

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	42 Wigmore Street, London, W1U 2RY		
Proposal	Alterations to 42 Wigmore Street at front elevation and rear (Welbeck Way) elevation at ground to fourth floor level. Roof terraces at third and fourth floor level for use by the existing office. Reconfiguration of mechanical plant area with associated machinery at fourth floor level. Enlargement of existing glass roof, installation of PV panels and green roof at main roof level. Re-landscaping of front courtyard including installation of green wall. Alterations to Wigmore Street arcade entrance (which forms part of 44-46 Wigmore Street).		
Agent	CBRE Ltd		
On behalf of	Standard Life Assurance Limited		
Registered Number	23/00188/FULL 23/00189/LBC	Date amended/ completed	12 January 2023
Date Applications Received	12 January 2023		
Historic Building Grade	Entrance between 42 -46 Wigmore Street Grade 2 listed		
Conservation Area	Harley Street		
Neighbourhood Plan	None		

1. RECOMMENDATION

1. Grant conditional permission
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the refurbishment of the existing office building, including rationalisation of plant area and installation of new equipment, creation of two roof terraces, installation PV panels and various green walls, green roof and planting features, the installation of new windows on the main

courtyard elevation of the building. Relandscaping the courtyard is also proposed as well as works to the access archway from Wigmore Street, along with the provision of extensive cycle storage and end of trip facilities at basement level.

The key considerations in this case are:

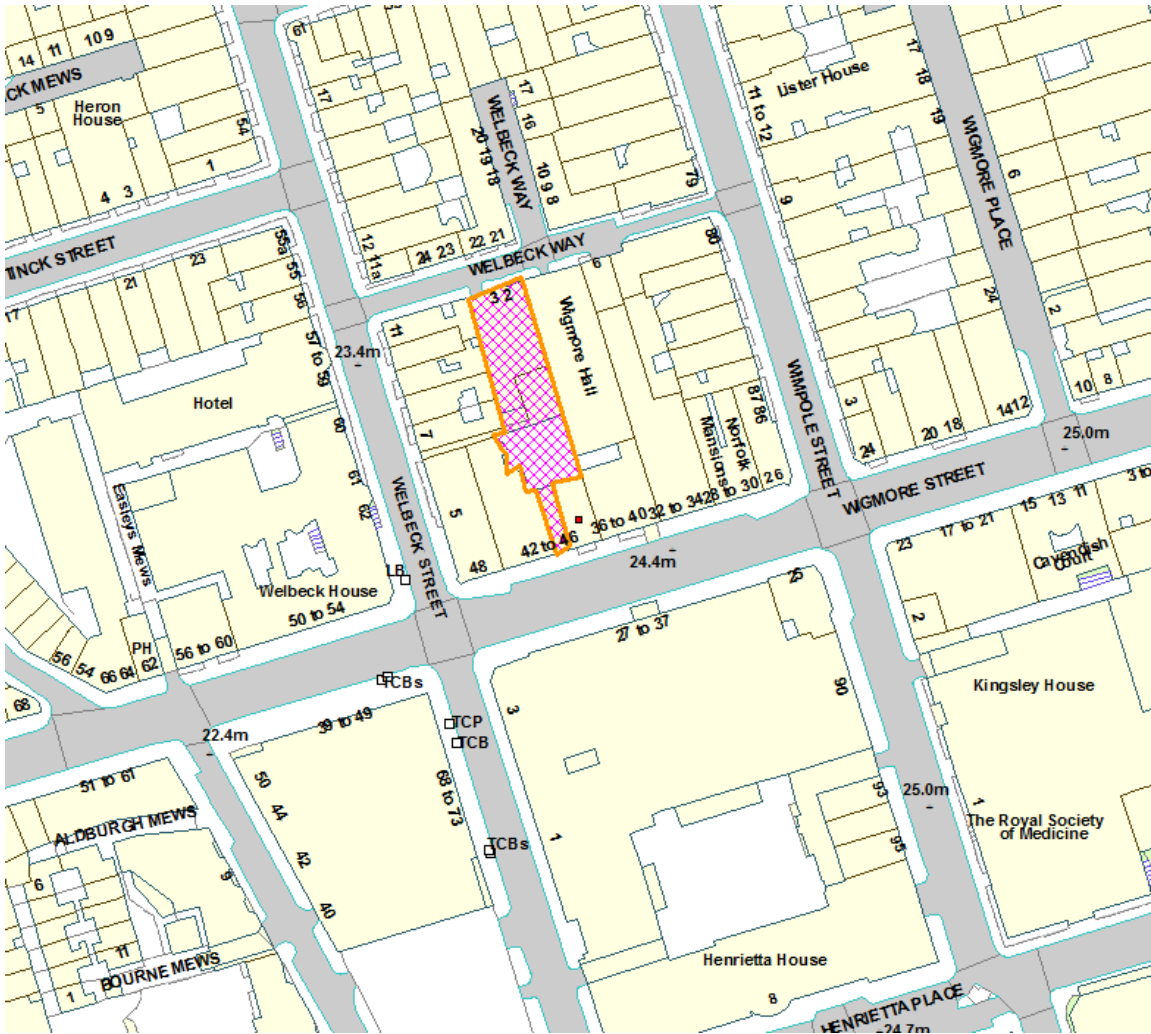
- The acceptability of the proposed changes to the building in design terms.
- The impact of the proposed works on the character and appearance of the Harley Street Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.

The proposed alterations are acceptable and suitable interventions and the additional greening at the site is all acceptable in design terms. The works are not considered to be harmful to the character and appearance of the Harley Street Conservation Area and are not harmful to the special interest or character of the listed building.

The applicant has demonstrated that the proposed works will not cause a detrimental loss of daylight and sunlight to surrounding properties. Subject to conditions securing compliance with noise and vibration criteria, the installation of acoustic screening for the mechanical plant, the proposed new machinery is considered acceptable. New terraces are proposed which are considered acceptable subject to the installation of a privacy screening, prohibition of live or amplified music being played on them and restrictions on their hours of use. A condition is also recommended requiring internal blinds to be fitted within an enlarged glazed atrium to prevent light spillage. Subject to these conditions, the proposals are acceptable in amenity terms.

Accordingly, the applications are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Wigmore Street Elevation (access gates/site indicated)



Internal Courtyard Front Elevation



Welbeck Way Elevation



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION

Objection:

- conversion of the flat roofs at 3rd and 4th floors to usable terraces for the use of building occupants will have a negative impact on the amenity of neighbouring properties (due to large gatherings and associated noise).
- proposed timber slatted privacy screens at roof level to be poorly considered in the development as a whole. A higher quality solution should be explored.
- impact of the roof level plant equipment with regards noise and venting.

ENVIRONMENTAL SCIENCES

No objection subject to conditions.

HIGHWAYS PLANNING

Concern raised about lack of off-street servicing.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 73 Total No of responses 2

Two objections have been received raising some or all of the following points:

- Previous breaches of historic conditions at the building (use of flat roofs, mechanical plant running beyond approved hours, light pollution from atrium),
- Use of flat roofs as terraces contrary to permission granted for the building which did not allow their use for sitting out,
- Noise from previous use of flat roofs (unlawfully) during summer for parties,
- Noise from use of proposed terraces will be disturbing, especially in summer,
- Loss of privacy from proposed terraces,
- Time restrictions requested for mechanical plant, and
- Light pollution from the lightwell.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement however, the Early Community Engagement guidance only expects such engagement to take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors. The applicant has set out within their Planning Statement that they have engaged in local stakeholders.

They set out that flyers setting out the proposals were posted to 65 residential neighbours and business addresses at the start of June 2022 and that no responses were received to these. The flyers were also issued to the Marylebone Forum, the Marylebone Association, and Marylebone Ward Councillors. The only response from these stake holders that the applicant advises of is from the Marylebone Association which is listed as being supportive however, it is noted that the Marylebone Association

have registered an objection to the proposals that have been submitted.

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 application site is part of a group of buildings at 42 Wigmore Street and is accessed via a passageway from Wigmore Street which leads into a paved courtyard area with some soft landscaping. The access passageway is part of a Grade II Listed Building, the rest of the site is not listed with the exception of part of the basement (the car park area) beneath 44-46 Wigmore Street which is also Grade II Listed.

The building can be accessed from the south from Wigmore Street and from the north from Welbeck Way. The building is a vacant office (Class E) building.

7.2 Recent Relevant History

Planning permission was granted at the site on 27 September 1991 (RN: 89/00170/FULL) for "Redevelopment of 2-3 Welbeck Way, and redevelopment of 42-48 Wigmore Street behind retained street facades; refurbishment and extension of remaining buildings all to provide B1 (business) A1 (retail) space and improved facilities for the Wigmore Hall, and 9 basement car parking spaces." This was implemented.

Variations to this scheme (listed as during the course of construction) were permitted by planning permission dated 09 April 1998 (RN: 97/0A281/FULL)

The 1991 permission was the subject of a legal agreement which relates solely to the construction phase of the development. The permission includes a number of conditions which are relevant to the proposals, in that they secure the provision and retention of certain features at the site. Condition 4 secures waste storage, Condition 5 secures car parking spaces and Condition 6 secures parking access/loading and unloading areas. Additionally, Condition 8 secured the installation and retention of obscure glazing under the eaves of the upper sloping glass roof on the west side of the building, and the submission of a glazing sample, while Condition 9 required the submission of details of an internal fixed louvre screen under the sloping glazed roof sufficient to prevent overlooking to 7-11 Welbeck Street. However, there is no record that the details required to discharge Conditions 8 and 9 were submitted. While there was no evidence on site that the requirements of Condition 9 had been complied with, all of the sloping roof was fitted with obscured glass. In order to safeguard the amenity of neighbouring occupiers, Condition 12 prevents the use of the main and lower roofs for sitting out. The current proposal includes the use of these lower roofs as terraces. Condition 5 of the planning permission dated 09 April 1998 restricts the operational hours of the existing mechanical plant at the site.

8. THE PROPOSAL

The proposals involve refurbishment of the existing office building. The front elevation of the main building (which fronts the courtyard) will be renovated, small changes are also proposed at the Welbeck Way elevation.

Roof terraces are proposed at third and fourth floor levels. The proposed 3rd floor terrace is on an existing flat roof, the 4th floor in an area currently occupied by plant. Existing plant will be reconfiguration and reduced in size.

The proposals include the relocation of an internal stair core of the building with an enlarged glass roof. PV panels and green roof are proposed at the main roof level, along with the re-landscaping of the front courtyard including installation of green wall.

Alterations are proposed to the Wigmore Street arcade entrance (which forms part of 44-46 Wigmore Street). Cycle storage and changing facilities and waste storage facilities are proposed internally at basement level.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals will see an increase of approximately 7sqm (GIA) of office (Class E) floorspace on the site as a result of internal layout changes and utilisation of additional space at basement level for back of house and support functions. The principle of this increase in office floorspace is acceptable and supported by the City Plan.

9.2 Environment & Sustainability

Policy 38D of Westminster's City Plan (Design principles) covers sustainable design, while policy 36 covers Energy Performance.

The proposals include the installation of PV panels and the reduction in the amount of mechanical plant on site which are welcomed. Green walls and other greening features are also proposed and are welcomed. The scheme accords with Policies 36 and 38 of the City Plan and the Environmental SPD.

9.3 Biodiversity & Greening

City Plan policy 34 B states that developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

Policy 34 G requires that developments achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats.

The proposals include the provision of PV panels and some area of green roof on the main rooftop. Planting on the proposed terraces as well as landscaping in the courtyard and the introduction of green walls (in the tunnel and within the courtyard) are all also proposed. These features are all welcomed, encouraged and supported by the City Plan. These features shall all be secured by condition.

9.4 Townscape, Design & Heritage Impact

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 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.

42 Wigmore Street is situated within the Harley Street Conservation Area to which it makes a positive contribution. It harmonises with the neighbouring buildings at 44-46 and the Wigmore Hall, which are grade II listed buildings.

