford Place conservation area.

The sites are also located within the Central Activities Zone and the West End Retail and Leisure Special Policy Area. The James Street site is also within the West End International Centre. Additionally, both sites are within a Surface Water Flood Risk Hotspot, the safeguarding zone for London Underground tunnels and the Oxford Street/Bayswater Roman Road Special Archaeological Priority Area.

The area is characterised by a mix of uses, with retail and numerous restaurant/café premises on the lower floors and offices and some residential uses on the upper floors.

There are listed buildings to east of 1-2 Barrett Street, including 11 Stratford Place, The Oriental Club (Grade I) and 12 and 13 Stratford Place (Grade II); to the west at 23-31 St Christopher’s Place (Grade II) and to the east of 24 James Street/21-22 Barrett Street at 16 Stratford Place (Grade II).

The closest residential to 1-2 Barrett Street are in Sarsden Building, 1-5 St Christopher’s Place (15) and at 13 Stratford Place (1). The closest flats to the second site are on the upper floors of 22 Barrett Street (4); 20 James Street (2) and 22 James Steet (4).

Site 1 1 and 2 Barrett Street

These are two adjoining buildings located in the north-east corner of the St Christopher’s Place pedestrianised piazza. There are residential premises adjoining the site including flats at Sarsden Buildings 2-5 St Christopher’s Place (including the upper floors of the shop at 1 St. Christopher’s Place), to the north and on the upper floors of 13 Stratford Place, to the east No 12 Stratford Place is occupied by the Kabbalah Centre.

No.1 Barrett Street is a period building, on basement, ground and three upper floors, with a rendered facade and patterned casement windows. The Stratford Place conservation area audit describes the building as having a neutral impact within the conservation area. The previous lawful use of the three lower floors was as an electrical

wholesaler, which operated under a personal planning permission. This permission enabled the premises to be occupied as a shop (including a restaurant) upon cessation of the approved use. The building is currently occupied as coffee shop on the basement and ground floors. This 'pop up' use commenced in 2016 pending the redevelopment of the site. There is some history of office use on the first floor. The two upper floors, which are in dilapidated condition, are laid out as two flats, with separate access. The three upper floors were vacant at the time of the most recent site visit

No.2 Barrett Street (also known as 1a-1c St Christopher's Place) is a 1960s brick development, with a lead covered mansard storey. The conservation area audit concludes that the building has a negative impact on the appearance of the conservation area. The basement and ground floors are in lawful restaurant use with an openable windows above a fixed base. There is separate access to the four upper floors from St Christopher's Place. This, vacant, accommodation is laid out as seven self-contained flatlets, comprising bedrooms and en suite bathrooms. This accommodation appears to have been used for short-term letting.

Site 2 21-22 Barrett Street & 24 James Street.

These buildings are on the opposite, south- west, corner of St Christopher's Place piazza. The conservation areas audit identifies them as unlisted buildings of merit.

21-22 Barrett Street

There is a single restaurant spanning the basement and ground floors of both buildings. The first to third floors at 21 Barrett Street, which includes a mansard storey, are in office use. The first to fourth floors of no. 22, which do not form part of the application site, are occupied as flats.

24 James Street

This property 'The Lamb and Flag' is in use as a traditional public house with a ground floor bar and basement cellar. The first floor provides a function room/ additional seating area. The principal access to the public house is on Barrett Street. There is a further entrance on James Street which provides secondary access to the ground floor bar and access to the upper floors. There is a large kitchen and a small office on the second floor, with a staff WC on the second floor landing. The 3rd and 4th floors provide additional ancillary accommodation, including a manager's flat.

7.2 Recent Relevant History

Site 1: 1 and 2 Barrett Street

1 Barrett Street

None directly relevant

2 Barrett Street

January 1967: Permission was granted for the erection of a new building comprising a basement restaurant, ground floor shop and eight serviced flatlets on first to fourth floors.

21 May 1969: The City Council determined that the use of the first and second floors

as serviced flatlets for businessmen did not require further planning permission.

19 July 1971: Permission refused for the use of Flat 2 (first floor) as a massage treatment room on the grounds that this would result in a loss of residential accommodation. An Enforcement Notice requiring the cessation of the unauthorised use was served in October 1972.

24 March 1994: Permission granted for the use of the ground floor retail unit as an extension to the existing basement restaurant and for the relocation of the entrance to the residential accommodation on the upper floors. This permission was implemented.

1 and 2 Barrett Street

29 November 2016: Permission granted for the demolition of 1 and 2 Barrett Street and the redevelopment to provide a restaurant (Class A3) use on basement and ground floors, dual/alternative use of the first floor for either restaurant (Class A3) and/or residential (Class C3) use (to provide one residential unit); the use of the second, third and fourth floors as three residential units (Class C3), and the creation of a roof terrace, ancillary residential cycle parking and waste stores within the basement and installation of photovoltaic panels and plant on the roof.(16/01203/FULL). This permission was not implemented and has expired.

25 July 2019: Permission granted for the renewal of the 2016 permission. This permission was not implemented and has expired.

Site 2: 21-22 Barrett Street & 24 James Street.

21 Barrett Street

15 September 2015 Permission granted for the use of for the dual/alternative use of the first to third floor offices as either Class B1 offices or as 3 x studio flats (15/06626/FULL). This permission was renewed on 28 August 2018 (18/05764/FULL).

22 Barrett Street

None directly relevant.

21-22 Barrett Street

6 June 2018: Permission granted for the replacement of opening shopfronts to 21-22 Barrett Street; for the installation of replacement pavement lights, for the provision of a new walk on rooflight to the rear of no. 21 and internal alterations including lowering of the floor level within the front basement vault and minor basement level excavation to the rear and for the replacement of rear windows to no. 22 (18/01811/FULL).

There is a long history of permissions for the use of the highway outside both buildings for the siting of tables and chairs.

24 James Street

The planning history is largely concerned with the provision of external seating.

18 April 2001 and 11 December 2013: Permission refused for the replacement of ground floor windows with folding doors and openable windows (00/08906/FULL) and (13/09600/FULL).

8. THE PROPOSALS

Application 1 (Barrett Street site)

Permission is sought for the demolition of 1 Barrett Street behind the retained front and flank façades and retained structural ground floor and for the demolition of 2 Barrett Street to the structural frame and floorplates. A replacement building, over basement, ground and five upper floors would be erected at 1 Barrett Street with replacement facades and new fifth floor to 2 Barrett Street, with roof level plant/plant screen, photovoltaic panels and green roof. The proposed use of the building is as a restaurant on part basement and part ground floor level; as either a restaurant extension or as offices on the first floor, and as offices on part basement, part ground and second to fifth floors, with separate access from St Christopher's Place. A new lift would be installed to provide improved access.

The floors levels are currently different within each of the application buildings. Consequently, the proposal seeks to unify the floor levels whilst retaining different architectural treatments to the facades. Unlike the approved 2016/2019 developments, for total demolition, of both buildings, it is now proposed to partially retain parts of the facades and to remove the majority of building fabric, although the structural frames will be largely retained. The development includes an additional storey when compared with the approved development, which is achieved by adopting lower floor to ceiling heights. The applicants have confirmed that the development does not extend into the pavement vaults and that the vertical dimension between the head of the vault and the pavement above will remain as existing but that the floor level within the vaults will be lowered to align with the basement floor level on the remainder of the site.

Although the height of the new fifth floor does not exceed the building height in the approved scheme, the roof plant; plant screen and lift overrun will project above roof height. Photovoltaic panels are also proposed above a green roof. The kitchen extract to the restaurant would rise through the building and discharge at roof level.

Refuse/recycling and cycle storage and shower facilities for the offices would be provided within the basement, which would be lowered by approximately 200mm. The restaurant would have an openable shopfront, as existing.

This application has been amended to provide revised details of refuse and recycling storage and to include additional visual screening to the roof level plant. The daylight/sunlight report has also been updated to include neighbouring flats (Sarsden Buildings) and to take account of the additional plant screening, which encloses, centrally located 2.4m high units.

Application 2 (James Street site)

Permission is sought for the demolition and redevelopment of No. 21 Barrett Street to provide a new building of basement ground and four upper floors (1 additional floor). The basement and ground floors would form a single drinking establishment with expanded food provision (Sui generis use) with the basement and ground floors of the adjacent buildings No's 22 Barrett Street and 24 James Street. The first to fourth floors of the new building and the upper floors of 24 James Street would provide six flats. The unit mix is 2 x 1b/1p flats; 2 x 1b/2p flat, 1 x 2b/3p flat and 1 x 2 b/4p flat.

The scheme involves changes to the floor levels including the lowering of the basement to 24 James Street by 800mm to correspond with adjacent levels. The ground floor to all properties would be modified to provide level access both from the street and across the site. Redundant stairs between basement and ground floors will be removed to create an enlarged open plan kitchen and dining area. A new central staircase will be created between 21 Barrett Street and 24 James Street and openings formed in the party walls to retain the sense of the separate buildings.

External alterations are proposed to 22 Barrett Street including the installation of a replacement opening shopfront (also within the new building at 21 Barrett Street) reflecting those in the existing restaurant.

New plant, serving the drinking establishment and flats, is proposed in a rear lightwell, including air source heat pumps. An existing full height kitchen extract duct will be retained.

The retained ground floor windows at 24 James Street would remain fixed. Other works include the replacement of all upper windows on the James Street façade with double glazed sliding sash windows and a new dormer window at fourth floor level.

To accommodate the development, the existing external means of escape linking the site to offices at 7 Gees Court. would be modified/extended.

The replacement building at 21 Barrett Street, which will be finished in contrasting brick to maintain a separation from the adjacent buildings, provides increased floor to ceiling heights. The new flats will include Juliet balconies and the fourth floor flat will also benefit from a small terrace, screened by the front and rear façades. Existing pavement lights outside 22 Barrett Street would be replaced and that a new pavement light would be provide outside 21 Barrett Street to improve light to the basement dining area.

The scheme also includes proposals to create a living roof on the existing roof of 22 Barrett Street.

9. DETAILED CONSIDERATIONS

9.1 Land use

Table: Existing and proposed land uses

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
1-2 Barrett Street			
Retail	119	0	-119
* 1st floor 1 Barrett Street	62	0	-62
Restaurant	143	216	+73
Office	0	597	+597
Flexible office/ restaurant	0	103	+103

Residential	341	0	-341
Total	665	916	+ 251
	Existing GIA sqm	Proposed GIA sqm	+/- sqm
Barrett St/James Street			
Public house /drinking establishment	342.7	411.1	+68.4
Restaurant	257.7	0	-257.7
Office	144	0	-144
Residential	0	388.85	+388.85
Total	744.4	799.95	+ 55.55
	Existing GIA sqm	Proposed GIA sqm	+/- sqm
Combined sites			
Public house /drinking establishment	342.7	411.1	+ 68.4
Retail	119	0	-119
Restaurant	400.7	216	-184.7
Office	144	597	+ 453
Flexible office/restaurant	0	103	+103
Residential	341	388.85	+47.85
* First floor 1 Barrett Street	62	0	-62
Total	1409.4	1715.95	306.55

* Currently vacant following cessation of previous wholesale showroom use. Can be lawfully used for retail or restaurant purposes under the terms of the 1959 permission.

The land use floorspace schedule is based upon the separate use class designation

detailed in the original applications which were correct prior to the amendments to the 1987 Use Classes Order which took effect on 1 September 2020. The retail, restaurant and office uses now fall within the general Business use class (Class E) of the Use Classes Order. The residential use remains in Class C3 and the existing public house and proposed drinking establishment are now separate Sui Generis uses.

Land Use Packages

These linked developments include the relocation of office and residential uses between the two sites together with proposals for reconfigured food and drink and entertainment uses. The City Plan (Implementation and Monitoring) recognises that various land uses are protected within the Plan but that floorspace can be better protected where it can be transferred to another site, including as part of dual /multi- site development. In these cases, a system of land use swaps/packages may be appropriate to enable better development outcomes where the sites are in the vicinity of each other; there is no net loss of floorspace which is protected by other policies in the Plan across the sites taken as a whole; the uses are appropriate within each area and any residential accommodation is of a higher quality than could have been achieved without the land use swap or package. The applications for all sites must be submitted at the same time. If agreed, the subject sites will be treated as though the development is on a single site and all elements of the scheme are to be delivered within a timeframe agreed by the City Council.

Land Use Overview

The sites lie within the Central Activities Zone (CAZ) and the West End Retail and Leisure Special Policy Area. The James Street site also lies within the West End International Centre.

City Plan policy 1 sets out the Council's objectives to ensure Westminster's growth by balancing the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre and home to residential neighbourhoods and through the evolution of town centres and high streets, including centres of international importance in the West End and Knightsbridge, as multifunctional commercial areas to shop, work and socialise.

Policy 2 expects that the intensification of the West End Retail and Leisure Special Policy Area (WERLSPA) will deliver an improved retail and leisure experience, a diverse evening and night-time economy and an enhanced cultural offer, through a range of commercial-led development. whilst, at the same time, minimising negative impacts on residential neighbourhoods

Policy 14 (Town centres, high streets and the CAZ) supports the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses. Uses that provide active frontages and serve visiting members of the public will be required at ground floor throughout the town centre hierarchy, which includes the International Centres, and the WERLSPA, and also at first floor level within those centres characterised by large format, multi-level stores.

All development within the town centre hierarchy is required to be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed. The International Centre of the West End is so designated to provide a focus for large format comparison retail supported by complementary town centre uses, that increase customer dwell time, and new office floorspace.

The supporting text to policy 14 (paragraph 14.26) states ' some *other uses falling outside of Class E, such as community halls or a pub or drinking establishment, may also provide enhanced amenities for the local community, and changes to these uses will therefore also be supported subject to appropriate mitigation of any negative amenity impacts (e.g. noise disturbance from a pub or drinking establishment)*'

Commercial Uses

Office floorspace

The scheme would result in the loss of 144 sqm of existing office floorspace on the James Street site (upper floors of 21 Barrett Street) and the provision of either 597 or 700 sqm of office floorspace (a total increase of 453 or 556 sqm) on the Barrett Street site, depending on the use of the first floor.

Policy 13 of the City Plan Supporting economic growth), encourages the provision of new and improved office floorspace and other commercial floorspace, in principle, "in those parts of the CAZ with a commercial or mixed use character, including the West End Retail and Special Policy Area....".

Policy 13D states that the net loss of office floorspace in the CAZ to residential use will only be permitted "in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use". The City Plan does not identify 'primarily residential' areas or confirm how such areas should be identified. However, the glossary does identify 'predominantly commercial neighbourhoods' as "Areas of the Central Activities Zone where the majority of ground floor uses comprise of a range of commercial activity".

The application sites are in a largely commercial location, as recognised by their inclusion within the WERLSPA. In these circumstances, the conversion of the James Street offices to residential use would only be acceptable subject to the re-provision of this floorspace on the Barrett Street site, as proposed. It is recommended that this is secured as part of a s106 legal agreement.

Entertainment uses

The eastern end of Barrett Street forms a piazza characterised by ground floor restaurant/cafe uses with external seating, with a limited number of retail shops. Retail uses are concentrated in St. Christopher's Place, to the north, and the southern part of James Street, leading to Oxford Street.

Policy 16 (Food and Drink) requires proposals for food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of these uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Policy 16B seeks to protect existing public houses throughout Westminster, except where there is no reasonable prospects of their continued use, as evidenced by appropriate marketing information of at least 18 months. The replacement of ancillary spaces on the upper floors, such as function rooms or accommodation, may be acceptable where it can satisfactorily be demonstrated that the loss of this floorspace will not compromise the viability or function of the public house.

Under policy 16D, the provision of food deliveries from restaurant or cafes, including facilities for platform-based deliveries, will only be supported where it is demonstrated that the facilities do not result in a change of use including to a hot food takeaway or composite (sui generis use). The Plan (para. 16.8) acknowledges that the use of mobile technology-based platforms to order hot food, can often have negative impacts on the amenity of residents and businesses due to noise and other disturbance from delivery agents waiting outside food premises, or elsewhere, and confirms that the Council will seek to ensure that any negative impacts are minimised and managed through the imposition of operating conditions, as appropriate.

Policy 7 of the City Plan requires new proposals to be 'neighbourly' protecting, and where appropriate enhancing, local environmental quality. Additionally, Policy 33 requires that development proposals do not have an adverse impact upon the amenity and local environment of existing and future residents. Development should prevent the adverse effects of noise and vibration with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses by minimising noise from internal activities and from servicing and deliveries.

Proposed restaurant

Permission is sought for the use of the basement and ground floor of No's 1 and 2 Barrett Street as a restaurant with the potential use of the 1st floor also being used for restaurant purposes pursuant to the proposed dual /alternative use. The ground floor restaurant use would serve visiting members of the public in accordance with policy 14. The restaurant would measure either 216 m² or 319 sqm (depending on the use of the first floor) - an increase of either 73 m² or 176 m² when compared to the existing restaurant (143 m²).

Restaurant kitchen and WC facilities would be provided in the basement. The applicants estimate that the restaurant would provide 56 covers at ground floor level with an additional 58 covers in the event that the floor is used for restaurant purposes. They also estimate that an additional 50 covers could be provided outside the premises. The existing restaurant has a long history of permissions for external tables and chairs. This would require separate planning permission.

The existing Barrett Street restaurant is not subject to planning controls. The proposed restaurant opening times are between 07.00 and 23.00 hours daily. It is recommended that the opening hours and number of restaurant capacity are secured by condition. Additional operating conditions are also proposed to restrict the hours of restaurant plant operation and to require the submission of a detailed Operational Management Plan setting out measures to mitigate the impact of the use, including measures to prevent queuing outside premises, to control smokers/keep the highway litter free and controls on servicing hours and measures to ameliorate potential disturbance from restaurant servicing.

Subject to these conditions, given the site's location and the fact that the site has a long history of unrestricted restaurant use, it is considered that this slightly larger restaurant would not have a material impact on the amenity of neighbouring occupiers or on local environmental quality.

Given the flexibility provided under Class E, and the potential impact of those uses in highways and amenity terms, a condition is recommended to restrict the uses to those proposed within the application in the areas designated for those uses.

Loss of Public House

At site 2 the application proposes to change the use of the Lamb and Flag Public House to a drinking establishment with expanded food provision.

The policy background is that the NPPF and the London Plan recognise the importance of public houses as a community asset and the City Plan acknowledges the vital role of entertainment uses, including public houses in providing facilities for residents, workers and visitors alike. City Plan Policy 16B protects existing public houses unless marketing information (18 months) demonstrates that there is no realistic prospect of the premises being used as a public house.

The Use Classes Order 1 September 2020 classifies both Public Houses and drinking establishment with expanded food provision as being separate individual uses that do not fall within any of the specified classes, they are both termed as Sui Generis Uses. Whilst permission would normally be required to change from one unclassified (Sui Generis) use to another, this is not the position with regards to these uses. In December 2021 a change to the General Permitted Development Order (under Schedule 2, Part 3 Class AA) allowed a Public House to change to drinking establishments with expanded food provision under permitted development rights. Therefore, in this instance the conversion of the Public House to a drinking establishment only requires consent because it is part of a scheme which involves physical works (including the redevelopment of No 21 Barrett Street).

Although under a strict interpretation of City Plan policy 16B the application is contrary to this policy there are extenuating circumstances why in this instance the loss of the Public House is considered acceptable which are:

- i) the legislative position as discussed (that the change is permitted development as defined within the Use Classes Order);
- ii) the existing Public House is not listed as an asset of community value;
- iii) no objections have been received to the application and finally
- iv) a pub and a drinking establishment with expanded food offering provide are very similar in character and provide the same function.

In the circumstances this aspect of the application is considered to be acceptable in land use terms.

Proposed drinking establishment with expanded food provision

The public house, at 24 James Street is an historic use and is not subject to planning controls. The proposals would amalgamate the lower floors of the existing public house, which currently offers an extensive dining menu, with the restaurant use on the neighbouring site. The proposed drinking establishment with expanded food offer would maintain the traditional public house layout in 24 James Street. New party wall openings would provide access to the ground floor dining area. The provisional layouts show additional customer seating in the basement, with scope to provide an additional bar in the basement should that be required by future tenants.

The existing ground floor bar would be retained, and is sufficiently large to serve the extended unit, that the proposed unit will operate in the same way as many public houses which include a large amount of additional sitting/standing space. The customer capacity would be 220. The premises would operate between 0700 and 23.30 on Monday to Thursday; from 0700 until 24.00 (midnight) on Friday and Saturday and from 0700 until 2300 hours on Sundays. The premises plant would operate at those same hours. No 24-hours

refrigeration plant is proposed as part of this application. Overall, there will be an increase in (drinking/dining) floorspace of 68.4 m².

To prevent the future use of the premises as a 'mega pub' characterised by vertical drinking, a condition is recommended requiring the submission of layout plans for the premises showing the seating/dining areas, which would characterise a drinking establishment with an expanded dining offer, and the retention of the traditional bar area on the ground floor of 24 James Street.

The Council's Environmental Sciences Officer has assessed supplementary acoustic information and has raised no objection to the scheme subject to a condition to control noise from within the development to flats on the upper floors, and to neighbouring properties, and the submission of a supplementary noise report to demonstrate that these levels can be achieved.

The existing restaurant has opening shopfronts directly beneath the existing flats at on the upper floors of 22 Barret Street, and the upper floors of 21 Barrett Street, which could be occupied as three flats under the terms of the existing dual use office/residential permission. There is also a long history of permissions for tables and chairs outside of the restaurant. Although the proposed opening shopfronts at 21-22 Barrett Street would replicate this relationship, with the addition of new flats on the upper floors of 24 James Street, and with the extension of the public house, where the proposed use would be more directly concerned with the consumption of alcohol, there is the potential for increased noise disturbance, when compared with the existing restaurant. In these circumstances, it is considered reasonable to require the new opening shopfronts to be closed at 22.00 hours.

The applicants initial view was that it is the responsibility of future tenants to ensure that noise generated from the basement/ground floor use is suitably controlled and that suitable noise levels e.g. the installation of a suspended ceiling, as necessary and provided a draft obligation for inclusion in a tenants' handbook which stipulates maximum noise levels. The report assumes that the public house will not provide amplified or live music.

However, at the request of the Environmental Services Officer, an updated acoustic report has been provided which details a maximum permission noise level for the commercial use. Based on this updated report, the ESO has recommended the imposition of conditions relating to noise outbreak from the lower floors to other uses within the development and to neighbouring properties. A further condition requires the submission of details of sound insulation measures and Noise Assessment Reports to demonstrate that the development will comply with noise conditions relating to noise levels within the flats (in relation to noise from external sources and noise from within the development), and noise to neighbouring properties, which would include existing flats on the upper floors of 22 Barrett Street. On the basis that the applicants may wish to play amplified music, they have confirmed their agreement to this condition in preference to a condition to prevent the playing of amplified music.

Subject to these conditions and further conditions requiring the submission of an Operational Management Plan detailing measures to prevent nuisance to neighbouring occupiers, including the management of servicing and deliveries, (including delivery hours) and the collection of waste and bottles; the management of any delivery/takeaway service; the management of outside spaces including smokers and drinkers and measures to keep the outside area clean, the proposals are considered acceptable in principle in land use and amenity terms.

The proposals would largely replace the existing basement and ground floor entertainment

uses it would not affect the concentration of entertainment uses in the area or the character and function of this part of the city. Given the existing entertainment uses on the development sites, subject to appropriate conditions the proposed entertainment uses are considered to be acceptable in terms of their scale and impact on the vitality and character of the local area and the amenity of neighbouring occupiers.

Residential Use

The accommodation at 1-2 Barrett Street provides a total of 341 sqm of residential floorspace in the form of 7 flatlets, which were originally conceived as 'serviced flatlets' but appear to have a history of use as short-term lets, ('The Ivanhoe Suite') and 2 x 1 bed flats. The flatlets, although currently unfurnished, comprise only a bedroom, with fitted wardrobes, and a bathroom. There is no evidence of any cooking facilities, communal accommodation or reception area. The flatlets and flats are in a state of disrepair and there is no evidence of recent occupation. All of this accommodation appears to fall within Class C3.

The first to third floors at 21 Barrett Street (144 sqm) are occupied as offices.

Residential floorspace, number of units

City Plan policy 8A sets out the Council's objective to deliver more homes including by optimising site densities and delivering a higher number of homes on small sites. No new homes will be permitted to exceed 200 m² (GIA) except where necessary to protect a heritage asset.

Policy 8C protects all existing residential units, uses, floorspace and land, except where the reconfiguration or redevelopment of supported or affordable housing would be better met or where non-family sized housing is being reconfigured to create family-sized housing.

The scheme will relocate residential floorspace from the Barrett Street site (341 m²) to the James Street site (providing 388.5 m²) provide an additional 47.85 sqm of residential floorspace. The accommodation would provide 4 x 1 bed and 2 x 2 bed flats, accessed from the separate James Street entrance.

The existing flats and flatlets have not made any contribution to the borough's housing stock in recent years. The new units provide a superior form of, permanent, residential accommodation and although there would be an overall reduction of three units, without creating any new family sized units, it is considered that the reduction in the number of units is acceptable given the overall improvement in the housing offer. The relocation of the existing residential floorspace to the James Street site would be secured by a s106 legal agreement.

Standard of accommodation and residential mix

City Plan policy 10A requires residential development to provide a mix of units in terms of size, type and tenure, to secure mixed and inclusive communities and to contribute to towards meeting Westminster's housing needs for different groups. Policy 10B normally requires 25% of all new homes to be family sized. Where two bedroom units are provided, the majority should be large enough to accommodate two double bedrooms. However, the supporting text confirms that, while individual proposals should look to achieve the strategic target for the provision of 25% family housing, there may be circumstances where it is not appropriate or practical to provide larger units due to a site's small size or other practical issues. In these circumstances, proposals will be assessed on an individual basis.

Under Policy 12, all new homes should be well designed and energy efficient and provide a high-quality living environment, both internally and externally. All self-contained units will be required to meet or exceed the Nationally Described Space Standards set out in the London Plan. Policy 12D requires all new build homes to provide at least 5 sqm of external amenity space for each one-two person dwelling, where practical. Where this cannot be achieved, the provision of communal amenity space or increased unit sizes should be explored.

The scheme would provide:

- 2 x 1b/1p flats measuring 40.1. and 40.6 m2.
- 2 x 1b/2p flats measuring 48.5 and 48.6 m2
- 1 x 2b/3p duplex apartment measuring 95.9 m2 (with the second bedroom annotated to show a single bedroom or a study) and
- 1 x 2b/4p duplex apartment measuring 88.1 m2.

The London Plan sets put minimum space standard for new dwellings. A 1 bed/1 person unit with a shower room 39 m2 with a bathroom/37 m2 with a shower room. A 1 bed/2p unit should provide a minimum of 50 m2. For a dwelling on two floors, a 2 bed/3p unit 61 sqm should measure a minimum of 70 m2 and a 2bed/4p unit should measure a minimum of 79 m2.

Any 1p bedroom should achieve a minimum of 7.5 m2, with a minimum width of 2.15m. A 2p bedroom should provide a minimum of 11.5 sqm, with a minimum width of 2.75m. For any additional 2p bedrooms, a minimum room with of 2.55m is acceptable.

With the exception of the two 1b/2p flats, all units meet the minimum floorspace standards set down in the London Plan and these units, at 48.6 and 48.6 m2 are only marginally smaller than the target size. All bedrooms satisfy the minimum width standards. The double bedrooms within the first floor flat at 21 Barrett Street and the second floor flat at 24 James Street are slightly below the minimum floorspace standards for a two person room, at approximately 10 m2 and 10.5 m2 respectively. Unlike the existing flats on the Barrett Street site, all new units would be dual aspect and mechanically ventilated. One of the units will also benefit from outside amenity space, which is welcomed. Given the site constraints, there is no potential to increase the unit sizes, without reducing the number of replacement flats provided, or to create additional private amenity space or communal amenity space. The flats are considered to provide a good standard of accommodation in terms of room layout and access to natural light and, notwithstanding the breaches of minimum floorspace standards, it is not considered that this would justify a recommendation for refusal given the overall benefits of the scheme.

In this location, the provision of smaller units is characteristic of flats on the upper floors of commercial buildings. The development is considered to optimise the number of units in accordance with policy 8A and the absence of any family sized units is considered acceptable given the site constraints, this busy central location, and the absence of any external amenity space.

The Environmental Services Officer has raised no objection to the proposals subject to conditions controlling internal noise levels within the proposed flats, both from external noise sources and from within the development, which would include full acoustic design of the separating floor between the public house and the proposed flats, and subject to the submission of a supplementary acoustic report demonstrating that these levels can be achieved.

Given the amount of new residential floorspace and number of units proposed, the scheme

would not trigger the City Council's affordable housing policies set down in policy 9B of the City plan.

Land Use Conclusions

Given the changes to the Use Classes and the General permitted Development Order outlined above, the new and relocated office and restaurant floorspace could be converted to other Class E use uses without the need for planning permission. It is therefore considered appropriate to restrict the new office and restaurant to those use and in the areas shown on the submitted plans, because the range of alternative uses permitted under Class E, or a significant increase in the size of the restaurant or loss of a public use at ground floor level would have implications in land use, amenity and highways terms.

The current proposals involve the transfer of protected office and residential floorspace between the two sites which are in close proximity to each other (on opposite sides of the piazza). There is no loss of existing protected floorspace and the scheme will improve the quality of the residential accommodation provided. Subject to conditions relating to the operation of the entertainment uses, it is not considered that the proposals would result in any loss of local amenity or local environmental quality. The re-location of protected residential and office floorspace between the sites would be secured by way of a legal agreement. In these circumstances, the principle of the land use swap is considered acceptable and accords with City Plan requirements.

9.2 Environment & Sustainability

Sustainable Design and the Circular Economy

Summary of policy and guidance

NPPF Para. 152 states, *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; **encourage the reuse of existing resources, including the conversion of existing buildings**; and support renewable and low carbon energy and associated infrastructure”* [emphasis added].

London Plan Policy GG5 states, *“To conserve and enhance London’s global economic competitiveness and ensure that economic success is shared amongst all Londoners, those involved in planning and development must... [under Part H]: recognise and promote the benefits of a transition to a low carbon circular economy to strengthen London’s economic success”*. The supporting text states, *“Creating a low carbon circular economy, in which the greatest possible value is extracted from resources before they become waste, is not only socially and environmentally responsible, but will save money and limit the likelihood of environmental threats affecting London’s future”* (Para. 1.6.2).

City Plan Policy 38(A) states, *“New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods”*. City Plan Policy 38(D) (Design Principles) added, *“Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating **principles of sustainable design...**”* [emphasis added]. The supporting text for City Plan Policy 38 states, *“As new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition...”* (Para. 38.11).

Guidance on the meaning of 'sustainable design principles' is found within the 'Retrofitting and Sustainable Design' chapter of the Westminster's Environmental SPD (February 2022). The guidance states, "*The upgrade and reuse of existing buildings is a sustainable approach and can help by avoiding the higher carbon footprint associated with constructing new buildings*" (p. 104). Page 87 also states, "*Where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition. However, this needs to be carefully balanced against other sustainability objectives, the need to deliver new housing and economic growth, meaning demolition will still be appropriate in some circumstances. When balancing the merits and impacts of retention or demolition of the existing building, the council will consider environmental, economic and social sustainability issues in the round with reference to other City Plan policies*".

This guidance adds that, "*Putting the circular economy into action in Westminster's built environment means in the first instance exploring retention and refurbishment of buildings rather than demolition and re-build. If this is not possible, then incorporating reused materials into a new development*" (p.96).

Site 1 (1-2 Barrett Street)

Principle of demolition

Site 1 At No 1 Barrett Street the application involves demolition behind retained front and flank facades. The shopfront and all windows would be replaced. No. 2 Barrett Street would be demolished to the structural frame and floorplates. The scheme would create a single building. The current application retains more structure than the previous scheme approved in 2019 which permitted complete demolition and redevelopment. 2 Barrett Street is currently classified by the Stratford Place Conservation Area guide as a 'Negative Building' which harms the appearance of the conservation area. As such, it is considered that the removal of its facades and replacement with a high quality thermally efficient alternative represents a significant improvement compared to the existing.

At site 2 (James Street) The scheme involves the refurbishment of 24 James Street and the lower floors of 22 Barrett Street and the demolition and reconstruction of 21 Barrett Street to provide a new building with an additional, fourth floor. The primary reasons for the demolition of 21 Barrett Street is that its existing structure cannot take the load of an additional storey required for the residential. Also the thermal efficiency of the building is very poor and in much need of an upgrade and the floors of the building and the Lamb and Flag do not align which is vital to ensure a usable and efficient floorplate.

Across both sites the schemes seek to retain as much of the existing building fabric as is technically possible whilst providing two new mixed buildings. Whilst the applications are not major developments and do not require the submission of Whole Life Carbon & Circular Economy assessments, these reports have been submitted. The Applicant commits to incorporate Circular Economy principles and measures to reduce demolition waste, identifying waste streams (based on pre-demolition reports) and potential revenues for upcycling materials. In addition, the applicant has provided further information during the course of the application in relation to BRUKL reports (demonstrating that the buildings are compliant with Part L of the Building regulations), and GLA carbon reporting information.

Based on the above information, and subject to conditions including 'Whole Life Carbon', the extent of demolition proposed at both sites is considered to comply with Westminster's City

Plan Policy 38.

Sustainable Design

There is no requirement to carry out an Energy Assessment for minor planning applications. Nonetheless, to demonstrate the applicant's commitment to enhancing sustainability in the face of climate change, an Energy and Sustainability Statement has also been provided with the application to demonstrate the sustainable design which is proposed. The key elements across both sites are summarised below:-

- A 'fabric first' approach to reduce the energy demand
- The installation of high-efficiency mechanical ventilation
- Provision of Air Source Heat Pumps with heat recovery.
- Installation of energy efficient controls and metering measures.
- Installation of PVs at roof level
- Installation of water-efficient fixtures and fittings.
- Reduction of regulated carbon emissions in the region of 59 % over Part L of the building regulations for the residential and 10% over and above the requirements of Part L for the commercial.

It is considered that the proposals have been designed with sustainability in mind and the energy efficiency of the buildings is much improved reducing on-site energy demand. As such the proposal is considered to meet with the aims and aspirations of Policy 38 (Design principles) and Policy 36 (Energy).

Air Quality

The James Street site is located within the Oxford Street (Marble Arch to Bloomsbury) Air Quality Focus Area. Policy 32 of the City Plan requires all residential developments within Air Quality Focus Areas to be supported by an air quality assessment.

The application includes an AQA for the residential development which models the impact of vehicle and building emissions (NO_x and particulate matter PM₁₀). The report has been reviewed by the Council's Environmental Sciences Officer who has raised no objection. The proposals is therefore considered acceptable under City Plan policy 32.

Flood Risk & Sustainable Drainage

City Plan policy 35 requires all development within a surface water flood risk hot spot to be accompanied by a Flood Risk Assessment. (FRA) Although both sites are located within the Marylebone and Mayfair Surface Water Flood Risk Hotspot, neither scheme involves significant new basement development which creates additional floorspace, other than digging out, and it not considered that a FRA would be required in these circumstances.

Policy 35J requires new development to incorporate Sustainable Drainage Systems to alleviate and manage surface flood water risk and requires schemes to demonstrate how all opportunities to minimise site run off have been taken. The supporting text clarifies that a SUDS Strategy is required in the case of major developments. Both schemes incorporate new green roofs which will help mitigate rainwater run off. These will be secured by condition. Given the nature and scale of the developments, this is considered acceptable in the context of policy 35.

Environment & Sustainability Summary

In conclusion the extent of demolition is considered to be justified. The fabric of the buildings has been designed to high standards so that a high level of energy efficiency is achieved and it has been designed to Be Lean, Be Clean and Be Green principles. To ensure a sustainable design, it has been established that the building will operate without the use of any fossil fuels. This is to also adhere to Policy 36 of the City Plan 2019 - 2040. The buildings will operate entirely of electric, with no allowances for fossil fuel use, either as primary or backup. The sustainability measures are welcomed and will meet regulations.

9.3 Biodiversity & Greening

City Plan policy 34 sets out policies to protect and enhance the City's green infrastructure. Wherever possible, developments should contribute to the greening of the borough by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the scheme design.

Neither site currently provides any planted areas. The drawings show a small area of green roof at 1-2 Barrett Street and on the existing main roof at 22 Barrett Street. These proposals, although modest, are the maximum that can reasonably be secured given the form of the buildings and would, in principle, increase the sites' contribution to the biodiversity of the area. However, the sedum roofs indicated would do little to encourage biodiversity and conditions are recommended requiring the submission of details of the planting, construction and management of the living roofs.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

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."*

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.

1-2 Barrett Street

The two existing buildings are not considered to make a positive contribution to the character and appearance of the Stratford Place Conservation Area. The conservation area audit states that No.1 makes a neutral contribution and No.2 a negative contribution. The façade of No. 2 is to be demolished and replaced, at No 1 the facade is to be retained. The demolition is acceptable in principle, subject to the quality of the replacement building, and

its contribution to the conservation area.

The proposals are based on the scheme for which planning permission has been granted. However, the proposed building has one storey more than the approved scheme. The proposed height and bulk are similar to the approved scheme, which is achieved by using lower floor-to-floor heights. There is also an area of roof level plant, but this is set back so that its visual impact is reduced. This is considered acceptable.

The façade of no.1 is retained and extended, rather than demolished as under the previous permission. The façade including the roof extension will be rendered and new windows will be installed, taking the form of recessed canted bays, similar to the existing, but without the horizontal glazing bars. It is considered that this design approach is acceptable and will not harm the character and appearance of the conservation area.

The proposed brick façade for no.2 is an appropriate modern design for this site in the conservation area, again similar to that which has been approved. The façade is clad in brick, with dark grey brick on the eastern bays and dark grey glazed brick on the remainder. The corner has decorative dark glazed brick at ground floor and first floors. This is all considered acceptable, subject to approval of samples. The fenestration is varied, with both vertically and horizontally proportioned window openings. On the corner there are metal panels within the openings at upper floor levels, and decorative laser cut panels on the eastern section. This gives the building rich and varied facades, albeit using in the same dark palette. It is a considerable improvement on the existing building and will not harm the conservation area.

It is concluded that this is a high-quality proposal which will contribute positively to the character and appearance of the Stratford Place Conservation Area and would not adversely affect the setting of neighbouring listed buildings. The scheme complies with the City Council's urban design and conservation policies, 38, 39 and 40.

21-22 Barrett Street and 24 James Street

The buildings lie within and make a positive contribution to the Stratford Place Conservation Area. They are identified as unlisted buildings of merit (non-designated heritage assets) in the Stratford Place Conservation Area Audit, and they are in a Tier II area of special archaeological priority (Oxford Street/Bayswater Roman Road).

No. 21 Barrett Street is a small scale domestic building which could date from the late 18th or early 19th centuries but it has a 20th century street facade and its interior does not appear to be of interest. Although it is identified as a building of merit the fact that its facade is relatively modern, reduces its contribution to the conservation area. While it serves as a reminder of the historic scale of this street, it is now flanked by taller buildings and it is considered that a taller replacement building, reflecting the predominant scale of the street, could be acceptable in principle.

The current proposal is for a new building five storeys high, with a brick clad facade, bronze coloured metal shopfront and recessed balconies with metal balustrades. The fenestration pattern makes reference to the Victorian building next door to the east. It is considered that this is a high quality design which is appropriate to its immediate context in this part of Barrett Street and is an acceptable replacement for the existing building. It is recommended that materials and details are reserved by condition. Securing high quality brickwork will be important to the success of the building in terms of its design quality and its contribution to the conservation area.

No 24 James Street is an unlisted Victorian corner pub which also makes a positive contribution to the character and appearance of the conservation area. The facades will be retained and respected and the interior is to be substantially rebuilt. The proposals include changes to the windows in the southern most bay on James Street, to match the existing adjacent. These works are considered acceptable in urban design and conservation terms and will not harm the character and appearance of the conservation area.

It is considered that this is a high quality scheme which will preserve and enhance the character and appearance of the Stratford Place Conservation Area. It complies with the policies 38, 39 and 40 of the City Plan.

Archaeology

The Barret Street site lies within the updated Tier II Oxford Street/Bayswater Roman Road APA and borders the western boundary of the Tier II Great Estates APA. It also lies within the channel of the Rover Tyburn where alluvial deposits have the potential for paleoenvironmental remains. Historic assessments also confirm potential for former 18th century structures on the site. The proposals include levelling to no. 2, where the internal ground level is 200mm above the external ground level, a lowering of the existing basement and the construction of a lift pit. A programme of archaeological works is recommended in the submitted archaeology report. Historic England (Archaeology) have reviewed the proposals and have confirmed that although the development could cause harm to archaeological remains, the significance of the asses and scale of potential harm is such that it could be managed by the imposition of a pre-commencement condition requiring the submission of a written scheme of investigation outlining the methodology of site investigation and recording prior to any demolition or development works. Additionally, as the submitted report identifies 18th century vaults as warranting historic building recording, a further condition is recommended relating to this issue.

The James Street also lies within the Oxford Street/Bayswater Roman Road Tier 2 APA and the valley of the ancient River Tyburn, and probably within the Tyburn's earliest river channel. The river was culverted, and the valley infilled in the postmedieval period. A historic environment assessment report submitted with the application confirms potential for post-medieval remains. The application is also accompanied by an Archaeological report.

The development involves the digging out of part of the existing basement on the by 800mm, rather than the creation of an additional level. The excavations associated with the refurbishment of the slab in No. 21 and No. 22 Barrett Street ,and lowering of the slab in No. 24 James Street ,would be likely to truncate or remove alluvial deposits and any archaeological evidence within their localised footprints. Other localised groundworks and demolition would have a limited impact on any archaeological remains adjacent. As a result, a programme of archaeological work is recommended as outlined in the report.

Given the nature of the development, and the archaeological interest and/or practical constraints, Historic England (Archaeology) have confirmed that a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. Subject to recommended conditions, the proposal is considered to safeguard the site's archaeological heritage. In accordance with policy 39 of the City plan.

9.5 Residential Amenity

Daylight & Sunlight

The applications are supported by a daylight and sunlight assessments reports which have been updated to refer to the BRE guidance (2022). The guidelines state that in an assessment of VSC (Vertical Sky Component) (the amount of direct light reaching the face of window, if the VSC is less than 27%, and it is less than 0.8 times its former value (i.e. the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected. Where a room is served by windows of equal size, the assessment is based on average VSC values.

The No Sky-Line assessment (NSL) is a measure of the distribution of daylight within a room. It maps out the area within a room where light can penetrate directly from the sky, and the guidance suggests that the area of the working plane within a room that can receive direct skylight should not be reduced to less than 0.8 times its former value (i.e. the proportional reduction in area should not be greater than 20%).

In all cases, the assessment only applies to habitable rooms and the levels of protection affordable to principal habitable rooms is greater than that for bedrooms.

The sunlight assessment refers to Annual Probable Sunlight Hours (APSH). The guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, then the proposed values should not be less than 0.8 times their previous value in each period (i.e. the proportional reductions should not be greater than 20%) or more than 4% APSH for the whole year.

The guidelines state that '...all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun'. Where a room is served by more than one window, the contribution of each is accounted for in the overall figure.

1-2 Barrett Street

Daylight

The proposal involves an increase in the overall height of both buildings by approximately 2m. At present, at first floor level and above, the rear of 1 Barrett Street is set back from the northern site boundary (which abuts the neighbouring courtyard at the rear of 1 St Christopher's Place). This set back would be infilled to provide the new residential stair core.

The residential, building to the north, Sarsden Building, comprises the purpose built block at 2-5 St Christopher's Place and extends into the upper floors above the shop unit at 1 St Christopher's Place. To the rear of Sarsden Building, windows serve three living rooms, 11 bedrooms and 11 galley kitchens. All but two of the 25 windows tested would experience reductions in VSC and NSL below 20%, which the BRE guidelines conclude will be unnoticeable.

One bedroom window on each of the second and third floors of 1 St Christopher's Place would see reductions in VSC of 24% and 26.9%. However, existing VSC levels to these windows are already limited, at 3.9 and 5.61%, meaning that the percentage reductions are proportionately high. Given that that actual reductions are limited to 0.9 and 1.5% and as the NSL reductions to the affected rooms are below 20%, (12.2 and 0.8%) it is not considered that there would be a material impact upon the level of light received.

The report also assesses the impact on daylight and sunlight to the single family dwelling

house at 13 Stratford Place, based on the approved building layouts. The VSC analysis shows that any reductions in VSC and to the No-Sky Line (NSL) in the case of 11 of the 12 windows tested, would be well below 20%. However, one of two windows to a small, dual aspect, gym within the second floor rear extension would see a 44.1% VSC reduction (with a retained value of 15.9%). However, losses to the second window would be limited to 2.9% (retained value 10.2%) and the average loss would be 23.5%, close to the 20% threshold. Given the use of this room, it is not considered that the impact would be so significant as to justify a recommendation for refusal.

The NSL assessment shows that there would be no reduction in NSL with the exception of the dining room at first floor level and the second floor gym in the rear extension, where losses are 7.9 and 1.5% respectively

Sunlight

Of the windows serving the neighbouring properties tested, only six windows at 13 Stratford Place are orientated within 90 degrees of due south. All windows would meet annual and winter sunlight targets with the exception of second floor gym in the rear closet wing, where there would be a 20% loss of winter sun (from 5 to 4%) to one window but this would continue to achieve 28% annual sunlight and the overall reduction in annual sunlight would be limited to 4%. The second gym window would continue to exceed winter sunlight targets although there would be a 41.9% reduction in annual sunlight from (43 to 25%), Given the use of this room and the retained sunlight value it is not considered that the impact on amenity would be significant.

The east facing dining room at first floor level is served by glazed doors which lead out onto a small terrace. This window would not experience any loss of annual or winter sun. Given its location and relationship with the application premises, it is not considered that the rear terrace would experience any significant increase in overshadowing as a result of the proposals.

The report does not include an assessment on the impact of the Kabbalah Centre at 12 Stratford Place. However, an examination of the building plans shows that the lightwell windows on the boundary with the application site serve w.c's, stairs, a non-habitable kitchenette and an office and it is not considered that the proposals would have a material impact upon the amenity of these areas or on other facilities on the remainder of the site.

21-22 Barrett Street and 24 James Street

The report for the development on the James Street site assesses the impact upon neighbouring residential buildings at 20 and 22 James Street and 8 Gees Court.

The report shows that any reduction in VSC to windows serving flats on the upper floors of 8 Gees Court would meet BRE targets, with losses ranging between 3.1 and 13.9%. In all cases the actual losses are limited to between 0.6 and 2.3% and the retained values are reasonable on this constrained site. The NSL assessment shows that of the 6 rooms tested, only two rooms would experience any losses, at 0.3 and 3.0%.

At 20 James Street, the submitted building layout plans show a first floor kitchen window to a dual aspect living/kitchen/dining room and a fourth floor bedroom window, both located on the boundary between 20 and 18 James Street. All other rear windows serve stairs, bathrooms or bedrooms. The reduction in VSC to the first floor living/kitchen/dining room would be limited to 2.9% (actual losses 0.2%). The NSL assessment shows that there would be no impact on the rooms tested. The analysis does not assess the impact on the fourth

floor bedroom windows however, given their relationship with the proposed new building, it is not considered that level of light to this room would be materially affected.

The analysis also includes an assessment of a ground floor window, although labelled a residential window, this appears to serve the kitchen of a commercial use. However, this window would see a reduction in VSC of 5.7%, with a retained value of 21.4%, with no reduction in NSL.

