



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 10th July, 2018

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Gotz Mohindra (Chairman)
David Boothroyd
Ruth Bush
Peter Freeman

Murad Gassanly
Jim Glen
Elizabeth Hitchcock



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

Admission to the public gallery is by ticket, issued from the ground floor reception. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend: Senior Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. WIDLEY ROAD GARAGE, WIDLEY ROAD, LONDON, W9 2LD | (Pages 5 - 70) |
| 2. DEVELOPMENT SITE AT 1-11 AND 13-15 CARTERET STREET, 40 BROADWAY, LONDON | (Pages 71 - 116) |
| 3. DEVELOPMENT SITE AT 5-9 GREAT NEWPORT STREET, LONDON, WC2H 7JA | (Pages 117 - 214) |
| 4. 75 - 77 BROOK STREET, MAYFAIR, LONDON, W1K 4AD | (Pages 215 - 246) |
| 5. 1-17 SHAFTESBURY AVENUE, LONDON, W1D 7EA | (Pages 247 - 274) |

Stuart Love
Chief Executive
2 July 2018

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 10th July 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<p>RN(s): 17/04106/FULL</p> <p>Maida Vale</p>	<p>Widley Road Garage Widley Road London W9 2LD</p>	<p>Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission subject to the satisfactory completion of a legal agreement to secure the following:</p> <ul style="list-style-type: none"> a) Provision of affordable housing in the form of 6 units (intermediate housing units); b) Not to occupy the private market housing until the affordable housing units are available for occupation. c) Highways works to facilitate the proposed development and including vehicular crossovers and the provision of 3 additional on street car parking spaces, reinstatement of redundant crossovers and paving. d) Car park strategy including all car parking spaces provided for the development itself and on an unallocated basis. e) Lifetime Car club membership for all units in the development. f) Monitoring costs. <p>2. If the legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an Undertaking within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				
Item No	References	Site Address	Proposal	Resolution
2.	<p>RN(s) : 18/01395/FULL</p> <p>St James's</p>	<p>Development Site At 1-11 And 13-15 Carteret Street 40 Broadway London</p>	<p>Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works. (Site includes 1-11, 13-15 Carteret Street And 40 Broadway).</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to the views of the Mayor and a S106 Agreement to secure the following:</p> <ul style="list-style-type: none"> (i) Financial payment of £45,360 towards the council's Carbon Offset Fund (index linked and payable on commencement of development) (ii) Employment and Training Strategy (iii) Crossrail Funding SPG payment of £246,560 (index linked and payable on commencement of development) (iv) Highway works on Carteret Street (v) The setting up of a Stakeholder Liaison Group for the duration of the development 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 10th July 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>(vi) Monitoring Costs</p> <p>2. If the S106 legal agreement has not been completed within three months of the date of the Committee resolution, then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>
--	---

Item No	References	Site Address	Proposal	Resolution
3.	<p>RN(s) : 18/01160/FULL</p> <p>St James's</p>	<p>Development Site At 5-9 Great Newport Street London WC2H 7JA</p>	<p>Variation of conditions 1 and 36 of planning Permission and condition 1 of listed building consent dated 29 April 2016 (RN: 12/03930/FULL and 12/03931/LBC) for 'Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level'. Namely, to allow amendments to the consented scheme including increase the theatre capacity to over 400 seats, intensification of the hotel use from 66 rooms to 155 rooms, provide 24 cycle parking spaces, fenestration changes to rear elevation including new windows, increase the height and amount of plant within the rooftop plant enclosure, alterations to ground floor level shopfronts, creation of lightwell enclosed by railings outside 6 - 7 Great Newport Street, and internal alterations.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission subject to the completion of a deed of variation of the legal agreement dated 29 April 2016 to secure the following:</p> <p>a) The provision of a replacement theatre fitted out to shell and core prior to the occupation of the hotel and restaurant.</p> <p>b) The placing of £600,000 (index linked) into an escrow account to be released to a theatre operator to fund the fit out of the theatre.</p> <p>c) To secure the Theatre space to be operated by 'PW (Peter Wilson) Productions Ltd' or another theatre operator with West End experience proposed by the Developer and approved by the Council or a theatre operator determined by a senior representative from the Theatres Trust to have West End experience.</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 10th July 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

- d) The theatre space to be used for theatrical performances on at least 320 days a year (further details within the legal agreement).
 - e) To ensure the link between the theatre and restaurant is open before, during and after performances.
 - f) The provision and retention of a publicly accessible curated sculpture gallery within the hotel.
 - g) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £80,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences Officers.
 - h) S106 monitoring costs.
2. If the deed of variation to the S106 legal agreement dated 29 April 2016 has not been completed within 6 weeks of the date of this resolution then:
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/01277/FULL West End	75 - 77 Brook Street Mayfair London W1K 4AD	Demolition and redevelopment to provide a new building comprising sub-basement, lower ground, ground and part six / part seven upper storeys with roof terrace at part seventh floor, flexible / alternative office (Class B1) / retail (Class A1) on ground and lower ground floors, office (Class B1) on upper floors, installation of plant at seventh floor level, and associated works. Internal works at ground floor to link with part of No.73 Brook Street. (Linked with 1 Green Street)	

Recommendation

1. Grant conditional permission subject to the completion of a S106 agreement to secure:
- a) The completion of the residential at 1 Green Street as approved on 9 April 2018 (RN: 17/01298/FULL) (prior to occupation of the office accommodation at this site);
 - b) The completion of the office accommodation (within 6 months of the occupation of the remainder of the residential at 1 Green Street);
 - c) Carbon off-set payment to the value of £14,400 towards the Council's carbon offset fund (index linked and payable on commencement of development);
 - d) Compliance with the Code of Construction Practice;
 - e) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 10th July 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p> <p>(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>			
Item No	References	Site Address	Proposal	Resolution
5	<p>RN(s) : 18/02900/FULL</p> <p>West End</p>	<p>1-17 Shaftesbury Avenue London W1D 7EA</p>	<p>Variation of condition 1 and 15 of planning permission dated 25 April 2016 (RN: 15/07092/FULL) for the Demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities. NAMELY, to allow use of 6th floor mezzanine (Level 7) as restaurant (Class A3), roof realignment at Level 7 and new plant enclosure at Level 8, flexible use of approved retailing (Class A1) for retail and restaurant purposes (Classes A1 and A3), removal of chimneys on 1-17 Shaftesbury Avenue facade, minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement, and adaptation to accommodate LBC consent (17/07490/LBC)</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a deed of variation of the existing legal agreement dated 25 April 2016.</p> <p>2. If the deed of variation is not completed within six weeks of the date of the Committee's resolution, then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 July 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Maida Vale		
Subject of Report	Widley Road Garage , Widley Road, London, W9 2LD		
Proposal	Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.		
Agent	Gerald Eve		
On behalf of	Widley Ltd		
Registered Number	17/04106/FULL	Date amended/ completed	5 April 2018
Date Application Received	11 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to the satisfactory completion of a legal agreement to secure the following:</p> <ul style="list-style-type: none"> a) Provision of affordable housing in the form of 6 units (intermediate housing units); b) Not to occupy the private market housing until the affordable housing units are available for occupation; c) Highways works to facilitate the proposed development and including removal of redundant vehicular crossovers and the provision of 3 additional on street car parking spaces; d) Car park strategy including all car parking spaces provided for the development itself and on an unallocated basis; e) Lifetime Car club membership for all units in the development; f) Maintenance/ management Strategy of Car Lift; and g) Monitoring costs. <p>2. If the legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the
--

Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an Undertaking within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

Planning permission is sought for the redevelopment of this 1930's garage and erection of a residential (Class C3) building arranged over an excavated basement, lower ground, ground and five upper storeys to provide up to 23 residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works. Six of the units will be affordable intermediate flats for sale.

This application was originally to be heard at the Planning Applications Committee of 12 June 2018 (the report was published but there was no presentation/ hearing at the committee). However and at a late stage, it was noted that the submission regarding housing density was incorrect. The application was deferred for the applicant to address this (through the submission of an addendum planning statement) and to allow officers to assess the density levels. The neighbours were reconsulted on the addendum statement.

The proposals have also been revised during the course of the application to take into consideration (primarily) the provision of affordable housing, design concerns and tree matters. The reiterations of the scheme have been consulted on.

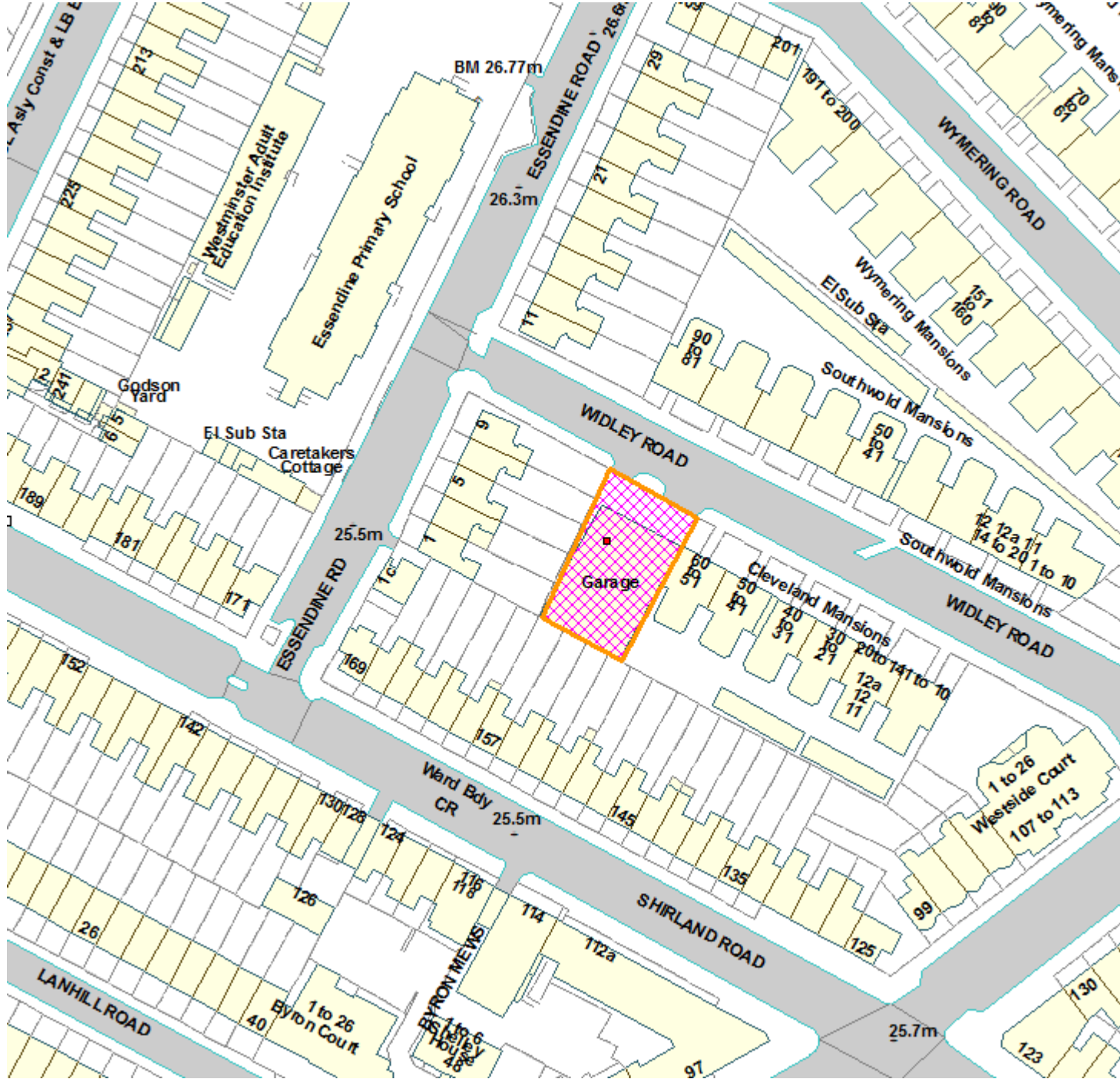
A large number of objections from surrounding residents have been received and four responses from Ward Councillors have also been received objecting to the application on the grounds of the provision of more housing, construction, parking, on street parking stress levels, impact on amenity and impact upon design and the Maida Vale Conservation Area. .

The key issues in the determination of the application are:

- * The acceptability of the proposals in land use terms;
- * Whether the provision of six affordable housing units is acceptable in light of the viability argument put forward by the applicant;
- * The impact of the new buildings on the character and appearance of the Maida Vale Conservation Area and the setting of nearby listed buildings;
- * The impact of the proposals on the amenities of adjacent occupiers;
- * The impact of the development on the highway network; and
- * The impact of the development upon trees on the surrounding streets.

The application is recommended for approval as it is considered that, subject to conditions, the proposed development complies with policies in our Unitary Development Plan (UDP) and City Plan.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL APPLICATION:

WARD COUNCILLORS:

Councillor Crockett objects to the development on the grounds of bulk and scale; increased harm to amenity of neighbouring property and that the density of the scheme is too significant resulting in a knock on impact to carparking in the area.

Councillor Begum objects to the development on the grounds that the development doesn't provide enough affordable housing; the development is too dense and results in harm to amenity of neighbouring properties; the design is harmful to the Maida Vale Conservation Area and will have a harmful impact on parking in the area.

Councillor Prendergast forwarded photographs from an objector's property to show the relationship with the application site.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Whilst the principle of development of acceptable, the scheme is considered poor in terms of design (the detailing of the roof and the rooflights and the gable end are incongruous); has a larger footprint than the neighbouring mansion blocks which is both unacceptable in design terms and amenity terms; the parking proposed is insufficient and there are concerns with regards to the trees surrounding the site.

ARBORICULTURAL OFFICER:

Objection to the removal of the Lime trees; further information is required regarding the impact to the Birch tree in the street and that the landscaping proposed is poor.

ENVIRONMENTAL HEALTH:

Objection on the grounds of no air quality assessment being submitted with the application. Air Quality Assessment received and sent to the environmental health officer who made no further comments. No other objections raised.

DESIGNING OUT CRIME ADVISOR:

No response

THAMES WATER UTILITIES LTD:

No objection:

ENVIRONMENT AGENCY:

No response.

AFFORDABLE HOUSING SUPPLY MANAGER:

No response received.

BUILDING CONTROL:

No objection to the structural method statement.

CLEANSING MANAGER

Objection, the applicant has not demonstrated that waste and recyclable materials will be managed in line with the Westminster City Council Recycling and Waste Storage Requirements.

HIGHWAYS PLANNING MANAGER

Objection to the scheme on lack of car parking and inadequate detailing regarding the car lift.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 491

Total No. of replies:84

No. of objections: 84

Eighty four objections received to the proposals on some or all of the following grounds:

Land Use:

- Whilst the principle of residential development is acceptable, this scheme is too dense for this area;
- There are too many unoccupied residential properties in London;
- The garage should not be lost for this residential development;
- The scheme does little to provide affordable family homes;
- The scheme doesn't include enough affordable housing.

Design:

- The modern development does not preserve the Maida Vale Conservation Area;
- The development doesn't take into consideration the history of the Conservation Area;
- The development doesn't fit in with the mansion blocks of Widley Road;
- Concern raised as to the requirement for existing properties in the area to be appropriate to the conservation area, yet the Council are entertaining this modern development with modern materials;
- The development doesn't take into consideration the setting of the Grade II listed Essendine School;
- Why should the basement be approved when it has been resisted elsewhere in Essendine Road;
- The balustrade detailing doesn't comply with the Council's guidelines.

Amenity:

- The building is too high and result in loss of daylight and sunlight;
- The daylight assessors have not visited the residents in Cleveland Mansions
- Sense of enclosure;
- Loss of privacy from all the windows proposed (some of which are full height)
- Loss of privacy from terraces;
- Noise from openable windows and terraces;
- Loss of view of Trellick Tower;
- The disruption to piece and quiet as a result of the new homes, will also harm the peace and tranquillity of the Conservation Area.

Highways:

- Not enough parking for the development;
- If the development were to go ahead no resident parking permits should be issued to new residents;
- Increased demand on street parking;
- Why can't the development proposed additional on-street parking in front of the development;
- Impact on car traffic in the area should the development be approved;
- The construction of the development may impact accessibility to the off-street parking at 9 Essendine Road.

Trees:

- The loss of the two lime trees in 7 Essendine Road is unacceptable;
- A Californian lilac plant in the rear of a property in Shirland Road has not been included in the arboricultural report.

Other:

- Impact of noise and disruption during the course of works;
- Impact upon refuse collection;
- Subsidence to neighbouring properties;
- The developer should pay for independent surveyors to act on behalf of the residents;
- Reduction in property values;
- Those wishing to move out whilst works are taking place won't be able to get suitable tenants to rent their properties;
- Basement development would set a precedent for other properties;
- Cumulative impact of nearby development (notably Beechcroft House);
- Lack of consultation by the City Council;
- Poor neighbours engagement by the applicant;
- Impact upon school vacancies;
- Rights of light should be assessed under this application;
- The development will increase the amount of dog fouling in the area;
- A trellis has been damaged at 9 Essendine Road and likely to be at the fault of the developer;
- The developer make require access to Essendine Road gardens to install scaffolding etc;
- The construction works would increase pollution, harmful to the school children of Essendine School;
- The development would set a precedent for other large developments.

PRESS ADVERTISEMENT / SITE NOTICE: Yes (multiple site notices on Widley Road, Essendine Road and Shirland Road)

AMENDED APPLICATION (FIRST RECONSULTATION) 9 October 2017:**Revisions included:**

- Lowering of the proposed basement slab by an additional 1m;
- Design amendments including changes to detailing and materials;

- Retention of 2 trees to rear of Essendine Road properties;
- Setting back of the western elevation (to the rear of Essendine Road properties);
- Reduction in size of terraces to first floor level (facing Cleveland Mansions and the rear of Essendine Road properties);
- Removal of windows on the western elevation (to the rear of Essendine Road properties);
- Increase in off-street parking spaces from 11 to 12 spaces;
- Removal of terraces to fifth floor front elevation (fronting Widley Road);
- Construction of a bin store to front forecourt;
- Increase in number of family sized units to 7;
- Changes to mix of unit sizes.

WARD COUNCILLORS:

No further responses.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No response.

HIGHWAYS PLANNING:

Objection still raised on lack of carparking.

CLEANSING:

The relocation of the waste store to the ground floor in the revised scheme is welcomed. However, applicant has not provided storage for recyclable materials. The waste proposal is contrary to the council recycling and waste storage requirements requiring 60% of the refuse storage to be allocated for Recycling.

ARBORICULTURAL OFFICERS:

Whilst the retention of the trees is welcomed, the details submitted to support their retention appear inaccurate and incomplete. Further detail still required as to the impact of the development upon the root protection area of the Birch Tree. Landscaping details still poor.

AFFRODABLE HOUSING SUPPLY MANAGER:

No response.

BUILDING CONTROL:

No response.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 491
Total No. of replies:47
No. of objections: 47

Fourty seven objections have been received to the revised plans. The objections received only reiterate the previous objections received and state that the revisions have not overcome their concerns. The only new issues to be raised are:

Amenity:

- The daylight/sunlight assessment doesn't take into consideration how dark the properties in Shirland Road become when the London Plane Trees are in leaf;
- No one from the Daylight/ Sunlight Assessors visited the properties in Shirland Road.

Biodiversity:

- Has consideration been given to bats in the area.

Other:

- The additional increase in depth of basement will result in further noise and disturbance;
- Two residents commented that the revised description of development was incorrect when it referred to the removal of the side elevation windows, when it in fact only referred to the removal of the 8 flank elevation windows.

AMENDED APPLICATION (SECOND RECONSULTATION) 5 April 2018:

Revisions included:

- Increase in 1 affordable housing residential unit, now 6 affordable housing residential units are proposed in total;
- Reduction in extent of basement excavation adjacent boundary with properties in Essendine Road;
- Set back of ground floor car lift side elevation from front elevation and from adjacent boundary with properties in Essendine Road;
- As a result of the extent of basement excavation, reduction in 1 car parking space, now 12 spaces proposed in total;
- Revised arboricultural impact assessment.

WARD COUNCILLORS:

Councillor Crockett considers the plans to not have adequately addressed residents' concerns, particularly in respect of the mass of the proposed building, overlooking, parking and the adverse effect the proposed building would have on the Maida Vale Conservation Area

Councillor Begum primarily objects on the grounds of lack of affordable housing and the extent of basement. She also comments that she is aware of the extensive objections received by local residents.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No response.

ARBORICULTURAL OFFICER:

Concern still raised to impact to Lime and Birch Trees and that the landscaping details are poor.

HOUSING SUPPLY MANAGER:

No objection subject to conditions secured by the legal agreement regarding capped premium amounts by the affordable housing provider and that rents reflect Westminster median intermediate household incomes.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 491
Total No. of replies:72
No. of objections: 72

Seventy two objections have been received to the revised plan. The objections received only reiterate the previous objections received and state that the revisions have not overcome their concerns. No new objections raised. The residents however have commented that it has been tedious to comment on the amendments to the scheme given they've been so minor and do nothing to alleviate their earlier comments.

AMENDED APPLICATION TO RECTIFY ARCHITECT ERRORS

A number of objections received from the end of May 2018 have been received on the grounds that a series of amendments were uploaded to the City Council website on 23 May and that no further re-consultation has been considered out. This has raised questions of transparency of the City Council.

Given that the amendments shown in the drawings uploaded of 23 May were what were consulted on, on the 5 April and were very minor, in that they resulted in a reduction in development at ground, lower ground and basement floors to pull back part of the side elevation and basement from the neighbouring boundaries with the properties on Essendine Road; the re-consultation of these drawings was not considered necessary in this instance.

ARBORICULTURAL OFFICER:

No objection to the development on the impact to the Lime and Birch Trees. She still considers that the landscaping is poor.

RECONSULTATION ON THE REVISED DENSITY INFORMATION (THIRD RECONSULTATION) 18 June 2018**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted:491
Total No. of replies: 7 at the time of writing (consultation period expires 9 July 2018)

Seven objections reiterating previous concerns noted above.

6. BACKGROUND INFORMATION**6.1 The Application Site**

The application site is located at the north west end of Widley Road, near the junction with Essendine Road. The site is currently occupied by a garage dating from the 1930s. The garage is not listed but the site is located within the Maida Vale Conservation Area. The site lies outside of the Central Activities Zone

Widley Road is characterised by the continuous line of mansion blocks which occupy both sides of the road. Within the immediate vicinity of the site, situated to the north west

of the site opposite the junction to Widley Road is the Grade II listed Essendine School, with the associated School Keepers House and Handicraft block to the rear

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Planning permission is sought for the demolition of the existing garage and redevelopment of the site to provide a residential building arranged over an excavated basement, lower ground, ground and five upper storeys. Twenty-three units are proposed with six of these being affordable housing. Twelve carparking spaces are proposed at basement level accessed by a car lift from street level. As a result of highways works, three additional on street car parking spaces are to be created. Cycle parking is proposed at basement level and landscaping is proposed to the front and rear of the site.

As noted in the summary, there have been three sets of revisions to the application and these have been consulted on. A further set of revised drawings were submitted in May 2018 as the drawings contained an error and hadn't been revised to take into consideration the latest comments made by the arboricultural officer. It was not considered necessary to re-consult neighbours on these revisions.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Residential Use

There are no City Council policies which protect the existing (redundant) garage at the site, which was last used as a garage for the storage of private motor vehicles. Accordingly, the principle of redeveloping the site with a new building to provide residential accommodation is acceptable in principle and is supported by policies H3 of the UDP and S14 of the City Plan which encourages the provision of housing within the City.

8.1.2 Housing Mix:

The optimisation of housing delivery is a key strategic objective for the Council. Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. 23 residential units are proposed and the mix comprises the following:

Overall Scheme	
No of Bedrooms	No of Units/ Floorspace
Studio	2 (9%)
1 bed	5 (22%)
2 bed	8 (35%)
3 bed	7 (30%)
4 bed	1 (4%)

	Total: 23
--	------------------

Private Market Units

No of Bedrooms	No of Units
1 bed	4
2 bed	6
3bed +	7
	Total: 17

Affordable Housing Units

No of Bedrooms	No of Units
Studio	2
1 bed	1
2 bed	2
3 bed+	1
	Total: 6

Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances. The proposals meet the requirements of policy H5 with 34% of the development being family sized accommodation.

8.1.3 Housing Density:

Policy H11 within the UDP relates to housing density and recommends 250-500 habitable rooms per hectare in this location. The London Plan is also a relevant consideration and includes a recommendation for housing density in Suburban, Urban and Central locations. It is considered that this is an 'urban' location, identified as areas with predominantly dense development such as terraced housing, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four stories. Again, for such areas a density of between 200-700 habitable rooms per hectare is recommended.

It was originally reported that the proposed density for this scheme was 307 habitable rooms per hectare which is in accordance with policy and therefore the objections raised on the density of the scheme could not be supported.

The correct proposed density levels have been confirmed by the applicant to be 845 habitable room per hectare/ 281 units per hectare.

Policy H11 of the UDP

The proposed density levels of 845 habitable rooms per hectare exceeds the range as set out within policy H11 of the UDP. However, part B of that policy states that, where the density levels are above those stipulated within the policy, permission may be granted if they are close to public transport and open space and meet complementary policies such as

1. Townscape and design policies;

2. Residential amenity, including daylighting and sunlighting controls, for existing residents and new residents in the proposed housing;
3. Off street parking spaces, the mix of housing units including family housing and affordable housing and garden space; and
4. The desirability of maintaining any special feature of the urban fabric in any area.

Paragraph 3.118 of the supporting text to policy H11 goes on to note that “*the City Council is unlikely to refuse permission for housing schemes that exceed the density provided the schemes conform to all other UDP policies*”. In respect of the first two points referred to above, the site has a good PTAL rating of 4 and is 640 m from Maida Vale underground station and is 320m from Paddington Recreation Ground. The Site is therefore close to both public transport facilities and open space, satisfying this element of the policy.

Matters of townscape and design; amenity; parking and maintaining the urban fabric of the area have all been assessed in the original report, concluding that in townscape and design terms the proposals are acceptable in terms of bulk, massing and detailed design and that on balance whilst the scheme does result in some harm to neighbouring properties in amenity terms, this is outweighed by the benefits of the development. The scheme also provides for an acceptable level of car parking, This demonstrates that the relevant criteria of policy H11 have been satisfied.

London Plan

The proposals exceed the density levels as set out within policy 3.4 the London Plan. However, it is important to note that paragraph 3.28 of the supporting text to this policy states clearly that “*it is not appropriate to apply Table 3.2 mechanistically*”.

Paragraph 1.3.8 of the Mayor’s Housing Supplementary Planning Guidance emphasises the point that the density matrix is a starting point for consideration, not an end in itself. The emphasis of London Plan policy and guidance is on demonstrating that the effects of a proposed development are acceptable in terms of impacts on surrounding residential and environmental quality, inclusive of ensuring proposed development is appropriate in terms of height, bulk, massing and built typology given the surrounding context. It is considered that the officers’ original report addressed all these matters. One of the main aims of the City Council is to optimise housing provision (Policy S14 of the City Plan) and given the scheme before us with the inclusion of six affordable homes, it is considered that the exceeded density levels of the London Plan are in this instance acceptable.

Within the emerging draft New London Plan, Policy H1 (Increasing Housing Supply) states that Boroughs should seek to optimise the potential for housing delivery through their planning decisions, especially for small housing sites (less than 25 units), for sites within 800m of tube stations (this Site is 640m) and where sites have PTAL ratings of 3-6 (this Site has a PTAL rating of 4). Emerging Policy H2 (Small Sites) places a strong emphasis on the role that small sites have to play in meeting housing delivery targets, noting a “presumption in favour of small housing development” on “vacant or underused sites”. Emerging Policy D6 (Optimising Housing Density) states that “development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led

approach to determine the capacity of the site". Of further importance is the fact that the draft New London Plan does **not** include a density matrix. The strong focus is on ensuring that proposed housing developments provide high quality housing at an appropriate density which can be supported by existing transport and social infrastructure. Whilst the draft London Plan carries little or no weight at this time, it is indicative of how the GLA consider that applications should be assessed and having regard to other matters over density levels.

It is therefore considered that, having regard to the location of the site and the particular development proposed, the density levels proposed are acceptable and would not form sufficient justification for refusing the development.

8.1.4 Standard of Accommodation:

All of the units proposed meet the minimum floorspace requirements as set out in the Technical housing standards – nationally described space standard with the units measuring between 37m² for the studio flat and 170m² for the largest 4 bedroom flat. A number of three bed units, whilst large cannot be reconfigured to provide 4 bed units as a result of the flat layout/ configurations. This is not objectionable.

The basements of the three duplex units will be serviced by garden lightwells. The 3 units proposed at lower ground floor (to the front of the site) whilst single aspect have been designed sensitively and have outlooks over internal and external courtyards. The 2no. ground floor three bed units are dual aspect. The units at first and second floor are primarily single aspect and have been designed in this way so as to negate the need for windows in the side elevation, which could result in amenity concerns to neighbouring properties. The units at third floor level are dual aspect. The units at fourth floor level are all single aspect but as these are larger units, they experience adequate levels of lighting and outlook from the many windows/ doors that serve them. The fifth floor penthouse is dual aspect.

The applicant has undertaken a daylight and sunlight assessment to demonstrate that the internal lighting for the proposed residential units are in line with BRE Guideline. All habitable rooms exceed the recommendations in the guide and in most cases, by some considerable margin.

The development proposes that at least 10% of the units proposed are fully compliant wheelchair accessible homes and this is welcomed and complies with policy.

8.1.5 Outside Amenity Space:

Policy H10 within the UDP expects housing developments to include the provision of amenity space. There will be a communal garden provided at the rear, at lower ground floor level which will be accessible for all the units proposed. At lower ground, two of the units (affordable housing units) have access to courtyards. At ground floor level, two of the units have access to a terrace area. At first floor level two of the units have access to a small terrace area accessed from the bedroom accommodation. Terraces were originally proposed at fifth floor level to serve the penthouse. These were on the front elevation and considered to clutter the roof profile and thus removed from the scheme.

Whilst the scheme doesn't provide every unit with private outside amenity space, all residents (including the affordable housing units) have access to the communal garden space to the rear and given the sites close proximity to Paddington recreation Ground, the proposals are on balance considered

8.1.6 Affordable Housing:

Twenty three units are proposed over a floor area of 2995m² (GIA). This triggers the requirement for affordable housing as set out in policy S16 of the City Plan and the Interim Guidance Note: Affordable Housing Policy and a policy compliant scheme would require for 640m² of affordable housing floorspace, or 8 units.

The application as originally submitted only provided for 3 units to be delivered on site and the application was accompanied by a viability assessment demonstrating that this was the maximum amount of affordable housing the developer could afford on this site and no payment in lieu was offered.

The City Council appointed an independent viability consultant to assess the findings and they concluded that the scheme could viably provide more than 3 units on site.

Further to extensive discussions between the applicant and the City Council's independent assessors the applicant now proposes 6 'intermediate housing' units on site (a total floorarea of 385m²). Whilst this is not policy compliant, the City Council's assessors confirm that this is the maximum that the scheme is viably able to provide. This is to be secured by legal agreement and will also be subject to requirements regarding the rent levels to be achieved and a cap on the premiums attached to the scheme that the affordable housing provider will have to achieve.

8.2 Townscape and Design

As noted above, Widley Road is characterised by the continuous line of mansion blocks which occupy both sides of the road. The mansion blocks are uniform in terms of their footprint, scale, form and detailed design. The front façade is constructed of red brick which architectural detailing created by the use of stone surrounds and banding. Each block is defined, in part, by the tall chimney stacks and party wall upstands which puncture the skyline at regular intervals. The rear elevations are less formal and are primarily constructed in stock brick; the roofs are covered in natural slate. Furthermore there is a strong front boundary wall line, punctuated only by pedestrian opening, demarked by piers, which are located centrally on each block.

Within the immediate vicinity of the site, situated to the north west of the site opposite the junction to Widley Road is the Grade II listed Essendine School, with the associated School Keepers House and Handicraft block to the rear.

Thus in terms of heritage issues which arise from the current proposal, these include the impact on the character or appearance of the Maida Vale Conservation Area; and the impact on the setting of the listed buildings identified.

8.2.1 Legislation and Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicated that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Section 72 of the same Act indicates 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”.

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise of the Maida Vale Conservation Area and the Grade II listed Essendine School.

UDP Policy DES 1 establishes principles of urban design and conservation, ensuring the highest quality of new development. With regards to architectural quality it states that development should be of the highest standards, use high quality materials appropriate to its setting and maintain the character, scale and hierarchy of existing buildings.

UDP Policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster’s townscape. The policy sets out considerations whereby new infill development must have regard to the prevailing character and quality of the surrounding townscape specifically noting that the development conforms or reflects established boundary lines and local scale, storey heights and massing of adjacent buildings, characteristic frontage plot widths, roof profiles including silhouettes of adjoining buildings, distinctive forms of prevalent architectural detailing and type of characteristic materials. Part (H) also notes that where there is the existence of a set piece or unified architectural composition or significant building groups new development should conform or reflect the design characteristics.

Furthermore, with regards to Conservation Areas, UDP policy DES 9(B) states that development proposal involving the demolition of an unlisted building may be permitted if the design quality of the proposed development is considered to result in an enhancement of the Conservation Area’s overall character or appearance.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

8.2.2 Maida Vale Conservation Area and the Significance of Affected Heritage Assets

The current application proposes the demolition of the car garage on Widley Road. A detailed heritage appraisal has been submitted with the application and this has assisted with the assessment of the contribution that the application site makes to the conservation area.

The Maida Vale Conservation Area was designated in 1986 and was most recently extended in 1996. Whilst the conservation area is residential in character the designated

area can be divided into identifiable areas including the Regents Canal side and Little Venice. The area in which the application site is located has a very distinctive character following the Church Commissioners granting building agreements between 1898-1901 for mansion blocks to be built in the area. The mansion blocks which occupy Widley Road are typical of housing built in this area and generate a unified aesthetic as a result of their shared architectural form and design.

The application site did not form part of the mansion block development scheme, with historic maps showing the area being occupied in part by a church and part vacant in 1913. By 1930 the footprint of the existing garage is shown, occupying the whole of the site save for a forecourt to the front of the building. Archived plans dating from this time show an Art Deco car garage with a stepped glazed first floor level and garage doors along the ground floor level. The building has been substantially altered, most notably post-war with the reconfiguration of the first floor and roof level. However, the building has remained in constant use as a car garage.

Presently the building on site is of two storeys plus a lower ground floor level. Due to the change in ground level the front forecourt is sloped towards the building, with the building line being consistent with the adjacent mansion block. The first floor level is perceived as occupying the roof structure with the metal double pitched roof visible above a continual band. The elevations are rendered white and contain limited fenestration.

Essendine School and the associated buildings are one of only two identified examples of a Baroque Revival style London Board School, which was designed by TJ Bailey. The building dates from 1899-1904 and has a symmetrical composition which is heavily decorated in the Baroque Revival style. The building is of 3no storeys plus attic and is constructed of rusticated red brick with both slate and tiled roofs.

The applicant's heritage statement has concluded that the car garage '*does not contribute positively to the character or appearance of the Maida Vale Conservation Area*'. The site is considered to have some historic interest deriving from its relationship with the wider development of the area and its continued use as a car garage. Whilst the building does retain some original architectural features to make it identifiable as an Art Deco building, due to the amount of historic alterations which have occurred the buildings contribution to the character and appearance of the conservation area is limited.

8.2.3 The Proposed Development

The proposed replacement building comprises of a 6 storey building with lower ground and basement levels; the roof level contains residential accommodation. In terms of height, the building is in keeping with the height of the adjacent mansion block to the south east save for a centrally located plant screen at roof level. The buildings to the north west, fronting Essendine Road are 3no storeys plus lower ground floor level and roof and are separated from the application site by their rear gardens. The footprint and massing of the replacement building repeats the layout and proportions of the neighbouring mansion blocks, both maintaining the front building line and the rhythm of bays on the rear elevation.

The front elevation of the replacement building is predominantly red brick with stone and terracotta detailing, reflecting of the principal elevations to the mansion blocks. Reflective of the characteristic arrangement of the area the side and rear elevations are less formal and so will be constructed in brown brick with the roof being clad in slate.

With regards to detailed design the front elevation has sought to reflect the mansion block arrangement, instead inverting the front bays which are projecting. The hierarchical arrangement of the windows reflects the proportionality and arrangement of those on the neighbouring building and maintains the traditional arrangement of fenestration diminishing in scale on the upper levels. The detailed design of the fenestration themselves is contemporary in nature and includes decorative balustrading which has taken reference from the forms found in the immediate setting.

During the course of the application the treatment of the flank wall has been revised in order to create a formal ending to the block at roof level. At fifth floor level the flank wall has been pitched and will be brick clad, with the sixth floor level also being pitched and clad in slate towards the front section of the roof. To the rear of the side elevation the built line has been recessed and will appear as a flush elevation with a slate roof at sixth floor level.

8.2.4 Assessment

The loss of the existing building occupying the site and the scale and design of the replacement building are cited by objectors as causing harm to the conservation area and grounds to refuse the application. Whether harm is caused to a heritage asset and what the degree of harm is, is a subjective judgement, informed on the basis of considering the significance the existing site, the significance of the part of the conservation area it is located within, the surrounding designated heritage assets and the impacts the proposals will have. It is considered that the proposal will not result in harm to the heritage assets identified as the proposed replacement building in terms of its location, scale, form and detailed design has the potential to enhance this part of the conservation area through replicating the traditional mansion block arrangement, in an architectural style which is reflective of the prevailing character of the area, whilst being identifiable as a later addition to the setting.

In terms of the impact on the setting of the listed Essendine School, the NPPF defines setting as the surroundings in which a heritage asset is experienced. Whilst the new development will be within the setting of the designated heritage asset the proposed replacement building is not considered to have an adverse impact on its setting, as the school will remain identifiable as a standalone building within the residential setting, with the replacement building continuing the characteristic streetscape of the road opposite.