The application site is part of a group of buildings accessed via a passageway from Wigmore Street which leads into a paved courtyard area with some soft landscaping. The building is predominantly brick-faced, with sash windows and decorative metalwork. It shares these details in common with the other buildings surrounding the courtyard, and it also has a modern frontage to Welbeck Way.

The proposed alterations to the building's courtyard façade, which is modern part of the building, have addressed concerns raised at pre-application stage by greatly reducing the amount of demolition involved and by refining the design to better reflect the existing character and appearance of the building and its surroundings. The alterations now envisage altering the central bay of the facade by flattening it, by introducing larger windows including a Palladian window at second floor level, and by adding decorative metal balconies inspired by Regency designs. Alterations to the modern Welbeck Way entrance involve installation of glass doors, and in the historic Wigmore Street façade the existing modern gates are to be replaced with new ones to a different detailed design. There is no objection to changing the doors or gates in design or heritage asset terms.

Enhancements to urban greening include introduction of a large area of living-wall where currently there is just a timber slatted screen (along the eastern boundary) and ground-planted wire climbers. These are acceptable in design and heritage asset terms. Similarly, replacing the double-glazing (which is failing) with new double-glazed windows, installation of rooftop p/v panels, and the proposed general landscaping alterations, are all acceptable in design and heritage asset terms.

The alteration to the roof terraces, including erection of some slatted-timber screening, have a neutral impact on the building's appearance as does the reconfigured mechanical plant and atrium roof glazing. An objection to the slatted screening on the basis that it is, *"...poorly considered in the development as a whole" and that "A higher quality solution should be explored"*, has some merit but it is an adequate solution, in terms of its appearance, with regard to providing privacy in the context of nearby residential properties.

As such, the proposal is considered acceptable, mindful of policies 38, 39, and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission and consent would be 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

City Plan 2019-2040 Policy 7 (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, as well as protecting local environmental quality.

Policy 22 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

Council records indicate that the closest residential properties are located at 7-11 Welbeck Street, on the western side of the site. There is also a residential property opposite the site at 24 Welbeck Way.

Daylight & Sunlight

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2022). The BRE guidelines states that bathrooms, toilets, storerooms, and circulation space need not be analysed as these rooms are non-habitable rooms and do not have a requirement for daylight. The guidelines state that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The BRE guide is not explicit in terms of which types of offices it regards as having a requirement for daylight.

The daylight and sunlight report assesses the impact of the development on windows at the closet properties to the site namely; 7, 8, 9 and 10 Welbeck Street. The study shows that the scheme would be fully compliant with BRE guidelines in terms of both Daylight (Vertical Sky Component and Daylight Distribution) and Sunlight. This aspect of the application is considered acceptable.

Noise & Vibration

The proposals include the reconfiguration of a mechanical plant area with associated machinery at fourth floor level. An acoustic report has been submitted in support of this part of the development assessing the noise impact on surrounding noise sensitive receptors. This report has been assessed by Environmental Sciences Officers who have advised that, subject to the necessary screening being installed (an acoustic screen that shall be secured by condition) and that the plant operates in low noise mode at all times (which they have requested be secured by way of a bespoke condition), the proposals are likely to comply with Council noise and vibration criteria.

Objectors have noted that the existing mechanical plant at the site, which is restricted in its operational hours by way of a historic condition, has previously been run beyond those hours. They are concerned that the operation of plant will result in noise nuisance and request that if permission is granted the hours of operation are again restricted to the hours on the 1988 permission (namely 07.00 – 20.00 condition 5). The acoustic report details plant running on a 24 hour basis. Environmental Sciences Officers have assessed the acoustic report and advise that the plant operating on a 24hour basis is

likely to comply with the City Council's noise criteria and raise no objection to the application. Subject to appropriate conditions, the plant is considered to be acceptable.

Noise and Overlooking from Terraces

The proposals seek to utilise the existing flat roof at rear third floor to provide a new terrace space, and to rationalise the existing mechanical equipment enclosure at rear fourth floor to provide space for a new terrace in this location. As noted above, Condition 12 of the permission granted in 1991 (RN: 89/00170/FULL) prohibits the use of these flat roof areas for sitting out etc. but, should these terraces be permitted, that condition would be superseded.

Objections have been received from neighbours and the local amenity society regarding the impact of the proposed terraces on amenity in relation to noise disturbance, and some concerns about overlooking. They cite incidents where the existing flat roofs were unlawfully used which created noise disturbance.

With regards to privacy and potential overlooking a 2m high timber screen is proposed around both the terraces. It is considered that the screening will prevent any overlooking.

The proposal is to use the terraces for the office accommodation between 08.00 and 20.00 hours on Mondays to Fridays. Subject to a condition that restricts the use to these hours and prevents any music being played on the terraces the provision of the two small terraces are considered acceptable and would not result in noise nuisance to neighbouring residential properties.

Overlooking from New Atrium

An existing glazed atrium on the building has frosted glazing preventing overlooking to the rear of the residential properties on Welbeck Street. The applicant is proposing that the new glazed atrium is not fully obscure glazed, but rather has a section of fritted glass through the central portion which, when combined with the privacy screening for the third-floor terrace, would prevent overlooking. The very top most portion of the new atrium would be unobscured glazing which is uncontentious in terms of risk overlooking. Subject to securing details of the fritted glass to ensure it suitably prevents overlooking, this approach is considered acceptable.

Light Pollution

The enlargement of the glass roof raises concerns over increased light spill. City Plan Policy 33 B states: "Developments must be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users."

Objections have been received raising concerns about this and noting that nearby residents are already negatively impacted by light pollution at night from the existing atrium. The applicant has advised that the atrium will be fitted with a lighting sensor that will turn the lights on when movement is detected, and then switch them off after a predetermined time when no movement is detected. It is recommended that this detail is secured by condition.

In addition to this, given that the atrium proposed will be larger than existing a condition is recommended which requires an internal automated blind system to be fitted within the new atrium. Such a system would automatically close the installed blinds between sunset and sunrise each night, reducing any impact of light pollution. Details of this system and the installation will be secured by condition.

Subject to these conditions, the objections on the issue of light pollution are considered to have been overcome.

9.6 Transportation, Accessibility & Servicing

The Highways Planning Manager has assessed the application and provided the following comments.

Servicing and Waste & Recycling Storage

Waste storage is indicated on the proposed drawings. The provision and retention of this storage area shall be secured by condition.

The Highways Planning Manager refers to Policy 29 requiring off-street servicing and freight consolidation. The scheme will not however result in an intensification of the office use on the site or a change to servicing arrangements, consequently it is not considered that a servicing management plan should be secured by condition.

Cycling & Cycle Storage

The application indicates 38 cycle spaces are proposed along with 12 foldable bicycle lockers. The provision of space for folding bicycle lockers is generally not an acceptable alternative to conventional cycle parking, however the proposal is heavily supported in this case as the lockers will serve as an addition to the minimum required and the long term spaces quantum is over the minimum required. It is noted the scheme also includes short stay cycle parking within public ground floor areas. This provision is welcomed and considered a positive addition and will support wider Council climate change, air quality improvement and Net Zero strategies. Substantial end of trip facilities (changing rooms, drying rooms, etc.) are also provided which is welcomed. The provision of these cycle parking spaces and end of trip facilities shall be secured by condition.

Parking

The application indicates the removal of the existing 9 car parking spaces at basement level, which is consistent with Policy 27 and welcomed.

9.7 Economy including Employment & Skills

The development is of insufficient scale to require an employment and skills plan. The refurbished office accommodation is welcomed.

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.

10. Conclusion

The proposals involve the refurbishment of the existing office accommodation. The office will also be provided with external amenity space for use by the office occupiers and cycle parking and end of trip facilities for cyclists are also provided. Relandscaping the existing courtyard and providing additional greening on site is also proposed and welcomed.

Subject to conditions securing compliance with noise and vibration criteria and the installation of acoustic screening for the mechanical plant, as well as the installation of a privacy screen and restricting the hours of use for the roof terraces, the proposals are acceptable in amenity terms.

As such, the proposal is considered acceptable, in accordance with City Plan (2019-2040) policies and therefore, a recommendation to grant conditional permission and consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

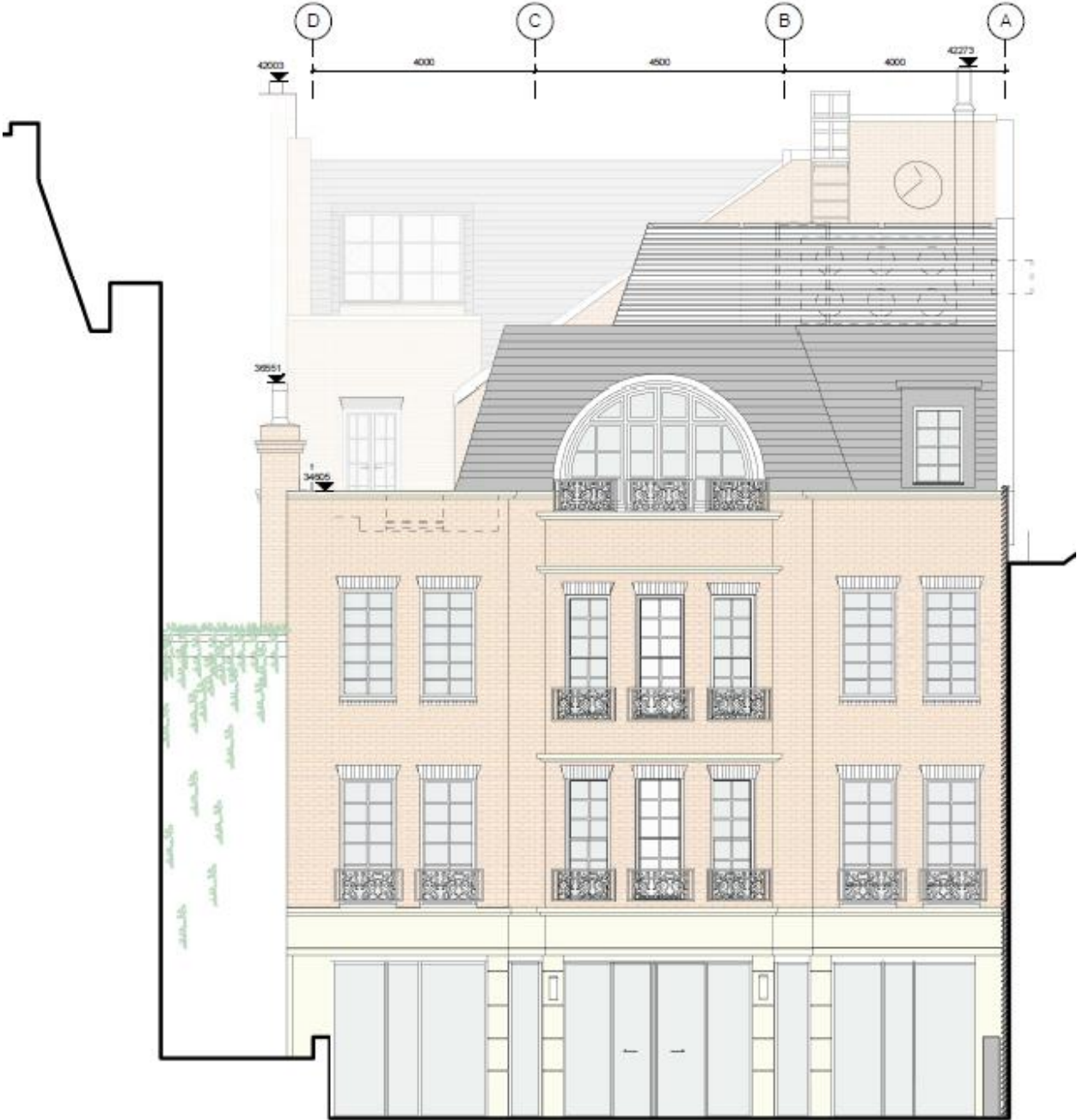
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