At 22 James Street, VSC reductions to flat windows on the three upper floors are between 2 and 5.6% (with actual reductions between 0.3 and 1%). The NSL assessment shows that most room tested would be unaffected with the exception of one room where the loss is limited to 0.2%.

The new building at 21 Barrett Street would be contained within the envelope of the flank wall to the neighbouring building at 22 Barrett Street. Given this relationship, it is not considered that there would be any material impact on levels of light to windows serving flats on the upper floors.

The submitted sunlight assessment shows that only those rear windows at 8 Gees Court require a sunlight analysis due to their orientation and that none of these windows would see any reduction in annual or winter sunlight levels.

Privacy

The roof terrace approved under the extant permission for the redevelopment of the Barrett Street site would now be replaced by plant, a lift overrun, photovoltaic panels and an area of green roof. As previously, it is not considered that that installation of a strip window to the rear of 1 Barrett Street, which now lights the office stair core, (second to fifth floors) would result in material overlooking of the rear of neighbouring properties to the north, on St Christopher's Place. It would not normally be considered acceptable for windows to derive their light from a neighbouring site, as it could prejudice the development potential of that site. However, given that this stair could be wholly artificially lit if natural light is removed as a result of a neighbouring development, this aspect of the scheme could not reasonably be resisted. It is noted that the installation of glazing within a site boundary wall may not be acceptable under the Building Regulations. If the removal of this stair window is required, to satisfy other legislation, this would not prejudice the development.

The James Street development includes the creation of a fourth floor residential terrace at 21 Barrett Street. This terrace is screened by the front façade, which includes an opening to provide outward views, and by a solid wall to the rear. It is not considered that the use of this terrace or the installation of new windows on the upper floors of the replacement building would result in a material increase in the potential for overlooking to neighbouring sites.

Minor modifications/extensions are proposed to the escape bridge which links the site to offices at 7 Gees Court. As this bridge link would only be used in the case of emergency, would have a material impact upon neighbours' privacy.

Given the above the proposals are considered acceptable in terms of their impact on the amenity of neighbouring properties and comply with City Plan policy 7.

Noise & Vibration

Policy 33 of the City Plan requires development to prevent adverse effects of noise and vibration and to improve the noise environment in compliance with the council's Noise

Thresholds, with particular regard to minimising noise impacts from plant machinery.

1-2 Barrett Street

The application is supported by an acoustic report which assesses the impact of the proposed plant (including 5 no condenser units, a kitchen extract fan and a restaurant supply air handling unit) on the nearest noise sensitive receptors. The plant would be set behind a 1.2m plant screen . The proposed 2.4m units, which are centrally located would be set within individual enclosures. The report includes technical specifications for these enclosures

The acoustic assessment is based on units being operational during daytime hours only (0700 to 2300 hours), which are the proposed restaurant opening hours. The applicants have confirmed that the application does not include any proposals for 24-hour refrigeration plant, assuming that any proposals for additional plan will be submitted by the future tenants.

The noise report has been reviewed by the Council's Environmental Services Officer who considers that the plant, operating until 23.00 hours, is likely to satisfy plant noise requirements, subject to conditions on plant noise, vibration and hours of use. Further conditions are recommended requiring the installation of plant enclosures prior to the operation of the plant and an additional condition to prevent any plant other than that shown on the approved drawings.

James Street

Plant for the drinking establishment and the proposed flats will be provided in the rear lightwell including 6 no. air conditioning units. The acoustic report confirms that all plant will be housed in acoustic enclosures, and this is required in order to ensure compliance with standard noise conditions. Atmospheric attenuators will be fitted to the air handling unit. The application drawings do not show these acoustic enclosures in detail. An amending condition is proposed to require the submission of details of these enclosures and a further condition is recommended requiring the enclosures to be installed prior to the operation of the plant.

The application has been revised to omit proposals for a replacement kitchen extract duct. The applicants have confirmed that the existing restaurant duct, which runs from the rear of the site and extends up the adjacent flank wall to 8 Gees Court, will be retained.

The submitted acoustic report who has been assessed by the Environmental Services Officer who has confirmed, subject to the specified noise attenuation measures and distance shielding that the plant installation should satisfy standard noise conditions, based on the commercial plant operating between 0700 and 2300 hours. However, they have subsequently confirmed that the operation of the restaurant plant until midnight, to reflect the latest opening hours, is likely to satisfy Council noise requirements subject to conditions relating to plant noise and vibration, controls over the hours of plant operation and an additional condition requiring the submission of a supplementary noise report (post commissioning survey) confirming compliance with these conditions. Subject to these conditions, the plant proposals are considered acceptable in terms of the impact of plant operation upon the amenities of existing residents and future occupiers of the development.

The application does not include proposals for any 24-hours refrigeration plant which would be made by any future tenants, if required.

Odour

City Plan policy 33 requires new development to minimise the environmental impacts of new development including from cooking smells.

1-2 Barrett Street

The drawings indicate a kitchen extract duct encased within a brick stack. The Environmental Health Officer has expressed concern that no information has been provided on the termination point of the kitchen extract system. The drawings indicate the location and height of the duct. The applicants have confirmed that the duct would terminate below the height of the plant screen. As previously, a condition is recommended requiring the submission of full details of the kitchen of the extract duct, including its construction and appearance. To ensure that the development would include adequate arrangements for the dispersal of cooking odours.

James Street

The application has been revised to omit proposals for a replacement kitchen extract duct. The applicants have confirmed that the existing restaurant duct, which runs from the rear of the site and extends up the adjacent flank wall to 8 Gees Court, will be retained. However, as some of the application drawings still include annotations referring to the replacement duct, a condition is recommended to confirm that this does not form part of the approved scheme. An informative is recommended to confirm that the replacement of this duct would require separate planning approval and a condition is recommended to prevent the installation of any additional plant not shown on the drawings.

Subject to appropriate conditions, the plant proposals are considered to comply with City Plan policies 7 and 33.

9.6 Transportation, Accessibility & Servicing

Parking

City Plan policy 27A confirms that parking standards in the London Plan will apply to all developments. London Plan parking standards for this type of development, in this location, , which has excellent public transport links, confirms that no parking will be required for the commercial or residential uses.

The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the proposals on parking levels is expected to be minimal.

Trip Generation

It is accepted that most trips associated with the developments (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling). Trip generation modelling indicates that the proposed developments will not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in floorspace.

Cycle parking

The previous permission for the Barrett Street redevelopment, for a replacement restaurant and either three or four x 2 bed flats, was revised to provide 8 residential cycle spaces and 2 restaurant cycle spaces in accordance with London Plan requirements at that time.

City Plan policy 25 promotes cycling and the provision of associated facilities. T5A of the

London Plan sets out cycle parking standards for different types of development. Eight office cycle spaces are proposed for the current development. This level of provision would accord with current London Plan standards for the provision of 597m² of new offices (1 space per 75 sqm), but 9 spaces would be required if the first floor is used as offices. (700 sqm). Additionally, the London Plan also requires the provision of 1 cycle parking space for each 175 sqm of restaurant floorspace. At either 216 sqm or 319 sqm, the restaurant would require two cycle space. In these circumstances, a condition is recommended requiring the submission of a revised plan showing the provision of a minimum of 11 cycle spaces for the Barrett Street development.

The London Plan residential cycle parking standards require 1 space per studio or 1p/1b dwelling; 1.5 spaces per 1b/2p dwelling and 2 spaces for all other dwellings. Based on the proposed residential mix (2 x 1b/1p; 2 x 1b/2p, 1 x 2b/3p and 1 x 2b/4p), the residential use would require 9 cycle parking spaces.

The applicants contend that residential cycle parking cannot be provided on this site without compromising the commercial floorspace and 'the appearance of the existing shopfront.' They also consider that it would not be practical/convenient to provide the cycle storage within the replacement building at 21 Barrett Street when residents would access the site via the James Street entrance. The applicants have referred to the high number of cycle parking stands within a short distance of the application site, which they consider would be sufficient to meet the demands of future residents. However, these cycle stands would not be covered or secure.

London Plan policy T5E states that where it is not possible to provide adequate cycle parking within residential developments, boroughs must work with developers to propose alternative solutions which meet the objectives of the standards. These may include options such as providing spaces in secure, conveniently located, on-street parking facilities such as bicycle hangers. However, the application does not include any such proposals.

While the absence of secure cycle parking for the six flats is regrettable, it is acknowledged that site constraints would make the provision of separate residential cycle storage impractical. The linked developments replace nine existing units (which do not have access to cycle storage but which generate a cycle parking requirement of 10 spaces) with six flats which generate a lesser cycle parking requirement. In view of the nature and scale of the development, the provision of separate on-street cycle parking facilities is considered disproportionate. Given the overall benefits of the scheme in providing good quality replacement residential floorspace, it is not considered that the absence of residential cycle storage could justifiably form the basis of a recommendation for refusal.

The London Plan also requires 1 cycle spaces for each 175 sqm of public house floorspace (411 sqm), which would equate to 3 staff cycle spaces on the James Street site. The application drawings do not include any cycle parking in association with the commercial use but given the available accommodation within the extended unit an amending condition is recommended requiring the provision of 3 cycle parking spaces. This would be secured by condition.

Servicing

The existing sites do not benefit from direct access to the carriageway and, as at present, goods would be delivered to the site on trolleys. The proposals are considered unlikely to materially alter site servicing requirements when compared with the existing uses. Given the site location, it is considered that site servicing can be accommodated within the existing on-street restrictions without significant impact on the operation of the highway network.

While the Highways Planning Manager has requested a condition to prevent the operation of a delivery service in relation to the Barrett Street site, as this can reduce the availability of parking for other uses (as well as resulting in increased noise disturbance and vehicle emissions), for the reasons set out above, given that there are no such restrictions on the existing restaurants and public house, which are similar to those proposed in terms of their likely operation, it is not considered that such a condition can justifiably be imposed in relation to either site.

Highway works

The James Street application includes the replacement of existing pavement lights outside of the premises.

The replacement of the existing pavement light outside of 22 Barrett Street was considered as part of the application approved on 6 June 2018. The officer's report confirms that while the Council would normally resist the installation of new pavement grilles, pavement lights etc on the public highway, the replacement of the existing pavement light with one of the same dimensions, was acceptable. The report does not include any comments from the Highways Officer.

The current scheme involves the replacement of the same pavement light outside 22 Barrett Street and the installation of a new pavement light outside no. 21. City Plan policy 25 requires development to prioritise and improve the pedestrian environment. Similarly, the Westminster Way seeks to ensure that the highway surface is smooth and free of unnecessary grilles etc, to maintain and provide a safe pedestrian environment.

The area of the proposed and replacement pavement lights is considered to be public highway. There is a history of permission having been granted for the placing of tables and chairs in this space.

The Highways Officer has confirmed that there is unlikely to be any concern over the replacement of the existing pavement light but that new pavement lights in the public highway would normally be resisted as they would be contrary to the requirement of City Plan policy 45B as a 900mm depth between the top of the basement and the surface of the highway would not be maintained, meaning that it would not be possible to fix any foundation for street furniture in this location and that utilities cannot run any cables through the area. However, on the basis that there is an existing pavement light immediately adjacent, the Highways Engineer considers that the proposed new pavement light, immediately adjacent to the shopfront and within a pedestrianised area is likely to be considered acceptable.

In both cases, London Underground have requested condition requiring the submission of further details relating to the safeguarding of underground infrastructure.

9.7 Economy including Employment & Skills

Whilst the developments are of insufficient scale to require an employment and skills plans, they will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

The new commercial floorspace will help to promote opportunities for local employment and

will lead to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

Basement development

Policy 45 of the City Plan requires basement development to incorporate measures to safeguard structural stability, and address surface water and sewerage flooding; be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area; to protect heritage assets. The policy also restricts basement development to one storey beneath the lowest original floors level in most circumstances. The development should not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.

The SDP on 'Basement Development in Westminster' provides a definition which includes any excavation to form new or additional floorspace under the ground level of an existing building.

The Barret Street proposal does not involve the construction of an additional basement, although the basements of the two buildings are to be amalgamated. . The applicants have confirmed that the proposal does not extend into the pavement vaults and that the vertical dimension between the head of the vault and the pavement above will remain as existing . The basement level will be lowered by approximately 200mm and the floor level within the vaults will be lowered to align with the basement floor level on the remainder of the site. The current ground floor level to no. 2 is approximately 200m above the external ground level and the slab will be lowered to provide level access. In addition. The Council's Building Control Officer has reviewed the application and considers that the extent of digging out would have a negligible impact on the geology of the existing site.

At James Street, the existing basement would be lowered by approximately 800mm, to improve head height given that the basement will now provide customer accommodation. As with the scheme approved in June 2019, it is also proposed to extend the basement at the rear of 21 James Street by approximately 2.5 sqm. Following the submission of an updated construction method statement, the Building Control Officer has raised no objection to the proposals.

Given the nature and extent of the basement works, the proposals would comply with policy 45. In both cases an informative is requested to remind the applicant of the need to obtain Technical Approval from the Council's Highways Engineers as the structures would provide support to the adjacent highway.

Construction Management

The sites are located in a pedestrianised area at the east end of Barrett Street which is characterised by restaurant/café/public house uses, many with external seating, and which leads into narrow pedestrian streets of small shops. Given this location, and the degree of demolition proposed, the schemes are considered to constitute Category 2 developments under the Council's Code of Construction Practice. The applicants have signed Appendix A indicating their willingness to sign up to the Council's Code of Construction Practice, for both sites. The impacts of the construction in terms of noise, dust etc would be considered under the accompanying Site Environmental Management Plan. Adherence to the CoCP would be secured by condition. An hours of work condition is also proposed. Subject to these

safeguards, it is considered that the impact of the construction process will be ameliorated as far as possible.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

Regulation 122(2) of the CIL Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

A s106 legal agreement is proposed to secure the relocation of the existing residential floorspace from the Barret Street site to the James Street site and the relocation of the office floorspace from the James Street site to the Barrett Street site. As both uses are protected under City Plan policies and safeguards are required to ensure that all of this protected floorspace is re-provided.

The applicants contend that this would not be practical to develop both sites simultaneously as the entire east end of the SCP piazza would be closed, which would have a significant impact on local businesses and the usability of the pedestrian through-routes. In these circumstances, the applicant is seeking the flexibility to construct/make each building ready for occupation separately and now propose that any legal agreement should permit the office development on the Barrett Street site to be completed within 24 months of the completion of the James Street development. It is acknowledged that there would be practical difficulties in developing both sites simultaneously and this approach is considered acceptable in principle. It would prevent one property being empty for a long period before it can be occupied (while the other development is completed) and would address potential difficulties with the leasing of the separate developments. Similar provision have been made on relation to development on other sites where both land uses are protected. (17/09945/FULL and 17/09947/FULL 82 Portland Place and 29 Harley Street.

Notwithstanding the above, the applicants propose that any condition/clause relating to the re-provision of the office and residential floorspace should include some flexibility which would enable the completion of the developments 'within a timescale otherwise agreed with the LPA' if site specific or economic circumstances delay the construction of the developments', effectively rendering the clause securing the delivery of the developments redundant. This is not acceptable. Should it not be possible to deliver the developments within the agreed timescales, it would be open to the applicants to apply to modify the terms of the legal agreement. Any such application would need to be supported by full justification for the changes proposed and would be subject to consultation.

The applicants have also requested that neither the proposed drinking establishment nor the replacement restaurant floorspace are included within this the delivery clause, as this would enable these premises to be occupied prior to the completion/occupation of the residential and office uses. This is acceptable as there is no policy requirement to control the delivery of the proposed entertainment uses.

In addition, the proposals involve works to the public highway beyond the site boundary namely the installation of new vent lights. These works will be included within the s106 agreement which will also include obligations in relation to thresholds levels.

Finally, the agreement will secure s106 monitoring costs for the developments.

The developments are not of a scale to require an employment and Training Skills contribution. Subject to these obligations, the proposals are considered acceptable in land use and highways terms.

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.

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

During the course of this application a notice was served relating to the proposed imposition of the Code of Construction Practice, archaeology and London Underground requirements. The applicants have confirmed their agreement to these pre-commencement conditions.

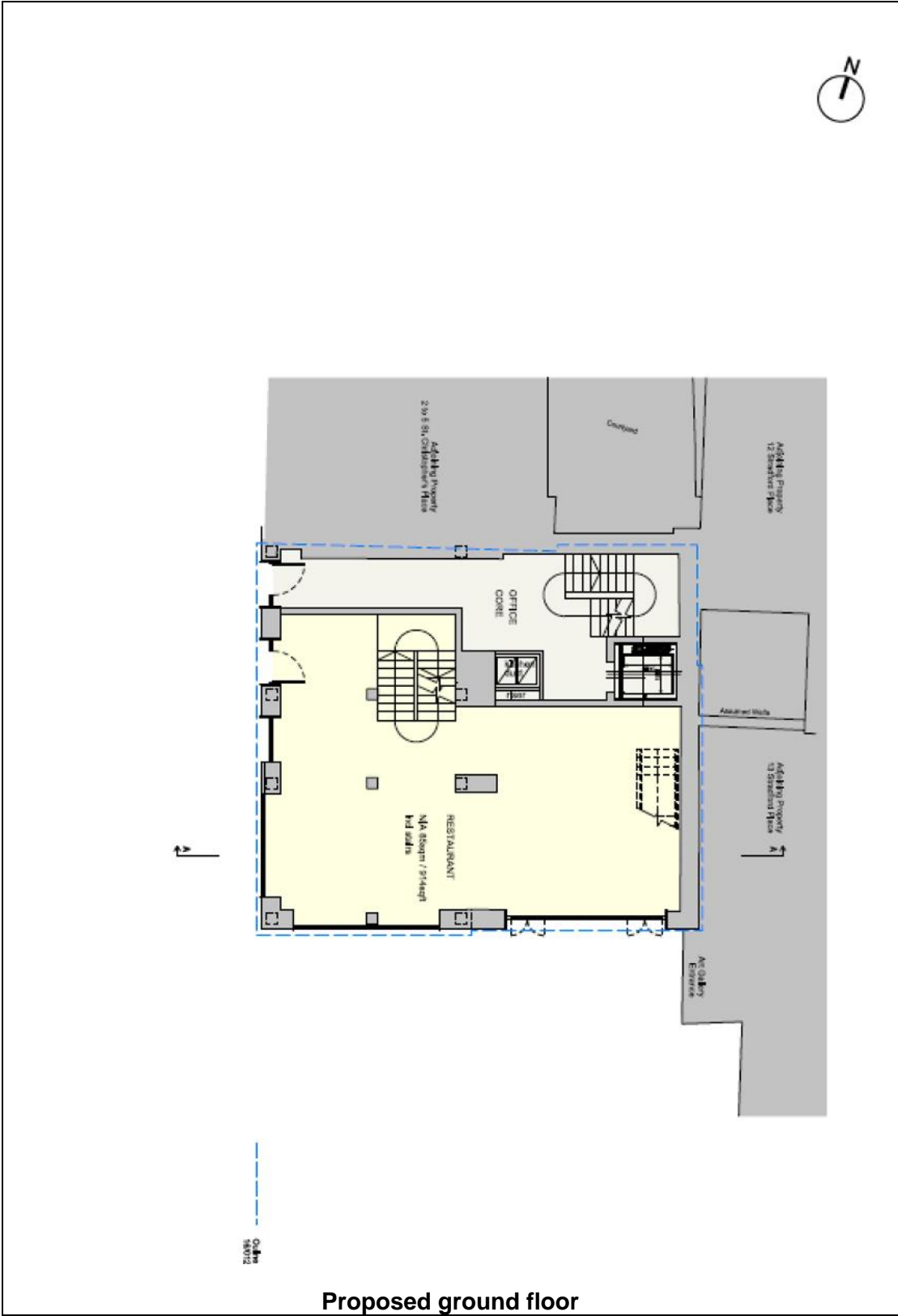
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