In conclusion, having had regard to the duties imposed by sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered to be acceptable in design and heritage terms and would have no adverse impact on the character and appearance of the Maida Vale Conservation Area or on the setting of the Grade II listed Essendine School. The proposal is considered to comply with UDP policies DES 1, DES 4, DES 9 and DES 10 as well as S25 and S28 of the City Plan and Chapter 12 of the NPPF.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Substantial objections have been received from residents within Cleveland Mansions (adjacent the site); 1-9 Essendine Road (west of the site); Southwold Mansions (opposite the site) and Shirland Road (to the rear of the site) on the grounds of loss of daylight and sunlight; sense of enclosure and loss of outlook; loss or privacy and overlooking and noise (from both outdoor spaces and plant equipment).

8.3.1 Daylight and Sunlight

The applicant has submitted a Daylight and Sunlight Assessment. As a result of earlier objections the consultants who compiled the assessment visited the Cleveland Mansion properties to establish room layouts as an assumption had been made that the flats in Cleveland Mansions had the same layouts at all levels, which was incorrect. Given their initial result it was not considered necessary for them to visit properties on Essendine Road or Shirland Road. The properties which have been assessed are:

- Cleveland Mansions – directly adjacent the site eastwards;
- 1-9 Essendine Road – adjacent the site to the west;
- Southwold Mansions – opposite the site;
- 11 Essendine Road – north of the site; and
- 151-157 Shirland Road – directly to the rear of the site.

Vertical Sky Component (VSC)

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values.

The use of the affected rooms has a major bearing on the weight accorded to the impact on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include

dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways. The guidance further goes on to state though that living room and kitchens need more light than say bedrooms, so flexibility should be given.

No Sky Line (NSL)

The NSL method measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. BRE guidance states that if the no-sky line is reduced by 20% this will be noticeable to its occupants. Accurate assessment of the NSL method is dependent upon knowing the actual room layouts or a reasonable understanding of the likely layouts. The applicants daylight assessment has had regard to the layouts of the building, having records of the floor layouts of the building.

Annual Probable Sunlight Hours

In terms of sunlight, the assessment measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE guidance advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

8.3.1.1 Cleveland Mansions

Daylight

The results of the VSC analysis show that six of the 17 windows relevant for assessment experience no noticeable change in VSC levels. The remaining 11 windows, all contained within the side elevation of the rear projection show retained VSC levels of between 0.2 and 0.7 times their former values. These windows serve:

No. 52 – Lower ground floor level – Living room/ kitchen/ diner – this is a dual aspect room served also by a window in the rear elevation.

No. 54 – Ground floor level – A bedroom and a living room/ kitchen/ diner, which is a dual aspect room served also by a window in the rear elevation.

No. 56 – First floor level – A bedroom and a living room/ kitchen/ diner, which is a single aspect room.

No. 58 – Second Floor – A bedroom and a living room/ kitchen/ diner, which is a single aspect room.

No. 60 – Third Floor - A bedroom and a living room/ kitchen/ diner which is a dual aspect room served also by a window in the rear elevation.

Sunlight

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

8.3.1.2 1-9 Essendine Road

Daylight

The results of the VSC assessment have shown that all of the 73 windows relevant for assessment retain levels of daylight in excess of the criteria given within the BRE guide. In addition, the results of the NSL analysis have shown that 58 of the 59 rooms assessed retain NSL levels in line with the BRE targets and the room which experiences a deviation from the BRE guidelines still experiences an alteration to NSL levels to within 0.7 times its existing level which is considered acceptable. This room is a bedroom window at ground floor level of 5 Essendine Road.

Sunlight

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

8.3.1.3 Southwold Mansions

Daylight

The results of the VSC and NSL assessments have shown that all of the windows and rooms within this block retain levels of daylight in excess of the criteria given within the BRE guide.

Sunlight

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

8.3.1.4 153-157 Shirland Road

Daylight

The results of the VSC and NSL assessments have shown that all of the windows and rooms within these properties retain levels of daylight in excess of the criteria given within the BRE guide.

Sunlight

In line with the BRE criteria, all windows in these building face north and therefore their sunlight will not be impacted.

As a point to note one of the objectors residing in Shirland Road has questioned why their rooms to the front of the property, overlooking Shirland Road have not been

assessed as these rooms, in the summer are dark, being significantly affected by the London Plane Trees. This then means that either they would have to endure all rooms in their flats being dark, or move to the less darker rooms. The BRE Guide can only suggest that rooms likely to be affected by the development be assessed and as can be seen above, the proposals do not have a detrimental impact to the Shirland Road properties.

8.3.1.5 11 Essendine Road:

Daylight

The results of the VSC and NSL assessments have shown that all of the windows and rooms within this property retain levels of daylight in excess of the criteria given within the BRE guide.

Sunlight

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

8.3.1.6 Daylight and Sunlight Conclusion

There are a number of windows in Cleveland Mansions, which would be noticeably and negatively affected in terms of loss of daylight.

It is not considered that significant weight can be given to the loss of daylight to the 4 bedroom windows to Flats 54, 56, 58 and 60 and the BRE Guide does state bedrooms do not need as much daylight say compared to living room and kitchens.

Losses are proposed to dual aspect living room/ kitchen/ diner at Flats 54 and 60. Given that the windows in the main rear elevation of these rooms experience no losses it is considered that whilst the loss of daylight might be noticeable, that the room would still be sufficiently lit. Losses are also proposed to the living rooms/kitchen/ diners of Flats 56 and 58. These are single aspect flats served only by windows which are sited within the side elevation of the rear projection and overlooking the application site. Whilst the losses to these rooms are regrettable, it is on balance not considered reasonable to refuse the application based on the impact of the development to two rooms.

Whilst the losses of daylight described above would normally fail to accord with Policy S28 in the City Plan and ENV 13 within the UDP, these losses must then be considered in relation to the particular nature of this site and the merits of the proposed development.

As noted above, the BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE Guide also applies. Many sites throughout central London have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation.

The scheme will provide much need housing in this part of the City, including six affordable housing units. In light of this, and in accordance with paragraph 14 of the NPPF, it is therefore clear that any daylight/sunlight impacts and height of the development will not “significantly or demonstrably” outweigh the social, environmental and economic benefits of the development and the proposals are considered to be acceptable in accordance with policies ENV13 of the UDP and S29 of the UDP.

As a final point to note the BRE Guide suggests that in situations where affected properties are very close to the boundary with an application site and where windows are largely dependent upon light received from across the development site, that alternative target values are used for daylight and sunlight, which can be calculated using Appendix F of the guide. Such alternative targets are set by using a ‘mirror image’ of the neighbouring property as the baseline value, which is then compared with the impact of the proposed development. The applicant has therefore carried out a further analysis of the proposed development which found that ten of the 17 windows will retain at least 0.8 times their former value and experience immaterial changes in daylight levels beyond that of the mirrored building.

An objection to this method has been received from the Rights to Light Consulting firm representing the residents of the surrounding area. Whilst officers have assessed the application via the normal methods and consider that on balance the proposals are acceptable in daylighting terms, the applicant has asked that the results be reported. The NSL assessment shows that 11 of the 15 rooms will experience immaterial changes. Of the 7 windows that fall below BRE targets, 5 of the windows serve living/kitchen/ diners that are dual aspect, lit by at least one other additional window and these still achieve either 0.6 or 0.7 times its former values. The remaining two windows serve living room/ kitchen/ diner windows at first floor (No. 56) and second floor (No.58) and these retain 0.7 times its former values. These losses show only a minor deviation from the guidance and would not justify a refusal of the application.

8.3.2 Sense of Enclosure

The bulk and massing of the proposed building is very similar to the bulk and massing of the adjacent mansion blocks in Widley Road in that the building comprises a main building with rear projections. The adjacent mansion blocks incorporate a pattern and rhythm of recessed areas creating lightwells whereas the proposed building has a rear projection, which whilst measuring the same depth as the adjacent mansion blocks, is only set in from the boundary and flank elevations i.e. there is no central recess.

The main/ front part of the building abuts Cleveland Mansions adjacent and is some 13.5m away from the rear elevations of No. 5 & 7 Essendine Road. This whole side elevation of the building is recessed off the boundary with No’s 5 & 7 Essendine Road as there are two TPO lime trees in the rear of 7 Essendine Road, which require protection and this has been amended during the course of the application. At basement, lower ground and ground floor level the rear projection of the site is full width, reaching up to the boundary with Cleveland Mansions and the properties on Essendine Road. From first floor to fifth floor level the rear projection which measures 7.95m in depth (the same as the adjacent mansion blocks) is set back from the boundary with Cleveland Mansions by 1m and from the side elevation of the rear projection of Cleveland Mansions by 2.5m

and from the rear elevations of No's 3 and 5 Essendine Road properties of 14.5m- 15m. At roof level, a mansard is proposed with sloping roofs, recessed behind the parapet wall. The front part of the proposed roof is the same height as the roof heights of the adjacent mansions block. The mansard roof then extends over the rear projection, unlike the adjacent mansions blocks.

The rear elevation of the building is some 19m away from the rear elevations of the properties to the rear in Shirland Road.

No's 52, 54 and 56 Cleveland Mansions are sited at lower ground, ground and first floor and currently overlook the existing garage building which is two storey's plus roof level. It is therefore considered that whilst the new building will of course be noticeable and it will be slightly closer than the existing garage building, that the impact upon enclosure and outlook is not considered harmful. The most affected neighbours will be those residing in the 58 and 60 Cleveland Mansions, which are at second floor and top floor. These residents currently experience a very open outlook across the roof of the existing garage and this will be lost. The relationship of the application site building to these properties is considered to result in the same relationship of other flats eastwards in Cleveland Mansions, which is deemed acceptable, and therefore the proposals are considered, on balance, acceptable in terms of enclosure and outlook.

1-7 Essendine Road is primarily made up of lower ground, ground, first and second floor flats. In terms of the impact to the lower ground and ground floor flats of these properties, it is not considered that, given the height of the existing garage that the proposed replacement building would substantially alter the outlook over what currently exists. In terms of the relationship to the first and second floor flats, whilst again the outlook would be significantly different to what the residents currently enjoy, given the distances between these properties and the proposed residential building, with its set backs, the proposals are not considered to result in a substantial feeling of sense of enclosure, to warrant refusal.

The relationship of the proposed building to the most affected neighbours in Shirland Road (No's 151-157) is the same relationship that No's 127-149 currently experience facing Cleveland Mansion in Widley Road. The Shirland Road properties currently look toward the rear of the garage site which is two storey plus roof level, built right up to the boundary. Whilst the proposed building will be some three storey's taller than the existing garage, given the depth of the proposed building, less than the existing garage building, it is not considered that these residents would experience such a sense of enclosure or loss of outlook to warrant refusal.

The proposed new building is some 26m opposite Southwold Mansions, north of the site. Whilst the new building would be substantially noticeable from those flats with windows to the front elevation, because of the distances involved, it is not considered to result in a material increase in enclosure.

8.3.4 Privacy

The most affected properties through the insertion of windows in the new residential development are those facing the application site in Cleveland Mansions and those within the flats in Essendine Road. It is not considered that the windows proposed to the

front and rear of the application site building, whilst a significant number, would result in such harmful overlooking to the properties in Southwold Mansions or Shirland Road to warrant refusal. It must be remembered that this new relationship would only seek to replicate that of the existing Cleveland Mansions to Southwold Mansions and Shirland Road properties.

The new windows in the side elevation of the rear projection facing Cleveland Mansions serve kitchens (at first, second, fourth and fifth floor and an ensuite at third floor). Given their close proximity to the windows in Cleveland Mansions at just over 3m (which as noted above serve a variety of rooms ranging from bedrooms in the rear elevation and bathrooms and kitchen/ dining areas in the side elevation, depending on what flat you're in), it is considered necessary to condition that these windows are obscure glazed so as to prevent any overlooking.

The scheme has been amended since it was originally submitted and the windows in the western flank elevation (facing Essendine Road) have now been omitted from the scheme and replaced with blind windows, so as to add some visual interest to this façade. There are windows facing the Essendine Road properties in the side elevation of the rear projection serving kitchens (at first, second and fourth floor), an ensuite at third floor and a living area at fifth floor level. The kitchen windows at first, second and fourth floor level are secondary windows to kitchen/living and dining areas, with the main windows in the rear elevation. In order to restrict any overlooking to Essendine Road, it is considered that these windows should be obscure glazed and this is to be secured by condition. It is not considered that obscuring these windows would be detrimental to the standard of living accommodation in the new development. The ensuite at third floor level is likely to be an obscured window by its very nature. However this again is to be secured by condition. The living room at fifth floor level is not considered to result in any detrimental overlooking to residents in Essendine Road as it is higher than those properties and any views afforded into these properties would be so oblique so as to not be harmful.

Terraces and courtyards are proposed at basement (to the front of the building) , lower ground floor and ground floor level (to the rear of the building). The courtyards to the front elevation are set substantially below pavement level and will not result in any overlooking. Given the rear terraces and courtyards will be enclosed by the boundary walls, these are not considered to result in any detrimental overlooking to the residents of Shirland Road or Essendine Road.

Two terraces are proposed at first floor level to the flank sides of the rear projections. These are relatively small and are to be accessed from bedrooms. The drawings show a screen to be sited around these terraces to reduce the impact of overlooking and subject to conditions securing the finer details of the screens, these terraces are considered acceptable in amenity terms.

8.3.5 Noise from full height windows, terraces and courtyards

It is not considered that noise created from full height openable windows would be so substantial or harmful given the residential nature of the development. It is also not considered that a number of residents using the terraces/ courtyards would be

detrimental to the amenity of neighbouring properties, over and above a 'normal' garden useage.

8.3.6 Noise from Plant and Machinery

The development requires a number of pieces of plant/ machinery equipment including the car lift, an internal passenger lift and basement plant equipment. The basement car lift equipment and basement plant equipment are to be ventilated to the front of the property within the forecourts and to the rear of the site at lower ground floor level. Environmental Health officers have assessed the acoustic report submitted with the application and have no objections to the proposals on noise nuisance grounds, subject to conditions. The proposals are therefore not considered to harm the amenity of neighbouring properties.

8.3.7 Impact of Proposed Residential Accommodation

It is not considered that the redevelopment of the site for residential purposes would result in any harmful amenity considerations to neighbours in terms of noise from future residents coming and going. The site is within an established residential street and the introduction of 23 residential units is unlikely to further increase this harm.

The proposals are considered to accord with S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

The proposals have been revised during the course of the application. The final scheme now seeks to provide 12 car parking spaces (originally proposed at 10 spaces) at basement level accessed via a car lift off street level; cycle parking at basement level and highways alterations to remove the redundant crossovers associated with the garage to provide 3 additional on street car parking spaces.

8.4.1 Car Parking

Twelve off street car parking spaces in the newly excavated basement are proposed for the 23 residential units.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 91%. TRANS23 includes all legal parking spaces (eg Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 90%.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 70%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential Bays and Shared Use Bays. While currently below the stress threshold, the Highways Planning Manager advises that 7 additional vehicles would increase the stress level over the 80% stress threshold during the daytime period.

It is acknowledged that the site has a high level of public transport accessibility, however it is important to note that households within the Maida Vale Ward with 1 or more cars is 44% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

The worst-case scenario would be 11 residential units without access to a car parking space, if each unit were limited to 1 car parking space each. 11 residential units would be expected to generate a maximum of 5 vehicles according to the Highways Planning Manager. Therefore, 5 extra vehicles on-street would further add to the existing night time stress levels (which are already above the 80% threshold).

For these reasons the Highways Planning Manager considers that the shortfall in parking of 11 spaces is not consistent with TRANS23 and will add to existing on-street parking stress overall.

In order to address these concerns, the applicant has proposed that the creation of three additional on-street car parking along the frontage of the site as a result of highways works to remove the redundant crossovers that were associated with the garage. The Highways Planning Manager considers that while this is welcomed to alleviate on street stress levels, it should not be used to off-set increased on-street parking stress created by new residential units.

The applicant has also offered lifetime car club membership for each residential unit as further mitigation. However, the Highways Planning Manager does not consider this sufficient to remove the overall objection to the scheme.

Whilst the concerns of the Highways Planning Manager and the objections raised by residents on parking grounds are noted, paragraph 32 of the NPPF states that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". In this instance, officers consider that the provision of 12 on site carparking spaces; an additional 3 on street car parking spaces and lifetime car club membership for all flats would provide sufficient mitigation for the deficiency in on-site parking so that the impact on on-street parking would be minimal. Accordingly, refusal of permission on this basis would not be sustainable.

To provide additional car parking spaces for the scheme proposed, further excavation would be required which would not only impact neighbours in terms of prolonged construction periods but could also impact upon the viability of the scheme which then could have a knock on impact to the provision of affordable housing on site.

The provision of the parking, car club membership and highways alterations to facilitate the creation of three on street parking spaces are to be secured by condition and legal agreement. A number of objections have requested that any future residents of the development are not entitled to apply for resident permits. This is considered unreasonable and not something generally that the City Council entertains.

8.4.2 Electric Car Charging Points for Residential Car Parking

The London Plan requires at least 20% active provision of EV points and 20% provision of passive EV points. Whilst no EV points are indicated on the submitted drawings, it is recommended that these be secured by condition.

8.4.3 Cycle Parking

Policy 6.9 of the London Plan requires 1 cycle parking space per 1 bedroom unit and 2 spaces for all other dwellings. The proposal would therefore require 39 (7 1 bed units and 16 2-plus units) cycle parking spaces. 39 cycle parking spaces are indicated within the basement. This provision is welcomed and to be secured by condition.

8.4.4 Car Park – Access, Lifts and Layout

The basement car parking is accessed via a car lift. While the lift is set back significantly back from the highway (one car space) the Highways Planning Manager considers that there is not enough off-street waiting space for a vehicle, if the car lift is already in use when a second vehicle arrives.

Given the size of the development, and even if the carparking facility was used to full capacity, it is unlikely that the carpark and lift would be required to be used by more than one car at one time. Widley Road is a wide road and should a car be required to wait on the street for a short period (although they should be able to wait in the car entrance driveway whilst the lift was in use) it is not considered that this arrangement would be so harmful to warrant refusal.

Details of the management and maintenance of the car lift are to be secured by legal agreement.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

All the residential units are accessible from street level and internally within the building. Two of the car parking spaces are disabled spaces

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse /Recycling

Objections have been received on the grounds of the impact that an additional 23 residential units will have upon refuse collection in the area. The application originally proposed refuse areas at basement level which would then be brought up to street level on refuse collection days, and it is unclear as to whether objectors had seen this on the submitted plans. This is any event was considered unacceptable and the refuse areas are now proposed to the front courtyard of the application site in the form of Eurobins, enclosed behind a timber screen, and again will be collected by City Council refuse collectors twice a week, as per the existing arrangements. Whilst the principle of these enclosures are acceptable, an objection is raised from the cleansing manager as these are not marked or allocated for 'refuse' and 'recycling'. This is therefore to be conditioned.

8.7.2 Trees

The matter of trees has been discussed at length with the applicant during the course of the applications and the amendments made to the proposals have been to take into consideration the implications of the basement excavation and the proposed side elevation building line on the lime trees at 7a Essendine Road and the street trees, a Birch Tree to the front elevation.

Two objections have been received on the grounds that a Californian Lilac in the rear of a Shirland Road and two Holly bushes in the garden flat of an Essendine Road have not been specifically referred to in the arboricultural report submitted with this application. These plants are not considered to be trees and are therefore not protected. It would be considered unreasonable of the applicant to have to address the impact of the development upon these plants and this is considered to be a private matter.

Lime trees at 7a Essendine Road

The trees are mature specimens which are protected by a Tree Preservation Order P5 made in 1957. They appear to be in good health and have long life expectancies and are clearly visible from Widley Road and from surrounding gardens. They form a valuable screen.

Subject to adequate tree protection and construction and operational measures, it should be possible, with care, to protect these trees without significant detriment to their health or amenity value. Conditions are therefore suggested requiring the applicant to address how the boundary wall adjacent to the trees will be supported and retained for the duration of the development, and how excavation will take place in order to construct the proposed basement wall.

Birch tree (street tree)

One root of the Birch Tree, 50mm in diameter is reported as exploiting the current garage forecourt which it is intended to sever to accommodate the piling line on the front boundary. The tree is currently healthy and vigorous, and the arboricultural officer considers that it will tolerate a degree of root severance, and will be able to adapt to a changed rooting environment better than more mature trees are able.

The canopy of the birch tree will need to be cut back where it overhangs the site which will be harmful to its appearance, but not to a degree where the arboricultural officer would consider its severity so harmful to warrant refusal.

Landscaping

The arboricultural officers considers that the landscaping to the front elevation is primarily excavated to create lower ground floor courtyards will appear stark and uncompromisingly hard, despite the applicants attempts to 'soften' this area. Given the front elevations of the mansion blocks on Widley Road are primarily hard landscaped with some soft landscaping (albeit not excavated to basement level), it is not considered that the proposed landscaping measures are so harmful to warrant refusal.

The proposed landscaping will be a significant improvement over the forecourt of the existing garage. The arboricultural officer also considers that the landscaping proposed at the rear is also unacceptable with the space for soft landscaping is limited and divided, and because of the large amount of hard surface and raised planters and vents, it will appear hard and built up. Again, there is currently no landscaping to the rear to the rear of the building with the existing garage building occupying the whole of the site, and therefore the proposals are considered by officers to be an improvement and welcomed and will be secured by condition.

8.7.3 Biodiversity

An objection has been received on the grounds that the development will affect bats in the area.

City Plan policy S37 'Biodiversity and Green Infrastructure' states that biodiversity and green infrastructure will be protected and enhanced throughout Westminster and opportunities to extend and create new wildlife habitat as part of development will be maximised. Proposals within Areas of Wildlife Deficiency should include features to enhance biodiversity, particularly for priority species and habitat. Where developments would impact on species or habitat, the potential harm should firstly be avoided, secondly be mitigated, or finally appropriate compensation will be sought. Where harm cannot be prevented, sufficiently mitigated against or adequately compensated for, permission will be refused.

UDP Policy ENV17(a) 'Nature Conservation and Biodiversity' seeks to protect habitats of protected species and sites of nature conservation, and encourages measures to conserve and enhance areas of wildlife value. ENV17(d) 'nature conservation and biodiversity' requires that developers demonstrate that their proposals either preserve or enhance protected habitats and species.

The application site is not far from the Local Site of Nature Conservation Importance (SNCI) covering Paddington Recreation Ground, where three species of bat have been recorded.

The applicant has not submitted an ecological assessment with the application given the nature of the development; that the site does not contain any habitat where bats would

reside and its distance from the recreation grounds and this is accepted. Notwithstanding this, bats are protected by law and should permission be granted for the development and bats encountered, the developer will have to cease development until a mitigation strategy is formulated.

8.8 London Plan

This application raises no strategic issues and is not referable to the London Mayor.

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

It is unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The proposed planning obligation requirements are considered to meet these tests.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject. In this case, the principal 'Heads of Terms' of the legal agreement are proposed to cover the following issues;

- a) Provision of affordable housing in the form of 6 units (intermediate housing units);
- b) Not to occupy the private market housing until the affordable housing units are available for occupation.
- c) Highways works to facilitate the proposed development and including vehicular crossovers and the provision of 3 additional on street car parking spaces, reinstatement of redundant crossovers and paving.
- d) Car park strategy including all car parking spaces provided for the development itself and on an unallocated basis.
- e) Lifetime Car club membership for all units in the development.
- f) Maintenance/ management Strategy of Car Lift
- g) Monitoring costs.

Subject to any relief or other exemptions available to the applicant, the total estimated net CIL payable is £539,672 (Gross charge is £632,261 and the Affordable Housing relief is £92,588).

8.11 Environmental Impact Assessment

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

8.12 Other Issues

8.12.1 Basement Excavation

Policy CM28.1 relates to all basement development in the City.

Objections have been received to the scheme on the grounds of potential subsidence to Cleveland Mansions and Essendine Road properties as a result of the development and the basement works and that the developer should be forced to employ an independent chartered surveyor to assess their properties. The applicant has submitted a detailed structural methodology statement which has been assessed by the City Council's District Surveyors who consider this to be acceptable. Further matters of structural stability/ subsidence etc are a matter to be dealt with at a later date through Building Regulations. It is not considered reasonable to request the developer to pay for an independent assessor and this is a private matter between the residents and the developer. The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice in order to minimise the impact of any development upon the amenity of neighbouring properties. An objection has been received on the grounds that the construction works would increase pollution, harmful to the school children of Essendine School. This would be assessed under the Code of Construction Practice.

The site lies within a flooding 'hotspot' and the flooding details submitted to show mitigation of this have been reviewed by the District Surveyors who raise no objections. Thames Water and the Environment Agency were consulted on the proposals and Thames Water had no objections to the proposals and the Environment Agency made no comments. The proposals are considered to comply with Part A of the policy.

The proposals as discussed are unlikely to impact upon the Lime and Birch Trees. Drainage and SUDS information has been provided with the application and the District Surveyor has raised no adverse comments to this. As discussed in the design section of this report, the proposed basement works incorporates lightwells to the front and rear. a rooflight to the front forecourt. These are considered to be well designed and appropriate to the conservation area. The proposals are therefore considered to comply with Part B of the policy.

Regarding Part C of the policy and as set out in the drawings, the proposed basement is primarily single storey however does, as a result of the existing site levels pose an area toward the front of the building that could be considered as the depth of two storeys given its height, although it only has a useable space of one storey. It is not considered

that this minor deviation from policy, in the context of the overall basement excavation proposed is refusable.

With respect to soil depths above basements the proposal does not meet the aims of the policy which requires no less than 1.2 m of build up to accommodate no less than 1m of soil above basements to support an adequate landscaped setting. Given the site has no landscaping at present and is currently covered by the existing garage footprint and that a condition to secure appropriate landscaping has already been recommended, it is not considered that the application could be reasonably be refused on this basis.

Part D of the policy is not relevant.

8.12.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including dust, noise

Planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the following paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works. As noted above the applicant has agreed to enter in a Code of Construction Practice which seeks to ensure that any works are carried out with as minimal impact as possible.

To seek to minimise disruption to neighbouring residents it is recommended that a condition is imposed to restrict the hours of building works to Monday to Friday 08.00-18.00 and Saturdays 08.00-13.00. No works are allowed on Saturday afternoon, Sundays or Bank Holidays.

8.12.3 Other

The issues raised by the objectors have been largely addressed above. The following is also noted:

Lack of Consultation by the City Council

Objections have been received on the grounds of lack of consultation of the development by the City Council. As can be seen in the 'consultation' section of this report, significant consultation has been undertaken, including letters to all affected residents and multiple site notices. The City Council has undertaken its statutory duties in this regard.

Lack of Consultation by the Applicant

Objections have been received on the grounds of poor consultation by the applicant. The applicant advises that they undertook two rounds of consultation in the form of 'open sessions', although it appears that not all affected neighbours were invited. Whilst the City Council actively encourages community engagement by applicants, the absence of or deficiencies with it are not a reason to withhold permission.

Loss of Property Value

Objections have been received on the grounds that their property values would be diminished as a result of the construction works and should the development get built and its impact upon William Court. Property values are not a material planning consideration in the determination of any planning application.

Loss of Views

An objections has been received on the grounds that the view of the Trellick Tower would be lost. Whilst the issue of visual amenity is an important one, and addressed above, it is established planning law that 'views' cannot be protected and this is not a reason for refusal.

Overdevelopment

The matter of 'too much development' again is not a reason for refusal. Each application is to be assessed on its own merits and against local and national policy.

Setting a Precedent

Whilst a significant concern to many (particularly in regards to the basement works), each application must be considered on its merits, having regard to the specific development proposed, the specific application site and the development plan at the time of consideration. Accordingly, granting of permission in this instance would not set a precedent for development on other sites.

Profit from Development

The City Council cannot refuse to assess an application on behalf of a developer or refuse an application because a developer may receive a profit on the proposals. Each application has to be assessed on its merits.

Rights of Light

An objection has been received on the grounds that 'rights have light' should be tested at application site. Rights of Light are different to the impact upon daylight and sunlight, which can be taken into consideration at application site, and the assessment of rights to light is a private matter.

Cumulative Impact of Development Works

Whilst officers can sympathise with residents when multiple developments are occurring at the same time, it is not considered reasonable to refuse permission on this basis.

Impact upon local services

Objections have been received on the grounds that more residential properties impact upon school placements, and in this instance at Essendine School. This is a matter for the Education Department and not reason to refuse an application. It should also be noted that CIL funds from the development would fund additional school places.

Dog Fouling

An objection has been received on the grounds that more residential development, equals more people with dogs and therefore an increase in dog fouling which is already an issue in the area. This is not a material planning consideration.

Access

A number of objections have been raised, mainly from residents in Essendine Road on the grounds that access may be needed from their property and scaffolding erected in their gardens whilst works take place. This would be a private matter between the applicant and the relevant neighbours.

Property Damage

An objection has been received on the grounds that a trellis has been damaged at 9 Essendine Road and likely to be at the fault of the developer. This is a private matter between this resident and the application.

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

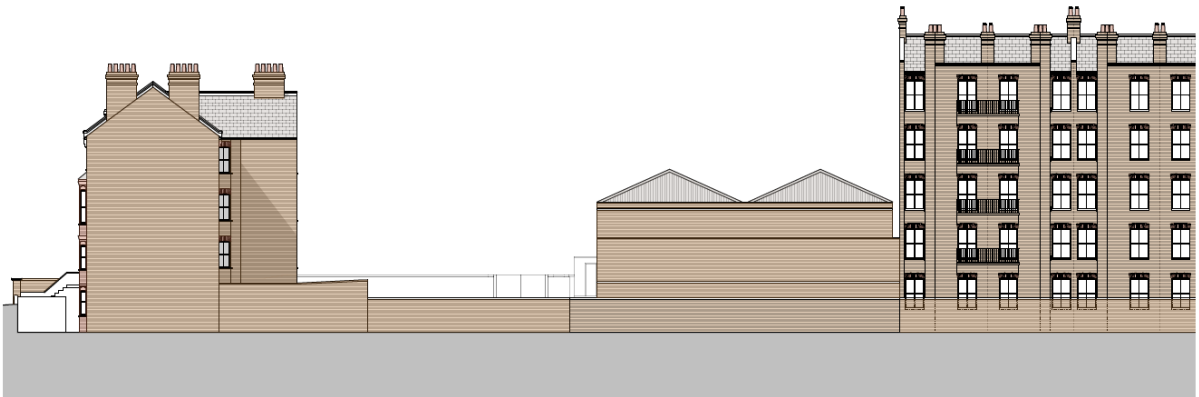
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

