

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 1 August 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward involved</b> St James's	
<b>Subject of Report</b>	1-4 Bear Street and 47-48 Cranbourn Street, London, WC2H 7AR.		
<b>Proposal</b>	Demolition of existing building and redevelopment to provide a new building comprising basement, ground and six upper floors. Use of basement, ground and first floors for restaurant purposes (Class A3), with ticket booth (Class A1) at ground floor level to Cranbourn Street. Use of upper floors as nine self-contained residential flats.		
<b>Agent</b>	Montagu Evans LLP		
<b>On behalf of</b>	Electra Holdings Ltd & Sandy Lanes Ltd		
<b>Registered Number</b>	16/08454/FULL	<b>Date amended/ completed</b>	8 May 2017
<b>Date Application Received</b>	2 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Leicester Square		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

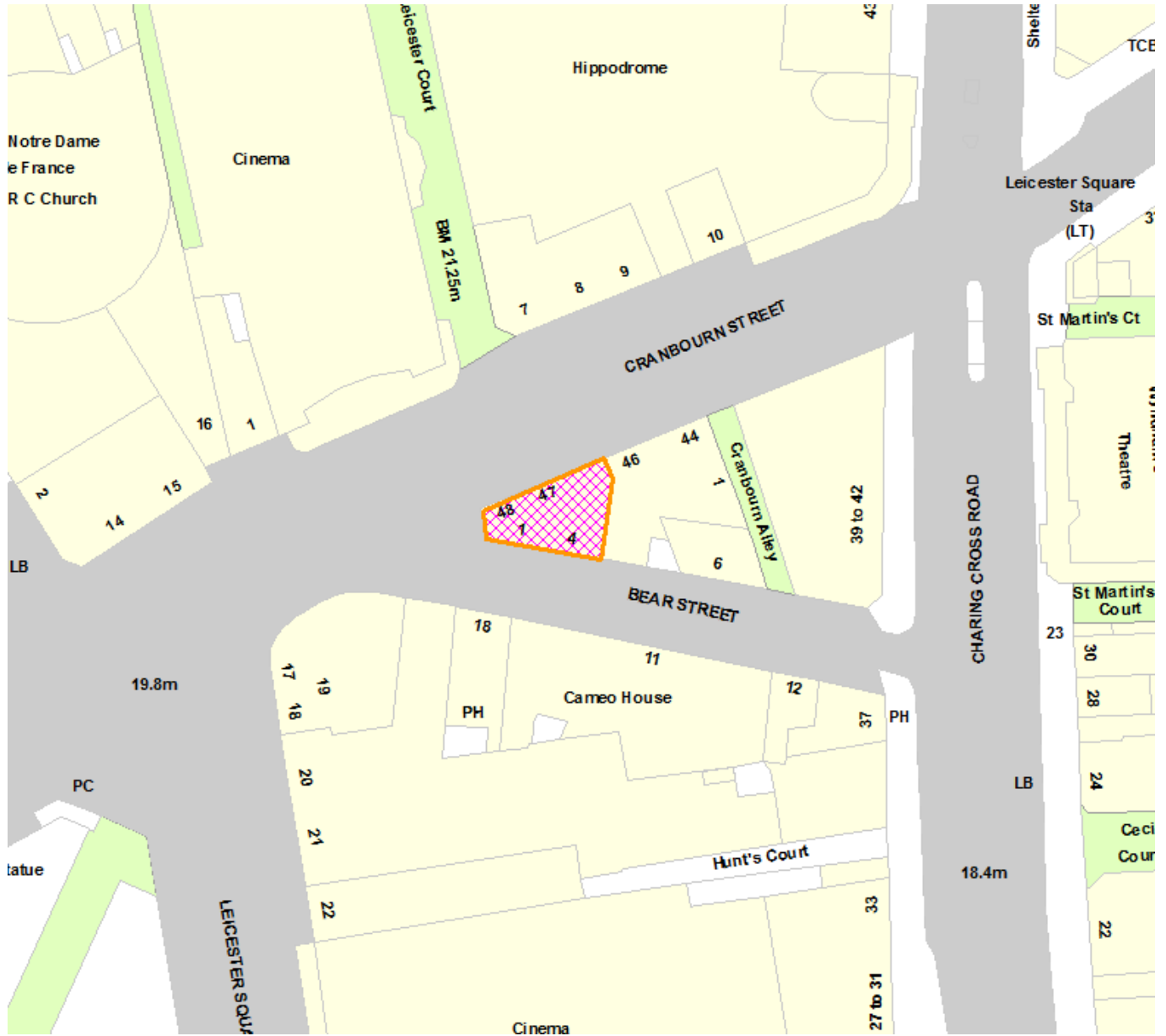
The site is located on a triangular plot at the junction of Bear Street and Cranbourn Street and comprises a mixed use building containing offices, three residential flats, two restaurants and a retail kiosk. Permission is sought to redevelop the site to create a new building over basement, ground and six upper floors containing an enlarged restaurant, a replacement retail kiosk and nine residential flats.

The key issues for consideration are:

- The acceptability of the proposals in land use terms;
- The impact of the proposals on the character and appearance of the conservation area;
- The impact of the proposals on the surrounding highway network.

Whilst it is acknowledged that there will be a small loss in office accommodation, for the reasons set out in the main report, the proposals are considered acceptable in land use, amenity, highways and design terms and comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). The application is recommended for approval subject to the conditions as set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### SOHO SOCIETY

No objection subject to securing all mitigation measures detailed in the noise report by way of condition.