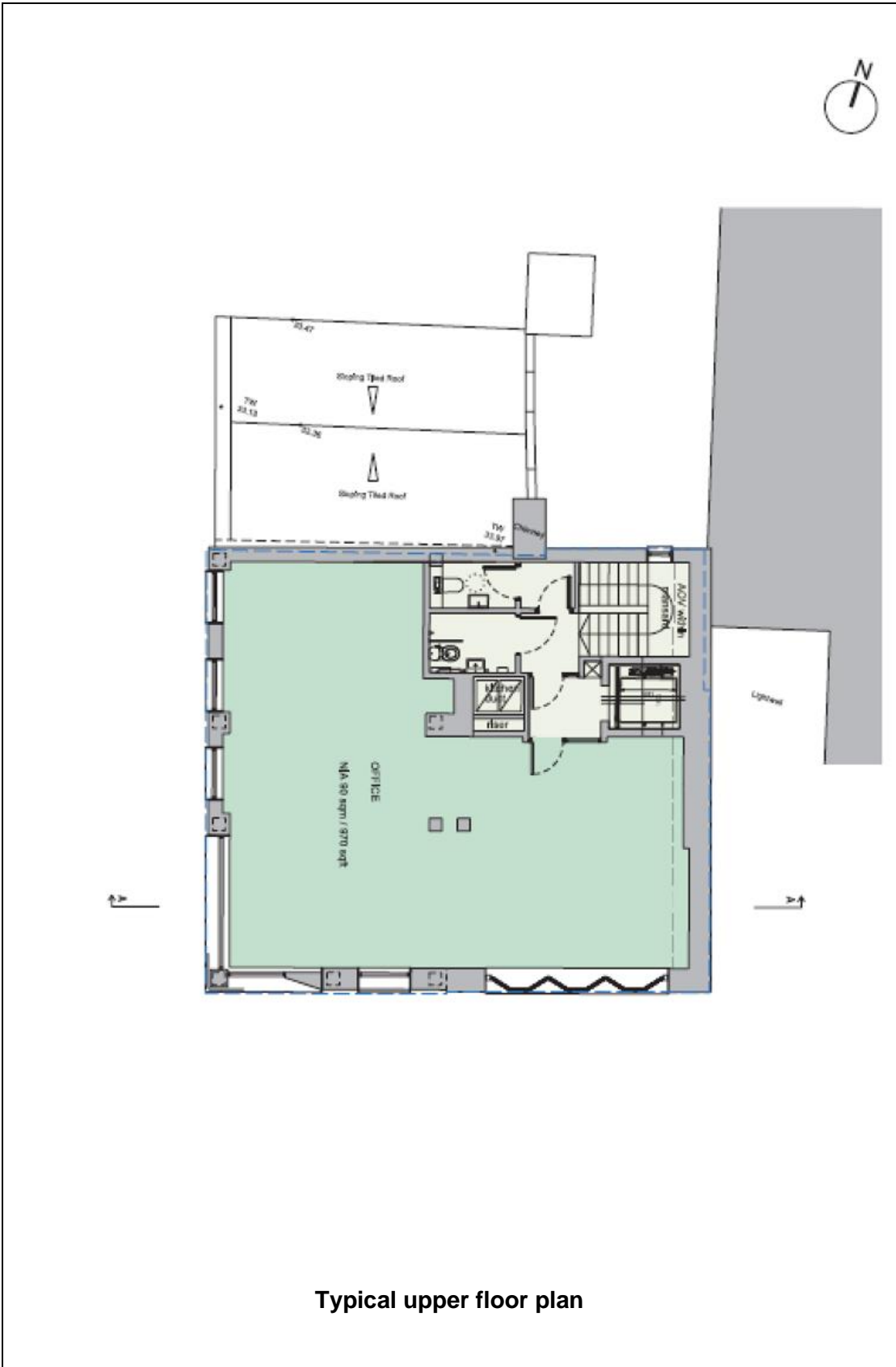
9. KEY DRAWINGS

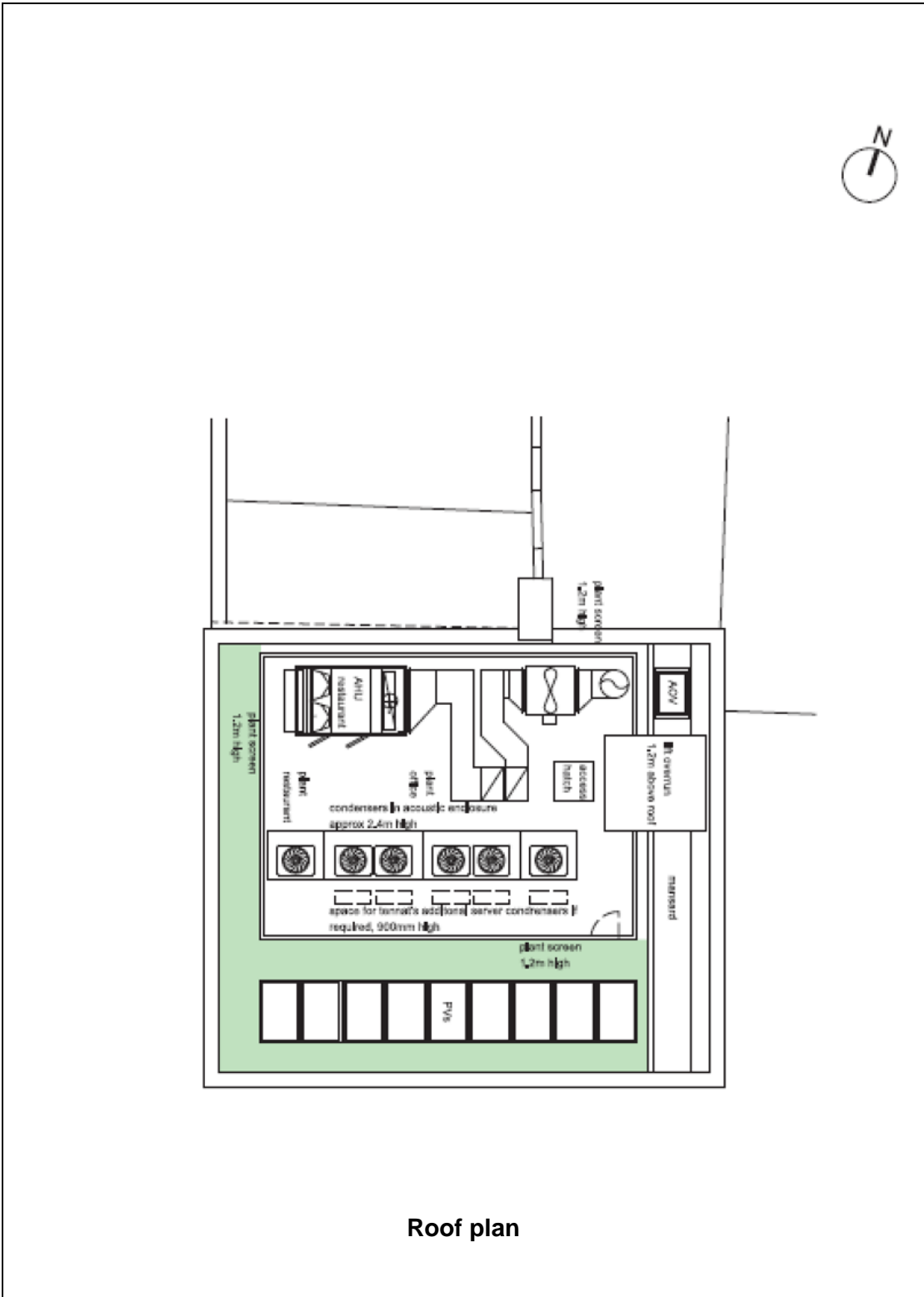
1-2 Barrett Street – proposed

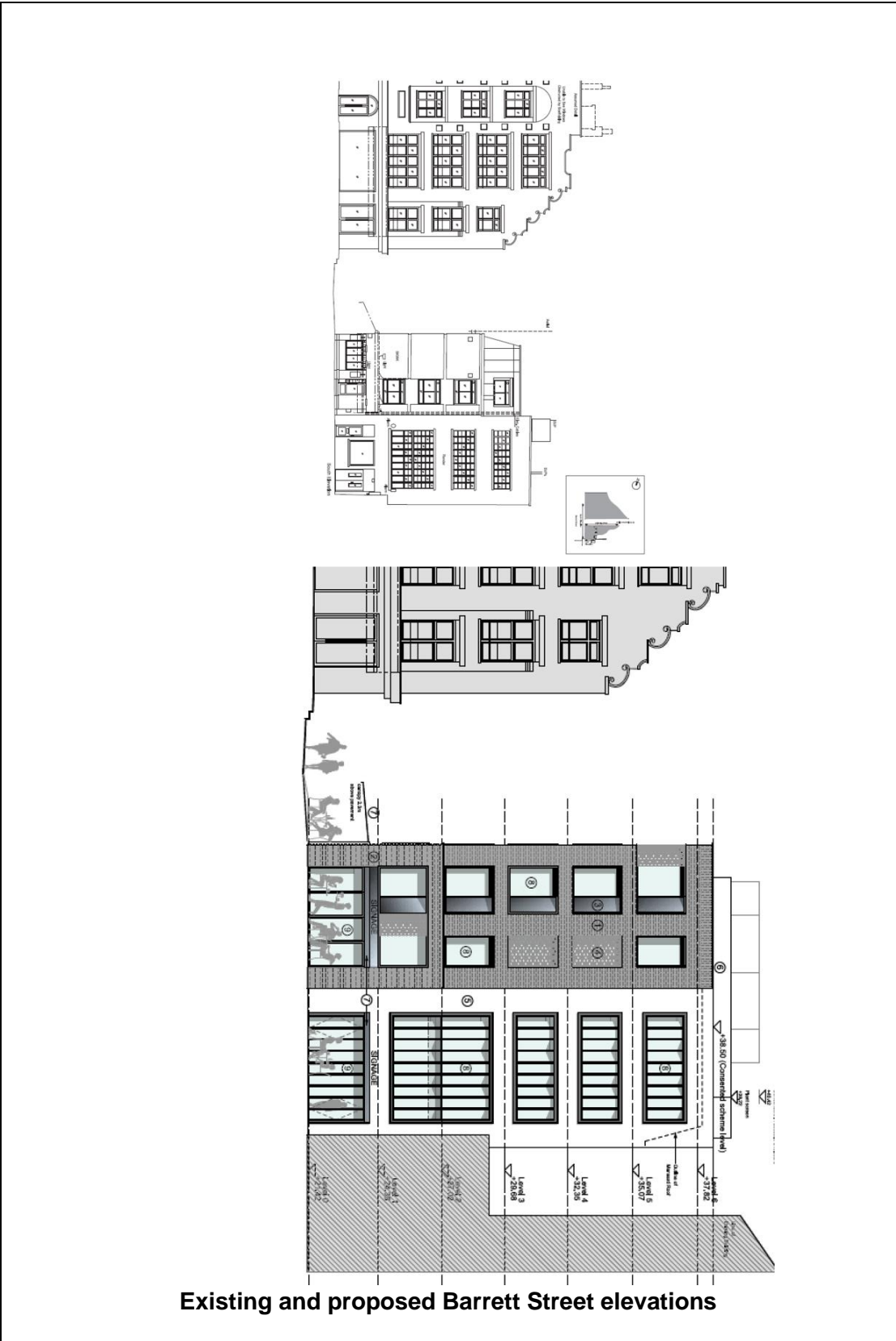




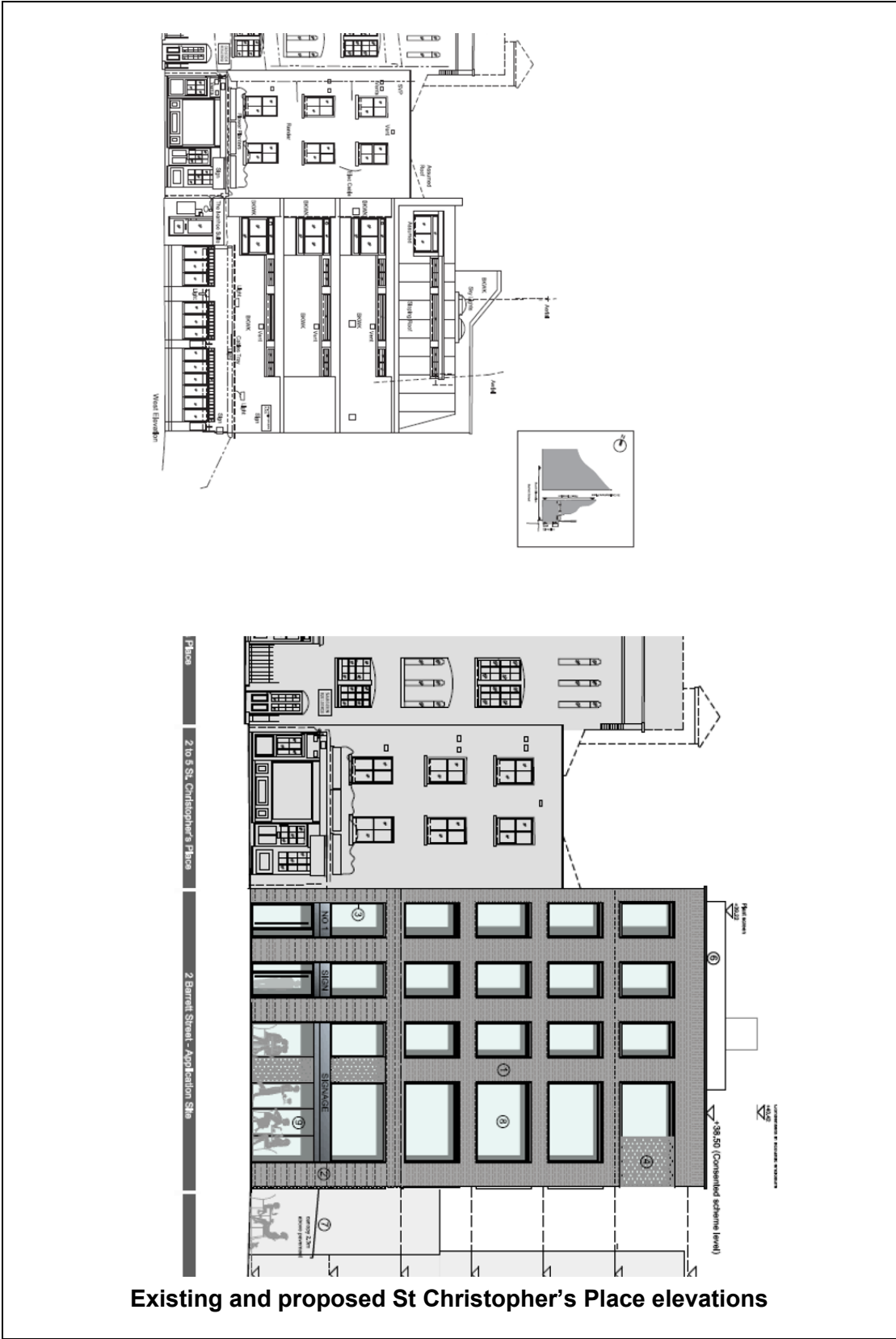
Proposed ground floor





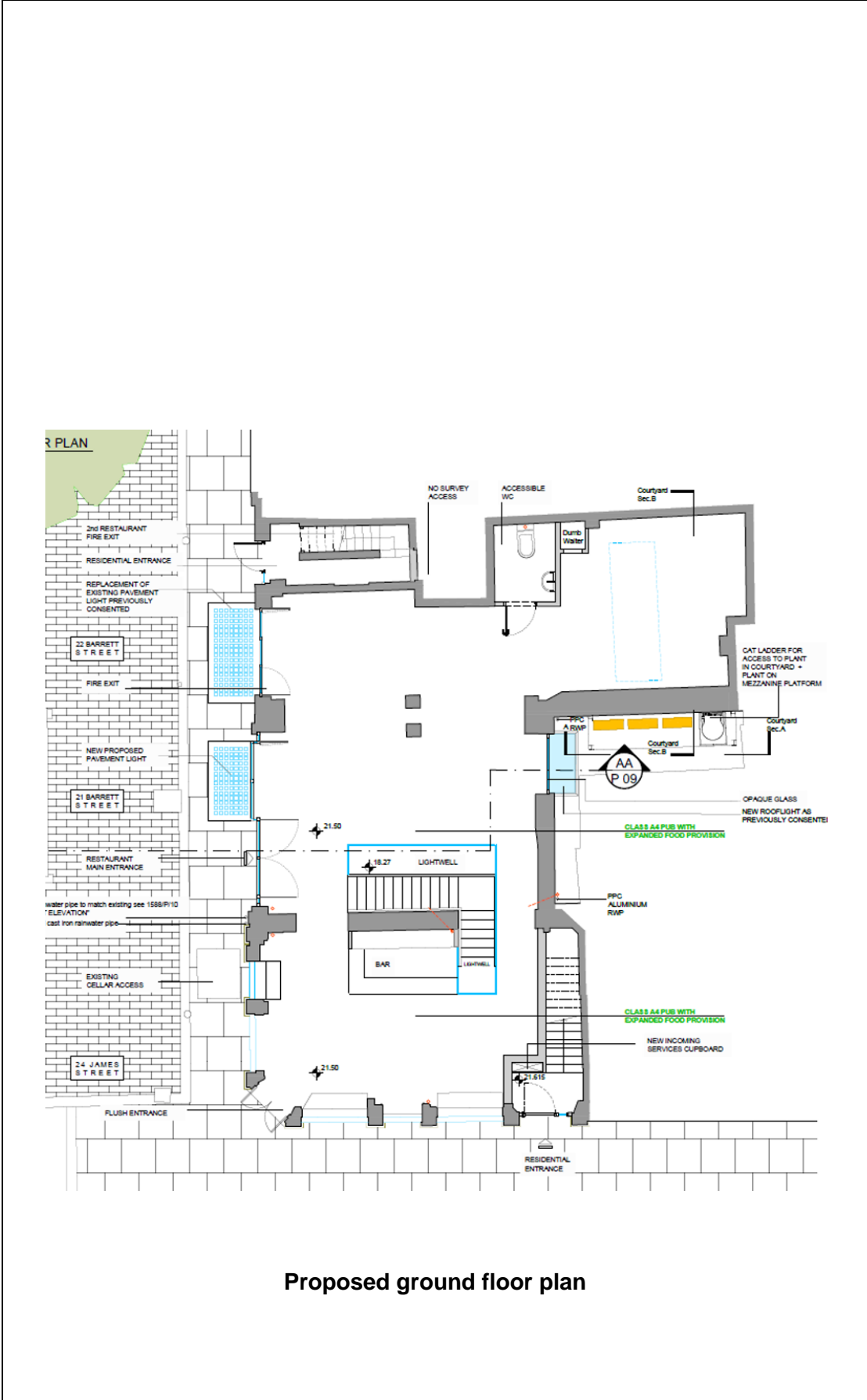


Existing and proposed Barrett Street elevations

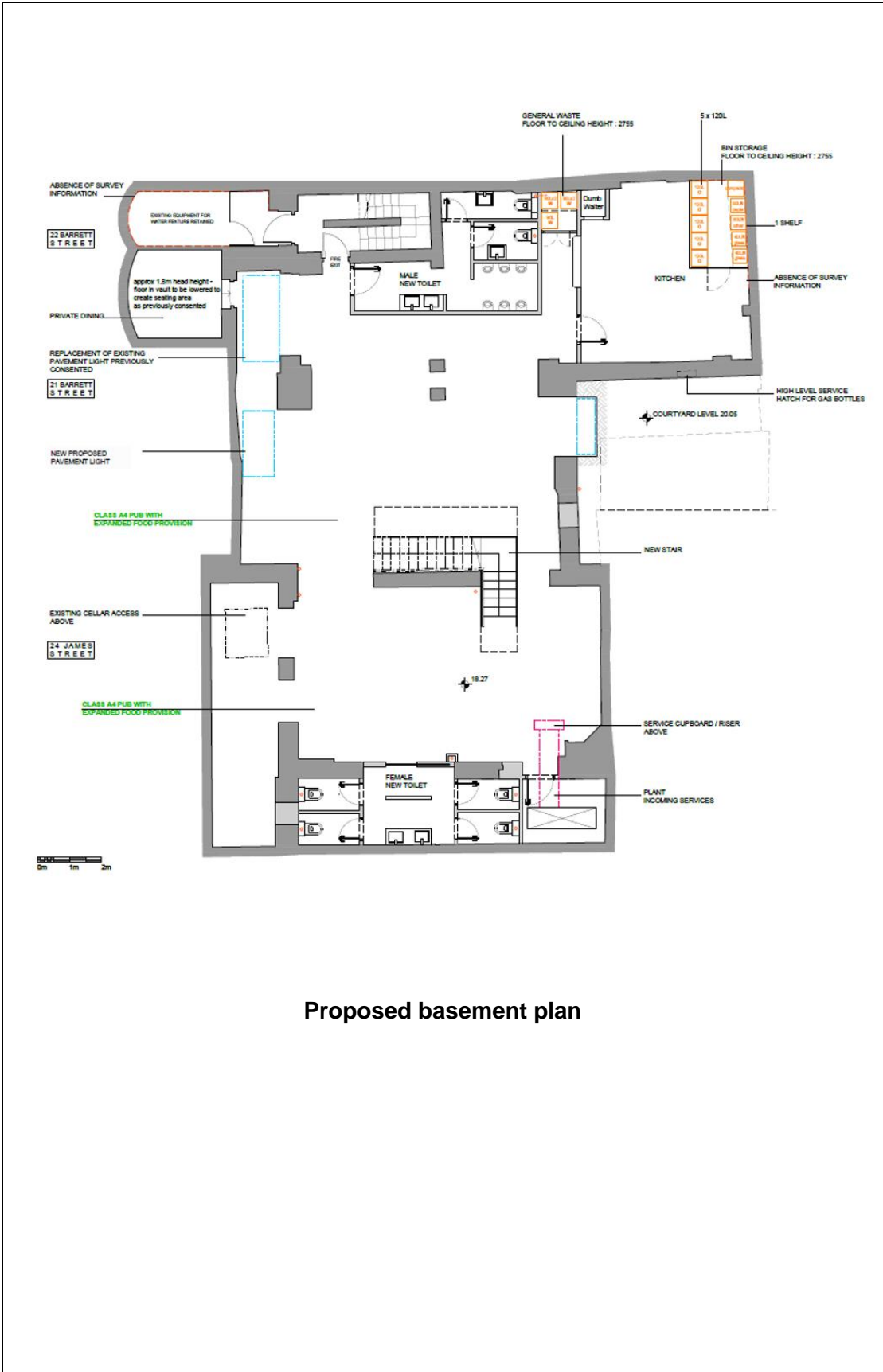


Existing and proposed St Christopher's Place elevations

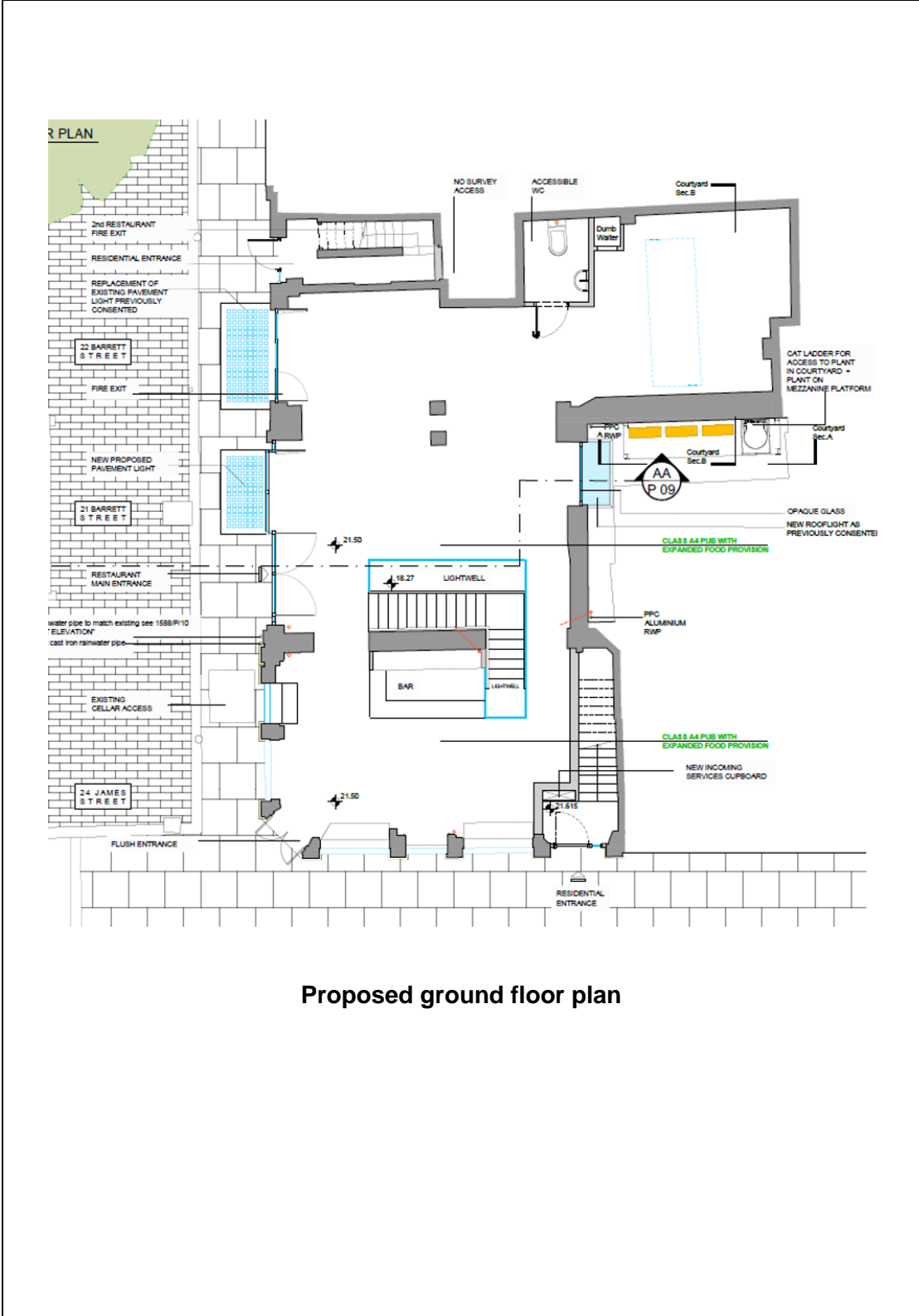




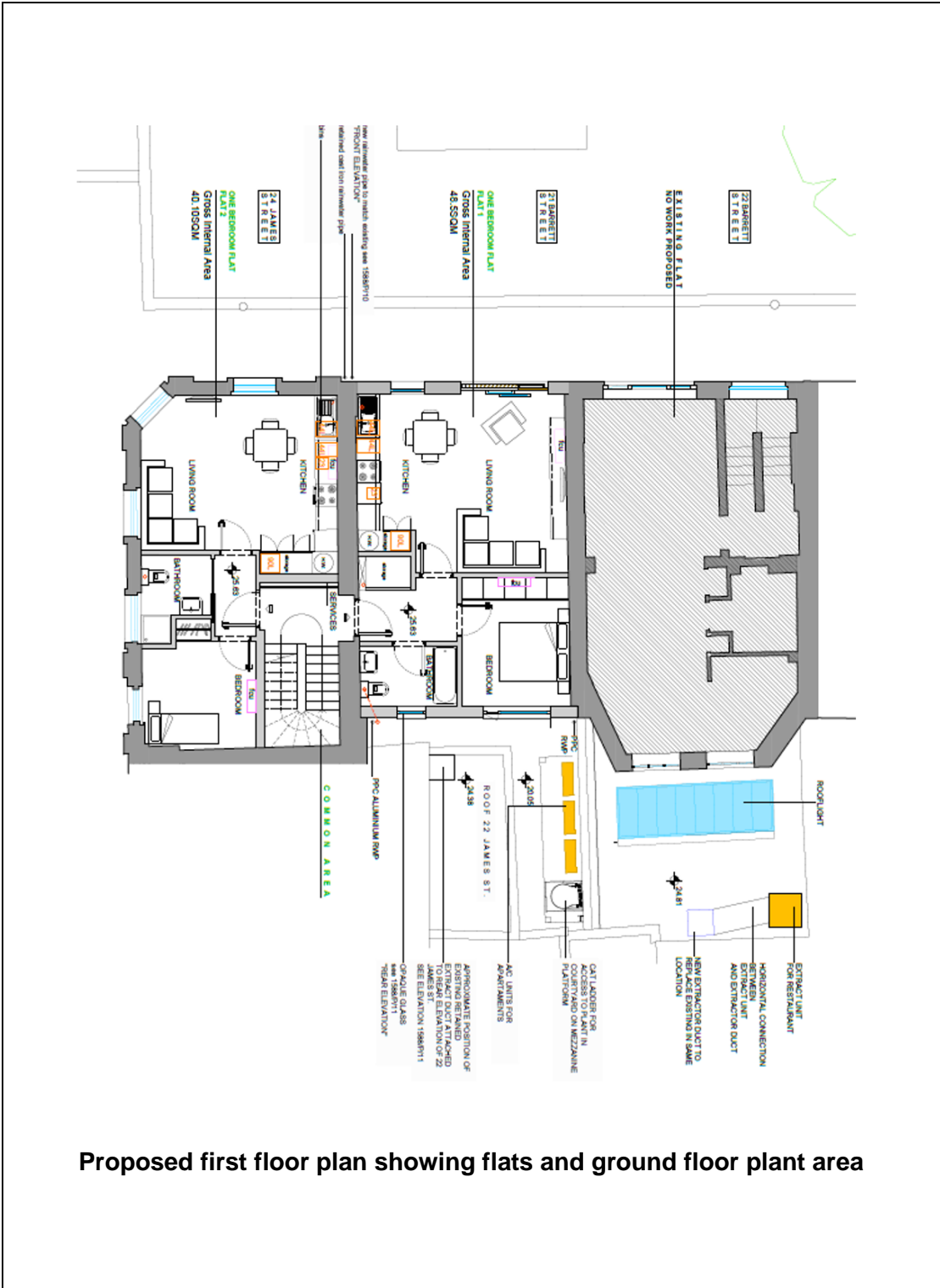
Proposed ground floor plan



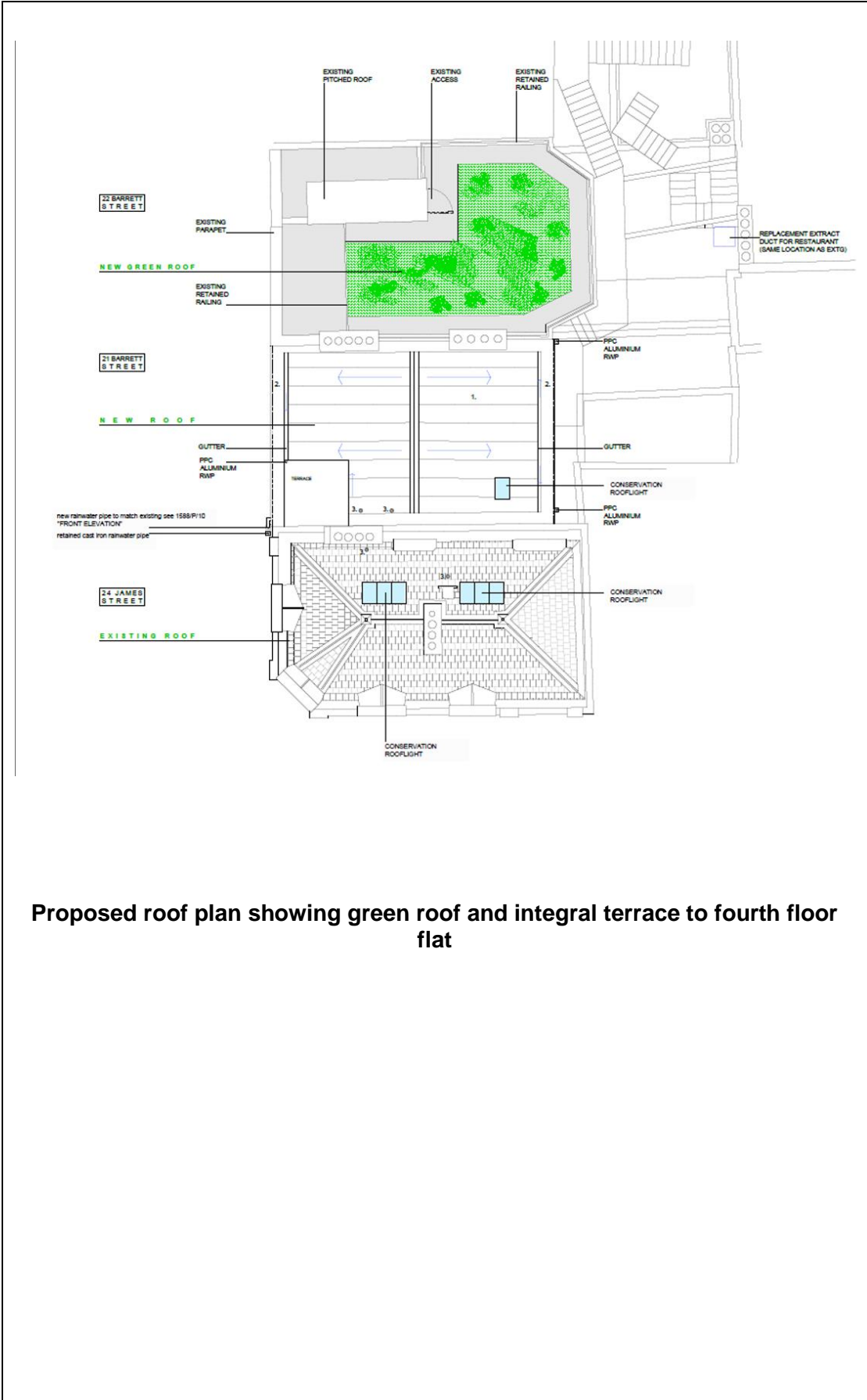
Proposed basement plan



Proposed ground floor plan

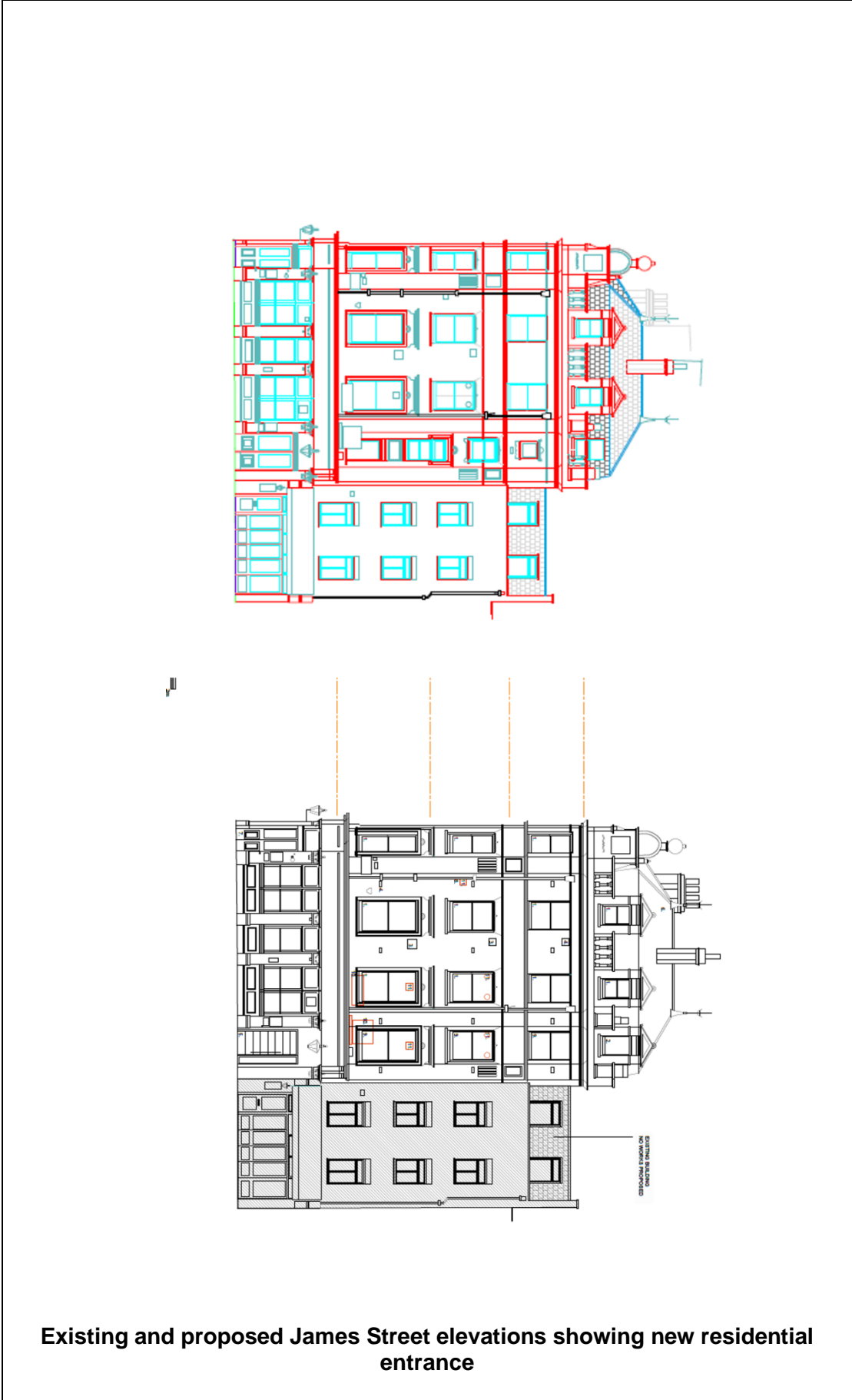


Proposed first floor plan showing flats and ground floor plant area



Proposed roof plan showing green roof and integral terrace to fourth floor flat





Existing and proposed James Street elevations showing new residential entrance

DRAFT DECISION LETTER

Address: 1 + 2 Barrett Street, London, W1U 1AX,

Proposal: Demolition of 1 Barrett Street behind retained façade and retained structural ground floor and demolition of 2 Barrett Street to structural frame and floorplates. Erection of replacement building over basement, ground and five upper floors at 1 Barrett Street and erection of replacement facades and new fifth floor to 2 Barrett Street with roof level plant/plant screen, photovoltaic panels and green roof. Use of part basement and part ground floor level as restaurant (Class A3). Use of first floor as flexible restaurant (Class A3) or office (Class B1). Use of part basement, part ground and second to fifth floor as offices (Class B1). (Application linked via land-use swap with 21-22 Barrett Street & 24 James Street).

Plan Nos: CS_071156 052/110, 111, 112, 113, 114, 115, 116; 310, 311, 312, 313; 410, 411, 412 (demolition)

CS_071156 052/ 200, 201, 202, 203, 204, 205, 206, 207B; 320C, 321C, 322B, 323B, 324, 325, 326; 420C, 510A (proposed).

Case Officer: Sara Spurrier

Direct Tel. No. 07866039795

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

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

Reason:

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

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

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

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

- 6 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 7 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -

1. Typical façade details - at all levels
2. Roof level plant screen
3. Decorative metal screens

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

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must not paint any outside walls of the building without our written permission. This is despite the fact that this work would normally be 'permitted development' under Class C of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any order that may replace it). (C26WC)

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 9 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 Stratford Place 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)

- 10 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Stratford Place 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)

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

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

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

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

Reason:

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

- 12 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 13 (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 restaurant 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 restaurant use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in

noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

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

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 15 You must install the acoustic attenuation measures shown on the approved drawings, and the acoustic enclosure required under condition 15 of this permission, before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 16 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily. (C46CA)

Reason:

In accordance with the submitted application and to protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 17 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number CS_071156 052 510 Rev A prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the restaurant and offices. (C14FC)

Reason:

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

- 18 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 19 You must not allow more than 114 customers into the restaurant at any one time. (C05HA)

Reason:

In accordance with the submitted application and because we cannot grant permission for an unrestricted restaurant use that would be unacceptable in line with Policies 7, 16, and 33 of the City Plan 2019 - 2040 (April 2021).

- 20 Customers shall not be permitted within the restaurant premises before 07.00 hours or after 23.00 hours each day. (C12AD)

Reason:

In accordance with the submitted application and because we cannot grant permission for an unrestricted restaurant use that would be unacceptable in line with Policies 7, 16, and 33 of the City Plan 2019 - 2040 (April 2021).

- 21 Any opening elements within the shopfronts shall be closed between 23.00 hours and 07.:00 the following morning.

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)

- 22 You must apply to us for approval of a management plan for the restaurant including measures to show how you will prevent nuisance to neighbouring occupiers, including people who live in nearby buildings, from customer activity/customers leaving the premises; servicing and deliveries (including delivery hours), noise from delivery trolleys, the collection of waste and bottles; the management of any delivery/takeaway service; the management of the outside spaces, including smokers, and measures to keep the outside area clean. You must not start the restaurant use 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 restaurant is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 23 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)
- Reason:
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)
- 24 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.
- Green/living roof
- You must not remove any of these features. (C43FA)
- Reason:
To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)
- 25 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green/living roof to include construction method, layout, species and maintenance regime.
- You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)
- Reason:
To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)
- 26 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.
- i) photovoltaic panels, ii) air source heat pumps
- You must not remove any of these features. (C44AA)
- Reason:
To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)
- 27 The development hereby permitted shall not be commenced until detailed design and method statements), have been submitted to and approved in writing by the local planning authority (in consultation with London Underground) which:
o provide an Impact Assessment- an Impact Assessment would need to be undertaken to demonstrate that
the works will not impact on London Underground structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy T3 of the London Plan 2021.

- 28 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

the provision of 9 cycle spaces for the office use and 2 cycle spaces for the restaurant use.

You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the restaurant and offices. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021) and policy T5 of the London Plan 2021.

- 29 Those parts of the development identified for restaurant and office use shall only be occupied for those purposes, in the areas designated for each use, and for no other purpose.

Reason:

In accordance with the submitted application and to ensure that the development is not used for other purposes, or in a different configuration of the uses approved, that may have different or unacceptable land use, waste storage, servicing, amenity or transportation requirements and/or amenity impacts, contrary to Policies 7, 14, 16, 25, 29, 32 and 33 of the City Plan 2019 - 2040 (April 2021).

- 30 A minimum vertical depth below the footway or carriageway of 900mm must be maintained between the highway surface and vault structure.

Reason:

In accordance with Policy 45 of the City Plan 2019 - 2040 (April 2021).

- 31 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication &

dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF.

- 32 You must install the zero carbon and/or low carbon energy generation and/or heating equipment hereby approved prior to occupation. You must not install any energy generation or heating equipment within the approved development that is reliant on on-site burning of fossil fuels. (C17DA)

Reason:

To ensure the development minimises its operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17DA)

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 legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the relocation of residential floorspace to 21-22 Barrett street/24 James Street and s106 monitoring costs. (I55AA)
- 3 The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells

or other types of nuisance.

- 5 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 8 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

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

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

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

- 9 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 10 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

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

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

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

- 11 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 12 You must make sure that any other activities taking place in the class restaurant/café such as small amounts of takeaway sales or small bar areas, do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use will have taken place, which will need a new planning permission.
- 13 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 14 Because building contracts are complicated, we must see the contract needed under condition 10 at least six weeks before you need our decision. (I75AA)
- 15 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.

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.

- 16 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

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

- 17 Conditions 11 and 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 18 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.
- 19 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.

- 20 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature:
www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening. You are advised that a sedum roof is unlikely to be considered acceptable due to its limited contribution to biodiversity.

- 21 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

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

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

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

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

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

- 22 You are reminded that the placing of tables and chairs outside the premises would require separate planning permission
- 23 You are reminded of the requirement to obtain Technical Approval for any works to the highway supporting structure prior to the commencement of the development. You should contact the Westminster Highways Infrastructure and Public Realm Team to discuss any future application.

- 24 The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
The 18th century vaults underneath the pavement are highlighted of interest within the historic environment assessment report as warranting historic building recording
- 25 You are encouraged to produce a pre-demolition audit for 2 Barrett Street and to increase demolition waste diversion targets to achieve >95% in accordance with targets set down in the London Plan.

DRAFT DECISION LETTER

Address: 21-22 Barrett Street and 24 James Street, Marylebone, London, W1U 1EL

Proposal: Demolition and redevelopment of 21 Barrett Street to provide a drinking establishment with expanded food offer on the basement and ground floors, in association with the basement and ground floors of 22 Barrett Street and 24 James Street, (Sui generis) ; use of the first to fourth floors at 21 Barrett Street and 24 James Street as six flats (4 x 1 bed flats and 2 x 2 bed); alterations to 22 Barrett Street including installation of opening shopfront; replacement of all windows on James Street facade; installation of new plant to the rear and alterations to the second means of escape. (Application linked via land use swap with 1-2 Barrett Street)

Plan Nos: 1588 P01E, P02D, P03F, P04E, P05D, P06D, P07B, P09A, P10A, P11B, P12, P13A, P14B all as amended by email dated 8 September 2021; Acoustic Design Statement 26361/ADS1. Rev 1 (9 June 2020)(proposed)

1588/P15, P16, P17, P18, P19, P20, P21A (demolition)

Case Officer: Sara Spurrier **Direct Tel. No.** 07866039795

Unconditional or if an Advert Application only the standard advert conditions

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

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control

of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

5 You must apply to us for approval of detailed drawings at a scale of 1:10, of the following parts of the development at 21 Barrett Street:

- 1 New windows
- 2 New external doors
- 3 New shopfront
- 4 New Juliet balcony railings

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

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 Contrary to anything shown on or implied by the drawings hereby approved, you must apply to us for approval of a sample panel of facing brickwork in Flemish bond showing its colour, texture, and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the building, except that shown on the approved drawings, as amended/clarified by condition 18 of this permission.

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

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

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

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

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

equipment;

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

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

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

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

(g) The lowest existing LA90, 15 mins measurement recorded under (f) above;

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

(i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

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

- 9 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 10 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 11 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition(s) 10 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out

the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

Reason:

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

- 12 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB LAmax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 13 (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 drinking establishment 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 drinking establishment use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

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

Reason:

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

- 14 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition(s) 12 and 13 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

Reason:

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

- 15 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

the provision of acoustic plant enclosure(s) detailed in the Acoustic Design Statement 26361/ADs1.Rev 1 (9 June 2020). You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

Reason:

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

- 16 You must install the acoustic attenuation measures shown on the approved drawings, and the acoustic enclosure(s) which are the subject of condition 15 of this permission, before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 17 The plant/machinery hereby permitted in association with the basement and ground floor drinking establishment shall not be operated except between 07.00 and 24.00 hours (midnight). (C46CA)

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 18 Notwithstanding the details/annotations on the drawings hereby approved, as confirmed by the email dated 8 September 2021 from Rolfe Judd Planning, this permission does not grant approval for the replacement of the existing kitchen extract duct at the rear of 21-22 Barrett Street(attached to the rear wall of 8 Gees Court)

Reason:

In accordance with the submitted application and as no information has been submitted in respect of a replacement duct to demonstrate that this would protect the environment of people in neighbouring properties and that its appearance is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 19 No waste or recycling shall be stored on the highway. Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing numbers 155/P01E, P03F, P04E, P06D prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the drinking establishment and flats.

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)

- 20 You must not allow more than 220 customers into the drinking establishment at any one time.

Reason:

In accordance with the submitted application and because we cannot grant permission for an unrestricted public house use that would be unacceptable in line with Policies 7, 16, and 33 of the City Plan 2019 - 2040 (April 2021).

- 21 Customers shall not be permitted within the drinking establishment before 07.00 or after 23.00 on Monday to Thursday; before 0700 and after 24.00 (midnight) on Thursday and Friday and before 07,00 or after 23.00 hours on Sundays, Punic holidays or Bank Holidays

Reason:

In accordance with the submitted application and because we cannot grant permission for an unrestricted public house use that would be unacceptable in line with Policies 7, 16, and 33 of the City Plan 2019 - 2040 (April 2021).

- 22 The drinking establishment hereby approved shall operate as a single premises.

Reason:

In accordance with the submitted application and to ensure the provision of adequate waste/recycling storage and ventilation/plant equipment to serve the proposed use and to protect the environment of occupiers of neighbouring buildings in accordance with Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 23 The development hereby approved must be carried out in its entirety prior to the occupation of the first to fourth floor flats.

Reason:

To prevent the loss of public house/drinking establishment floorspace in order to ensure that the continued operation of the premises is not compromised in accordance with Policy 16 of the City Plan 2019 - 2040 (April 2021).

- 24 You must apply to us for approval of layout plan of the basement and ground floor drinking establishment, showing all customer seating/dining areas associated with the extended dining offer and the retention of a traditional bar on the ground floor of 24 James Street.

You must not commence the use of the drinking establishment until we have approved what you have sent us. You must then occupy the drinking establishment in accordance with the approved layouts.

Reason:

In accordance with the submitted application, to prevent a use that would be unacceptable because of the character and function of this part of the Stratford Place Conservation Area in line with Policies 7, 16, 33 and 39 of the City Plan 2019 - 2040 (April 2021).

- 25 The openable shopfronts at 21-22 Barrett Street shall be closed at 22.00 hours each day

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)

- 26 You must apply to us for approval of a management plan for the proposed drinking establishment including measures to show how you will prevent nuisance to neighbouring occupiers, including people who live in nearby buildings from customer activity/customers leaving the premises; servicing and deliveries (including delivery hours), noise from delivery trolleys, the collection of waste and bottles); the management of any delivery/takeaway service; the management of the outside spaces including smokers and measures to keep the outside area clean. You must not start the public house use 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 public house is in use. (C05JC)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 27 The accessible ground for WC shown on drawing 155/P02D shall be provided prior to the commencement of the use of the basement and ground floors as a drinking establishment and maintained at all times that the premises is in that use.

Reason:

To ensure that the public house is fully accessible for all customers in accordance with the design principles set down in policy 38 of the City Plan 2019 - 2040 (April 2021).

- 28 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits.

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

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

Green/living roof

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

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 30 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green/living roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved

what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

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

Air source heat pumps

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

Reason:

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

- 32 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:
o provide a desk study/ structural statement to consider the potential impact of the development on London Underground assets.

The development shall thereafter be carried out in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T 3 of the London Plan 2021.

- 33 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)

- 34 You must apply to us for approval of detailed drawings showing the following alteration to the scheme

The provision of minimum of 3 staff cycle space for the drinking establishment use.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawing and must provide each cycle parking space shown on the approved drawings prior to occupation of the

development. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021) and policy T5 of the London Plan.

- 35 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 Stratford Place 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)

Reason:

Pre Commencement Condition. You must not start any demolition work on site until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Stratford Place 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)

- 37 The basement and ground floor unit shall only be occupied as a drinking establishment with expanded food provision

Reason:

In accordance with the submitted application, to prevent a use that would be unacceptable because of the character and function of this part of the Stratford Place Conservation Area in line with Policies 7, 16, 33 and 39 of the City Plan 2019 - 2040 (April 2021).

- 38 You must install the zero carbon and/or low carbon energy generation and/or heating equipment hereby approved prior to occupation. You must not install any energy generation or heating equipment within the approved development that is reliant on on-site burning of fossil fuels. (C17DA)

Reason:

To ensure the development minimises its operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning

Document (February 2022). (R17DA)

- 39 The residential unit(s) hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

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

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

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 legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the replacement of office floorspace, highway works and s106 monitoring costs.
- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior

permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

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

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

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

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

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

- 6 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

- 7 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 8 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 9 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 10 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 11 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).
- This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.
- Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 12 The lettering on the canopy has 'deemed' consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This means that you do not need to apply for planning permission for the canopy. However, if you want to light up the lettering by spotlight or other means, you will need to apply for 'express' consent under the advertisement regulations. And if you remove the lettering, the canopy will require planning permission. (I43AA)
- 13 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please

contact our District Surveyors' Services if you need more advice on 020 7641 6500 or email districtsurveyors@westminster.gov.uk.

- 14 You may need separate licensing approval for the public house premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 15 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.
- If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 16 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 17 Conditions 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 18 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.
- 19 In relation to the green roof condition, you are advised that the installation of a sedum roof would not make any significant contribution to the biodiversity of the area and is unlikely to be considered acceptable. You should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature:
www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 20 Condition 10 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 21 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies,

including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

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

- 22 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.

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.

- 23 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.
- 24 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 25 You are reminded at the provision of tables and chairs outside the premises would require separate planning permission.
- 26 Written schemes of investigation will need to be prepared and implemented by a suitably qualified, professionally accredited, archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 27 You are reminded of the requirement to obtain Technical Approval for any works to the highway supporting structure prior to the commencement of the development. You should contact the Westminster Highways Infrastructure and Public Realm Team to discuss any future application.
- 28 Thames Water aims to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. You are advised to take account of this minimum pressure in the design of the proposed development.
- 29 Because building contracts are complicated, we must see the contract needed under condition 36 at least six weeks before you need our decision. (I75AA)

- 30 You are encouraged to adopt a longer demolition programme for the development to ensure that recycled concrete aggregates are retrieved for demolition waste and re-used either on or off-site.

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	11 Strand, London, WC2N 5HR		
Proposal	<p>Application 1: Use of upper ground and lower ground floor as a public house with food provision (Sui Generis) and installation of mechanical plant equipment on platform with associated enclosure within side courtyard and one air conditioning unit at rear lower ground floor level.</p> <p>Application 2: Use of two areas of the public highway, measuring 1.2m x 5.63m to Craven Street frontage for the placing of 2 tables and 4 chairs, and 1.2m x 11.4m to Charing Cross Station forecourt frontage for the placing of 5 tables, 10 chairs and one planter and two additional planters to under croft, in connection with the ground floor use.</p>		
Agent	Mr Matthew Mortonson		
On behalf of	Allvest Company Limited		
Registered Number	Application 1: 23/02207/FULL Application 2: 23/02248/TCH	Date amended/ completed	Application 1: 17 May 2023 Application 2: 16 June 2023
Date Application Received	Application 1: 3 April 2023 Application 2: 4 April 2023		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Application 1 :
Grant conditional permission.

Application 2 :
Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

11 Strand is an eight storey plus basement unlisted building within the Trafalgar Square Conservation Area, Central Activities Zone (CAZ), Strand CAZ Retail Cluster and the West End Retail and Leisure Special Policy Area (WERLSPA). The application relates to the two existing retail units at upper and lower ground floor level.

Application 1 seeks permission for the use of upper and lower ground floors as a public house with food provision (Sui Generis) and the installation of mechanical plant equipment within a side courtyard and at rear lower ground floor level.

Application 2 seeks permission for the use of two areas of the public highway to Charing Cross Station and Craven Street frontages for the placing of tables and chairs in connection with the new ground floor use.

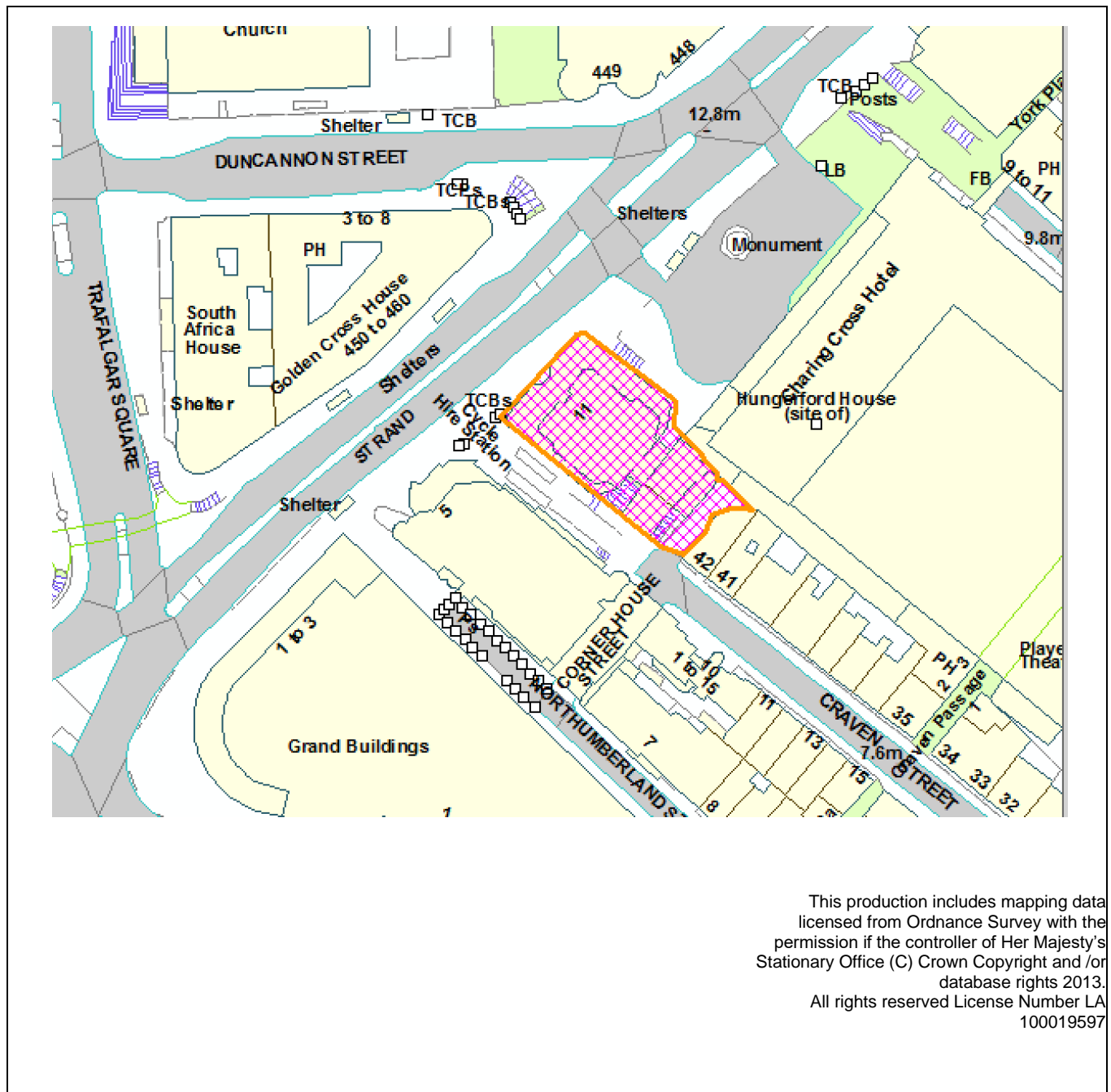
The key considerations in both cases are:

- The acceptability of a public house in this location in land use terms;
- The impact of the use, outdoor seating and proposed equipment on the amenity of neighbouring properties and local environmental quality;
- The impact of the proposed plant on the character and appearance of the building and Trafalgar Square Conservation Area; and
- The impact of the outdoor seating on the highway.

Objections have been received from the Covent Garden Community Association, the Northbank BID Project and local residents primarily on the grounds of harm to residential amenity due to late-night disturbance, increased anti-social behaviour and the over-concentration of drinking establishments.

As set out in this report, and following amendments to the proposal (to reduce the opening hours, outdoor seating area and the submission of an operational management plan) the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan), the London Plan and the guidance set out in the Mayor's Culture and the Night Time Economy Supplementary Planning Guidance (SPG). The applications are therefore considered acceptable in land use, design, amenity and highway terms, and is recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



4. PHOTOGRAPHS



Front elevation



Charing Cross station forecourt frontage



Craven Street corner

5. CONSULTATIONS

5.1 Application Consultations

Application 1

TRANSPORT FOR LONDON (TfL)

Long stay cycle parking is provided which is compliant with London Plan Policy. Short stay cycle parking should be secured on site. The deliveries and servicing strategy is acceptable. During construction the footway and carriageway on the Strand which is part of the Strategic Road Network must be not blocked, temporary obstructions kept to a minimum, all vehicles must only park/stop at permitted locations and in accordance with on-street restrictions and no skips or construction material shall be kept on footway or carriageway.

LONDON UNDERGROUND:

No objection, but require details of how the odour and fumes from the the kitchen extraction system can be prevented from entering into Craven Street Vent Shaft.

METROPOLITAN POLICE

Application not supported. The area experiences high levels of crime. There is particular issues with organised gangs targeting pubs and their patrons, problems with robberies in the evening and Westminster has one of the highest reported crimes for violence against women and girls within London. No considerations for security of the premises, staff or patrons in the application. There are three entrances/exits to the venue which make it very permeable. No information how outside seating areas will be managed. The undercroft is a spot for rough sleepers at night, they will use the furniture to sleep on.

COVENT GARDEN COMMUNITY ASSOCIATION:

- The site is unsuitable for a large new public house operating from early in the morning until 1.30 every night.
- The proposed development is a drink-led operation with 361 square metres (3,886 square feet) of customer space over two floors, plus outside customer space. There is a lack of clarity over the number of covers and hours of operation.
- The planning statement does not address the significant residential community in Craven Street, the guests of the Clermont hotel and the future hotel opposite on Craven Street which the proposed development will impact on.
- Noise and anti-social behaviour impact. Craven Street is quiet at night. Loud noise after 10 pm cause "noise peaks" which echo and wake people. Anti-social behaviour reported by residents. Some customers would inevitably progress down Craven Street adding to the current problems. Period of nuisance will be extended by 3 hours. If outside drinking were allowed after 10pm it would likely cause nuisance. Proposal contrary to Policy 33.
- Deliveries and waste collections for public houses in the West End often cause distress to residents. It will be carried out close to residential flats so the impact must be addressed and hours must be controlled by condition. Glass waste should be disposed in a quiet way on Strand and hours must be controlled by planning conditions.
- Conservation and frontage considerations: objection to the location of the new plant

- on the East elevation which would harm the Trafalgar Conservation Area and the context of nearby listed buildings.
- Amalgamation of units would harm the character of the conservation area. Proposal fails policy 13 of the City Plan.
 - Loss of retail: prime location of shops, if offered in the market at a competitive price the units could be brought back into successful retail. The Local Planning Authority should act where possible to maintain a healthy mix of uses so local residents and workers are well served.
 - Rebuttal of applicant's policy justification: No net economic benefit - drink-led operations are costly in terms of clean-up and late-night venues can damage nearby hotel business. Employment opportunities would be similar to less harmful uses and economic cost of disturbed sleep and mental health consequences to be taken into consideration. No social benefit – the proposed development is not a service that the community needs, no consultation carried out, area already well served by drinking establishments. No environmental benefit.

WESTMINSTER SOCIETY:

No response to date.

NORTHBANK BID PROJECT:

Lack of pre-application engagement about the proposed change of use. Loss of retail floorspace in this important gateway location. Lack of marketing evidence relating to the vacancy. As footfall continues to increase the provision of a full and varied retail offer is essential. Lack of clarity to the split of floorspace between the restaurant and public house. Over-concentration of late-night activity uses. The proposal can have a disproportionate impact on the "crime and anti-social behaviour hotspots". An additional public house with extended operational hours will undoubtedly cause additional harm and disturbance to the local business and residential community and environmental quality of adjacent streets.

Operational management and effects on the local neighbourhood: little information on the operational management approach and no information on construction logistics and management during fit out. Hours of operation and transfer of external patron noise to be considered carefully in the context of adjacent hotel and residential bedrooms. Craven Street has potential to be a clean air walking route. Associated outdoor seating would add to internal capacity and is considered excessive.

HIGHWAYS PLANNING TEAM:

Four cycle parking spaces provided in accordance with policy. Conditions recommended to secure a servicing management plan, waste storage provision and no delivery service.

WASTE PROJECT OFFICER:

Following revisions, the details are in line with the Council's waste storage requirements.

ENVIRONMENTAL HEALTH:

The main issues are as follows:

- Noise nuisance from internal activity affecting other users within building block – conditions recommended.

- Noise nuisance from internal activity noise breakout affecting users of nearby premises - conditions recommended.
- Noise nuisance from patrons dispersing late at night – not assessed in the acoustic report, measures recommended to minimise impact to be secured by condition.
- Noise nuisance from plant and machinery – no objection subject to recommended conditions.
- Following revisions proposals for preventing odour nuisance from the kitchen operation are considered to be satisfactory. Condition and informative recommended.
- General comments – bar operation will have to comply with the “core” hours under Licensing Policy and informative recommended about sanitary and washing facilities.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 93

Total No. of replies: 17

No. of objections: 17

No. in support: 0

Land use/Amenity

- Proposals will not meet community need and will not support the diversification of the West End.
- Area already served by pubs, bars and restaurants. Will lead to reduced diversity by causing additional competition to existing businesses.
- No regeneration or tourist attraction needed.
- Failure to address impacts on residents’ amenity.
- Neighbourhood already well served by pub establishments and community currently dealing with considerable disturbances from existing late-night operations.
- Will exacerbate the current issues of noise and disturbance late at night.
- Hotspot/hub of anti-social behaviour, risk of escalation of anti-social behaviour and crimes.
- Entrance on Craven Street is wholly inappropriate as it is a quiet residential street with very little traffic or pedestrian flow.
- Disruption associated with additional influx of foot traffic and vehicular traffic.
- Proposed opening hours and hours of use of the external area are inappropriate.
- Noise report downplays the severe noise and disruption that another late-night venue would bring to the residential area. Noise assessment does not identify noise impacts associated with external seating areas, noise generated inside and outside the premises, external congregation, waste disposal and deliveries and does not assess noise impact on sleep. Real-life application of theoretical findings questioned –particularly due to unpredictability of human behaviour.
- Noise pollution due to installation of mechanical plant equipment within the courtyard and at the rear lower ground floor level.
- Noise travels very effectively along Craven Street and Hungerford Lane. It is not possible to mitigate impacts with double-glazing because some of the buildings are listed.
- The extant hotel at 5 Strand is not identified in the planning statement which is very

sensitive to noise.

- Contrary to Licensing policies and the objective of preventing crime and disorder.
- Small size of kitchen shows that the premises will be primarily a pub/bar.
- Proposal poses a serious threat to the balance between commercial development and the welfare of local residents. Importance of a balanced and liveable community where the welfare of residents is prioritised.

Design

- Heritage impacts of the proposal not properly considered as regards to Craven Street
- External seating/furniture will not be consistent with the streets heritage character.
- Active community of residents brings life to the street heritage value and enhance it.

Highways

- Increased vehicular traffic required for servicing
- Likely to result in a significant increase in daily deliveries when compared to the existing retail.
- A Delivery and Servicing Plan should be provided before determination.
- Obstruction and increased congestion on pavement and associated safety concerns.
- Increased broken glass which will risk damaging wheelchair tyres.
- Noise and pollution caused by increased requirement of vehicles servicing the venue in addition to the hotel redevelopment at 5 Strand.
- Will attract all sorts of types of transport including pedi-cabs causing disturbance, traffic and parking congestion in residential area.

Other matters

- Proposed external seating and delivery route in Craven Street may undermine and restrict delivery of significant public realm improvements contrary to Policies D8 of the London Plan and 43 of the City Plan.
- Pollution and CO2 associated with increased vehicular traffic.
- No pre-application engagement with local community.

PRESS NOTICE/ SITE NOTICE:

Yes

Application 2

TRANSPORT FOR LONDON:

The external seating in the undercroft of the building is acceptable against TfL streetscape guidance. TfL requests that the tables and chairs on the western side to 11 Strand are moved away from the Cycle Hire Station to allow for sufficient access behind the cycle hire stands.

LONDON UNDERGROUND:

No comment.

COVENT GARDEN COMMUNITY ASSOCIATION:

18.07.23 - Objection on the grounds of obstruction in an area of heavy pedestrian flow, site unsuitable for outside vertical drinking, noise disturbance and the hours of operation

of outdoor seating. Contrary to planning statement, there are residential units in the vicinity and family hotel bedrooms that will be impacted by the proposal.

21.11.23 - Disappointing that the tables and chairs are retained. Querying if the proposal accords with Westminster's guidance in relation to doorway and the docking station, space between the building and bicycles is used as footway. Lack of engagement.

WESTMINSTER SOCIETY:

No response to date.

NORTHBANK BID PROJECT:

Same comments as application 1 (see above).

HIGHWAYS PLANNING:

14.07.23 - Unacceptable as the pedestrian clearway does not satisfy the City Council's 2m minimum requirement for pedestrian movement and it should not pass through the permitted area. It has not been demonstrated that the planters are mobile and no items from the proposal should be left on the highway overnight. The removal of outer row of tables and chairs is recommended.

24.08.23 – Revised scheme is acceptable subject to recommended conditions.

WASTE PROJECT OFFICER:

26.06.23 - Objection as drawings do not show the tables and chairs layout and the 2m allowance gap for street maintenance activities.

30.10.23 – No objection to the revised proposal.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 122

Total No. of replies: 12

No. of objections: 12

No. in support: 0

Objections raised on some or all of the grounds outlined in Application 1. Additional objection reasons on the following grounds:

Land use/Amenity

- Will seriously impair Craven Street's residential amenity as a result of noise, disturbance and anti-social behaviour from proposed operational hours, outdoor patrons and dragging of chairs, behaviour of departing patrons via Craven Street and removal of empty bottles and broken glass.
- The venue will be busiest at peak evening and weekend hours, when residents are most likely to be at home and entitled not to have their quiet enjoyment compromised by noise emanating from an outdoor venue.
- Noise studies undertaken by the applicant do not address the impacts on residential amenity of patrons using the proposed outdoor seating.
- Exacerbate anti-social behaviour. Council's Cumulative Impact Assessment (October 2022) demonstrates correlation between licenses premises and crime and anti-social behaviour, both generally and specifically in the vicinity of Charing Cross Station.

Design

- Heritage impacts of outdoor seating on Craven Street not considered, and is not consistent with the street's heritage character.
- The supporting statement is misleading in heritage terms, the entire intact terrace of houses on the east side of the street is listed and part of the terrace on the west side, the view east along Craven Street of the uniform terraced properties is identified as an "important local view".

Highways

- Use of the undercroft for outdoor seating will lead to severe reduction in the pavement capacity from/to the station leading to unacceptable levels of congestion for pedestrians, worsening levels of overcrowding and increasing the risks of danger to cyclists and pedestrians.
- Degradation of pedestrian environment.
- Patrons standing outside in Craven Street in addition to Santander bikes, street furniture and entrance of the forthcoming hotel would obstruct the pedestrian route.

Other

- Lack of engagement with local community
- Outdoor seating will be conducive to more pick-pocketing and similar crimes and attract beggars, creating a deeply unpleasant experience for visitors and tourists.
- Adverse impacts on local air quality due to increased human activity.
- Increased littering
- Smoking in outdoor areas.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The objections received point out that there has been a lack of public engagement from the applicant.

The Early Community Engagement guidance encourages early engagement where a change of use would have a significant impact on residential amenity. It is therefore regrettable that none was undertaken.

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

The site lies on the south side of the Strand with its eastern elevation fronting Charing Cross Station forecourt which is set back at ground floor level, to create a pedestrian arcade. The western elevation faces the pedestrianised section of Craven Street and to the rear the building faces Hungerford Lane where access to the sites basement parking is located. The building is not listed and lies within the Trafalgar Square Conservation Area, the Central Activities Zone (CAZ), Strand CAZ Retail Cluster and the West End Retail and Leisure Special Policy Area (WERLSPA).

The building is in office use (class E) with two separate retail units (Class E) at lower and upper ground floor level which are currently vacant. This application relates to the retail units, the smaller unit faces Strand and Charing Cross station forecourt, with the larger unit over two levels, due the difference in street levels, facing Charing Cross station forecourt, Strand and Craven Street.

7.2 Recent Relevant History

In 1984, planning permission was granted to the use of the 7th floor as offices together with the installation of plantroom at roof level (RN: 84/01425/FULL). In 1986 and 1997 planning permissions were granted for the installation of air conditioning units on seventh floor roof and main roof level (RNs: 86/03648/FULL and 96/09669/FULL).

In 1986 and 1995 planning permissions were granted for the installation of new shopfront (RNs: 85/05106/FULL, 86/03648/FULL and 95/03937/FULL)

On 12 August 2005 planning permission was granted for erection of extension within covered walkway linking Charing Cross Station and Craven Street to provide additional floorspace to existing retail unit (Class A1). (RN: 05/04878/FULL).

On 28 October 2008 planning permission was granted for “extension at ground and upper ground floor level to Strand and Craven Street frontages to bring building in line with existing columns to create additional retail (Class A1) and office (Class B1) floorspace.” (RN: 08/06124/FULL).

On 17 March 2010 permission was granted for the extension at ground and upper ground floor level to Strand and Craven Street frontages to bring building in line with existing columns to create additional retail (Class A1) and office (Class B1) floorspace, installation of louvres to service existing plant and smoke vents and minor alterations to building facade (RN: 10/00437/FULL).

On 3 November 2021 planning permissions were granted for the replacement of existing window openings with louvres to two rear south east facing elevations to serve mechanical plant and the installation of 14 condenser units at roof level (RNs: 21/05976/FULL and 21/05975/FULL).

Planning permission was refused on 01 August 2022 for “Development comprising infilling at ground floor (undercroft) level to Strand and Charing Cross frontages to create additional retail floorspace (Use Class E(a))” (RN: 21/08610/FULL) on the grounds the development would lead to the loss of an existing footway and would divert the flow of pedestrians elsewhere and this would increase demand on remaining highway space and would not improve the pedestrian environment.

Planning permission was refused on 25 January 2023 for the infilling at ground floor (undercroft) level to Charing Cross frontage to create additional commercial floorspace Class E (RN: 22/07207/FULL) on the grounds that development would lead to the loss of an existing footway and would divert the flow of pedestrians elsewhere and this would increase demand on remaining highway space and would not improve the pedestrian environment. Permission was allowed at appeal on 03 October 2023.

8. THE PROPOSAL

Application 1

Planning permission is sought to change the use of the two retail units to a public house with food provision (sui generis). The application includes the installation of mechanical plant equipment and enclosure on a platform within the side courtyard to Craven Street and one air conditioning unit at rear lower ground floor level.

The public house will be accessed from two existing sets of doors, one facing Charing Cross station forecourt and the other on Craven Street next to the Strand corner. A further door lower down Craven Street will be for emergency use only. The proposed opening hours have been reduced during the course of the application and it is now proposed to be open between 07:00 until 23:30 Monday to Thursday, 07:00 until 00:00 on Friday and Saturday, and 07:00 until 22:30 Sunday and Bank Holidays with a maximum capacity of 340.

Table: Existing and proposed land uses

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class E)	480	0	-480
Public House (Sui Generis)	0	480	+480
Total	480	480	0

Application 2

Planning permission is sought for the placing of tables, chairs and planters on the public highway. Following negotiations, the outdoor furniture and hours of operation have been reduced to provide 2 tables and 4 chairs outside the entrance on Craven Street next to the Strand corner; and 5 tables, 10 chairs and 3 planters within the arcade fronting Charing Cross station forecourt, between the hours of 10:00 to 22:30 each day.