9. KEY DRAWINGS

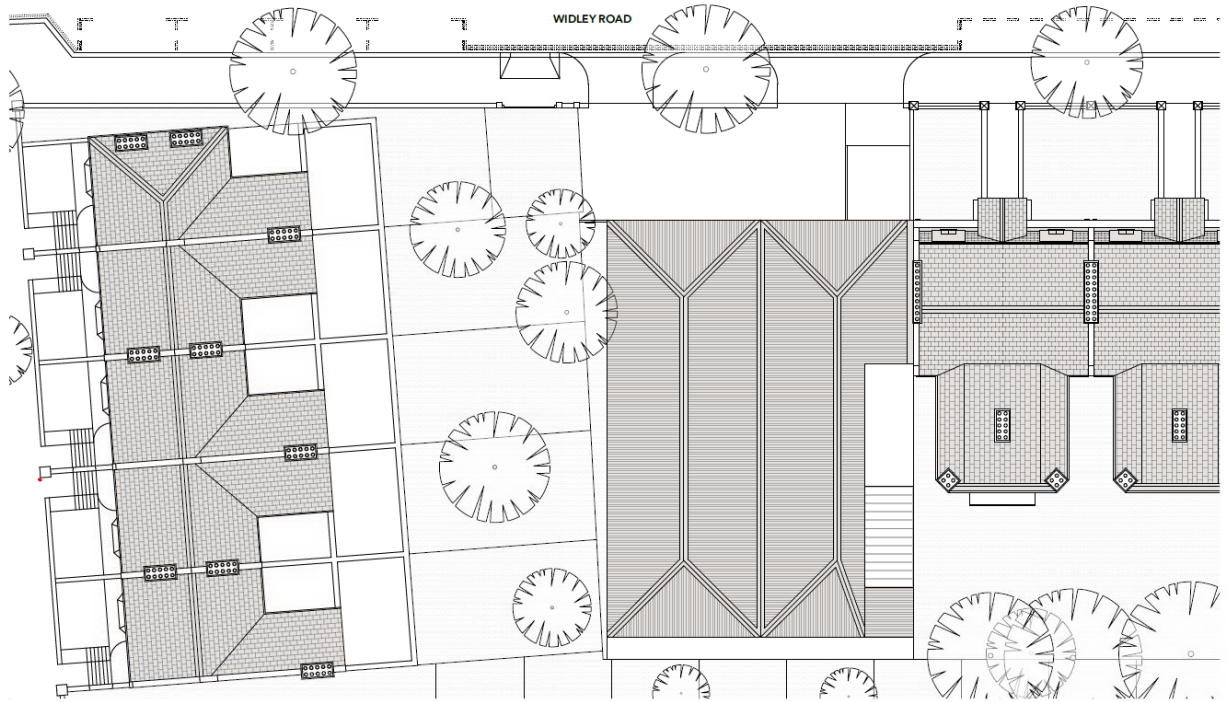
Existing Front Elevation



Existing Rear Elevation



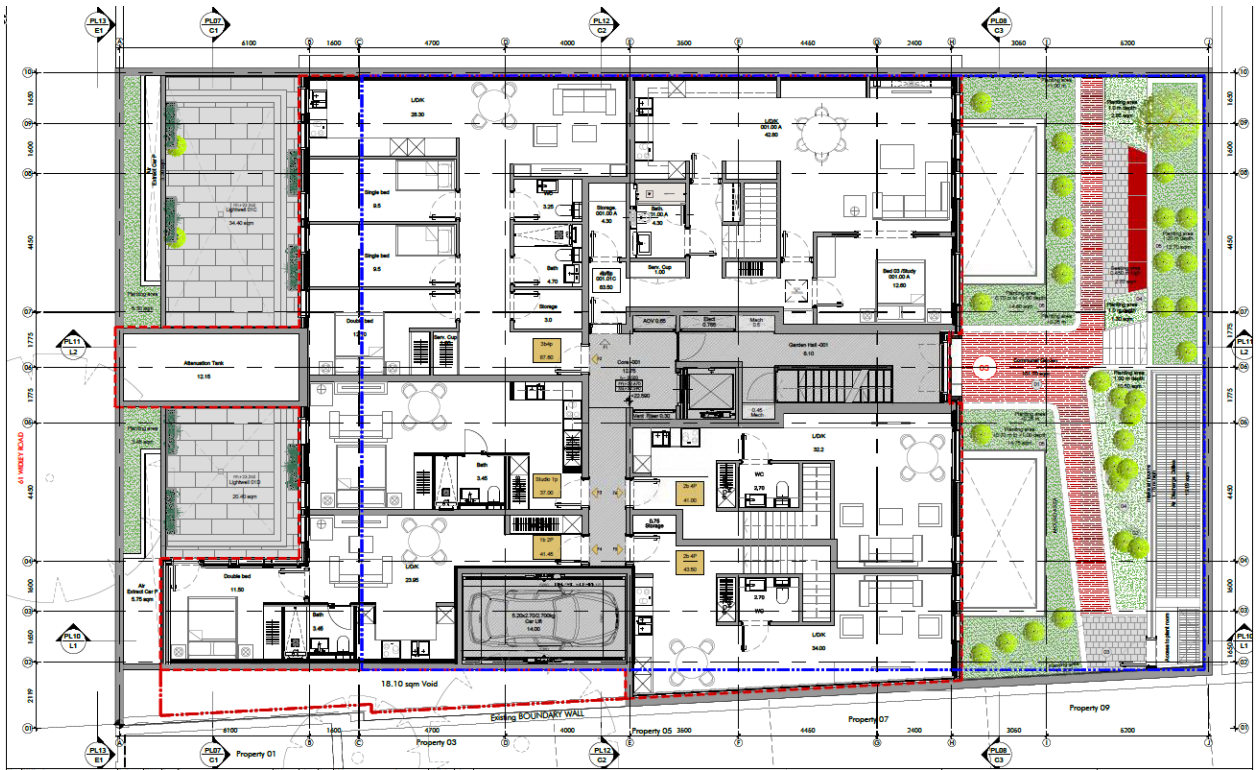
Existing Site and Context Plan



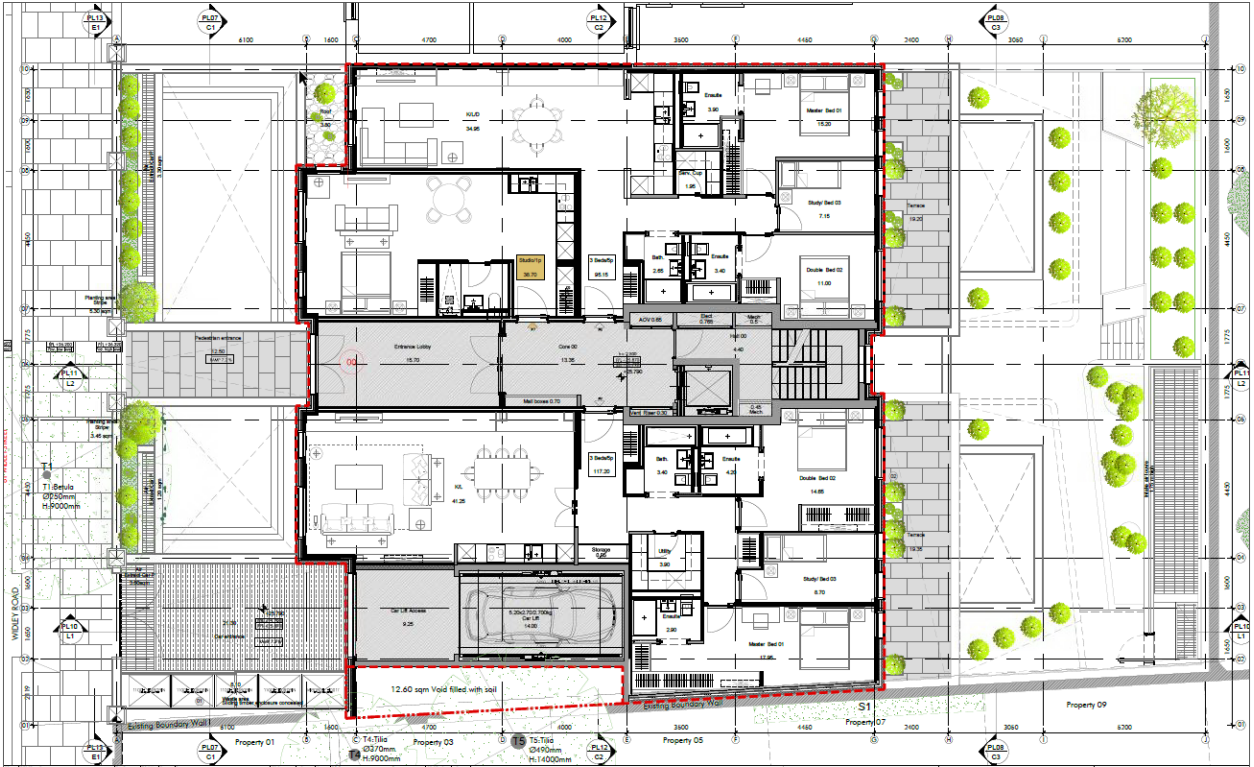
Proposed Basement Plan



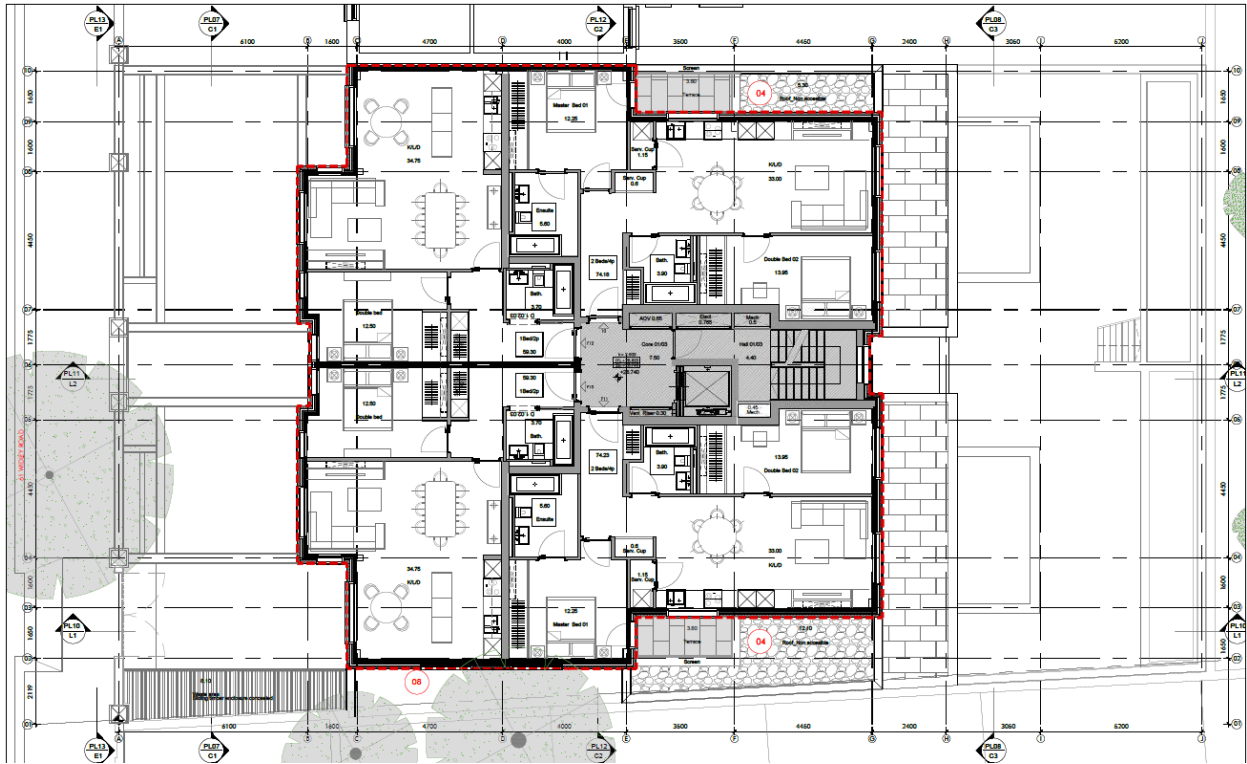
Proposed Lower Ground Floor Plan



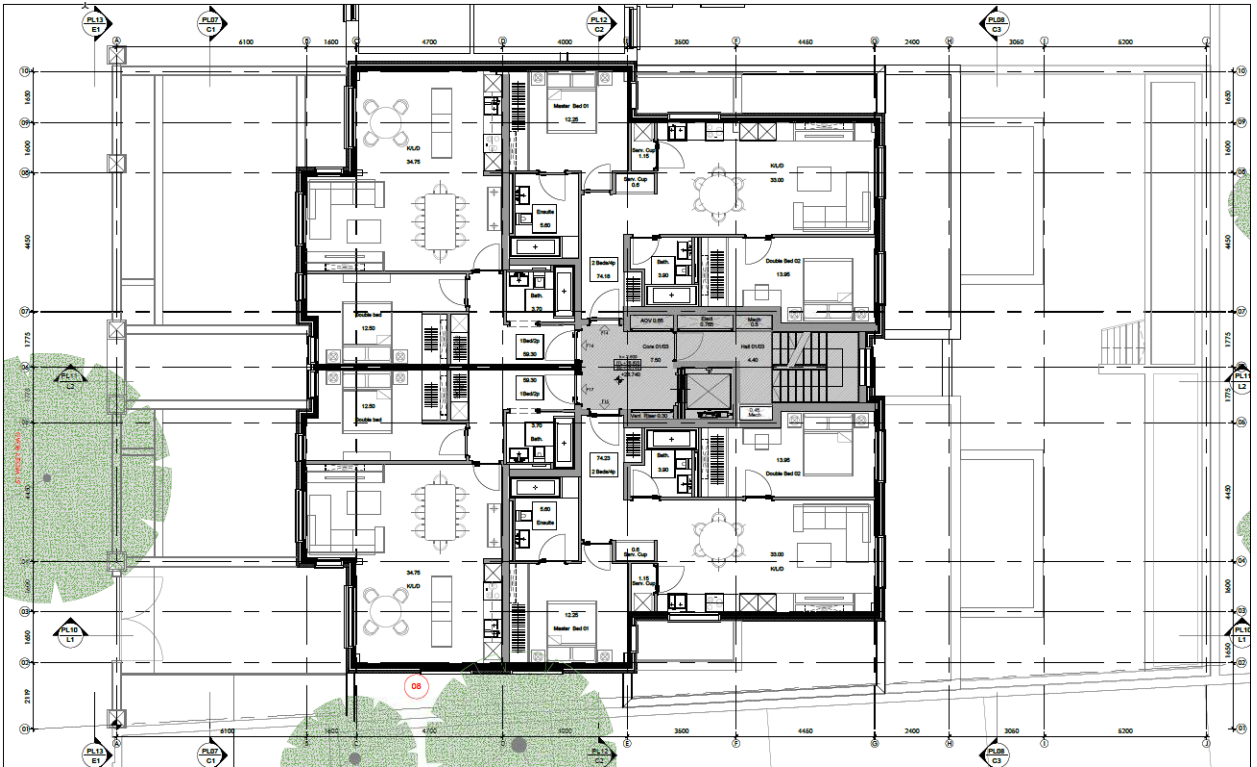
Proposed Ground Floor Plan



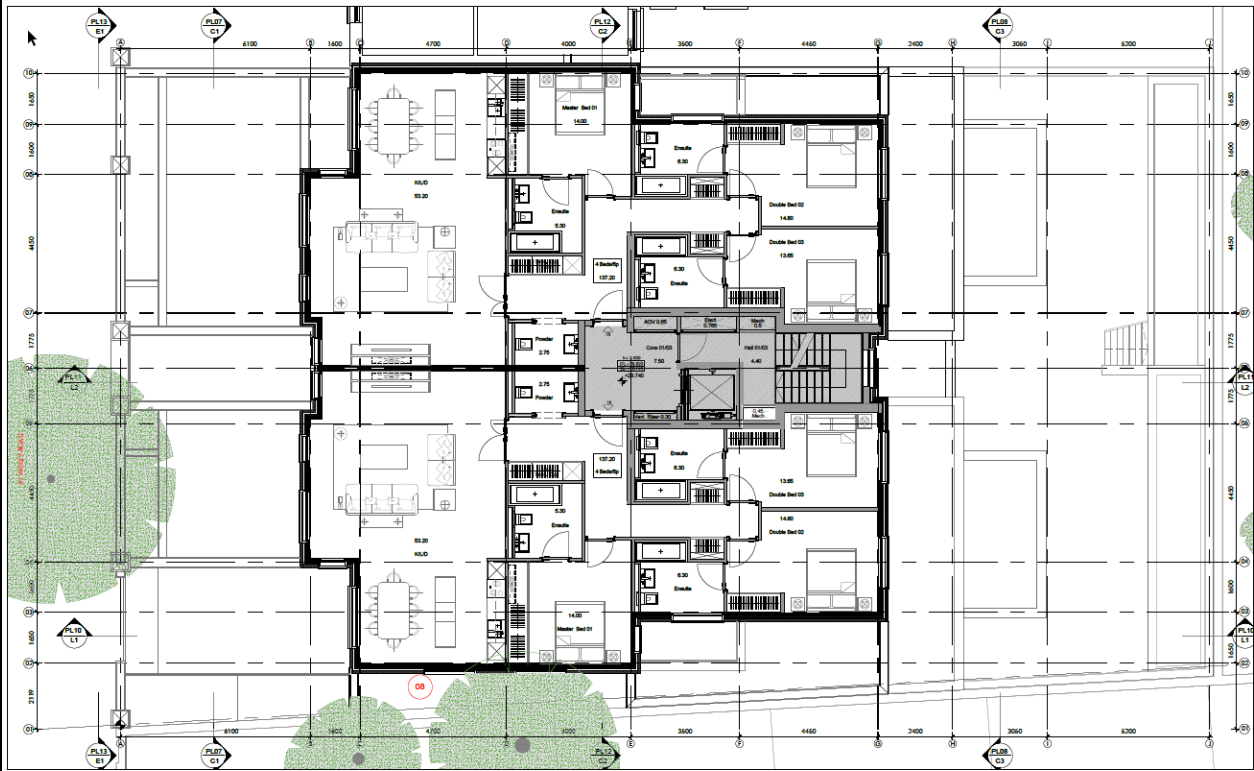
Proposed First Floor Plan



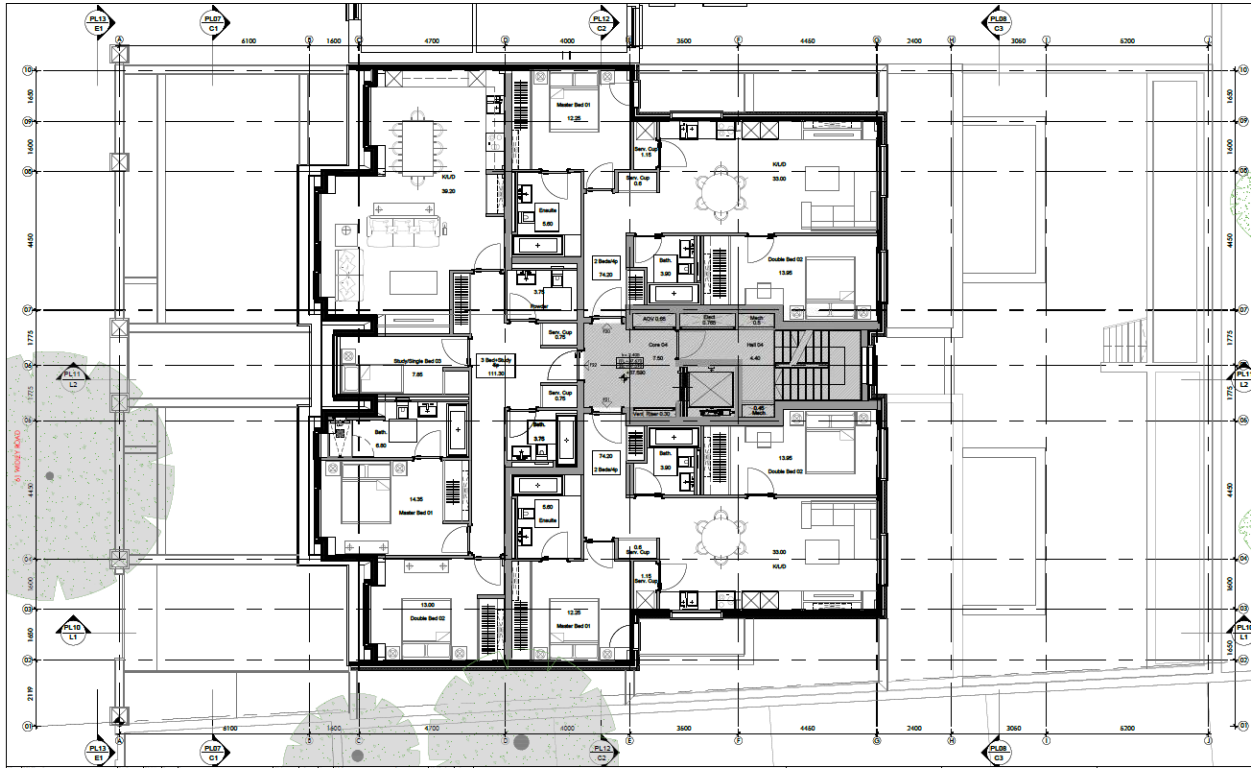
Proposed Second Floor Plan



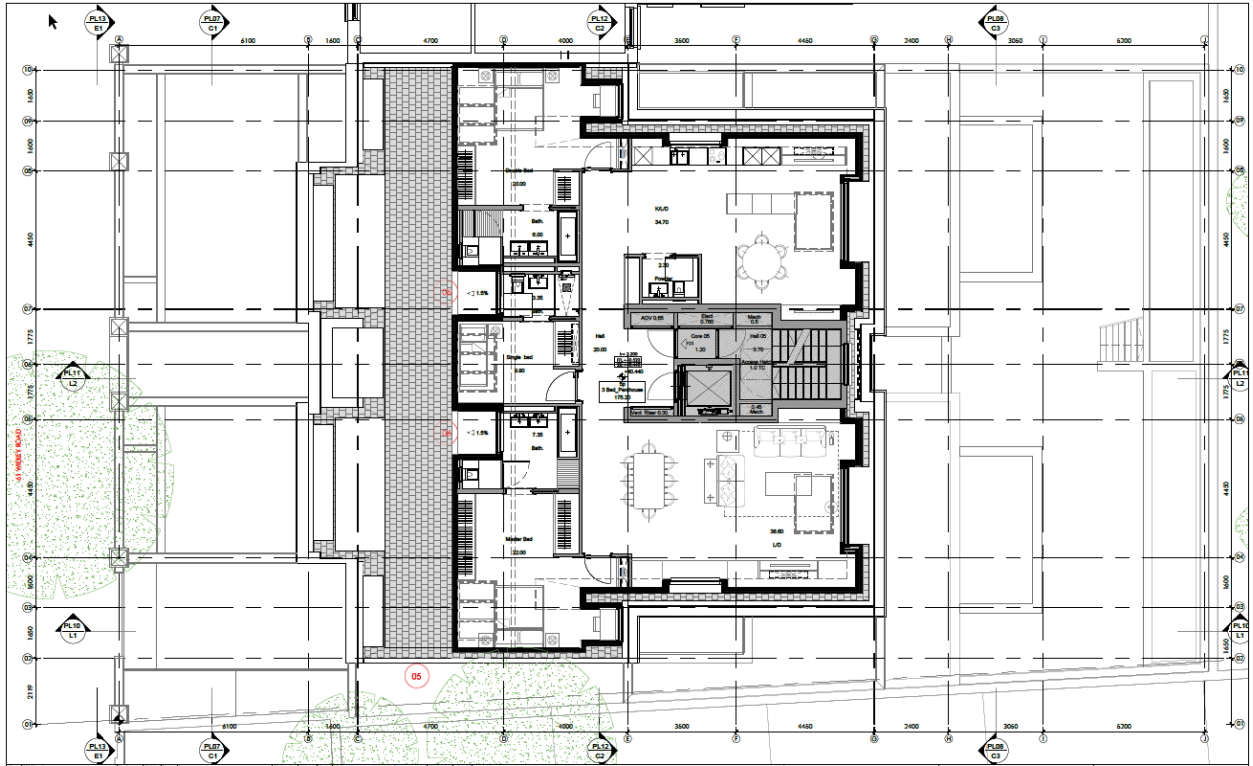
Proposed Third Floor Plan



Proposed Fourth Floor Plan



Proposed Fifth Floor Plan



Proposed Front Elevation



Proposed Front Elevation in Context



Proposed Rear Elevation



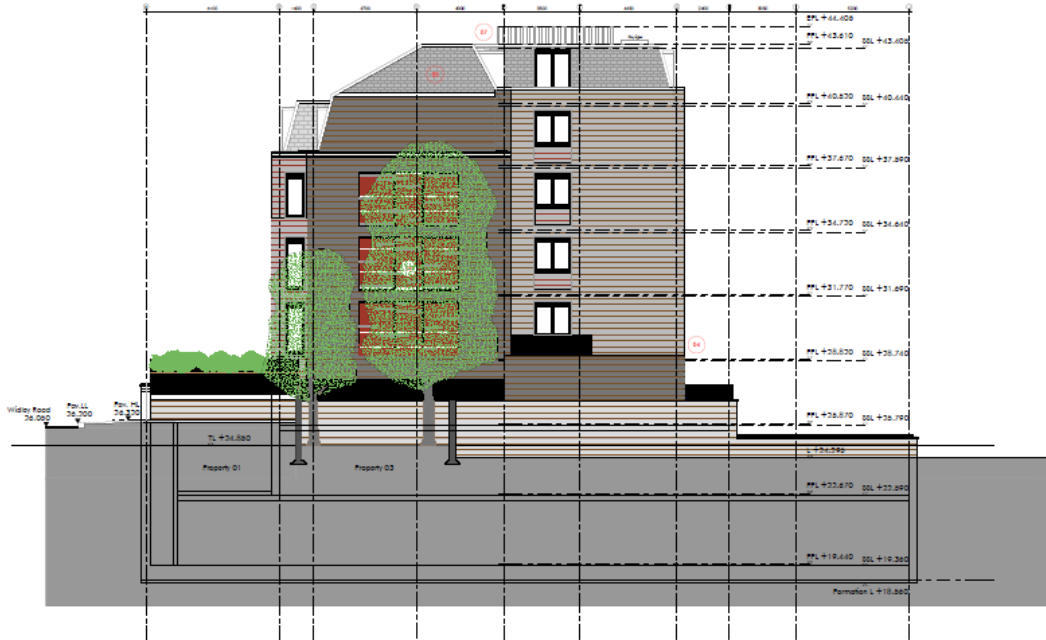
Proposed Rear Elevation showing courtyards and in context with Cleveland Mansions



Proposed Section



Proposed Side Elevation (as seen from Essendine Road properties)



Proposed Front Elevation Visual



Proposed Rear Elevation Visual



DRAFT DECISION LETTER

Address: Widley Road Garage , Widley Road, London, W9 2LD

Proposal: Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.

Plan Nos: Existing Drawings: PL01.01; PL01.02; PL01.03; PL01.04; PL01.09; PL01.10; PL01.11; Proposed Drawings: PL002 K; PL-001 K; PL00 K; PL01 L; PL02 L; PL03 L ;PL04 K; PL05 K; PL06 K; PL07 L; PL07A L; PL08 L; PL08A L; PL09 M; PL09A M; PL10 K; PL11 L; PL12 L; PL13 K; PL13A K; Design and Access Statement dated August 2017; Design and Access Statement Addendum dated February 2018; Heriatge Statement Addendum dated August 2017; Air Quality Neutral Report dated 7 September 2017; Daylight and Sunlight Assessment dated 18 September 2017; Desktop Contamination Assessment; Energy Statement dated 29 August 2017; Flood Risk Assessment dated August 2017 Rev B; Noise Report dated 4 September 2017; Transport Statement V2 dated 24 August 2017; Arboricultural Impact Assessment dated 17 May 2018 including drawings: EX01 TS D; EX03TS D; EX05 TS F; EX06 TS E; For Information Only: Strucutral Methodology Statement Rev B; Draft Construction Management Plan dated 24 April 2017.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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

- 5 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terrace except those shown on the approved drawings. (C26NA)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 The terraces at first floor level must only extend as far as shown on drawings PL01 L. You can however use the remainder of the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 10 You must apply to us for details of the approved privacy screens to the first floor terraces. You must not use the terraces until we have approved what you have sent and you have installed the screens.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 11 The windows in the side elevations of the rear projection, at all levels shall be obscure glazed and be retained in that condition thereafter.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out

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

- 13 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.

- 14 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.

- 15 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.

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

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 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 Prior to the occupation of the development, a minimum of 10% of the car parking spaces shall have electric vehicle charging points for use within the basement car park and thereafter maintained in working order.

Reason:

To provide electric vehicles charging for people using the development as set out in Policy 6.13 of the London Plan.

- 19 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 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)

- 20 All vehicles must enter and exit the site in forward gear (except refuse and recycling vehicles).

Reason:

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

- 21 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 22 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species.
(C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 23 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- o identification of individual responsibilities and key personnel.
- o induction and personnel awareness of arboricultural matters.
- o supervision schedule, indicating frequency and methods of site visiting and record keeping
- o procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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

- PV panels

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

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 25 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 26 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 27 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

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

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

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

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

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

3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

4 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)

- 5 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)
- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 8 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).

- 9 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 10 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 11 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 12 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

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

You are urged to give this your early attention

- 13 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 14 Condition 26 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 15 Conditions 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 16 Please read the following.
- * British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction
 - * National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995)
 - * Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)
- 17 Please let our arboricultural team (020 7641 2922) know when you are going to start work on the site. It would be useful if you could give us at least five working days' notice of this date. This will allow us to inspect your tree-protection measures during the work. (I92BA)
- 18 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 19 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

- 20 When you apply to us for approval under the terms of (C31CC) you will need to ensure that your tree protection methodology takes into account construction and operational requirements and likewise construction techniques and site operation details will need to be demonstrate they have been designed to ensure that adjacent trees can be safely retained without harm.
- 21 You will need to speak to our Tree section about proposals to prune the birch tree in the street outside the site. We cannot agree this as part of the planning permission as the tree is off site. You will have to pay for pruning the including all administration and supervision costs. We will not prune the street tree until such time as you have satisfied all pre-commencement conditions and you are in a position to commence the development.
- 22 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:
- Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk
- 23 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

This page is intentionally left blank

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Development Site At 1-11 And 13-15 Carteret Street and 40 Broadway, SW1		
Proposal	Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works. (Site includes 1-11, 13-15 Carteret Street And 40 Broadway).		
Agent	DP9		
On behalf of	Carter Victoria Limited C/O Tellon Capital		
Registered Number	18/01395/FULL	Date amended/ completed	16 February 2018
Date Application Received	16 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Broadway And Christchurch Gardens		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to the views of the Mayor and a S106 Agreement to secure the following:</p> <p>(i) Financial payment of £45,360 towards the council's Carbon Offset Fund (index linked and payable on commencement of development)</p> <p>(ii) Employment and Training Strategy</p> <p>(iii) Crossrail Funding SPG payment of £246,560 (index linked and payable on commencement of development)</p> <p>(iv) Highway works on Carteret Street to include works to reinstate footway and repaving adjacent to the site.</p> <p>(v) The setting up of a Stakeholder Liaison Group for the duration of the development</p> <p>(vi) Monitoring Costs</p> <p>2. If the S106 legal agreement has not been completed within three months of the date of the Committee resolution, then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers;</p>

however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

This application seeks permission to demolish the existing office buildings at 40 Broadway, 1-11 Carteret Street and 13-15 Carteret Street and replace them with two new office buildings known as the North and South buildings. A similar application was approved in 2012 albeit that included residential use in the North building.

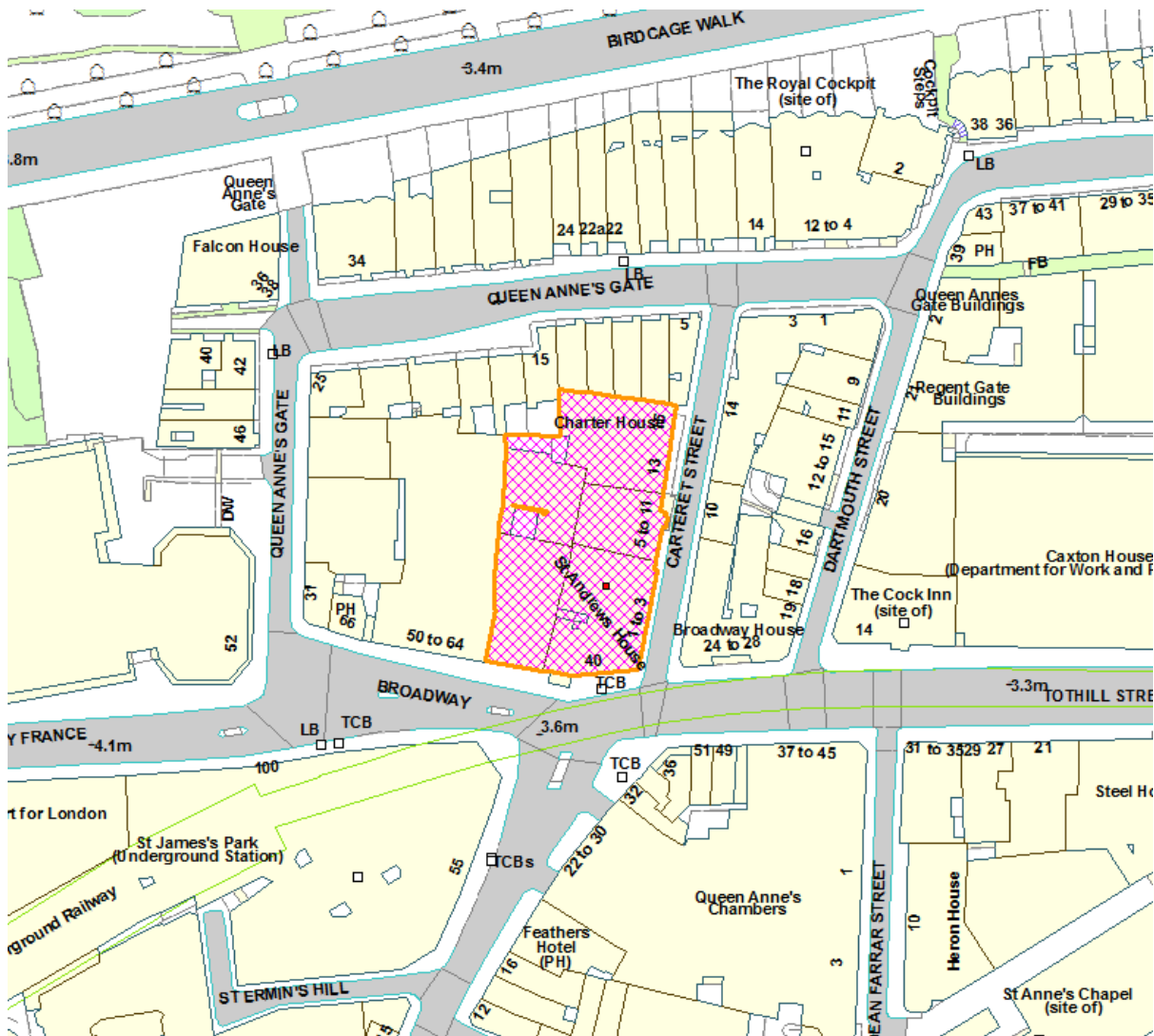
The application site is located within the Core CAZ and within the Broadway and Christchurch Gardens Conservation Area. Immediately to the north of the site, following its boundary, is the Birdcage Walk Conservation Area including the Grade I listed rows of late 17th to 18th century terraced houses which form the southern side of Queen Anne's Gate. There is a residential block of six flats at 10 Carteret Street that directly overlooks the application site.

The key issues in this case are:

- * The impact of the development on the Broadway and Christchurch Gardens Conservation Area
- * The impact of the development on the amenity of nearby residents on Queen Anne's Gate and Carteret Street;
- * The proposed Class A3 restaurant use.
- * The energy efficiency of the development and its impact on air quality.

Letters of objection have been received from neighbouring occupiers on matters including loss of amenity, design and conservation, noise and disturbance from the A3 restaurant, traffic generation and construction issues including the phasing of the development. However, it is considered that, for the reasons set out in the report and, with appropriate conditions, the development is acceptable in land use and amenity terms. On this basis the proposed application is considered to comply with relevant policies in our City Plan and UDP and is recommended for approval subject to the views of the Mayor and a S106 Agreement.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

1. PHOTOGRAPHS



40 Broadway front elevation



1-11 Carteret Street



13-1
5
Cart
eret
Stre
et

2. CONSULTATIONS

Consultation responses for original scheme 26.02.2018

Greater London Authority

The provision of a substantial quantitative and qualitative improvement in office floorspace provision within the CAZ is strongly supported. The height, scale and design quality of the proposed development is supported. The applicant must investigate the potential for connection to the nearby district heating network and provide further technical information to verify the stated reductions. The level of cycle parking falls short of minimum London Plan standards.

Historic England (Listed Builds/Con Areas)

Do not wish to offer any comments. The application should be determined in accordance with national and local policy guidance.

Historic England (Archaeology)

There is potential for remains dating from the prehistoric, Roman, medieval and post-medieval periods. A condition is recommended to require a two-stage process of archaeological investigation.

Transport for London

The number of long stay cycle parking spaces should be increased to 167 spaces and the short stay spaces to 22. Conditions should secure a Delivery and Service Plan, a Construction Logistics Plan and Travel Plan.

London Underground

No comment.

Cleansing

The waste storage capacity propose is adequate and can accommodate waste generated on site. However, an objection is raised to on-street collection.

Highways Planning Manager

Welcomes the reduction in car parking on the site from 16 vehicles to a single disabled parking space. Concerned that both office buildings cannot be serviced from the loading bay but accepts the arguments put forward by the applicant. Notes that there will be a shortfall in cycle parking (24 visitor spaces) when applying London Plan standards.

Environmental Health

No objection subject to conditions to control noise from plant and machinery and to control re-radiated groundborne noise and vibration from the District and Circle line. Conditions should be used to control noise from terraces, from the servicing of the building and to secure details of a kitchen extract for the A3 use.

Thorney Island Society

Accept the demolition of the existing building on Broadway. The bulk and massing of the new building is supported but have reservations about the detailed design, in particular the heavy mansard roof. This element of the design should be reconsidered.

Westminster Society

Fully content with the underlying proposals and the creation of space for Small and Medium Enterprises is especially welcome. The restaurant component is also welcome.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88

Total No. of replies: 33

No. of objections: 32

No. in support: 0

Land Use

- Retention of office accommodation is supported.
- Impact on residential amenity from large entertainment use including late night noise, increased demand for parking and fumes and odours.
- Insufficient detail on the position of the kitchen extract duct for restaurant use.
- The smaller office building should be residential as approved in the previous scheme.

Design

- Overdevelopment of the site, the proposal will damage this historic part of Westminster and is out of keeping with the character of the area.
- The heavy mansard roof appears out of proportion to the Broadway facade below.
- The development is too massive, too monotonous and too boring.
- The materials for the main office building to the rear of 17 Queen Anne's Gate are inappropriate.
- The heritage of Queen Anne's Gate properties should be preserved.
- The existing mosaic on Carteret Street should be preserved.

Amenity

- The height should be reduced / plant room set further back to lessen the impact on neighbouring residential properties.
- Loss of privacy from the office terraces that overlook Queen Anne's Gate. The terraces are no longer necessary as the building is now in commercial use.
- Loss of daylight and sunlight to neighbouring residential properties.
- Increased sense of enclosure.
- The scheme extends further along the boundary with Queen Anne's Gate than previously approved
- Overshadowing to rear gardens of Queen Anne's Gate properties.
- The terraces should be for maintenance purposes only with no access for staff.
- Servicing hours should be restricted.
- There entrance to the service bay should not be opposite No. 10 Carteret Street.

Highways

- Increase in traffic generation
- Servicing concerns for restaurant.

Impact from construction

- Carteret Street is a narrow street for construction traffic and construction access should be from Broadway.
- Dust from construction..
- A construction management plan should be provided with the application and secured by the council.
- The phased development will prolong the construction period.
- Structural damage. The council should insist on a structural survey for the Queen Anne's Gate properties.
- There should be a formal mechanism established via S106 agreement to provide specific protection to the houses and residents and further consultation on materials and meetings with local stakeholders.

Environment

- Increase in air pollution

Other

- The previous consent was not implemented and has lapsed. The current application is different to the previous scheme and should be considered afresh on its own merits.
- There is no justification for the development of these buildings. They should be refurbished instead.
- The losses suffered by the residents through the demolition phase will be contrary to their human rights.
- The depth of the basement should not be any lower than at present as increasing the depth is likely to increase the transmission of noise and vibration from the Underground.
- Series of questions raised by the current tenant of 1-11 Carteret Street about the implication of the phased construction programme.
- The lapsed permission should not be considered to establish a precedent for this proposal.

Consultation responses for revised scheme 29.05.2018

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 98

Total No. of replies: 12

No. of objections: 9 (from seven properties)

No. in support: 0

- Reduction in size of restaurant welcomed. Conditions should be used to restrict number of covers, ventilation and hours of operation.
- Pleased to see that the development is now set back where it abuts 9 Queen Anne's Gate.
- Reiterate concerns about impact of building works and phasing of development.

- The relationship with No. 7 Queen Anne's Gate remains unchanged; the proposed development will be built right up to the rear wall. As a result there is a risk of structural damage and noise.
- Reiterate objection to the terraces.
- Daylight and sunlight concerns still remain.
- Reiterate objection on grounds of bulk and mass and increased sense of enclosure
- The proposed development at first floor level extends back further along the common boundary with 7 QAG. This was not the case with the previous proposal
- The Carteret St office building extends back significantly more towards 7 Queen Anne's Gate at first floor level than the previously consented development.
- Impact of traffic, road access and servicing.
- Reiterate concerns about potential vibration and noise transmission from the District Line due to the proposed basement of the development.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

3. BACKGROUND INFORMATION

3.1 The Application Site

The application site is a large block of modern office buildings fronting the corner of Carteret Street with Broadway within the Broadway and Christchurch Gardens Conservation Area. Adjoining the site to the west is the unlisted building of merit, 50 Broadway, whilst opposite the site to the south is the Grade I listed 55 Broadway (LUL Headquarters) and St James's Park Underground Station. +Immediately to the north of the site, following its boundary, is the Birdcage Walk Conservation Area including the Grade I listed rows of late 17th to 18th century terraced houses which form the southern side of Queen Anne's Gate. Further beyond to the north is St James's Park, a Grade I Registered Park forming the eastern end of the Royal Parks Conservation Area, whilst to the east are views from Broad Sanctuary and the west frontage of Westminster Abbey. The site is visible from and to the World Heritage Site, but subject to height is otherwise not considered to be within its setting.

This application site comprises three separate commercial buildings located within the Core Central Activities Zone (CAZ); 40 Broadway comprises a 1960s office building of basement ground and seven upper floors, 1-11 Carteret Street is a 1920s office building over basement, ground and six upper floors and 13-15 Carteret Street is a 1980s office building over basement, ground and up to five upper floors. Nos. 5-13 and 17-19 Queen Anne's Gate immediately to the north are in residential use mostly as single family dwelling houses. There is a residential block of six flats at 10 Carteret Street that directly overlooks the application site and the residential development at Nos. 1-3 Queen Anne's Gate which is nearing completion.

3.2 Recent Relevant History

08/10393/FULL

Demolition of existing buildings and redevelopment to provide an office building on basement, ground and seven upper floors, eight residential dwellings, car parking and other associated works.

Application Permitted 23 November 2012

08/10394/CAC

Demolition of existing buildings and redevelopment to provide an office building on basement, ground and seven upper floors, eight residential dwellings, car parking and other associated works.

Application Permitted 23 November 2012

08/04010/FULL

Demolition and redevelopment to provide an office building (Class B1) on basement, ground and seven upper floors and a residential building comprising nine residential units (Class C3) over basement, ground up to four upper floors, together with basement car parking and associated works.

Application Withdrawn 11 August 2008

08/04011/CAC

Demolition and redevelopment to provide offices (Class B1) on basement, ground and seven upper floors, nine residential units (Class C3), car parking and associated works.

Application Withdrawn 11 August 2008

934856 and 934857

Demolition of existing buildings and redevelopment to provide building of basement, ground and six upper floors to provide Class B1 offices with retail (A1, A2, A3) on part basement and ground floors, basement car parking and roofplant room.

Application Permitted 26 May 1994.

4. THE PROPOSAL

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
B1 office	9,978	11,455	+1,477
A1 (shop) or A3 (restaurant)	0	442	+442
Total	9,978	11,897	+1,919

Permission is being sought for the demolition of the existing buildings and redevelopment to provide two office buildings together with a Class A1 (shop) or Class A3 (restaurant) use at part ground and part basement. For the purposes of this report the two buildings proposed are identified as the North and South buildings.

The South building, which is the larger of the two buildings, will face onto Broadway and will extend half way along Carteret Street. This building will comprise basement, ground and seven upper floors with a roof top plant room. The Class A1 or A3 use will be located within this building with the entrance from Broadway. Along the Carteret Street frontage the upper floors are set back from the third floor and above and a series of landscaped terraces are provided. A delivery bay is provided with access from Carteret Street. The building will have a curved wall along Broadway and will have a natural stone cladding with deep metal and stone window reveals and inverted dormer windows in the roof.

The North building faces onto Carteret Street and shares the boundary with the rear gardens of Nos. 5 to 13 Queen Anne's Gate. The North building is smaller in footprint and height terms than the South building. The building will be constructed from brick with metal window linings and a metal roof. A second floor terrace is proposed at the rear.