11. KEY DRAWINGS

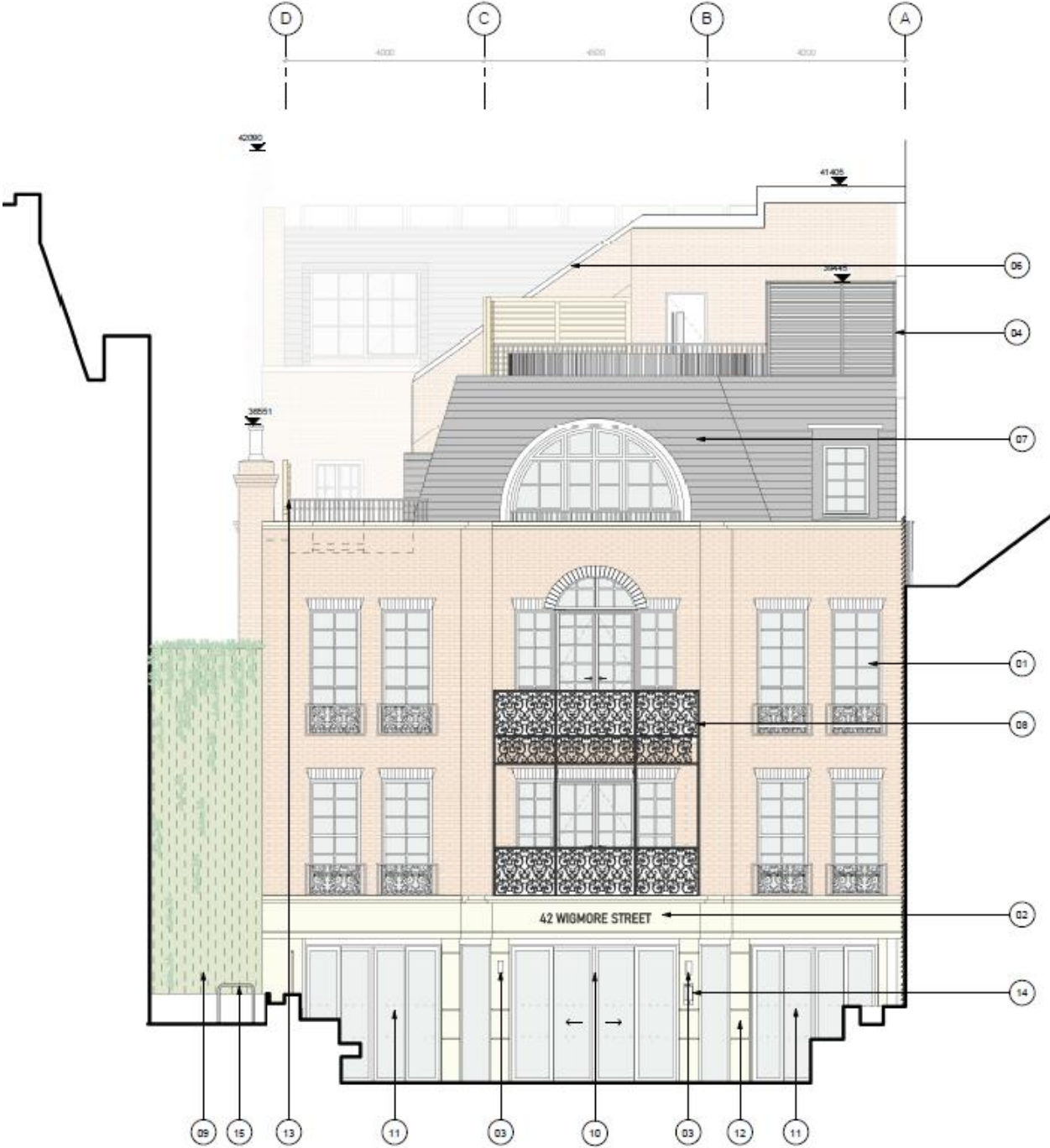
Existing (left) and Proposed (right) Wigmore Street Elevation