### WESTMINSTER SOCIETY

Welcome redevelopment of the corner site, however believe further consideration be given to the choice of colours of external finishes and whether a greater mix of residential sizes.

### DESIGNING OUT CRIME OFFICER

Recommend that the proposals achieve Secure by Design accreditation.

### ENVIRONMENTAL HEALTH

Object to the bedrooms of the one bed units on fire safety grounds (remote rooms). Proposals are acceptable in terms of noise subject to standard conditions and additional conditions requiring the submission of a supplementary acoustic report and construction specifications.

### HIGHWAYS PLANNING

Object to the lack of car parking and cycle parking.

### CLEASNING

Conditions are required to confirm amount and separation of waste storage.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 112

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site is located on a triangular plot at the junction of Bear Street and Cranbourn Street and is occupied by a 1950's building over basement, ground and three upper floors. The site comprises Nos. 1-4 Bear Street and Nos. 47-48 Cranbourn Street.

The ground floor is occupied by two restaurants and a retail kiosk which sells theatre tickets. The upper floors are in use as offices and three self-contained flats (2 x 1 bed and 1 x 2 bed). The footprint of the building is highly constrained in shape, being a 'wedge' between Bear Street and Cranbourn Street with a site area of approx. 100sqm.

The office floorspace was recently used as a residential 'maisonette' which was granted temporary permission until December 2014, after which the applicant occupied the offices for his own business.

The site lies within the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ).

## 6.2 Recent Relevant History

On 27<sup>th</sup> September 2007 permission and advertisement consent was granted for demolition of existing building and redevelopment to provide a new building comprising basement, ground and six upper floors for use of ground floor and basement for restaurant purposes (Class A3), with ticket booth (Class A1) at ground floor and use of upper floors as 11 self-contained residential flats. Externally illuminated advert panels were approved which allowed advertisements of theatre and cinema productions in the West End or events in Leicester Square only. (07/04254/FULL and 07/04256/ADV)

On 3<sup>rd</sup> September 2010 permission was granted for an extension of time for the commencement of development to the granted planning permission on 27<sup>th</sup> September 2007 for a further three years. (10/04950/FULL)

On 12<sup>th</sup> December 2011 permission was granted for use of the first, second and third floors for a temporary period of three years to provide a 1 x 2 bed maisonette (Class C3) and installation of one air conditioning unit at roof level. (11/08162/FULL)

On 3<sup>rd</sup> September 2010 permission was granted for an extension of time for the commencement of development to the granted planning permission on 27<sup>th</sup> September 2007 for a further three years. (13/08710/FULL)

On 24<sup>th</sup> February 2014 advertisement consent was granted for the display of externally illuminated advertisement panel at first to fifth floor levels with neon surround measuring 3m x 13.97m and two stainless steel frames panels (2m x 3m) integrated within the Cranbourn Street elevation at ground floor level. The adverts were the same as approved on 27<sup>th</sup> September 2007 and allowed advertisements of theatre and cinema productions in the West End or events in Leicester Square only. (14/00344/ADV)

## 7. THE PROPOSAL

The application seeks permission to demolish the existing building and redevelop by means of erection of a new building comprising basement, ground and six upper floors. Externally the replacement building matches that originally granted permission in 2007. The replacement building will include a restaurant (Class A3) at basement, ground and first floor levels, a retail kiosk (Class A1) at ground floor level fronting Cranbourn Street and use of second to sixth floors as nine residential flats (8 x 1 beds and 1 x 2 bed)

In terms of the 2007 permission and subsequent extension of time applications, the current application differs only in terms of the use at first floor level. Rather than provide the previously permitted two residential units it is now sought to use the first floor in connection with the restaurant at basement and ground floor levels. This is in part to address the loss of offices floorspace which will be addressed later in this report.

A separate advertisement consent application for the associated theatre/cinema advertisements has not been submitted at this time due to the 2014 consent being extant until February 2019.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposal would result in an increase in residential accommodation and restaurant accommodation, a reduction in office and a minor reduction in Class A1 retail floorspace. The table below sets out the existing and proposed balance of uses.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	122	0	- 122
Residential (Class C3)	170	522	+ 352
Restaurant (Class A3)	217	279	+ 62
Retail (Class A1)	23	15	- 8
Total	532	816	+ 284

#### Residential Use

The principle of new residential accommodation is welcomed in accordance with UDP Policy H3, subject to it providing a satisfactory standard of accommodation (which is considered below). The proposal would result in a net increase in six residential units and therefore there is no requirement for affordable housing.

Policy H5 states that the City Council will usually require a third of units in a residential scheme to be family sized (i.e. three bedrooms or more). However, given the site's location in Leicester Square and the constraints of the site with its limited and irregular footprint, it is considered that it would not be reasonable to insist on the provision of family sized units in this instance and therefore the proposed mix is considered acceptable.

All proposed flats comply with nationally described space standards for one and two bedroom units at 37sqm and 61sqm respectively.

#### Loss of Offices

Since the previous scheme has been permitted Policy S20 of the City Plan has been adopted. In this location within the CAZ where changes of use from office to non-commercial uses will only be acceptable where the council considers that the benefits of the proposal outweigh the contribution made by the office floorspace.