9. DETAILED CONSIDERATIONS**9.1 Land Use****Land Use Policy Overview**

The National Planning Policy Framework (NPPF) in paragraph 93 supports positive planning for the provision of community facilities including public houses. The London Plan also recognises the important role that public houses can play in the social fabric of communities, meeting local needs, and supporting the night-time economy in the CAZ (London Plan Policies HC6 and HC7). The Mayor's Culture and the Night Time Economy Supplementary Planning Guidance is also a material consideration in planning decisions. This promotes the night-time economy, particularly in the CAZ, and states boroughs should support proposals for new public houses, where appropriate.

London Plan Policy SD4 concerns the CAZ and seeks to promote unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses. The policy also states that "the unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced".

City Plan Policy 1 sets out Westminster's spatial strategy, it seeks to ensure the competing functions of the CAZ are balanced and supports the intensification of the CAZ and the West End to provide growth in leisure. Policy 2 relates to the WERLSPA and seeks improved leisure experiences and a diverse evening and night-time economy.

City Plan Policy 14 concerns town centres, high streets and the CAZ, with their intensification supported in principle for main town centre uses. Uses that provide active frontages will be required at ground floor level (Part B). Part C of the policy details that development within the WERLSPA will provide a wide mix of commercial uses that support the West End's role as a cultural hub and centre for visitor, evening and night-time economy and within the CAZ Retail Clusters will provide further large format retail and complementary town centres uses to meet the needs of residents, workers and visitors. Policy 14 goes on to state that town centre uses will be supported in principle

through the CAZ with a commercial or mixed-use character, having regard to existing mix of land uses. The supporting text (paragraph 14.5, 14.6 and 14.7) acknowledges that, to ensure their long-term sustainability, town centres will need to provide a mix of commercial uses to create an environment which encourages customers to shop, access services, and spend leisure time, whilst also supporting their role as major employment hubs and visitor destinations., "...town centre uses such as pubs and drinking establishments, exhibition spaces, cultural and leisure uses, can all help support the future success of these key clusters of commercial activity..."

City Plan Policy 16 relates to food, drink and entertainment and states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. It notes that the over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. In relation to public houses specifically, the supporting text notes they can play an important role as social hubs at the heart of communities, add to the diversity of commercial areas, and make a positive contribution towards townscape and local identity.

City Plan Policy 7 states development will be neighbourly, including by protecting neighbouring amenity. The Plan recognises that factors such as polluted air, excessive smells, poor waste management, noise and strong vibrations are examples of environmental impacts that have an adverse impact on quality of life and health and well-being. Development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours. It confirms that the Council will place the burden on the applicant to ensure mitigation measures are included to safeguard future local amenity and to ensure that development does not cause existing nearby uses from having to curtail their activities.

City Plan Policy 33 requires that development proposals do not have an adverse impact upon the amenity and local environment of existing and future residents and development to prevent the adverse effects of noise and vibration with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses; minimising noise from plant machinery and internal activities and minimising noise from servicing and deliveries.

City Plan Policy 43D relates to proposals for trading from premises extending into the street (including provision of tables and chairs on the highway) and states that they will be supported where they would not: 1. harm local amenity; 2. compromise pedestrian movement or traffic conditions; 3. impede refuse storage and street cleansing arrangements.

Consideration (Application 1)

Loss of Retail Accommodation

The Covent Garden Community Association and the Northbank BID Project object to the loss of the retail use and lack of marketing evidence to justify its loss.

Whilst vacant, the ground floor units are in lawful retail use (class E), last occupied by a clothes retailer and a bakery/sandwich shop. Under Class E of the use classes order the

proposed unit could change to other uses within Class E, including a restaurant, without the need to obtain planning permission. Pubs and drinking establishments (sui generis) fall outside class E but are recognised as complementary town centre uses. The proposed use as a public House will retain the three existing active street frontages at ground floor level. The principle of losing the retail to another use that serves visiting members of the public therefore accords with the aims of Policy 14 part B.

In addition, the reuse of the units that are currently vacant (the larger unit since 2020) is welcome. There are no policy requirements to request marketing evidence in this instance and the loss of retail is therefore considered acceptable.

Proposed public house use

The site is in an area of a predominantly commercial character, typical of the WERLSPA, CAZ and Strand CAZ Retail Cluster. The land use pattern is very mixed with a transport terminal, offices, hotels, retail, cafes, restaurants, public houses and theatres. However, there are also residential houses in close proximity to the site, located further south on Craven Street.

The Covent Garden Community Association, Northbank BID and local residents raise strong objections to the principle of a public house in this location on the grounds that the proposal would add to the concentration of alcohol-based and late-night premises within the local area. The objectors contend that the proposed public house would worsen existing issues of anti-social behaviour and result in noise and disturbance to residents late at night. The objectors point out that the noise report submitted in support of application does not assess the impact of noise from patrons inside and outside the premises, dispersing late at night and from waste collection and deliveries and fails to take into consideration residents who work from home or have different sleeping patterns.

The principle of losing retail to another use that serves visiting members of the public would accord with the aims of the City Plan, but in this case that is subject to the acceptability of the alternative drinking establishment use. Drinking establishment uses have greater potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. However, there can be considerable variation between the effects of different types of food, drink and entertainment uses.

The supporting text to Policy 16 does state that “the cumulative impact of multiple food, drink and entertainment uses in a particular area can have a negative impact on the functioning and use of an area and can negatively impact residential amenity. We will therefore prevent the over-concentration of these uses and require proposals to make sure any negative impacts are managed (applying the Agent of Change principle).”

It is acknowledged that there are a number of licensed establishments in the vicinity of the site, including:

- Ship and Shovell PH at 1-3 Craven Passage (licensed opening hours 10:00 to 23:30 Monday to Saturday and 12:00 to 23:00 on Sundays);
- Sherlock Holmes PH at 10-11 Northumberland Street (licensing hours of 08:00 to 23:30 Sunday to Wednesday and 08:00 to 00:30 Thursday to Saturday);
- Heaven nightclub at 10A The Arches (licensed opening hours of 00:00 till 00:00);

- The New Players Theatre restaurant and bar at 15 The Arches (licensed opening hours of 06:30 to 03:00);
- Champagne Charlies wine bar at 17 The Arches (licensed opening hours of 07:30 to 00:30 Monday to Saturday and 12:00 to 23:00 on Sundays);
- Halfway to Haven at 7 Duncannon Street (licensed opening hours of 10:00 to 01:30 Monday to Thursday, 10:00 to 03:30 Friday to Saturday and 10:00 to 23:30 on Sundays);
- All Bar One at 6 Villiers Street (licensed opening hours of 08:00 till 23:30 Monday to Wednesday, 08:00 to 00:00 Thursday to Saturday and 08:00 till 23:00 on Sundays);
- Princess of Wales PH at 27 Villiers Street (licensed opening hours of 07:00 to 00:30);
- Gordon's wine bar at 47 Villiers Street (licensed opening hours of 08:00 to 23:30 Monday to Saturday and 10:00 to 22:30 on Sundays).

Given the dispersed nature of these premises, it is not considered that the additional public house would result in an over concentration of such uses, and that it would be compatible with the character and function of the area.

In acknowledgement of the proximity of residential properties on Craven Street, the applicant has updated their submission during the course of the application, to clarify the capacity, reduce the proposed opening hours and outdoor seating areas and has provided an Operational Management Plan.

The proposed public house will be accessed from two existing sets of doors, one facing Charing Cross station forecourt and the other on Craven Street next to the Strand corner. A further door lower down Craven Street will be for emergency use only. Internally, the maximum capacity of the premises would be 340 patrons, but the premises would provide 256 covers (seats). As tables and chairs would cover most of the internal area, the applicant considers it is highly unlikely that there would ever be 340 customers on site. The proposed outdoor seating would provide 18 additional covers,

The opening hours have been reduced (from a terminal hour of 01:30 as originally proposed) to 07:00 to 23:30 Monday to Thursday, 07:00 to 00:00 Friday and Saturday and 07:00 to 22:30 on Sundays. The hours of operation of the tables and chairs have also been reduced to between 10:00 to 22:30 each day. The revised opening hours are consistent with the licensing hours of other public house and bars in the local area and are considered reasonable.

The Operational Management Plan (OMP) submitted details how the use would operate to minimise noise and disturbance to local residents and includes the following:

- The venue will have a maximum capacity of 340 customers, with a minimum of 256 seats maintained at all times.
- No amplified music will be played inside the venue.
- Food will be available to all patrons from any part of the customer area, each day from opening until 30mins prior to its closure.
- There will be two customer entrance/exits, one in the northwest corner onto Craven Street's intersection with Strand and the other in the pedestrian area, fronting onto Charing Cross Station.
- Both entrances to be fitted with self-closing doors and internal lobby to minimise noise spillage.

- The entrance located to the southwest corner fronting Craven Street will be used as an emergency exit only.
- No external vertical drinking permitted.
- Designated smoking area near Charing Cross station forecourt entrance. Customers smoking will not be allowed to bring their drinks outside, only people that are seated outside will be allowed drinks.
- Signage to remind customers of the need to respect the neighbouring residents when leaving the premises.
- At peak trading times, door staff will operate the entrances/exits to the premises. and remind customers to keep quiet upon exiting the venue and encourage them to leave using the Strand and Charing Cross Station.
- Procedures in place for the management of external spaces and seating areas;
- procedures for security and management of poor customer behaviour, dealing with any complaints and a process to liaise with neighbours to manage operational issues; and
- Installation of CCTV cameras.

While public houses have greater potential to generate noise, disturbance and other nuisances, in this case, with appropriate conditions relating to capacity, hours of operation, restrictions to the doors, food provision and to prevent the playing of music and no vertical drinking outside, it is considered that the public house could operate without causing notable harm. Given the location of the entrances and the management measures proposed, it is considered that most customers would use the Strand and Charing Cross Station when arriving and leaving the premises, away from the residential properties further south on Craven Street.

The Council's Environmental Health team raise no objection to the proposal subject to conditions to control the use and ensure that the applicant adheres to the operational management plan.

The impacts in terms of noise and odour from plant and the kitchen extract system is discussed in section 9.5 of this report, and the impact of servicing and deliveries are discussed in section 9.6, where it is explained that these elements could be carried out without harm to residential amenity and local environmental quality.

As such, the proposed public house is considered to be of a type and size (480 sqm) appropriate to this location. In these circumstances, the proposals would accord with the NPPF, the City Plan, the London Plan and the Mayor's Culture and the Night Time Economy SPG and so is considered acceptable in land use terms.

Application 2 - External seating area

With regards to the proposed external seating, the largest area proposed (14 seats) is located in the arcade/undercroft adjacent to Charing Cross station forecourt where there are no residential properties. In Craven Street the capacity would be limited to two tables/four seats immediately adjacent to the entrance, close to the busy Strand corner. The nearest residential properties are located further south on Craven Street approximately 46m away. Given the limited number of external seats in this location and

that the hours of use of the external furniture is to be restricted to 22:30, after which time it will be removed from the highway, it is considered that this will prevent noise being generated at unsociable hours and minimise disruption to nearby residential occupiers.

However, it is recommended that the outdoor seating area is only granted for a temporary period of one year, so that the impact can be reviewed. For the reasons stated above, and subject to the proposed conditions, it is considered that the proposal is acceptable in land use and amenity terms.

9.2 Environment & Sustainability

Sustainability

City Plan Policies 36 and 38 expect all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change and seek to ensure development responds to the likely risks and consequences of climate change by incorporating principles of sustainable design, including providing flexible spaces, enabling incorporation of future services/ facilities, optimising resource and water efficiency and minimising the need for plant and machinery.

The applicant has provided an Energy and Sustainability Statement to support their application which details the baseline energy requirements for the site and proposes energy efficiency measures with the installation of heat pumps and insulation. These measures accord with the aims of the City Plan.

Air quality

Policy Plan 32 of the 2019-2014 City plan states that the Council is committed to improve the air quality in the City.

The adverse impacts on local air quality due to increased human activity and vehicular traffic and the new air conditioning units were mentioned in the representations. Given the size of the premises, the proposed change of use does not trigger the need to provide an air quality assessment and it is not considered that the proposal will significantly impact the local air quality.

9.3 Biodiversity & Greening

Not relevant in the determination of the application.

9.4 Townscape, Design & Heritage Impact

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 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.

Detailed Design

Objections have been received on the grounds that the heritage assessment is misleading and to the heritage impact of the proposal, in particular the external seating/furniture to Craven Street will not be consistent with the streets heritage character.

Application 1

It is proposed to install one air conditioning unit to the rear elevation (adjacent to Hungerford Lane) at lower ground floor level and five air conditioning/ air handling units upon a new plant platform above a disused flight to external steps in a recessed part of the South elevation (running alongside Craven Street) at upper ground floor level.

The proposed single unit to the rear elevation would be wall-mounted under a recess adjoining the basement car park access. Given its secluded location in an area with clear servicing character, it would have a negligible impact on the appearance of the building or character of the conservation area.

More significantly, it is proposed to install a new metal platform sitting above the exiting disused recessed flight of external steps, upon which the proposed five air conditioning/ ai handling units will be located at upper ground floor level adjacent to the proposed service access doors at lower ground floor level below. The steps are currently fenced off by a black painted metal railing, which would be retained. The proposed platform support metal work would be visible through these railings, and a louvred screen is proposed to be installed in front of the plant deck at upper ground floor level, which would be set behind and back form the existing railings.

Subject to a condition to secure details of the plant deck and louvred screen to ensure it

is suitably integrated in appearance with the host building, the proposals are considered acceptable in design terms. Whilst they will be visible in some glimpsed passing views from the public realm, given their discreet location within a deeply recessed aspect of the building and set behind existing railings it is not considered that the proposal would significantly harm the appearance of the building or diminish the character of the Trafalgar Square Conservation area.

Application 2

Given the size and temporary nature of the external furniture it is not considered that the proposals would have a detrimental impact on the townscape, views towards Craven Street or the character and appearance of the Conservation Area to merit a refusal on these grounds.

9.5 Residential Amenity

The amenity and local environmental impacts associated with the proposed use and outdoor seating, are detailed in Section 9.1 of this report.

Plant Equipment – noise, vibration and odours

In relation to noise from the proposed plant, the application has been considered in the context of Policy 33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the proposed plant equipment. The Council's Environmental Health officer has confirmed that the proposed plant is likely to comply with the Council's standard noise and vibration conditions and it is therefore considered acceptable.

London Underground have requested a condition demonstrating how the odour and fumes from the kitchen extraction system can be prevented from entering into Craven Street Vent shaft.

The applicant has clarified that there will be no external discharge to the atmosphere of cooking fumes. The use of the existing grilles to the side elevation (Craven Street) and rear elevation is for air exchange within the kitchen area. The applicant has provided details of the kitchen equipment and layout and confirmed that the kitchen will serve foods such as paninis, toasted sandwiches and pre-prepared re-heated foods, with no gas or solid fuel cooking or deep fat frying. On this basis, the Environmental Health officer raises no objection subject to a condition to restrict the type of cooking carried out (no primary cooking).

9.6 Transportation, Accessibility & Servicing

Application 1

Covent Garden Community Association and local residents and businesses have raised objection on the grounds of the impact of servicing and waste collection, increased pedestrian and vehicular traffic and pedestrian obstruction.

The Highways Planning Manager notes that the trip rates associated with the site may increase from that of the current retail use. However, the site is well-served by public transport, and will be easily accessed from the Strand and Charing Cross station, the forecourt of which provides a taxi rank.

The applicant states that the proposed unit will be serviced as existing, via the exiting side entrance off Craven Street and there will be up to 5 deliveries a week. The Highways Planning Manager recommends conditions to secure a Servicing Management Plan and to prevent a food delivery service from being operated from the premises. A condition is also recommended to restrict the hours of servicing, including waste collection to between 08:00 to 20:00 in line with the OMP, to protect the amenity of local residents.

The waste and recycling storage details have been revised to accord with the Council's waste requirements and will be secured by condition.

Four cycle spaces are proposed at basement level, which accords with Policy T5 of the London Plan and will be secured by condition. TFL have requested the provision of short-stay cycle parking. Whilst the lack of this provision is regrettable, the site is adjacent to a TFL cycle docking station.

Application 2

Strong objections have been received on the grounds of obstruction of the pavement and pedestrian congestion in an area of high pedestrian flow.

In Craven Street, two tables and four chairs are proposed, in a section that is fully pedestrianised (approximately 9m wide) which would meet the Council's requirement not to occupy more than 25% of the shared footway. However, the proposed seating is in close proximity to a cycle hire docking station, and clarification is currently being sought to ensure that there will be a clearance of 2m between the proposed tables and chairs and cycle docking station. This matter will be reported verbally at the Planning applications Sub-Committee.

With regards to the Charing Cross station forecourt frontage, originally the scheme included 20 tables, 40 chairs and 4 planters. This proposal was not considered to satisfy the City Council's requirement, leaving only a pedestrian clearway of 1.45m (a minimum of 2m is required) and the available route was passing through the proposed area for outdoor furniture. The application has therefore been revised to reduce the outdoor furniture on that frontage to 5 tables, 10 chairs and 3 planters. This leaves a 3.1m area for pedestrian movement satisfying the City Council's requirements.

The details submitted show that the planters will have wheels and the applicant confirmed that all elements of the outdoor furniture will be removed after 22:30 daily. This will be secured by condition.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the fitout and operational phases, providing opportunities for local employment and spending in the local area.

9.8 Other Considerations

Safety

The Metropolitan Police have objected on the grounds that the area experiences high levels of crimes and lack of consideration has been given to security, with multiple entrances into the property.

As outlined in section 9.1 above, two entrances are proposed into the premises, one at the northern end of Craven Street on the Stand corner and the other on the Charing Cross Station frontage. The third entrance will be for emergency use only. The OMP outlines the security measures proposed, including the use of CCTV and body-cams, door staff at peak times, staff dedicated to the outdoor seating area and procedures to deal with poor customer behaviour. The outdoor furniture will be removed from the highway after 22:30 daily. The units are currently empty, and their re-use will also contribute to passive surveillance.

With these measures in place, it is not considered sustainable to refuse the permission on safety grounds.

5 Strand redevelopment

One representation mentions that the proposals for the redevelopment at 5 Strand include public realm works and that the proposed outdoor seating and delivery route along Craven Street may undermine and restrict the delivery of the public realm works.

There is a currently a planning application for the redevelopment of 5 Strand which is being assessed.

The use of the public highway for outdoor seating would be temporary (one year) so the circumstances can be reviewed. It is proposed to use the existing servicing rout to the building. he public realm works, if approved, will need to take into consideration the existing constraints and requirements of neighbouring buildings.

Construction

The Northbank BID Project mentioned the lack of information on construction logistics and management during fit out works. Given the nature of the proposal, a condition limiting the hours for noisy works is recommended and an informative to remind the applicant to get separate consent for any temporary structure on the highway are considered sufficient.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

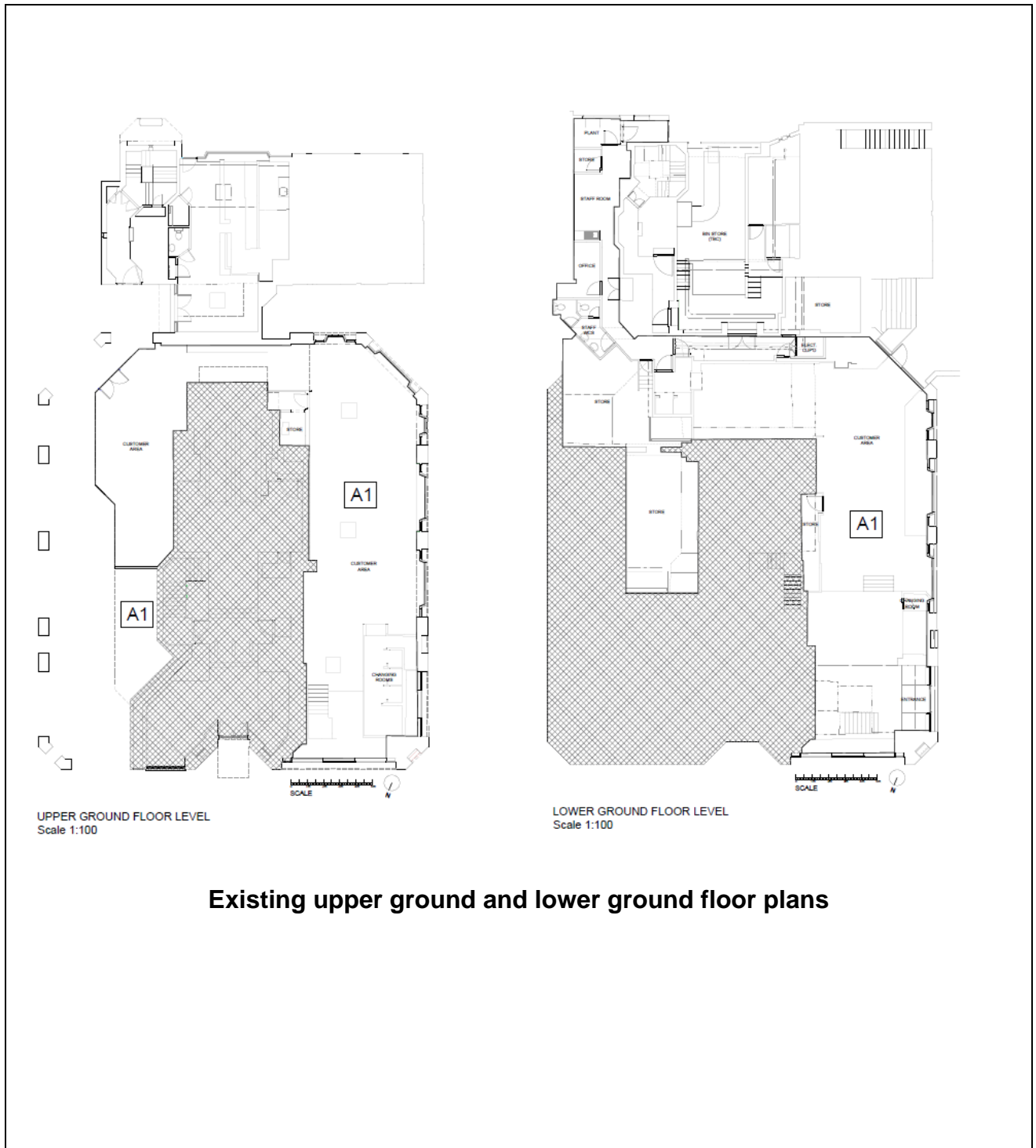
Public houses and restaurants can support the social fabric of communities, contribute to the viability of the city and support the evening/night-time economy. Nevertheless, the local residents' concerns are understood, as they can also negatively impact on residential amenity and local environmental quality if they are of a type and size inappropriate to their location. In this case, the site is within a busy location adjacent to the Strand and Charing Cross Station, and whilst there are residents on Craven Street, it is considered that with the controls proposed, which are recommended to be secured by condition, the proposed public House and the associated tables and chairs would not cause significant harm to residential amenity or local environmental quality.

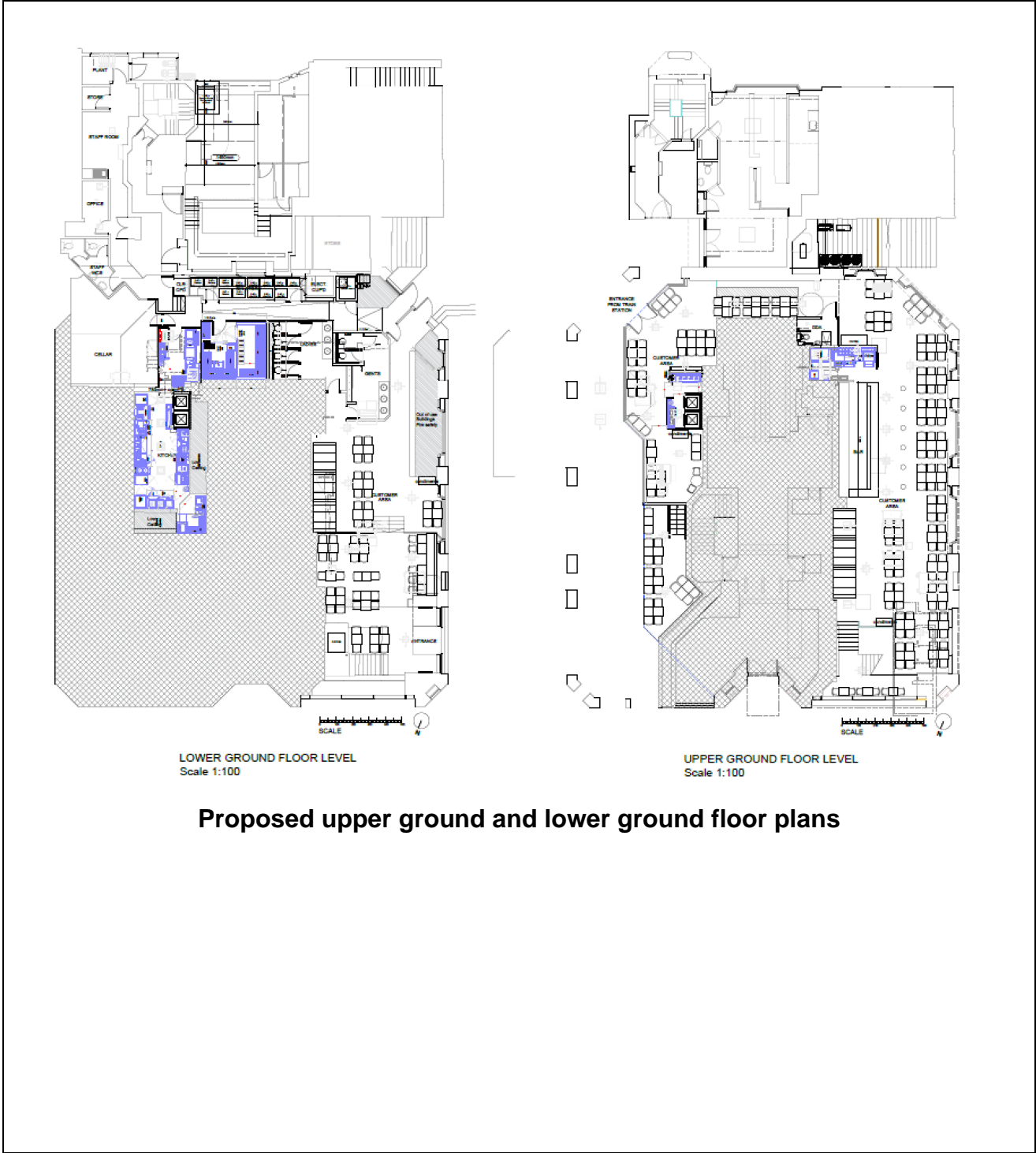
Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

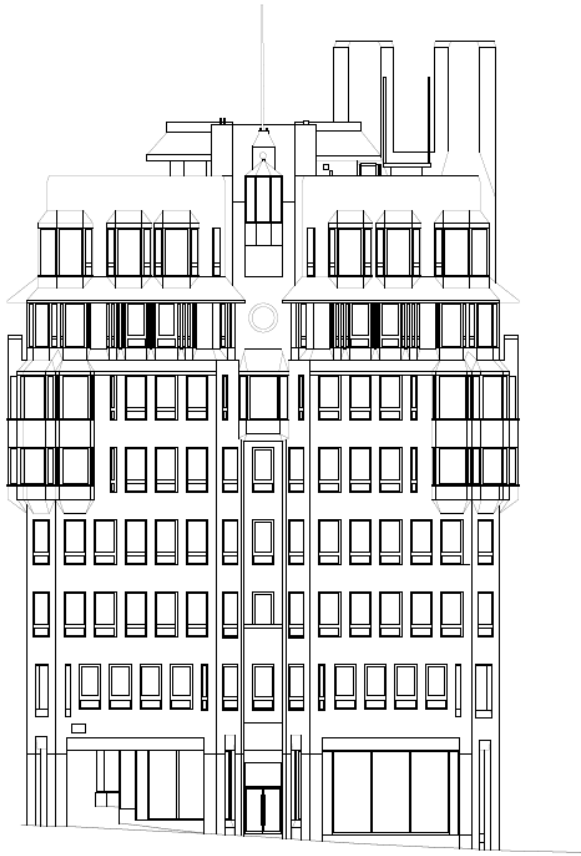
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

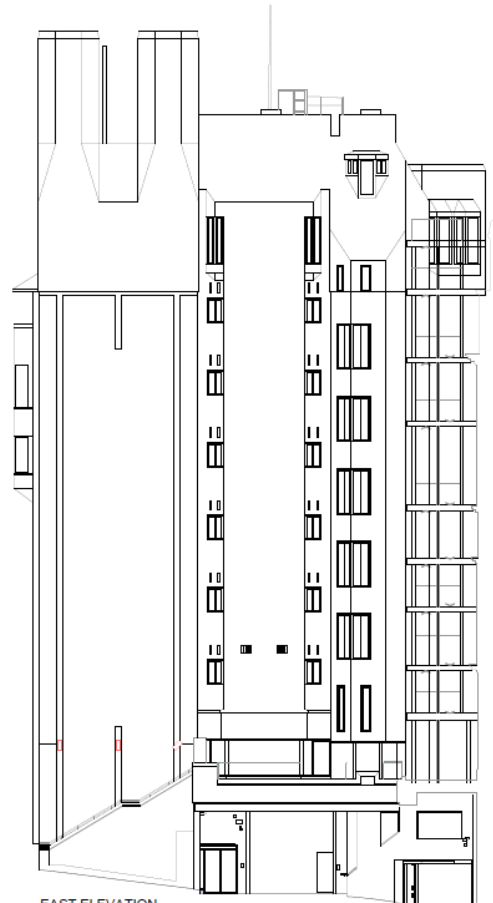
11. KEY DRAWINGS







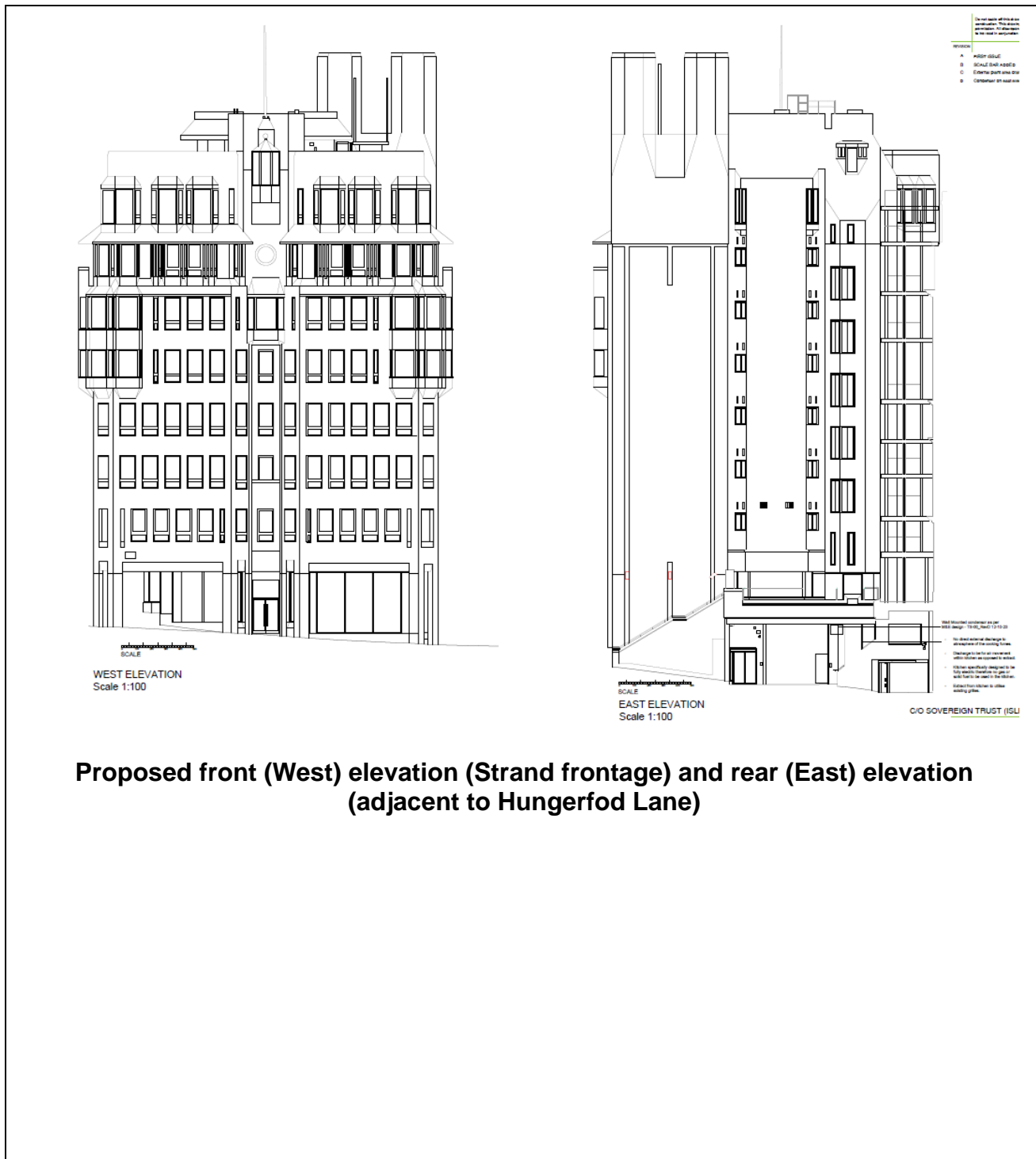
WEST ELEVATION
Scale 1:100



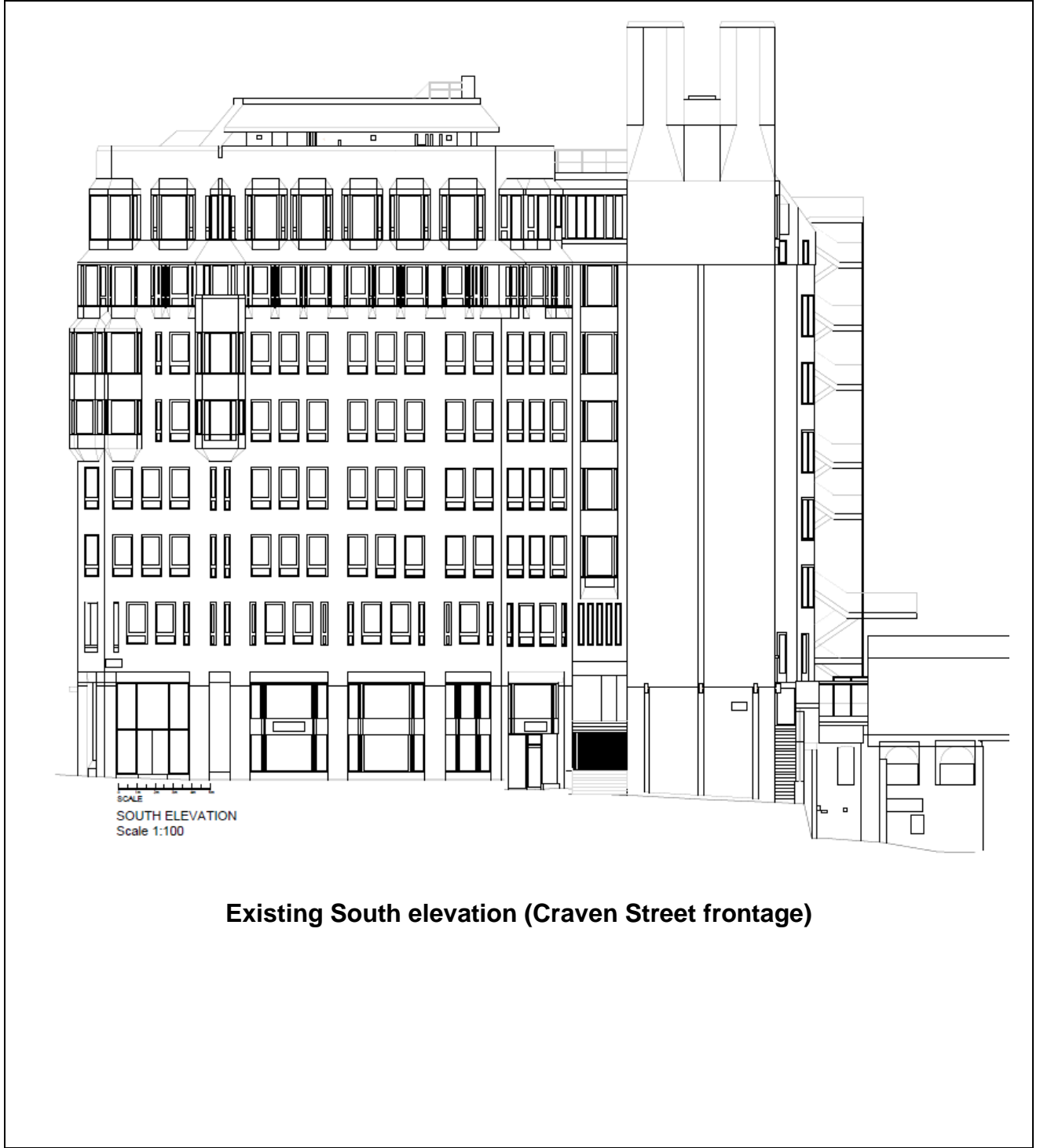
EAST ELEVATION
Scale 1:100

G/O SOVEREK

Existing front elevation (Strand frontage) and rear elevation



Proposed front (West) elevation (Strand frontage) and rear (East) elevation (adjacent to Hungerfod Lane)

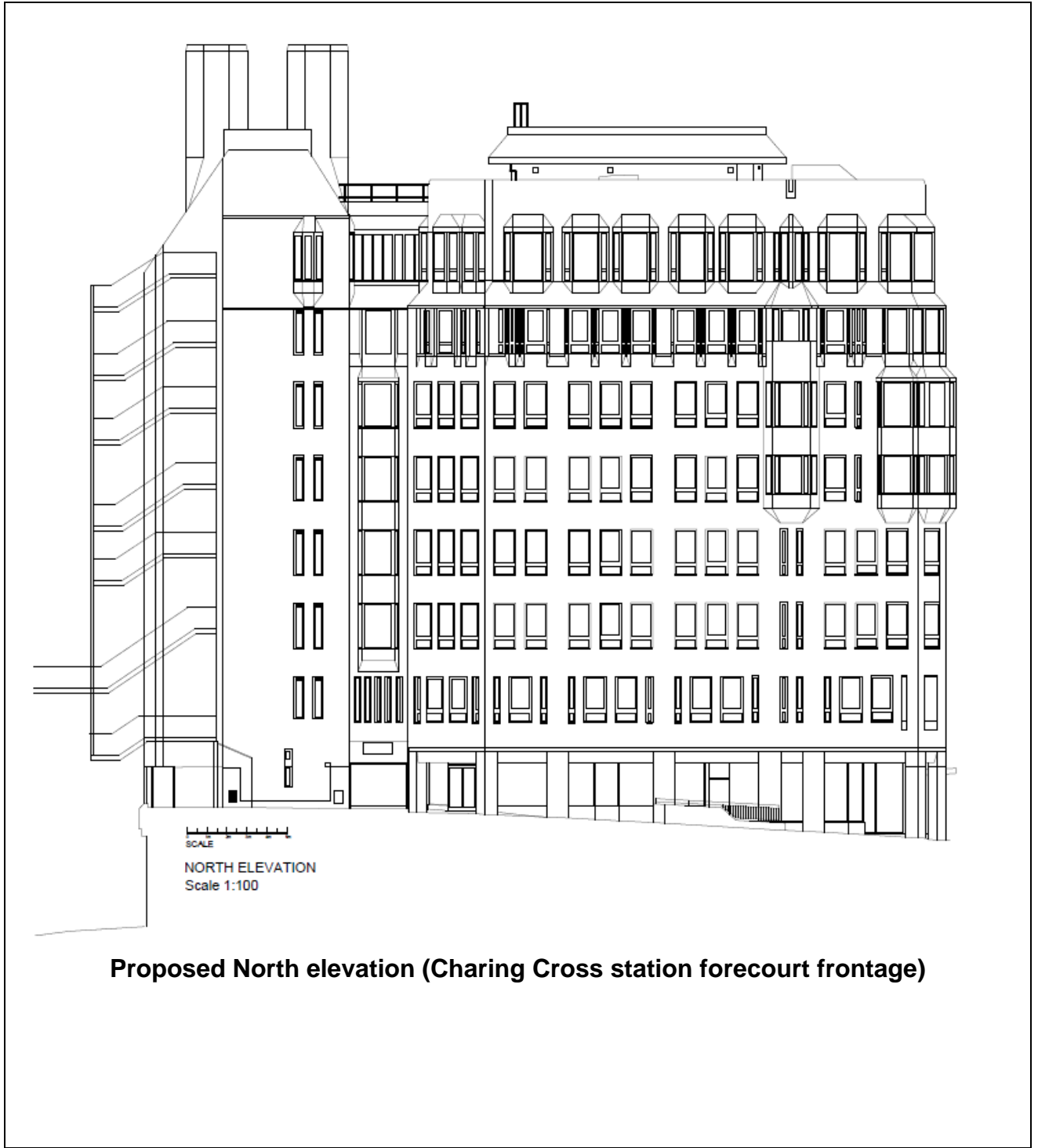


Existing South elevation (Craven Street frontage)

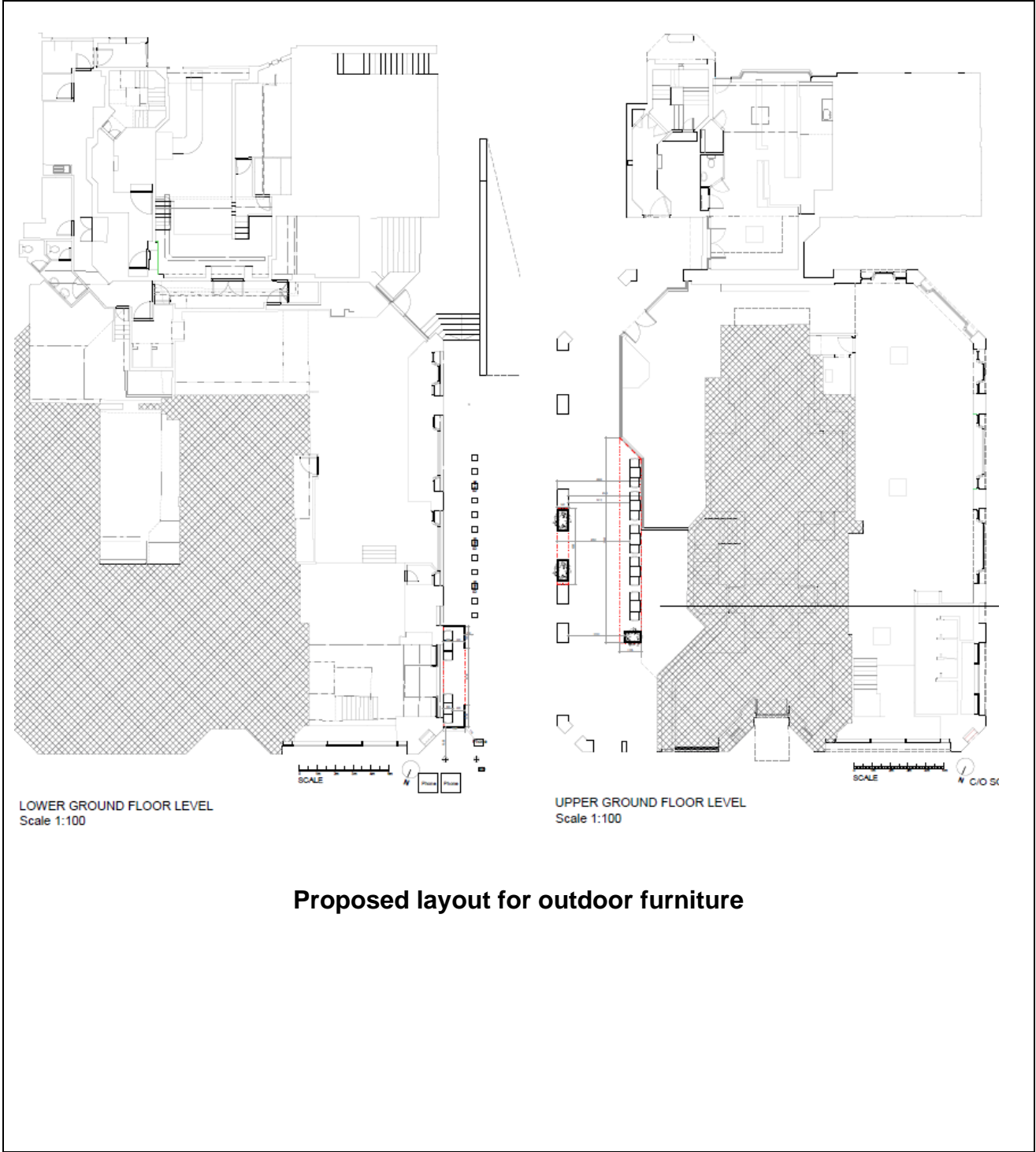




Existing North elevation (Charing Cross station forecourt frontage)



Proposed North elevation (Charing Cross station forecourt frontage)



DRAFT DECISION LETTER

- Address:** 11 Strand, London, WC2N 5HR
- Proposal:** Use of ground and lower ground floor as a public house and restaurant (Sui Generis) including associated external alterations and the provision of mechanical plant equipment within courtyard and at rear lower ground level.
- Reference:** 23/02207/FULL
- Plan Nos:** Site location plan; AL.01 rev. G; AL.02 rev. B; AL.03/B; AP.01 rev. B; AS01 rev. D; AS02 rev.C; AS093; AS04 rev.D; AS05 rev. C; AV01 rev. D; AV02 rev. C; AV03 rev. E; TS/00 rev.B2; Premises Management Plan dated November 2023; Proposed visual; Planning noise impact assessment ref: RK3564/23126/Rev 1.

For information only:

Planning statement dated March 2023; Energy and sustainability statement dated 12 April 2023.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times

when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing LA90, 15 mins measurement recorded under (f) above;

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

(i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

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

- 5 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 You must not play live or recorded music within the premises.

Reason:

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

- 7 You must not allow more than 340 customers into the property at any one time, and you must maintain 256 covers (seats) for customers at all times the public house is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 8 Customers shall not be permitted within the Public House premises before 0700 or after 2330 on Monday to Thursday; before 0700 or after 00:00 on Fridays and Saturdays; and before 07:00 or after 22:30 Sundays and Bank Holidays.

Reason:

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

- 9 You must carry out the measures included in your Operational Management Plan dated November 2023 at all times that the Public House is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number AL.03/B prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the sui generis use. (C14FC)

Reason:

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

- 11 The public house use allowed by this permission must not begin until you have fitted an internal lobby at the two entrances. The entrance doors and the doors fitted to the internal lobbies shall be self-closing doors and you must not leave these doors open except in an emergency or to carry out maintenance. The lobbies shall be retained in situ for the life of the development.

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)

- 12 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises. The reheating of food, the cooking equipment used and hot food products served shall be limited to ensure:
- No gas or solid fuel cooking
 - No deep fat frying or use of griddle cooking
 - Hot food to be provided only via microwave ovens, combi reheat ovens (with built in carbon filtration), one panini grill, rotary toaster and a chip scuttle.

(Please refer to Informative 5).

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

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

residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 14 (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 sui generis 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 Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 15 The entrance on Craven Street in the southwest corner shall not be used as an exit except in emergencies.

Reason:

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

- 16 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 (specifying finished appearance) of the of the following parts of the development:

- plant deck (including support legs) and louvred screen.