Existing Front (courtyard) Elevation



Proposed Front (courtyard) Elevation



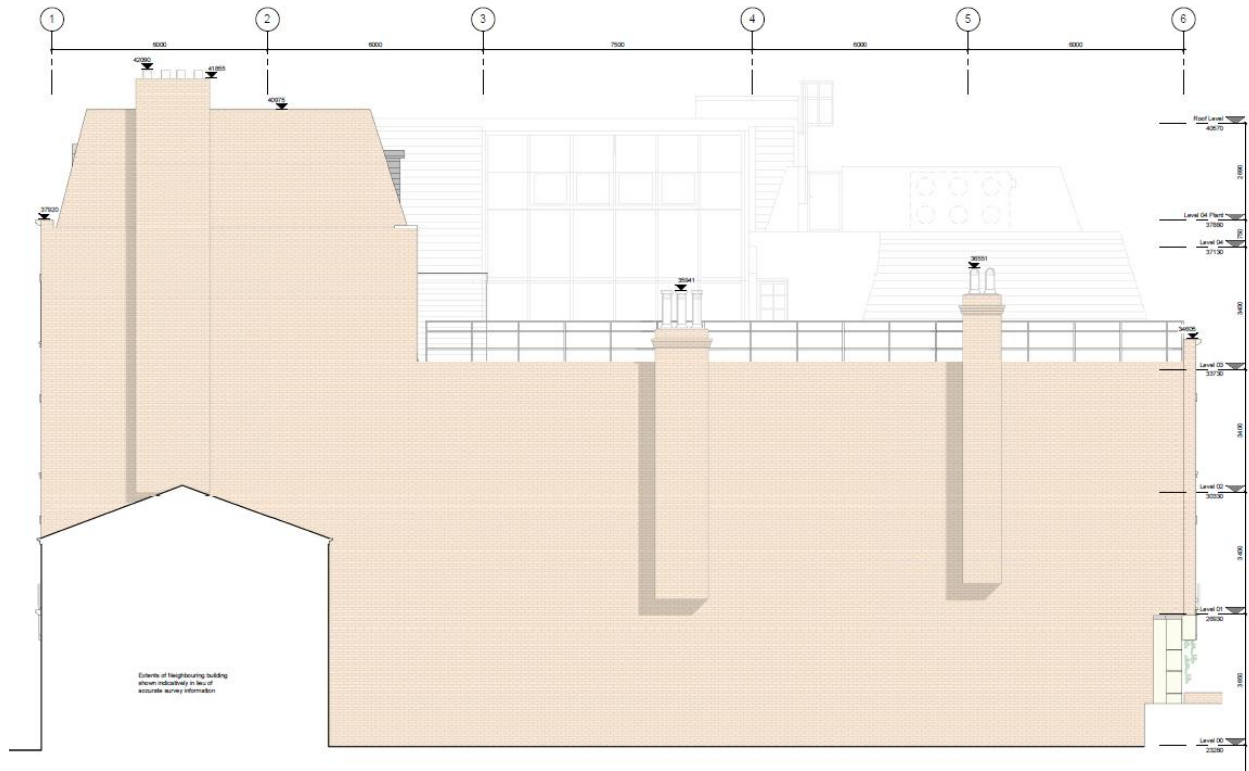
Existing Rear (Welbeck Way) Elevation



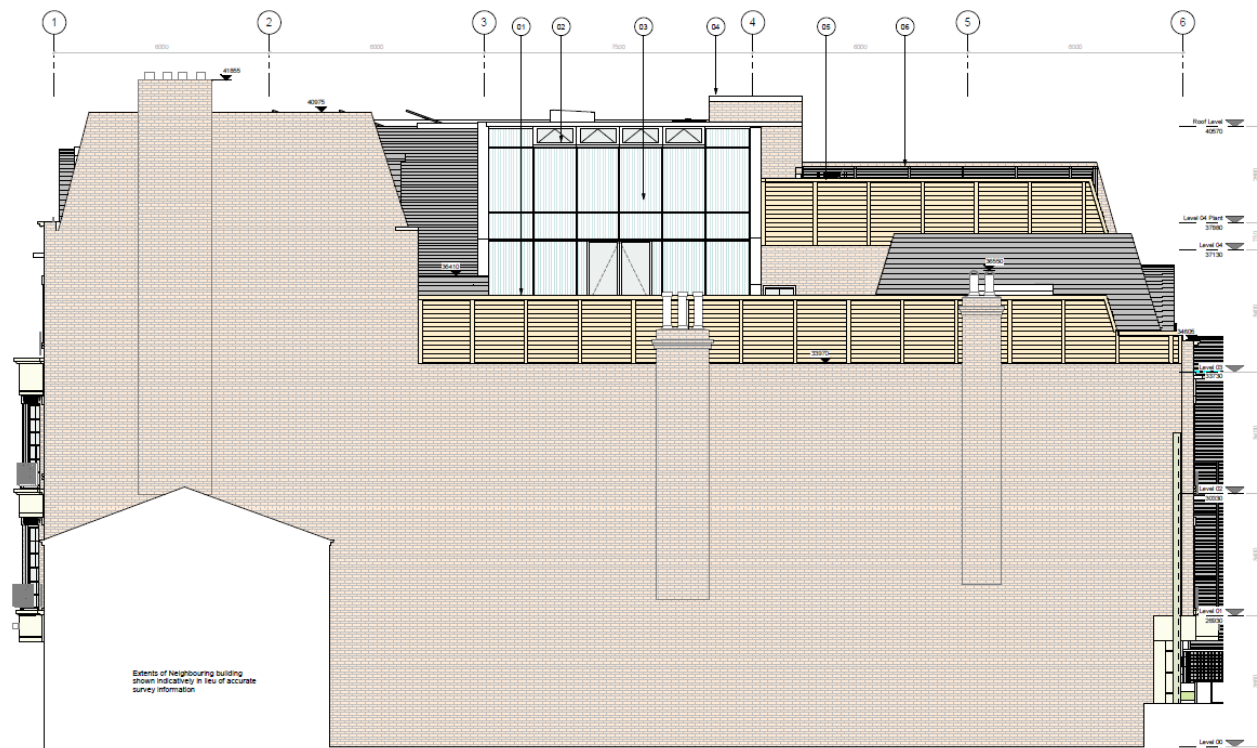
Proposed Rear (Welbeck Way) Elevation



Existing Side Elevation