The proposals would result in a loss of 122sqm of office floorspace. For the purposes of Policy S20, which allows for the offsetting of office floorspace through increases in other commercial uses, namely the restaurant at first floor level, there would be a 68sqm loss in office floorspace which needs to be addressed under the policy.

The existing offices are arranged as three small rooms organised over three floors accessed from Bear Street with approx. 20% of the office floorspace is taken up with the stair core and access. This results in an inefficient layout in the narrowest corner of the building.

The existing offices do not allow for much in the way of staff amenities, which comprises two WCs located on two of the three floors. This limits the opportunities for dividing the

tenure. Practically the layout allows for a single office spread across three levels. It is unsuitable for wheelchair with only narrow stair access and no lift.

The offices have been occupied by the applicant in connection with the retail kiosk at ground floor which sells theatre tickets. The applicant states the space is only convenient in its current use because of its proximity to the retail kiosk and it is unlikely that the accommodation would be suitable as a stand-alone office let to an unrelated business.

The applicant has undertaken an exercise to show how a second core would compromise the floorplan and usable floorspace. Given the constraints of the site it is entirely feasible that the redevelopment would not be realised should a provision of office accommodation be required.

In terms of the benefits arising from the development, Policy S20 states that they “may relate to the significant benefit to the value of heritage assets and/or significant townscape improvements, but these and any other benefits will be considered in the context of the priority to retain office floorspace”. The proposal would allow for significant townscape and conservation area benefits compared to the existing situation and these will be detailed later in this report.

Given the irregular site constraints in terms of footprint and existing mix of land uses, it is considered that the proportionally small loss of poor quality office floorspace is outweighed by the benefits of the scheme.

### **Restaurant Use**

The site lies within the West End Stress Area and the proposal would result in an increase restaurant floorspace of 62sqm. A single restaurant of 284sqm is proposed and therefore Policy TACE 9 is applicable which states that permission will only be granted where the proposal would not have an adverse impact on residential amenity or the local environmental quality.

In general terms the existing restaurant uses are not considered to make a positive contribution to the character and environment of Leicester Square and it is considered that a single restaurant would be more appropriate and in keeping with the wider aspirations for Leicester Square. The proposed restaurant would have 130 covers and the following hours of use are sought:

Sunday to Thursday: 0800 - 0200  
Friday and Saturday: 0800 - 0400

The existing licensing hours have the same terminal hours and are a relevant consideration, as well as the benefits of a single restaurant and the existing general night time economy and active environment of Leicester Square. The 2007 permitted scheme allowed the following hours:

Monday to Thursday: 0800 - 0200  
Friday and Saturday: 0800 - 0400  
Sundays and Bank Holidays: 0800 - 0130



Given that the previously permitted scheme granted similar hours, it is considered that extending the closing time on Sunday by half an hour and removing the additional constraints for bank holidays and public holidays would not unacceptably impact residential amenity or local environmental quality. As well as a condition restricting the hours it is recommended to add condition restricting the restaurant to 130 covers. Any external tables and chairs would need to be the subject of a separate planning application.

## 8.2 Townscape and Design

This corner site is a particularly important one in the Leicester Square Conservation Area and reads as a bookend building in townscape terms which requires an appropriate design response. The existing building dates from the 1950's and is of an unexceptional appearance and contributes little to the character and appearance of this part of the Leicester Square Conservation Area.

Its demolition and replacement with a building which makes a more convincing contribution is therefore considered acceptable in principle. The redevelopment will result in an increase in height at this corner which is considered acceptable given the desirability to visually terminate the building with a robust bookend building. The height and scale of the development is therefore considered acceptable.

The elevational design is considered acceptable and strikes an appropriate balance between providing an active face on to the street and protecting the privacy of future residents. The vertical window openings are appropriately framed by re-constituted stone panels with stainless steel horizontal floor courses and coping and coloured aluminium vertical fins resulting in a building of an appropriate robust quality for a corner location. The top storey is of a more lightweight glazed design which is considered appropriate at this height. The design is considered convincing and has an appropriate vertical emphasis and a significant improvement on the existing building. The materials and detailing are considered appropriate.

The Westminster Society has said that there should be greater thought given to the 'choice and colours of the external finishes'. The building is to be clad in a composite stone cladding and a condition is recommended to secured details of all external materials.

The predominant use of stone will settle the building into the surroundings. Some interest is provided to the facade by powder coated aluminium fins, these are to be coloured, although the application does not determine the colours. The materials will be confirmed by detailed submitted through condition. The use of stone with the minimal addition of coloured elements is considered wholly appropriate to the building and the vibrancy of Leicester Square.

Elsewhere stainless steel is to form the detailed junctions and glazing is to be the predominant feature at roof level. Given the building is of modern design the use of stainless steel and glass is considered sympathetic to the overall design aesthetic and not out of place with the detailing of other modern buildings in the area.

The roof has been designed to conceal the lift overrun and any plant from street level views and other public vantage points. The design of the ground floor shopfronts are simple and sit comfortably alongside the simplicity of the remainder of the elevation.

The scheme is considered acceptable in terms of scale, height, design, detailing and materials and is not considered to harm the character or appearance of the Leicester Square Conservation Area.

Although not forming part of this application, the display of adverts on the proposed building was granted originally in 2007 and subsequently in 2014 (extant until 2019). The displays only advertise theatre productions and films in the West End and are considered to contribute positively to the distinctive character of the West End, especially as the building appears as a gateway to Theatre land.