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 and erect the screen before installation of the plant. The screen must then be maintained in the form shown as long as the plant and deck remains in place.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 17 You must not sell any take-away food or drink on the premises and you must not operate a delivery service, even as an ancillary part of the primary public house/restaurant use.

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)

- 18 You must not allow customers to drink on the pavement outside the premises.

Reason:

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

- 19 You must provide each cycle parking space shown on the approved drawings prior to

occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

- 20 All servicing must take place between 0800 and 2000. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

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)

- 21 You must apply to us for approval of a Servicing Management Plan, which must identify the process, internal storage locations, scheduling of deliveries and staffing. You must not occupy the Public House until we have approved what you have sent us. You must then carry out the measures outlined in your servicing management plan for the lifetime of the development, unless a revised strategy is approved in writing by the Local Planning Authority. (Please refer to informative 6).

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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before

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

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

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

- 3 Conditions 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.
Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see shop.bsigroup.com/:

BS 6465-1:2009: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2009: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 5 The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of not more than 25 centigrade and provide sufficient air changes within the workspace in compliance with Building & Engineering Services Association (BESA) guidance DW172 -2018 or as updated.

If in future deep fat frying and or cooking by griddle is intended then you must first install a fully recirculation scheme based on the standards set out on the Council's website for the prevention of odour nuisance from kitchen ventilation systems at: <https://www.westminster.gov.uk/westminster-environment-guidance-section-b/section-b-odour> or as updated. Any external equipment will require planning permission.

- 6 In order to meet the requirements of condition 21 the Servicing Management Plan (SMP) should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for occupants (process, internal storage locations, scheduling of deliveries

and staffing). A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.

The idea of the SMP is to ensure that the goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to the other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (i.e. set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the SMP.

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.

DRAFT DECISION LETTER

Address: 11 Strand, London, WC2N 5HR

Proposal: Use of two areas of the public highway, measuring 1.2m x 5.63m to Craven Street frontage for the placing of 2 tables and 4 chairs and 1.2m x 11.4m to Charing Cross Station forecourt frontage for the placing of 5 tables, 10 chairs and one planter and two additional planters to undercroft, in connection with the ground floor use.

Reference: 23/02248/TCH

Plan Nos: Site location plan; AP.02; AL.01 rev. I.

For information only: AD01; Planning statement dated March 2023.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing AL.01 rev. I. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R25AD)

- 3 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved on the pavement between 1000 and 2230. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

- 4 The tables and chairs must only be used by customers of ground floor unit at 11 Strand. (C25CA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission. (R25DD)

- 5 This use of the pavement may continue until 31 December 2024. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (C25DA)

Reason:

In the interests of public safety and to avoid blocking the road as set out Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R25AD)

- 6 You can only put out on the pavement the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved shown on drawing AL.01 rev.I. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved. (C25EA)

Reason:

In the interests of public safety and to avoid blocking the road as set out Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R25AD)

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 You cannot put tables and chairs in the area unless you have a street trading licence, which can be applied for at the following link: www.westminster.gov.uk/tables-and-chairs-licence. , If you want to know about the progress of your application for a licence, you can contact our Licensing Service by email to streettradinglicensing@westminster.gov.uk. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for

planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times.

- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 The furniture must be lifted when removed from the public highways and not dragged to avoid noise.

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.

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Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 05.12.2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Hyde Park	
Subject of Report	144 Praed Street, London, W2 1HU		
Proposal	Replacement of mansard roof with sheer brickwork extension, new mansard roof extension & roof top plant enclosure to provide additional Hotel Accommodation (Class C1). Alterations to façade fenestration and shopfronts to the building, installation of green wall to side (north east), and associated works.		
Agent	Iceni Projects		
On behalf of	LTH (Praed Street) Ltd		
Registered Number	22/08247/FULL	Date amended/ completed	17 August 2023
Date Application Received	5 December 2022		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission, subject to a Grampian condition to secure mitigation for the demand for cycle parking.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes extensions and alterations to this unlisted building of merit within the Bayswater Conservation Area, to provide additional hotel and restaurant floorspace within the Central Activities Zone (CAZ), Paddington Opportunity Area (POA) and Praed Street District Shopping Area, which is acceptable in principle in land use terms.

The key consideration in this case is:-

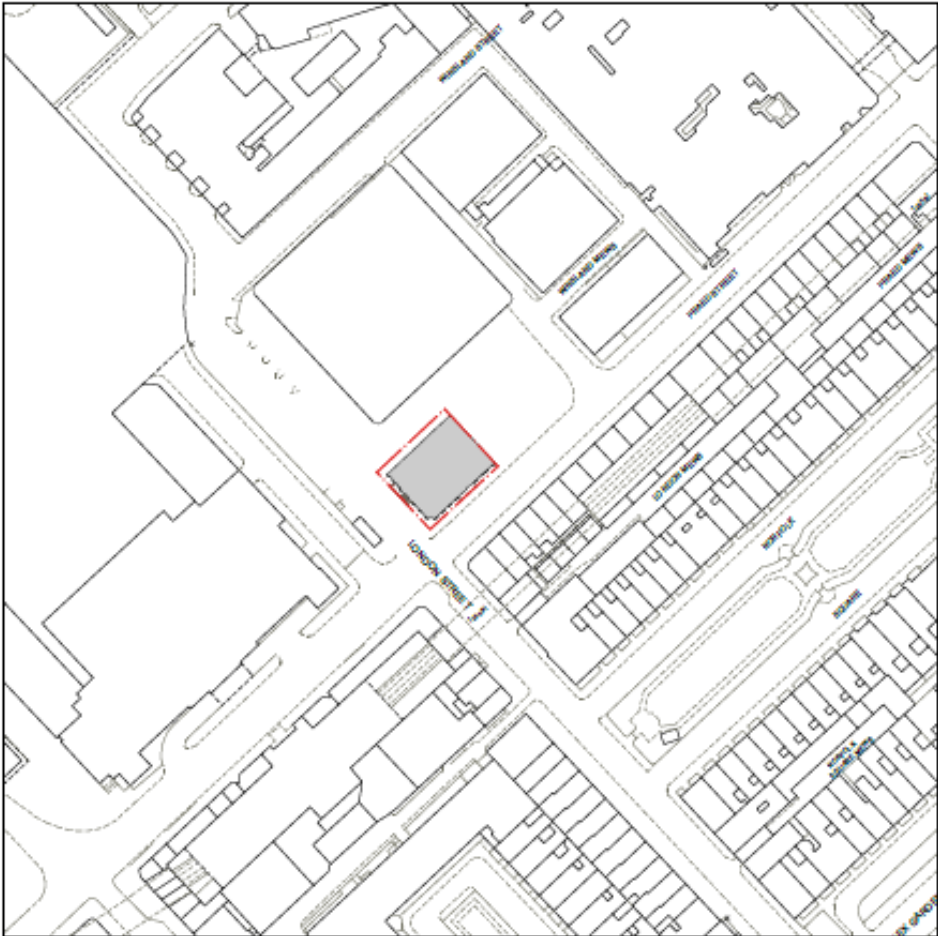
- The acceptability of the proposed extensions and alterations on the character and appearance of this unlisted building of merit and the Bayswater Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings

adjoining the site.

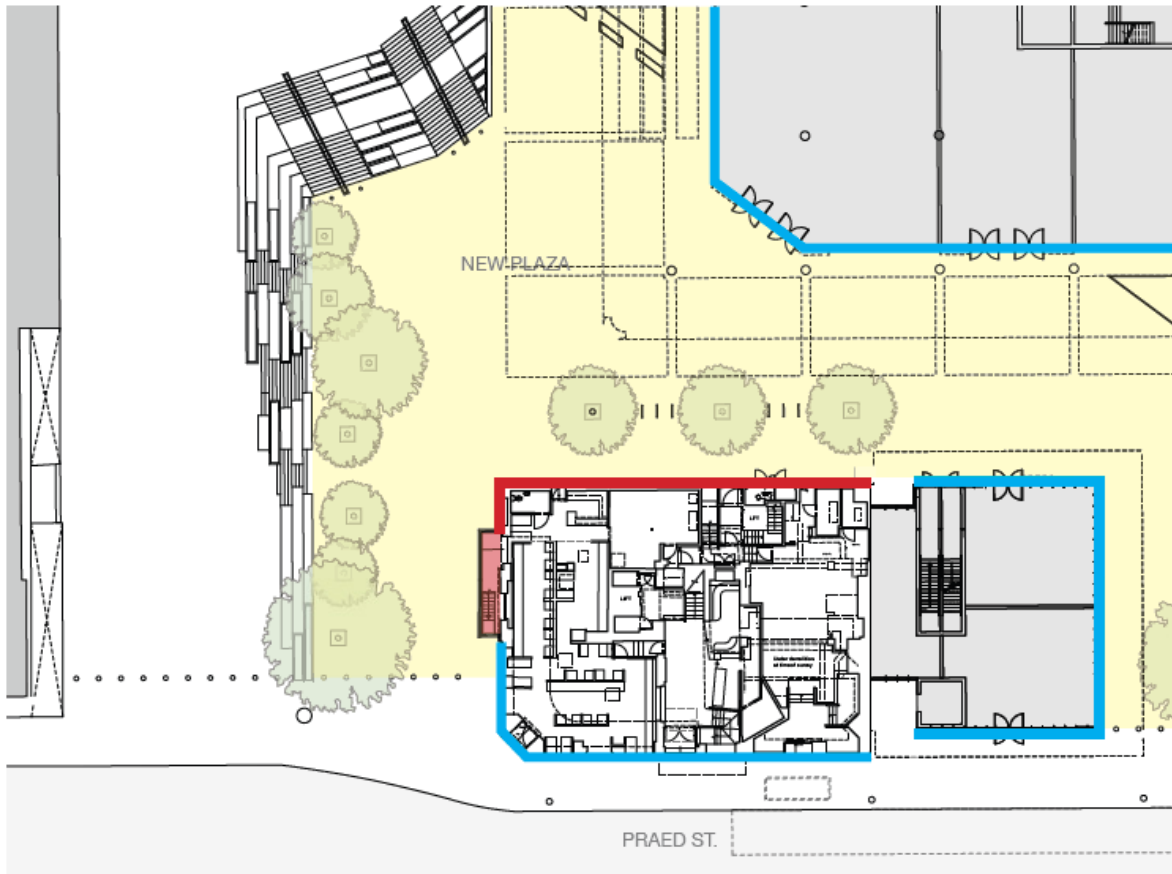
The proposal has been revised during the course of the application on the advice of officers, and in response to the concerns raised by Historic England and two local amenity groups, resulting in, among other things, a proposal focused on the existing traditional architectural character of the building and the upgrading to a sustainable building of BREEAM excellent.

Whilst the amenity groups remaining concerns are acknowledged, officers are supportive of the proposal. The proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject to the recommended conditions, which are necessary to make the development acceptable.

3. LOCATION PLAN



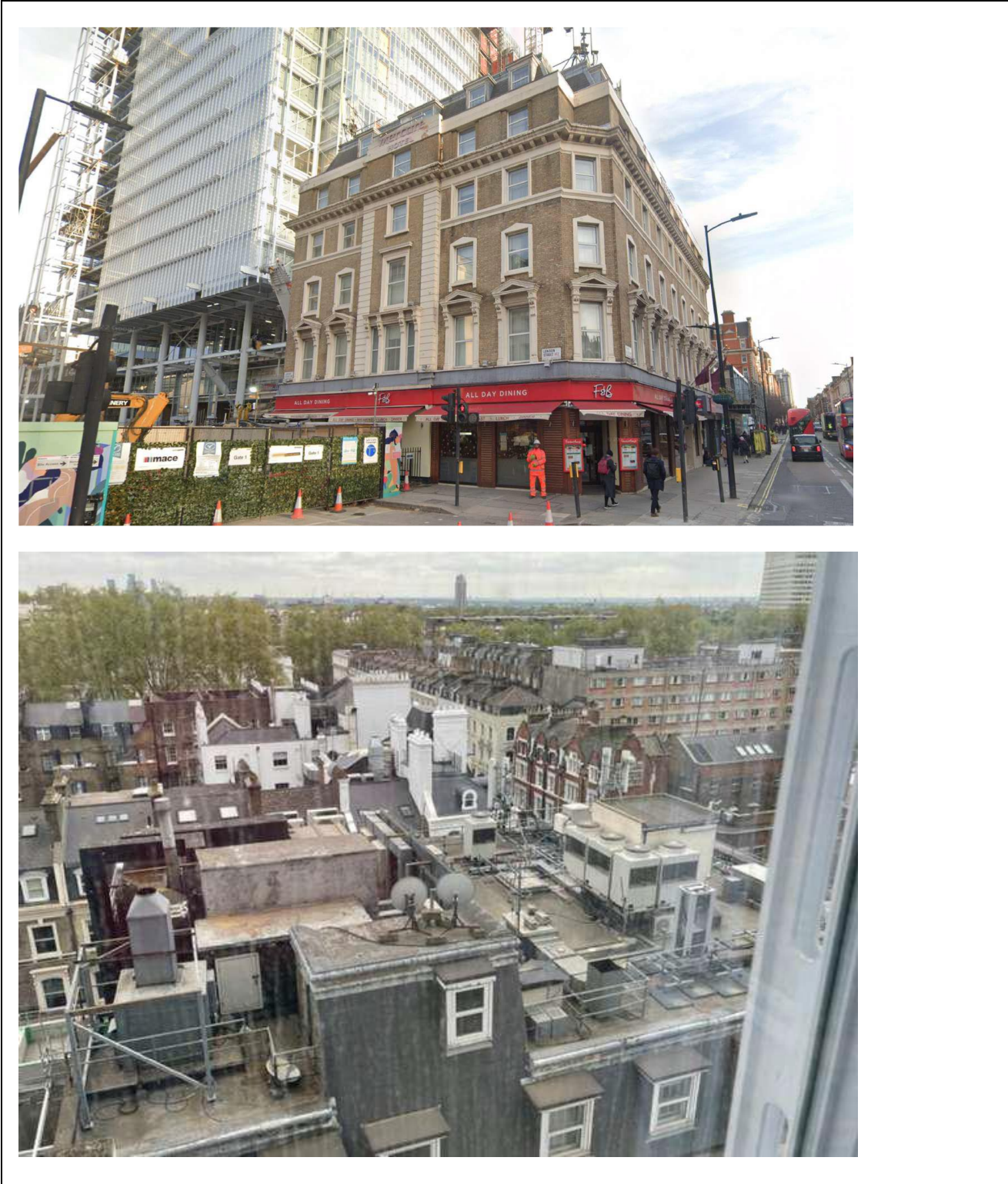
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Existing context plan

- | | |
|--|---|
| New Plaza | Fronts |
| Lightwell | Backs |

4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION FEBRUARY 2023

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Objection. The application does not meet the requirements of the NPPF, in particular paragraph numbers 199, 200 and 206. The proposals should be considerably revised, taking an architectural approach that reflects the sensitive heritage setting.

TRANSPORT FOR LONDON- Safeguarding LUL/DLR

No objection, subject to a condition to protect London Underground Transport Infrastructure.

TRANSPORT FOR LONDON- Spatial

Comment. Further information requested with respect to healthy streets and active travel, construction, delivery and servicing, trip generation, cycle parking, car parking, taxi provision.

NETWORK RAIL

Comment. Informatives with respect to safety and plant, scaffolding and cranes and interface with Network /Rail Assets.

FIRE HEALTH AND SAFETY EXECUTIVE (HSE)

No need to consult HSE, not a relevant building.

LONDON FIRE SERVICES

No response.

NHS NORTH WEST LONDON

Comment. As this does not relate to a residential development, NW London ICB will not be seeking a Section 106 contribution and we have no further comments to make.

HIGHWAYS PLANNING TEAM

No response.

WASTE PROJECT OFFICER

Objection. Further details required.

PLANT AND EQUIPMENT

No objection on environmental noise or nuisance grounds subject to conditions and informatives.

DESIGNING OUT CRIME

No response.

ARBORICULTURAL SECTION

Comment. Concerns and further information required. Relationship of green wall (steel support system and climbers on the north east elevation with the approved modular

green wall on the Praed Street building of the Cube, is unclear. Further information is requested to show these two elements in elevation and section. Single species for the green wall does not introduce visual interest. Landscape management plan is fairly general, query use of the basement lightwell.

ECONOMY TEAM

No response.

BUILDING CONTROL

No response.

WARD COUNCILLORS FOR HYDE PARK

No response.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No response.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT (BID)

No response.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Objection. Design and conservation grounds (especially on the design of the elevations), increased height, failure to preserve the character of the Conservation area and damage to the setting of the adjacent listed buildings.

- Additional sheer facade and mansard should use traditional materials.
- Additional height alters the existing satisfying proportions of the building, especially as seen in long views, for instance from the corner of Spring Street and Praed Street.
- Proposed new elevations have a design and appearance that is detrimental to the characteristics of the vicinity.
- Request Section 106 agreement to prevent telecommunications equipment on the roof.
- Removal of all the existing decorative features on the two principal facades harmful and should be retained.
- Changes to building appearance fail to preserve or enhance the character and appearance of the building in relation to other buildings (including listed buildings) nearby.
- Bland appearance of no interest whatsoever and does not fit in with any part of its surrounds.
- Its appearance is worsened by new window glass going over the entire width and height of the opening, which is featureless.
- Window openings in the existing floors should remain as now.
- Green wall plants should be well maintained.
- Existing windows and surrounds should be retained & any new double glazing should be secondary or 'slimline' within the existing window frames.
- The windows in the new sheer floor should be similar to those in the storey immediately below, and should look the same-detail should be provided.
- French style windows are not good for sustainability, because of heating etc loss when open, losing the energy already used for heating and air conditioning of the

- room.
- Lack of window details and Juliette balconies for safety.
- Little increase in the number of rooms with facilities for disabled clients, or improvement in access to them.
- Insufficient information on shopfronts and their materials
- Request no advertising, especially not at high level on the principal facades.

HYDE PARK ESTATE ASSOCIATION

Objection.

Failure to preserve the character of the Conservation area and damage to the setting of the adjacent listed buildings. As far as HPEA is aware we were not consulted on this application due to its proximity we would expect to be so.

- Proposed changes fail to preserve or enhance the character and appearance of the building in relation to other buildings.
- Removal of the existing decorative features (window surrounds etc), to be replaced by bland facades, damages the setting of the nearby listed buildings.
- Existing windows should be retained, and secondary glazing added rather than double glazing.
- Any new floor to ceiling type modern windows if allowed on the ground floor should be fixed shut. Especially later during the evenings.
- Existing decorative features on the facades should be retained in keeping with the character of this building which adds to the present quirkiness of the old building.
- Query whether restaurant kitchen is large enough to store fridge freezers etc. will now be located ? as the kitchen does not look big enough.
- Presume the number of restaurant covers will be limited.
- Request that the stairs; leading to the hotel reception from Praed Street are appropriate and considered wide enough to deal with people carrying suitcases and increased amounts of visitors.
- Some merit in the roof line looking more neat and tidy. However, the sash windows are more appropriate and in keeping with the character and style of this building than the new suggested modern style. The design of the roof needs to continue to incorporate such quirkiness whilst at the same time as allowing a tidier roof line.
- Should accommodate a communal sitting area / bar area for at least 15 guests to have an alternative place to sit awaiting visitors, taxis, check ins etc. Instead of waiting outside this busy street with narrow pavements.
- Green walls are always welcome but this needs to incorporate a maintenance plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 54

Total No. of replies: 2

No. of objections: 0

No. in support: 1 and 1 requiring clarification

- This is a welcome change and will be significant in improving the landscape of Praed Street.

- Seek confirmation that the public realm surrounding the building is still to remain as per the approved plans under the Paddington Square permission, and in particular that no changes are proposed to be made to the existing arrangements of the north-western area (which directly faces the Cube building) at ground floor level and the interface with the public realm.

PRESS NOTICE/ SITE NOTICE:

Yes

RECONSULTATION AUGUST 2023 (A revised set of drawings and or further information with respect to the detailed design of the fenestration, interface with the new public realm of Paddington Square, sustainability and greening improvements, clarifications with respect to ground floor uses and existing rooftop telecommunication equipment, details of uplift in rooms, and DDA access and rooms and to address Transport for London queries).

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No objection. Historic England no longer objects to the application on heritage grounds. Other issues and safeguards outlined in our original advice and identified by your own specialist conservation advice may need to be addressed in order for the application to meet the requirements of the NPPF.

TRANSPORT FOR LONDON- Safeguarding LUL/DLR

No objection, subject to a condition to protect London Underground Transport Infrastructure.

TRANSPORT FOR LONDON- Spatial

Comment. TfL welcome the additional information and are now satisfied.

NETWORK RAIL

Comment. Informatives with respect to safety and plant, scaffolding and cranes and interface with Network /Rail Assets.

FIRE HEALTH AND SAFETY EXECUTIVE (HSE)

No need to consult HSE, not a relevant building.

LONDON FIRE SERVICES

Any response to be reported verbally.

NHS NORTH WEST LONDON

Comment. As this application relates to a hotel development, do not envisage any impact on health provisions

HIGHWAYS PLANNING TEAM

Informal advice, generally acceptable.

WASTE PROJECT OFFICER

No objection, subject to a permanency condition.

PLANT AND EQUIPMENT

No objection on environmental noise or nuisance grounds subject to conditions and informatives.

DESIGNING OUT CRIME

Any response to be reported verbally.

ARBORICULTURAL SECTION

Concerns remain that the existing modular green wall and the proposed steel support system and climbers would appear slightly incongruous together. It would be preferable to replace climbers with a modular green wall. If steel support and climbers is accepted, require further detail and information.

ECONOMY TEAM

Comment. Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2023), This scheme does not require any financial contribution or employment skills plan.

BUILDING CONTROL

Any response to be reported verbally.

WARD COUNCILLORS FOR HYDE PARK

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT (BID)

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

1st Response- Comment.

- Welcome the revised design of the facades to retain the existing design features around windows etc.
- Still have reservations on conservation grounds about the change in the original shape of the building, caused by the proposed addition of two floors.
- Extension will be seen in long views, for instance from the corner of Spring Street and Praed Street, so its design and appearance are important.
- Request Section 106 obligation to prevent equipment or additions to roof.
- The existing sash windows should keep their timber framed panes, restored as necessary & any double glazing should be secondary or 'slimline' within the existing window frames.
- Request a condition that the green wall plants be well maintained.
- Insufficient shopfront detail.
- Routes of construction vehicles, indicates one of two inbound routes being along the elevated A40, leaving it at the Paddington ramp. But this route is very restricted, not being available for vehicles over 7.5 tonnes.

2nd Response-Comment.

- The visuals now shown on the website strengthen our concern on design and

conservation grounds, especially in the prominent long views of the main facades of the building, such as that from the junction of Spring Street and Praed Street.

- The boundary around the telecom equipment (situated on top of the central flat section of the mansard roof) remain prominent in this street level view, despite some set back; thus accentuating the apparent increase in height of the building.
- Remain concerned also about the detail of the changes to the two principal facades:- on design grounds, for the new sheer facade and the dormer windows above it (including the materials to be used), and on conservation grounds, for the existing lower parts of these facades including the decorative window surrounds and the materials of the window frames. The latter should remain of timber and any double glazing of the panes should either be 'slimline' or secondary.
- Uncertainty about what is to be done to the existing ground floor shopfronts.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 54

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has set out in section 3 of their planning statement, details of community engagement undertaken and provided an Early Community Engagement Plan. Collectively these documents indicate that they met with two representatives of Paddington Now Business Improvement District on 23.11.2022 whereby the planned extension and works to the Mercure Hotel were discussed with reference to design documents and presentation material. No other early community engagement (prior to the submission of the planning application) appears to have taken place.

The applicant's documents indicate that community engagement was to be undertaken during the course of the planning application and beyond, with the Southeast Bayswater Residents Association and Hyde Park Estate Association and Paddington Now Bid as the facilitator. A digital community engagement strategy is also to follow the application submission. The applicant advises that this will comprise a dedicated website that features the verified views of the building and an explanation of the proposed development. This website will be shared with the above-mentioned associations and BID and importantly, will also be made available to the wider community.

During the course of the application, the case officer made the applicant aware that that designated amenity society for the site is the Paddington, Waterways and Maida Vale Society and that the site was located within the Hyde Park Ward (for the purpose of

Ward Councillors). The applicant was also made aware of the omission of engagement with PWMVS, Ward Councillors, Paddington Square/Cube and St Mary's NHS/ Network Rail etc and residents and businesses. The applicant advised on 07.08.2023 that Icen Projects had been instructed to undertake engagement with the proposed stakeholders, to carry out a leaflet drop set up a consultation website and to facilitate further public community engagement and that a full Statement of Community Engagement (SCI) will be prepared to follow this.

The applicant provided an updated in an email of 5th October 2023. *“Stakeholder engagement undertaken during the determination period. The applicant held a community engagement event at the Mercure Hyde Park. The event was very well attended, with 60 local residents present in addition to local ward cllrs, local policy and members of SEBRA. The Applicant has reached out to SEBRA and Hyde Park residents association directly to brief them on the proposals. The response was very positive and local residents were excited to see proposals for an enhanced hotel offering and improved design along Praed Street”.*

No further information or SCI has been received. In summary, the applicant has not clearly set out details of early engagement with the local community and key stakeholders (apart from Paddington BID) in the area prior to the submission of the planning application, contrary to the principles set out in the Early Community Engagement guidance.

The scheme has however been revised during the course of the application.

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) (September 2023) 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 (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

No.144 Praed Street is a six storey plus basement building, occupied by the Mercure Hotel, and two ground floor restaurant operators (Garfunkel's restaurant and the now vacated Macdonald's). The site also houses roof level telecommunication apparatus. All four of the building's elevation are in public view, due to the adjacent Paddington Square development.

The site is located within the Central Activities Zone (CAZ), Paddington Opportunity Area (POA) and Praed Street is a District Shopping Centre. The site also falls within a Surface Water Flood Risk Hotspot (Westbourne). The site is well located for public transport for trains (Paddington Station) and London Underground (Bakerloo Line, Circle and District, Circle and Hammersmith and City and the Elizabeth Line) and buses with a Public Transport Accessibility Level (PTAL) of 6B.

The building on site is an unlisted building of merit, located within the Bayswater Conservation Area, sat amidst a townscape of high heritage value. To the north and east lies the site of the former Royal Mail Group post office which is currently under redevelopment for the 18-storey Paddington Cube/Square development (office, retail, restaurants) which includes the section of London Street between Praed Street and Winsland Street, Arrivals Ramp/Road to Paddington Station and the previously existing wall which separated these two roads.

Within the immediate vicinity of the site there are several listed buildings, notably the grade I Paddington Station, the grade II listed Hilton Paddington (formerly the Great Western Hotel), the grade II listed Paddington Underground Station and the grade II listed Mint and Clarence Wings of St Mary's Hospital.

The wider townscape includes a large number of designated heritage assets, including a big volume of grade II listed terraces within the largely nineteenth century townscape of the Bayswater Conservation Area. A number of other conservation areas are in close proximity.

7.2 Recent Relevant History

Telecommunication equipment

Appeal allowed on 14.05.2020 for temporary telecoms equipment at roof level comprising 3 x 3 metre high poles, 6 antennas, 1 x 0.3 metre dish, 1 x 0.2 metre dish, 4 cabinets and ancillary development thereto for a temporary period of 12 months. (19/06143/FULL). (The temporary telecommunications equipment was erected following the loss of permanent equipment at 50 Eastbourne Terrace due to redevelopment).

Conditional planning permission granted on 09.06.2021 for the siting of an existing temporary telecommunications base station for 12 months, comprising 6 antennas, 1

300mm diameter dish antenna, 1 200mm diameter dish antenna, mounted on 3 support poles, associated 4 rooftop mounted cabinets and ancillary works.(21/02422/FULL).

Conditional planning permission granted on 01.08.2022 Rooftop apparatus comprising; 3 support poles supporting 6 pole mounted antennas, 1x 300mm dish, 1 x200mm diameter dish, 4 cabinets and ancillary works thereto for a temporary period of 12 months. (22/03681/FULL).

Submitted (currently invalid) application for Installation of rooftop apparatus comprising; 3 no. antenna support poles supporting 6 no. pole mounted antennas, 1 no. 300mm dish, 1 no. 200mm diameter dish, 4 no. cabinets and ancillary works thereto. (23/04374/FULL).

8. THE PROPOSAL

Planning permission is sought for a scheme of retention of the building with some demolition, extension and alteration for continued hotel with ground floor restaurant use.

The proposal has been revised during the course of the application to address officer's concerns and queries as well as those raised by Historic England, two local amenity groups and transport for London. This resulted in a revised set of drawings and or further information with respect to:- the detailed design of the fenestration, interface with the new public realm of Paddington Square, sustainability and greening improvements, clarifications with respect to ground floor uses and existing rooftop telecommunication equipment, details of uplift in rooms, and DDA access and rooms. A further update to community engagement was also sought.

The key elements of the proposal are listed below:-

- Replacement of mansard roof with sheer brickwork extension
- New mansard roof extension
- Roof top plant enclosure
- Additional Hotel Accommodation (Class C1) and additional ground floor restaurant floorspace.
- Alterations to façade fenestration and shopfronts to the building
- Upgrading plant and services
- Installation of green wall to side (north east), and associated works.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel	2462m2	2804m2	+ 342
Class E	289m2	333m2	+44
Total	2751m2	3,137m2	+386 (12% increase)

9. DETAILED CONSIDERATIONS

9.1 Land Use

Mixed Hotel/Commercial use

The principle of a larger hotel (Class C1) with restaurant uses (Class E) in this location within the CAZ, POA and District Centre is acceptable in land use terms under policy 1 (Westminster's Spatial Strategy), policy 3 (Spatial Development Priorities: Paddington Opportunity Area, policy 14 (Town Centres, High streets and the CAZ), 15 (Visitor Economy), 16 (Food, Drink and Entertainment). This is in order to help create employment opportunities and diversify the local economy. This is, however, subject to the new hotel being of appropriate scale to the surroundings, having no significant adverse effects on residential amenity and generating no adverse environmental and traffic effects.

Hotel

The increase in floorspace provided for by the proposed upward extensions, is modest (342m²) and would provide an increase in 14 hotel rooms from 86 to 100. Some existing hotel rooms at 3rd, 4th and 5th floor levels are proposed to be reconfigured to enable the provision of 3 DDA wheelchair accessible hotel rooms (24m²). Increased accessibility through improvements to the main entrance are also proposed, including a new wheelchair platform lift and new internal ramps within the ground floor. These improvements are welcomed and the modest increase in hotel rooms to provide additional and improved visitor accommodation within this central location with excellent public transport accessibility level (Ptal 6) is supported by policy.

Class E restaurant

A larger restaurant is proposed to be retained on the ground floor, growing from 289m² to 333m². This modest increase is considered acceptable in this location and will not result in any significant impact to that existing. Given the existing restaurant use is retained, the small increase in floorspace proposed, the imposition of restrictive conditions (number of covers, hours of use etc) is not considered to be justified in this instance. The existing restaurant is subject to licensing and the slightly larger restaurant will also be subject to licensing controls. The request by the HPEA, is therefore not supported in this instance.

9.2 Environment & Sustainability

Whilst the proposal would be classed as a non-major development, it would still be expected to be of sustainable design. The proposed strategy is based on the principles of energy hierarchy- to use less energy, supply energy efficiently and use renewable energy (Be Lean, Be Clean, Be Green).

The proposal involves the substantial retention of the existing building (with some demolition) together with upward extensions and alterations to the building, which is welcomed and will help conserve resources, reduced embodied carbon, minimise waste and avoid dust and emissions from significant demolition. Sustainable design principles and measures incorporated into the design, will achieve at least BREEAM "Excellent" or equivalent standard. These features include:-

- Fabric first approach with insulation and air tightness to minimise heat loss.
- Energy efficient systems and equipment. Mechanical ventilation with heat recovery to the new extension.
- Metered energy use.
- Low energy LED lighting.
- Air Source Heat Pumps (ASHPs) for comfort cooling and heating and for part generation of hot water for the hotel. A single unit is to serve the ground and basement and one heat pump per hotel floor to the upper floors, together with a heat pump for the hotel handling unit.
- Water efficient fittings to minimise water consumption (low water use fittings, metering system, leak detection system)
- Material selection in consideration of BRE's Green guide to specification (low embodied impact, non-toxic, robust materials) and use of sustainably certified timber.
- Construction waste minimised and 80-90% diverted from landfill.
- Site waste management plan to be implemented.

As such the proposed development would reduce on-site energy demand and maximise the use of low carbon energy sources whilst extending the lifetime of the building by incorporating principles of sustainable design, in accordance with Policy 36 (Energy) and Policy 38 (Design principle).

Air Quality

The whole of Westminster is an Air Quality Management Area (AQMA). Given the scale and nature of the proposal, an air quality assessment was not required to be submitted. The site has a Public Transport Accessibility Level (Ptal 6), and no car parking is proposed on the site. The delivery and servicing strategy is proposed to be consolidated to seek to reduce daily servicing trips and the proposal incorporates improved green energy (ASHP's). As such, the proposal is not considered to result in any significant impact on air quality in accordance with Policy 32. Air quality.

Flood Risk & Sustainable Drainage

The site falls within flood Zone 1 and the site has a very low risk of flooding from tidal, fluvial flooding. Whilst located within a Surface Water Flood risk hotspot, given the retention of the building and nature of the proposal it is not considered to raise concerns with respect to pluvial (surface water) flooding. The proposal is therefore considered to comply Policy 35. Flood risk.

Environment & Sustainability Summary

Overall, the proposed environmental and sustainability credentials of the proposal are considered to be acceptable, taking into consideration the scale and nature of the proposal. Conditions are recommended to secure delivery of BREEAM excellent.

9.3 Biodiversity & Greening

The footprint of the existing building, which is to be retained, extended and altered, covers the full site and does not currently contain any greening or biodiversity features. Whilst there are limited opportunities for greening to this existing unlisted building of merit with rooftop plant, the proposal does seek to incorporate a green wall to the east elevation comprising of:-

- Steel support frame 4.8m high
- Plants: 2 species arranged as a block of 5 Clematis armandii (evergreen), and a block of 4 Clematis montana (deciduous) at about 500mm spacing.
- Initial planting height is 1-1.5m.
- Some additional species of ground cover plants to shade the roots of the climbers have also been provided.

Policy 34. Green infrastructure requires developments, wherever possible to contribute to the greening of Westminster and achieve biodiversity net gain wherever feasible and appropriate. The proposed green wall satisfies this policy and is welcome in principle.

During the course of the application, the applicant was requested to consider a modular green wall, rather than the proposed steel support frame for climbing plants, in order to provide for a better relationship with the adjacent modular green wall to be installed as part of the Paddington Cube Development (the smaller building on Praed Street).

However, instead they provided contextual information with respect to that relationship and have revised the green wall details to a taller structural frame (4.8m) and more details of plant species. The City Council's Arboricultural Manager remains concerned with respect to the steel support frame and climbers, with a preference for a modular green wall. As such, officers have again raised this issue with the applicant and any response will be reported verbally. However, given the scale and nature of the development, it is considered difficult to withhold permission on this specific ground.

The specifics of the currently proposed green wall (structural frame with climbing plants) require further refinement and as such a condition is recommended to seek the following revisions:-

- Planting arrangement - intimate mix preferable
- Planting density of climbers should be increased.
- Initial planting height of climbers should be increased.
- Species - suggest 3 species of climbers would be appropriate, 2 of which should be evergreen.
- Grid arrangement - diagonal grid of wires not visually appropriate.
- Detailed Management Plan required including access arrangements and sustainable irrigation.

Subject to this condition, whilst not the preferred green wall system, it will add greening and biodiversity to the site in accordance with policy.

The public realm, landscaping and trees associated with the Paddington Square Development are not proposed to be altered by this proposal.

9.4 Townscape, Design & Heritage Impact

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."*

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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

Being within a conservation area, Section 72 of the Act requires that decisions made for development proposals on the site must pay special attention to the preservation or enhancement of the character or appearance of the conservation area. Similarly, Section 66 of the same Act requires that the impact of development proposals on the setting of the nearby listed buildings must be given special regard or, in the terms of Section 16 of the NPPF, great weight when considering the overall effects of a scheme. In both respects, the relative significance of the affected heritage assets, including that of the application site itself and the manner in which it interacts with those other assets, should be taken into account.

Policy 38 (design principles), 39 (heritage) and 40 (townscape and architecture) provide the main framework for the application of the above-mentioned statutory and national requirements, whilst the Bayswater Conservation Area Audit SPD and Development and Demolition in Conservation Areas SPG provide valuable guidance to shape the quality and impact of new development in the area.

The Site and its significance

This unlisted building of merit within the Bayswater Conservation Area is of late 19th century date, but likely with origins as a hotel dating back to the arrival of the railway at least. It sits on a key junction between London Street and Praed Street, immediately adjacent to the main southern entrance to / exit from Paddington Station. It is the first building (other than those which form the main station complex itself), that one sees as you walk out of the Arrivals Road exit of the station, and as such forms an important 'first impression' moment for passengers upon their arrival into London. Whilst it is a building of historic character, undoubtedly deserving of preservation and respect, it has evidently

experienced a range of past alterations and extensions which have created the somewhat tired and unloved composition that we see today. Its original form and scale, commensurate with its separately built architectural cousin to the southern side of the junction (27 London St) remain evident, but upon closer inspection it becomes evident that its current height, and some of its external features are the product of later and in places, significant interventions.

The applicant's Heritage Statement provides a sound analysis of the age and development of the building's facades, showing that the 'original' or otherwise historic later elements of the building are quite degraded. Windows appear to be entirely later, whilst the upper sheer storey and roof are also later and of a lower standard of design merit than what we see on the southern side of the road. Shopfronts are entirely modern, and not particularly successful, whilst to the roof, the building has accumulated an unkempt array of modern telecoms and other plant. The building's 'rear' facades to the north and east were not originally intended for exposure and so now, post completion of the Paddington Square development, have had their more functional and less tidy faces revealed in a somewhat, unkind, isolating and exposing manner.

The site makes a strongly positive contribution to the character and appearance of the Bayswater Conservation Area. Directly opposite the site is the Grade II listed Hilton Hotel, which forms part of the wider station complex which dominates and substantially characterises this part of Praed Street. Paddington Station itself, including the former GWR office block fronting Arrivals Road, is a Grade I listed building of national significance. Also listed and nearby are the Grade II listed Paddington Underground Station, St Mary's Hospital's Mint Wing on London Street, and Clarence Wing further east up Praed Street. To the south of Praed Street, the character of the area changes quickly from the bustling station and hospital campus north of the road to a more domestic and quieter townscape of parallel streets of terraced housing characteristic of the Bayswater Conservation Area.

Immediately to the north and east of the site is the now effectively complete Paddington Square redevelopment site, consisting of a large multi-storey steel and glass 'Cube' office-led building set within an extensive area of new multi-level public realm and retail space, a new entrance to the Bakerloo Line LUL Station. This represents a substantial change to the character of the area which, whilst not changing the constraints of the site as such, do represent a step-change to its townscape context. The development has also fundamentally exposed the application site to a substantially more exposed position, with its northern and eastern facades now more public than before.

Bulk, Height & Scale & Detailed Design

It is proposed to substantially redevelop the building through its upward extension, and alterations to the exterior. This seeks to retain the bulk of the building's existing fabric, adding on top, two additional floors – one sheer, and one mansard. The proposals include no extensions at lower levels, the building retaining its existing footprint, but internally the building would be substantially remodelled to provide an enlarged and upgraded hotel, and improved retail spaces at ground floor level, including new shopfronts.

Revised during the course of the application on the advice of officers, and responding to the concerns raised by Historic England and two local amenity groups, the proposals are

now focussed on the existing traditional architectural character of the building, and depart from the somewhat sterile modernisation of the building's facades that had been previously proposed. This includes the retention of existing window openings to retained upper floors and selectively replacing and upgrading their decorative window surrounds, the retention of the prominent rusticated pilasters to the western façade extended upwards to terminate properly with a new pediment, and a new traditional double-pitched mansard roof on top. The proposals include some works also to the north and eastern facades, seeking to provide them with a more presentable face to these now more public approaches to the site. At ground level, the façade would be substantially reworked to create a new hotel entrance and wholesale replacement of shopfronts.

The main proposal is for the building's upwards extension by two storeys. This would involve the removal of the existing mansard roof, which is modern and of no significance, including the array of telecoms and other plant which currently dominate the building's roofline. This would be replaced by a new sheer storey matching the refurbished elevations below, and a new taller double-pitched 70:30 mansard. This new mansard would include a new rooftop plant and telecoms enclosure, concealed principally by the upper slope of the new mansard roof. To the east elevation, the inset lightwell of the existing building would be retained and again would contain extensive building plant but which would be concealed by a new high-level green wall. This proposal is consistent with measures required by condition of the adjacent Paddington Square development scheme, which had required that the untidy appearance of this lightwell be concealed from view.

The main impact of the proposed development would be the building's increase in height. This would be, in effect by two storeys, with one sheer storey replacing the existing low mansard, and a new taller mansard further on top of that. This would cause the building to rise noticeably taller than 27 London Street with which it forms a sort of 'paired' gateway relationship at the junction of Praed Street and London Street. This impact would be most apparent when viewed from the west, from the northern footway of Praed Street beside the main entrance to the Hilton Hotel, and from further west on Praed Street looking in the same direction. Here, the gateway effect of the existing application site building and 27 London Street forms a transition point between the western and eastern ends of Praed Street, and acting also as a turn directional junction towards the southern, more domestic character of Paddington South.

The new taller height of the application site would disrupt this effect somewhat, rising above the architectural height of no.27. However, this would be significantly mitigated by and compensated for by the proposed architectural approach of the development, preserving and enhancing the building's existing architecture, which would reinforce the site's coexistent appearance opposite no.27.

Through this traditionalist approach to design, the proposals have successfully maintained the site's transitory role in anchoring the traditional townscape that historically characterised the area despite the onset of the modern office developments immediately to the north and onwards across the rest of the Opportunity Area. The proposals are successful in their interpretation of the building's existing architecture, whilst also positively addressing its current limitations including lesser quality later alterations to some windows, to the ground floor and to the roof. The proposals to the north and east elevations, facing Paddington Square, are successful in their efforts to

provide some better face to these otherwise somewhat forgotten facades. A new entrance to the western end of the north elevation would help provide legibility to the restaurant entrance to passengers exiting the train stations.

The proposals include the replacement of all windows, alongside many of the existing stucco window surrounds, and other stucco details such as the main cornice between third and fourth floors. The applicants' analysis of these are supported by officers, in that they are mostly not of historic significance and are in many cases in fact quite poor quality. Where they are of historic interest, including at first floor and to the centre window of the west elevation, they are proposed by the revised scheme to be retained and enhanced. The proposals include for enhanced replacements of these to be installed, so lifting the historic character of the building and addressing many of its current architectural failings. The proposal to properly terminate the west elevation's rusticated pilasters with a new pediment is considered to be particularly welcome, providing a new proper western face to the building.

The wholesale replacement of the windows with new sash windows is also accepted in this case, and is generally consistent with the council's approach for unlisted buildings in conservation areas. The precise details of these new windows, which can be expected to include double-glazing, are to be secured through condition, as are the other new and refurbished architectural details proposed.

Also welcome is the proposed double-pitched mansard. Whilst tall, it is considered to be proportionate to the extended building below, and provides a positive means of visually enclosing the extensive plant. The additional plant projections above the main roofline would be set in from the ridgeline of the new mansard, such that it should not be readily visible from most ground level views. Where it could be visible, this might cause some harm to the building's appearance which should be weighed against the scheme's public benefits, including architectural. Conditions to secure the precise layout and appearance of this plant is recommended.

Impact on Heritage Assets

It is considered that some harm to the character of the conservation area would be caused by the proposal to increase the height of the building to a degree which would slightly depart from the established scale of buildings each side of this part of Praed Street. This would be at the lowest end of less than substantial harm. No harm would be caused to the setting of nearby listed buildings. However, significantly it is considered that this harm would be notably outweighed by the scheme's architectural benefits, in the form of architectural enhancements to all facades, and a careful and sympathetic approach to preserve what remains of significance, whilst successfully 'lifting' those elements which are currently unsuccessful. As such, overall, it can be considered that the development would preserve the significance of the conservation area, in that it would be overall undiminished and in many respects in fact enhanced.

The application is therefore considered to be compliant with the City Plan and adopted SPDs and SPGs, and a recommendation to grant conditional permission would be compliant with Section 72 of the Act and Section 16 of the NPPF.

The concerns raised by SEBRA and HPEA with respect to design and heritage concerns are in part addressed by officers in the above assessment and proposed conditions to

secure design details. However, the in principle objection to the principle of the height of the extension are not supported by officers for the reasons set out above.

Fire Safety

Given the scale of the development (non-major) and the nature of the use (hotel), the building is not considered as a relevant building to require a Fire Statement-Gateway One or consultation with the Health and Safety Executive (HSE), as confirmed by the HSE. Neither is a London Plan Fire statement required for this non-major application. Nevertheless, the applicant has provided a Fire Safety design approach. This includes fire detection and alarm, firefighters' lifts, evacuation lifts, smoke control, emergency lighting, emergency signage, first-aid firefighting and emergency power supplies. Early consideration of fire safety is welcome, and the development will still require compliance with building regulations.

Signage

The proposal does not include any details of signage. This is considered under separate legislation (Advertisement Regulations) and under a different type of application (Advertisement Consent). As such, no details are submitted as part of this proposal, and it is not appropriate to impose conditions relating to this matter as they are subject to separate controls. The request by SEBRA to impose a condition to prevent signage on the building, is for this reason not supported.

9.5 Residential Amenity

The site is surrounded on most sides by other commercial uses (Hilton Hotel, Paddington Station, Paddington Square). The closest residential occupiers are located on the opposite side of the road on the southern side of Praed Street, above the ground floor shops.

Daylight & Sunlight, Sense of Enclosure & Privacy

A Daylight and sunlight assessment has been submitted which assessed 63 windows that face the proposed development within the Hilton hotel and 153,155,157 and 161 Praed Street. All windows meet with the British Research Establishment's (BRE) Site Layout Planning for Daylight and Sunlight and would not see any significant loss of daylight or sunlight.

Given the location and scale of the proposed extension and the relationship with surrounding residential properties, the proposal is not considered to result in any significant increase in sense of enclosure or overlooking.

For the above reasons the amenity residents would be protected in accordance with Policy 7(A). Managing development for Westminster's people, Policy 33. Local environmental impacts and Policy 38 Design principles

Noise & Vibration

Roof top plant is proposed including air source heat pumps and the proposed kitchen extract ducting will be run internally through a fire rated shaft, up to roof level where a kitchen extract fan is located.

A Noise Impact Assessment has been undertaken by Finch Consulting to assess the likely cumulative impact of the proposed mechanical plant on nearby noise sensitive occupiers (Praed Street). The City Council's Environmental Officer is satisfied that the plant should satisfy the requirements of our standard noise conditions to protect residential amenity and consequently does not raise objection to the proposal on environmental noise or nuisance grounds. Our standard noise and vibration conditions are recommended to ensure ongoing compliance. Subject to these conditions, the proposal is considered to meet Policy 33. Local environmental impact and Policy 16 Food, drink and entertainment.