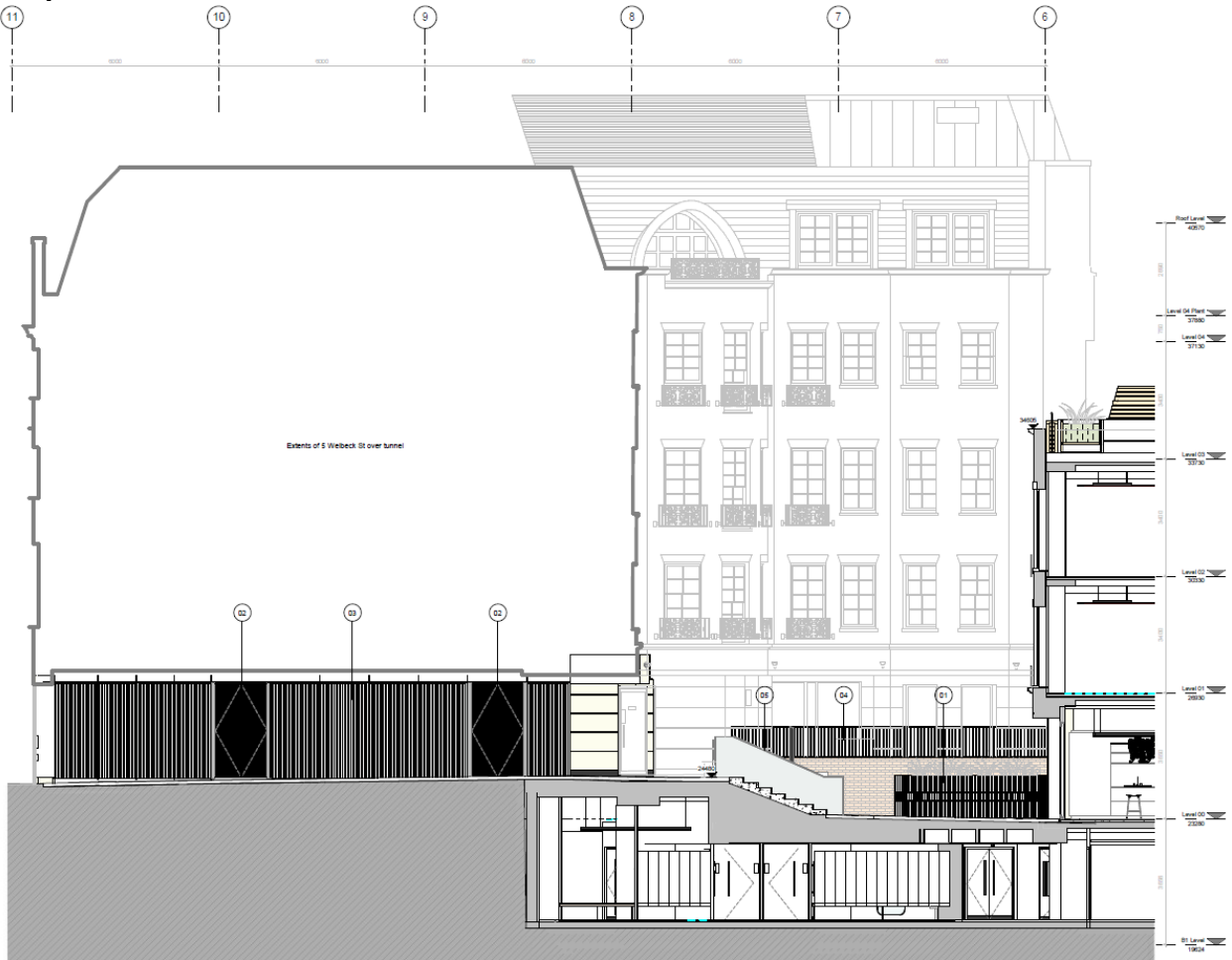
Proposed Side Elevation



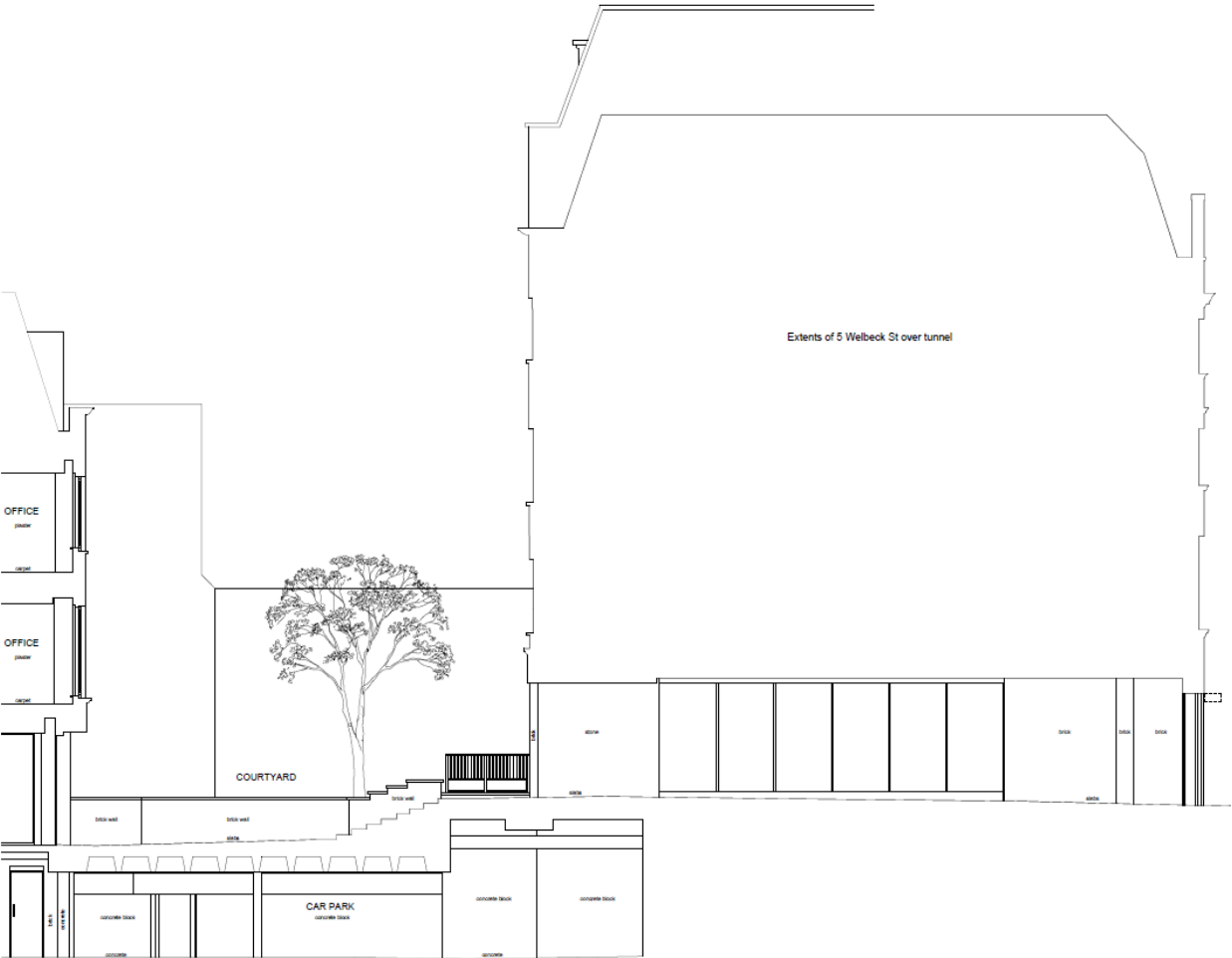
Existing Tunnel Elevation 1



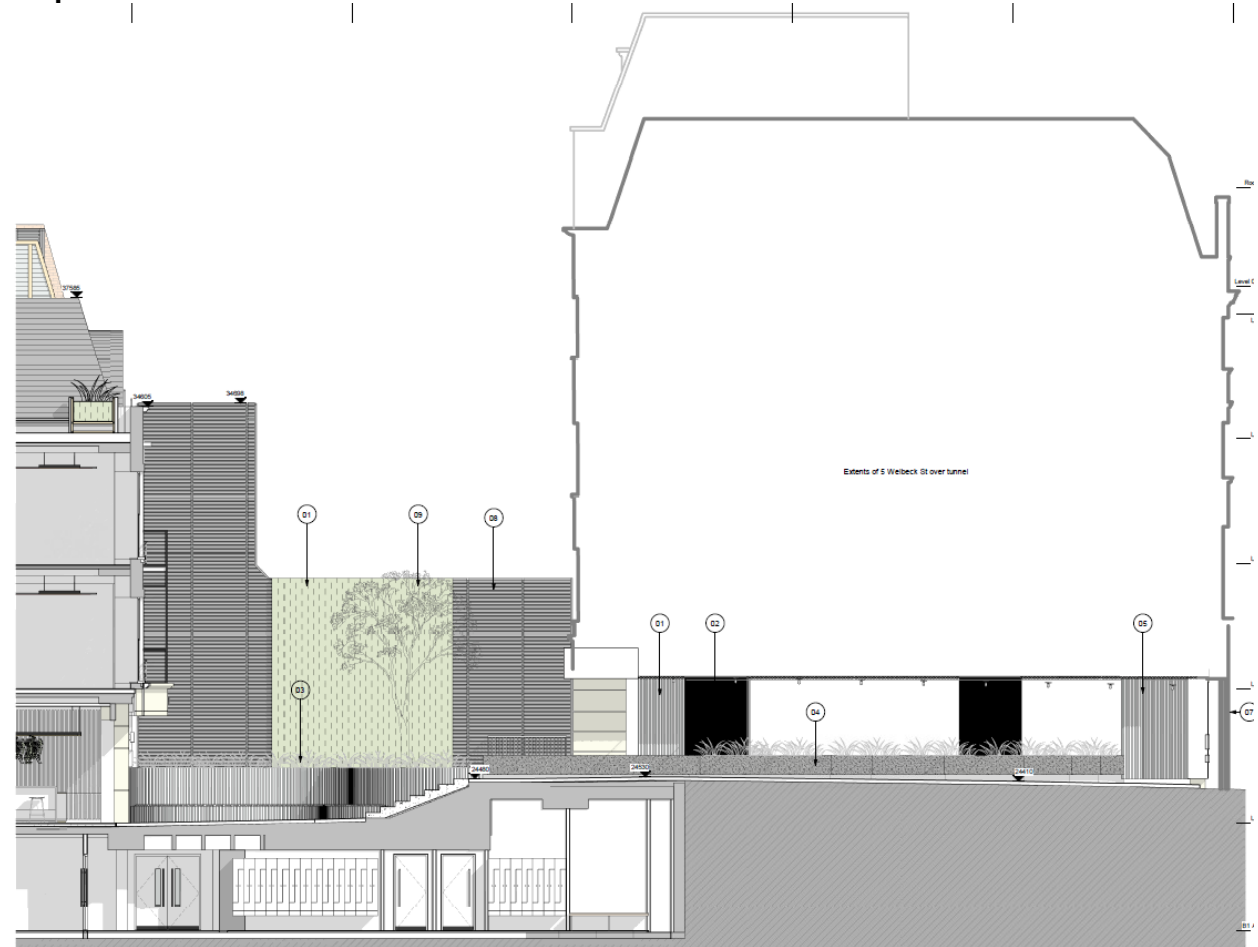
Proposed Tunnel Elevation 1



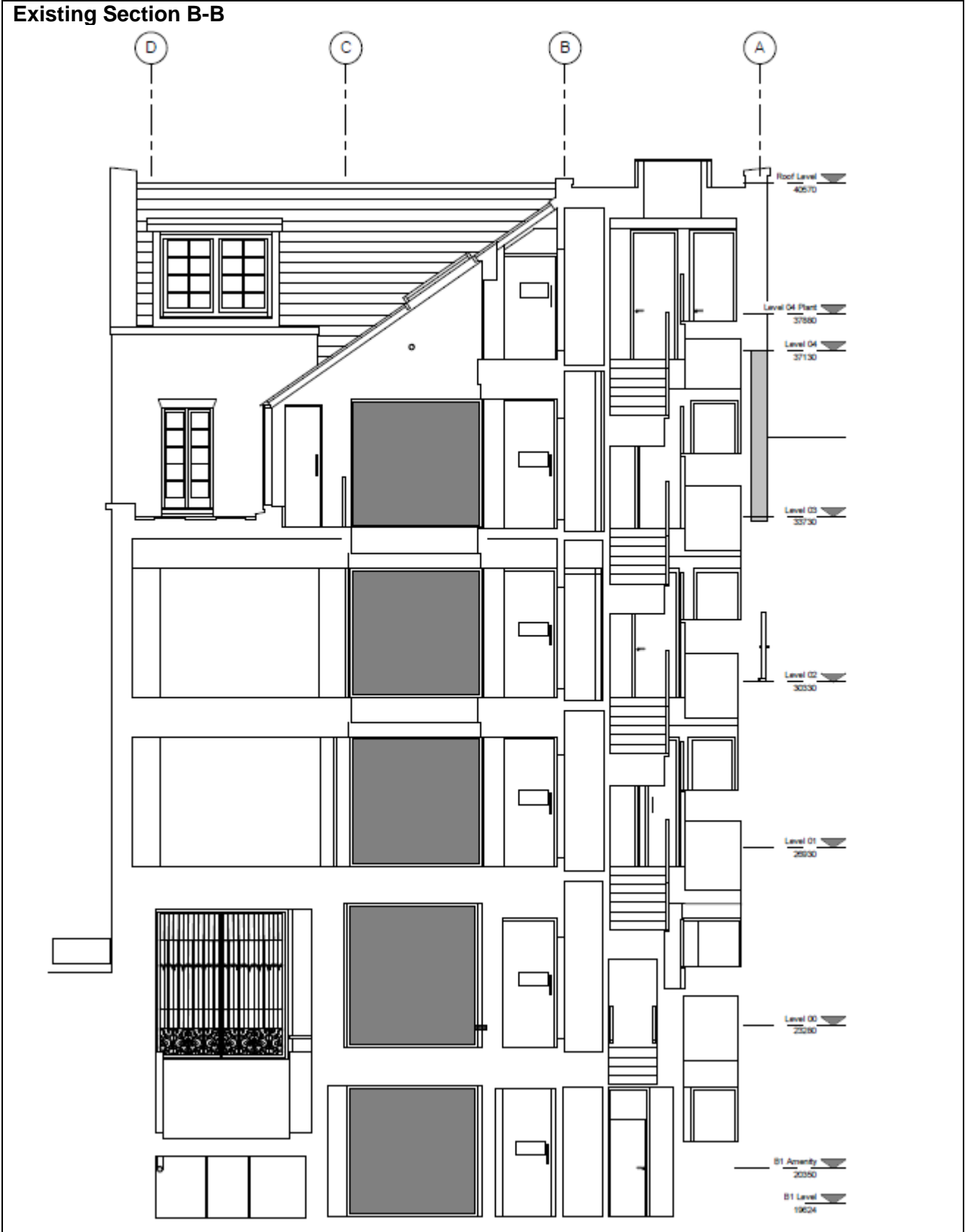
Existing Tunnel Elevation 2