### **8.3 Residential Amenity**

#### **The amenity of future residents of the development**

Background noise levels in this location can be high and Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise. The applicant has submitted an Environmental Noise Report which sets out the above internal noise criteria and details have been provided of the sound insulation and ventilation measures to demonstrate that they can be complied with.

The elevations will be largely solid with narrow full height secondary glazed windows which are narrower to the bedrooms. Comfort cooling as well as opening windows which would provide fresh air and cross ventilation controlled by the residents. Acoustically attenuated vents can be opened when noise conditions are higher and base trickle ventilation will be provided within the window frames.

Environmental Health officers have recommended the imposition of safeguarding conditions including the Councils standard noise and vibration conditions to protect the residents from internal and external noise and to control noise from the proposed restaurant. Further conditions are imposed requiring the submission of supplementary acoustic reports to ensure compliance with the standard conditions and provide details of the internal building fabric and method of construction.

Environmental Health has raised concern over means of escape with regard to the bedrooms which are considered remote rooms. This is a matter for the Building Regulations and as such is not relevant to consideration of the application. Notwithstanding this the applicant has confirmed that it is their intention to include an escape through a fire rated panel in the bathroom which leads directly into the lobby which protects the vertical escape stair. This will avoid the need for escaping through the living room/kitchen. They have also confirmed that extra internal doors can easily be added within the flats next to the kitchen units if this is required by building control.

#### **Impact on surrounding residential premises**

The nearest residential premises to the site would appear to be a flat opposite at 18 Bear Street and on the upper floors of 44-46 Cranbourn Street. Whilst the new building would be higher than the existing by two floors and a recessed storey, given the orientation and separation of the windows in these premises to the new building, it is not considered that

the proposal would have a significant adverse impact on daylight, sunlight or sense of enclosure to surrounding residential premises.

#### **8.4 Transportation/Parking**

No off-street car parking is proposed for the new flats. UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels' The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement of five spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

The proposal would provide a net increase of six residential units and given the constraints of the site it is not possible to provide any off street parking. The latest survey information from 2015 indicates that the available on street parking on surrounding streets has exceeded the serious deficiency level overnight with 84.5% occupancy, but there is more availability during the day with 60.9% occupancy. The site is very well served by public transport and it is considered that the benefit of an increase in residential accommodation in this location outweighs concerns about the impact on parking demand.

The proposal would provide four cycle parking spaces within the building and whilst one space per unit would normally be expected, it is acknowledged that there are space constraints given the shape of the site and the access and core requirements for a mixed use building. The provision of four cycle parking spaces is therefore considered acceptable in this instance.

In terms of servicing, given the use of the existing buildings, it is not considered that the impact on the highway would materially worsen. Highways have raised the matter of the canopies over sailing the highway. This will be a matter for highways licencing and an informative is added to advise the applicant.

#### **8.5 Economic Considerations**

The proposal will result in a loss of 122sqm of office floorspace. This loss is partly offset by the enlarged restaurant floorspace by 62sqm which will serve the tourist and entertainment economy. In this instance it is considered that the economic implications for such a small loss of commercial floorspace would be negligible.

#### **8.6 Access**

Level access is provided to the ground floor commercial units. A passenger lift is also incorporated into the scheme which provides access to all floor levels.

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

##### **Waste storage**

The development would include separate refuse storage areas for the restaurant in the basement and the residential at ground floors. Cleansing has confirmed that conditions are required to confirm the capacity and separation of materials. The plans indicate that the doors to the ground floor refuse store would open over the highway, but given that the

doors can only be opened from the outside, it is not considered that this would significantly harm pedestrian safety, particularly given the fact that Bear Street is pedestrianised.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

The development is not of a sufficient scale to require planning obligations or a S106 legal agreement.

The estimated CIL payment for this development is £18,000 for the Mayoral CIL and £164,000 for the WCC CIL.

### **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

### **8.12 Other Issues**

#### **Construction impact**

A condition is recommended to protect the amenity of the surrounding area by ensuring that building works are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday and works of demolition and piling are not undertaken on the weekend or public holidays.

The City Council's Code of Construction Practice has been developed to mitigate against construction and development impacts on sites such as this. The Code of Construction Practice was adopted in July 2016 and the applicant will be required to sign up to it. Compliance is monitored by the Environmental Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

#### **Crime and security**

The Designing Out Crime Officer has been consulted and recommend that the residential element is accredited by Secured by Design. It is considered reasonable to attach a condition to evidence this accreditation.

**9. BACKGROUND PAPERS**

1. Application form.
2. Response from Soho Society dated 10 October 2016.
3. Response from Westminster Society dated 20 September 2016.
4. Response from Designing Out Crime Officer dated 5 July 2017.
5. Response from Environmental Health dated 4 October 2016.
6. Response from Highways Planning dated 29 November 2016.
7. Response from Cleansing dated 21 September 2106.