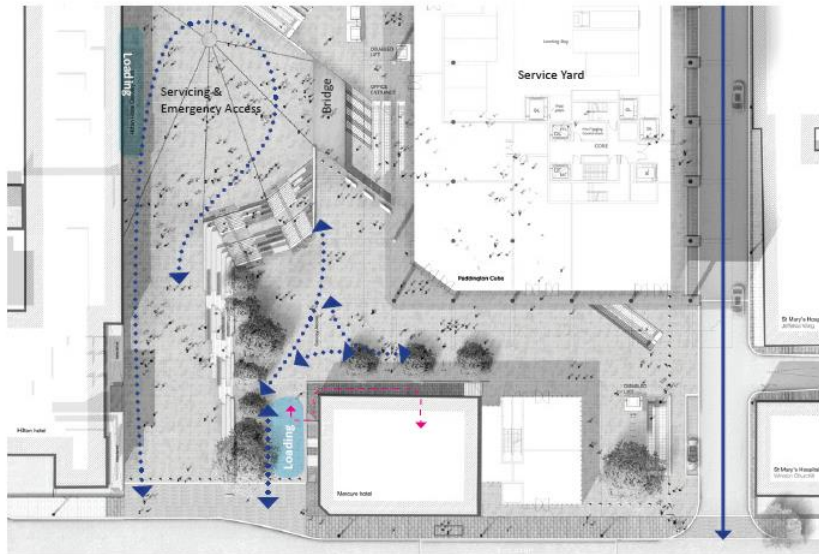
9.6 Transportation, Accessibility & Servicing

The site has a Public Transport Accessibility level (PTAL) rating of 6B with excellent access to many forms of public transport including National Rail, Elizabeth Line, London Underground and buses. In addition, Car club and cycle facilities are located within the vicinity of the site. A Taxi rank is located at Paddington Station.

A Transport Statement & Addendum and an Operational and Servicing Management Plan has been submitted in support of the proposal.

Servicing

Prior to the redevelopment of Paddington Square, the Mercure Hotel, was serviced on-street from Winsland Mews via London Street. In granting planning permission for the Paddington Square Development (Cube), this part of London Street was removed (in order to create the public realm area) and a new road (Tanner Lane) created further east within the site. It was agreed as part of Paddington Square development, that once completed, the Mercure Hotel and restaurant would be serviced from within the south east corner of the site (see below), which is retained as public highway for the purpose of servicing of the Mercure Hotel. No change is proposed to that arrangement under this current planning application to extend the Mercure Hotel.



Vehicular accessibility Strategy diagram from Design and Access Statement of The Cube by Renzo Piano Building Workshop

The applicant has provided an Operational Management Plan and Delivery and servicing information has been submitted within the Transport Assessment (TA) and addendum.

On the basis of deliveries / servicing being consolidated between the proposed restaurant and hotel. The proposed development would be expected to attract a reduced number of service vehicle trips, from the existing 8 daily visits to an average of 4 to 5 daily visits. This is acceptable under Policy 29. Freight and servicing and Policy 37 Waste management. Furthermore, TfL are now satisfied with the evidence provided that the applicant has access to the delivery space needed.

Highway Impact

A trip generation assessment was undertaken by RGP to understand the impact the development could have on the operation of the local highway network. The assessment found there to be a very minimal increase in the total number of trips, as well as the additional journeys made by public transport, and therefore the Transport Statement concluded that, overall, there would be a negligible impact on nearby pedestrian and public transport networks. The report concludes that it is not necessary to undertake any detailed junction capacity or public transport modelling. Officers agree with these conclusions and the proposal is not considered to have any significant highways impact above and beyond that of the existing use.

Accessibility

No car parking is proposed, and none is possible within the site in accordance with Policy 27 Parking. The applicant has indicated five blue badge areas within 150m of the site (London Street (south of Praed Street, Winsland Street and London Street north of Winsland Street).

Cycling & Cycle Storage

No cycle parking is proposed & the applicant has indicated that there is limited space within the existing ground floor layout to accommodate new cycle parking facilities. This is acknowledged, albeit regrettable. The Paddington Square development will include public cycle parking within the proposed public realm; however, this provision should not be relied upon for the non-provision under this application. The applicant has suggested that “ *it is anticipated that some additional cycle parking facilities could be secured within the public highway if necessary*”. As such a condition is recommended to secure mitigation for the lack of cycle parking provided as part of this development, so that this can be investigated and to ensure that the proposal seeks to comply with Policy 25. Walking and cycling and address the request of TFL.

Relationship with Paddington Square

No changes are proposed beyond the application site, to the adjacent public realm to the north of the building. The area immediately north outside of the application site is to be maintained as public highway, as stipulated within the S106 legal agreement to Paddington Cube. Therefore, the public realm, landscaping and trees associated with the Paddington Square Development are not proposed to be altered as part of this proposal.

LUL Infrastructure

There is London Underground tunnels and infrastructure in close proximity to the site. LUL have requested a condition to require by way of a condition, evidence to ensure that the proposal will not detrimentally impact on LUL infrastructure. Accordingly, a condition to this effect is recommended to ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2021, draft London Plan policy T3 and ‘Land for Industry and Transport’ Supplementary Planning Guidance 2012

TFL

The site is located along Praed Street which is 175m from Sussex Gardens which forms part of the SRN (Strategic Road Network). While the City Council is also the Highway Authority for this road, TfL is the Traffic Authority and has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.

Construction Logistics Plan

The applicant has submitted a draft Construction Logistics Plan (CLP) detailing measures that will be implemented to ensure that there is no adverse impact on the surrounding transport network and demonstrate how safe pedestrian and cyclist access around the boundary of the site should be maintained throughout the construction process and avoid adverse impacts to buses. A condition is recommended to seek a final CLP for approval in liaison with TFL.

Healthy Streets and Active Travel

TFL has requested that the applicant undertake an Active Travel Zone (ATZ) as a minimum a light touch review of the key pedestrian/cycle routes should be undertaken with a view to the developer funding / delivering enhancements to the public realm in the vicinity of the site, to support active travel and mode shift, in line with London Plan policies T1 and T2. The applicant has responded in their addendum Transport statement

with details of the ptal 6B rating, and setting out details of the public realm associated with the adjacent Paddington Square Development, which will provide for much improved environment for pedestrians and that hotel guests will be provided with a direct principal route from Paddington Station through the new public realm to the hotel. The applicant has also set out that an ATZ Assessment cannot be carried out at present due to the current works at Paddington Square and that the request is not proportionate to the scale of the proposal. Officers consider that the request for the ATZ is not commensurate with the scale of the proposal and also given that the proposed public realm to Paddington Square development is known to provide direct pedestrian links between major transport interchange at the hotel. As such, TFL's request is not supported.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040.

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy. The new floorspace proposed is expected to generate additional jobs, the applicant expects the proposal to result in an uplift in the number of full time employees from 18 to 58.

- Front of house team (receptionists, porters,) **10**
- General Manager, Night Manager, Reservations Manager, Front of House Manager, HK Manager **5**
- Housekeeping staff in house **15**
- Maintenance team 3 operatives plus 1 facility manager **4**
- Introducing sales, marketing, e-commerce, conference & events team **4**
- Restaurant and Bar (kitchen and front of house) team – **20**
- Total - 58

The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses. The proposal will also be beneficial during the construction phase through the generation of increased opportunities for local employment, procurement and spending. This accords with Policy 1. Westminster's Spatial Strategy, Policy 13. Supporting Economic Growth and Policy 18. Education and skills.

Digital Infrastructure & Connectivity

It is acknowledged that existing telecommunication equipment is located on the roof of existing building. The applicant has indicated that it is not intended to re-install telecommunication equipment on the building post completion of the development.

It is acknowledged that digital infrastructure and connectivity support future economic growth as set out under Policy 19. Digital infrastructure, information and communications technology. However, given that the building is currently much more exposed than in the past due to the Paddington Square development it is considered appropriate to impose a condition to restrict telecommunication equipment being installed on the roof of this unlisted building of merit, without planning permission. This is because without full assessment as to the principle and siting and appearance of any such equipment, these

may harm the appearance of this unlisted building of merit, the setting of nearby listed buildings and the character and appearance of the Bayswater Conservation Area and area generally, including views from the new Paddington Square Public Realm, which are protected by Policies 38 and 40.

Whilst SEBRA have suggested the use of a S106 planning obligation rather than a condition, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

The estimated Westminster CIL payment is **£76,043.36**, whilst the estimated Mayoral CIL payment is **£68,073.65**. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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

During the course of this application, a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the following conditions:

Condition 3- LUL Infrastructure (LUL request)

Condition 4- Construction Logistics Plan (TFL request)

Condition13- Green Wall.

Condition 14- Mitigation for Cycle Parking.

The applicant's agreement to the imposition of the conditions are being sought prior to the committee meeting.

9.11 Assessment of Planning Balance

Assessment of the Planning Balance is not applicable, see section 9.4. Overall, the harm to heritage assets resultant from the height of the extension is outweighed by the architectural merits of the proposal and overall, the proposal is considered to preserve the significance of the Bayswater Conservation Area.

10. Conclusion

The proposal would increase visitor accommodation with improved access and accessible rooms, and additional restaurant space, all within a location with excellent public transport accessibility levels within the CAZ, POA and District Shopping centre, with minimal transport and highways impact. Furthermore, the proposed upgrading of the sustainability of the building to meet BREEAM Excellent and the introduction of greening is welcomed. Overall, in heritage terms, the proposal is considered to preserve the significance of the Bayswater Conservation Area in that it would be overall undiminished and in many respects in fact enhanced.

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

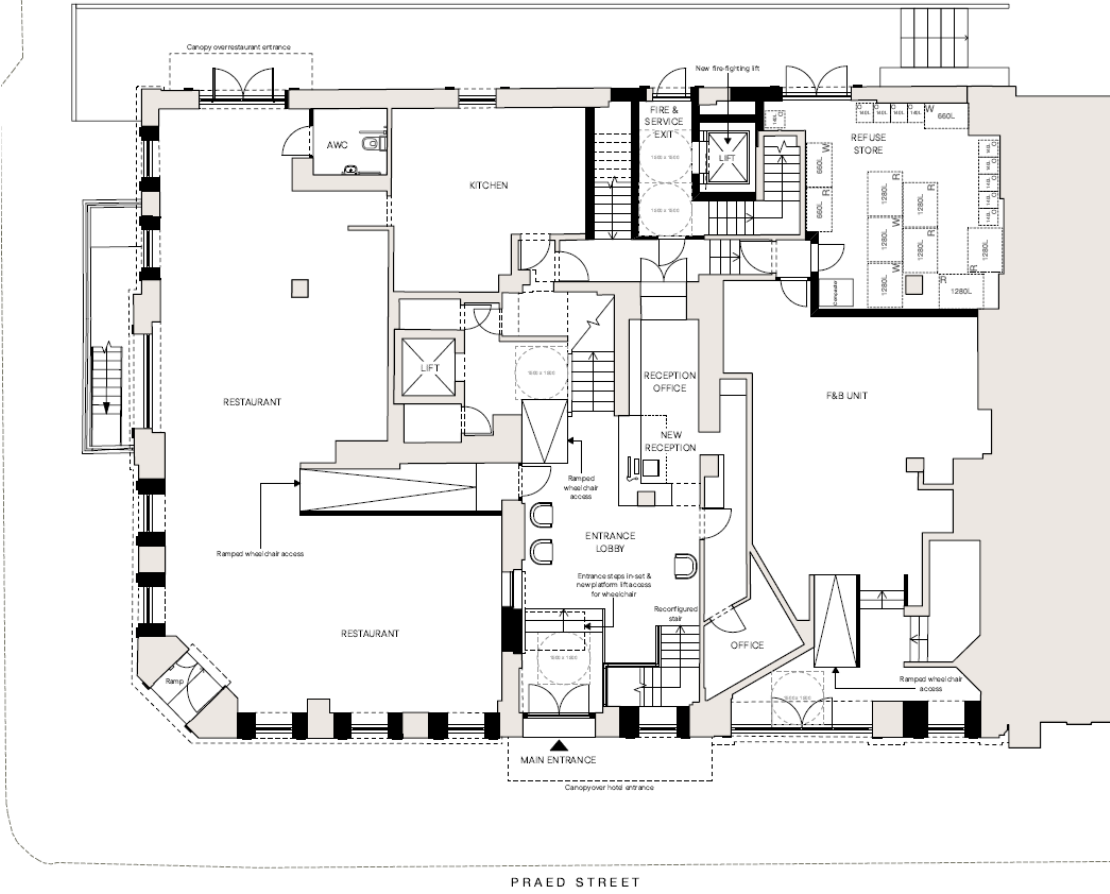
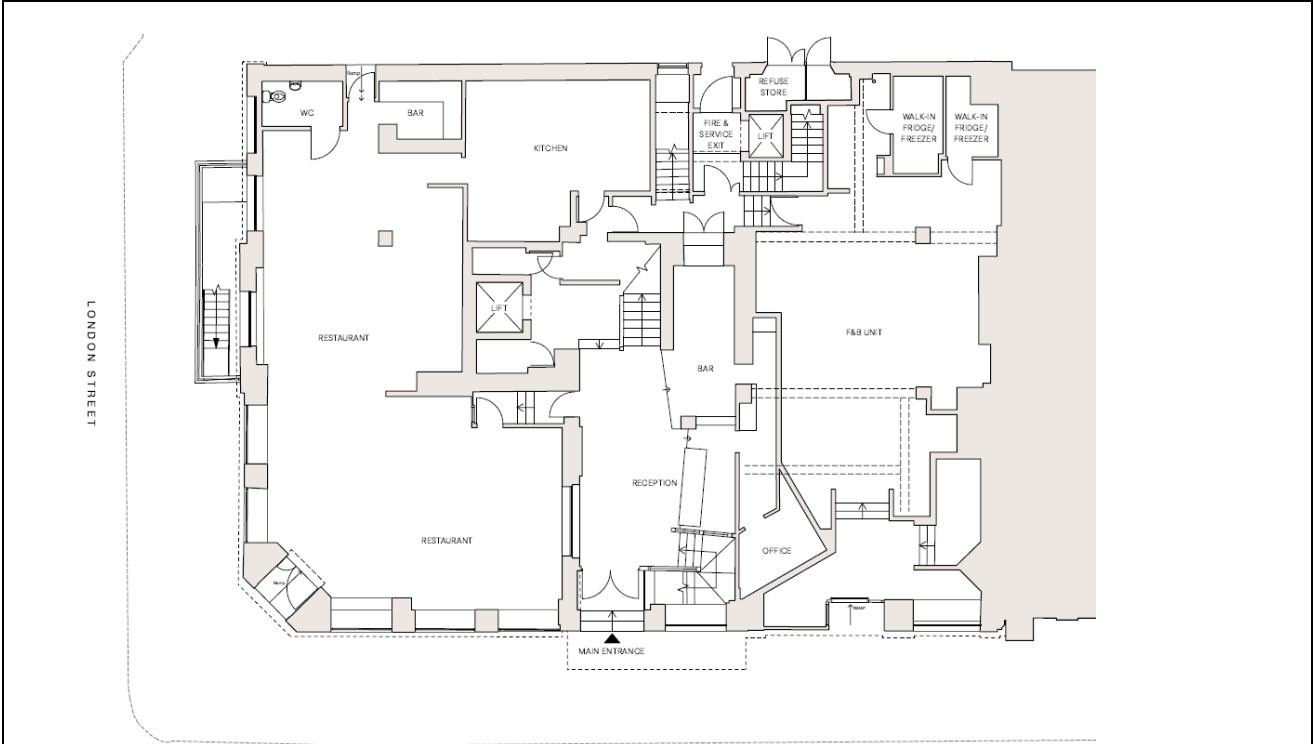
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

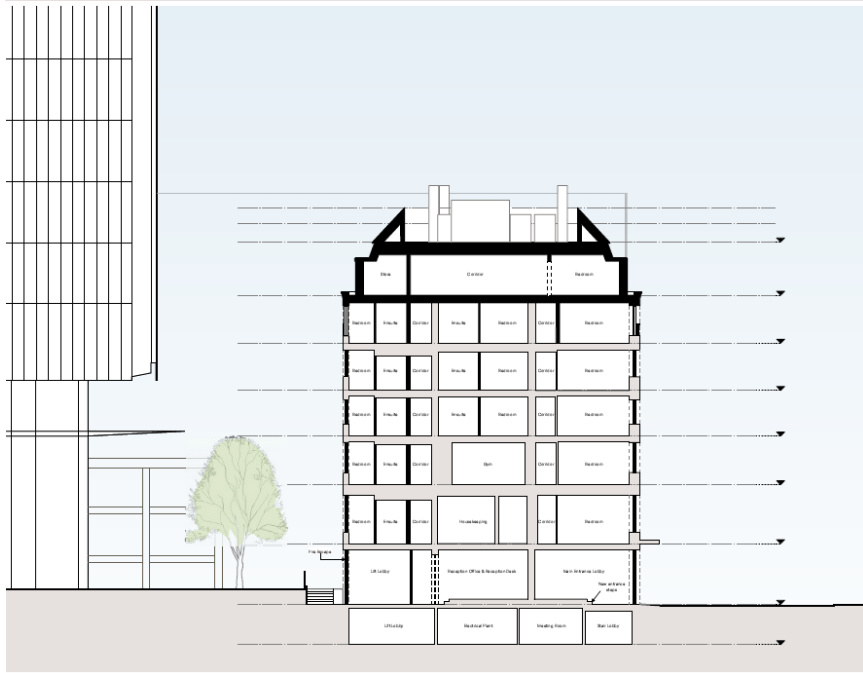
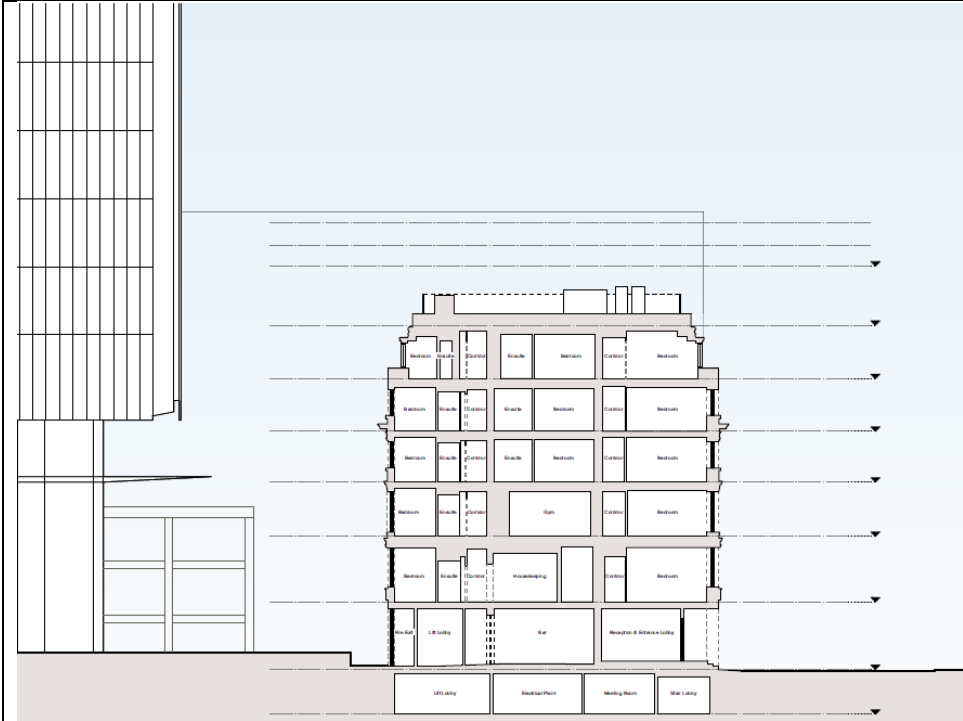
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminstergov.uk.

11. KEY DRAWINGS









Item No.
4

DRAFT DECISION LETTER

Address: 144 Praed Street, London, W2 1HU

Proposal: Replacement of mansard roof with sheer brickwork extension, new mansard roof extension & roof top plant enclosure to provide additional Hotel Accommodation (Class C1). Alterations to façade fenestration and shopfronts to the building, installation of green wall to side (north east), and associated works.

Reference: 22/08247/FULL

Plan Nos: EXISTING DRAWINGS, Location Plan PS_001, Site Plan PS_002, Basement Floor Plan PS_009, Ground Floor Plan PS_010A, First Floor Plan PS_011, Second Floor Plan PS_012, Third Floor Plan PS_013, Fourth Floor Plan PS_014, Fifth Floor Plan PS_015, Roof Plan PS_016, Southeast Elevation PS_020, Southwest Elevation PS_021, Existing Northwest Elevation PS_022, Existing Northeast Elevation PS_023, Existing Southeast Section PS_030, Existing Southwest Section PS_031

DEMOLITION, Basement Floor Plan PS_D-009, Ground Floor Plan PS_D-010 RevA, First Floor Plan PS_D-011, Second Floor Plan PS_D-012, Third Floor Plan PS_D-013, Fourth Floor Plan PS_D-014, Fifth Floor Plan PS_D-015, Roof Plan PS_D-016, Southeast Elevation PS_D-020 RevA, Southwest Elevation PS_D-021 Rev A, Northwest Elevation PS_D-022 RevA, Northeast Elevation PS_D-023

PROPOSED, Site Plan PS_050 Rev A, Basement Floor Plan PS_099, Ground Floor Plan PS_100 Rev B, First Floor Plan PS_101 Rev A, Second Floor Plan PS_102 Rev A, Third Floor Plan PS_103 Rev A, Fourth Floor Plan PS_104 Rev A, Fifth Floor Plan PS_105 Rev A, Sixth Floor Plan PS_106 Rev A, Plant Room Plan PS_107 Rev A, Roof Plan PS_108 Rev A, Southeast Elevation PS_200 Rev A, Proposed Southwest Elevation PS_201 Rev A, Proposed Northwest Elevation PS_202 Rev B, Proposed Northeast Elevation PS_203 Rev A, Proposed Southeast Section PS_300 Rev A, Proposed Southwest Section PS_301 Rev A

Planning Statement (230216 version) Iceni Projects, Covering Letter Iceni Projects, Design and Access Statement (230126 version) Matthew Lloyd Architects, Heritage and Townscape Visual Impact Assessment ('HTVIA') (230208 version) Iceni Projects, Transport Statement RGP and Addendum, Operational and Servicing Management Plan, Sustainable Design Statement Iceni Projects, Daylight and Sunlight Assessment Iceni Projects, BREEAM Pre-Assessment SCS Partnership Rev, Noise Impact Assessment Finch Consulting, Fire Statement Semper Group, Landscape Management Plan Aspect Landscape (for information only), Green Wall Planting Plan Aspect Landscape (for information only), Outline Construction Logistics plan (for information only)

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 The development hereby permitted shall not be commenced until the following in consultation with London Underground have been submitted to and approved in writing by the local planning authority which:
1. provide demolition and construction details including all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent).
 2. accommodate the location of the existing London Underground structures and tunnels.
 3. accommodate ground movement arising from the development construction.
 4. mitigate the effects of noise and vibration arising from the adjoining railway operations within the structures and tunnels.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2021, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 4 No development shall take place, including any works of demolition, until a Construction Logistics Plan has been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London. ,

Reason:

In order to appropriately manage any potential adverse effects on the Transport for London Road Network (TLRN) as requested by Transport for London.

- 5 Servicing of the site must be carried out in accordance with the servicing strategy set out within the Transport Statement its Addendum and Operational and Servicing Management Plan.

Reason:

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

- 6 Before the use is commenced, you must provide the separate stores for waste and materials for recycling shown on drawing number 100 Rev B; prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

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

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

(a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

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

- 8 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 daytime 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 9 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials or telecommunication equipment on the roof, except those shown on the approved drawings, without our permission.

Reason:

Because without full assessment as to the principle and their siting and appearance, these may harm the appearance of this unlisted building of merit, the setting of nearby listed buildings and the character and appearance of the Bayswater Conservation Area and area generally, including views from the new Paddington Square Public Realm,

which are protected by Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021).

- 10 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Where the performance of the development is measured using BREEAM, it shall achieve not less than the total credits for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment hereby approved. A post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories, shall be submitted to us for our approval within three months of first occupation of the development. (C44BC)

Reason:

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

- 11 You must apply to us for approval of a detailed written and photographic specification of the materials you propose to use, including marked up versions of the approved elevations and roof plans showing where / how each of those materials are proposed to be used. For brickwork and other masonry, including restored retained masonry, you must include a minimum 1m2 trial panel of each masonry type, prepared on-site for our inspection, which must also be recorded as part of your submitted specification. 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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 12 You must apply to us for approval of further information (as set out respectively below), about the following parts of the development:
- (a). New windows and doors, including shopfronts, and including their surrounds and associated railings / pot-guards (detailed elevations and sections at 1:10, with key details at 1:5).
 - (b). New external stucco details (detailed elevations and sections at 1:10).
 - (c). New roof and dormers (detailed elevations and sections at 1:20).
 - (d). Layout and appearance of new plant (detailed elevations, plans and sections at 1:20, plus materials and finishes specifications).

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.

Reason:

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

the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 13 **Pre Commencement Condition.** Notwithstanding the details submitted in relation to greening proposals and irrigation. You must apply to us for approval of the following details:-
- A. Green Wall Details including:-
 - Planting arrangement - intimate mix
 - Planting density of climbers (should be increased)
 - Initial planting height of climbers (should be increased).
 - Species -(should be 3 species of climbers, 2 of which should be evergreen)
 - Grid arrangement - (diagonal grid of wires not visually appropriate),
 - B. Green Infrastructure Management Plan including:-
 - Frequency and timing of maintenance
 - Responsibility of maintenance
 - Access arrangements
 - Details of sustainable irrigation.

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)

- 14 You must not use any part of the development until we have approved in writing appropriate arrangements to secure the following:-
- Mitigation for the demand for cycle parking.
- In the case of each of the above benefit, you must include in the arrangements details of when you will provide the benefit, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BB)

Reason:

To make sure that the development provides mitigation for the demand for cycle parking in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

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 NETWORK RAIL, , SAFETY, any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact , assetprotectionwestern@networkrail.co.uk., If the project does require information/examination reports on our structures (including London St.) they can be provided at , request., , PLANT, SCAFFOLDING AND CRANES, Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any , poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it , will not fall on to Network Rail land.

- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed, they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 4 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. , , It is now possible for local authorities to

prosecute any of the relevant parties with respect to noncompliance with the CDM Regulations after the completion of a building project, particularly if such noncompliance has resulted in a death or major injury.

- 5 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.
- 6 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following. * Window cleaning - where possible, install windows that can be cleaned safely from within the building. * Internal atria - design these spaces so that glazing can be safely cleaned and maintained. * Lighting - ensure luminaires can be safely accessed for replacement. * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission). More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm, , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 7 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.

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.

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Bayswater	
Subject of Report	68 Westbourne Park Villas, London, W2 5EB		
Proposal	Replacement of roof and erection of rear and side dormers, alterations to fenestration including replacement of windows, installation of plant machinery within enclosure at roof level and associated external alterations.		
Agent	Mr Riony Miranda Garcia		
On behalf of	Mrs Carmen Madalina Chevalier-Firescu		
Registered Number	23/05645/FULL	Date amended/ completed	15 August 2023
Date Application Received	15 August 2023		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Refuse permission - on the grounds of inappropriate design and harm to the character and appearance of the surrounding Westbourne Conservation Area.

2. SUMMARY & KEY CONSIDERATIONS

This application site is a residential dwelling comprising of lower ground, ground plus two upper storeys. The site is not listed but is located within the Westbourne Conservation Area.

The application relates to the replacement of the existing roof structure and the erection of a new roof with new side and a larger sheer rear dormer with replaced a smaller glass dormer. The rear dormer has a Juliet balcony and this has involved works to remove part of the rear wall of the house.

Replacement windows are also proposed to the front and rear elevations and new doors .

The proposals also seek to install two external air conditioning units within the existing enclosure at roof level with a 1m high louvred acoustic enclosure.

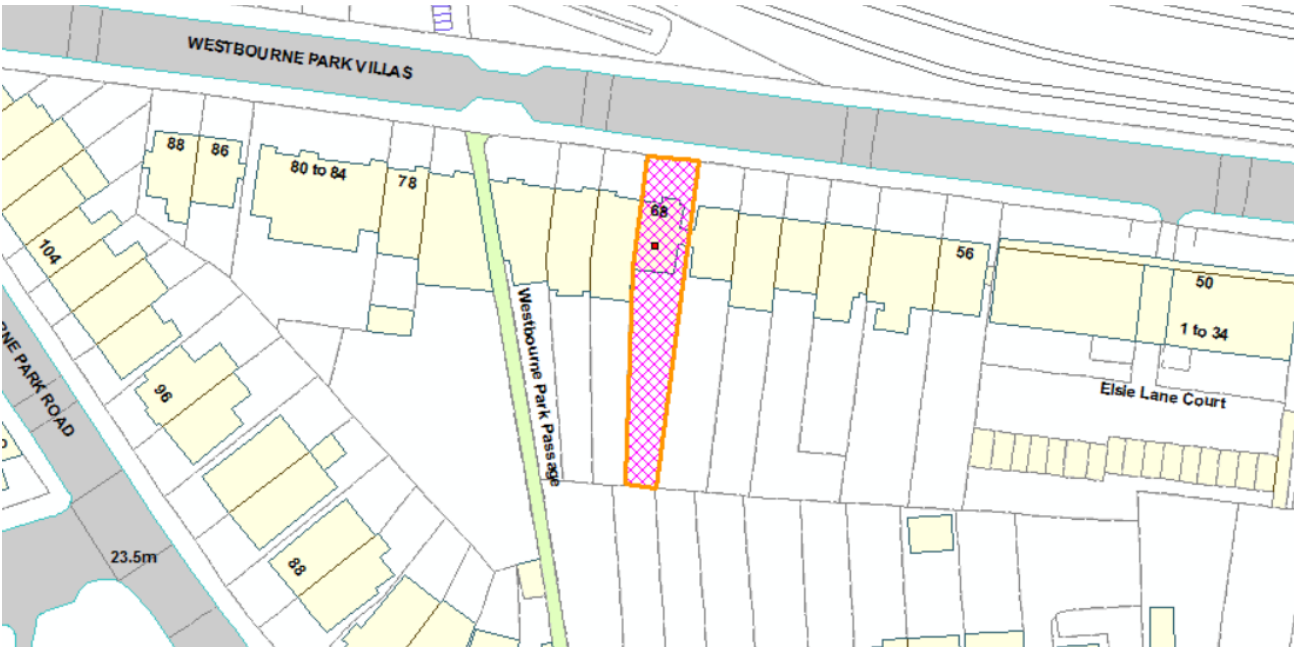
Photographs from Planning Enforcement's site visit on 20 July 2023, show the pre-existing roof structure replaced with new timber rafters to facilitate the dormers proposed under the current application (please see photographs section). A further visit to neighbouring properties on 16 November 2023 confirmed the extent of retrospective works carried out without permission ~~consent~~ (see photographs section below).

The key considerations in this case are:

- The acceptability of the proposed roof alterations and dormers in design terms.
- The impact of the proposed roof works on the roofscape and character and appearance of the Westbourne Conservation Area.
- The impact on the amenity of neighbouring residential properties.

A balancing exercise has been undertaken against the relevant Design and Conservation policies as set out in the City Plan 2019-2040 (Adopted April 2021) and conclude that the proposed development would result in less than substantial harm and this is not outweighed by public benefits. The proposed development would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area and fail to comply with policies 38, 39 and 40.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photo of pre-existing front elevation



Photo of dormer to west side dated 16 November 2023



Pre-existing Rear elevation (left) dated 05 January 2023 and rear elevation dated October 2023 showing proposed rear 'dormer' and new doors (right)



Photo looking northeast at roof level and photo looking east towards no.66 at roof level



Photo of new double doors to front lightwell during officer's visit in September 2023



Photo of rear doors replacement during officer's visited in September 2023



5. CONSULTATIONS

5.1 Application Consultations

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

No response to date

PLANNING ENFORCEMENT TEAM:

There is an open enforcement case for the works underway at main roof level under: 23/78771/M following complaints from a member of the public that works were taking place without lawful consent. The owners of number 68 advised the Planning Enforcement inspector that this was not the case and that work had commenced out of necessity, to deal with an ingress of water from the old dormer. Following a site inspection the owners were advised in a warning letter that work to the roof dormer was unauthorised, and was unlikely to receive approval should it be applied for. The letter advised they should therefore cease works and restore the roof to its previous profile. The owners subsequently advised that they had submitted an application to retain the modified dormer as part of the scheme for 23/05645/FULL. The enforcement case is held in abeyance pending determination of this application. The owners have stated that ongoing work at the property relates to cleaning and repointing of brickwork.

ENVIRONMENTAL HEALTH:

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10

Total No. of replies: 13

No. of objections: 7 objections from 6 properties including 1 on behalf of Westbourne Park Road East Resident's Association

No. in support: 6

Supporting representations

Six letters of support have been received from neighbouring residential occupiers on some or all of the following grounds:

- Works have been carefully designed to keep the style and spirit of the street and the neighbourhood
- The proposed plans are minor and in line with Victorian style and in keeping with the architecture of the area
- the roof is at the exact same height as before
- the roof renovations/ emergency works could be considered as permitted development
- will improve the previously dire condition of the house to the expected standard in a conservation area and if left unattended, the house could have even collapsed
- Roof works were carried out due to emergency as it was dangerously bent, leaking water, and the front façade was cracked and in disrepair
- using high quality materials e.g. natural slate will enhance the aspect of the neighbourhood and conservation area
- the front patio has not been excavated and has been in place for 40 years and

- no change is sought as per the plans
- objections raised unjustified to the size works
- glad it is occupied by a family with young children supplying original materials and design rather than an aggressive developer

Objections Received-Design

Seven letters of objections relating to design matters have been received from neighbouring residential occupiers on some or all of the following:

- The proposed dormer at No. 68 is poised to be significantly bulkier, positioned closer to the street by one foot, and elevated by an additional two feet compared to No. 74, highly visible and visually unappealing
- obtrusive structure, disrupting the harmony and unity of the streetscape, altering the historic rooflines drastically and negatively impacting the existing views
- an eye sore, not in keeping with the historic architectonic style of the area, disrupts the cohesive visual flow of the entire row of houses and rear elevation is unaesthetically pleasing
- front-facing dormer significantly alters the building's original facade, creating a bulky, out-of-place structure that destabilizes the harmonious roofline symmetry observed among the 68, 70, 72, and 74 terrace houses
- the new top floor dormer at the front of the house is an eyesore and highly visible from the street and destroys the symmetry of houses 74-72-70-68
- Removal of rear windows to accommodate full size windows overlooks the importance of retaining the heritage features of the building
- the new window design does not compliment the adjacent structures, affect the cohesive appearance of the neighbourhood;
- French doors on the lower ground level starkly deviates from the historic architectural narrative of the c1850s Notting Hill terraced houses disrupts the existing symphony of styles, detracting from the heritage value of the area
- disregard for the regulatory framework but also undermines the concerted efforts to preserve the historic integrity of the neighbourhood
- air conditioning units are proposed at roof level must have an ambient noise survey and must have acoustic screening to be shown on elevations to show visual impact

Other

Letters of objections relating to other matters have been received from neighbouring residential occupiers on some or all of the following grounds:

- Drawing comparison with no.74 is flawed and misleading and fails to adhere to the policy commitments outlined in the application
- poor justification for changes, masking the violations that have already occurred
- unclear as to whether the lower ground floor been excavated further than existing to create the very large front patio
- Alternatives must be considered that respect the area's historical character and the established regulations
- significant alterations without prior consultation
- fails to mention the original sash window replacement by modern french doors
- extensive scale of the already completed works (without planning permission) go

- beyond the scope of the current application
- sets a concerning precedent for future alterations in the Westbourne and Bayswater neighbourhood
- - carrying out of unauthorised works is not acceptable and also sets a precedent to other residents that they can begin works without the necessary permissions.

Concerns were raised by the agent that the Council has failed to properly investigate inappropriate use of the comments planning system as the comments were generated by the same people which in their opinion raise this as 'abuse' which the council is supposed to make sure should not happen. In response to this, the Council does not consider any of the comments objecting to this application to fall outside of the rules set out in the Council's planning comments protocol. Moreover, the Council is not in receipt of any requests from the reporting function made available on the website for any comments that have not already been moderated.

The agent has provided rebuttal points in response to some earlier objections in September 2023 (please refer to background papers no.16)

An email from the applicant dated 15th November 2023 explains that they were 'forced' to withdraw their previous scheme and requests that the earlier scheme (now withdrawn) is reinstated for consideration. Evidence in the form of written correspondence demonstrated that the relevant Officer who dealt with the previous withdrawn scheme had informed the agent of the design concerns raised and allowed the applicant to make a decision to either withdraw or proceed with a recommended refusal due to design and trees concerns raised. The same agent agreed to withdraw the previous scheme. Therefore, as the previous scheme has been formally withdrawn, this application cannot be reinstated as per the applicant's request.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages householders carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. However, householders are not formally required to undertake engagement with their neighbours or provide evidence of this engagement.

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) (September 2023) 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 (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application site is an unlisted residential dwelling comprising of lower ground, ground plus two upper storeys. The site is north facing perpendicular to the railway lines and located within the Westbourne Conservation Area.

The site a distinctive group designed in the mid-19th century and as part of the original development of the area comprising of four buildings (68, 70, 72 and 74) that are unified together into a coherent architectural composition.

7.2 Recent Relevant History

22/04804/FULL

Erection of single storey rear and side extension at ground floor level; roof demolition and altered/extended with parapet to rear and side elevations and side extension; replacement of windows throughout; alterations and enlargement to the existing fenestration within the upper floor rear elevation; installation of fenestration within the new parapet rear and flank elevations; installation of openable-walk-on glass floor to front lightwell; erection of boundary planter, railings, side stair adjusted, and bins enclosure; and installation of air condition units within acoustic screens at rear roof level.
Application Withdrawn 12 July 2023

The proposed roof extension was considered unacceptable in design terms and the proposed rear extension raised arboricultural concerns. The applicant was advised of these concerns, informed that the application was to be recommended for refusal and advised to withdraw.

22/04812/CLOPUD

Certificate of Lawfulness issued on 25 August 2023 for the erection of an outbuilding at rear of garden.

ENFORCEMENT INVESTIGATION - 23/78771/M

Enforcement investigation opened July 2023 relating to unauthorised roof works.

8. THE PROPOSAL

This current application seeks to overcome officer's design concerns with regards to the roof extension, raised under the previously withdrawn application. A rear extension no longer forms part of this current application.

Permission is now sought for the roof alterations which include the following:

- Side dormers on either side of the main pitched roof clad in natural slate to serve a new bathroom to the west and a new staircase including landing to the east
- Replacement of pre-existing glazed dormer to the rear with a new part sheer storey at rear second floor extension, a Juliette balcony serving a new bedroom and the removal of part of the existing rear wall
- Installation of air condenser units at roof level within existing tank enclosure and 1m high acoustic louvre
- One new rooflight to the side dormer to the west serving a bathroom

In addition, a replacement of window at lower ground floor level towards the front to a set of doors leading out into the front lightwell is proposed. To the rear replacement doors to the garden are also proposed.

Works have already started on site as the existing roof structure has been removed, a new roof structure has been erected with the side and rear dormers and new windows and doors. These works are substantially complete.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policies 8 and 12 of Westminster's City Plan seek to increase residential floorspace, ensure provision of family-sized homes and supports residential extensions that will provide a well-designed, energy efficient and high-quality living environment, both internally and externally. The proposed development will create an additional 51 sqm of internal floor space to this existing single dwelling and there are no objections to the principle of this in land use terms.

9.2 Environment & Sustainability

Policy 38D of the City Plan 2019-2040 states that 'Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including:

1. use of high-quality durable materials and detail;
2. providing flexible, high quality floorspace;
3. optimising resource and water efficiency;
4. enabling the incorporation of, or connection to, future services or facilities; and
5. minimising the need for plant and machinery'

Timber is used for the replacement windows to the front and rear at lower ground and

ground floor levels. This sustainable material is welcomed to help meet the Council's Climate Change Agenda and the Retrofitting and Sustainable Design section of the Environmental SPD. The proposed Natural Slate roofing material is also welcomed. This complies with policy 38D which welcomes use of durable materials.

The Sustainable Design Statement submitted also outlines that the proposed development will maximise use of low carbon energy sources, such as through the connection to a new A-rated combi boiler and hot water tank. Whilst the use of combi boiler and a hot water tank is appreciated to minimise energy use, the installation of air conditioning units, however, are not considered as a sustainable element of the proposals. However, given the scale of the proposed works to serve a residential dwelling and not at a commercial scale, it is not considered to be harmful in sustainability terms so as to withhold permission on these grounds.

Energy Performance

Policy 36A states that 'The council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change'.

The proposals also involve double glazing to the replacement windows to the front and rear which would help to reduce thermal losses. Double glazing will overall improve the thermal efficiency of the building, reducing energy consumption, therefore positively contributes to the Council's Climate Change Agenda and the Energy section of the Environmental SPD. This is in compliance with policy 36 of the City Plan 2019-2040.

Circular Economy

Given this is a householder application, there is no policy requirement to provide a Circular Economy Statement.

Air Quality

The site is not located within an Air Quality Focus Area.

Flood Risk & Sustainable Drainage

Policy 35B states that 'A site-specific Flood Risk Assessment (FRA) must be submitted for:

1. developments of 1 hectare or greater;
2. all developments in Flood Zones 2 and 3; and
3. all developments within a Surface Water Flood Risk Hotspot'.

The Environmental SPD under the Flood Risk section states that 'both elements of the Exception Test should be satisfied, where applicable, for development to be allocated or permitted. For the Exception Test to be passed:

- A. The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- B. The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'

The site forms part of the Westbourne Grove Surface Water Flood Risk Hotspot and the

applicant has submitted a site-specific Flood Risk Assessment (FRA) which outlines there is limited capacity to include Sustainable Drainage System measures given the nature of the proposals relating to roof works only. The FRA also confirms that the proposed development will not additional run off, or increased permeability and therefore on-site attenuation is not deemed necessary. As such, the proposed development will not increase the risk of flooding elsewhere from surface water sources.

The Council is considers that the proposals comply with policy 35 and Flood Risk section of the Environmental SPD.

Light Pollution

In response to the objections of increased light from the roof lights, these are small in nature, very typical of a householder property and therefore there is unlikely to be any detrimental light pollution arising from the new windows within the new roof.

Environment & Sustainability Summary

Overall, the proposed works include double glazing to maximise energy, natural slate and timber as high quality sustainable materials and additional 'hedgerow' greening to the front lightwell which positively contribute to meet the Council's Climate Change Agenda and relevant sections of the Environmental SPD.

9.3 Biodiversity & Greening

Given that the scheme is for a replacement roof structure, with only one small area of flat roof, there is limited feasibility of incorporating biodiversity and greening infrastructure to the proposals and it not considered reasonable to request a green for the proposed scheme.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets is section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 of the Westminster City Plan 2019-2040(April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

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.

The relevant policies for consideration of the proposal area 38, 39 and 40 in the adopted City Plan April 2021.

WCC Supplementary Planning Guidance -Development and Demolition in Conservation Areas (1996), the guidance was agreed for public consultation and reported to committee on 12th September 1995 and again on 11th January 1996. The committee authorised publication following consultation in April 1996. Whilst some parts of this document have been superseded by advice contained in the NPPF 2023 and revised Historic England documents, the following identified paragraphs are still relevant and pertinent to the current City Plan (April 2021) and policies 38, 39, 40 and Section 72 (Listed Building and Conservation Areas) Act 1990, whereby special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The nature of the proposal seeks alteration to the roof involving the partial demolition and erection of a new rear elevation and new dormers to either side of the pitch roof. Paragraphs I.8, J.1 and J.4 relate to extensions and are pertinent to this case.

Paragraph I.8 states: "...not all extensions or alterations, which may be many years old, should be regarded as setting a precedent for future change. May works carried out in the past have not been sensitive to the architectural integrity of the buildings and terraces."

Paragraph J.4 advises; "In some instances roof extensions will not be acceptable in principle, if they have an adverse impact on the architectural integrity of the building, the unity of a terrace or group or character and appearance of a conservation area."

WCC Supplementary Planning Guidance - Roof, A Guide to Alterations and Extensions on Domestic Buildings (1995) was subject to public consultation, reported to committee on 9 February 1995; it was formally adopted in March 1995. This document provides advice on the suitable detailed design, siting, form and materials for roof extensions on terraces and historic domestic buildings. Section 5 provides detailed advice on mansard roof and dormer designs and states: "The guidance is general because it cannot deal with every circumstance that exists across the City but it sets out the fundamental rules which need to be followed. "Dormer windows should normally be modest in size and of simple construction and design.....The total window width, including cheeks, should be no greater than window openings on the façade below. It is important to ensure that the cheeks are not too wide as this can give the dormer a very heavy appearance....Window proportions should have an emphasis, normally vertical, consistent with existing window on the facades below. Care should be taken to choose a historically appropriate style of window, with special attention paid to the thickness and profile of the frames and glazing bars."

WCC Supplementary Planning Guidance - The Westbourne Conservation Area Audit (2002). The SPG was adopted on 20th February 2002, there are reference to the UDP policies however the aims and advise are relevant to current policies in the adopted City Plan 2019-2040 (April 2021). The audit provides a background history and character appraisal on pages 1-9. The stages and development of the area found on page 1 and Westbourne Park Villas was one of the first phases of development in the early 1840's

by many individual builders. Westbourne Park Villas is located in the north of the area and consist of villa developments set within front and rear gardens and later taller imposing terraces.

The architectural character of Westbourne Park Villas and surrounding streets is mentioned on page 1, where these streets with villa developments are similar in character to the slightly earlier houses found in St John's Wood. On page 7 the architectural and historic characteristics and asserts semi-detached villas have high hipped roofs, prominent party walls, stacks and projecting eaves...and were the first houses to be built in the area.

Page 12 contains information and a map where roof extension will be unacceptable, and 68 Westbourne Park Villas is identified where roof extensions is not acceptable.

Historic England Guidance - Managing significance in Decision-Taking in the Historic Environment (2015). This document provides information on how to assess the significance of heritage assets and the implementation of the historic environment policy in the National Planning Policy Framework (NPPF). Paragraph 28 is relevant to this case and states: "The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset or between the asset and its original setting. Conversely, positive change could include the restoration of a building's plan form.."

Historic England Guidance - The Setting of Heritage Assets (2017), this document provides guidance and amplification of the NPPF, on page 4 it sets out relevant advice and states: "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and it original setting."

Site and Surroundings expanded upon

68 Westbourne Park Villas and 70, 72 and 74 are a distinctive group designed in the mid 19th century and as part of the original development of the area. The group comprising of four buildings are unified together into a coherent architectural composition. They are designed with nos. 68 and 74 representing 'end bays' to the composition and which incorporate grander pedimented second floor levels to their front elevations, and with the two buildings between (nos. 70 and 72) given a more recessive and lower height bottle balustrade to the front parapet with shallow pitched roof form to second floor level behind. The overall visual effect from the front is of a unified 'palace fronted' composition which was a common form of development in the surrounding area in the mid 19th century and which sought to group individual terraced properties together into wider and grander architectural compositions.

The area (and parts of Kensington adjacent) was laid out and developed mostly around 1850-1855 following the earlier rapid urbanisation of Bayswater and Paddington to the

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5

south and east. Westbourne Grove itself still crossed open fields as late as 1840. The conservation area was first designated in 1973; extended in 1978 to include properties north and south of Westbourne Grove and an area to the northwest centred on St Stephen's Gardens; extended also in 1998 to include Westbourne Grove Terrace, Hatherley Grove and Burdett Mews as well as the north side of Westbourne Park Villas.