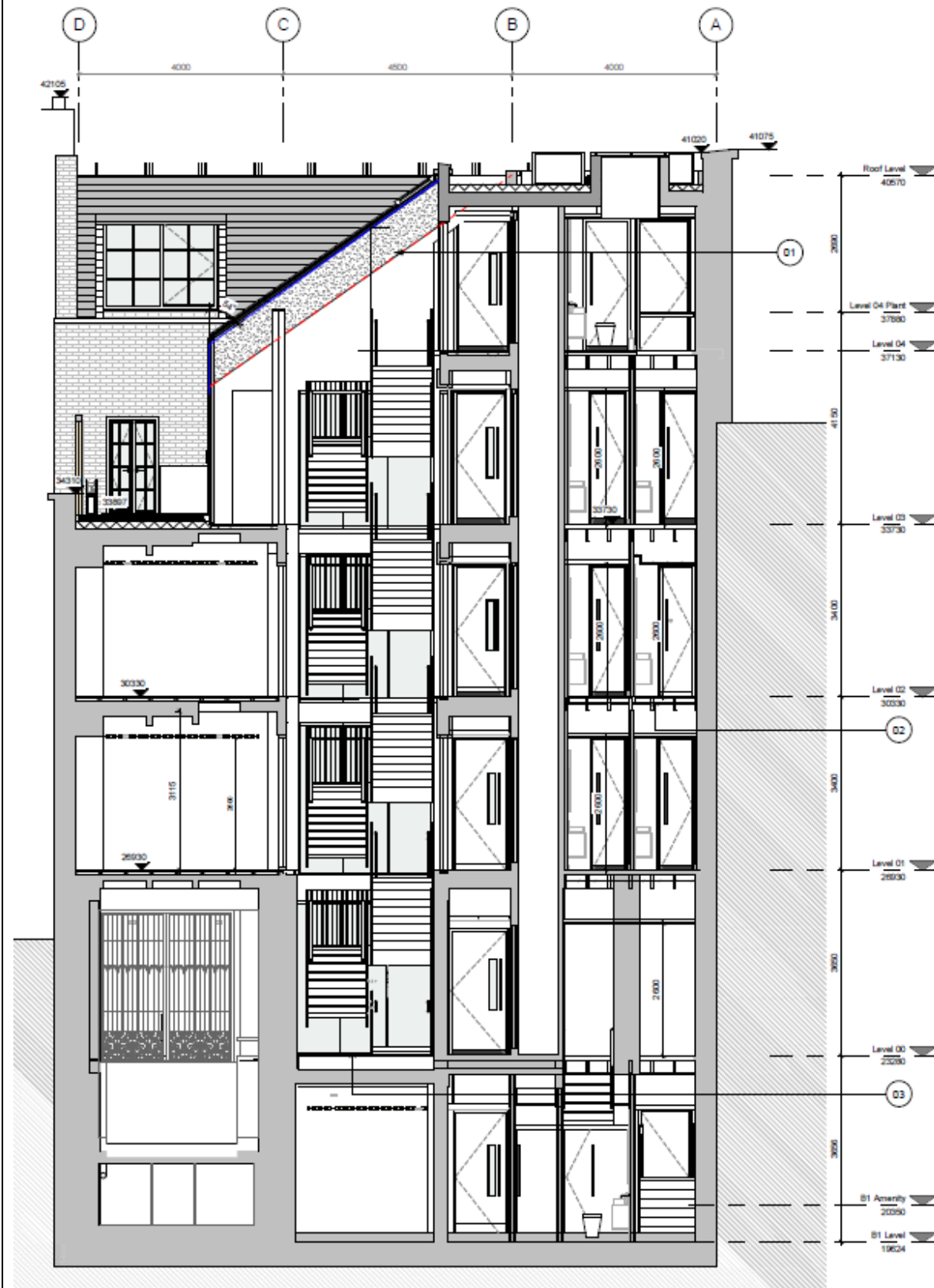
Proposed Tunnel Elevation 2



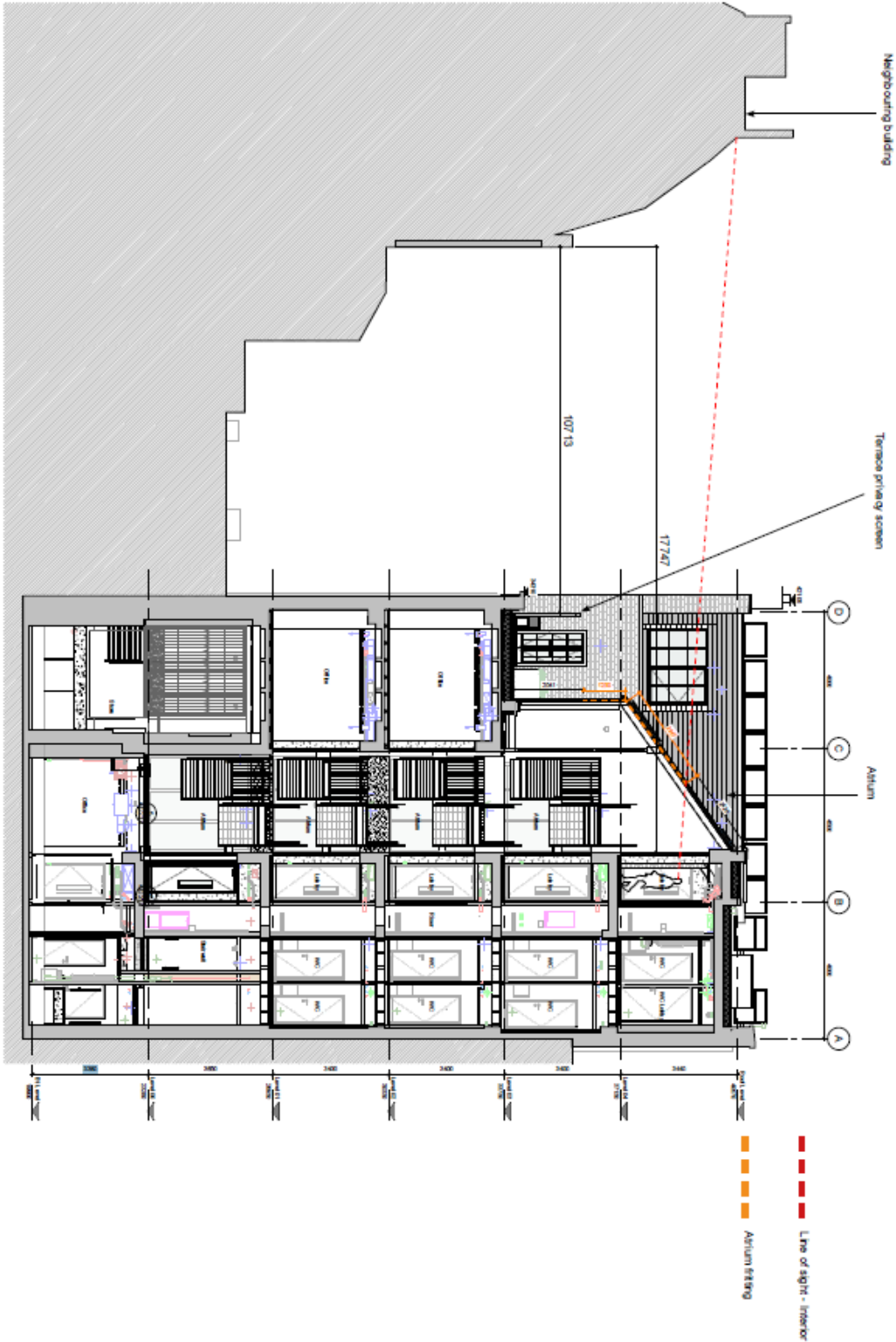
Existing Section B-B



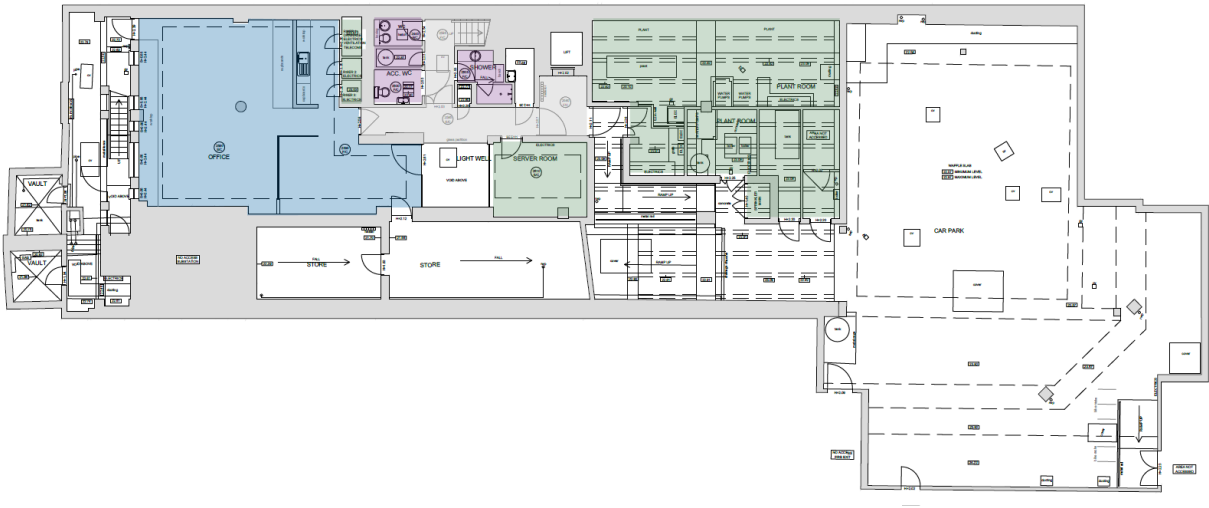
Proposed Section B-B



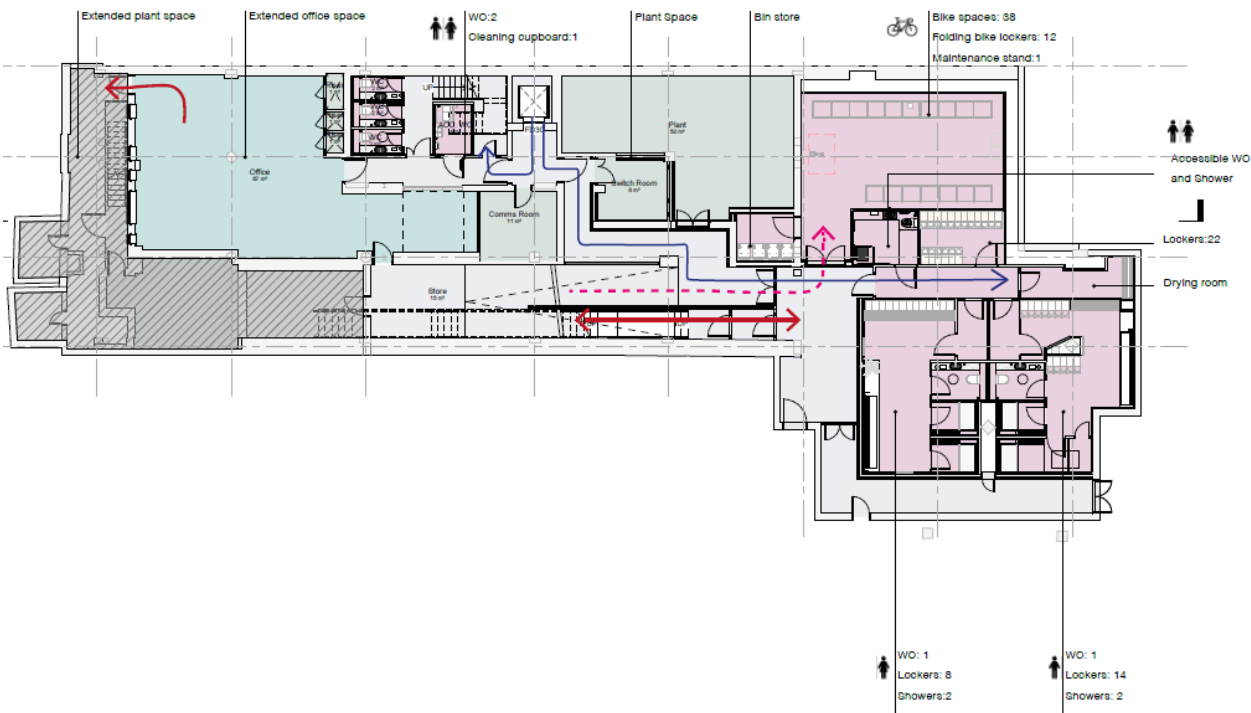
Proposed Section B-B Demonstrating Line of Sight