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

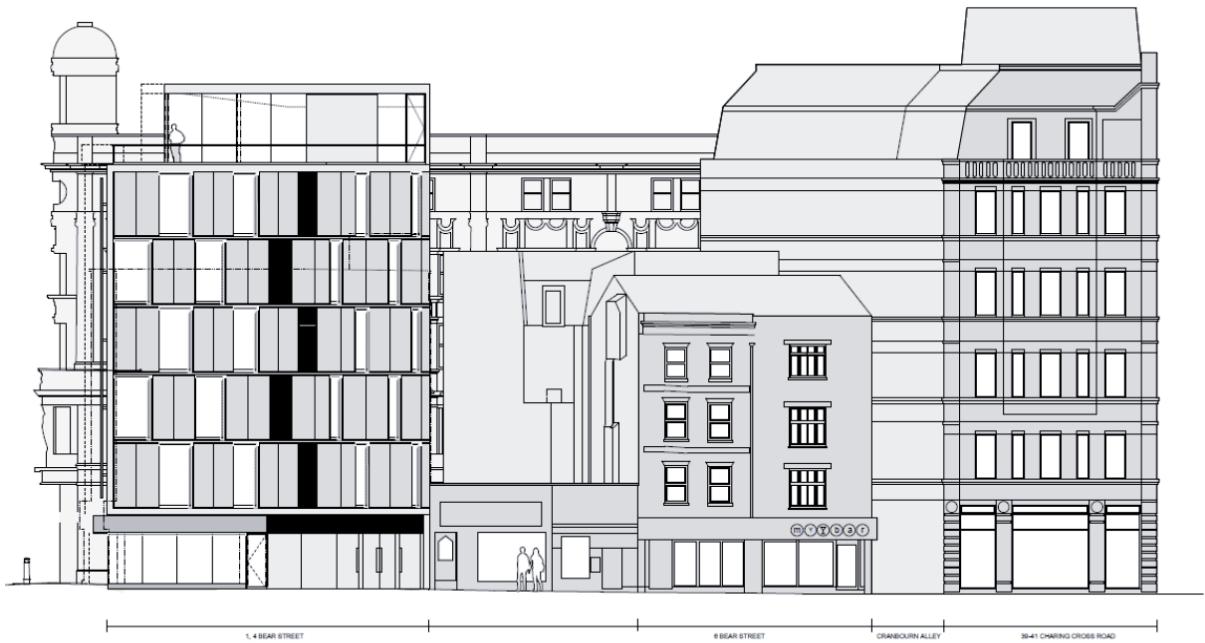
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