The architectural form and townscape are recognisably coherent comprising both terrace and villa developments mainly arranged either side of streets running north-south between Westbourne Grove and Talbot Road, giving the area a rigid grid pattern, except for the terraces and villas around St. Stephen's church, Westbourne Park Road. Generally a more modest scale, three or four storeys, than nearby Bayswater but employing a similar combination of brick and stucco facades, many in compositions emphasising the end and centre group of houses as in Chepstow Road. In land use terms the area is predominantly residential, the main exceptions being the Victorian shopping street of Westbourne Grove and the informal workspaces found in rear mews.

Assessment

The proposal seeks the erection of a side dormer to the east elevation, a new dormer to western roof slope adjacent to the front pediment, removal of the rear hipped roof and glazed dormer and erection of a new part sheer storey at rear second floor with a Juliet balcony.

The site was subject of a previous submitted planning application that was withdrawn on 12 July 2023 following officers fundamental design objection to the principle of the roof alteration and extension.

The current application has been submitted following enforcement investigations of unauthorised works to the roof (RN: 23/78771/M). The building works are advanced as the existing roof structure has been removed and there new timber rafters installed. In the absence of demolition drawings, the agent has confirmed in an email dated 15.11.2023 that the roof is not a replacement structure, but the implemented works are only temporary works. Prior to current building works the previously existing pitch roof had been altered with a small centrally located infill of the western roof slope against the party wall with 70 Westbourne Park Villas. Also, the rear hipped roof pitch was punctuated by a small modern glazed dormer. For the purposes of this application, officers consider that a new roof structure has been constructed with the new dormers.

The application has attracted a number of supporters and objections as set out in Section 5.1

The application site is an attractive 1840's pitch roof, pedimented, gable end property. The pediment and pitched roof is a distinctive feature of the building, group and townscape that positively contribute to the character and appearance of the Westbourne Conservation Area. The roofs at 70, 72 and 74 Westbourne Park Villas have been altered with well set back dormers to the front and a variety of large bulky roof extension at the rear. No. 74 is the opposing end building in this attractive group, that has been heavily altered at roof level to the detriment of the pedimented elevation and loss of the historic pitched roof. These works appear to have been in place for many years and there is no recent planning history for roof works except at 74 Westbourne Park Villas

where permission was granted for rebuilding of the rear elevation including alterations the roof in 1996.

The proposed dormers would appear intrusively in the roofscape, harming the silhouette of the pitched roof and pediment. The dormer to the western roof slope would further infill the gap between this roof pitch and party wall at 70 Westbourne Park Villas. The side dormer to the western roof slope would be clearly visible in the townscape, add excessive bulk, encroach and potentially crown the pediment, thus undermining this important architectural feature of the building and detrimentally impacting on the roofline of the 'palace fronted' group. It is noted that 60, 62, 64 and 66 form part of a unified group with hipped pitched roof unimpeded by dormers to the front and side. In addition 56 and 58 Westbourne Park Villas are a semi detached Italianate villas that have also unimpeded roofline and have retained their hipped pitched roofs.

The rear enlarged dormer with its glazed doors and Juliet balcony is unacceptable in design grounds. The bulk, scale and form of the extension would infill and substantially removed the rear hipped roof, the part sheer elevation and small section of the retained hipped roof is a striking discordant roof addition when seen against the rear roofscape. The unconventional asymmetrical form is exacerbated by the poor design and relationship with the building, where the rear elevation of the building and group can be viewed from surrounding neighbouring gardens/buildings and Westbourne Park Passage in the conservation area. The associated lowering of the rear wall to accommodate the balcony is also unacceptable in design terms.

There are no design objections to the new windows and doors which would be 'permitted development'.

The proposals fail to accord with policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021), and is considered to result in less than substantial harm, and this is not considered to be outweighed by public benefits. Whilst the applicant need to provide improved residential accommodation is recognised, this does not outweigh the design objections to the works at roof level. Therefore, the recommendation to refuse permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5 Residential Amenity

Policies 7 and 33 of the City Plan 2019-2040 seek to protect residential amenity and environmental quality from development. Policy 7 (A) (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity and preventing unacceptable impacts such as loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking, and Policy 33 (A) aims to protect local environmental quality.

No objections to the proposals have been received on loss of amenity grounds.

Daylight & Sunlight/Sense of Enclosure

Given this is a householder application, it is not considered that the works at roof level and the new side dormers and the larger rear dormer will result in any material loss of daylight/sunlight or increase sense of enclosure to neighbouring residents.

Privacy

The proposed side dormer to the east has a window opening to increase natural light and ventilation to the new staircase leading up to third floor level. The outlook from the side dormer to the east would provide roof level views towards no.66 and no direct views into neighbouring windows. The western side dormer has a rooflight which serves a new bathroom, therefore views would be solely skywards.

The rear dormer proposes a set of doors with a Juliette balcony which provides views of the rear garden of the site and the neighbouring properties and long distance views of the rear of properties along Westbourne Park Road which would not be dissimilar to the existing rear elevation window/door openings.

The replacement windows to the front and rear elevations at lower levels raise no privacy concerns. To the front elevation at lower ground floor level, the existing two over two sash window has been replaced without consent to a set of timber doors which lead out into the front lightwell. Given there is no change to the location of the opening, the new door opening is not considered to be contentious in terms of overlooking as it is located at lower ground floor level and provides views solely into the front lightwell.

Noise & Vibration

The proposed scheme seeks to install two external air conditioning units at roof level with a 1m high acoustic enclosure. Environmental Health have been consulted and raise no objections to this plant equipment, subject to standard noise conditions and the installation of an acoustic enclosure, as set out as a mitigation measure within the submitted acoustic report.

Conclusion

The proposals are considered acceptable in terms amenity terms and are therefore compliant with policies 7A and 33A of the City Plan 2019-2040.

9.6 Transportation, Accessibility & Servicing

Given the nature of the proposals and that they relate to a single family dwelling, the proposals do not result in any transportation, accessibility or servicing issues, including waste and storage provisions.

9.7 Economy including Employment & Skills

Not relevant for a householder application.

9.8 Other Considerations

The agent has submitted a Structural Report to demonstrate the existing roof structure was in a poor condition. The report recommends that the roof shape is changed and strengthen 2nd floor level by introducing new steel beams in the floor, some new internal walls and to reduce the load on the front elevation wall, caused by the support of the existing valley beam and the flat roof will be slightly extended towards the front. Whilst this is relevant information in support of the application, it does not justify the alterations and dormer extensions which have been carried out in advance of obtaining planning

approval.

The agent advised on 15th November 2023 stating that the roof is not a replacement structure and that the only work done was temporary, however recent visit on 16th October and 16th November 2023 demonstrate otherwise, along with this, the agent has attached several 'recent' photographs of the site internally to demonstrate water leaks through the roof.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

Conclusion

As set out in this report, the proposals are unacceptable in design and conservation area terms and accordingly, the proposed development would fail to accord with policies 38, 39 and 40 of the City Plan 2019-2040 and would not meet the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered that the less than substantial harm to designated heritage assets is outweighed by public benefits, and the application is recommended for refusal.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS



Proposed Front Elevation and section



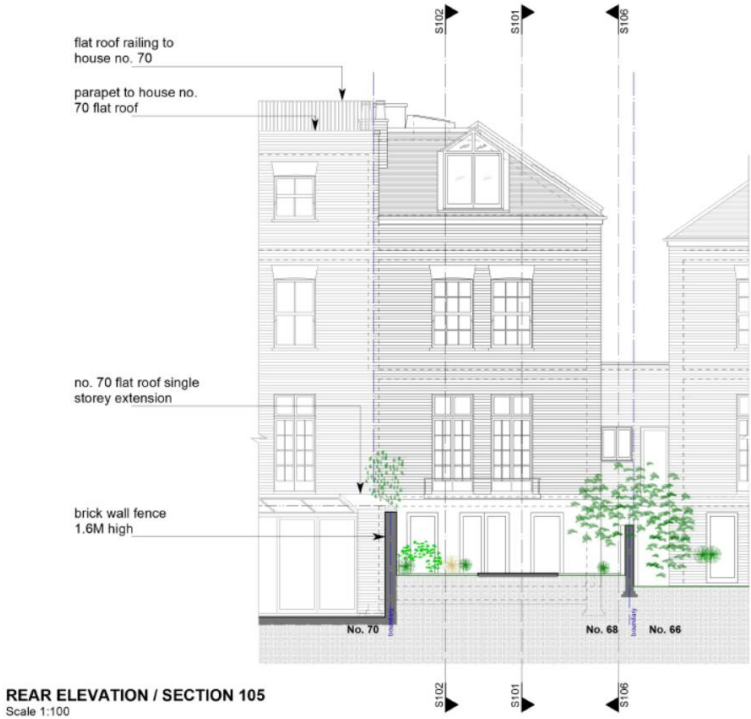
FRONT ELEVATION
Scale 1:100



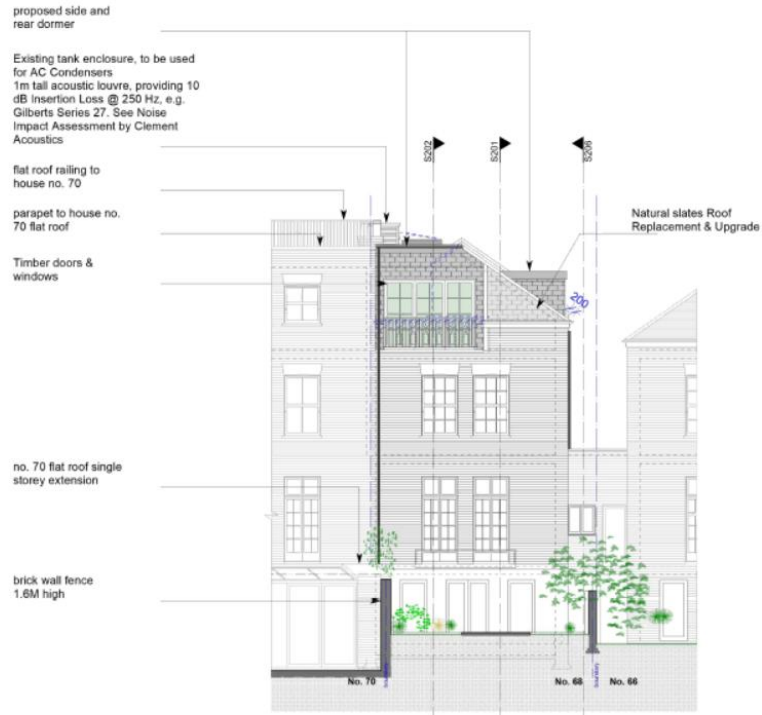
SECTION 203
Scale 1:100

- KEY**
- DENOTES WALL / STRUCTURE DEMOLISHED
 - DENOTES EXISTING WALL / STRUCTURE
 - DENOTES NEW WALL / STRUCTURE

Existing Rear Elevation



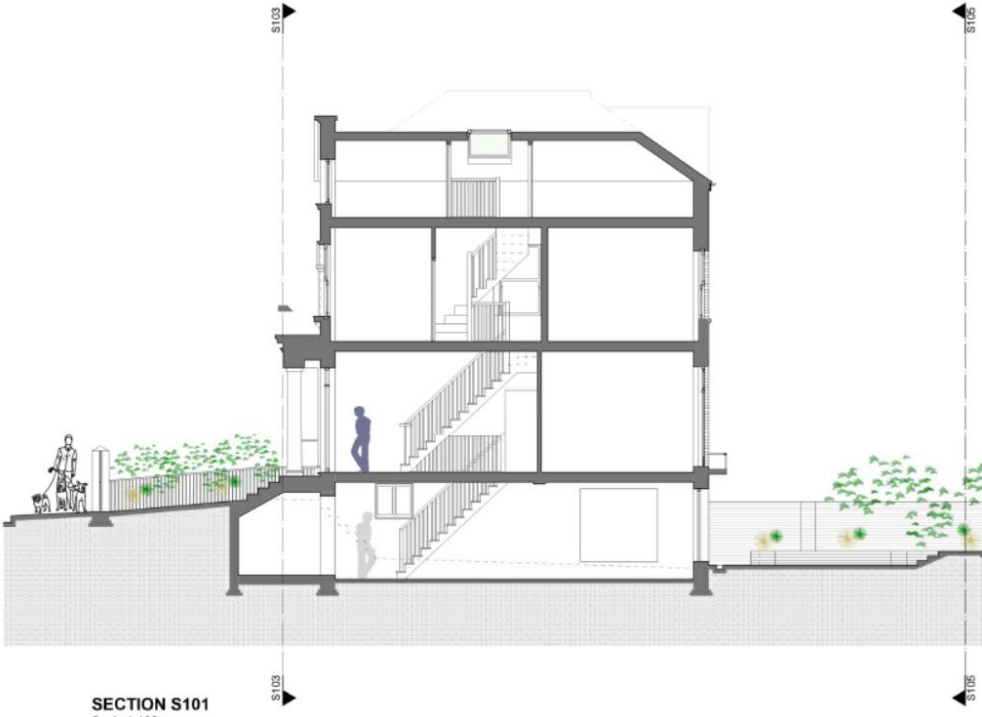
Proposed Rear Elevation



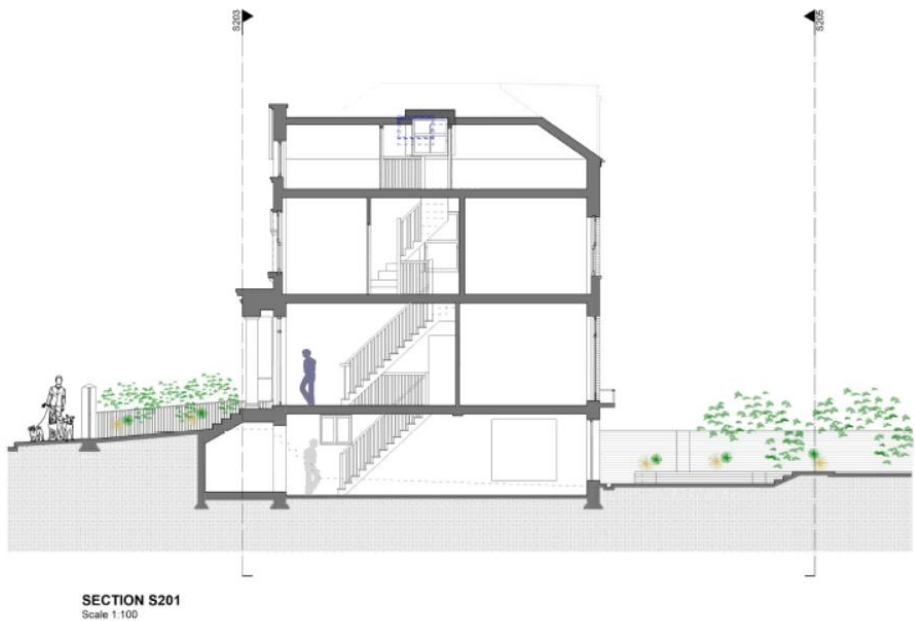
REAR ELEVATION / SECTION 205
Scale 1:100

KEY	
	DENOTES WALL / STRUCTURE DEMOLISHED
	DENOTES EXISTING WALL / STRUCTURE
	DENOTES NEW WALL / STRUCTURE

Existing Section 101



Proposed Section 201



KEY

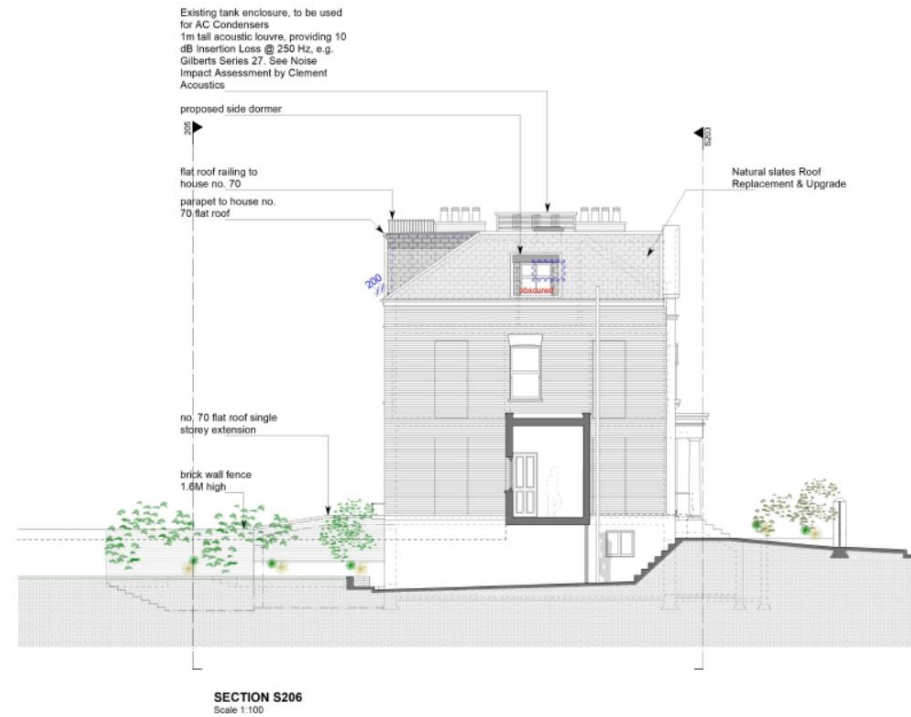
- DENOTES WALL / STRUCTURE DEMOLISHED
- DENOTES EXISTING WALL / STRUCTURE
- DENOTES NEW WALL / STRUCTURE



Existing Section 106



Proposed Section 206



KEY

	DENOTES WALL / STRUCTURE DEMOLISHED
	DENOTES EXISTING WALL / STRUCTURE
	DENOTES NEW WALL / STRUCTURE




1:50 0 0.5 1
DATE: 10/10/2014

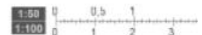
Existing Section 102



Proposed Section 202



- KEY**
-  DENOTES WALL / STRUCTURE DEMOLISHED
 -  DENOTES EXISTING WALL / STRUCTURE
 -  DENOTES NEW WALL / STRUCTURE



Existing and Proposed roof plan

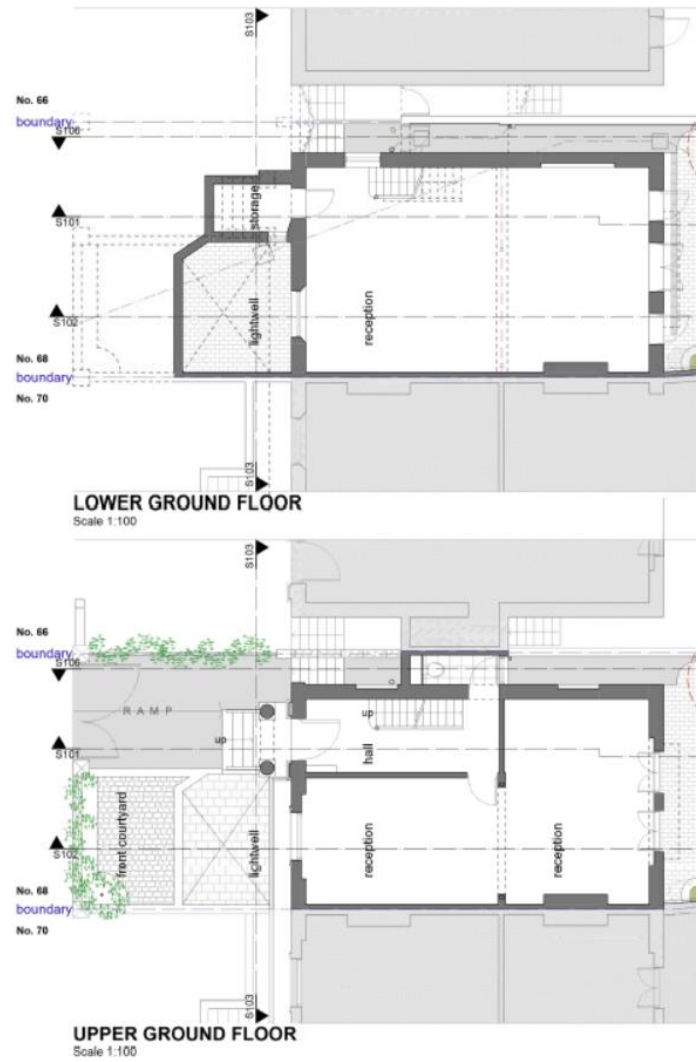


ROOF PLAN AS EXISTING
Scale 1:200

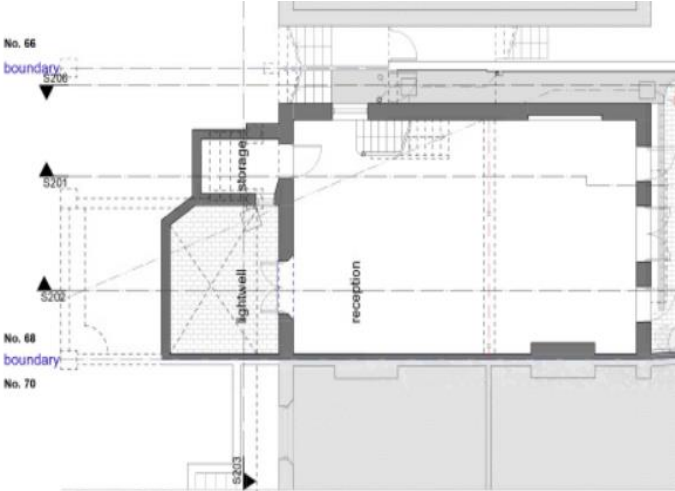


ROOF PLAN AS PROPOSED
Scale 1:200

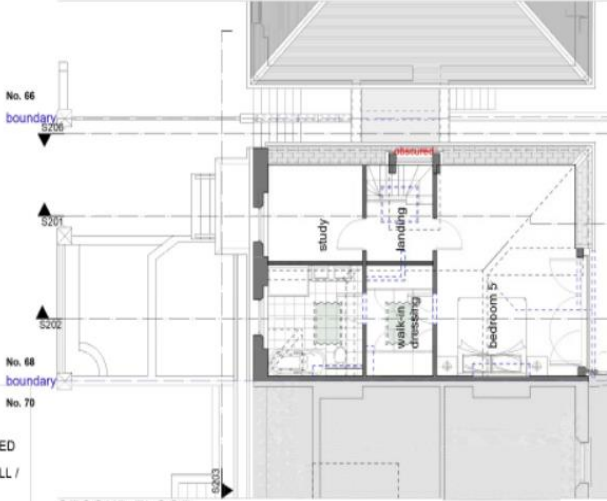
Existing lower ground and upper ground floor level plans



Proposed lower ground and second floor level



LOWER GROUND FLOOR
Scale 1:100



- KEY**
- DENOTES WALL / STRUCTURE DEMOLISHED
 - DENOTES EXISTING WALL / STRUCTURE
 - DENOTES NEW WALL / STRUCTURE

SECOND FLOOR
Scale 1:100

DRAFT DECISION LETTER

Address: 68 Westbourne Park Villas, London, W2 5EB

Proposal: Replacement of roof and erection of rear and side dormers, alterations to fenestration including replacement of windows, installation of plant machinery within enclosure at roof level and associated external alterations.

Reference: 23/05645/FULL

Plan Nos: RB 0342 01-G; RB 0342 03-G; RB 0342 04-G; RB 0342 05-G; RB 0342 06-H; RB 0342 07-H; RB 0342 08-H; RB0322-02C; RB0322-03C; RB0322-04C; RB0322-05C; RB0322 06-D; RB0322 07-D; RB0322 08-D; Design and Access Statement REV B dated August 2023; Flood Risk Assessment REV B; Sustainable Design Statement REV B dated September 2022; Structural Report dated August 2023; Noise Impact Assessment dated 11 October 2022.

Case Officer: Christina Sriramula

Direct Tel. No. 07866033879

Recommended Condition(s) and Reason(s)**Reason:**

Because of the location, scale, bulk, form and detailed design the alteration and extension to the roof including side dormers and new part sheer storey to the rear elevation would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

Informative

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 so far as practicable. 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, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	Templar Court, 43 St John's Wood Road, London, NW8 8QJ		
Proposal	Variation of condition 1 (and in turn condition 9) of planning permission dated 21st December 2021 (RN:21/03579/FULL) for the Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace. Namely, extend the front terraces on both sides of the consented extension to the front of the building.		
Agent			
On behalf of	WTB Development Co. Ltd		
Registered Number	23/05600/FULL	Date amended/ completed	11 August 2023
Date Application Received	11 August 2023		
Historic Building Grade	Unlisted		
Conservation Area	N/A		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

This application relates to a block of flats, named Templar Court, on the north side of St John's Wood Road, and comprises ground floor plus 7 upper storeys with the top storey set back. The building is not located in a conservation area and is unlisted.

The application proposes a variation to an earlier approved scheme for a roof extension which provided a new residential flat. The scheme allowed a terrace to the front elevation and this terrace is sought to be enlarged under this application. The glazing balustrade proposed around the

extended terrace is the same as originally approved.

The key considerations in this case are:

- The acceptability of the proposed extended terrace and glass balustrade in design terms.
- The impact on the amenity of neighbouring residential properties.

The application is considered to accord with policies in the City Plan 2019-2040 adopted April 2021 with respect to design and amenity and the application is therefore recommended for approval subject to the conditions as set out within the draft decision letter appended to the report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation – roof extension as approved under 21/03579/FULL partially built.



Front Elevation – photo taken from west of St John’s Wood Road



Aerial Views – front and rear



5 CONSULTATIONS

5.1 Application Consultations

ST JOHN'S WOOD SOCIETY

The Society notes that residents in Grove End House have not been consulted and that affected neighbours should be consulted.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 200

Total No. of replies: 9

No. of objections: 9 (on behalf of 8 properties)

No. in support: 0

Nine objections received on behalf of eight properties received on some or all of the following grounds:

Design:

- The application fails to adhere to planning policy 40 (Townscape and Architecture) of the City Plan

Amenity:

- Loss of privacy from the roof terraces to residents in Grove End House and Storey Court;
- Loss of light

Other:

- Disruption from works and construction
- Right to Light

Procedure:

- Residents of Grove End House were not consulted on the original application.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Given the extant consent and the nature of the proposed amendments sought under this variation, no further engagement has been carried out by the applicant with the local community. Whilst regrettable, this is not a formal requirement for a scheme of this nature.

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) (September 2023) 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 (September 2023) unless stated otherwise.

7 BACKGROUND INFORMATION

7.1 The Application Site

The application site comprises a 1990's block of flats, named Templar Court, on the north side of St John's Wood Road sited between Lisson Grove and Hamilton Terrace, and comprises a ground floor plus 7 upper storeys with the top storey set back

7.2 Recent Relevant History

21/03579/FULL

Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace.

Application Permitted 21 December 2021

Works to implement this permission are substantially underway.

23/04375/NMA

Amendments to planning permission dated 21st December 2021 (RN: 21/03579/FULL) erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace NAMELY, to extend the front terraces on both sides of the consented extension to the front of the building.

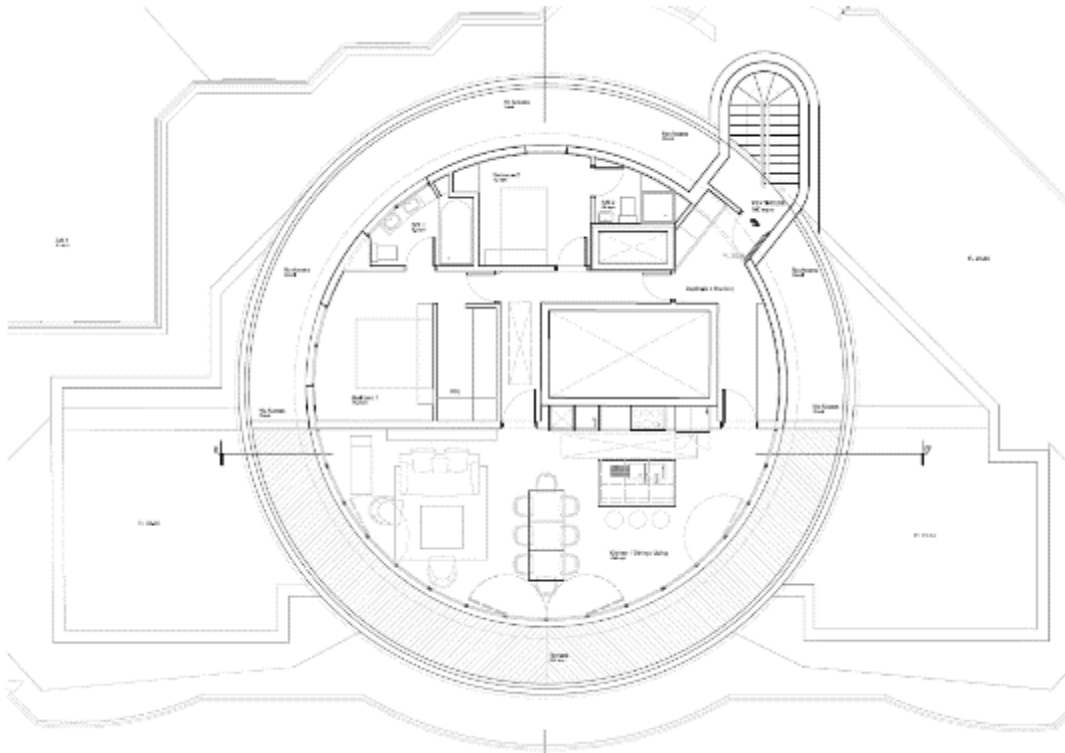
Application Refused 11 July 2023

It was not considered that the extension of terraces was a non-material amendment to the original approval, and the extension to these terraces required planning permission.

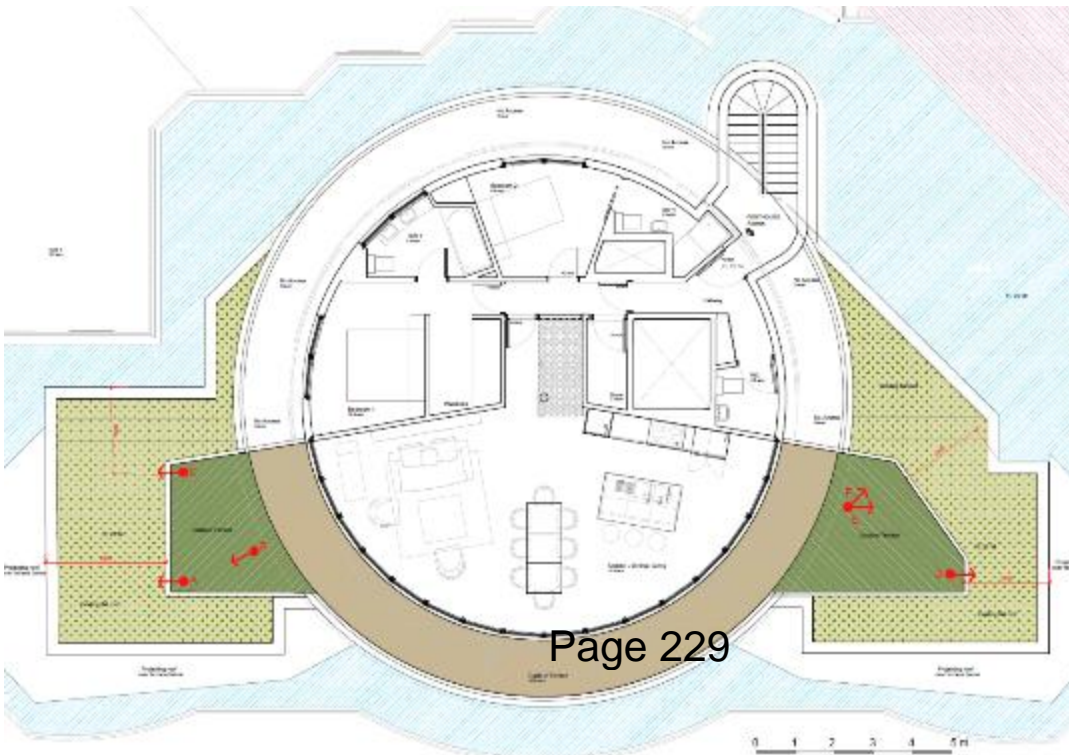
8 THE PROPOSAL

Permission is sought to make amendments to the previously approved roof extension and terraces by extending these eastwards and westwards as shown in dark green below.

As approved:



As proposed (darker green shows the extended terrace area):



The terrace as approved wrapped around the front elevation (St John's Wood Road elevation) of the roof extension and provided a semi-circular terrace and provided direct access from the living area of the new flat. This terrace measured 29m².

The two new 'wings' to the east and west of the existing terrace will increase the floor area of outside space by a total of 20m². The glass balustrade and brick plinth will be as per the original permission.

9 DETAILED CONSIDERATIONS

9.1 Land Use

The proposals do not alter the as approved residential dwelling.

9.2 Environment & Sustainability

The proposals make no changes to the environmental and sustainability credentials. The green roof atop the extension is not being altered.

9.3 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

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."

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 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

Objections have been received on the grounds that the design of the roof extension, terrace and extended terraces as sought under this application are unacceptable in

design terms and do not comply with Policy 40 (Townscape and Architecture) of the City Plan.

Permission has already been granted for the roof extension and the semi-circular terrace to the front of the extension and is not for consideration under this application. The following assessment will therefore concentrate on the design implications of the enlarged terraces.

The bulk and massing of the upper floors of the application building has a staggered form with upper floors considerably set back from the parapet. As originally considered, the semi-circular terrace to the front of the new extension, sited above the then penthouse flat was not considered objectionable too given its set back from the level below, and in turn from the main front elevation of the building and it's siting behind a 1.1m high brick and glass parapet, reflective of the materials found elsewhere on the building.

The extension of the terraces in two new 'wings' to the east, by 5m and to the west, by 4m, again set back substantially from the level below and the main elevations of the building and designed in the same materials as approved are considered acceptable. It is not considered that the extended terraces would increase the visibility of the approved extension detrimentally, nor would it be harmful to host property, the setting of or to the heritage assets of the St John's Wood Conservation Area.

9.4 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

Objections have been received to the proposals on the grounds that the roof extension and terraces result in loss of daylight and sunlight and overlooking to the residents of Grove End House. As noted above, the originally approved development is not for consideration under this application. The following assessment will therefore concentrate on the amenity implications of the enlarged terraces.

Daylight & Sunlight

The extension of the terraces, surrounded by 1.1m high glazed balustrade will not result in any loss of daylight and sunlight to neighbouring properties

Privacy

The terraces as proposed will extend eastwards and westwards by a further 4m and 5m compared to the approved terrace.

Given the height of the building, substantially taller than the buildings directly to the west or across the road on St John's Wood Road; the siting of the terraces set back from the building edge and main front elevation and taking into consideration that there are numerous terraces to the front elevation of the host building and at former penthouse

level; the proposals result in no additional or harmful overlooking to these neighbouring properties.

With regards to overlooking and therefore loss of privacy to residents within Grove End Road, directly eastward of the proposed eastern terrace is a flank wall and therefore there will be no overlooking from the extended terraces. Whilst there would be some overlooking from the extended terraces to the rear wing/bulk of Grove End House, these views would be oblique, and into windows more than 35m away and would therefore result in no further loss of privacy say than from the existing rear/ side terraces of Templar Court.

Noise & Vibration

It is not considered that the proposed terrace increase of 20m² would generate such harmful noise levels over what has originally been approved and when considering the existing terraces at Templar Court.

Conclusion

The proposed extended terrace areas are not considered to result in any loss of daylight or sunlight or result in any harmful levels of overlooking or noise. The proposals are therefore considered acceptable in amenity terms compliant with Policies 7 and 33 of the City Plan.

9.5 Transportation, Accessibility & Servicing

There are no transportation or servicing implications from the proposed changes to the terrace.

9.6 Economy including Employment & Skills

There are no further economic implications as a result of the proposed changes to the terraces.

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

9.7 Other Considerations

Consultation of Application 21/03579/FULL

The majority of the objections received are from residents of Grove End House raise the issue that they were not consulted on the original application and are therefore aggrieved by this. The case officer has sought to explain to a number of residents why this decision was taken. As has been explained, given the relationship of the proposed extension and that it was proposed to be set back from the side elevation of Grove End House quite significantly and at a substantial distance from the rear part of Grove End House, as noted above of a distance more than 35m, it was not considered that neighbour consultation letters were necessary. The City Council did however display a site notice outside of the application site so as to capture the wider audience and the attention of those walking past and an advert placed in the local press, again to capture

the wider audience.

The objectors have been made aware that the original application was presented to the Planning Committee where their concerns, such as loss of daylight/ sunlight; overlooking and noise and disruption during works, were addressed as a matter of course of by the case officer.

Notwithstanding the above, the residents of Grove End House have been consulted on this current application on request from residents, a councillor and the local amenity society.

Disruption from works and construction

Objections have been received on the grounds of noise and disruption during the course of construction. As noted above, under consideration of this application is the extension to the terraces rather than the as approved, and partially built roof extension. As set out in the committee report for the original application, whilst objections of noise and disruption during works are noted, it is not itself a reason to withhold permission.

A condition was recommended on the earlier permission to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition stated that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. This condition is to be repeated to ensure that the construction works associated with the terraces are carried out in a similar manner. Through the use of the above condition, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

Right to Light

An objection has been received on the ground of right of light. Right to light matters are not the same as 'loss of daylight/ sunlight'; are considered a civil matter and not a material planning consideration.

9.8 Environmental Impact Assessment

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

9.9 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application. There are no pre-commencement conditions recommended.

10 Conclusion

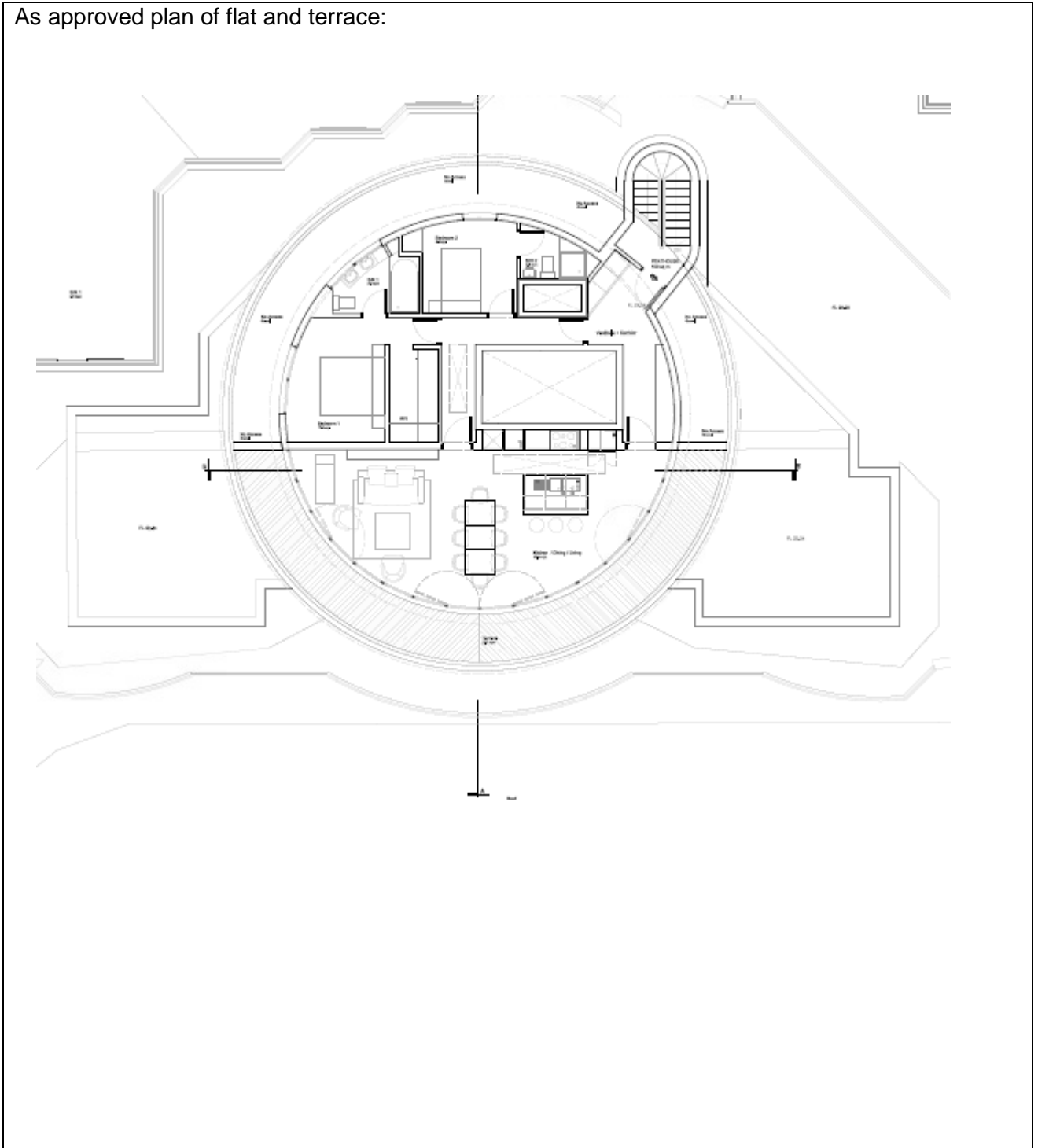
The proposals are considered acceptable in design and amenity terms and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

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

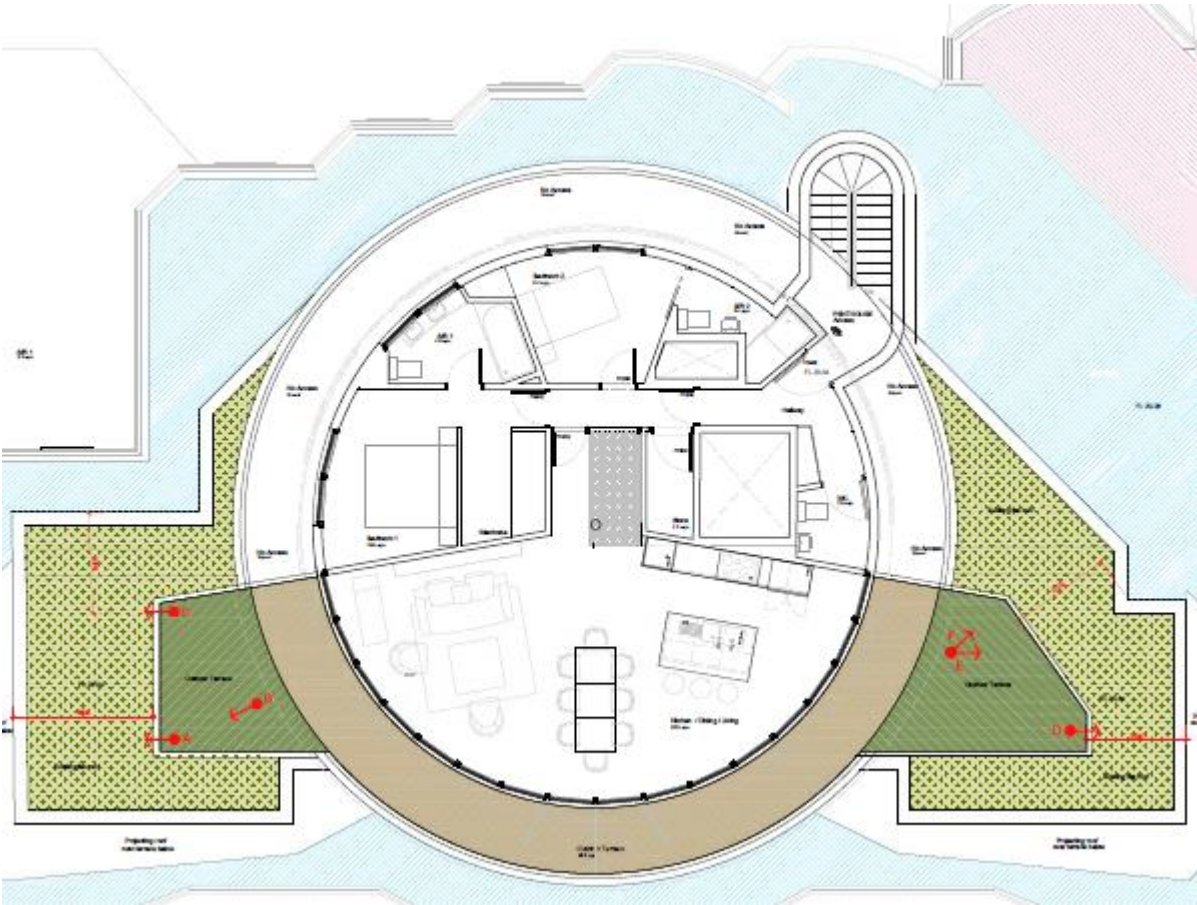
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk
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11 KEY DRAWINGS

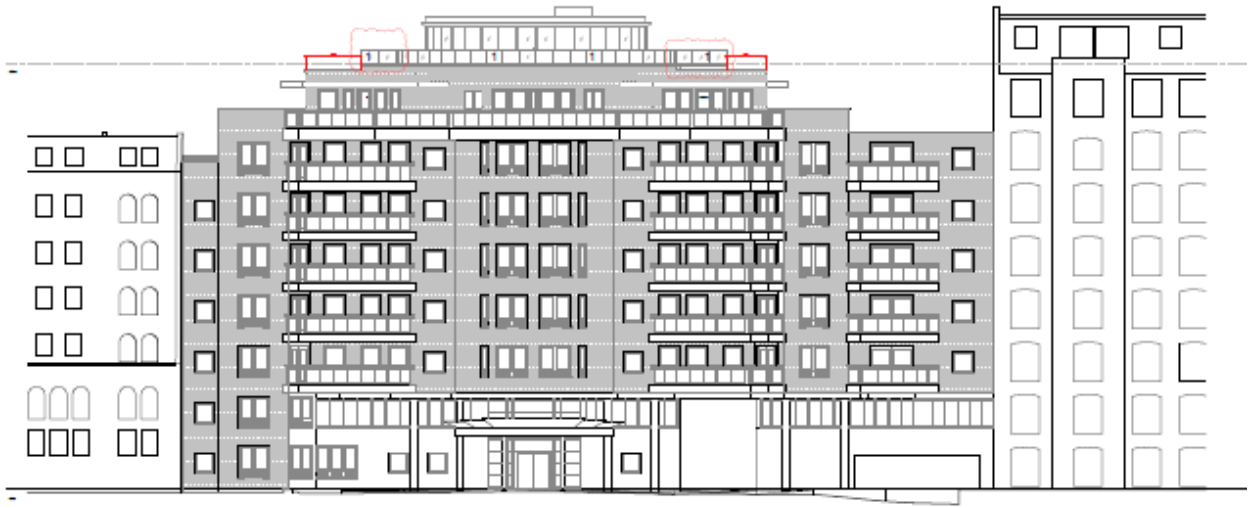
As approved plan of flat and terrace:



As proposed plan of flat and terrace:



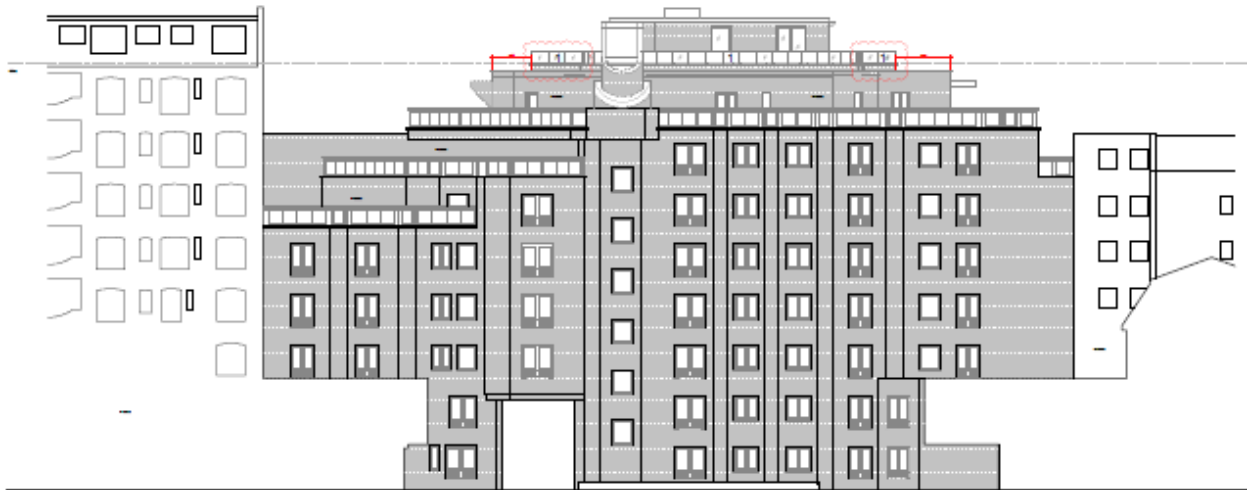
Front and Rear Proposed Elevations (red bubbled up line is the proposed extended areas of terraces):



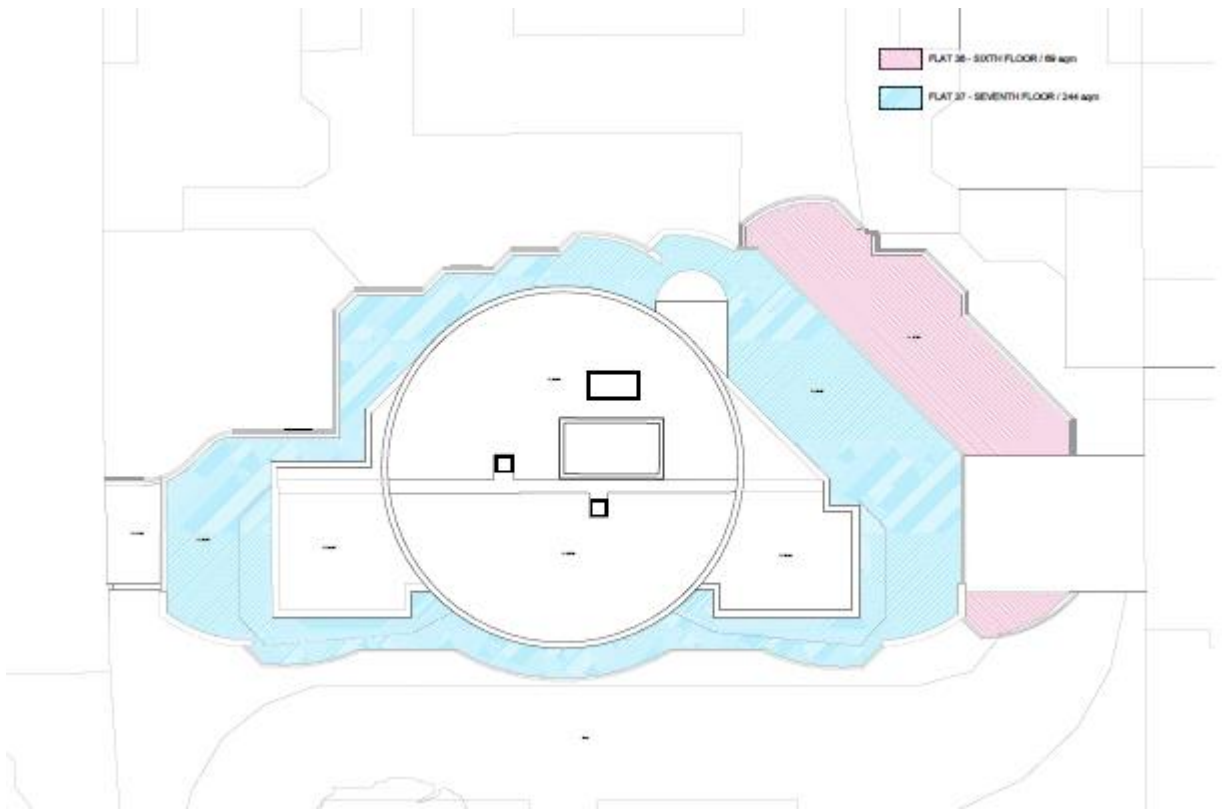
FRONT (SOUTH) ELEVATION

PLANNING NOTES / PROPOSED

- 1. Proposed clear laminated and toughened glass balustrade
- Note: All existing fenestration in white uPVC glazed panels
Note: All proposed fenestration in aluminum, finish to match existing



Plan to show existing terraces at sixth and seventh floors of Templar Court:



DRAFT DECISION LETTER

Address: Templar Court, 43 St John's Wood Road, London, NW8 8QJ

Proposal: Variation of condition 1 (and in turn condition 9) of planning permission dated 21st December 2021 (RN:21/03579/FULL) for the Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace. Namely, extend the front terraces on both sides of the consented extension to the front of the building.