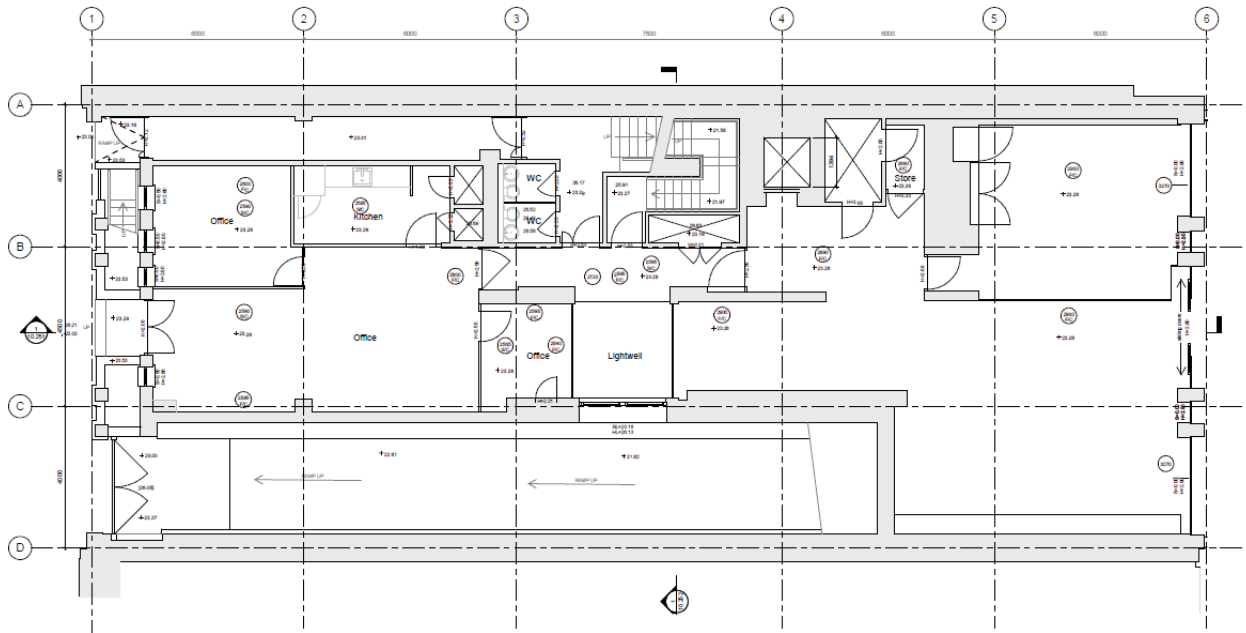
Existing Basement



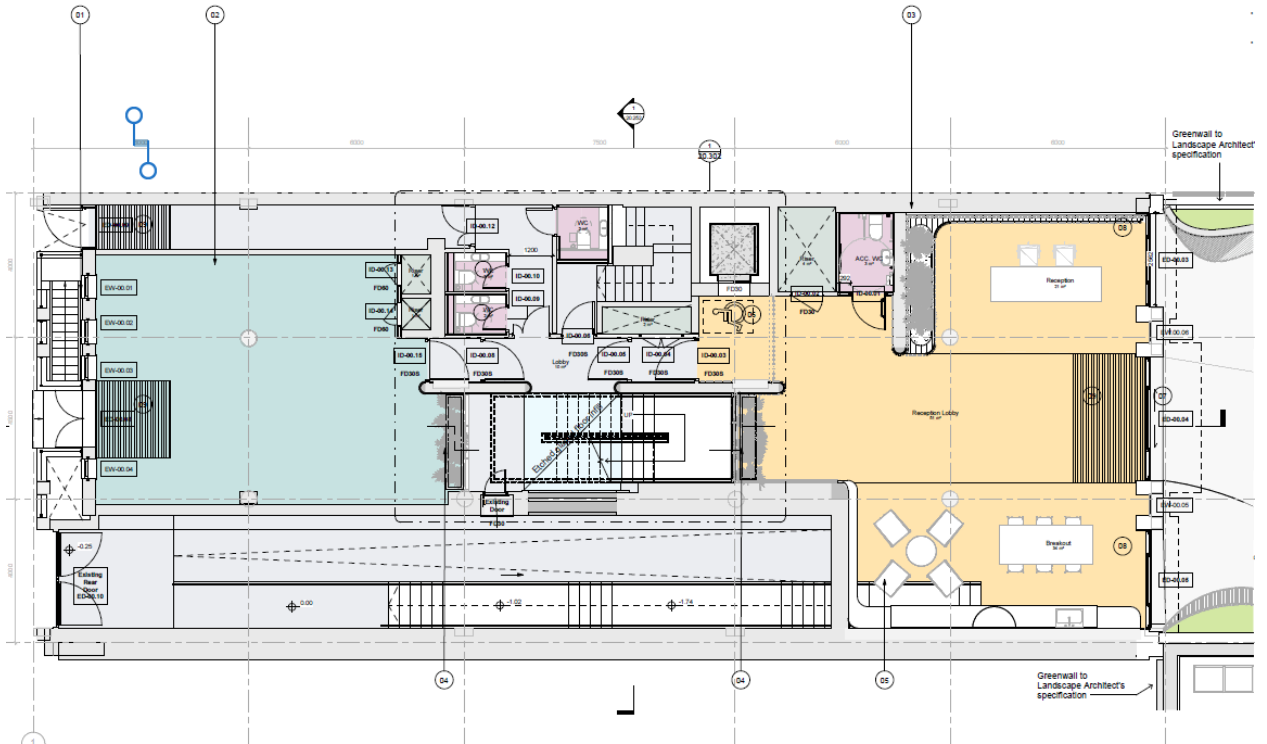
Proposed Basement



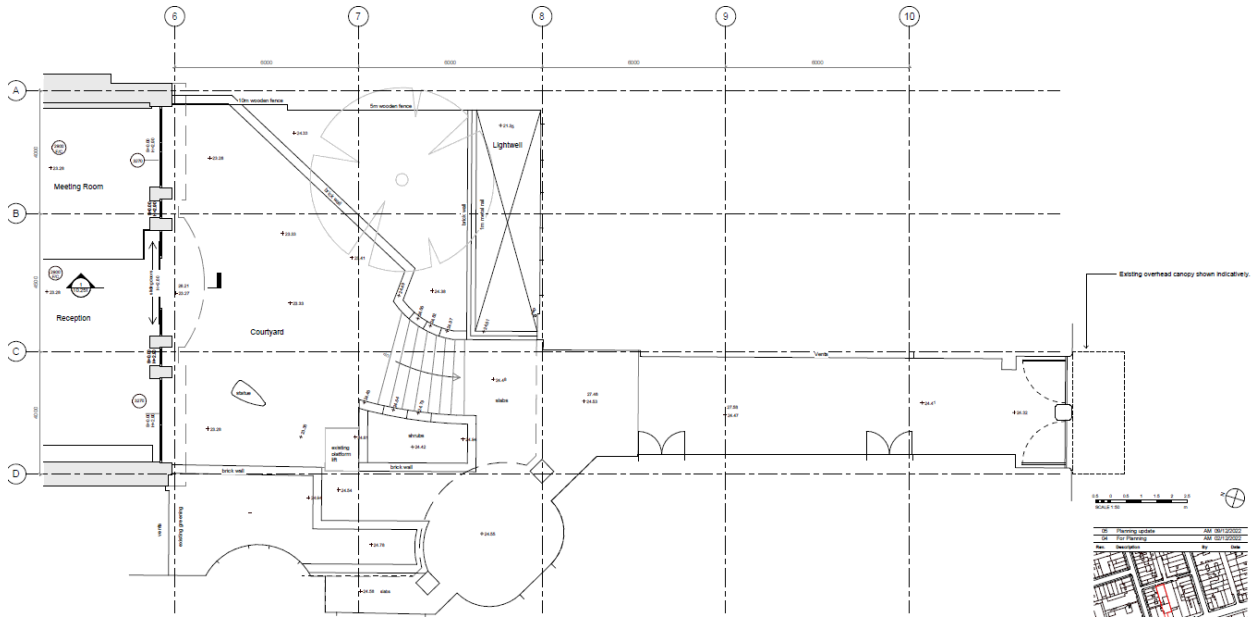
Existing Ground Floor A



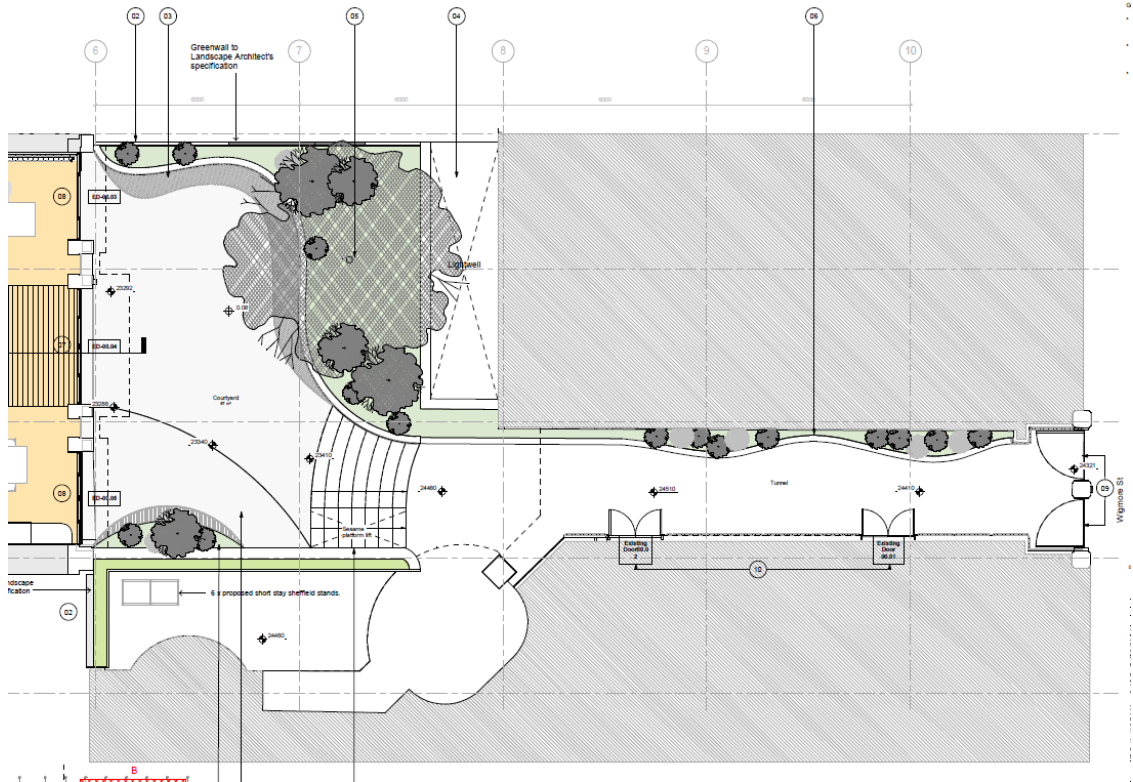
Proposed Ground Floor A



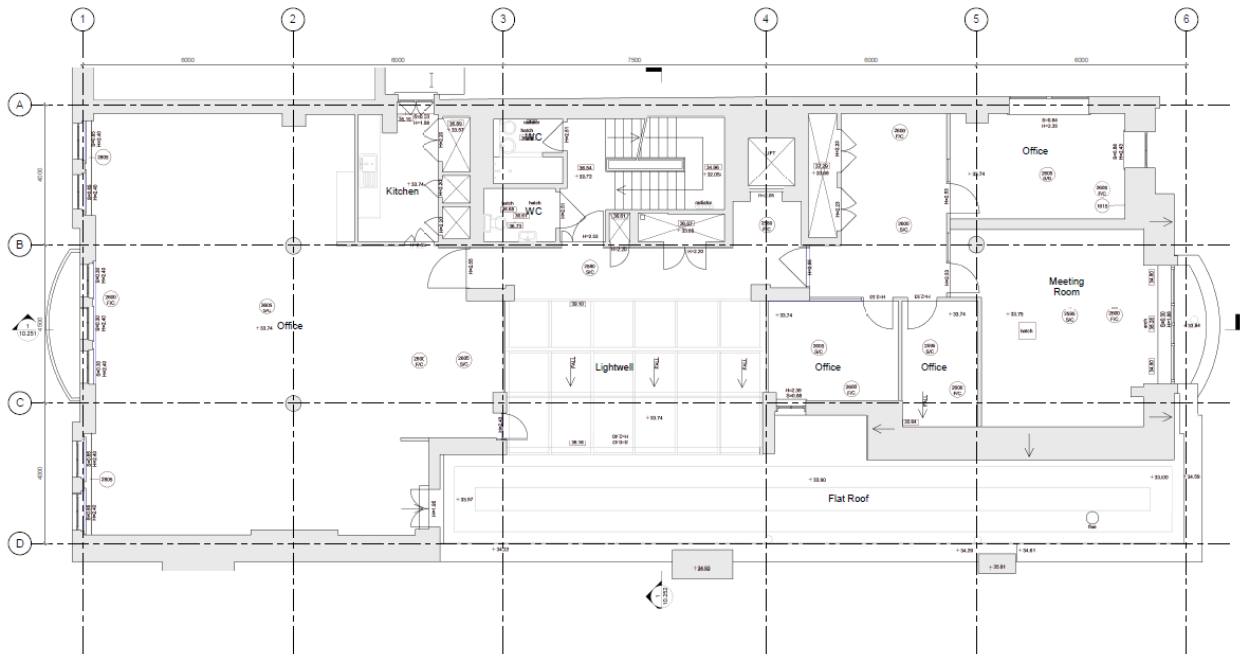
Existing Ground Floor B (Courtyard)



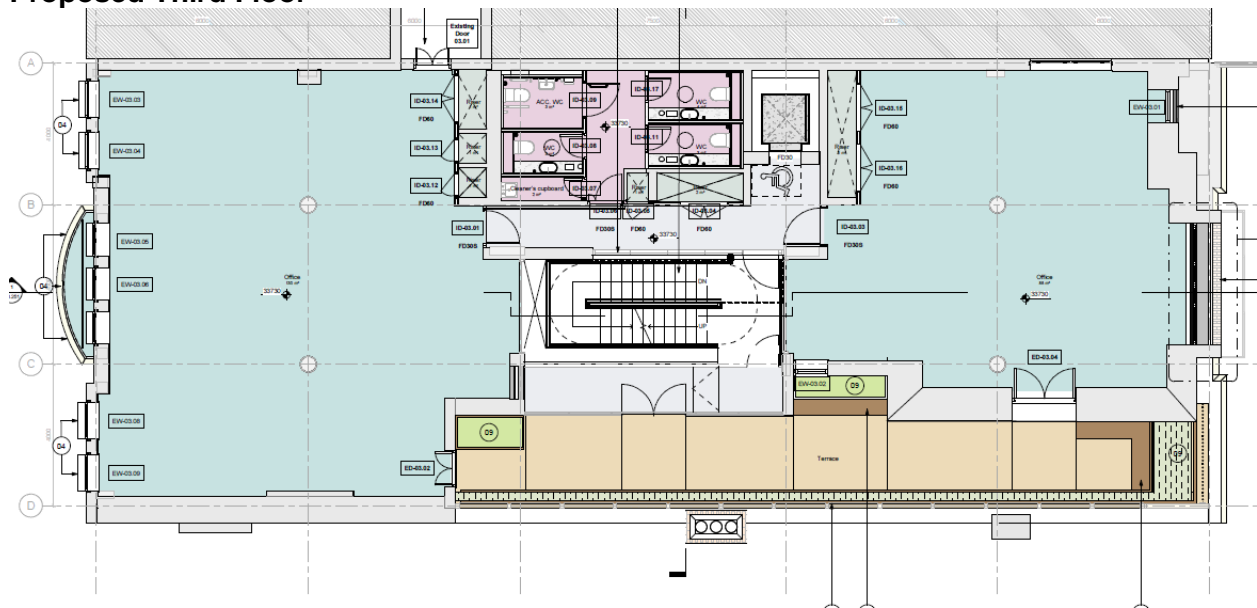
Proposed Ground Floor B (Courtyard)