10. KEY DRAWINGS



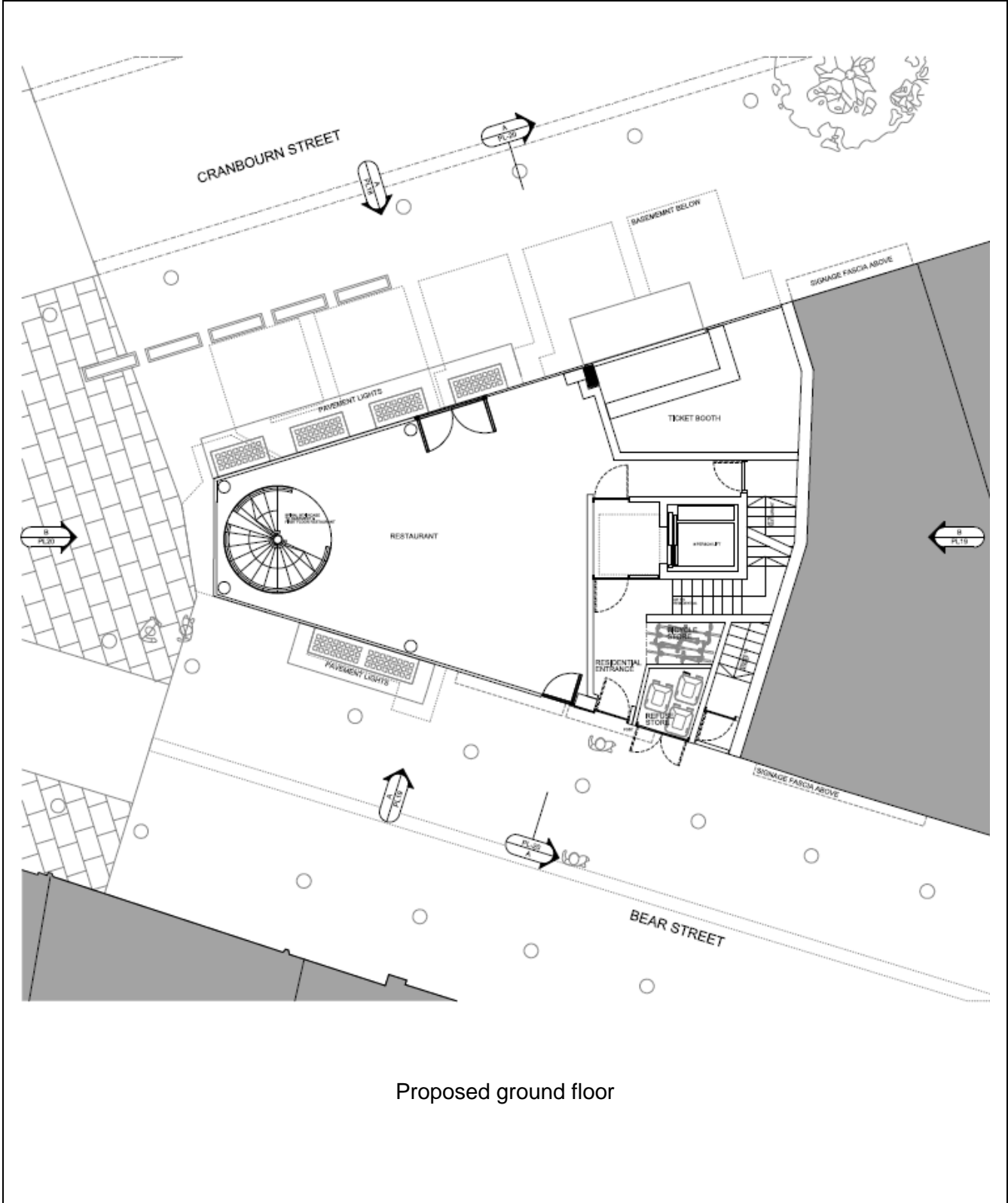
levation

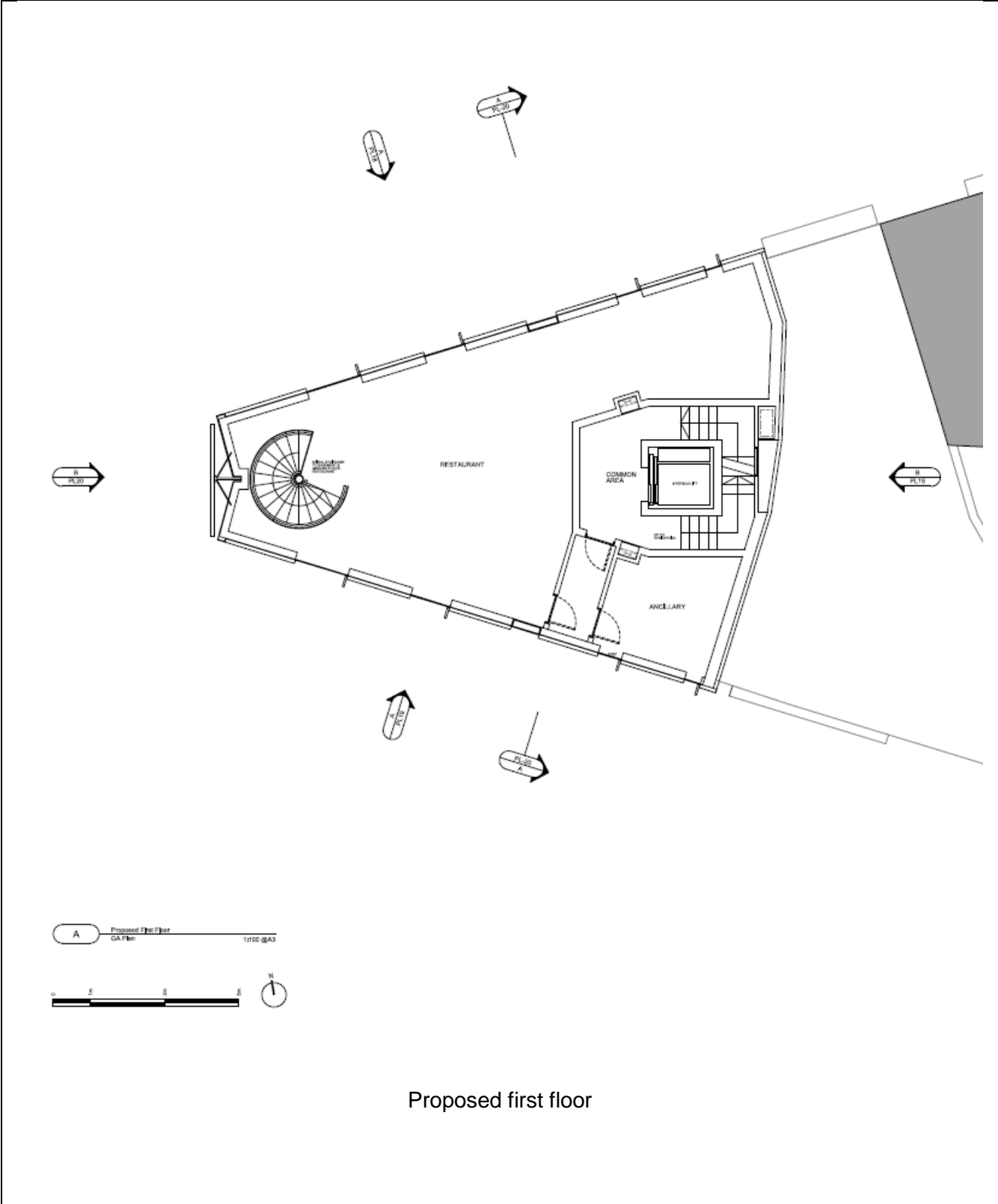