Reference: 23/05600/FULL

Plan Nos: 23/05600/FULL:
TCT_PL: 105C; 201C; 210C; 230C; 231C; 232C; Site location plan; Planning Statement Rev A

21/03579/FULL:
TCT_PL: 100A; 101A; 104A; 105A; 106A; 110A; 120A; 200A; 201A; 201A; 206A; 210A; 211A; 220A; 230A; 231A; 300A; 310A; 301A; 311A.

For information only:, Photos and Photo Plan; Planning Statement; Design and Access Statement dated 22 October 2021 (revised 9 December); Daylight and Sunlight Report dated 20 October 2021; Letter from Harrison Shortt Structural Engineers Ltd dated 20 October 2021.,

22/08588/ADFULL:
Planning Statement; TCT_PL_206 REV A; TCT_PL_201 REV B; TCT_PL_410; Site Location Plan.

23/00304/ADFULL:
TCT_SK_430 rev A, Document titled: "Application Number: 21/03579/FULL Templar Court, 43 St John's Wood Road, London, NW8 8QJ Pre-commencement planning Condition: CONDITION 3 - External Facing Materials", Invisio product data sheet.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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 You must carry out the development according the materials as approved under application 23/00304/ADFULL, dated 16 March 2023 or in accordance with any other material details as submitted and as approved by the Local Planning Authority. You must then carry out the work using the approved materials

Reason:

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

- 4 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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)

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

Reason:

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

- 6 The cycle storage for the flat hereby approved must be provided in accordance with the details as approved under application 22/08588/ADFULL dated 13 January 2023 or in accordance with any future cycle storage details as submitted to and approved by the Local Planning Authority. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the flat. You must not use the cycle storage for any other purpose.

Reason:

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

- 7 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 8 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.
- Green roof and PV panels
You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 9 You must apply to us for approval of detailed drawings of a barrier to prevent access to the roof area surrounding the as approved extended terrace as shown on drawing number TCT_PL_201 rev C. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. You must not use the roof area to the north of the approved barrier for sitting out or for any other purpose.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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.

- 3 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following., * Window cleaning - where possible, install windows that can be cleaned safely from within the building., * Internal atria - design these spaces so that glazing can be safely cleaned and maintained., * Lighting - ensure luminaires can be safely accessed for replacement., * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm, , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures., , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

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.

Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Lancaster Gate	
Subject of Report	42 Queen's Gardens, Bayswater, London, W2 3AA		
Proposal	Internal and external refurbishment of the property including Installation of five air source heat pumps to be fixed to the walls of the internal courtyard. Installation of secondary glazing. New roof lights and external render repairs.		
Agent	Mr Luca Holden		
On behalf of	Ms Claire Nangle		
Registered Number	23/03813/COFUL & 23/03814/COLBC	Date amended/ completed	3 November 2023
Date Application Received	7 June 2023		
Historic Building Grade	Grade II		
Conservation Area	Bayswater		
Neighbourhood Plan	None		

1. RECOMMENDATION

Grant Conditional Permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (Council's Own Development) and Conditional Listed Building Consent.

2. SUMMARY & KEY CONSIDERATIONS

42 Queens Gardens is a Grade II listed, terrace, five storey plus basement property located within the Bayswater Conservation Area. The property is currently vacant but was last lawfully used as accommodation for adults with mental health conditions and learning difficulties.

Planning permission and listed building consent are sought for the following works

- Installation of 5 air source heat pumps and associated acoustic enclosures within the internal courtyard towards the rear of the building

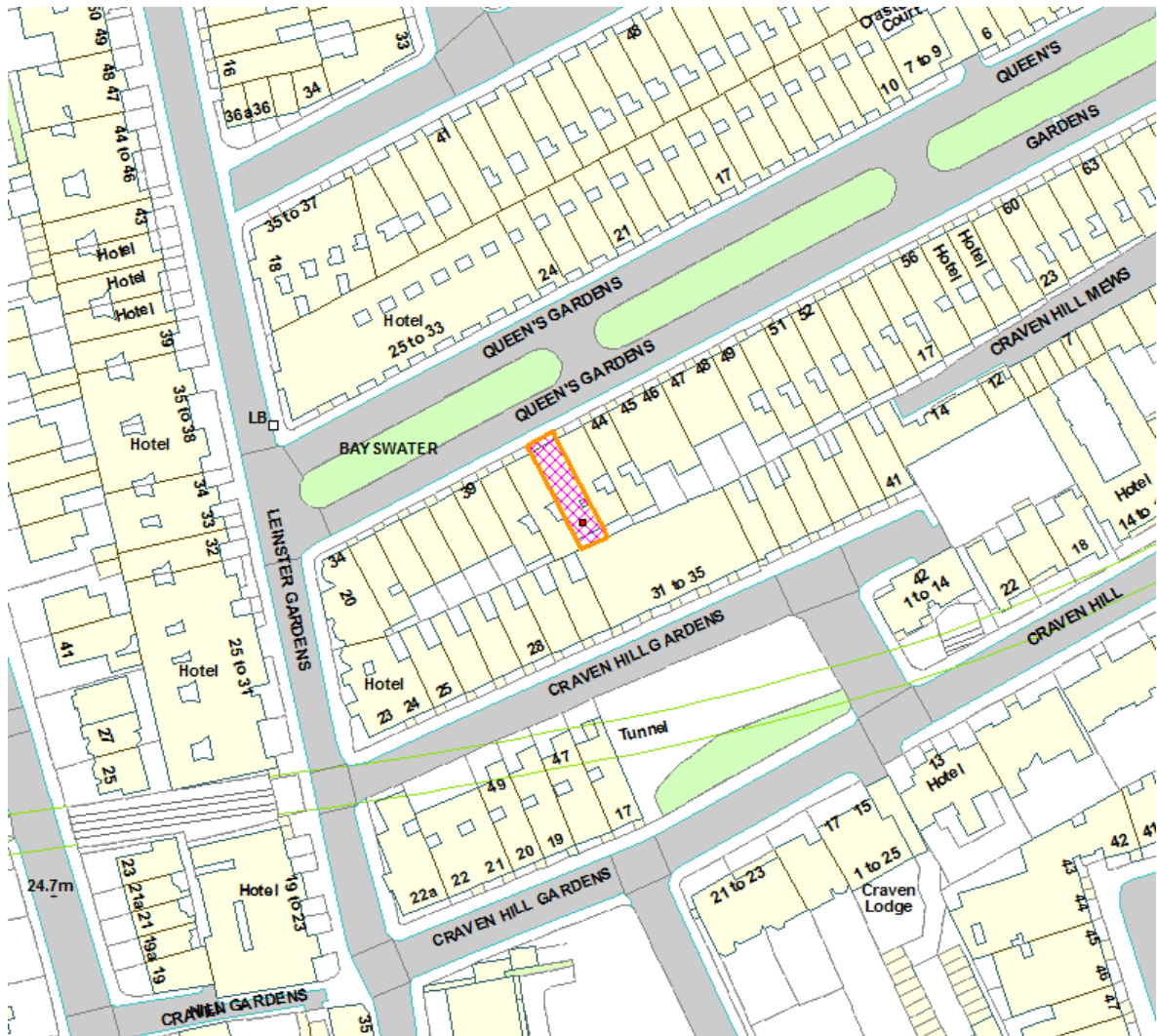
- External repairs and refurbishment including to portico, windows, render, lantern skylights and rooflights to the rear extension roof and main roof, new roof coverings and replacement doors to pavement vaults.
- Addition of new rooflight to main rear roofslope.
- Internal works including layout changes at basement level, installation of secondary glazing, structural repairs, new pipe runs and services, replacement kitchen and sanitaryware, new ceiling and floor coverings and insulation to roof.

The key considerations in this case are:

- The impact of the proposed works on the Grade II listed building and the character and appearance of the Bayswater Conservation Area.
- The impact on the amenity of neighbouring residential properties.

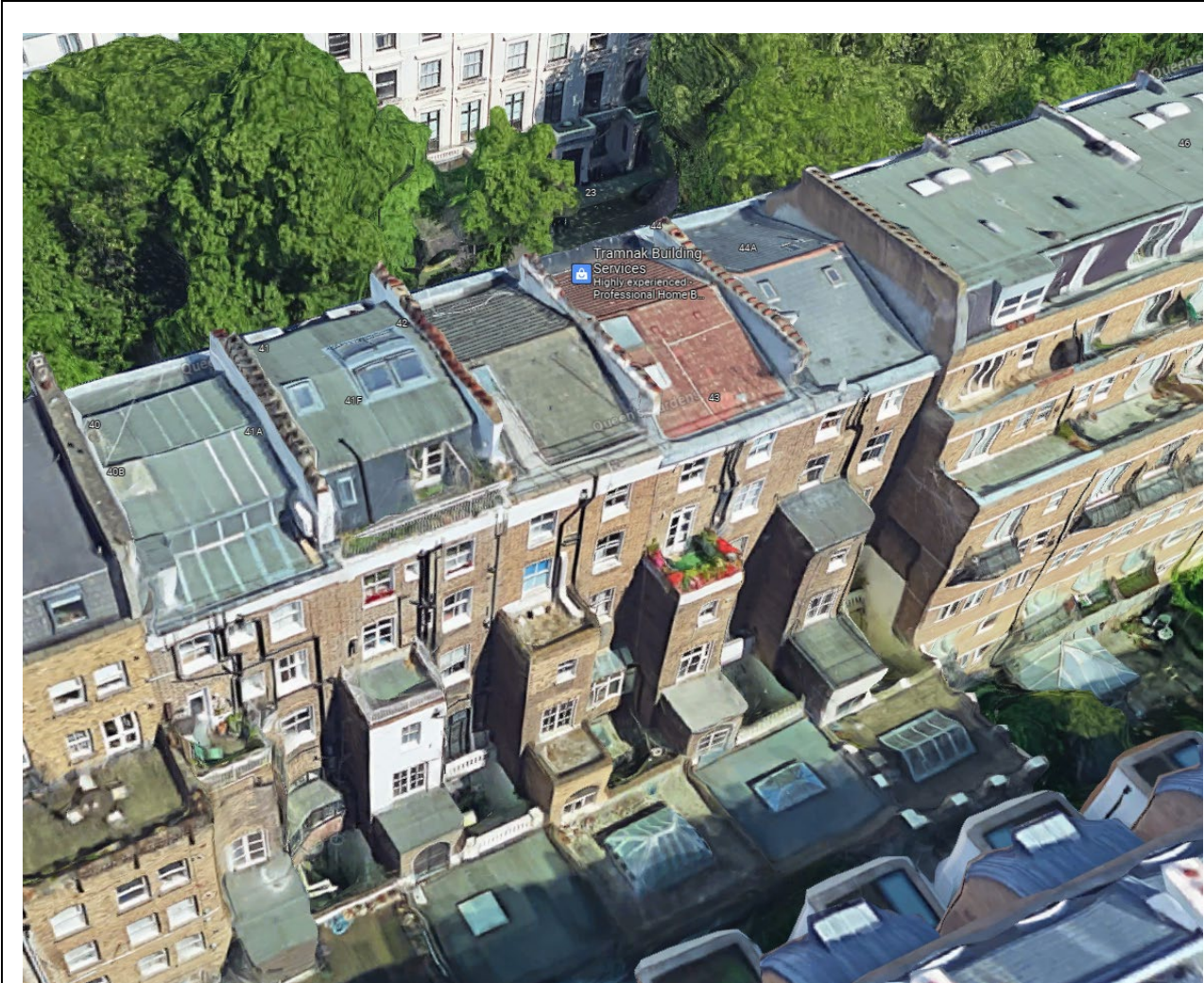
It is considered that the proposal is acceptable in design and amenity terms and complies with Policy 7, 33, 36, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and therefore is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial photograph to rear of property



Photograph of front of the building



View within courtyard where the 5 air source heat pumps will be located

5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION

COUNCILLOR CUNNINGHAM

Objection on grounds of lack of soundproofing.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Objection on grounds of failing to preserve or enhance the Conservation Area, harm to the appearance of this listed building and to the setting of the other listed buildings adjacent to it.

Concern raised about noise impacts, and request for a condition to test that the calculations on attenuation, as estimated, are achieved in practice, for all receptors.
Objection on the grounds of light pollution.

ENVIRONMENTAL HEALTH

Objection on environmental noise grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44

Total No. of replies: 9 (received on behalf 7 properties) NB: some comments received to the 23/03813/COFUL and some received to the 23/03814/COLBC.

No. of objections: 9

No. in support: 0

9 objections including one from the Managing Agents of 40/41 Queens Gardens on behalf of the Trustees and Freeholders have been received raising some or all of the following concerns:

Design

- Unsightly plant visible from street not in keeping with listed building.

Amenity

- Noise and vibration from plant - should include enclosing the plant
- Noise will be amplified by proximity of buildings on Craven Gardens creating echo chamber
- Lights on roof will cause light pollution

Other

- Request soundproofing of party walls
- Noise Impact Assessment states ambient noise levels includes construction noise which is unreasonable as not permanent
- If approved should be conditional upon post commissioning noise levels being at lowest nighttime level before development

PRESS NOTICE/ SITE NOTICE:

Yes

SECOND CONSULTATION – following amendments involving all five air source heat pumps being within internal lightwell rather than two in internal lightwell and three in front lightwell as originally proposed. Amended drawings and Noise Impact Assessment to reflect these changes.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Support given to the objection made by the trustees of 40/41 Queens Gardens on 21 November 2023.

ENVIRONMENTAL HEALTH

No objection on environmental noise grounds subject to standard noise and vibration conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44

Total No. of replies: 2

No. of objections: 2

No. in support: 0

2 objections from a respondent to the original consultation, including the trustees of 40/41 Queens Gardens on some or all of the following grounds

Amenity

- Remains concerned about noise levels from the heat pumps and that they are to operate 24hrs a day.
- Strong objection to rooflights

Other

- Questions why noise assessment did not involve measurements from their balcony, if it fully reflected the acoustic environment of its location and if it was carried out across all hours and all seasons. Offers sound recordings of ambient sound they have made.
- Party walls should be soundproofed as part of development because of continued use of property as accommodation for adults with mental health issues and no shower pumps or other equipment located near party wall.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. However, given the nature of the development, the applicant is not required to submit details of the engagement they have undertaken with their application. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place has not been submitted, this is not contrary to the expectations of the guidance for development of this scale.

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) (September 2023) 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 (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

42 Queens Gardens is a Grade II listed terrace property located within the Bayswater Conservation Area. The property has a basement, ground floor and four upper storeys.

The property is currently vacant but was last leased to St Mungos by Westminster City Council as accommodation for adults with mental health conditions and learning difficulties. This remains its lawful use.

7.2 Recent Relevant History

None relevant

8. THE PROPOSAL

Planning permission and listed building consent are sought for the following works

- Installation of 5 air source heat pumps and associated acoustic enclosures within the internal courtyard towards the rear of the building

- Refurbishment of existing timber sash windows and replacement of rotten timber casement windows
- Replacement of louvres in the top lights of the front first floor windows with plain glass
- Render repairs and redecoration of front façade
- Replacement lantern skylight and rooflight to rear extension rear main roofslope and additional rooflight to rear main roofslope.
- Installation of new roof coverings
- Repairs to Portico
- Installation of new doors to front pavement vaults.
- Internal works including layout changes at basement level, installation of secondary glazing, structural repairs, new pipe runs and services, replacement kitchen and sanitaryware, new ceiling and floor coverings and insulation to roof.

The proposal has been amended during the course of consideration. The amendments included all five air source heat pumps being located within the internal lightwell rather than two in internal lightwell and three in front lightwell as originally proposed. An updated Noise Impact Assessment to reflect these changes was produced. The amendments also include omitting any layout changes at ground floor level. The changes have been subject to further public consultation as set out in Section 5.1 of this report.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The property is currently vacant but has lawful use as accommodates for adults with mental health conditions and learning difficulties, providing adult social care supported living.

Objections have been received on the grounds of the antisocial behaviour caused by the use including noise at night and vermin issues and the way the use has been managed. The objections requests that as a result, any permission should include soundproofing of party walls. An objection from a Ward Councillor has also been made on the grounds of the lack of soundproofing proposed.

The proposal does not involve a change of use and therefore it would be unreasonable to require such general soundproofing as part of granting permission for the works under consideration. The proposal will have the benefit of upgrading and improving the quality of this specialist accommodation.

9.2 Environment & Sustainability

Energy Performance

A Sustainable Design Statement has been provided with the application which includes a full energy and Co2 emissions assessment. The hierarchal principles of the London Plan have been followed during the design process for the proposals. The passive and low energy design principles that have been adopted in the proposed design include, improved building fabric thermal insulation to the roofs, improved glazing performance, high efficiency air source heat pump system for heating and hot water, efficient lighting

system and natural ventilation and cross ventilation through openable windows.

This has demonstrated that the proposal would result in a 57% reduction in annual energy consumption and a 53% reduction in carbon emissions. It is considered that the proposal and the resulting reductions in energy use and carbon emissions meet Policy 36 of Westminster's City Plan for an application of this scale.

9.3 Biodiversity & Greening

It is recognised that the limited scale of the proposal and the listed building status means there is little opportunity to provide biodiversity and greening in this case.

9.4 Townscape, Design & Heritage Impact

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 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 same 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 same 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."*

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.

Regard has been had to City Plan's adopted heritage and design policies 38, 39 and 40, and the SPD in respect of repairs and alterations to listed buildings.

Design & Conservation Considerations

42 Queen's Gardens forms part of the grade II listed terrace 34-65 Queen's Gardens. The terrace dates from the mid-nineteenth century and is a grand terrace of stuccoed houses fronting onto Queen's Gardens.

Behind the principal building, rear extensions have infilled the plot apart from a small central lightwell and one at the rear. Whilst extensions in the same or similar locations

are shown in the 1860s OS map, it is evident on site that they have been altered since, particularly at basement level.

The building is currently empty and in need of repair following a period of disuse and water damage.

The original layout, typical in such buildings, remains appreciable in places, in particular the hallway and stairs. However, a number of alterations have been undertaken within rooms resulting in an erosion of the floor plan and building hierarchy. Notably, there has been subdivision of rooms at principal levels. In addition, the insertion of suspended ceilings and removal of decorative features, including all internal doors and fire surrounds, has reduced the interest of the interior of the building. The most prominent historic feature remaining internally are the stairs, which remains at all levels. There is some decorative plasterwork in the hallway/stairs at ground, first and second floors. The proposals include general internal and external repairs and refurbishment throughout the building, structural repairs and replacement services, which are each assessed in more detail below.

Air Source Heat Pumps (ASHP)

It is proposed to locate 5x ASHP units against the side wall at basement level within the lightwell to the rear of the principal building. This is a revision from the original proposal which included two of the units in the front basement lightwell.

Whilst the units are modern and utilitarian in appearance, the lightwell is enclosed on all sides and the location is therefore discrete with very limited, private views to the proposed ASHP location. In addition, the lightwell already has a utilitarian character and houses plant. The units will be housed in acoustic enclosures, and a condition is recommended to ensure these are coloured white to match the existing walls behind. Minor alterations are proposed to the basement plant room and kitchen adjacent to the lightwell to help accommodate the ASHPs. These alterations involve re-hanging a pair of doors and adjusting the position of an internal partition. These are ancillary, later additions to the principal building which have modern character.

Objections were received to the original proposals regarding the impact of the appearance of the external units on the listed building and wider area, in particular those in the front lightwell. In addition, a lack of drawings showing the scale and location of the all the units and associated servicing was highlighted in objections. The revised proposals show all units located in the rear lightwell and additional drawings have been provided to give detail of their location, size and associated servicing.

The proposed ASHPs are considered a small visual change to an ancillary area of the listed building. Whilst these are modern plant, they would provide heating and hot water to the building whilst reducing on-site carbon emissions. The revised location of the external units reduces their visual impact on the exterior of the building and the conservation area and is acceptable.

Roof

No historic roof coverings remain on the main building or rear extensions. Although the main roof was not accessed during the officers' site visit, aerial images indicate that the front slope has been recovered, apparently with concrete tiles, and the rear slope

appears to have a modern coating.

The flat roofs to the rear extensions would be recovered in a similar material to existing.

1x new skylight is proposed to the rear slope of the main roof, alongside an existing skylight. It is to include automatic opening to provide ventilation in the event of a fire. Two existing skylights will also be replaced, to include automatic opening. Details of the new skylights have not been submitted but it would be desirable if they were conservation-style and installed flush with the roof slope. A condition is recommended for details of the new skylights to be submitted prior to installation. If alterations to the main roof are required to accommodate the new skylight, it would be preferable for any new/replacement coverings to be in natural slate.

The modern lantern on a rear extension is proposed to be replaced with new aluminium framed lantern which will match the appearance of the existing.

Subject to the recommended conditions, the proposed roof level alterations are considered acceptable in design and conservation terms as they are small additions to modern fabric and are located on rear roofs thereby avoiding any impact on the principal elevation or wider streetscape.

Internal alterations and changes

Apart from the repositioning of the plantroom/kitchen partition at basement level to accommodate the ASHP, there are no layout changes proposed. The internal changes proposed include general refurbishment and upgrading of services throughout. The existing building has been much altered in the past and little decoration of historic interest remains. The proposals include renewal of modern floor coverings, replacement sanitaryware and redecoration, none of which raises heritage concerns. Service routes will follow the existing to avoid loss of additional fabric. The refurbishment approach is considered appropriate.

The proposals also include installation of replacement ceilings in modern boarding to some rooms, in some cases to address flood damage. Whilst this is acceptable where modern ceilings exist, where historic lath and plaster ceilings require repair, this should be undertaken in matching materials. No information on the existing ceilings has been provided with this application, although on site it was evident that lath and plaster remains in some rooms. A condition is recommended that where ceilings are proposed to be replaced, details of the existing material and condition, along with proposed method and material of repair/replacement, is submitted and approved in writing before commencement of this part of the works in order to retain and protect historic ceilings which remain.

Structural repairs

A number of structural repairs are proposed at each level and to the stairs. These primarily involve:

- Installation of floor and wall ties
 - Reinforcement of some internal partitions
 - Refurbish existing balustrade to the stairs at all levels, including some repairs.
- Conditions are recommended to ensure the repairs preserve the historic fabric and retain the character of the stairs.

As set out the submitted Schedule of Structural Works to Staircase, the “carcass” of the top flight of stairs is to be replaced to address structural and safety concerns. This is understood to mean the replacement of the stair treads, risers and soffit between third and fourth floor. The balusters and handrail will be retained and reinstated. The replacement stairs should match the materials and appearance of the existing stairs, which are timber with open string and moulded nosings. A condition is recommended for details of the replacement stairs, incorporating the historic balusters and handrail, to be approved by the council.

The proposed structural repairs will therefore result in the loss of some historic fabric, notably due to the partial loss of the top flight of stairs, and will result in a low level of less than substantial harm to the special interest of the listed building.

Paragraph 200 of the NPPF (2023) states that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”. Paragraph 202 states: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The staircase which is to be partially replaced is at an ancillary level within the hierarchy of the building. Justification has been provided in the form of structural assessments, and the proposals will support the repair and ongoing use and maintenance of the listed building. The harm is considered to be at the lower end of less than substantial in terms of the NPPF. The recommended conditions serve to further mitigate the level of harm through ensuring the replacement elements are in keeping with the character of the listed building.

External works

The proposals include repair and refurbishment of the existing windows. There are a small number of windows which are considered necessary to replace with new to match the existing. This is considered acceptable.

At the front of the first floor, the modern louvres in the windows will be replaced with flat glass, which will enhance the appearance of the principal elevation of the listed building.

Internally, secondary glazing will be installed throughout, designed to reduce their visual prominence. In general, secondary glazing should match the opening mechanism of the existing windows and should avoid sub-dividing glazing bars. There are no historic shutters remaining within the building which would be impacted by the installation of the secondary glazing. This proposal is welcomed to support the reduction of carbon emissions on site.

The replacement of the (non-historic) doors to the vaults in front lightwell with new plain timber doors with vents is acceptable.

Repairs are proposed to the stucco to the front elevation, using traditional lime mortar mix. Repairs are also proposed to the portico and are also acceptable.

Summary

The works are considered to preserve the character and appearance of the Bayswater Conservation Area. Whilst it is regrettable there is little restoration of historic features or materials in the listed building, the environmental benefits of the ASHPs and secondary glazing are welcomed as are the repairs to enable the continued residential use of the listed building.

In considering the overall planning balance, the works cause a less than substantial degree of harm to the special interest of the listed building as a result of the loss of a small amount of historic fabric internally. This harm is to be weighed against the benefits of the scheme, which include the restoration of the first floor front windows and the reduction of on-site carbon emissions.

Overall, the proposed repair, refurbishment and re-servicing of the property, subject to conditions, are considered acceptable in design and conservation terms. This approach is in accordance with section 16 of the NPPF and policies 36, 38, 39 and 40 of the City Plan. Regard has also been had to Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 33 aims to minimise local environmental impacts of development. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

The proposed works are within an existing lightwell, at basement level which only serves the building itself. There is likely to be some impact, in terms of daylight, to the rooms of the application site, served by windows to the courtyard at basement level however, these rooms are non-habitable uses in the cases of a laundry and WC and in the case of the activity room because of the position and orientation of the window/doors would not have a significant impact.

Objections have been received from the South East Bayswater Residents Association and neighbours on the grounds of potential noise disturbance from the proposed plant. Specifically, concern has been raised that the Noise Impact Assessment background noise level includes construction noise, if it fully reflected the acoustic environment of its location and if it was carried out across all hours and all seasons. Concerns were also raised about any noise would be amplified by surrounding tall buildings, and that noise mitigation such as enclosing the plant should be implemented. The revised acoustic report has been assessed by a City Council Environmental Health Officer considers the applicants assessment to be sound. The Noise Assessment acknowledged construction noise was audible during the noise survey however explained that an inspection of the time histories of the monitoring positions indicated that the construction noise did not have any significant effect on the noise survey measurements. Environmental Health have raised no objections to the submitted survey methodology or results.

Further, Environmental Health officers have no objection to the proposal on noise nuisance grounds and subject to standard noise conditions being applied to any permission. The proposal does include acoustic enclosures to the proposed plant and the installation of these enclosures will be conditioned as part of any planning permission.

Objections have been received from the South East Bayswater Residents Association and neighbours on the grounds of light pollution caused by the proposed rooflights. The application only includes the addition of one additional rooflight (with the other rooflights being repaired/replaced), The additional rooflight is on the main roof of the building at is not considered this would result in any significant light pollution to neighbouring properties.

Accordingly, it is considered that there would be no significant loss of amenity to neighbouring properties as a result of the proposals.

9.6 Transportation, Accessibility & Servicing

The proposal has no transportation implications.

9.7 Economy including Employment & Skills

Not relevant in the determination of this application.

9.8 Other Considerations

An objection has been received to the way the building has been managed by Westminster Council during the time it has been vacant. This objection is not relevant to the proposals under consideration. The proposals are intended to bring the building back into a condition where it can be reoccupied and bring the period of vacancy to an end

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application. No pre-commencement conditions are recommended.

9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the listed building. The harm would be caused by the partial demolition of an upper staircase. The level of harm caused would be at the lower end of less than substantial.

Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

- On-site carbon emissions reductions
- Repairs and refurbishments to facilitate the ongoing specialist residential use of the building

The public benefits identified in Sections 9.1, 9.2 and 9.4 and summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 202 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 200 of the NPPF.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable.

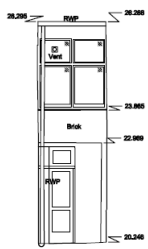
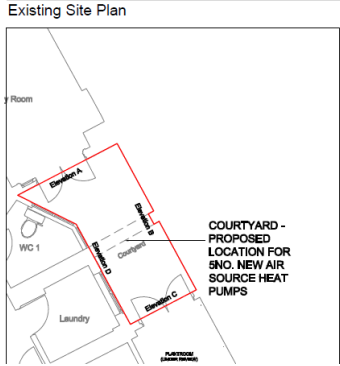
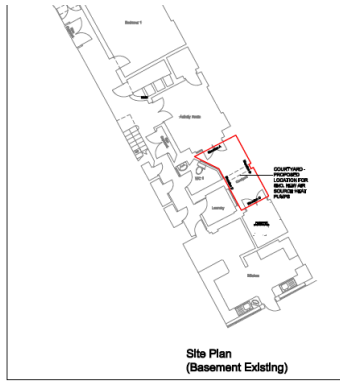
Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission and listed building consent are granted, subject the conditions listed at the end of this report which are necessary to make the development acceptable.

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

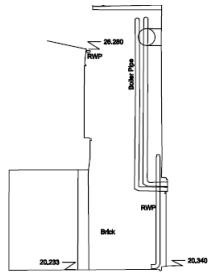
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT Kd Davies1@westminster.gov.uk

11. KEY DRAWINGS

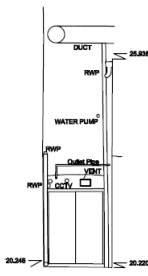
The following drawings relate to the elements of the proposals attracting objection – the ASHP’s and rooflights. The remainder of the drawings are all internal drawings.



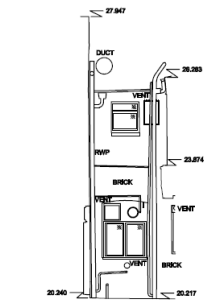
Courtyard Elev A



Courtyard Elev B

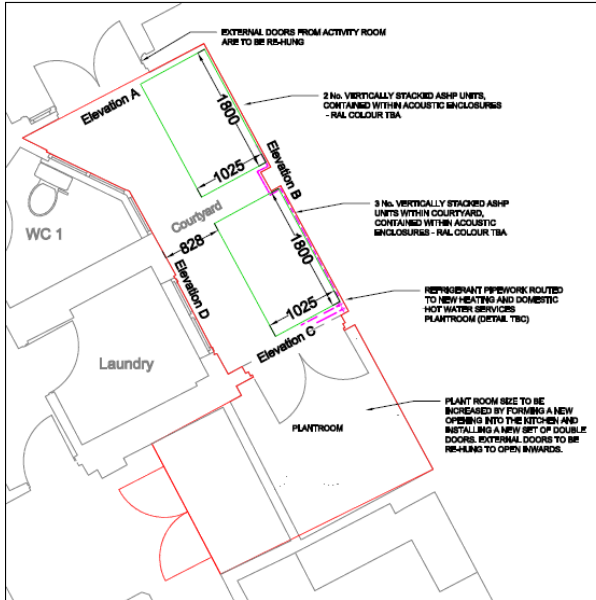


Courtyard Elev C



Courtyard Elev D

Existing courtyard plans and elevations showing where proposed ASHP’s are to be located.



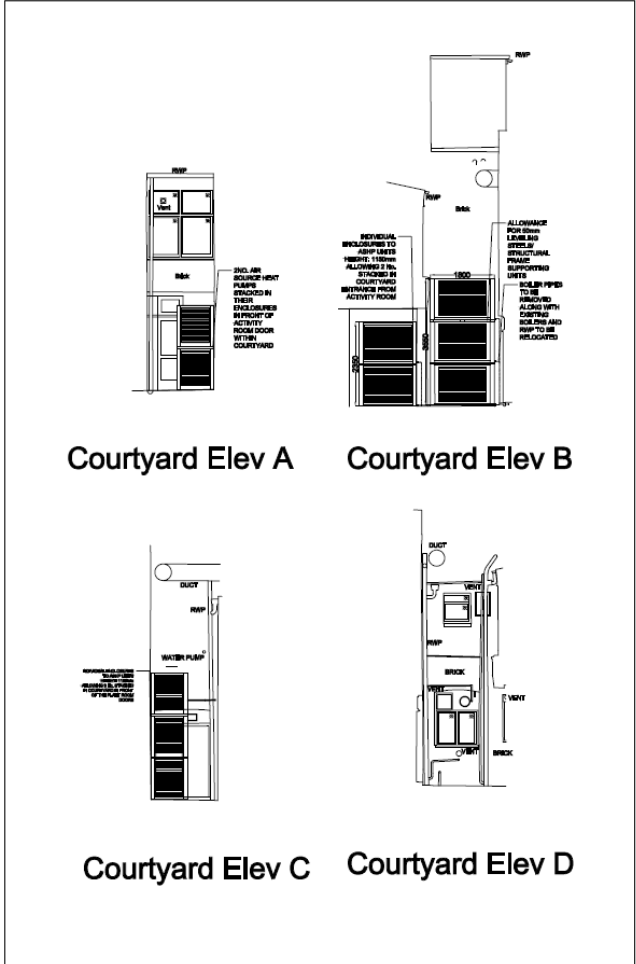
Proposed Courtyard Layout
(scale 1:50 @ A3)



Courtyard elevation B



Courtyard elevation C



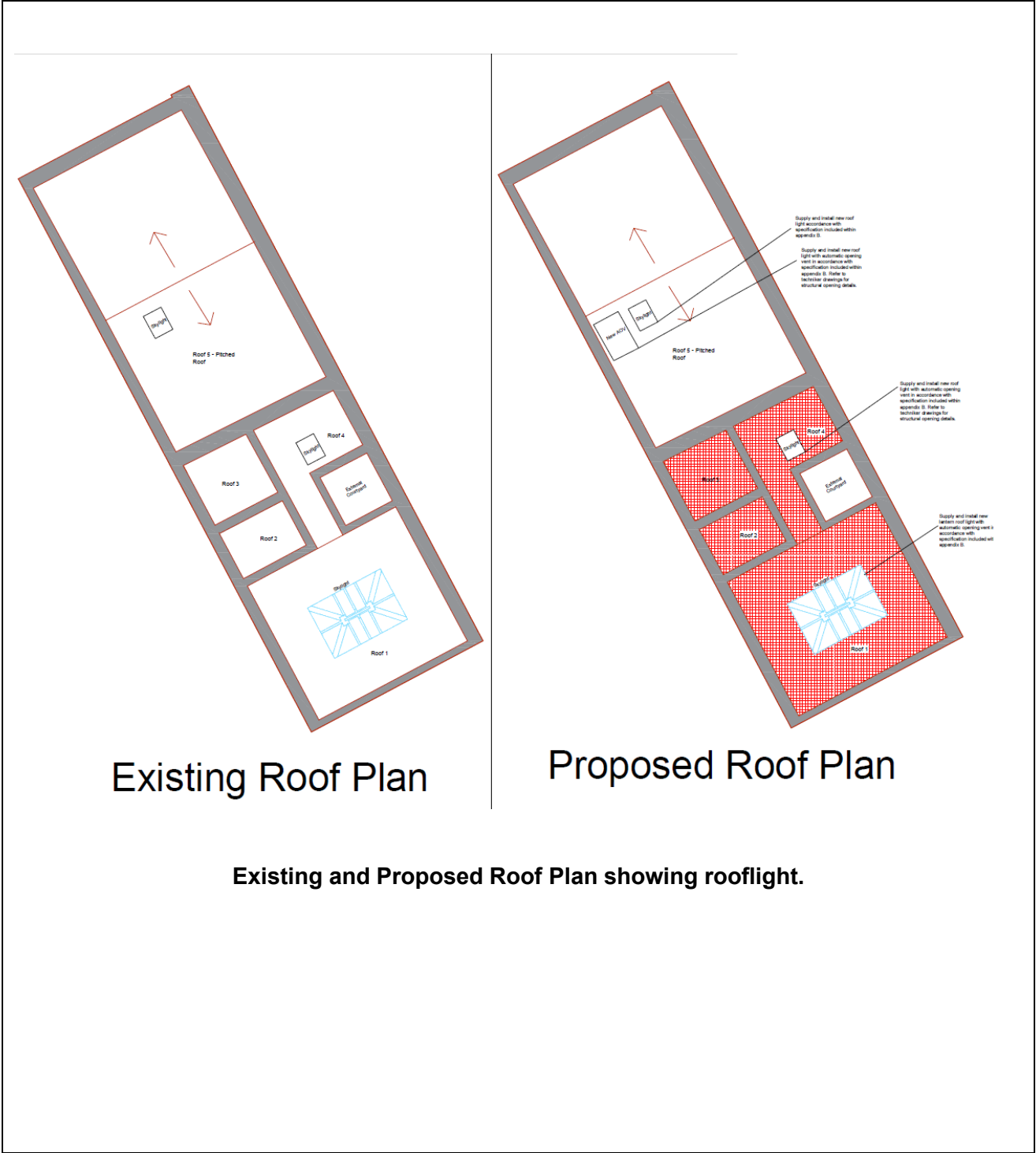
Courtyard Elev A

Courtyard Elev B

Courtyard Elev C

Courtyard Elev D

Proposed Courtyard plans and elevations showing location of ASHP



Existing Roof Plan

Proposed Roof Plan

Existing and Proposed Roof Plan showing rooflight.

DRAFT DECISION LETTER – 23/03813/COFUL

Address: 42 Queen's Gardens, Bayswater, London, W2 3AA

Proposal: Internal and external refurbishment of the property including Installation of five air source heat pumps to be fixed to the walls of the internal courtyard. Installation of secondary glazing. New roof lights and external render repairs. (Linked with 23/03814/COLBC)

Plan Nos: Site Location Plan; 001 rev2; 5216524-QG-002 rev1; 5216524-QG-003 rev 1; 004 rev1; 100 rev1; 101 rev1; 102 rev1; 200 rev3; 201 rev1; 202 rev1; 300 rev2; 301 rev1; 302 rev2; 400 rev2; 401 rev1; 402 rev 1; E-620-B1-100 T03; E-620-00-100 T02; E-620-02-100 T02; E-620-03-100 T02; E-620-04-100 T02; E-630-B1-100 T03; E-630-00-100 T03; E-630-01-100 T01; E-630-02-100 T02; E-630-03-100 T02; E-630-04-100 T02; M-560-XX-001 T02; M-560-XX-002 T02; M-560-XX-003 T02; M-560-XX-100 T03; M-560-XX-101 T02; M-560-XX-102 T02 P-520-XX-001 T02; P-520-XX-100 T03; P-520-XX-101 T02; P-520-XX-102 T02; P-530-XX-001 T02; P-530-XX-100 T03; P-530-XX-101 T02; P-530-XX-102 T02; 1000 P1; 1001 P1; 1002 P1; 1003 P1; 1100 P3; 1101 P3; 1102 P3; 1103 P2; 6000 P1; Detailed drawing of acoustic enclosure; Design and Access Statement; Schedule of Structural Works to Staircase; Structural Survey; Noise Impact Assessment dated 30 October 2023; Heritage Statement; Heritage Memo dated 1/11/23; Sustainable design Statement

Case Officer: Richard Langston

Direct Tel. No. 07866036470

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

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

Reason:

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

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

must carry out piling, excavation and demolition work only:

between 08.00 and 18.00 Monday to Friday; and

not at all on Saturdays, Sundays, bank holidays and public holidays.

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 The acoustic enclosures around the air source heat pumps in the rear lightwell are to be coloured white and maintained as such.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 (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 5 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 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.

(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 minutes) 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. (C46BC)

Reason:

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

- 5 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 You must install the acoustic enclosures to the heat pump units as detailed in Section 4.2 of the Noise Impact Assessment dated 30 October 2023 before the units are operated. They must then be retained and maintained for as long as the units are in situ.

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46BC)

- 7 You must apply to us for approval of details of the new skylights and alterations to the roofs required to accommodate them. You must not start any work to these parts of the development until we have approved what you have sent us.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area.

This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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 Conditions 4,5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)
- 3 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.

DRAFT DECISION LETTER -23/03814/COLBC

- Address:** 42 Queen's Gardens, Bayswater, London, W2 3AA
- Proposal:** Internal and external refurbishment of the property including Installation of five air source heat pumps to be fixed to the walls of the internal courtyard. Installation of secondary glazing. New roof lights and external render repairs. (Linked with 23/03813/COFUL)
- Reference:** 23/03814/COLBC
- Plan Nos:** Site Location Plan; 001 rev2; 5216524-QG-002 rev1; 5216524-QG-003 rev 1; 004 rev1; 100 rev1; 101 rev1; 102 rev1; 200 rev3; 201 rev1; 202 rev1; 300 rev2; 301 rev1; 302 rev2; 400 rev2; 401 rev1; 402 rev 1; E-620-B1-100 T03; E-620-00-100 T02; E-620-02-100 T02; E-620-03-100 T02; E-620-04-100 T02; E-630-B1-100 T03; E-630-00-100 T03; E-630-01-100 T01; E-630-02-100 T02; E-630-03-100 T02; E-630-04-100 T02; M-560-XX-001 T02; M-560-XX-002 T02; M-560-XX-003 T02; M-560-XX-100 T03; M-560-XX-101 T02; M-560-XX-102 T02 P-520-XX-001 T02; P-520-XX-100 T03; P-520-XX-101 T02; P-520-XX-102 T02; P-530-XX-001 T02; P-530-XX-100 T03; P-530-XX-101 T02; P-530-XX-102 T02; 1000 P1; 1001 P1; 1002 P1; 1003 P1; 1100 P3; 1101 P3; 1102 P3; 1103 P2; 6000 P1; Detailed drawing of acoustic enclosure; Design and Access Statement; Schedule of Structural Works to Staircase; Structural Survey; Noise Impact Assessment dated 30 October 2023; Heritage Statement; Heritage Memo dated 1/11/23; Sustainable design Statement

Case Officer: Richard Langston

Direct Tel. No. 020 7641
07866036470

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 The acoustic enclosures around the air source heat pumps in the rear lightwell are to be coloured white and maintained as such.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our

Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 3 You must apply to us for approval of a schedule of proposed works to the ceilings. The schedule should include all ceilings which are to be replaced and should set out the existing materials and condition as well as the proposed materials and method for repair or replacement. You must not start any work to these parts of the development until we have approved what you have sent us.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 4 Where additional safety rails or stanchions are proposed to the stairs, these should be reversible additions to the historic balustrade.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 5 Damaged balusters should be repaired and retained *situ*. Any balusters which are damaged beyond repair should be replicated in terms of size, materials and detailed design.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 6 You must apply to us for approval of details of the new skylights and alterations to the roofs required to accommodate them. You must not start any work to these parts of the development until we have approved what you have sent us.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 7 You must apply to us for approval of details of the materials and design of the replacement staircase between third and fourth floors, including 1:10 drawings. This

should include the incorporation of the existing, historic balusters and handrail. You must not start any work on these parts of the development until we have approved what you have sent us.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.

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