5. DETAILED CONSIDERATIONS

5.1 Land Use

The principle of an office redevelopment on this site is supported by Policy S20 of the City Plan. This policy states that new office development will be directed to a number of locations, including the Core CAZ. The existing office space on site is generally of poor quality and suffers from having inflexible internal layouts, poor levels of daylight and falls short of modern standards in terms of accessibility. The proposal would provide a total amount 11,455sq.m (GIA) of modern and fully accessible office floorspace. The smaller North building B will be targeted at small and medium sized enterprises (SMEs). The economic benefits generated by this office redevelopment are welcome.

The net additional B1 office floorspace is 1, 477 sq m (GIA) which is 10% of the existing building floorspace. On this basis Policy S1 of the City Plan does not apply to this scheme and there is no requirement for residential floorspace.

The scheme includes a commercial retail unit for either Class A3 restaurant or Class A1 shop use with a floorspace of 442sq.m (GIA). Policy TACE 8 of the UDP states that permission will generally be granted for restaurants of this size within the CAZ where the council is satisfied that the proposal has no adverse effect (either singularly or cumulatively) upon residential amenity or local environmental quality and no adverse impact on the character and function of the area. Policy S24 of the City Plan states that 'New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area'.

Broadway has a mixed use character and whilst there are other entertainment uses along the street, including a number of public houses, it is not considered that the proposal will have any cumulatively adverse impact. The restaurant entrance is located on Broadway which will concentrate late night noise away from residents. In terms of smells, the kitchen has been moved away from the rear of the building and a kitchen extract is shown running within the building and projecting at roof level. This is likely to be acceptable subject to the appropriate dispersal of cooking smells. Although the proposal will increase late night activity and may increase parking and traffic, it is not considered that the effect will be so harmful to local environmental quality to justify a refusal. It is recommended that conditions are used to control the opening hours of the restaurant, to secure details of the kitchen extract duct and to secure an operational management and a servicing management plan for the restaurant use. Although objections have been received to the restaurant use, it is considered that with these conditions the proposal is compliant with TACE 8 of the UDP and S24 of the City Plan.

The alternative Class A1 use for the commercial retail unit is considered acceptable in principle in this location as it is compliant with Policy S21 of the City Plan. Conditions to control the opening hours of this unit for A1 purposes are not considered necessary in this location. However, a condition requiring a servicing management plan for the Class A1 use is recommended together with a condition preventing its use as a food supermarket.

5.2 Townscape and Design

The largest buildings on the site, 40 Broadway and 1-11 Carteret Street, fronts the corner and consists of ground plus seven upper floors, lowering to three storeys fronting Carteret Street. It is faced in stone with regularly spaced windows. Whilst in some respects a carefully designed building, it is typical of its period (1950s) and makes a generally neutral contribution to the character and appearance of the conservation area (as defined by the conservation area audit). No.13-15 Carteret Street is a smaller office building of later 20th century date, built of brick to a generally postmodern design. Again the building has some individual character, but is of limited architectural merit and makes only a neutral contribution to the character and appearance of the conservation area. The site to the rear is a jumble of variable rear wings. Generally much plainer, it is a rather untidy composition and has a significant and generally negative impact on the setting of the Queen Anne's Gate listed buildings.

The application proposals are, in design terms, substantially the same as approved in 2012 (RN: 08/10393/FULL), and it is considered that this remains a sound baseline for considering the design proposals now submitted for approval, subject to close consideration of the changes proposed to the North building and to the rear elevations. The local and national heritage and design policies now applicable are largely the same in both wording and intent as were applicable in 2012, including notably the council's own City Plan and UDP policies and Sections 7 and 12 of the NPPF. The statutory tests requiring special regard to be paid to the preservation or enhancement of the character / appearance of the conservation area and to the preservation of the setting of listed buildings still apply (Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The proposed new development would, like the existing buildings and the 2012 permission, be divided between a large scale office rising facing onto Broadway before stepping down to three storeys (with set backs above) once it turns the corner onto Carteret Street and a smaller scale part four and part three storey office building fronting Carteret Street and adjoining the rear boundary with Queen Anne's Gate.

The South building would be effectively identical to that approved in 2012, consisting of five sheer storeys and three mansard storeys. Where it fronts Broadway the façade would be curved to follow the line of the street, with the parapet rising from fifth to sixth floor to modulate between the taller parapet line of 50 Broadway, and the lower scale of Carteret Street and 24-28 Broadway. Its projecting regularly spaced fenestration would create an interesting façade which responds to the grand scale and rhythm of Broadway, whilst respecting the more intimate character of Carteret Street. Subject to careful control of build quality through conditions, the proposed South building is considered to remain a positive design which will be an improvement upon the existing. Objections have been received to the scale of the proposed mansard roof. It is acknowledged that

this would be a large roof, but it is considered to suit both the scale of the existing building, but also that of adjacent buildings. The elevation would remain dominated by the sheer lower storeys, which would further mitigate the proportions of the mansard when viewed from the street.

The smaller North building fronting the northern end of Carteret Street is an alternative design to that approved in 2012. Now proposed for office use rather than residential, it would be slightly taller to allow for the typically greater floor to ceiling heights of offices. Where the new design would be larger than approved in 2012, this would be only slight and would be otherwise mitigated by what is considered to be a suitably improved design. The forwards parapet fronting Carteret Street remains suitably subservient to the Queen Anne's Gate listed buildings where they would be viewed together.

Objections have been received from neighbours with respect to the setting of the Queen Anne's Gate listed buildings. Whilst it is noted that the proposed development would be a large office block in relatively close proximity to a row of exceptional domestic listed buildings, this must be seen in the context of the existing buildings on the site and in the surrounding area which are overwhelmingly large scale and commercial in character. Queen Anne's Gate is significant in part as an enclave of early terraced housing, and the experience of this significance would not be altered as a result of the development. As such it is considered that the proposals would preserve the setting of the listed buildings. A condition is recommended to secure details of the rear wall to the South building that overlooks Nos. 15 and 17 Queen Anne's Gate. The applicant advises that following discussions with neighbours some green infrastructure may be added to the elevation to soften it.

The proposal includes the retention of the 'Victor' mosaic (located on the rear wall of 5 Queen Anne's Gate) as the scheme's public art contribution. A condition is recommended to secure full details of this proposal.

In conclusion, the proposals are considered to represent a large scale but positive redevelopment of a tightly constrained site in a highly sensitive area. The design responds well to the variable scales of the surrounding area, presenting a grand office façade to Broadway whilst stepping this down successfully to the more domestic scale of Carteret Street and Queen Anne's Gate behind. The proposals would preserve and in many respects enhance the character and appearance of the conservation area, and would preserve the setting of the adjacent listed buildings and conservation area and also of the nearby Registered Park and World Heritage Site. The proposals would therefore be compliant with relevant local and national policies and guidance, in particular DES 1, DES 9 and DES 10 of the UDP, and Sections 7 and 12 of the NPPF.

5.3 Residential Amenity

In height, bulk and massing terms the proposal is substantially similar to the scheme approved in 2012. However, this permission has lapsed and the current application must be assessed on its own merits and against current policy. Policy ENV13 of the UDP seeks to protect existing premises, particularly residential, from a material loss of daylight and sunlight as a result of new development. Policy S29 states that 'The council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

Letters have been received from residents of Queen Anne's Gate and 10 Carteret Street who object to the development on grounds of loss of daylight and sunlight, overshadowing of gardens, increased sense of enclosure, overlooking, light pollution and increased noise and disturbance. These matters will be addressed in this section of the report.

Loss of Daylight and Sunlight

The applicant has undertaken a daylight and sunlight assessment in accordance with the Building Research Establishment (BRE) guidelines 'Site Layout Planning for daylight and Sunlight (Second Edition). The properties that have been assessed are Nos. 5-13 Queen Anne's Gate and five flats at No. 10 Carteret Street. A revised daylight and sunlight assessment dated 14 May 2018 was provided to take into account the reduced bulk to the North building at first floor level along the boundary with Queen Anne's Gate properties. It is important to note that the daylight and sunlight assessment is based on the impact of the development compared to the existing buildings on the site (the true baseline) and not the previously approved scheme.

With regard to daylight, the report measures Vertical Sky Component (VSC) and daylight distribution. The VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidance advises that the window will have the potential to provide good levels of daylight. The guidance also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The daylight distribution is measured by plotting the 'no skyline' contour which represents the amount of sky visible from a particular height in the room. The guidance suggests that if following construction of a development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value then this will be noticeable to the occupants, and more of the room will appear poorly lit. Greater protection is afforded to living rooms and kitchens with bedrooms being less important.

In terms of sunlight, greater protection is afforded to living rooms and less so for kitchens and bedrooms. In general, the sunlighting of the existing dwelling may be adversely affected if the centre of the window

- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and
- receives less than 0.8 times its former sunlight hours during either period and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

5-13 Queen Anne's Gate

The VSC analysis demonstrates that the scheme is fully compliant with the BRE guidance for Nos. 5-13 Queen Anne's Gate in terms of daylight. The daylight distribution analysis states that a ground floor kitchen and third floor bedroom within 13 Queen Anne's Gate will not fully comply with the BRE guidance with reduction of 26.7% and 32.8% respectively. For 11 Queen Anne's Gate there will be reductions of 20.6% to a ground floor kitchen and 20.9% and 29.2% to a bedroom. There will also be a reduction of 20.1% to a bedroom at 9 Queen Anne's Gate.

Although the reductions in daylight are likely to be noticeable to the occupiers of the Queen Anne's Gate properties, it is not considered that the impact would result in an unacceptable material loss of residential amenity given the overall size of the properties affected (i.e. there are many other rooms in the properties unaffected by the development) and the central London context. The development is fully compliant with the BRE guidance with regards to the VSC test and overall it is considered that the affected properties will retain good levels of daylight.

An objector of one of the houses at Queen Anne's Gate has raised a concern about the accuracy of plans submitted with the daylight assessment relating to a skylight window. The applicant advises that the analysis of Queen Anne's Gate was based on survey drawings available at the council, however, the analysis of the daylight distribution for the three skylights that serve the basement room is correct. The VSC and daylight distribution assessment shows that daylight levels to the basement room will increase as a result of the development.

10 Carteret Street

There will be reductions in the VSC and Daylight Distribution beyond that recommended in the BRE guidance for the flats in Carteret Street. The flats at second floor level and above will still retain good levels of daylight for their central London context. Given their position at the bottom the building, the ground and first floor flats will see the biggest impact.

The first, second and third floor flats have bedrooms and open plan living /kitchens facing onto the application site. There will be reductions in the VSC to these open plan living /kitchens of up to 29.97% for the first and second floor flats and 26.28% for the third floor flat. However, despite these reductions the impact will be mitigated by the fact that these rooms are dual aspect and served by multiple windows to the front and rear. The living/kitchens to the second and third floor flats will also retain good levels of daylight for their central London context. There will also be reductions to the bedrooms of up to 26.35% for the first and 23.66% for the second floor flats. The first and second floor bedrooms also fail the Daylight Distribution test. However each bedroom is served by two windows and they will also still retain good daylight levels for the central London context. The fourth and fifth floor penthouse flat will see a small reduction to a bedroom at fourth floor level however it is a minor transgression (20.44%) and otherwise all other rooms comply with the BRE guidance. The ground floor flat (which is combined with the basement floor) will see reductions to its kitchen/ living room from 12.51 to 9.23 VSC (26.22%) for one window and 12.37 to 9.06 VSC (26.76%) for the other. The ground floor kitchen / living room also fails the Daylight Distribution test.

The daylight analysis demonstrates that there will be material reductions in daylight to living rooms to flats at 10 Carteret Street. However as the majority of the affected rooms are dual aspect and served by multiple windows the impact will be lessened. It is accepted that the windows within 10 Carteret Street that face the rear will be affected by the recently constructed development at 1-3 Queen Anne's Gate. Despite this the kitchen / living room remains a dual aspect room and benefits from additional light levels. It is considered that whilst the proposal will result in a material loss of amenity, this will not be unacceptable given the site specific circumstances and the central London context. The ground floor flat does not appear to benefit from a dual aspect layout and

as such the material loss of residential amenity needs to be balanced against the benefits of the scheme which are considered to be significant given the uplift of high quality office floorspace in the Core CAZ. On this basis the proposal is considered to comply with policies ENV 13 and S29.

In accordance with the BRE criteria, it is only necessary to carry out a sunlight analysis for Nos. 5 to 13 Queen Anne's Gate. The assessment indicates that the impact on the majority of properties is in compliance with the BRE guidance. The only transgressions are to No. 13 Queen Anne's Gate which will see a reduction of APSH from 8 to 3 to a first floor bedroom and 11 Queen Anne's Gate which will see a reduction of APSH from 6 to 1, also to a first floor bedroom. Bedrooms are afforded less protection in the BRE guidance and given that the properties retain overall good levels of APSH, the reduction is considered acceptable given the central London context.

Overshadowing

Objections have been received from Queen Anne's Gate residents regarding the impact of overshadowing on gardens from the new office building. Under the previously approved scheme it was demonstrated through an overshadowing analysis (which tracked the shadow path under existing and proposed conditions at hourly intervals on the Spring Equinox (21st March) which is the appropriate test data from the BRE Guidelines) the surface of the rear gardens of the Queen Anne's Gate houses will be in permanent shadow almost entirely under both existing and proposed conditions. The applicant has confirmed that this will remain the case with this scheme. However in response to an objection from a resident in Queen Anne's Gate the applicant carried out an individual overshadowing analysis of that particular garden. Those results show that when measured on the recognised test date of the Spring Equinox no part of the rear garden will receive more than 2 hours of "sun-on-the-ground" under "existing" conditions and those results remain exactly the same under "proposed" conditions, i.e. there will be no change. Therefore in conclusion there will be no material change at all in the extent of permanent overshadowing in the gardens. A refusal on the impact of overshadowing would not therefore be warranted.

Sense of Enclosure

Policy ENV 13 of the UDP requires that there should not be a significant increase in sense of enclosure as a result of new development.

The North building extends to four storeys plus a set back plant room. However along the boundary with Nos. 5, 7 and 9 Queen Anne's Gate the building drops down to three storeys with the third floor set back from the northern boundary edge. With the exception of an increase in bulk to the first floor, the building is substantially similar in height and bulk terms to the previously approved residential building. The occupier of a property on Queen Anne's Gate has raised a specific concern about the proposal to move the building line of the North building forward which they argue will impact on their first floor terrace. The relationship with the objector's property will remain the same as the previously approved scheme in that the three storey element of the North building will be set back from the pavement edge, which will leave a buffer, before the higher four storey element steps forward. Overall it is considered that the residential building which abuts Queen Anne's Gate properties is acceptable in terms of sense of enclosure.

It is acknowledged that the South building would be considerably greater in bulk than the existing building when viewed from Queen Anne's Gate properties. However, it is considered that there would remain sufficient separation distance such that it would not result in a significant increase to the occupiers' sense of enclosure. There will again be a small reduction in the bulk of the office building behind Nos. 15 and 17 Queen Anne's Gate compared to the existing situation.

Whilst the bulk of the proposed development opposite No. 10 Carteret Street would be greater than that existing, it is considered that the stepping back of the upper floors of the South building and the lower height of the North building would minimise the sense of enclosure such that it would not have a significant adverse impact on the amenities of the residents. Although objections have been received from the occupiers of the flats at 10 Carteret Street regarding increased sense of enclosure, given the set backs at upper floor level, it is considered that the new building would not have a significant adverse impact on the amenities of the residents. A refusal on this basis could not be sustained.

Overlooking

Policy ENV 13 states that there should not be a significant increase in overlooking as a result of new development. The scheme includes a number of terraces on both buildings and an increase in the number of windows and neighbouring residents have raised objections to these parts of the scheme.

It is acknowledged that there would be more windows overlooking Carteret Street than currently exists. The relationship with No. 10 Carteret Street is the same as previously approved in 2012 and is not an uncommon relationship in any conventional street pattern. Any increase in overlooking would not, therefore, be so significant as to warrant refusal. The South building has small terrace areas facing onto Carteret Street as a result of the set backs at upper floor level. The applicant has indicated that these will have areas of deep planting and access will be for maintenance purposes only. It is recommended that these measures are secured by condition.

The residents of Queen Anne's Gate have also objected on the grounds of loss of privacy from windows in the South building and to loss of privacy from terraces from both buildings. With regards to the windows, it is considered that there is sufficient window to window distance between the new office building and the affected Queen Anne's Gate properties to prevent any harmful loss of privacy. The terraces on the north elevation of the South building are progressively set back higher up the building. Given the separation distance, together with the deep planting areas proposed on each terrace, they would not result in a significant degree of overlooking or noise and disturbance. A single terrace of 48 sq.m is proposed at second floor level for the North building. The terrace will incorporate a set back and 1.8m high planting is proposed to prevent overlooking. The applicant considers this compares favourably with the current situation where 61 sq.m of terrace is provided. Unlike the previous approval, the terrace now proposed is for office use and whilst officers recognise it is desirable it is not essential. However it is considered that on balance the terrace is acceptable given that the existing building already has an unrestricted terrace and multiple windows in the northern flank elevation. Overall it is considered that the proposal therefore represents a reduction in overlooking. It is recommended that conditions are used to restrict the hours of use of

the terraces to reasonable office hours 0800-1900 hours Monday to Friday and to secure a planting management strategy.

Light Pollution

Concerns have been expressed about light pollution from the office building. A condition is recommended to secure details of all external lighting to protect amenity. Matters relating to light pollution are controlled under Section 102 of the Clean Neighbourhoods and Environment Act 2005. An informative is suggested to be added to the decision notice advising the applicants that the lighting should be designed so that it does not cause any nuisance for neighbours at night. Although the office could be used 24 hours a day, the applicant has advised that an intelligent internal lighting control system will be provided to ensure that lighting is only in use when necessary.

Pedestrian and vehicular movements

Objections have been received from occupiers at 10 Carteret Street about additional pedestrian and vehicular movements along Carteret Street and the position of the delivery bay close to their flats. The details of the servicing requirements for the development are set out in section 8.4 below. The existing office building at 40 Broadway and 1-11 Carteret Street are serviced from a small loading bay on Carteret Street with refuse collected from the kerb side whilst 13-15 Carteret Street is serviced exclusively from the street. With the exception of refuse collection and the servicing of the North building, the new off-street servicing arrangements should reduce noise as servicing will now be contained within the loading bay.

Given the constraints of the site, the proposed loading bay is required for highway safety purposes to be on Carteret Street and away from the junction with Broadway. In terms of pedestrian movement, most of the predicted increase in pedestrian activity will be centred on the new office entrance on Broadway. The increased activity associated with the A3 restaurant use is assessed in Section 8.1. Therefore, it is not considered that the scheme could be refused on the grounds of noise and disturbance from increased pedestrian and vehicular activity.

5.4 Highways Considerations

The Transport Statement predicts that there will be a net change in total vehicles of +2 in the am peak (0800-0900) and +12 in the evening peak (1700-1800) compared to the existing building. Total Vehicles includes car drivers, car passengers (i.e. drop off), taxis, and servicing. This increase is partly a result of the proposed A3 use which will generate up to 6 servicing trips per day. The servicing requirement for the B1 office uses is expected to broadly remain the same as existing. There is no objection to the scheme in terms of total trip generation.

The loading bay on Carteret Street will provide off-street servicing arrangements for the South building only. It is proposed to service the North building from the street. The applicant has advised that it is not possible for both buildings to share the loading bay because the two office buildings are separate and there are level differences between them. This is unfortunate but the Highway's Planning Manager has accepted the

argument put forward by the applicant that the proposal will represent an improvement over the current situation because as existing both buildings are serviced from the site.

The Cleansing Manager is satisfied with the refuse and recycling storage arrangements but is concerned that waste collection will be picked up from the street and not from within a dedicated loading bay. The waste storage arrangements are the same as those approved for the previous scheme and given the constraints of the site are considered acceptable.

The scheme will provide a total of 167 cycle spaces with 14 in the North building and 153 in the South building (of which 15 would be foldable 'Brompton' cycle lockers). The Highways Planning Manager notes that the numbers are short of what is required by the London Plan (which requires 167 long-stay spaces plus 24 for visitors). The shortfall is essentially the non-provision of visitor spaces. The applicant considers that visitor parking cycle parking can utilise the 152 standard cycle spaces to be provided within the building as it is unlikely they will all be occupied at the same time. The Highways Planning Manager takes the view that this is acceptable.

5.5 Economic Considerations

The economic benefits generated by a substantial net increase in office floorspace, which will be modern office accommodation, are welcome.

5.6 Access

The proposed development would provide step-free and sufficiently wide entrances from the street. The office floorspace would be entirely step-free and includes wheelchair accessible toilets. Internal circulation spaces and lifts will have sufficient widths and turning spaces to ensure accessibility for all users. A single disabled parking space is provided within the loading bay area.

5.7 Other UDP/Westminster Policy Considerations

Plant

Environmental Health officers have not raised objections with regard to the plant equipment proposed. A Noise Assessment Report has been provided, however, a condition is recommended to secure the provision of a supplementary acoustic report once the details of the plant are available.

Groundborne Noise and Vibration.

The proposed scheme is in very close proximity to the District and Circle Underground Line and any new structure, piles or foundations greatly increases the risk of changing and / or strengthening the pathway of existing groundborne noise from underground trains to the new development as well as adjacent and nearby properties. This is an issue that has been raised by a number of objectors. Therefore, it is recommended that a condition is used to ensure that the design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations. Details of historical data will also be required to

demonstrate the noise and vibration baseline conditions prior to development works commencing.

Archaeology

An archaeological desk-based assessment has been submitted in support of the application which has found that the site has a high potential to contain archaeological remains dating to both pre-historic and later medieval periods and also a moderate potential to contain archaeological remains dating from the Roman period. A condition is recommended to secure a programme of archaeological work in line with the comments of Historic England.

Flood Risk and Sustainable Drainage

The site is located within Flood Zone 3 and is therefore considered by the Environment Agency to be at a high probability of tidal and fluvial flooding. The proposal includes office space and a restaurant within the basement. In line with policy, there are no 'more vulnerable' uses (defined within the National Planning Policy Framework as residential dwellings, hospitals, schools, hotels, and drinking establishments) proposed below the breach flood level. To ensure safety of occupants in the event of a breach, the restaurant and office uses within the basement would have access to the ground floor. From the ground floor occupants could either access dry areas on the first floor and above, or exit the building onto Carteret Street and head north (approximately 30m) to areas of higher ground.

The applicant's drainage strategy would achieve a run-off rate of 17 litres per second for a 1 in 100 year storm event, through the provision of an attenuation tank within the basement of the Broadway building and a blue roof on the Carteret Street building. This would reduce the existing rate of surface water run-off on site by 50%. It is recommended that the provision of these measures is secured by condition. The potential for above ground Sustainable Urban Drainage (SuDs) systems has been fully explored by the applicant, in accordance with the drainage hierarchy set out in the London Plan and it is accepted that further above ground measures are not feasible due to site constraints.

Sustainability

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

The following passive and active energy efficiency features and Low/Zero Carbon Technologies are proposed within the development:

- High performance building fabric to reduce heat losses and passive design techniques e.g. solar control glass and external shading to reduce cooling demand;

- Highly efficient building services systems for heating, cooling and ventilation that exceed minimum Part L standards in terms of performance;
- Low energy light fittings with sophisticated controls including daylight and occupancy sensors.
- A Variable Refrigerant Flow (VRF) system utilising reverse-cycle Air-Source Heat Pumps ASHPs) of high efficiency will provide space heating and cooling;
- Photovoltaic panels (67sq.m) installed on the roof.

Based on the energy assessment submitted, an on-site reduction in carbon dioxide (CO₂) emissions of 32% beyond 2013 Building Regulations compliant development is expected to be achieved. This does not comply with the policy target of 35% within London Plan Policy 5.2 and Policy SI2 of the draft London Plan. The applicant has agreed that the remaining shortfall in CO₂ reductions is to be provided through a cash-in-lieu contribution to the City Council's carbon offset fund. It is recommended that this contribution is secured through a Section 106 agreement. The GLA in their Stage 1 response has requested that the applicant must investigate the potential for connection to the nearby district heating network and provide further technical information to verify the stated reductions. The applicant advises that these issues will be addressed prior to any referral under Stage 2.

With regards to Sustainability, the scheme aspires to achieve a BREEAM 'Excellent' rating for the office areas by incorporating sustainable measures in different aspects of the design.

Air Quality

The proposed development site is located within an Air Quality Management Area (AQMA) as designated by the council. The air quality impact resulting from the proposed development is predicted to be 'not significant'. This is largely because the overall increase in additional traffic movements on the surrounding roads doesn't exceed the indicative criteria for detailed assessment and the proposal does not include any centralised energy plant. Environmental Health has raised no concerns with regarding to the air quality assessment carried out for this development.

5.8 London Plan

Principle of development: The proposed development would provide a substantial quantitative and qualitative improvement in the office floorspace provision within the CAZ and is strongly supported, in accordance with London Plan Policies 2.10, 2.11 and 4.2 and Policies SD4, SD5 and E1 of the draft London Plan.

Design and heritage: The height, scale and design quality of the proposed development is supported and would preserve and enhance the character and appearance of the conservation area and would not harm the setting of adjacent designated heritage assets.

Climate change: The applicant must investigate the potential for connection to the nearby district heating network and provide further technical information to verify the stated reductions in carbon dioxide emissions, with the remaining shortfall in carbon dioxide reductions secured as mitigation through a Section 106 agreement.

Transport: The proposed level of cycle parking provision falls short of the minimum standards in the London Plan and draft London Plan. Full compliance with the London Plan standards and the Mayor's London Cycle Design Standards must be secured.

5.9 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.

5.10 Planning Obligations

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

- Financial payment of £45,360 towards the council's Carbon Offset Fund (index linked and payable on commencement of development)
- Employment and Training Strategy
- Crossrail Funding SPG payment of £246,560 (index linked and payable on commencement of development)
- Highway works on Carteret Street to include works to reinstate footway and repaving adjacent to the site.
- The setting up of a Stakeholder Liaison Group for the duration of the development.

The estimated Westminster CIL payment is £383,800.

The estimated Mayoral CIL is £95,950.

5.11 Environmental Impact Assessment

The scheme is not significant enough to warrant an Environmental Impact Assessment. Environmental issues specific to this development have been covered in section 8.7.

5.12 Other Issues

Construction impact

Objections have been raised about the impact of the construction works on surrounding residents in terms of noise, dust and vibration. To address these concerns a condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works. The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

In response to the objections from local residents, the applicant has provided an Initial Construction Phase Management Plan (CMP) which sets out how Westminster's CoCP

will be applied to this specific development proposal in respect of matters such as site access, site welfare facilities and road closures. This is not an approved document but has been provided for information purposes only.

Specific objections have been received in respect of the structural implications of the development on the Grade I listed buildings on Queen Anne's Gate. A structural report, including an outline methodology statement, has been provided as part of the application documents. This demonstrates the potential measures to be taken to ensure that the proposal does not undermine the structural stability of neighbouring buildings. It is recommended that this matter be fully addressed by a condition requiring the submission and approval of a detailed Structural Report and Method Statement prior to any works commencing. The submitted CMP also states that a specific methodology to monitor the listed walls and surrounding buildings in regards to vibration and movement will be included in the final document.

The current methodology for the construction of the proposed buildings considers a sequence whereby the North building is constructed prior to the larger South office building. Concerns have been expressed by local residents and a current occupier of the South building that this phasing approach will extend the construction period, that the narrow width of Carteret Street means it is insufficient to serve as an access point and undermine the operational requirements of the existing offices at 40 Broadway. Whilst the request by the objector's to carry out the development in a single phase is understood, it is not something that the council can insist upon and any attempt to do so, for example by a condition, would not be reasonable and would fail the six tests set out in the NPPF. It would be perfectly legitimate for example for the applicant to submit two separate planning applications. It is understood that the phasing approach is to do with obtaining vacant possession of the Broadway/ Carteret Street buildings and that if circumstances change the applicant will revisit the phasing approach. Matters relating to the operational requirements of the existing office building at 40 Broadway if 13-15 Carteret Street is demolished first are a private matter between the landlord and tenant.

Community Liaison

A Statement of Community Involvement (SCI) has been submitted with this application. The engagement and consultation targeted Westminster City Council members and officers, local ward councillors, community and amenity groups as well as local residents and businesses. A public exhibition of the proposals was held over two days in a local hotel.

Crime and security

It is recommended that a crime and security statement is provided prior to works commencing so that the council can ensure that appropriate measures to deter crime are provided as part of the development.

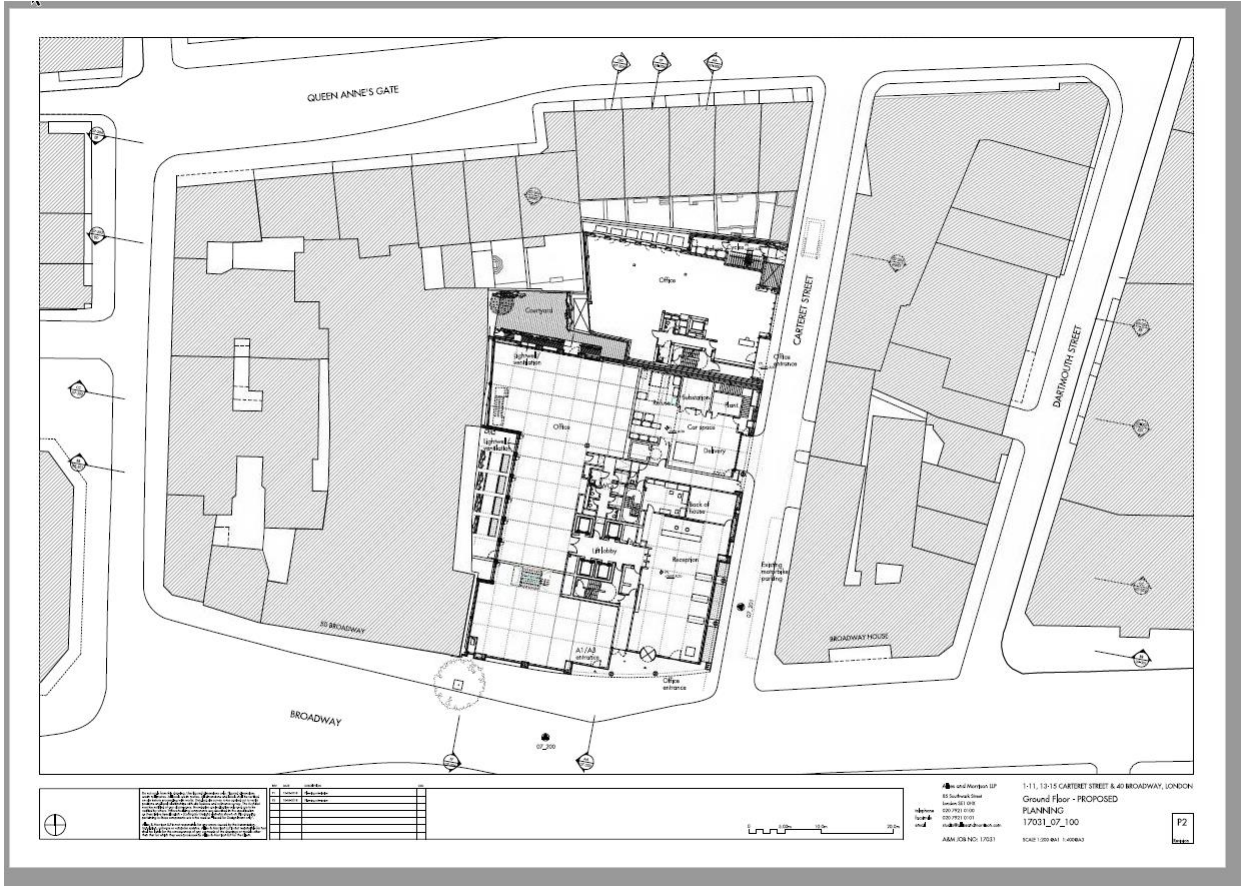
Party Wall

An occupier of Queen Anne's Gate has raised a concern about the impact on the rear boundary wall adjacent to the development site which they consider to be in their ownership. This issue is a matter that would be considered under the Party Wall Act rather than through the planning process.

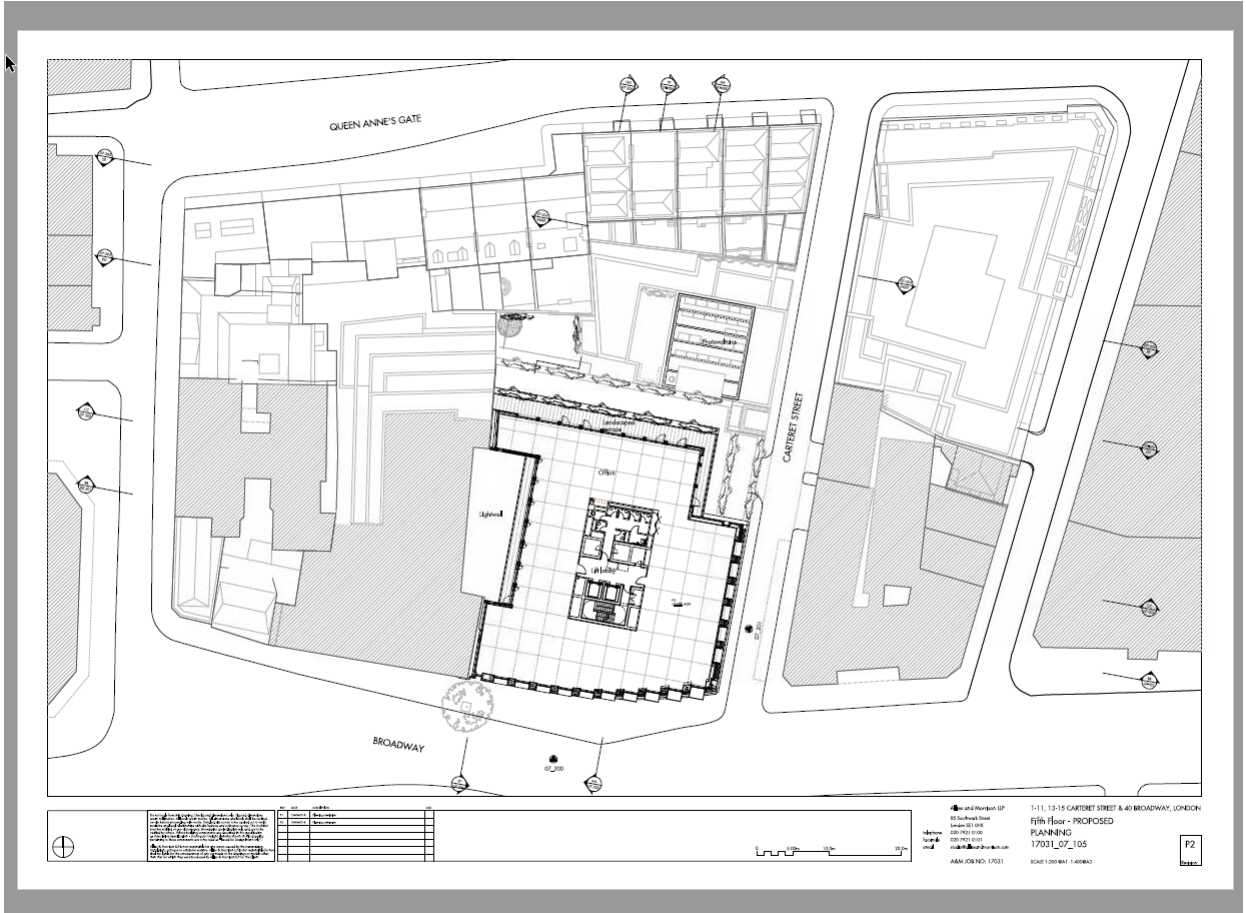
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

6. KEY DRAWINGS



Proposed Ground Floor



Typical Upper Floor Plan

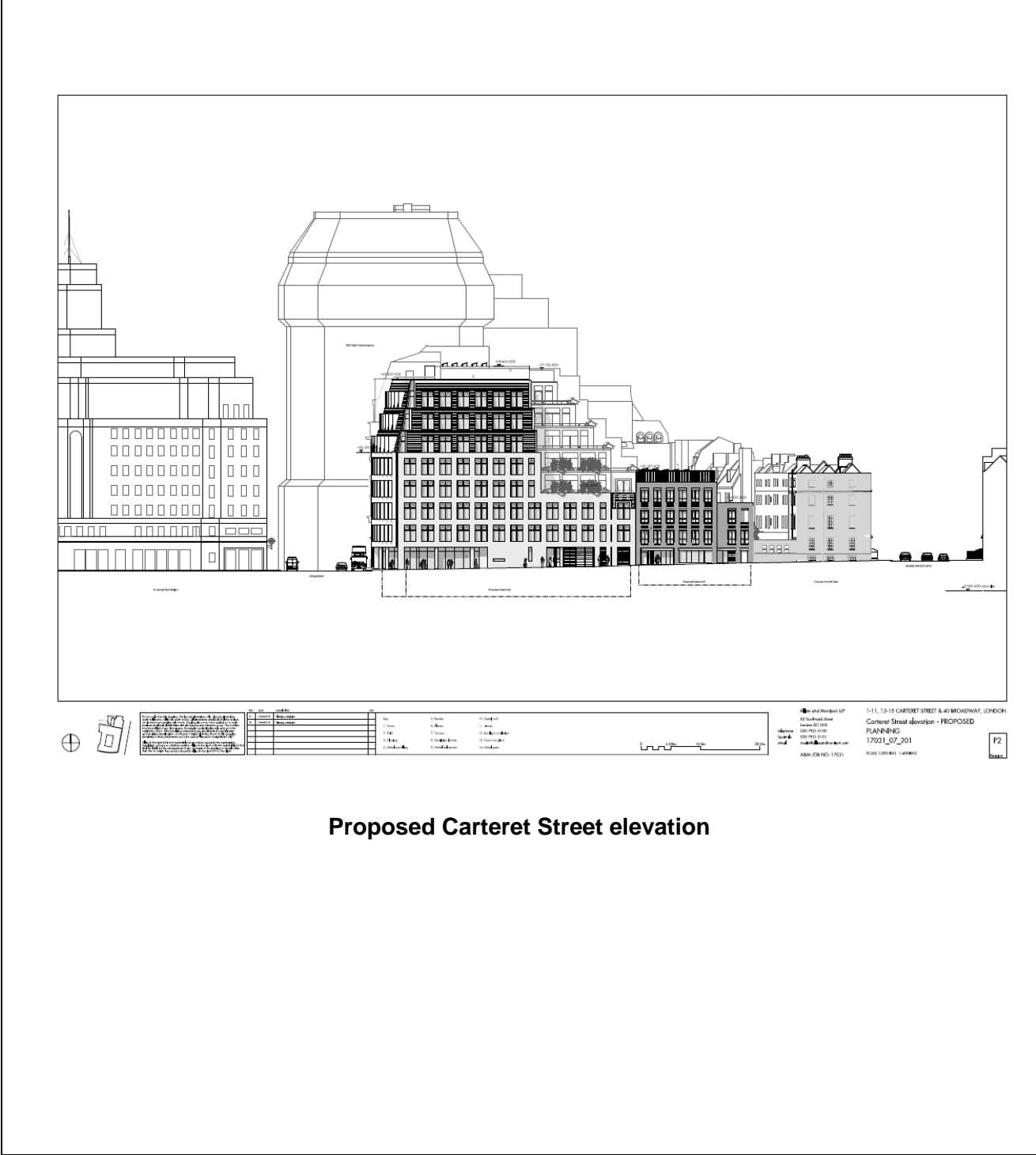


Architectural details including a north arrow, a table of materials and colors, a scale bar, and project information.

NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
1	Brick	11	Dark Grey	21	Dark Grey
2	Brick	12	Dark Grey	22	Dark Grey
3	Brick	13	Dark Grey	23	Dark Grey
4	Brick	14	Dark Grey	24	Dark Grey
5	Brick	15	Dark Grey	25	Dark Grey
6	Brick	16	Dark Grey	26	Dark Grey
7	Brick	17	Dark Grey	27	Dark Grey
8	Brick	18	Dark Grey	28	Dark Grey
9	Brick	19	Dark Grey	29	Dark Grey
10	Brick	20	Dark Grey	30	Dark Grey

1-11, 13-15 CARTER STREET & 40 BROADWAY, LONDON
Broadway elevation - PROPOSED
PLANNING
17001_027_200
P2

Proposed Broadway Elevation





Illustrative view Broadway elevation



Illustrative view Carteret Street

DRAFT DECISION LETTER

- Address:** Development Site At 1-11 And 13-15 Carteret Street, 40 Broadway, London, ,
- Proposal:** Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works. (Site includes 1-11, 13-15 Carteret Street And 40 Broadway).
- Reference:** 18/01395/FULL
- Plan Nos:** Site location plan 17031_07_001 P1., Existing and demolition plan 17031_07_010 P1, 17031_07_011 P1, 17031_07_012 P1, 17031_07_013 P1, 17031_07_014 P1, 17031_07_020 P1, 17031_07_021 P1., , Proposed Plans, 170311_07_050 P2, 170311_07_099 P2, 170311_07_100 P2, 170311_07_101 P2, 170311_07_102 P2, 170311_07_103 P2, 170311_07_104 P2, 170311_07_105 P2, 170311_07_106 P2, 170311_07_107 P2, 170311_07_108 P2, 170311_07_109 P2, 17031_07_200 P2, 17031_07_201 P2, 17031_07_300 P2, 17031_07_301 P2, 17031_07_302 P2, 17031_07_303 P2, 17031_07_304 P2, 17031_07_306 P2, 17031_07_400 P2, 17031_07_401 P1, 17031_07_402 P1, 17031_07_403 P1, 17031_07_404 P1, 17031_07_405 P1., , Documents, Acoustic Report Rev 05 (February 2018), Heritage Statement, Preliminary Environmental Risk Assessment (Issue 2 February 2018), Transport Statement (February 2014), Flood Risk Assessment (February 2018), Energy and Sustainability Statement (Issue 04 February 2018), Daylight and Sunlight Report (February 2018), Historic environment assessment (Issue 3 February 2018), Air Quality Assessment (Rev C01 February 2018), , For information purposes only, Structural Method Statement, Statement of Community Involvement, Design and Access Statement.

Case Officer: Matthew Mason

Direct Tel. No. 020 7641 2926

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 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)

- 3 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)

- 4 The principal stone material to the facades of the South office building shall be coursed Portland Stone.

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

- 5 The brickwork to the North office building shall be in hand-laid courses and not a panelled system.

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

- 6 The principal roofing material to the South office building shall be natural slate.

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

- 7 You must apply to us for approval of a written and photographic schedule of the facing materials you will use, including glazing, along with annotated versions of the approved elevations and roof plans demonstrating the location / use of each of the proposed materials. The submitted schedule must include a record of finished samples prepared on-site for our inspection, including fully pointed-up brick and stonework. 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 using the approved materials. (C26BC)

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 Broadway and Christchurch Gardens Conservation Area 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 detailed drawings of the following parts of the development: , a) Typical bay studies (drawn elevations and sections at 1:20);, b) Windows and doors (drawn elevations and sections at 1:5, including surrounding fabric);, c) Shopfronts (drawn elevations and sections at 1:10, including surrounding fabric); and, d) Balustrade and gate details., (e) Any external lighting., (f) The rear elevation of the South building. , (g) Public art. , 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 approved details. (C26DB),

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area 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 paint any outside walls of the buildings without our permission. This is despite the fact that this work would normally be 'permitted development' (under class A of part 3 of schedule 2 to the Town and Country Planning General Permitted Development Order 1995, or any order that may replace it).

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

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the buildings facing the street unless they are shown on drawings we have approved. (C26MA)

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 Broadway and Christchurch Gardens Conservation Area 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area 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)

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

Reason:

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

- 14 You must apply to us for approval of a Delivery and Service Plan for the Class B1 office use in the South building. You must not occupy the South building for office purposes until we have approved what you have sent us. Thereafter you must manage the office use in accordance with the approved Delivery and Service Plan. The submitted plan shall be consistent with condition 15 of this permission.

Reason:

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

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

Reason:

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

- 16 In the event that the retail unit in the South building is used for either Class A1 or Class A3 use, you must apply to us for approval of a Delivery and Service Plan. You must not occupy the retail unit for Class A1 or Class A3 purposes until we have approved what you have sent us. Thereafter you must manage the Class A1 or Class A3 use in accordance with the approved Delivery and Service Plan. The submitted plan shall be consistent with condition 15 of this permission.

Reason:

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

- 17 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a food retail supermarket.

Reason:

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

- 18 All servicing must take place between 07.00hrs and 20.00hrs on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA),

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 19 You must provide the waste and recycling stores for the North and South buildings shown on drawing 17031_07_100 rev P2 before anyone moves into the offices. You must clearly mark it and make it available at all times to everyone using the buildings. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 20 The car parking space shown on drawing 17031_07_100 Rev P2 shall only be used for car parking by Blue and White Badge holders.

Reason:

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

- 21 You must provide the cycle parking spaces and the changing and shower facilities for the North and South office buildings shown on the approved drawings prior to occupation. Thereafter the cycle spaces and changing and shower facilities must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 22 In the event that the retail unit in the South building is used for Class A3 purposes, you must apply to us for approval of an Operational Management Plan. You must not occupy the premises for restaurant purposes until we have approved what you have sent us. Thereafter you must manage the restaurant use in accordance with the approved plan. (C26CB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 23 In the event that the retail unit is used for Class A3 purposes, customers shall not be permitted within the restaurant premises before 0700 or after 0030 (the following day) on Monday to Saturday and before 0800 or after 0000 (midnight) on Sundays. (C12BD)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

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

- 25 You must not use any part of the roof of the South building that faces east onto Carteret Street for sitting out or for any other purpose. You can however use this part of the roof to escape in an emergency and for maintenance purposes.

Reason:

To protect the environment of residents as set out in S29 of Westminster's City Plan (November 2016) and ENV 10 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 26 Other than the area identified as a terrace on drawing 17031_07_102 Rev P2 you must not use any of the roofs on the North office building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance purposes. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 27 You must apply to us for approval of details of a plan showing the outdoor terraces and those areas of flat roof restricted to maintenance purposes only (by conditions 25 and 26 on this decision) for the North and South buildings. You must not use any of the roofs as terraces until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the approved plan.

Reason:

To ensure that the areas to be used as terraces are consistent with conditions 25 and 26 and to protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 28 The outdoor terraces shown on the plan approved under condition 27 of this decision must only be used between the hours of 0800 to 1900 Monday to Friday.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 29 You must apply to us for approval of details of the following: , (i) A planting scheme for the terraces to both office buildings to include the number, size, species and position of the plants, (ii) A planting maintenance plan for the terraces to both office buildings. , You must not use any of the roofs permitted for terrace use until we have approved what you have sent us. You must then carry out the work according to these drawings prior to occupation and thereafter the planting must be maintained in accordance with the details approved. (C26DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 30 The glass that you put in the windows in the north elevation of the North office building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 31 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: , - provision of living roofs to all roofs not used as terraces or roof plant areas to the North and South buildings., - provision of bird and bat boxes on the North and South building., , 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.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 32 You must apply to us for approval of details of a biodiversity management plan in relation to the living roofs secured under condition 31 of this decision. You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 33 You must provide the environmental sustainability features (environmentally friendly features) set out in the Energy and Sustainability Statement before you start to use any part of the development. Thereafter you must not remove any of these features unless we have given you our permission in writing.

Reason:

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

- 34 The BREEAM assessments must be completed for the offices and certified by the Building Research Establishment within six months of practical completion. Upon certification by the Building Research Establishment a copy of the certificate detailing the awarded score for the building is to be submitted to the Local Planning Authority for our approval.

Reason:

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

- 35 (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.

- 36 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the mechanical plant will comply with the Council's noise criteria as set out in Condition 35 of this permission.

You must not operate the plant equipment 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 CS31 of our Core Strategy that we adopted in January 2011, by contributing to reducing excessive ambient noise levels.

- 37 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.

- 38 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 39 The design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations.

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.

- 40 You must apply to us for approval of a Structural Report setting out how the proposed building will comply with condition 39 of this permission. The Structural Report must include historical data to demonstrate the

noise and vibration baseline conditions of the application site. You must not start any work until we have approved what you have sent us. You must then carry out the development in accordance with the details approved.

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.

- 41 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development other than demolition to ground level shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works., , If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development shall take place other than in accordance with the agreed stage 2 WSI which shall include: , , A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and, the nomination of a competent person(s) or organisation to undertake the agreed works., B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI., , ,

Reason:

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

- 42 You must apply to us for approval of details of the door opening mechanism to the loading bay and a supplementary acoustic report demonstrating that noise from the door mechanisms will comply with the Council's noise criteria as set out in Condition 35 of this permission. You must not occupy the North building until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

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.

- 43 **Pre Commencement Condition.** Notwithstanding the details submitted, you must apply to us for approval of a detailed Structural Report and Method Statement for the North building to demonstrate that the Queen Anne's Gate properties that adjoin the application site will not be structurally affected by building works. You must not start work on the North building until we have approved what you have sent us., , You must then carry out the work according to the approved statement. (C26CB)

Reason:

To protect the special architectural or historic interest of the neighbouring listed buildings on Queen Anne's Gate. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to . (I55AA)
- 4 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 5 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)

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.

This page is intentionally left blank

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Development Site At, 5-9 Great Newport Street, London, WC2H 7JA,		
Proposal	Variation of conditions 1 and 36 of planning permission and condition 1 of listed building consent dated 29 April 2016 (RN: 12/03930/FULL and 12/03931/LBC) for 'Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level'. Namely, to allow amendments to the consented scheme including increase the theatre capacity to over 400 seats, intensification of the hotel use from 66 rooms to 155 rooms, provide 24 cycle parking spaces, fenestration changes to rear elevation including new windows, increase the height and amount of plant within the rooftop plant enclosure, alterations to ground floor level shopfronts, creation of lightwell enclosed by railings outside 6 - 7 Great Newport Street, and internal alterations.		
Agent	Iceni Projects		
On behalf of	Consolidated St Giles LLP		
Registered Number	18/01160/FULL	Date amended/ completed	14 February 2018
Date Application Received	9 February 2018		
Historic Building Grade	Grade II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to the completion of a deed of variation of the legal agreement dated 29 April 2016 to secure the following:</p> <p>a) The provision of a replacement theatre fitted out to shell and core prior to the occupation of the hotel and restaurant.</p> <p>b) The placing of £600,000 (index linked) into an escrow account to be released to a theatre operator to fund the fit out of the theatre.</p> <p>c) To secure the Theatre space to be operated by 'PW (Peter Wilson) Productions Ltd' or another theatre operator with West End experience proposed by the Developer and approved by the Council</p>
--

or a theatre operator determined by a senior representative from the Theatres Trust to have West End experience.

d) The theatre space to be used for theatrical performances on at least 320 days a year (further details within the legal agreement).

e) To ensure the link between the theatre and restaurant is open before, during and after performances.

f) The provision and retention of a publicly accessible curated sculpture gallery within the hotel.

g) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £80,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.

h) s106 monitoring costs.

2. If the deed of variation to the S106 legal agreement dated 29 April 2016 has not been completed within 6 weeks of the date of this resolution then:

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

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

3. Grant conditional listed building consent.

4. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.

2. SUMMARY

The application site is comprised of a row of buildings between 5 and 9 Great Newport Street. No. 5 is Grade II listed and the entire site lies within the Covent Garden Conservation Area the Core Central Activities Zone and the West End Stress Area. The buildings on the site range from between four and six storeys with basements, and they contain a variety of uses including the Arts Theatre Club (sui generis), the former site of the 'Photographers Gallery' (Class D1), restaurant/bar (mixed A3 and A4), offices and a language school.

An application was reported to Planning Applications Committee on 12 April 2016 (following its initial deferral on 13 May 2014). Committee resolved to grant planning permission and listed building consent and the decision was issued on 29 April 2016 (RNs: 12/03930/FULL and 12/03931/LBC) for:

"Demolition of Nos 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to the front façade, providing a new auditorium and ancillary services in the form of a new flexible theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great 2 Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level."

This latest application has been submitted under Section 73 of the Town and Country Planning Act and seeks to vary of Conditions 1 and 36 of the planning permission and condition 1 of the listed

building consent dated 29 April 2016 (RNs: 12/03930/FULL and 12/03931/LBC) to allow amendments to the approved development.

The amendments to the approved development, for which permission is now sought, are:

- (a) To increase the theatre capacity to over 400 seats (in line with condition 36);
- (b) Intensification of the hotel use within the approved building envelope from 66 rooms to 155 rooms;
- (c) Provision of 24 cycle parking spaces;
- (d) Alterations to the rear fenestration including new windows;
- (e) Increase the height and amount of plant within the rooftop plant enclosure;
- (f) Alterations to ground floor level shopfronts;
- (g) Lightwell enclosed by railings outside 6 - 7 Great Newport Street; and
- (h) Internal alterations to layouts of theatre, hotel and restaurant.

The key issues for consideration are:

- The land use implications of the proposals;
- The impact of the proposed works on the character and appearance of the building and surrounding conservation area;
- The impact of the proposal on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

Land Use

Increased theatre capacity: Condition 36 of the approved development requires the submission of revised layout plans to increase the seating capacity of the theatre to approximately 400 seats. The increase in theatre capacity from 360 to 400 seats is welcomed and is supported by the proposed operator 'PW (Peter Wilson) Productions Ltd'. The Theatres Trust are also generally supportive of the amendments but raise a number of concerns relating to Fire safety and evacuation; Managing performance cross-over; Ceiling heights; Fit-out and ongoing costs; Get-in; Public entry; Part M compliance; and the Theatre operator. The applicant has sought to alleviate the Theatre Trust's concerns. To ensure that the theatre is provided, the application is subject to a legal agreement, which sets out when the phases of the redevelopment need to be carried out by, how these costs are borne out, and also confirmation of the theatre operator 'PW (Peter Wilson) Productions Ltd'.

Intensification of hotel from 66 rooms to 155 rooms: The applicant advises that they have held discussions with potential operators (Citizen M, Z Hotels, and 25 Hours) who have expressed an interest in intensifying the room numbers to make the hotel more viable and usable, and provide a hotel based on 'pod' type rooms. These operators target the tourist or business visitor to London who prefer a low cost room to sleep in for shorter length of stay, preferring to use the various facilities and attractions within walking distance of the hotel.

Objections have been received on grounds the intensification of the hotel use from 66 rooms to 155 rooms would increase the number of people coming and going, as well as increase the volume of servicing and deliveries.

The additional hotel rooms would result in an increased amount of waste and servicing requirements. The applicant has submitted a Servicing Management Plan but this has limited detail. The servicing process will need to be carefully managed given the increased activity the hotel will generate. Detail on how the arrival of vehicles will be managed is required, to ensure congestion is not exacerbated by numerous servicing vehicles arriving at similar times. It is considered that this could be dealt with a detailed and robust Servicing Management Plan.

Given the increase in capacity of the hotel, the Highways Planning Manager is concerned that the hotel makes no provision for coaches. A condition is recommended to restrict the hotel from accepting bookings from coach parties.

The hotel of the scale proposed is considered appropriate in this central area of Westminster, and is unlikely to cause an adverse impact on residential amenity subject to conditions, which also include controlling the roof terrace, and bar areas and opening hours to non-hotel residents.

Townscape and Design

Alterations to the rear fenestration: The works propose to alter the appearance of the approved rear elevation, through the insertion of a number of windows. This elevation was previously rather blank and indicated its then, service nature. The insertion of windows as part of the additional hotel rooms will add interest to the elevation and are considered acceptable in design terms. Conditions are recommended to ensure that details of the windows are submitted.

Increase in Height: The works seek to increase the height and amount of plant within the approved plant enclosure. The enclosure is to be increased in height by a nominal amount (approx. 250mm) and is to increase in size, moving hard up the rear elevation and stretching further forward towards the front elevation. The additional space is required to accommodate the rearranged and additional rooftop mechanical plant. Given the minimal increase in height and that the position is not visible from the street level. The increase is not considered harmful, although it is noted that this is the limit of the size and massing that would be considered acceptable at roof level.

Alterations to ground floor level shopfronts: The proposed alterations to the shopfronts are minimal and not considered to harm the character of the building or conservation area.

Lightwell enclosed by railings outside 6 - 7 Great Newport Street: The works include the retention and alteration of the existing light well, which was to be removed as part of the original development. The removal of the light well was considered a benefit to the scheme and it is therefore disappointing that it is to be retained. However, given that it is an existing feature its removal cannot be enforced. The light well is to be enclosed by railings located outside of 6 - 7 Great Newport Street, which is considered a suitable boundary treatment. Conditions should ensure that details of the railings are submitted.

Internal alterations: The new hotel bedrooms on the upper floors are set back from the front façade as shown in both the section and the plan by a glazed internal wall. This set back will visually separate the existing facade from the proposed internal rooms. The glazed internal wall of the hotel bedrooms would still allow for activity to be viewed behind the front facade windows and as such this is not considered to harm the appearance of this building or conservation area.

Amenity

Objections have been received on grounds the amended development would adversely harm the amenity of neighbouring occupiers in terms of loss of light, increased sense of enclosure and overlooking of neighbouring properties, in particular Sandringham Flats.

The works seek to increase the height of the approved rooftop plant enclosure by approx 250mm as well as insert windows in the rear elevation for the additional hotel bedrooms. Given the significant distance between the application site and windows in Sandringham Flats, circa 40 metres, it is not considered that the development would result in any unacceptable loss of light, increased sense of enclosure or overlooking to these properties.

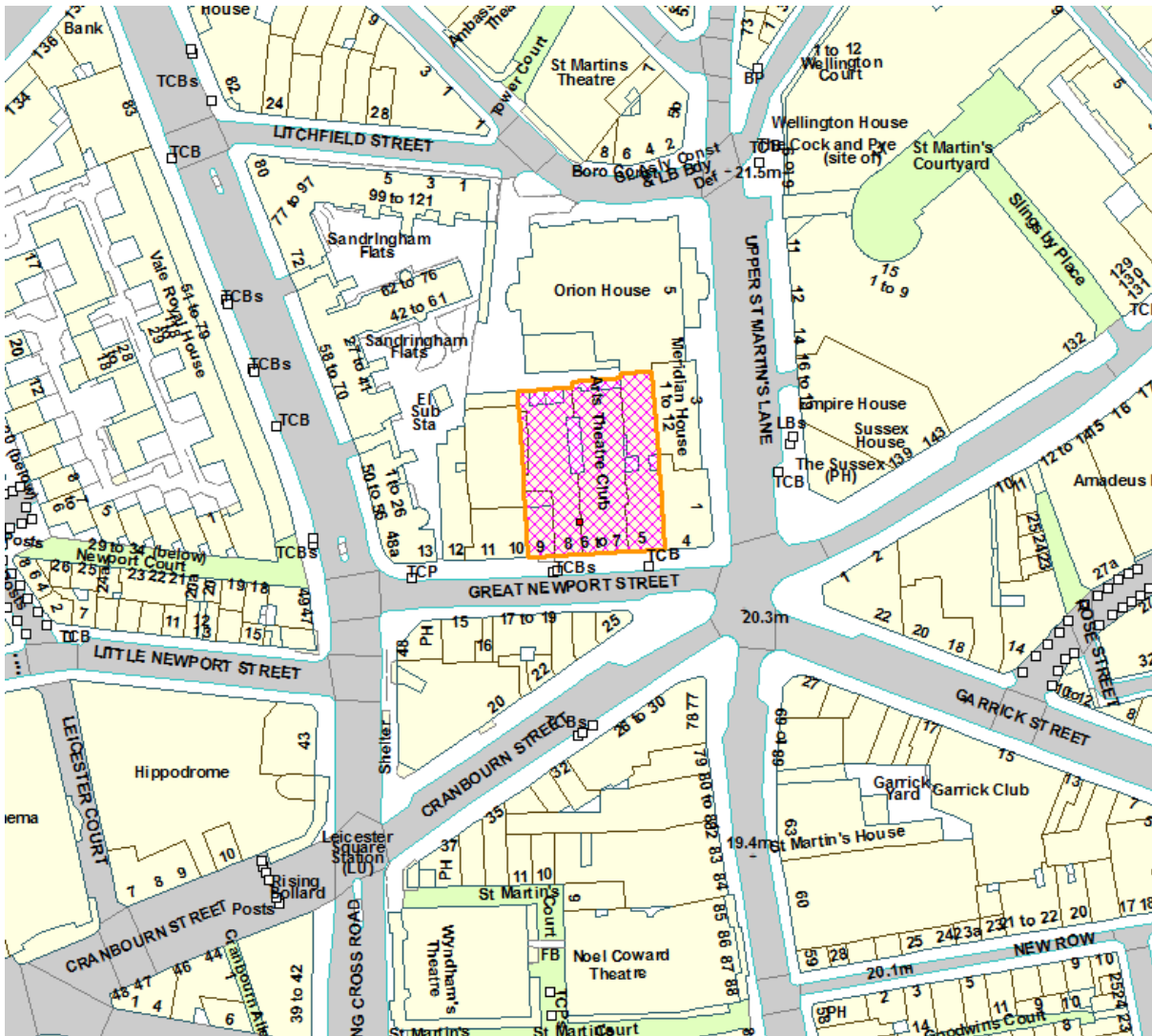
The works seek to increase the amount of plant within the approved plant enclosure at roof level. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, to confirm compliance with the Council's standard noise condition.

Objections have also been received concerned with the structural implications of the proposals. The application is supported by a Structural Engineering Report, which demonstrates that is intended for the proposals to progress structurally as originally intended and permitted. The report has been assessed by Building Control who has advised that the proposed structural approach appears satisfactory. The City Council is not approving this report or conditioning that the works shall

necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

The proposed amendments are considered to be acceptable in land use, design, amenity, transportation and environment terms and would accord with the relevant policies, including those policies that have been adopted since the determination of the previous applications in April 2016, in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). It is therefore recommended that planning permission and listed building consent is granted, subject to the conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5-9 Great Newport Street, London, WC2H 7JB

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

Do not object to proposals to increase the theatre capacity to 400.

Raise objections and concerns on a number of issues:

- Intensification of the hotel use from 66 rooms to 155 rooms, will increase the number of people coming and going as well as increase services and deliveries;
- Proposals increase height and bulk of the development, which was already out of character with the conservation area;
- Height increase will adversely affect neighbouring properties, which already see their views and light disrupted by the permitted scheme.

COVENT GARDEN AREA TRUST

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN:

Any response to be reported verbally.

THE THEATRES TRUST

The Trust cautiously supports the theatre aspect of this application subject to a number of concerns being addressed. Concerns relate to Fire safety and evacuation; Managing performance cross-over; Ceiling heights; Fit-out and ongoing costs; Get-in; Public entry; Part M compliance; and the Theatre operator.

HIGHWAYS PLANNING MANAGER:

Raise concerns on a number of issues:

- The highway alterations notably the retention of the front light well is not securing an improved pedestrian environment;
- Servicing will need to be carefully managed;
- No provision for coach party arrivals is provided;
- Further work is required to address management of coaches, taxis, private hire vehicles and servicing - recommends a condition requiring a robust Servicing Management Plan.

BUILDING CONTROL:

The structural method statement is considered to be acceptable.

LONDON UNDERGROUND:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 247

Total No. of replies: 8

No. of objections: 8

Objections received on some or all of the following grounds:

- Risk of structural damage to adjoining buildings;
- Increase in foot fall, servicing, traffic, pollution, noise and disturbance;
- Loss of light and increased sense of enclosure to Sandringham Flats;
- Overlooking of neighbouring properties;
- Lack of engagement from the applicant and planners with local residents.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

12/03930/FULL

Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.

Application Permitted 29 April 2016

17/03551/FULL

Variation of condition 26 and 27 of planning permission dated 28 April 2016 (RN: 12/03930/FULL) for the 'demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level'. Namely, to vary the requirement to attain a BREEAM rating of 'Outstanding' to a BREEAM rating of 'Very Good'.

Application Permitted 4 December 2017

18/01411/NMA

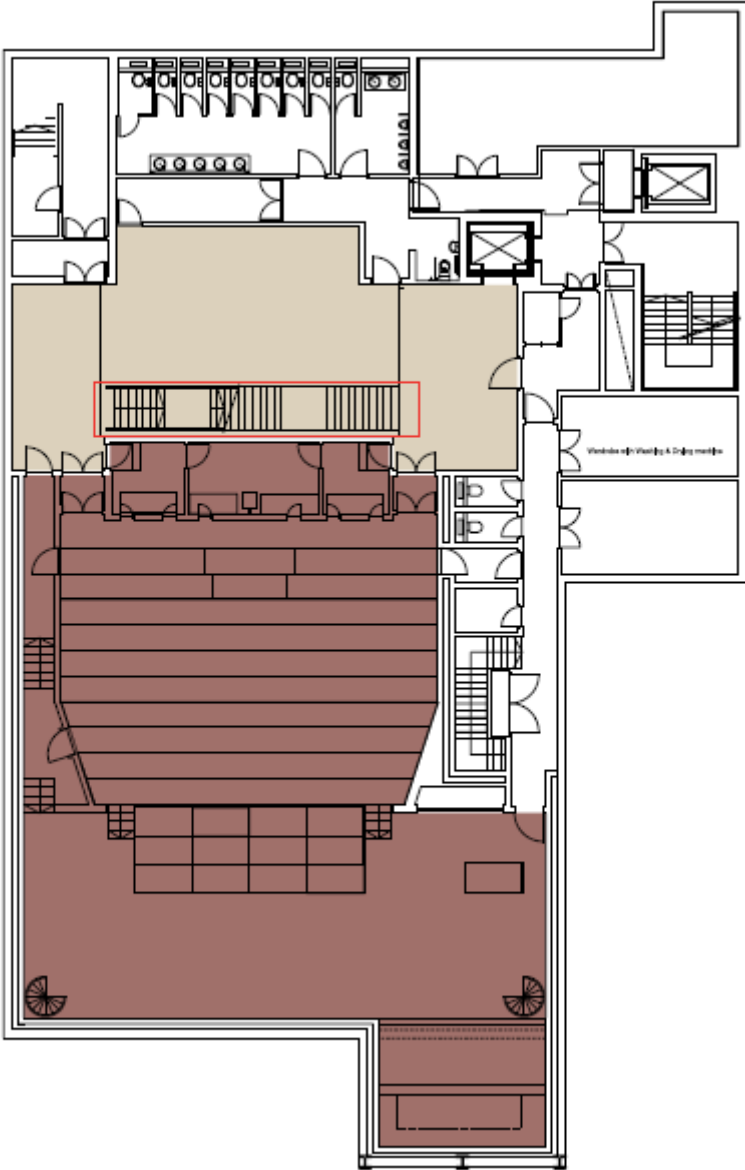
Amendments to planning permission dated 29 April 2016 (RN: 12/03930) for: Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level; namely, to amend the description of development to remove reference to the number of hotel rooms.

Application Permitted 22 February 2018

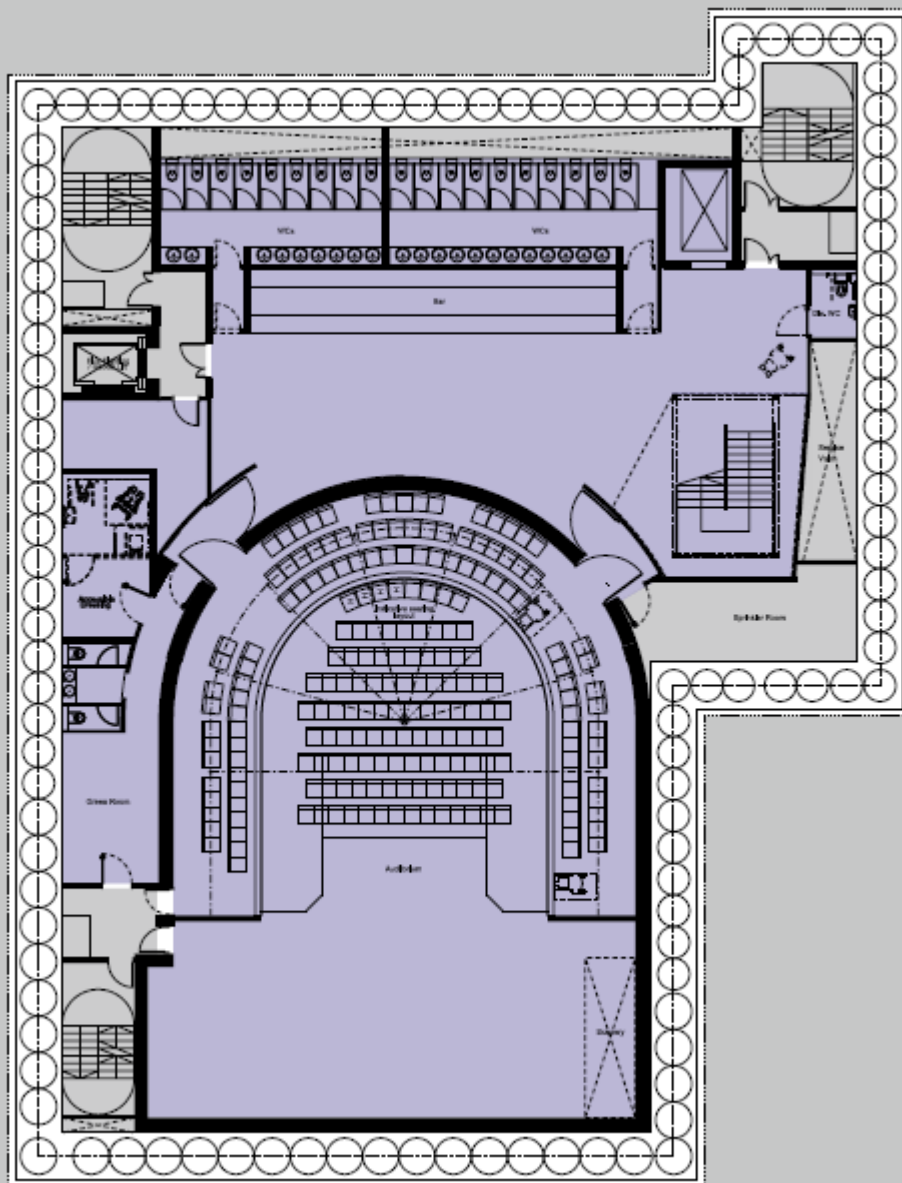
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