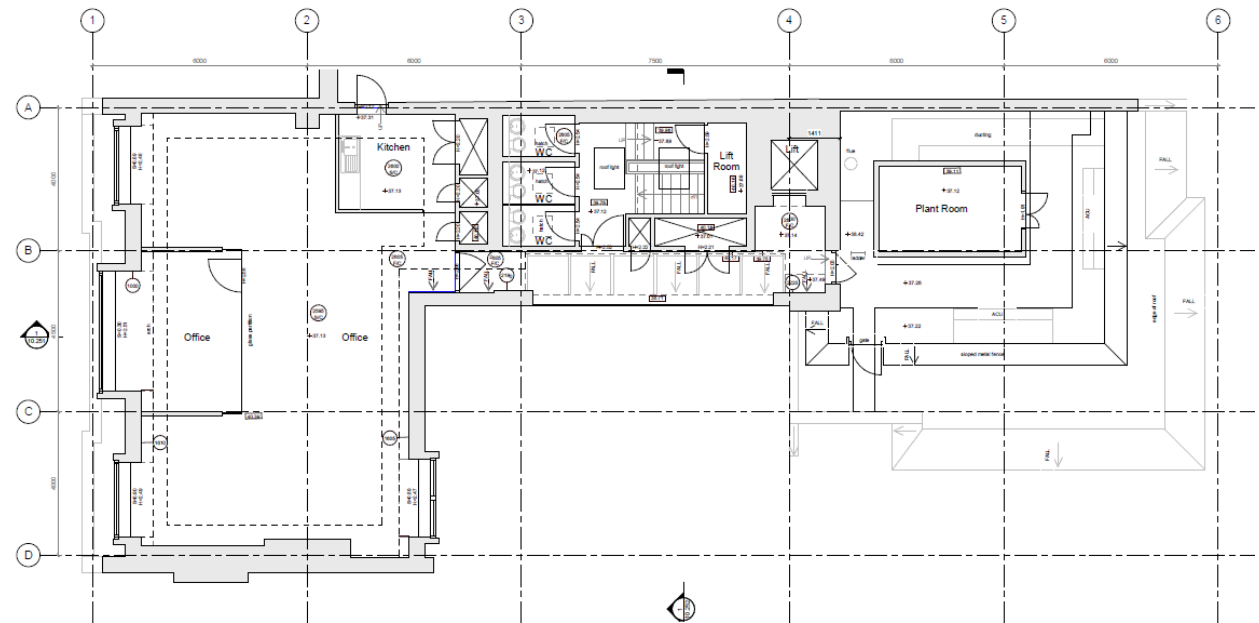
Existing Third Floor



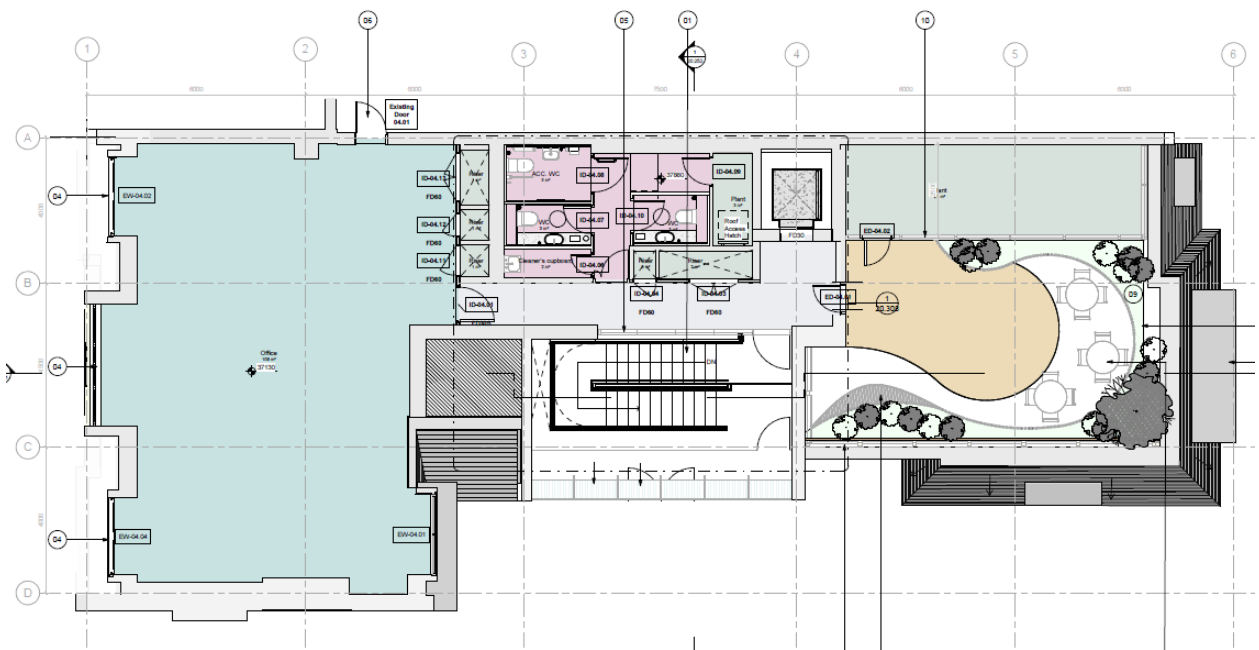
Proposed Third Floor



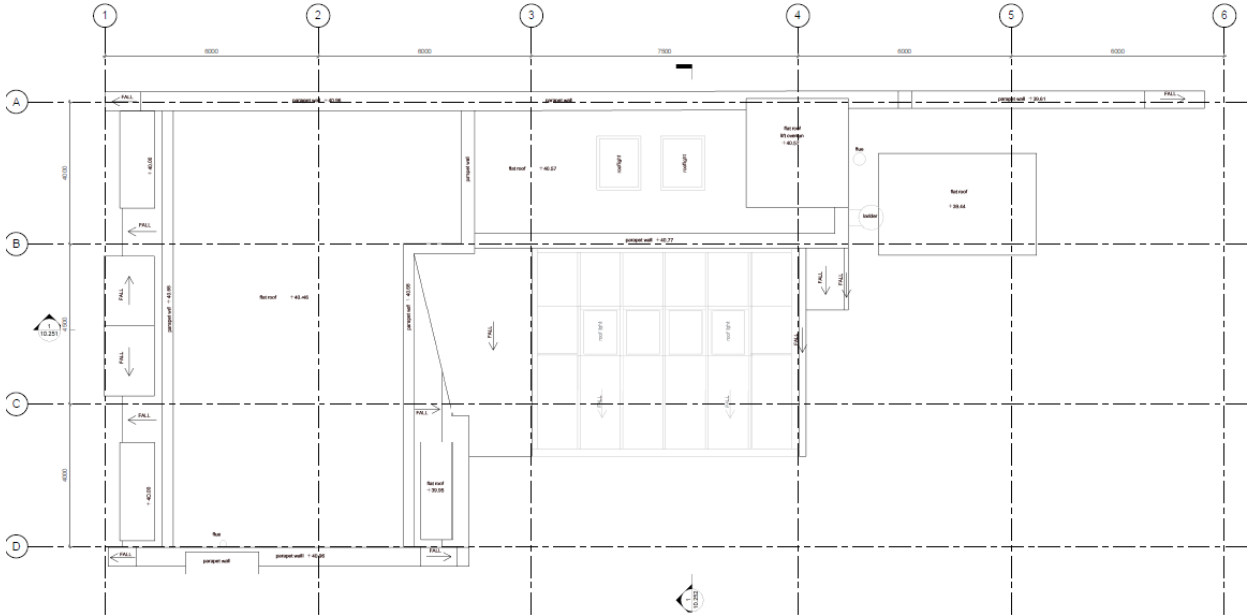
Existing Fourth Floor



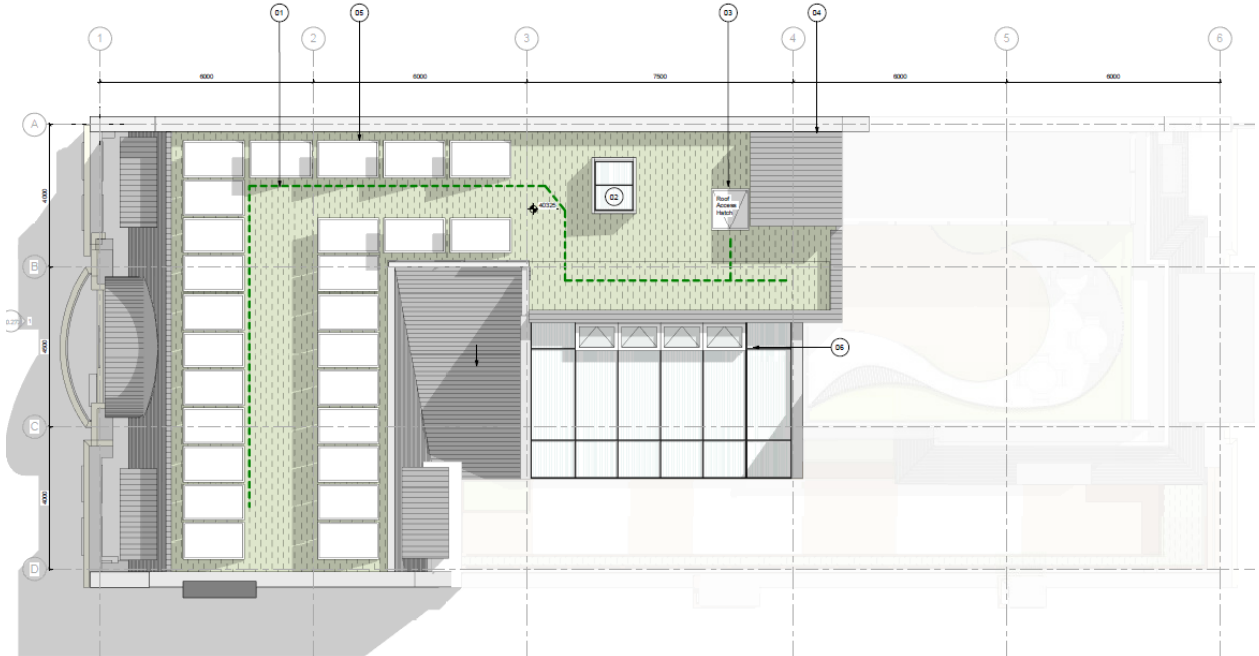
Proposed Fourth Floor



Existing Roof Plan



Proposed Roof Plan



DRAFT DECISION LETTER - 23/00188/FULL

Address: 42 Wigmore Street, London, W1U 2RY

Proposal: Alterations to 42 Wigmore Street at front elevation and rear (Welbeck Way) elevation at ground to fourth floor level. Roof terraces at third and fourth floor level for use by the existing office. Reconfiguration of mechanical plant area with associated machinery at fourth floor level. Enlargement of existing glass roof, installation of PV panels and green roof at main roof level. Re-landscaping of front courtyard including installation of green wall. Alterations to Wigmore Street arcade entrance.

Reference: 23/00188/FULL

Plan Nos: 2114-BG- ZZ- ZZ- DR- A- 20.271 Rev. 04 ; 2114-BG- ZZ- ZZ- DR- A- 20.272 Rev. 04 ; 2114-BG- ZZ- ZZ- DR- A- 20.273 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.274 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.275 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.276 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.277 Rev. 02 ; 2114-BG- ZZ- 00- DR- A- 20.203 Rev. 06 ; 2114-BG- ZZ- 00- DR- A- 20.204 Rev. 06 ; 2114-BG- ZZ- 01- DR- A- 20.205 Rev. 06 ; 2114-BG- ZZ- 02- DR- A- 20.206 Rev. 05 ; 2114-BG- ZZ- 03- DR- A- 20.207 Rev. 06 ; 2114-BG- ZZ- 04- DR- A- 20.208 Rev. 06 ; 2114-BG- ZZ-B1- DR- A- 20.201 Rev. 05 ; 2114-BG- ZZ-B1- DR- A- 20.202 Rev. 06 ; 2114-BG- ZZ-RF- DR- A- 20.209 Rev. 06 ; 2114-BG- ZZ- ZZ- DR- A- 20.251 Rev. 03 ; 2114-BG- ZZ- ZZ- DR- A- 20.252 Rev. 03 ; Noise Impact assessment by Clarke Saunders, report reference AS12218.220512.NIA, dated 14/12/22.

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

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 Harley Street 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 install the acoustic attenuation measures shown on the approved drawings 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. (C13DB)

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)

- 7 The hereby approved mechanical plant must operate in low noise mode at all times.

Reason:

(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)

- 8 Notwithstanding the provision within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it, the terraces hereby approved may only be used by office occupants, and only between the hours of 08.00 and 20.00 hours Mondays to Fridays and not at all on weekends or bank holidays.

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)

- 9 You must not play live or amplified music on the hereby approved terrace at any time.

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)

- 10 You must install the terrace screening shown on the approved drawings (ensuring that it is of a solid construction with no gaps through the timber slatting) at both third and fourth floors before you use the terraces. You must then maintain the screening in that form for as long as the terraces remain in place.

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)

- 11 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 12 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings 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 office building.

Reason:

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

- 13 You must apply to us for approval of detailed drawings of the following parts of the development:
1) an example of each different new sash window and glazed external door.

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.

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 Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 15 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.

- Rooftop PV panels.

You must not remove any of these features.

Reason:

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

- 16 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,
- Planting on third and fourth floor terraces,
- Green walls, and
- landscaping in the courtyard.

You must not remove any of these features.

Reason:

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

- 17 You must apply to us for approval of a sample (of at least 20cm x 20cm) and manufacturers specification of the following parts of the development:

- the fritted glass for the atrium.

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 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)

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

- drawings showing internal automated blinds fitted within the new atrium (including sections and side elevations) and demonstrating that the blinds will be operated on a timer set to ensure the blinds are fully extended (closed) between sunset and sunrise daily.

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 prior to anyone occupying the building and maintain them in the approved form at all times.

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)

19 You must install lighting in the atrium and stairwell which is controlled by occupancy/movement sensor and that ensures that the lights will be switched on when movement is detected, and will switch off after a predetermined time when no movement is detected. you must maintain such a system at all times.

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)

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, 6 and 7 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)

DRAFT DECISION LETTER - 23/00189/LBC

Address: 42 Wigmore Street, London, W1U 2RY

Proposal: Alterations to 42 Wigmore Street arcade entrance and associate works.

Reference: 23/00189/LBC

Plan Nos: Demolition Plans:
2114-BG- ZZ-XX-DR- A- 15.371 Rev. 02 ; 2114-BG- ZZ-XX-DR- A- 15.372 Rev 01 ;
2114-BG- ZZ-XX-DR- A- 15.374 Rev. 01 ; 2114-BG- ZZ- 00- DR- A- 15.303 Rev. 02
; 2114-BG- ZZ- 00- DR- A- 15.304 Rev. 01 ; 2114-BG- ZZ- 01- DR- A- 15.305 Rev.
01 ; 2114-BG- ZZ- 02- DR- A- 15.306 Rev. 01 ; 2114-BG- ZZ- 03- DR- A- 15.307
Rev. 01 ; 2114-BG- ZZ- 04- DR- A- 15.308 Rev. 02 ; 2114-BG- ZZ- 05- DR- A-
15.309 Rev. 01 ; 2114-BG- ZZ-B1- DR- A- 15.301 Rev. 01 ; 2114-BG- ZZ-B1- DR-
A- 15.302 Rev. 01.

Proposed Plans:
2114-BG- ZZ- ZZ- DR- A- 20.271 Rev. 04 ; 2114-BG- ZZ- ZZ- DR- A- 20.272 Rev.
04 ; 2114-BG- ZZ- ZZ- DR- A- 20.273 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.274
Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.275 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A-
20.276 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.277 Rev. 02 ; 2114-BG- ZZ- 00- DR-
A- 20.203 Rev. 06 ; 2114-BG- ZZ- 00- DR- A- 20.204 Rev. 06 ; 2114-BG- ZZ- 01-
DR- A- 20.205 Rev. 06 ; 2114-BG- ZZ- 02- DR- A- 20.206 Rev. 05 ; 2114-BG- ZZ-
03- DR- A- 20.207 Rev. 06 ; 2114-BG- ZZ- 04- DR- A- 20.208 Rev. 06 ; 2114-BG-
ZZ-B1- DR- A- 20.201 Rev. 05 ; 2114-BG- ZZ-B1- DR- A- 20.202 Rev. 06 ; 2114-
BG- ZZ-RF- DR- A- 20.209 Rev. 06 ; 2114-BG- ZZ- ZZ- DR- A- 20.251 Rev. 03 ;
2114-BG- ZZ- ZZ- DR- A- 20.252 Rev. 03.

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

Recommended Condition(s) and Reason(s)

- 1 The works 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:

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 Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).
(R27AC)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are

required in conditions to this permission. (C27AA)

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 Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:
- 1) an example of each different new sash window and glazed external door.

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.

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 Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

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 Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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:

Item No.
5

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.