Proposed Cranbourn Street elevation



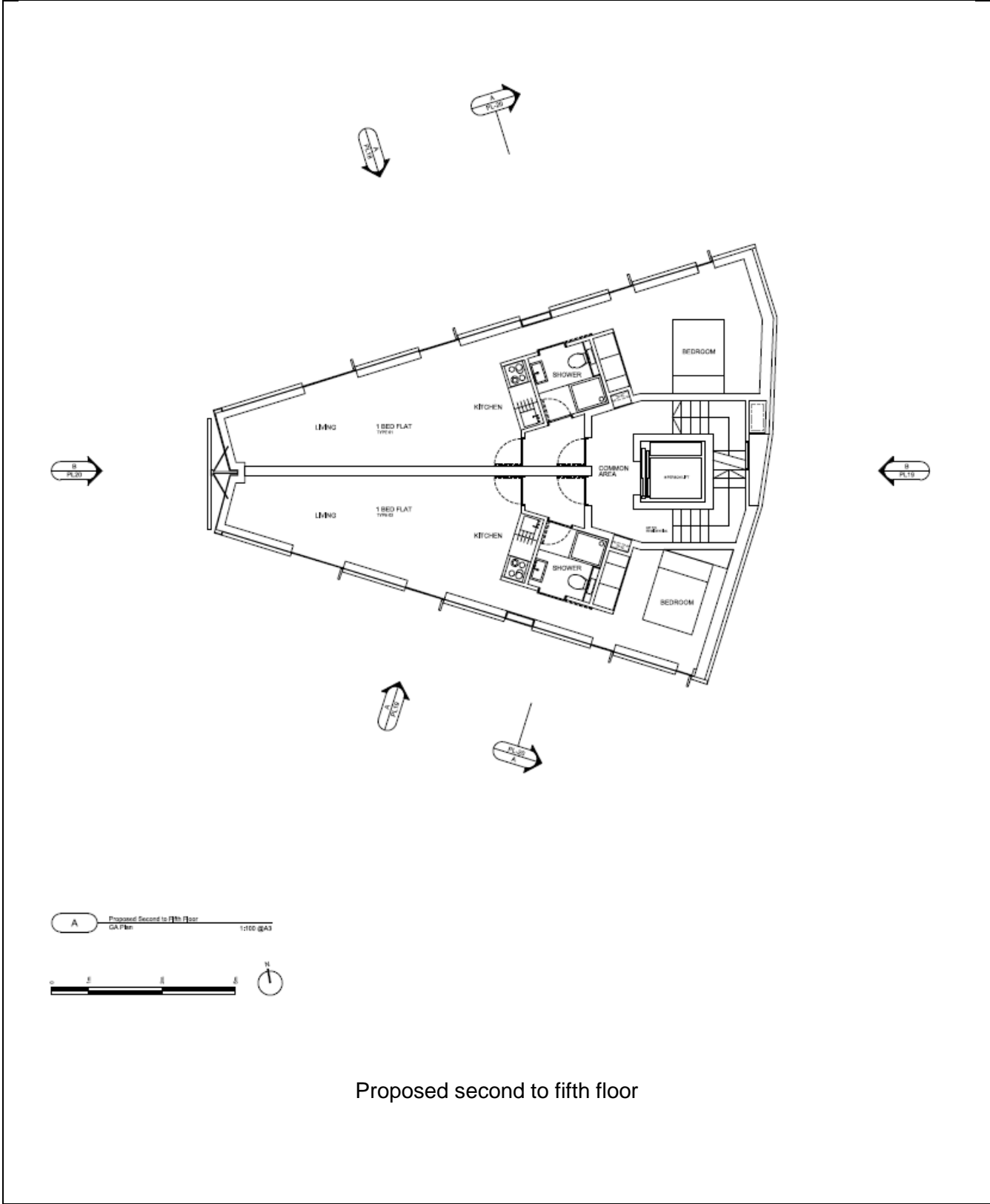
GA Elevation - Proposed South Elevation  
Scale 1:100 @A1