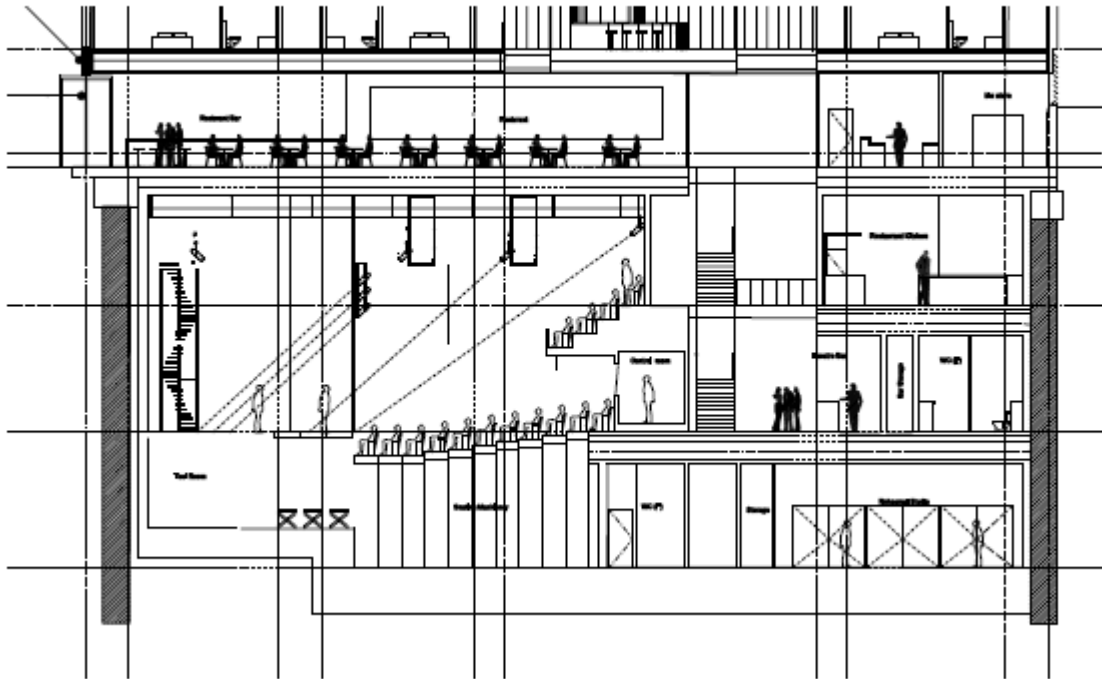
7. KEY DRAWINGS



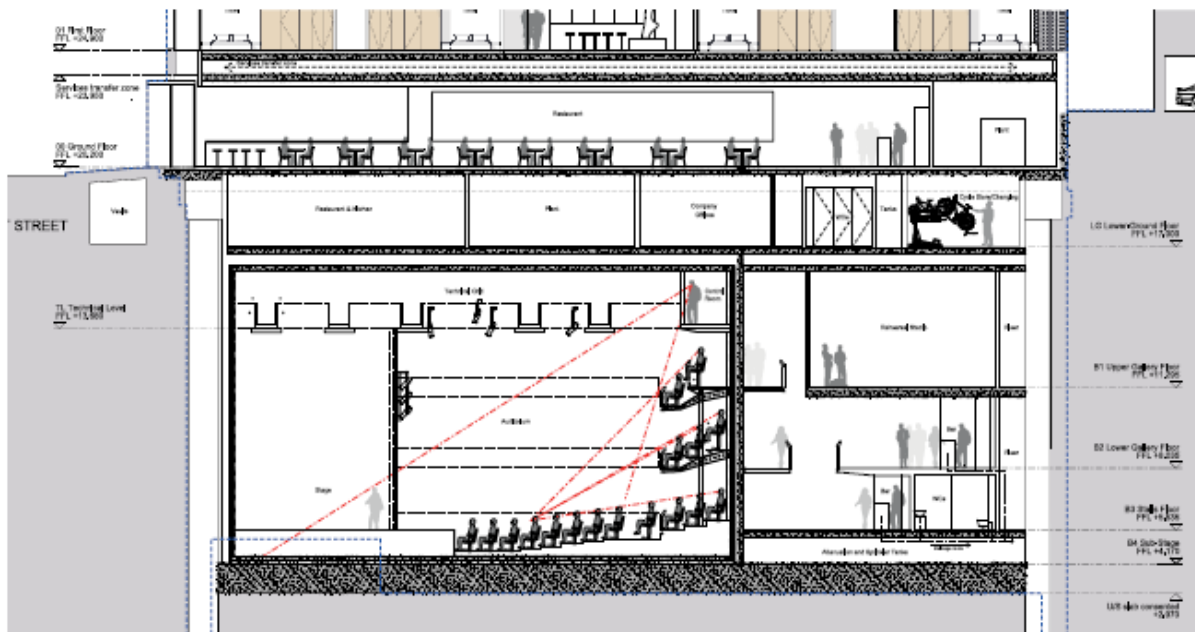
CONSENTED Theatre layout



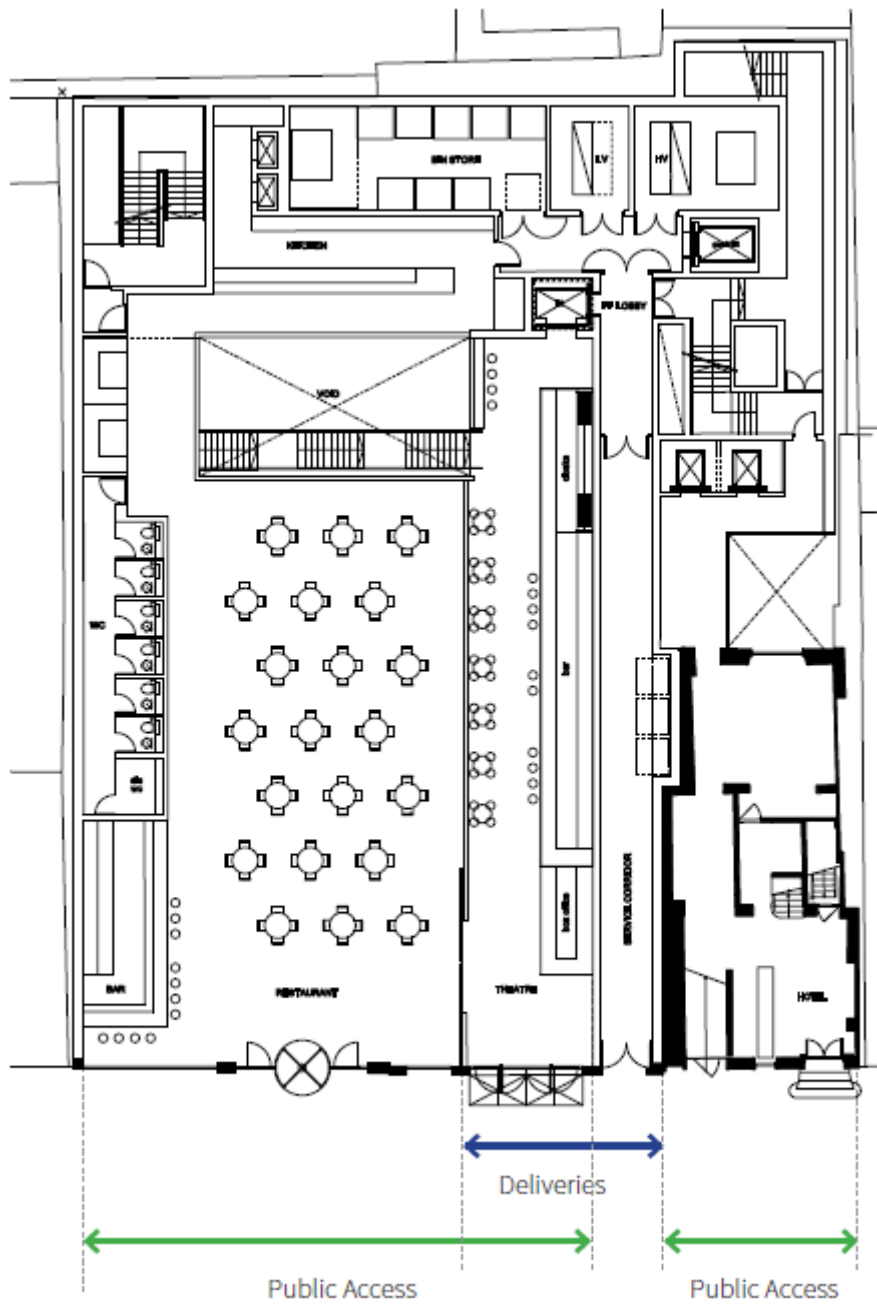
PROPOSED Theatre layout



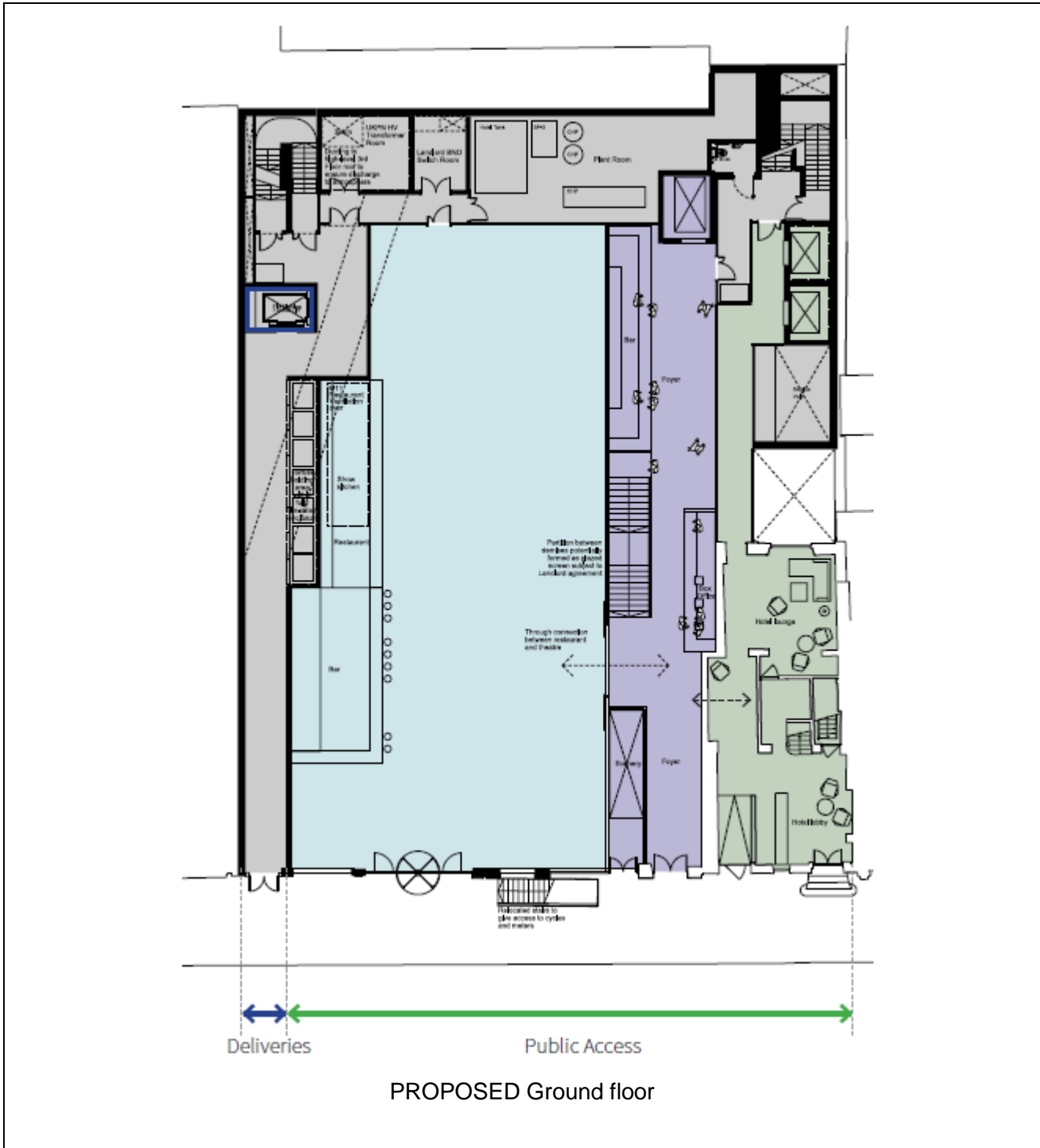
CONSENTED Theatre section

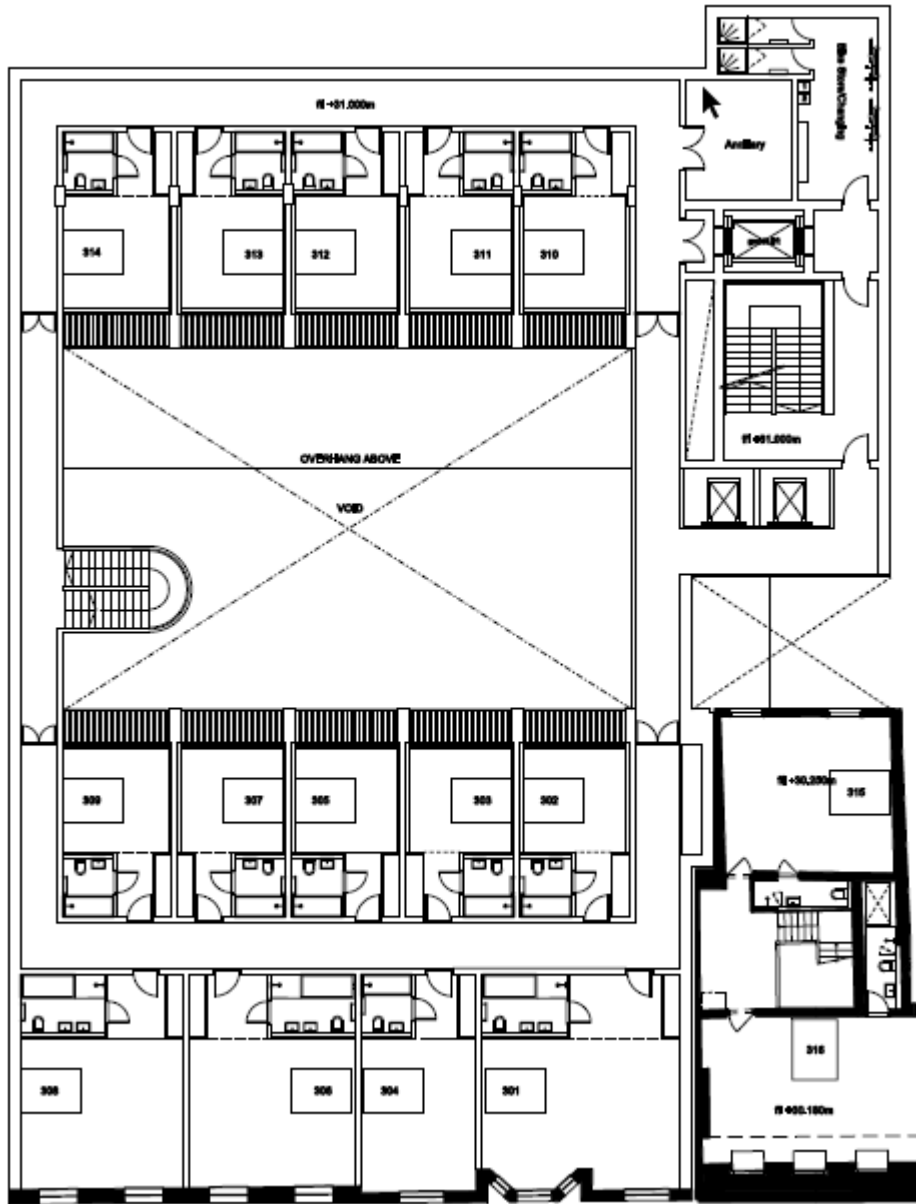


PROPOSED Theatre section

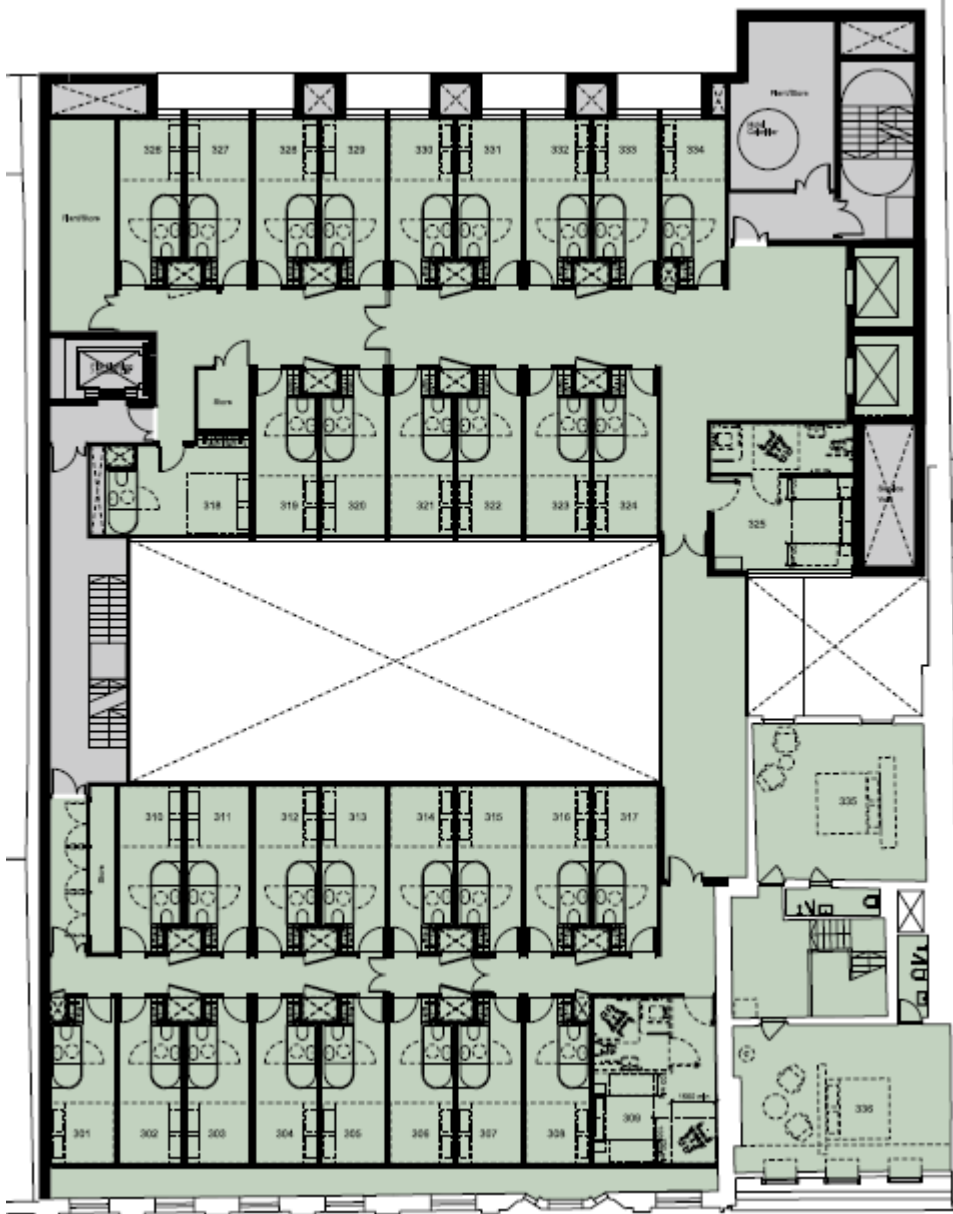


CONSENTED Ground floor

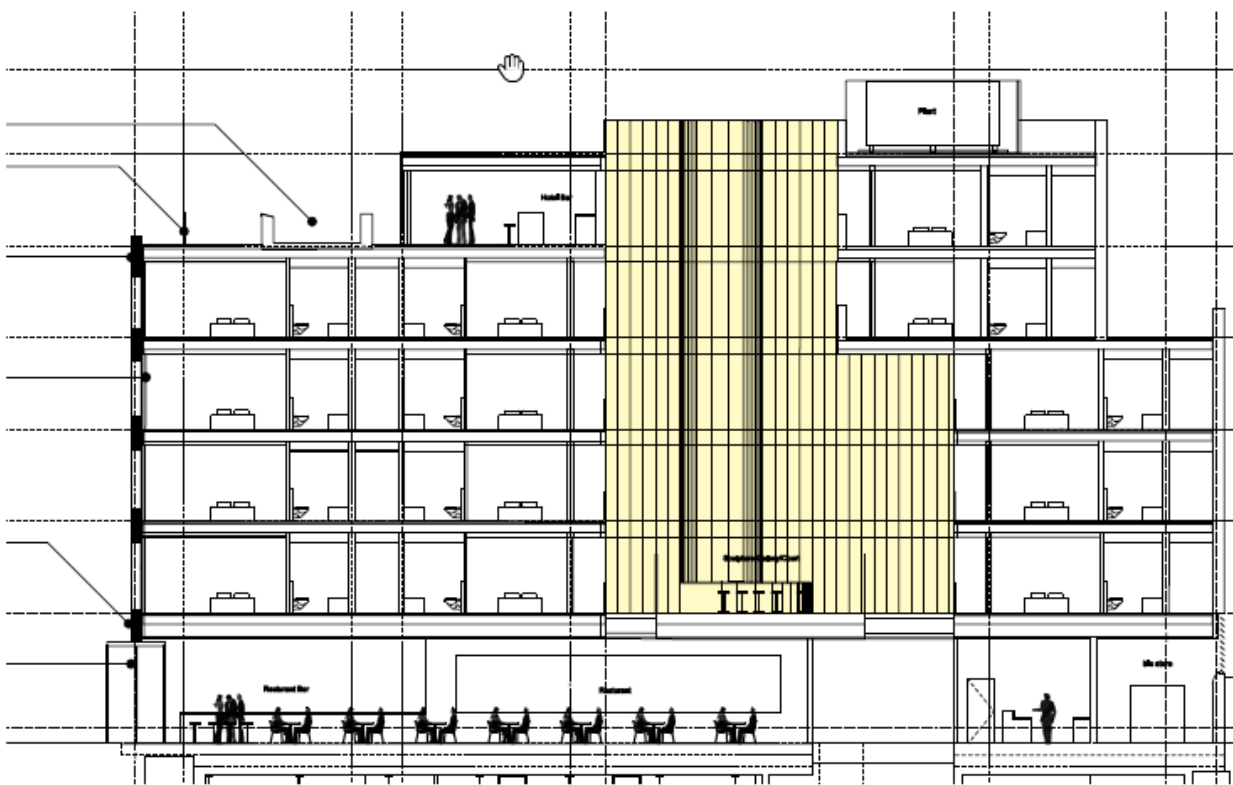




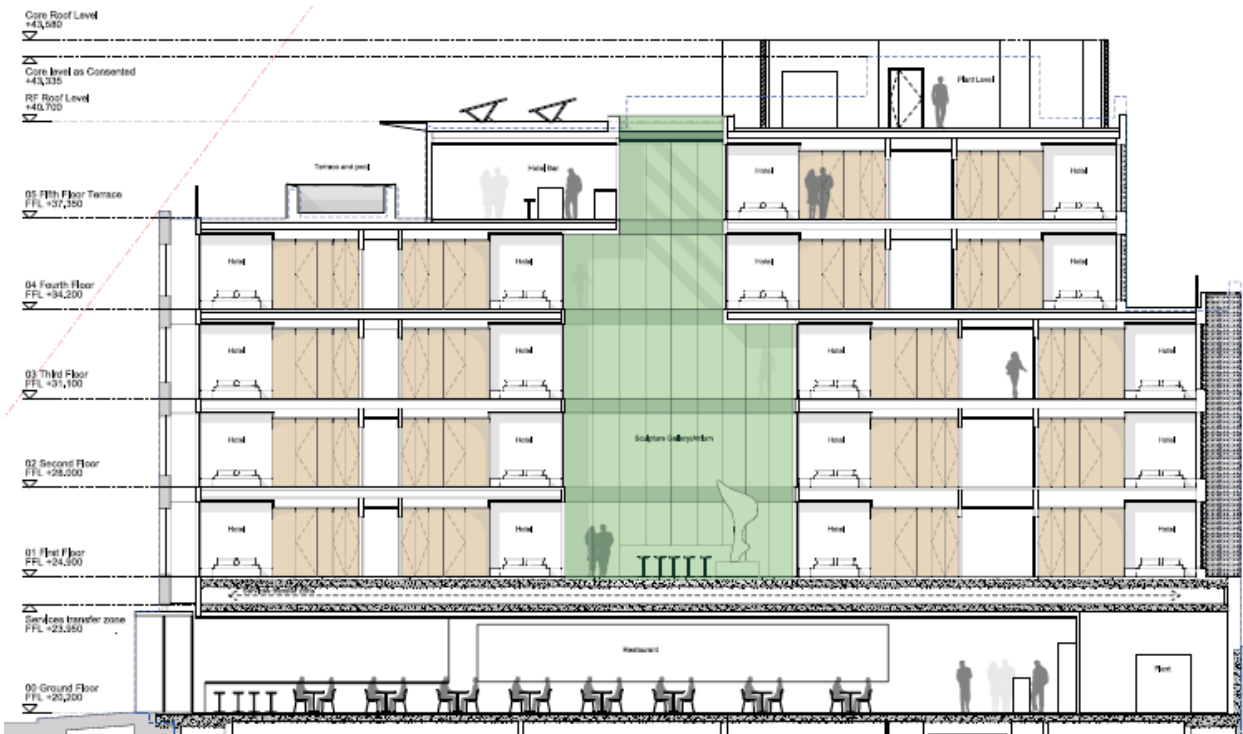
CONSENTED Hotel layout (second floor)



PROPOSED Hotel layout (second floor)



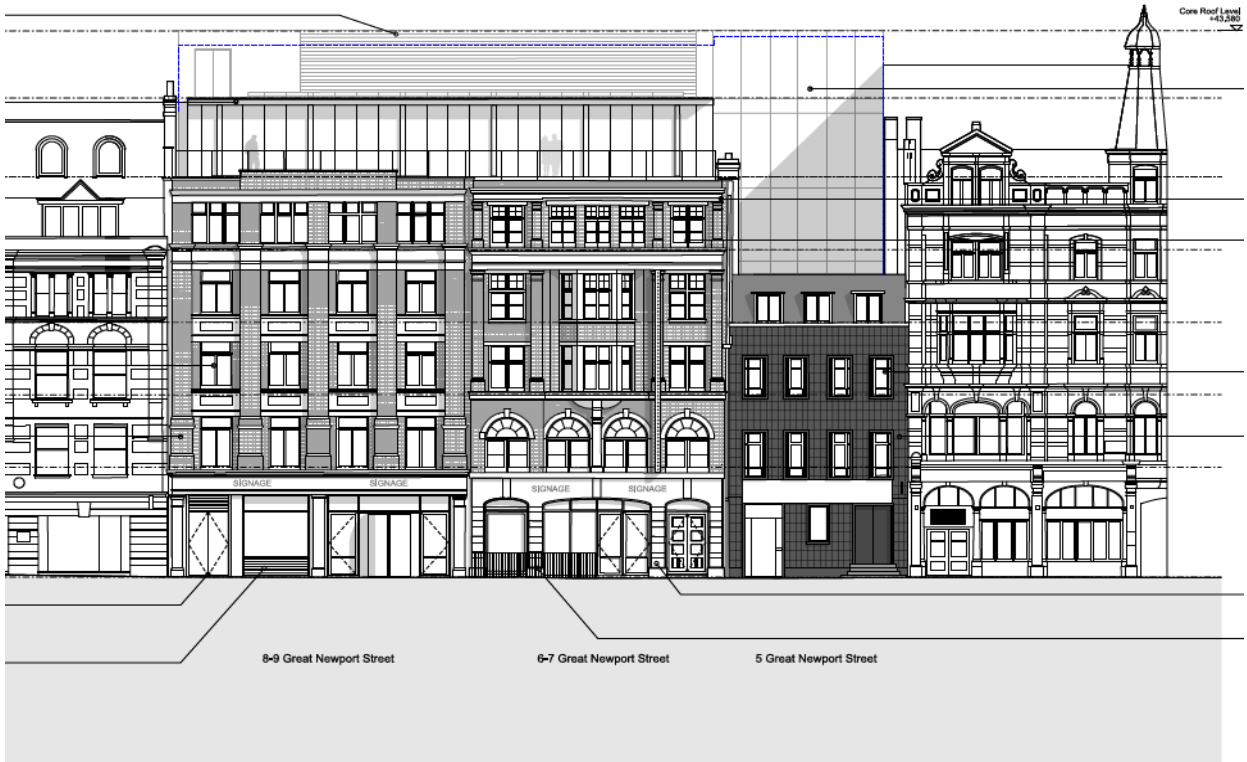
CONSENTED Hotel Atrium



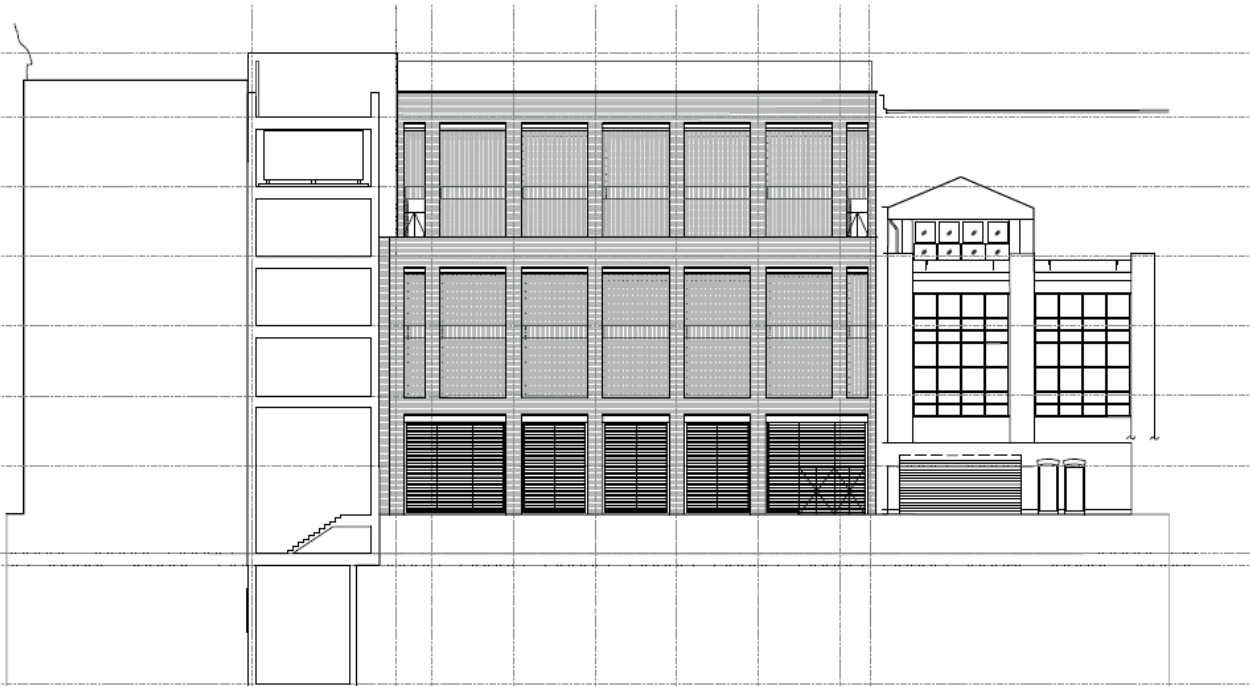
PROPOSED Hotel Atrium



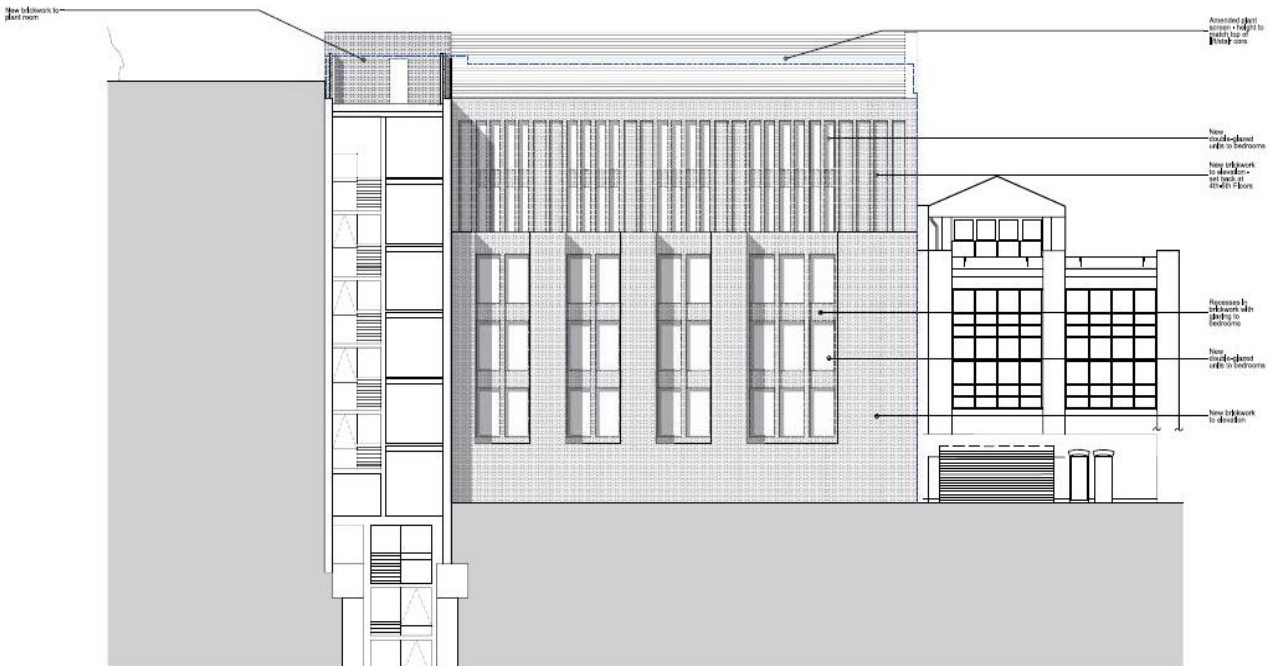
CONSENTED Front elevation



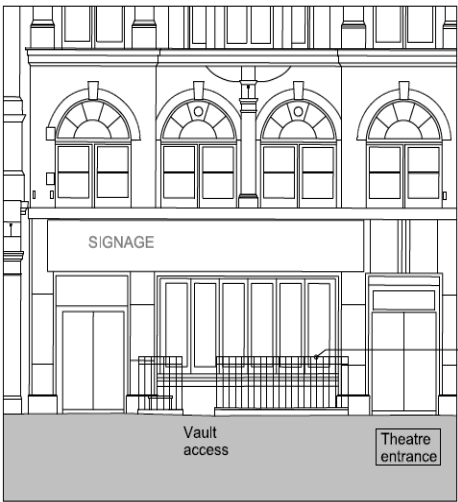
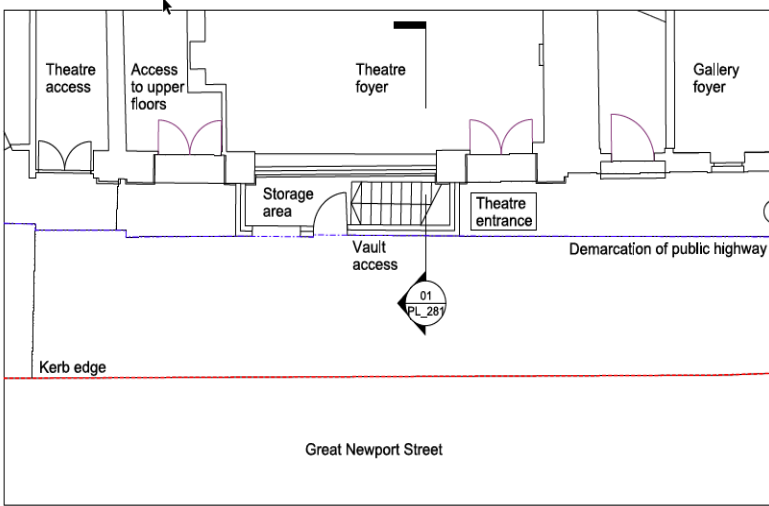
PROPOSED Front elevation



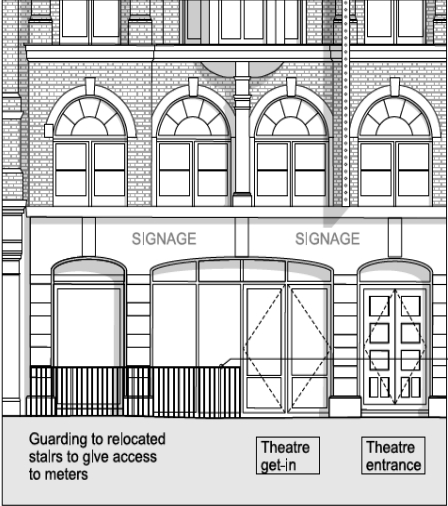
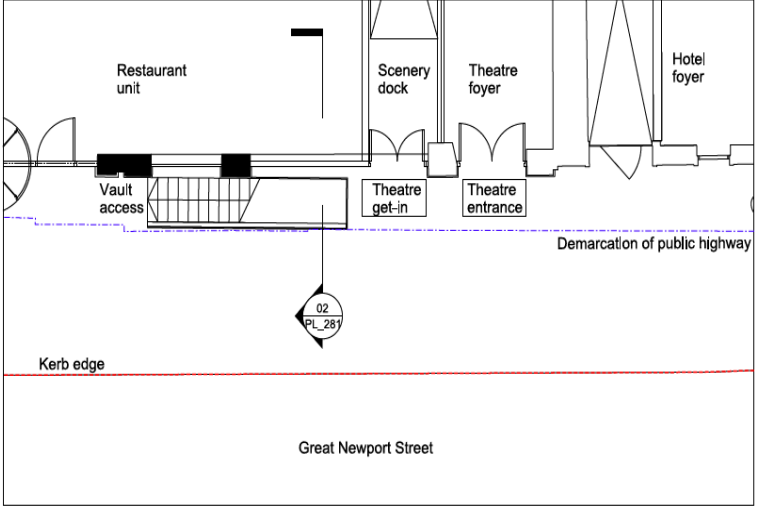
CONSENTED Rear elevation



PROPOSED Rear elevation



EXISTING Part plan and elevation showing front lightwell



PROPOSED Part plan and elevation showing new front lightwell

DRAFT DECISION LETTER

Address: Development Site At, 5-9 Great Newport Street, London, WC2H 7JA,

Proposal: Variation of conditions 1 and 36 of planning permission dated 29 April 2016 (RN: 12/03930/FULL) for 'Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level'. Namely, to allow amendments to the consented scheme including increase the theatre capacity to over 400 seats, intensification of the hotel use from 66 rooms to 155 rooms, provide 24 cycle parking spaces, fenestration changes to rear elevation including new windows, increase the height and amount of plant within the rooftop plant enclosure, alterations to ground floor level shopfronts, creation of lightwell enclosed by railings outside 6 - 7 Great Newport Street, and internal alterations.

Reference: 18/01160/FULL

Plan Nos: RN:18/01160/FULL
 1427_PL010, 1427_PL_194, 1427_PL_195, 1427_PL_196, 1427_PL_197,
 1427_PL_198, 1427_PL_199, 1427_PL_200, 1427_PL_201, 1427_PL_202,
 1427_PL_203, 1427_PL_204, 1427_PL_205, 1427_PL_206, 1427_PL_207,
 1427_PL_260, 1427_PL_261, 1427_PL_270, 1427_PL_271, 1427_PL_272,
 1427_PL_275, 1427_PL_280, 1427_PL_281
 RN: 12/03930/FULL
 Location Plan, 3207_00_207 B, 208 D, 209 B, 210 B, 211 C, 214 A, Existing Front Elevations (unnumbered), 3207_80, 1427_PL_28120_101 C, 102 C, 103 C, 104 C, 105 C, 106 C, 107 C, 108 C, 109 D, 110 C, 111 C, 112 C, 113 B, 200 A, 201 E, 202 E, 203 I, 204 G, 205 E, 206 F, 207 E, 208 K, 209 K, 210 H, 211 J, 212 M, 213 M, 214 H, 215 E, 216 N, 218 J, 219 D, 220 C, Design and Access Statement dated April 2012, Design and Access Statement Addendum dated November 2013, Planning Statement dated April 2012, Letter from Turley Associates dated 17.12.2013, Report of Theatre Design Consultant Ian Albery dated 09.09.2013, Letter from Ian Albery dated 16.04.2014, Report of Anne Minors dated July 2012, Letter from Anne Minors dated 09.04.2014, Historic Buildings Architect's Report dated April 2008, Heritage Statement dated April 2012, Archaeological Desktop Assessment dated April 2008, Environmental and Planning Noise Report dated 05.04.2012, Daylight and Sunlight Report dated 23.03.2012, Sustainability and Energy Report dated April 2012, Transport Assessment dated 03.04.2012. For information purposes only - Excavation and Facade Retention Feasibility Report dated April 2008, Structural Engineers Concepts Report dated 30.09.2013, Daylight and Sunlight Study dated 08 December 2014.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

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 (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;

Item No.
3

(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.

- 4 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.

- 5 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 3 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.

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1427_PL_199 and 1427_PL_200. You must clearly mark them and make them available at all times to everyone using the uses hereby approved. (C14FB)

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)

- 7 Notwithstanding what is shown on the plans, you must hang all doors or gates so that they do not open over or across the road or pavement.

Reason:

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

- 8 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- provide details on all structures;
 - accommodate the location of the existing London Underground structures and tunnels;
 - accommodate ground movement arising from the construction thereof; and
 - mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.
- The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy 3C.4 and 'Land for Transport Functions' Supplementary Planning Guidance.

- 9 **Pre Commencement Condition.** You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work. You must not start any construction work until we have approved what you have sent us., You must then carry out the work according to the approved design and method statement. (C32AB)

Reason:

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

- 10 **Pre Commencement Condition.**
- (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)

- 11 No works of demolition authorised by this permission shall take place until the applicant has implemented a programme of building recording and analysis of the existing Arts Theatre by person or body approved by the Council as local planning authority. This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority advised by the

Item No.
3

Theatres Trust. The recording shall then be carried out according to the written scheme and no demolition work shall be carried out until the recording and analysis report has been received and approved by the City Council advised by the Theatres Trust.

Reason:

To ensure that the history of the site is recorded as set out in DES 11 of the 2007 UDP.

- 12 You must apply to us for approval of an operational management plan in relation to the hotel, restaurant and theatre. This should include details to show how you will control the use of the rooftop pool and terrace and how you will prevent customers who are leaving the buildings from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the hotel, restaurant and/or theatre use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel, restaurant and/or theatre is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 6 and 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);,
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;,
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);,
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and,
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details. (C21MB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 14 The restaurant area shall be restricted to the area shown on the approved drawings and shall contain no more than 100 covers.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 15 No customer, hotel resident or guest shall be permitted onto the rooftop terrace and pool area before 0800 or after 2200 each day.

Item No.
3

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 2 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 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 Covent Garden 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)

- 17 You must apply to us for approval of details of the following parts of the development with detailed drawings at a scale of 1:10 and full size details –

- (i) all new windows and external doors,
- (ii) new canopy over theatre entrance,
- (iii) plant screen at roof level,
- (iv) all new shopfronts,

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 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 Covent Garden 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden 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)

Item No.
3

20 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Covent Garden 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)

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

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

23 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - All new rooftop balustrades to be made of black painted metal. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden 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)

24 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

Item No.
3

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 25 You must apply to us for approval of a Servicing Management Plan, which includes details of how the hotel, restaurant and theatre will be serviced, including details proposing the hours of servicing for each use. You must not occupy the hotel or restaurant until we have approved what you have sent us. Thereafter you must then manage the servicing in accordance with the Servicing Management Plan that we approve, unless we agree an alternative Servicing Management Plan in writing.

Reason:

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

- 26 The development shall achieve an 'Very Good' rating under the BREEAM 2011 New Construction Assessment Scheme (or any such national measure of sustainability for design that replaces that scheme of the same standard).

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 27 The BREEAM assessment required by condition 26 must be completed and certified by the Building Research Establishment and a copy of the certificate detailing the award score for the building shall be submitted to us within 3 months of first occupation. In the event that this fails to meet the proposed 'Very Good' rating (or equivalent) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 28 You must not allow more than 120 customers into the hotel bar at first floor level at any one time. The first floor bar area is the part of the property annotated on approved drawing no. 3207_20_204 F as the 'Sculpture Gallery/Hotel Terrace'.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 29 You must not allow a total of more than 100 customers into the hotel bar and terrace at fifth floor level at any one time. The fifth floor bar area and external terrace is the part of the property shown on approved drawing no. 3207_20_208 H.

Reason:

Item No.
3

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 30 Customers shall not be permitted within the restaurant premises before 0800hrs or after 0000hrs (midnight) Sunday to Wednesday, or before 0800hrs and 0100hrs Fridays to Saturdays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 31 The first and fifth floor bar areas within the hotel hereby approved shall not be open to customers (other than hotel residents (those staying overnight at the hotel)) between the following times: 0900hrs to 0000hrs (midnight) Monday to Thursday; and 0900hrs to 0030hrs Friday to Sunday.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 32 Customers shall not be permitted within the theatre premises before 0800hrs or after 0000hrs (midnight) Sunday to Wednesday, or before 0800hrs and 0200hrs Fridays to Saturdays.

Reason:

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

- 33 You must provide the access and all additional facilities including accessible toilets and theatre seating for people with disabilities as shown on the approved drawings before you use the building.

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007.

- 34 You must apply to us for approval of detailed drawings of the following parts of the development-
- detailed plans showing the route of the kitchen extract ducts through the building and detailed plans, section and elevation of where where they terminate to the external parts of the building.
- detailed plans and sections of the glazed roof to the hotel atrium.
You must not start work on the development above ground level until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and

Item No.
3

appearance of this part of the 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)

35 You must not create any additional useable floorspace within the hotel atrium.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

36 The theatre must provide 400 seats or more.

Reason:

Because of the special circumstances of this case and to make sure it meets S22 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 5 and TACE 6 of our Unitary Development Plan that we adopted in January 2007.

37 The flat roof areas at the rear of the new building as a result of the setbacks should not be used as terraces or for sitting out or for any other purpose. You can however use the flat roof areas to escape in an emergency (C21AA).

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

38 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

39 No waste should be left or stored on the public highway.

Reason:

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

40 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 14 or more persons to travel to and from the premises.

Reason:

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

- 41 This permission must be commenced no later than 29 April 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 29 April 2016 (RN 12/03930/FULL) which must be commenced no later than the above date.

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 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to; demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and

Item No.
3

existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 8 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 9 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 11 Developing this site is likely to damage archaeological remains. Archaeological work must be carried out in line with condition . Please contact English Heritage's Archaeological Officer on 020 7973 3732 to discuss the work which is necessary. (I66AA)
- 12 You are advised that all illuminated advertisements or high level advertisements require express advertisement consent before they can be displayed. Notwithstanding what is shown on the approved drawings this permission does not approve the display of such advertisements.

Item No.
3

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

- Address:** Development Site At, 5-9 Great Newport Street, London, WC2H 7JA
- Proposal:** Variation of condition 1 of listed building consent dated 29 April 2016 (RN: 12/03931/LBC) for 'Demolition of rear addition to No. 5 Great Newport Street, and internal alterations within listed building at No. 5. Works in association with works at Nos. 6-9 Great Newport Street to carry out partial demolition behind retained front facades, excavation and redevelopment to provide a building comprised of basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to facade, for a new theatre and ancillary facilities at ground floor (part) basement and lower ground floor levels, restaurant (Class A3) on the ground floor and lower ground floors and a hotel at ground floor (part) and first to sixth floor levels, associated hotel bar and sculpture gallery at part ground floor level'. Namely, to allow amendments to the consented scheme including increase the theatre capacity to over 400 seats, intensification of the hotel use from 66 rooms to 155 rooms, provide 24 cycle parking spaces, fenestration changes to rear elevation including new windows, increase the height and amount of plant within the rooftop plant enclosure, alterations to ground floor level shopfronts, creation of lightwell enclosed by railings outside 6 - 7 Great Newport Street, and internal alterations linked to 18/01160/FULL.
- Plan Nos:** RN: 18/05525/LBC
 1427_PL010, 1427_PL_194, 1427_PL_195, 1427_PL_196, 1427_PL_197,
 1427_PL_198, 1427_PL_199, 1427_PL_200, 1427_PL_201, 1427_PL_202,
 1427_PL_203, 1427_PL_204, 1427_PL_205, 1427_PL_206, 1427_PL_207,
 1427_PL_260, 1427_PL_261, 1427_PL_270, 1427_PL_271, 1427_PL_272,
 1427_PL_275, 1427_PL_280, 1427_PL_281
 RN: 12/03931/LBC
 Location Plan, 3207_00_207 B, 208 D, 209 B, 210 B, 211 C, 214 A, Existing Front Elevations (unnumbered), 3207_20_101 C, 102 C, 103 C, 104 C, 105 C, 106 C, 107 C, 108 C, 109 D, 110 C, 111 C, 112 C, 113 B, 200 A, 201 E, 202 E, 203 I, 204 G, 205 E, 206 F, 207 E, 208 K, 209 K, 210 H, 211 J, 212 M, 213 M, 214 H, 215 E, 216 N, 218 J, 219 D, 220 C, Design and Access Statement dated April 2012, Design and Access Statement Addendum dated November 2013, Historic Buildings Architect's Report dated April 2008, Heritage Statement dated April 2012, Archaeological Desktop Assessment dated April 2008.

Case Officer: David Dorward **Direct Tel. No.** 020 7641 2408

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

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

Reason:

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

- 2 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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of details of the following parts of the development with detailed drawings at a scale of 1:10 and full size details -

- (i) all new secondary glazing
- (ii) all new doors

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 approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 All existing floorboards are to be retained in situ.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

- 1) A historic paint analysis report and colour samples and drawings annotated to show new decorative schemes for all rooms and the main staircase,
- 2) Details of the scope of paint removal and plasterwork repairs,
- 3) Details of the installation of mechanical and electrical services where they affect historic fabric,
- 4) A method statement and schedule setting out all works of repair and restoration to carpentry, joinery, and plasterwork.

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 special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings of the following parts of the development-

- detailed plans showing the route of the kitchen extract ducts through the building and detailed plans, section and elevation of where where they terminate to the external parts of the building
- detailed plans and sections of the glazed roof to the hotel atrium

You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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 March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

Item No.

~~5~~

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	5-9 Great Newport Street, London, WC2H 7JB		
Proposal	Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.		
Agent	Iceni Projects		
On behalf of	Consolidated Development Ltd		
Registered Number	12/03930/FULL and 12/03931/LBC	Date amended/ completed	
Date Application Received	19 April 2012		
Historic Building Grade	Grade II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Does Committee agree that:

1. Securing 'PW (Peter Wilson) Productions Ltd' as a theatre operator, would offer sufficient reassurance that a theatre will be provided, and balances the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift.
2. The offer to provide the theatre at a rent level agreed between the applicant and 'PW (Peter Wilson) Productions Ltd' is sufficient to justify overturning the City Council's normal policy requirements to protect the existing D1 floorspace, and to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial

floorspace.

3. The amendments to the rear elevation (reduction in height and bulk at fourth and fifth floor levels) together with the submission of an addendum Sunlight/ Daylight Report, addresses concerns regarding the impact upon residents in Sandringham Flats.
4. The operating hours of the restaurant and bar detailed in the report and the amended hours of use of the roof top terrace and pool area to 0900 - 2200 hours (as requested by committee) are acceptable despite requests by the applicant to revisit these hours and extend the hours of the restaurant and bar.
5. The applicant's draft legal agreement dated 02 March 2016 is sufficiently robust to secure provision of the replacement theatre fitted-out to shell and core prior to occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographer's gallery, and to ensure that the £600,000 being offered is only used to fit out the theatre.
6. Subject to 1 - 5 above, resolve to grant conditional permission subject to the completion of a section 106 legal agreement to secure the following :
 - a) The provision of a replacement theatre fitted out to shell and core prior to the occupation of the hotel and restaurant.
 - b) The placing of £600,000 (index linked to when this was previously agreed by committee in 2014) into an escrow account to be released to a theatre operator to fund the fit out of the theatre.
 - c) To secure the Theatre space to be operated by 'PW (Peter Wilson) Productions Ltd' or another theatre operator with West End experience proposed by the Developer and approved by the Council or a theatre operator determined by a senior representative from the Theatres Trust to have West End experience.
 - d) The theatre space to be used for theatrical performances on at least 320 days a year (further details within the legal agreement).
 - e) To ensure the link between the theatre and restaurant is open before, during and after performances.
 - f) The provision and retention of a publicly accessible curated sculpture gallery within the hotel.
 - g) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £(TBC by Council's Environmental Sciences Team) per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
 - h) s106 monitoring costs.
7. If the agreement has not been completed by 31 July 2016 then:

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

b) The Director of Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

8. Grant conditional listed building consent.

9. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.

2. SUMMARY

The application was considered by Planning Committee on 13 May 2014 where it was deferred to allow the applicants to address the following issues raised by the committee:

1. The committee welcomed the reinstatement of the theatre in principle but noted that failure to secure an acceptable operator was a key issue. Members therefore agreed that, if the City Council were to accept the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift, then confirmation of an acceptable operator would be necessary to offer sufficient reassurance that a theatre will be provided.
2. The committee further agreed that the applicant will need to offer the new theatre at peppercorn rent in order to justify overturning the City Council's normal policy requirements to protect the existing D1 floorspace, and to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace.
3. Members raised concerns regarding the significant proposed increase in the height and bulk of the rear of the building and the detrimental impact upon residents in Sandringham Flats. The committee therefore requested that the height and bulk of the proposed extension be addressed.
4. Members were largely content with the operating hours detailed in the report and did not agree to the extended hours as requested by the applicant in their late representation dated 13 May 2014. The committee requested that the hours of use of the roof top pool be amended to 09:00 – 22:00 hours.
5. Members raised further concerns regarding the detail of the draft S106 agreement produced by the applicant, which the committee unanimously determined to be insufficiently robust as to protect the

Item No.
5

interests of the City Council. Members noted that any draft legal agreement must secure provision of the replacement theatre fitted-out to shell and core prior to the occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographers gallery and to ensure that the £600,000 being offered is only used to fit out the theatre.

6. The committee also agreed that the applicant must contribute towards S106 construction monitoring costs and pay CiL obligations.

The applicant has sought to address the issues as follows:

1. Theatre operator

The applicant's favoured theatre operator is 'PW (Peter Wilson) Productions Ltd' (A detailed brochure prepared by the theatre operator, and a testimonial letter by Julian Bird of the Society of London Theatre (SOLT) and the UK Theater Association (UKT) is included in the background papers).

The committee is asked to consider whether they agree that securing 'PW Productions Ltd' as a theatre operator, would offer sufficient reassurance that a theatre will be provided, and balances the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift.

2. Rent

'PW Productions Ltd' has confirmed that the rent for the theatre space has been agreed in principle with the applicant 'Consolidated Developments' at a level which they consider satisfactory to ensure the viable operation of the theatre (A letter by PW Productions dated 30 March 2016 is included in background papers).

Committee previously resolved that the applicant will need to offer the new theatre at peppercorn rent in order to justify overturning the City Council's normal policy requirements to protect the existing D1 floorspace, and to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace.

Committee is asked to consider whether the offer to provide the theatre at a rent level agreed between the applicant and 'PW Productions Ltd' is sufficient to justify overturning the City Council's normal policy requirements.

3. Amendments to rear elevation (height and bulk)

The height and bulk of the rear of the building has been reduced by introducing setbacks at fourth and fifth floor levels. The applicant has also submitted a further Sunlight/ Daylight Report which has assessed the impact of the development upon neighbouring properties in accordance with the BRE guidelines: Site Layout Planning for Daylight and Sunlight 2011.

Objections have been received from neighbours and the Covent Garden Community Association following re-consultation on the amended proposals. Objectors are still concerned about the height and bulk of the rear elevation and the impact upon residents within Sandringham Flats in terms of loss of daylight and sunlight.

Daylight

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight and no further tests are required.

The applicant's daylight assessment results show that the vast majority of the surrounding residential windows will continue to receive good levels of daylight in accordance with the BRE Guidelines criteria.

The only windows that fail are 3 x windows within block 27 – 41 Sandringham Flats, and 10 x windows within block 1 – 26 Sandringham Flats.

Where there are instances of changes to daylight in excess of the BRE guidelines (3 x windows within block 27 – 41 Sandringham Flats, and 10 x windows within block 1 – 26 Sandringham Flats), these occur where the existing light levels are so low already, that any reduction would show as being high in percentage terms but is unlikely to be noticeable to the occupant. These windows are already obstructed by overhanging balconies. The BRE guide acknowledges that existing windows with balconies above them typically receive less daylight as the balcony cuts out light from the top part of the sky and even a modest obstruction opposite may result in a large relative impact on VSC. The BRE guide goes on to explain that an additional calculation may be carried out assuming the balconies do not exist. If the windows meet the targets on this basis then this confirms that it is the balcony that prevents the targets from being met as opposed to an unreasonable level of obstruction caused by the development. The affected windows pass the VSC test when measured without the overhanging balconies. It is therefore considered that the proposed development satisfies the BRE daylight requirements.

Sunlight

The BRE guidelines states that sunlight availability may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March; and
- receives less than 0.8 times its former sunlight hours during either period; and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Item No.
5

All neighbouring windows which face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight requirements.

It is considered that the amendments to the rear elevation (reduction in height and bulk at fourth and fifth floor levels), addresses concerns regarding the impact upon residents in Sandringham Flats. The results of the Sunlight/ Daylight Report demonstrates that the development design satisfies all of the requirements set out in the BRE guide: Site Layout Planning for Daylight and Sunlight 2011.

Sense of enclosure

The new setbacks incorporated into the design of the upper floors between fourth and seventh floor levels would also help minimise the apparent increase in bulk of the development.

Given the significant distance between the application site and windows in Sandringham Flats, circa 40 metres, it is not considered that the development would result in any unacceptable sense of enclosure to these properties.

It is considered that the reduction in height and bulk of the rear has addressed the concerns raised by committee.

4. Hours

Committee is asked to consider whether the operating hours of the restaurant and theatre space bar detailed in the report are acceptable despite requests by the applicant to revisit and extend these hours.

Conditions 30 and 32 control hours of the ground floor restaurant, as well as the theatre space and theatre bar on the lower ground floor. Members were largely content with the operating hours detailed in the report and did not agree to the extended hours as previously requested by the applicant.

The applicant wishes to revisit these hours and extend the hours of the restaurant and theatre space/ bar. The applicant argues that the existing premises is not subject to planning control and the current license allows the theatre to remain open to midnight and the existing restaurant (Salvador and Amanda) until 3.30am. The applicant also states that the hours detailed in the report would restrict the operation of the site beyond that which facilitates a commercially viable operation.

The applicant requests, that the restaurant be allowed to open until 0100hrs Thursday to Saturday, and the theatre space and bar until 0200hrs Thursday to Saturday.

Despite this request, it is recommended that the restaurant, and theatre space and bar are subject to the hours detailed in the original report. Granting permission for this new development would give the City Council control over its operation and it is considered that this would help bring about some improvements in amenity terms, i.e. reduction in late night activity, when compared with the existing

situation.

Conditions 30 and 32 are recommended as set out in the original report/ detailed below:

Condition 30: Customers shall not be permitted within the restaurant premises before 0800hrs or after 0000hrs (midnight) Monday to Thursday, or before 0800hrs and 0030hrs Fridays to Sundays.

Condition 32: Customers shall not be permitted within the theatre premises before 0800hrs or after 0000hrs daily.

5. Draft s106

The applicant has produced a draft legal agreement which seeks to secure provision of the replacement theatre fitted-out to shell and core prior to occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographer's gallery, and to ensure that the £600,000 being offered is only used to fit out the theatre.

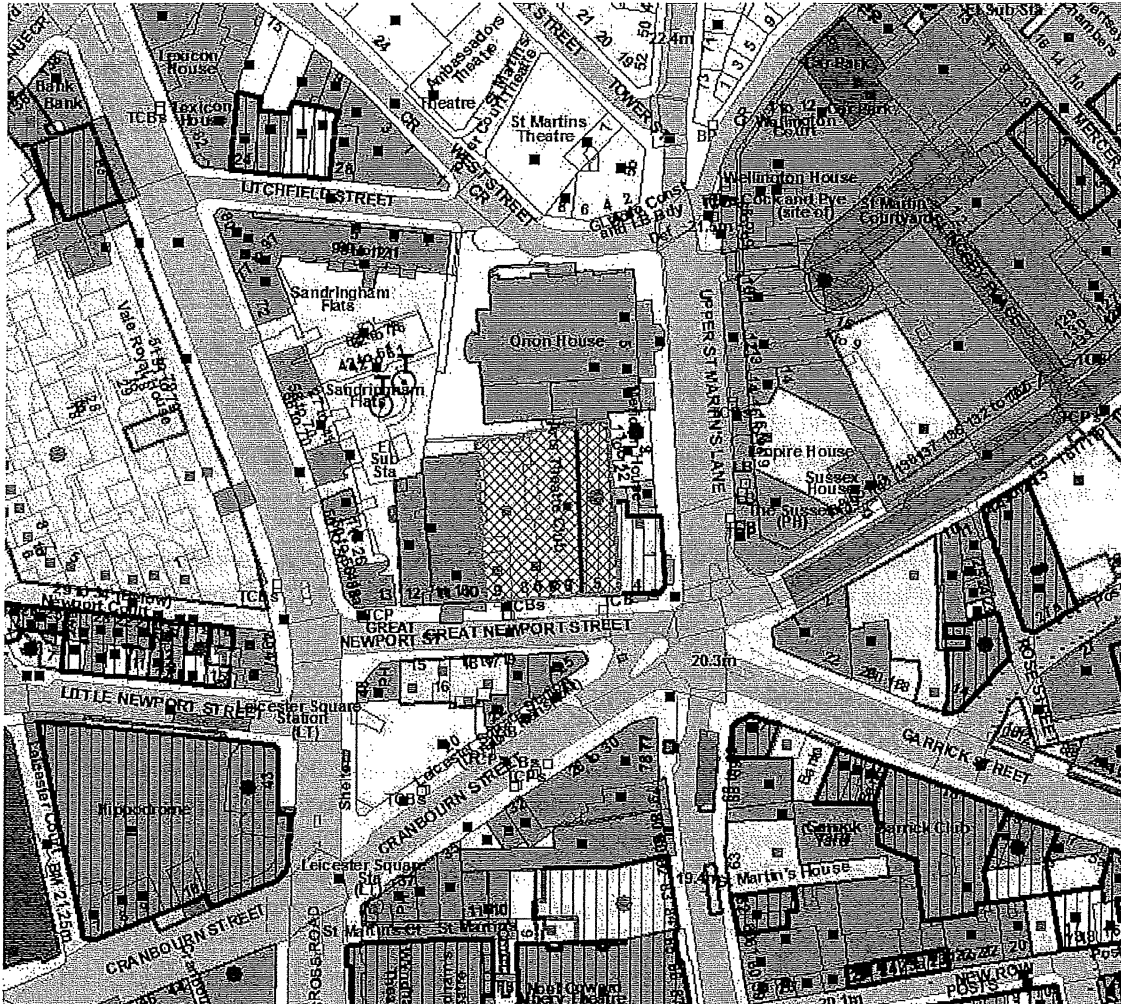
The committee is asked to consider whether they agree the draft legal agreement is sufficiently robust to protect the interests of the city council (The draft legal agreement by Herbert Smith Freehills dated 02 March 2016 is included in the background papers).

6. s106 construction monitoring costs/ CiL obligations.

The committee agreed that the applicant must contribute towards s106 construction monitoring costs and pay CiL obligations. This is accepted by the applicant. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific SEMP, should be secured through a S106 legal agreement.

In summary, committee is asked to consider whether they agree the applicant has satisfactorily addressed the issues, raised by committee on 13 May 2014.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
 All rights reserved License Number LA 100019597

Item No.
5

4. PHOTOGRAPHS



5-9 Great Newport Street, London, WC2H 7JB

5. - CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING RE-CONSULTATION ON AMENDED DRAWINGS (REDUCTION IN HEIGHT AND BULK OF REAR ELEVATION AT 4TH AND 5TH FLOOR LEVELS)

COVENT GARDEN COMMUNITY ASSOCIATION

Raise objections and concerns on a number of issues:

Land use

- Concerns about long term viability of theatre and ability to ensure a minimum of at least 320 operational theatre days a year.
- Absence of fly-tower in replacement theatre will massively impact upon ability of theatre to stage productions and many theatre productions will no longer consider the theatre as a potential viable space.
- Proposals do not outweigh need to provide residential floorspace or a financial contribution to the affordable housing fund.

Amenity

- Adverse impact on daylight and sunlight levels to residents in Sandringham Flats.
- Noise and disturbance from proposed roof top pool, and late night entertainment uses.
- Conditions recommended to control hours and use as follows:
Restaurant and bar: Closing times no later than 11pm Sunday - Thursday and 12 midnight Fridays – Saturdays.
Roof top pool: 10pm closing time.
Bar: Limited to max 100 covers
Mechanical plant: noise conditions.

Highways

- Conditions recommended to control servicing and deliveries.

Other

- Lack of engagement from the applicant with local residents and stakeholders.

COVENT GARDEN AREA TRUST

No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 192

Total No. of replies: 64

No. of objections: 64

No. in support: 0

66 objections (including a response on behalf of all residents and owners of Sandringham Flats, Charing Cross Road) received on some or all of the following grounds:

Amenity

- Loss of daylight and sunlight to flats, roof terraces and courtyards in Sandringham Flats.

Item No.
5

- Overlooking of neighbouring properties.
- Increased noise nuisance from plant machinery.
- Noise nuisance from pool and terrace.
- Noise and disturbance from entertainment uses.
- Impact on amenity from more intensive use not acceptable within stress area.
- Noise and disturbance from prolonged building works.

Land use

- Concerns about lack of contributions towards affordable housing fund.

Other

- Lack of engagement from the applicant and planners with local residents.

6. BACKGROUND PAPERS

**ADDITIONAL REPRESENTATIONS RECEIVED SINCE COMMITTEE ON 13 MAY 2014/
RE-CONSULTATION ON AMENDED DRAWINGS**

1. Minutes and report of the Director of Planning dated 13 May 2014 (including original background papers/ representations)
2. Letter from 'PW (Peter Wilson) Productions Ltd' dated 30 March 2016
3. Applicant's draft legal agreement by Herbert Smith Freehills dated 02 March 2016
4. Testimonial for Peter Wilson by Julian Bird of the Society of London Theatre (SOLT) and the UK Theatre Association (UKT) dated 19 January 2016
5. Brochure prepared by 'PW (Peter Wilson) Productions Ltd'
6. Letter from Covent Garden Community Association dated 14 January 2015
7. Response from Covent Garden Area Trust, dated 6 January 2015
8. Letter from occupier [REDACTED] dated 29 December 2014
9. Letter from occupier AKA Planning on behalf of residents and owners of [REDACTED] dated 12 January 2015
10. Letter from occupier of [REDACTED] dated 12 January 2015
11. Letter from occupier of [REDACTED] dated 11 January 2015
12. Letter from occupier of [REDACTED] dated 11 January 2015
13. Letter from occupier of [REDACTED] dated 11 January 2015
14. Letter from occupier of [REDACTED] dated 11 January 2015
15. Letter from occupier of [REDACTED] dated 11 January 2015
16. Letter from occupier of [REDACTED] dated 11 January 2015
17. Letter from occupier of [REDACTED] dated 11 January 2015
18. Letter from occupier of [REDACTED] dated 11 January 2015
19. Letter from occupier of [REDACTED] dated 11 January 2015
20. Letter from occupier of [REDACTED] dated 11 January 2015
21. Letter from occupier of [REDACTED] dated 11 January 2015
22. Letter from occupier of [REDACTED] dated 11 January 2015
23. Letter from occupier of [REDACTED] dated 11 January 2015
24. Letter from occupier of [REDACTED] dated 11 January 2015
25. Letter from occupier of [REDACTED] dated 11 January 2015
26. Letter from occupier of [REDACTED] dated 11 January 2015
27. Letter from occupier of [REDACTED] dated 11 January 2015
28. Letter from occupier of [REDACTED] dated 11 January 2015
29. Letter from occupier of [REDACTED] dated 11 January 2015

Item No.
5

(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 DAVID DORWARD ON 020 7641 2408 OR BY EMAIL AT ddorward@westminster.gov.uk

Item No.
5

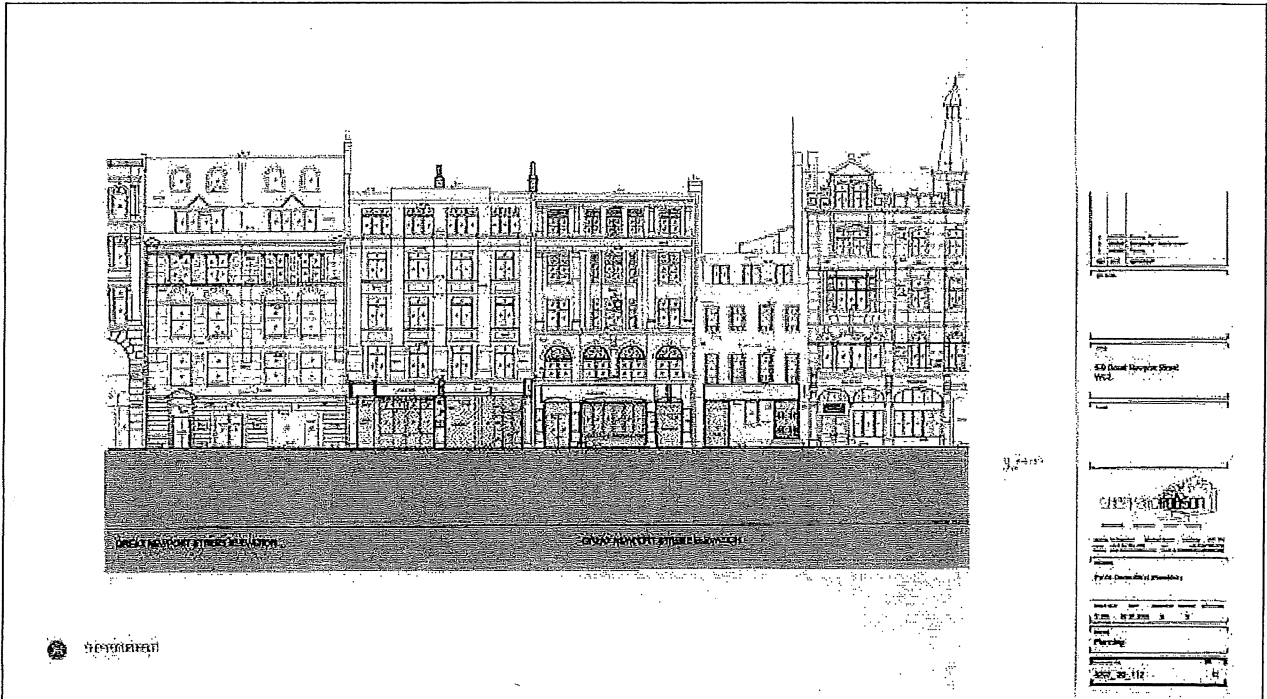
7. KEY DRAWINGS

The image contains two architectural floor plans. The top plan is labeled "Existing basement floor" and the bottom plan is labeled "Existing ground floor". Both plans feature a grid system with vertical lines labeled E, F, G, H, I and horizontal lines labeled 1, 2, 3, 4, 5. The plans show various rooms, corridors, and structural elements. To the right of each plan is a vertical column of detail callouts, including sections and elevations, with a title block for "SIVIER KUBEN" and project information.