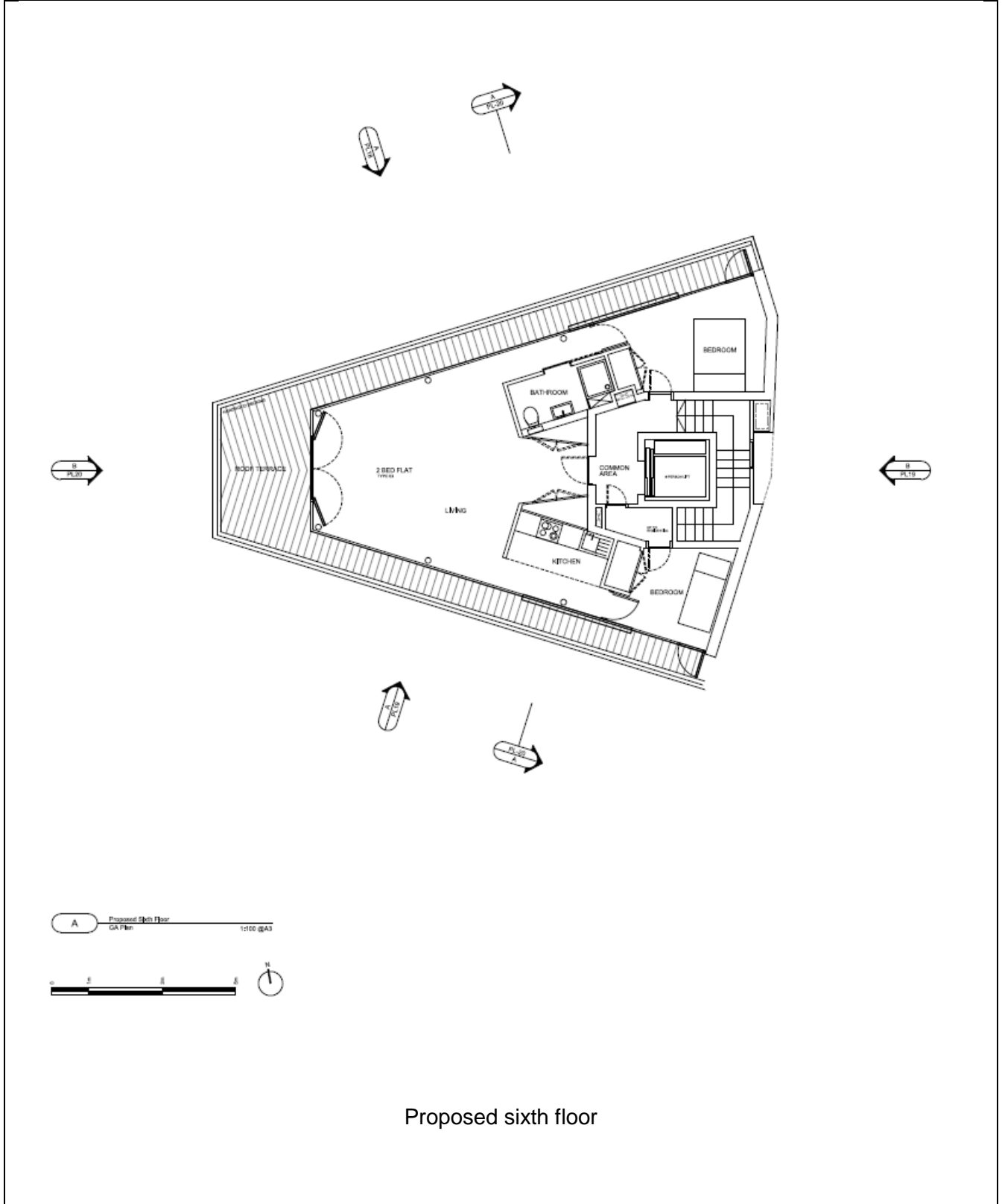
Proposed Bear Street elevation











A Proposed 6th Floor  
GA Plan 1:100 @A3



Proposed sixth floor

**DRAFT DECISION LETTER**

**Address:** 1-4 Bear Street and 47-48 Cranbourn Street, London, WC2H 7AR.

**Proposal:** Demolition of existing building and redevelopment to provide a new building comprising basement, ground and six upper floors. Use of basement, ground and first floors for restaurant purposes (Class A3), with ticket booth (Class A1) at ground floor level to Cranbourn Street. Use of upper floors as nine self-contained residential flats.

**Reference:** 16/08454/FULL

**Plan Nos:** 1526.PL03; 1526.PL04; 1526.PL05; 1526.PL13 Rev P3; 1526.PL14 Rev P3; 1526.PL15 Rev P3; 1526.PL16 Rev P3; 1526.PL17 Rev P3; 1526.PL18 Rev P3; 1526.PL18 Rev C; 1526.PL19 Rev B; 1526.PL20 Rev A.

For information: Design Statement ref: ORMS 1526/02 dated April 2007

**Case Officer:** Vincent Nally

**Direct Tel. No.** 020 7641 5947

**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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the following times: between 08.00 and 02.00 the following day on Monday to Thursday, 08.00 and 04.00 the following day on Friday and Saturday.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You must not allow more than 130 customers into the restaurant hereby approved at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must apply to us for approval of detailed drawings (elevations and cross sections at a scale of 1 : 10) showing the following alteration to the scheme:

a) The ventilation grilles at ground floor level to be of a decorative design and broken up in to individual sections to relieve the current horizontal emphasis

You must not start 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 the approved drawings.

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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must apply to us for approval of samples of the facing and roofing materials you will use, including glazing. You must not start work until we have approved 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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 11 You must apply to us for approval of details of the following parts of the development:

- a) a typical re-constituted stone panel, glazing, vertical fin and spandrel (elevations and cross section at scale 1:10)
- b) stainless steel grilles at first to fifth floor level (elevations and cross section at scale 1:5)

You must not start work until we have approved what you have sent us. You must then carry out the work according to these details. (C26CB)

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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 12 (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.
- (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To 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)

- 15 Prior to the occupation of the residential part of the development, evidence that the residential part has been accreditation by 'Secured by Design' award scheme must be submitted and approved by us. The development must thereafter be carried out in accordance with the approved details.

Reason:

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

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

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 19 (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 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 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 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.

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 (UDP), 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.

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

Reason:

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

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

Reason:

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

- 22 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 18 and 19 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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.

- 23 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 20 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

- 24 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 21 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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.

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

Reason:

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

- 26 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

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

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 7 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for

less than 90 consecutive nights) unless the following two conditions are met: , , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 8 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. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 9 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)
- 10 We want to preserve the archaeological remains on site. Your detailed design and method statement should include relevant drawings, technical notes and methods to show how you will do this. You should pay particular attention to the design of the foundations and new groundwork including piling, underpinning, new slab levels, slab construction, lift pits and new service trenches. Please contact Diane Abrams on 0207 973 3732 and Historic England's Archaeological Officer on 020 7973 3732 to discuss the details we need., , You should also contact our District Surveyors' Services to make sure that you meet their requirements under the Building Regulations. (I65AA)
- 11 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact: , , Contaminated Land Officer, Environmental Health Consultation Team , Westminster City Council, Westminster City Hall, 64 Victoria Street, London SW1E 6QP , , Phone: 020 7641 3153, (I73CA)
- 12 Conditions 17 and 18 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)
- 13 You should include environmental sustainability features in your development. For more advice on this, please look at our supplementary planning guidance on 'Sustainable buildings'. This will make sure that the development causes as little damage as possible to the environment. However, if the features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission. (I91AA)
- 14 Future residents of the new flats are advised that Cranbourn Street and Bear Street area subject

to high noise levels 24 hours a day and that the flats have been designed to incorporate measures of sound insulation and mechanical ventilation to ensure a good internal environment when the windows are closed.

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.