Existing basement floor

Existing ground floor

Item No.
5

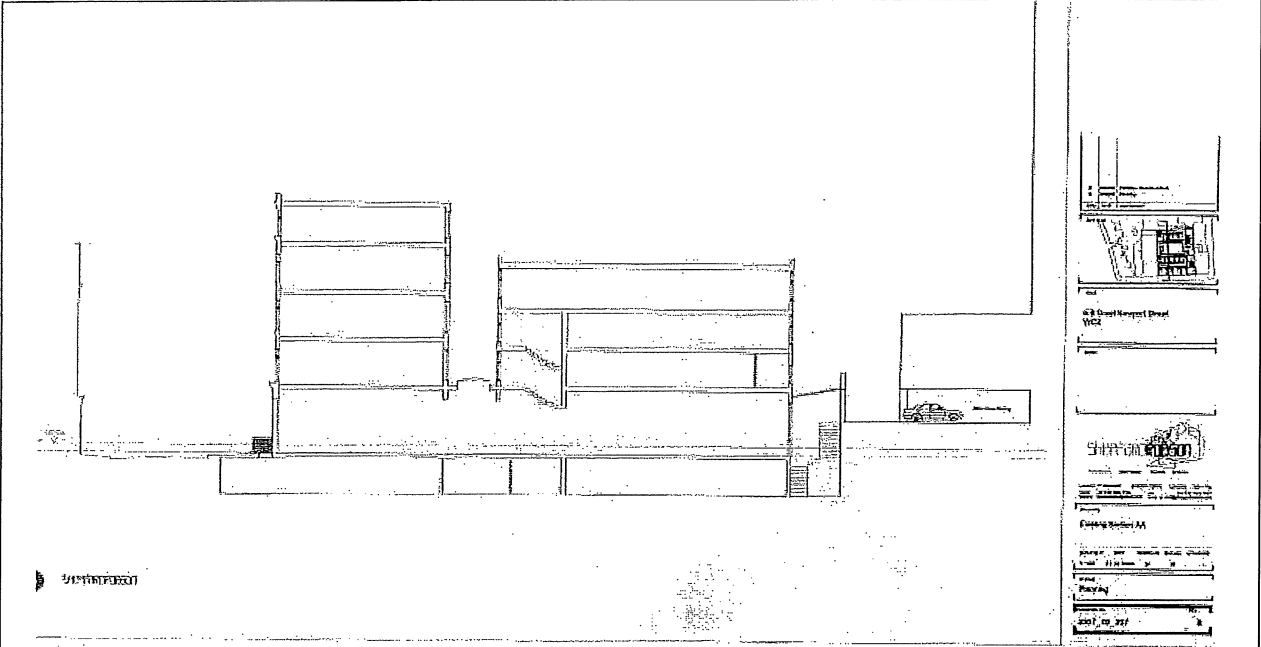


Existing front elevation

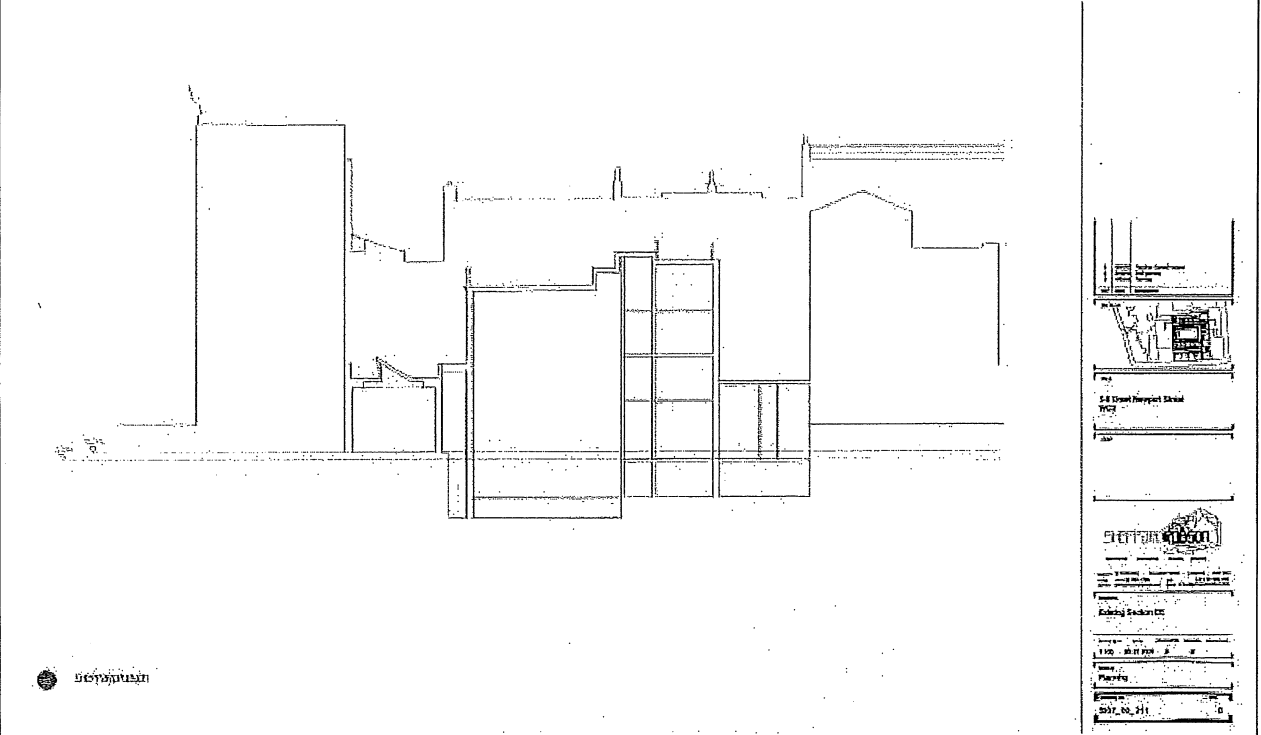


Existing rear elevation

Item No.
5

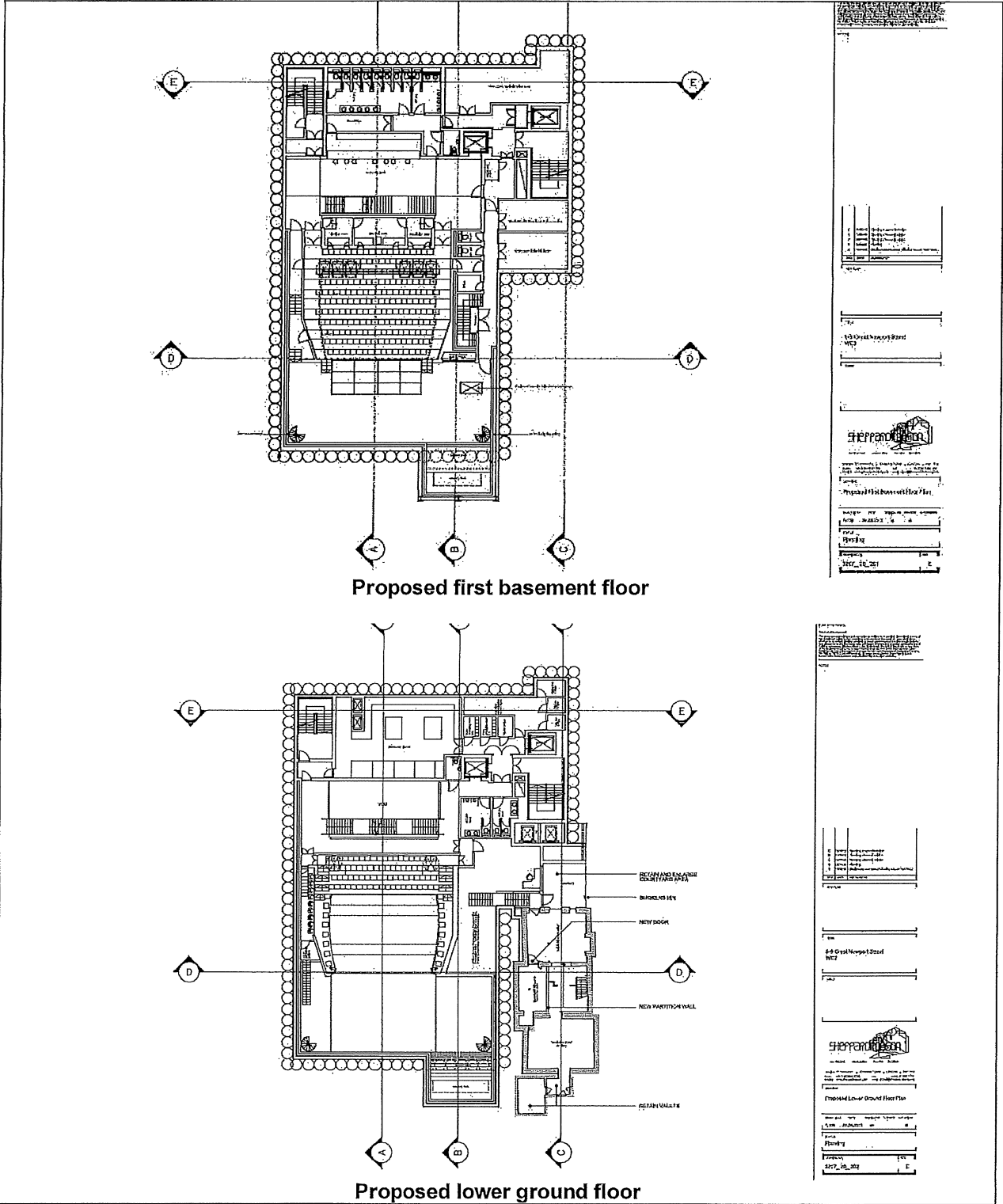


Existing long section AA

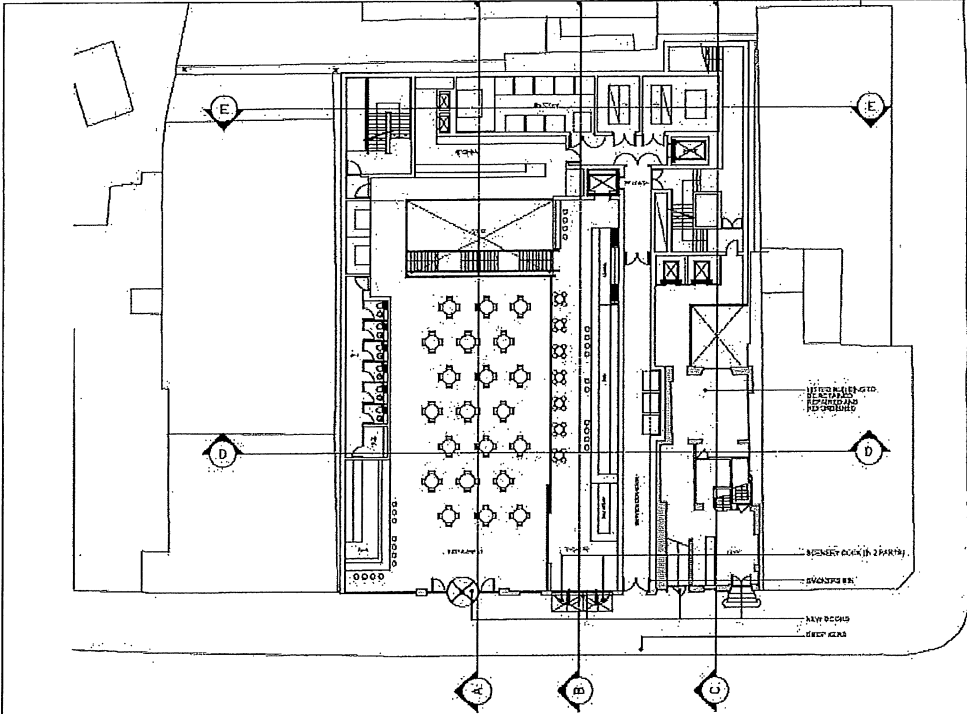


Existing cross section EE

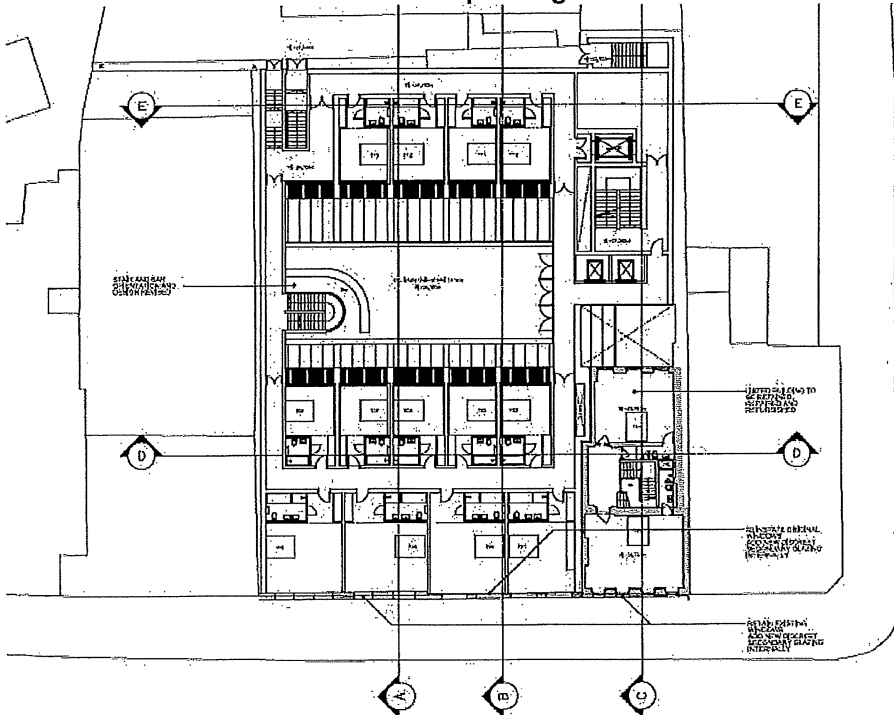
Item No.
5




Item No.
5




Proposed ground floor

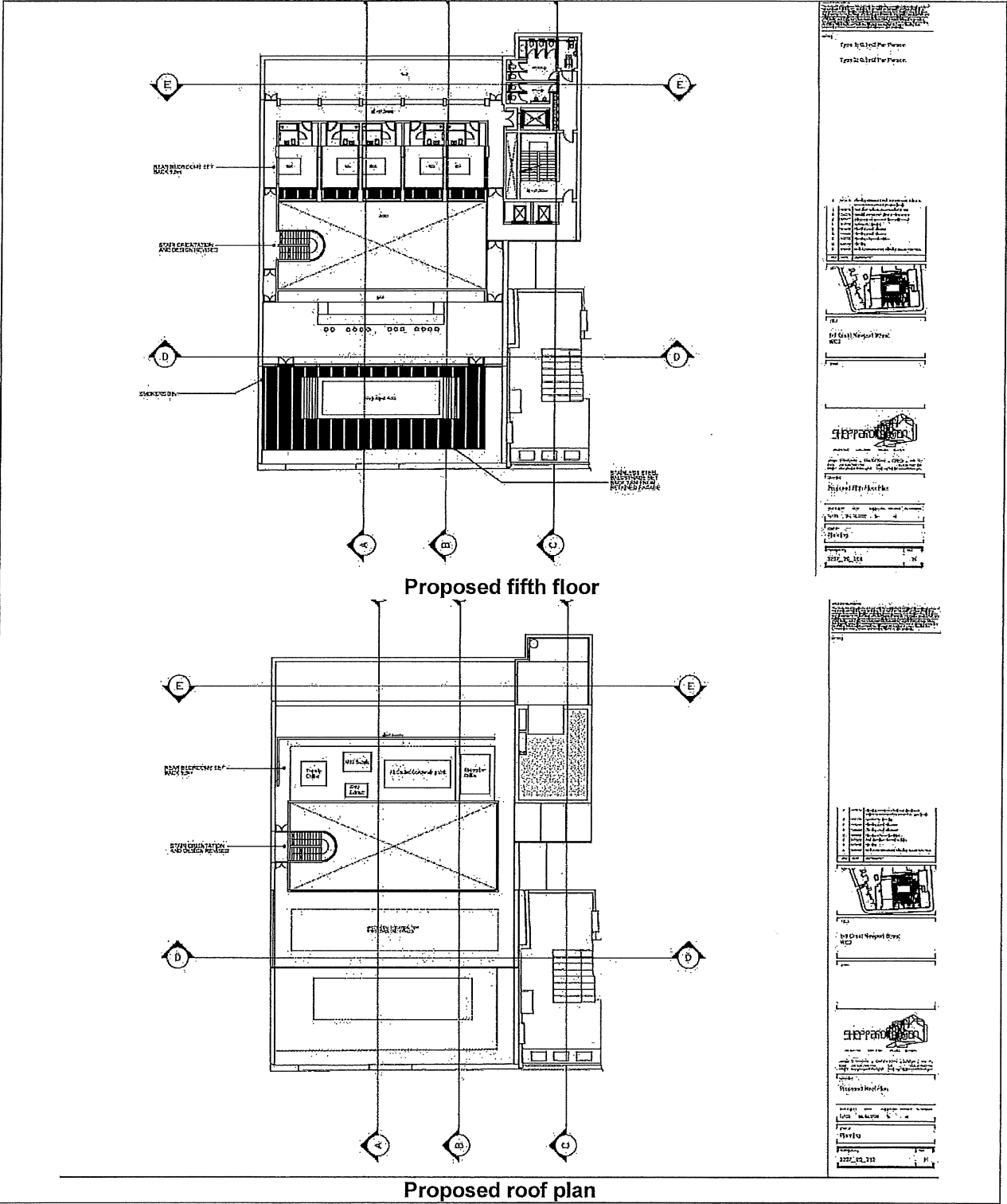


Proposed first floor

<p>REVISIONS</p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		No.	Description	Date									
No.	Description	Date											
<p>DATE: 10/15/2014</p>	<p>PROJECT: SHEPPARD HILL</p>												
<p>  SHEPPARD HILL ARCHITECTS 1000 SHEPPARD AVENUE EAST SUITE 100 WILLOW PARK, ONTARIO M2H 3L7 TEL: (416) 491-1111 FAX: (416) 491-1112 WWW.SHEPPARDHILLARCHITECTS.COM </p>													
<p> PROJECT: SHEPPARD HILL SHEPPARD HILL ARCHITECTS 1000 SHEPPARD AVENUE EAST SUITE 100 WILLOW PARK, ONTARIO M2H 3L7 TEL: (416) 491-1111 FAX: (416) 491-1112 WWW.SHEPPARDHILLARCHITECTS.COM </p>													
<p> SHEPPARD HILL ARCHITECTS 1000 SHEPPARD AVENUE EAST SUITE 100 WILLOW PARK, ONTARIO M2H 3L7 TEL: (416) 491-1111 FAX: (416) 491-1112 WWW.SHEPPARDHILLARCHITECTS.COM </p>													

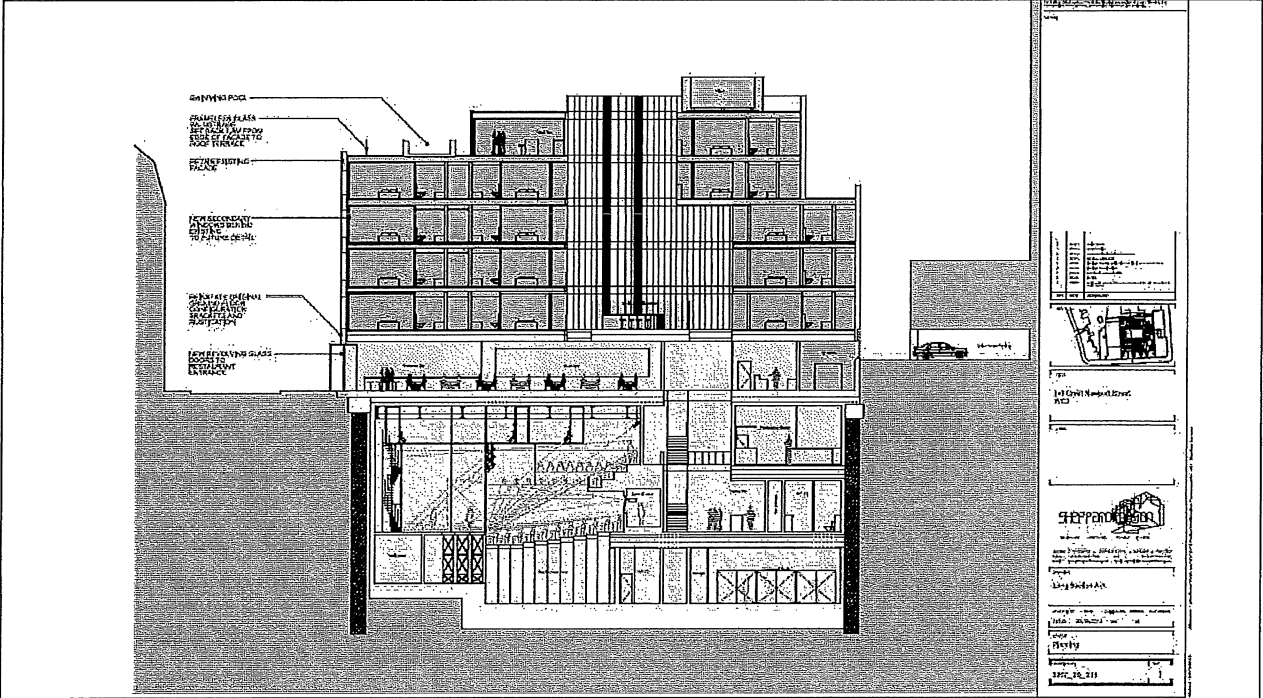
<p>REVISIONS</p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		No.	Description	Date									
No.	Description	Date											
<p>DATE: 10/15/2014</p>	<p>PROJECT: SHEPPARD HILL</p>												
<p>  SHEPPARD HILL ARCHITECTS 1000 SHEPPARD AVENUE EAST SUITE 100 WILLOW PARK, ONTARIO M2H 3L7 TEL: (416) 491-1111 FAX: (416) 491-1112 WWW.SHEPPARDHILLARCHITECTS.COM </p>													
<p> PROJECT: SHEPPARD HILL SHEPPARD HILL ARCHITECTS 1000 SHEPPARD AVENUE EAST SUITE 100 WILLOW PARK, ONTARIO M2H 3L7 TEL: (416) 491-1111 FAX: (416) 491-1112 WWW.SHEPPARDHILLARCHITECTS.COM </p>													
<p> SHEPPARD HILL ARCHITECTS 1000 SHEPPARD AVENUE EAST SUITE 100 WILLOW PARK, ONTARIO M2H 3L7 TEL: (416) 491-1111 FAX: (416) 491-1112 WWW.SHEPPARDHILLARCHITECTS.COM </p>													

Item No.
5

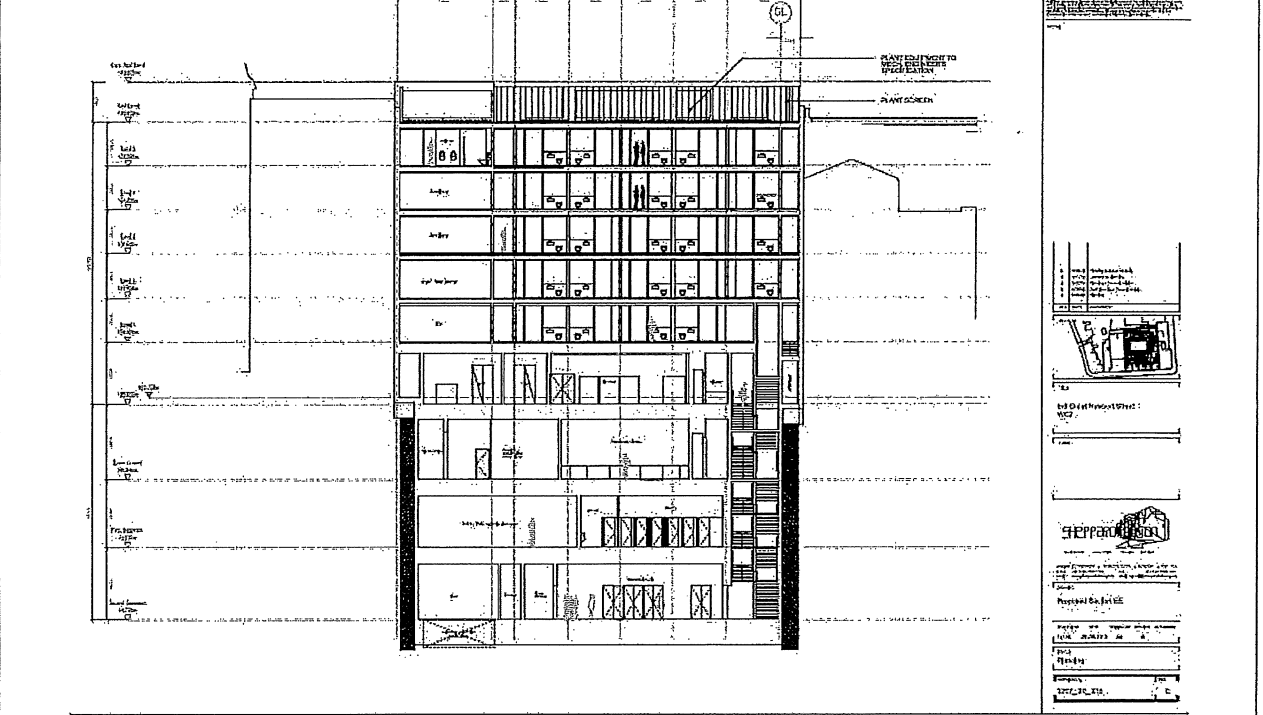


Proposed fifth floor

Proposed roof plan



Proposed long section AA



Existing cross section EE

Item No.
5

DRAFT DECISION LETTER

Address: 5-9 Great Newport Street, London, WC2H 7JB

Proposal: Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.

Reference: 12/03930/FULL

Plan Nos: Location Plan, 3207_00_207 B, 208 D, 209 B, 210 B, 211 C, 214 A, Existing Front Elevations (unnumbered), 3207_20_101 C, 102 C, 103 C, 104 C, 105 C, 106 C, 107 C, 108 C, 109 D, 110 C, 111 C, 112 C, 113 B, 200 A, 201 E, 202 E, 203 I, 204 G, 205 E, 206 F, 207 E, 208 K, 209 K, 210 H, 211 J, 212 M, 213 M, 214 H, 215 E, 216 N, 218 J, 219 D, 220 C, Design and Access Statement dated April 2012, Design and Access Statement Addendum dated November 2013, Planning Statement dated April 2012, Letter from Turley Associates dated 17.12.2013, Report of Theatre Design Consultant Ian Albery dated 09.09.2013, Letter from Ian Albery dated 16.04.2014, Report of Anne Minors dated July 2012, Letter from Anne Minors dated 09.04.2014, Historic Buildings Architect's Report dated April 2008, Heritage Statement dated April 2012, Archaeological Desktop Assessment dated April 2008, Environmental and Planning Noise Report dated 05.04.2012, Daylight and Sunlight Report dated 23.03.2012, Sustainability and Energy Report dated April 2012, Transport Assessment dated 03.04.2012. For information purposes only - Excavation and Facade Retention Feasibility Report dated April 2008, Structural Engineers Concepts Report dated 30.09.2013, Daylight and Sunlight Study dated 08 December 2014.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

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.

Item No.
5

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday,;
- * between 08.00 and 13.00 on Saturday; and,
- * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (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

Item No.
5

specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 4 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.

- 5 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 3 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: Strategic Policies adopted November 2013, by contributing to reducing excessive

Item No.
5

ambient noise levels.

6

Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 3207_20_203 Rev i. You must clearly mark them and make them available at all times to everyone using the uses hereby approved. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 8 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and,
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy 3C.4 and 'Land for Transport Functions'

Item No.
5

Supplementary Planning Guidance.

- 9 **Pre Commencement Condition.** You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work. You must not start any construction work until we have approved what you have sent us. You must then carry out the work according to the approved design and method statement. (C32AB)

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 10 **Pre Commencement Condition.**
- (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: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 11 No works of demolition authorised by this permission shall take place until the applicant has implemented a programme of building recording and analysis of the existing Arts Theatre by person or body approved by the Council as local planning authority. This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority advised by the Theatres Trust. The recording shall then be carried out according to the written scheme and no demolition work shall be carried out until the recording and analysis report has been received and approved by the City Council advised by the Theatres Trust.

Reason:

Item No.
5

To ensure that the history of the site is recorded as set out in DES 11 of the 2007 UDP.

- 12 You must apply to us for approval of an operational management plan in relation to the hotel, restaurant and theatre. This should include details to show how you will control the use of the rooftop pool and terrace and how you will prevent customers who are leaving the buildings from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the hotel, restaurant and/or theatre use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel, restaurant and/or theatre is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 6 and 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details. (C21MB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 14 The restaurant area shall be restricted to the area shown on the approved drawings and shall

Item No.
5

contain no more than 100 covers.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 15 No customer, hotel resident or guest shall be permitted onto the rooftop terrace and pool area before 0800 or after 2200 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 2 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 17 You must apply to us for approval of details of the following parts of the development with detailed drawings at a scale of 1:10 and full size details –

- (i) all new windows and external doors,
- (ii) new canopy over theatre entrance,
- (iii) plant screen at roof level,
- (iv) all new shopfronts,

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 approved drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set

Item No.
5

out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 20 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

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

Item No.
5

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

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 23 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- All new rooftop balustrades to be made of black painted metal.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 24 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

Item No.
5

- 25 You must apply to us for approval of a Servicing Management Plan, which includes details of how the hotel, restaurant and theatre will be serviced, including details proposing the hours of servicing for each use. You must not occupy the hotel or restaurant until we have approved what you have sent us. Thereafter you must then manage the servicing in accordance with the Servicing Management Plan that we approve, unless we agree an alternative Servicing Management Plan in writing.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 26 The development shall achieve an 'Outstanding' rating under the BREEAM 2011 New Construction Assessment Scheme (or any such national measure of sustainability for design that replaces that scheme of the same standard).

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 27 The BREEAM assessment required by condition 26 must be completed and certified by the Building Research Establishment and a copy of the certificate detailing the award score for the building shall be submitted to us within 3 months of first occupation. In the event that this fails to meet the proposed 'Outstanding' rating (or equivalent) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 28 You must not allow more than 120 customers into the hotel bar at first floor level at any one time. The first floor bar area is the part of the property annotated on approved drawing no.

Item No.
5

3207_20_204 F as the 'Sculpture Gallery/Hotel Terrace'.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

29

You must not allow a total of more than 100 customers into the hotel bar and terrace at fifth floor level at any one time. The fifth floor bar area and external terrace is the part of the property shown on approved drawing no. 3207_20_208 H.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 30 Customers shall not be permitted within the restaurant premises before 0800hrs or after 0000hrs (midnight) Monday to Thursday, or before 0800hrs and 0030hrs Fridays to Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 31 The first and fifth floor bar areas within the hotel hereby approved shall not be open to customers (other than hotel residents (those staying overnight at the hotel)) between the following times: 0900hrs to 0000hrs (midnight) Monday to Thursday; and 0900hrs to 0030hrs Friday to Sunday.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 32 Customers shall not be permitted within the theatre premises before 0800hrs or after 0000hrs daily.

Item No.
5

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 6 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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: Strategic Policies adopted November 2013, 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 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to; demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and

Item No.
5

existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 8 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 9 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 10 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 11 Developing this site is likely to damage archaeological remains. Archaeological work must be carried out in line with condition 9 and 10. Please contact English Heritage's Archaeological Officer on 020 7973 3732 to discuss the work which is necessary. (I66AA)
- 12 You are advised that all illuminated advertisements or high level advertisements require express advertisement consent before they can be displayed. Notwithstanding what is shown on the

Item No.
5

approved drawings this permission does not approve the display of such advertisements.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Item No.
5

DRAFT DECISION LETTER

Address: 5-9 Great Newport Street, London, WC2H 7JB,

Proposal: Demolition of rear addition to No. 5 Great Newport Street, and internal alterations within listed building at No. 5. Works in association with works at Nos. 6-9 Great Newport Street to carry out partial demolition behind retained front facades, excavation and redevelopment to provide a building comprised of basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to facade, for a new theatre and ancillary facilities at ground floor (part) basement and lower ground floor levels, restaurant (Class A3) on the ground floor and lower ground floors and a 66 bedroom hotel at ground floor (part) and first to sixth floor levels, associated hotel bar and sculpture gallery at part ground floor level.

Plan Nos: Location Plan, 3207_00_207 B, 208 D, 209 B, 210 B, 211 C, 214 A, Existing Front Elevations (unnumbered), 3207_20_101 C, 102 C, 103 C, 104 C, 105 C, 106 C, 107 C, 108 C, 109 D, 110 C, 111 C, 112 C, 113 B, 200 A, 201 E, 202 E, 203 I, 204 G, 205 E, 206 F, 207 E, 208 K, 209 K, 210 H, 211 J, 212 M, 213 M, 214 H, 215 E, 216 N, 218 J, 219 D, 220 C, Design and Access Statement dated April 2012, Design and Access Statement Addendum dated November 2013, Historic Buildings Architect's Report dated April 2008, Heritage Statement dated April 2012, Archaeological Desktop Assessment dated April 2008.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

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

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

Reason:

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

- 2 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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Item No.
5

3 You must apply to us for approval of details of the following parts of the development with detailed drawings at a scale of 1:10 and full size details -

- (i) all new secondary glazing
- (ii) all new doors

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 approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

4 All existing floorboards are to be retained in situ.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

- 1) A historic paint analysis report and colour samples and drawings annotated to show new decorative schemes for all rooms and the main staircase,
- 2) Details of the scope of paint removal and plasterwork repairs,
- 3) Details of the installation of mechanical and electrical services where they affect historic fabric,
- 4) A method statement and schedule setting out all works of repair and restoration to carpentry, joinery, and plasterwork.

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 special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

6 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings of the following parts of the development-

Item No.
5

- detailed plans showing the route of the kitchen extract ducts through the building and detailed plans, section and elevation of where where they terminate to the external parts of the building
- detailed plans and sections of the glazed roof to the hotel atrium

You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved drawings.

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 March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

RESOLUTION

4. PLANNING APPLICATIONS

The Strategic Director Built Environment, submitted reports in relation to the following applications for determination by the Sub-Committee, copies of which are included in the register in the custody of the Head of Legal & Democratic Services.

1. 5-9 GREAT NEWPORT STREET, WC2

Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (*sui generis*), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.

A late representation was received from Michael Lowndes (13 May 2014).

The Planning Officer presenting the application tabled the following revised recommendation on the planning application draft decision letter (additional/revised wording in red italics):

For Sub-Committee's consideration:

1. In the light of the viability report received, does Sub-Committee agree that the enhanced theatre facilities outweigh the normal policy presumption to protect the existing D1 floorspace, the requirement to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace? and planning obligations including Crossrail contributions?

2. Subject to 1. above, grant conditional permission subject to the completion of a S106 planning obligation to secure:

a) the provision and retention of a replacement theatre fitted out to shell and core and the potential for the restaurant to be linked to the theatre (the detailed obligations as outlined in the report of the Strategic Director Built Environment).

- b) *the placing of £600,000 into an escrow account to be released to a theatre operator to fund the fit out of the theatre*
- c) *the theatre space to be used for theatrical performances on at least 320 days a year (further details within the legal agreement)*
- d) *to ensure the link between the theatre and restaurant is open before, during and after performances*
- e) *the provision and retention of a publicly accessible curated sculpture gallery within the hotel.*
- f) *S106 monitoring and costs.*

3. *If the agreement has not been completed by 31 July 2014 then:*

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

b) *The Strategic Director shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.*

4. *Grant conditional listed building consent.*

5. *Grant conditional conservation area consent.*

6. *Agree the reasons for granting listed building consent and conservation area consent as set out in Informative 1 of the draft decision letters.*

Additional conditions

i) You must provide the access and all additional facilities including accessible toilets and theatre seating for people with disabilities as shown on the approved drawings before you use the building.

ii) {b Pre Commencement Condition}. You must apply to us for approval of detailed drawings of the following parts of the development-

- detailed plans showing the route of the kitchen extract ducts through the building and detailed plans, section and elevation of where where they terminate to the external parts of the building
- detailed plans and sections of the glazed roof to the hotel atrium

You must not start work until we have approved what you have

sent us.

You must then carry out the work according to these approved drawings.

- ii) You must not create any additional useable floorspace within the hotel atrium.

Revised Conditions

- 25 You must apply to us for approval of a Servicing Management Plan, which includes details of how the hotel, restaurant and theatre will be serviced, including details proposing the hours of servicing for each use. You must not occupy the hotel or restaurant until we have approved what you have sent us. Thereafter you must then manage the servicing in accordance with the Servicing Management Plan that we approve, unless we agree an alternative Servicing Management Plan in writing.
- 32 Customers shall not be permitted within the theatre premises before 0800hrs or after 0000hrs daily.

RESOLVED: That the application be deferred to allow the applicants to address the following issues raised by the Sub-Committee:

- (1) The Sub-Committee welcomed the reinstatement of the theatre in principle but noted that failure to secure an acceptable operator was a key issue. Members therefore agreed that, if the City Council were to accept the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift, then confirmation of an acceptable operator would be necessary to offer sufficient reassurance that a theatre will be provided.
- (2) The Sub-Committee further agreed that the applicant will need to offer the new theatre at peppercorn rent in order to justify overturning the City Council's normal policy requirements set out in (1) above.
- (3) Members raised concerns regarding the significant proposed increase in the height and bulk of the rear of the building and the detrimental impact upon residents in Sandringham Flats. The Sub-Committee therefore requested that the height and bulk of the proposed extension be addressed.
- (4) Members were largely content with the operating hours detailed in the report and did not agree to the extended hours as requested by the applicant in their late representation dated 13 May 2014. The Sub-Committee requested that the hours of use of the roof top pool be amended to 09:00 – 22:00 hours.

- (5) Members raised further concerns regarding the detail of the draft S106 agreement produced by the applicant, which the Sub-Committee unanimously determined to be insufficiently robust as to protect the interests of the City Council. Members noted that any draft legal agreement must secure provision of the replacement theatre fitted-out to shell and core prior to the occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographers gallery and to ensure that the £600,000 being offered is only used to fit out the theatre.
- (6) The Sub-Committee also agreed that the applicant must contribute towards S106 construction monitoring costs and pay CiL obligations.

2. 1 CHADWICK STREET, SW1

Demolition of existing buildings and erection of two replacement buildings comprising a seven storey building and a five storey building to provide a total of 44 residential units with associated basement for 27 car parking spaces and 55 cycle parking spaces and mechanical plant, together with associated works including landscaping.

An additional representation was received from Fergus Coleman, WCC Head of Affordable and Private Sector Housing (9 May 2014).

A late representation was received on behalf the applicant (9 May 2014).

The Planning Officer presenting the application tabled the following minor changes to recommendation to add an annual fee of £15,000 for Environmental Inspectorate and subject to no new material issues being raised before the expiry of the consultation period.

For Sub-Committee's consideration:

1. Does the Sub-Committee consider that the offer of 2 x 3 bed affordable rent duplex units at £210 per week in Block B is acceptable given the circumstances of the case?

2. Subject to 1. above, and to no new material issues being raised before the expiry of the consultation period, to grant conditional permission subject to a S106 legal agreement to secure the following:

i) The provision of 2 x 3 bed affordable rent duplex units at £210 per week in Block B to be provided prior to the occupation of the market units;

ii) A parking mitigation payment of £17,000 index linked and payable on

APPENDIX

Item No.
1

CITY OF WESTMINSTER											
PLANNING APPLICATIONS SUB-COMMITTEE	Date 13 May 2014	Classification For General Release									
Report of Strategic Director Built Environment		Wards involved St James's									
Subject of Report	5-9 Great Newport Street, London, WC2H 7JB										
Proposal	Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 68 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.										
Agent	Turley Associates										
On behalf of	Consolidated Development Ltd										
Registered Number	12/03930/FULL 12/03931/LBC 12/03936/CAC	TP / PP No	TP/5377								
Date of Application	04.04.2012	Date amended/ completed	17.05.2012								
Category of Application	Major										
Historic Building Grade	Grade II Listed Building										
Conservation Area	Covent Garden										
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone										
Stress Area	Within West End Stress Area										
Current Licensing Position	<p>The Arts Theatre is currently licensed to be open between 09.00 hours to 00.00 hours. Although the sale of alcohol is restricted to 23.30 hours Mondays to Thursdays and 22.30 hours on Sundays.</p> <p>The existing restaurant known as Salvador and Amanda at 8-9 Great Newport Street is licensed to open between the following hours:</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Monday:</td> <td style="padding-left: 20px;">09.00 to 01.30</td> </tr> <tr> <td style="padding-left: 20px;">Tuesday to Thursday</td> <td style="padding-left: 20px;">09.00 to 02.30</td> </tr> <tr> <td style="padding-left: 20px;">Friday to Saturday:</td> <td style="padding-left: 20px;">09.00 to 03.30</td> </tr> <tr> <td style="padding-left: 20px;">Sunday:</td> <td style="padding-left: 20px;">09.00 to 01.00</td> </tr> </table> <p>The restrictions on the sale of alcohol follows the above times but brought forward by half an hour on each day.</p>			Monday:	09.00 to 01.30	Tuesday to Thursday	09.00 to 02.30	Friday to Saturday:	09.00 to 03.30	Sunday:	09.00 to 01.00
Monday:	09.00 to 01.30										
Tuesday to Thursday	09.00 to 02.30										
Friday to Saturday:	09.00 to 03.30										
Sunday:	09.00 to 01.00										

Item No.
1

1. RECOMMENDATION

For Sub-Committee's consideration:

1. Subject to confirmation of viability, does Sub-Committee agree that the enhanced theatre facilities outweigh the normal policy presumption to protect the existing D1 floorspace, the requirement to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace, and planning obligations including Crossrail contributions?

2. Subject to 1. above, grant conditional permission subject to the completion of a S106 planning obligation to secure:

- a) the provision and retention of a theatre and the potential for the restaurant to be linked to the theatre (the detailed obligations as outlined in the report of the Strategic Director Built Environment).
- b) the provision and retention of a publicly accessible curated sculpture gallery within the hotel.
- c) S106 monitoring and costs.

3. If the agreement has not been completed by 31 July 2014 then:

- a) The Strategic Director shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Strategic Director is authorised to determine and issue the decision under Delegated Powers; however, if not
- b) The Strategic Director shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

4. Grant conditional listed building consent.

5. Grant conditional conservation area consent.

6. Agree the reasons for granting listed building consent and conservation area consent as set out in Informative 1 of the draft decision letters.

2. SUMMARY

The application site is comprised of a row of buildings between 5 and 9 Great Newport Street. No. 5 is Grade II listed and the entire site lies within the Covent Garden Conservation Area, the Core Central Activities Zone and the West End Stress Area.

The buildings on the site range from between four and six storeys with basements, and they contain a variety of uses including the Arts Theatre Club (*sui generis*), the former site of the 'Photographers Gallery' (Class D1), restaurant/bar (mixed A3 and A4), offices and a language school. Permission and consents are sought for the demolition behind the retained facades of 6-9 Great Newport Street and demolition of the rear addition to No. 5 Great Newport Street. It is then proposed to excavate three storeys below 6-9 Great Newport Street and to redevelop the site to provide the following:

- a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front façade;
- provision of a new auditorium and back of house facilities in the form of a new 322 seat theatre space along with rehearsal studio and ancillary bars at ground floor (part) and basement level.1;
- restaurant (Class A3) on the ground floor and part lower ground floor;
- a 66 bedroom hotel at ground floor (part) and first to sixth floor levels, associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.

The key issues for consideration are:

- The acceptability of the proposals in land use terms.
- The quality and long term viability of the proposed replacement theatre.
- The impact of the proposals on the character and appearance of the conservation area and the listed buildings at 4 and 5 Great Newport Street.
- The impact of the external alterations on the amenities of neighbouring residents.
- The impact of the proposed uses on residential amenity and character and function of the conservation area.
- The impact of the servicing arrangements on the surrounding highway network.

Subject to Sub-Committee's views on the acceptability of the proposals in land use terms, and the suitability of the proposed replacement theatre, the applications are considered acceptable in highways, amenity and design terms and are in accordance with City Plan and Unitary Development Plan (UDP) policies.

3. CONSULTATIONS

CONSULTATION RESPONSES TO INITIALLY SUBMITTED SCHEME (MAY 2012)

ENGLISH HERITAGE

No formal objection to the proposals and authority has been given to the local planning authority to determine the applications as they see fit. However, concern has been raised with regard to the extension at the rear in terms of the visual impact they will have on the setting of the rear of the Grade II listed buildings at Nos. 4 and 5 Great Newport Street.

THE THEATRES TRUST

Supports the scheme in principle and welcomes the alterations proposed from the previously withdrawn applications in 2008 and 2009 including increased capacity and further back of house facilities. However, they suggest that a further independent advisory review exercise should be carried out in tandem with theatre professionals to gather further advice on configurations, sightlines and usability. They also suggest that detailed theatre signage should

Item No.
1

also be proposed and/or conditioned.

SAVE LONDON'S THEATRES

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Generally supports the proposal but would ask for conditions securing an archaeological report given the extent of excavation proposed.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Regrets the possible impact on the legibility of the rear of the listed building at No. 5 Great Newport Street, and has concerns about the deep piles alongside the party wall of No. 5.

VICTORIAN SOCIETY

Any response to be reported verbally.

GEORGIAN SOCIETY

Any response to be reported verbally.

20TH CENTURY SOCIETY

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

Acknowledgement letter received, but no further comments provided.

COVENT GARDEN COMMUNITY ASSOCIATION

Design looks attractive, but concerns raised about daylight and sunlight impact to Sandringham Flats, amenity impact of proposed roof top pool and bar, and concerns about lack of S106 contributions for viability reasons.

COVENT GARDEN AREA TRUST

No comment.

LONDON UNDERGROUND

No objection subject to conditions requiring detailed information (design and method statements) to demonstrate that excavation proposed will not impact upon London Underground tunnels or structures.

BUILDING CONTROL

No objection. Proposed methodology for basement excavation looks acceptable in principle.

HIGHWAYS PLANNING MANAGER

No objection, but concerns raised about on street servicing. A condition requiring a robust Servicing Management Plan or Operational Management Plan will be required.

ENVIRONMENTAL HEALTH

No objection subject to standard conditions and a condition requiring a supplementary acoustic report with regards to mechanical plant proposed.

CLEANSING MANAGER

No objection subject to condition securing the waste and recycling stores as proposed.

ADVERTISEMENT/SITE NOTICE: Yes

Item No.
1

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
No. Consulted: 201; Total No. of Replies: 17 (from 14 different addresses);

Design:

- Added height will have a major effect on this short and narrow street.
- Development will ruin views.

Amenity:

- Loss of sunlight/daylight to Sandringham Flats.
- Impact of open air pool and bar at roof level on residential amenity.
- Overlooking from roof bar area - threatens enjoyment of private roof gardens on Sandringham Flats.
- Future amenity problems arising from restaurant/bar areas.

Land Use:

- Hotel and restaurant uses not required in this area - no demand.

Other:

- Noise pollution and disturbance during the development.
- Concerns about piling.
- Increase in traffic.

CONSULTATION RESPONSES FROM AMENDED SCHEME - EXTENDED BASEMENT TO FACILITATE LARGER THEATRE SPACE AND OTHER ALTERATIONS

ENGLISH HERITAGE ARCHAEOLOGY

Any response to be reported verbally.

THEATRES TRUST

Supports the scheme and welcomes the enhancements to the theatre space following Theatre Consultant's suggested amendments. Most notably there is now a rehearsal room which has been designed to operate as both a studio theatre or function room with significant income generating opportunities, and will have a wider benefit to the West End as there is a notable shortage of rehearsal spaces in the area. They also advise that an Operational Management Plan should be secured by condition, and a further condition to secure a record of the Arts Theatre both photographically and with plans which are then lodged with the Resources Centre at the Theatres Trust.

LONDON UNDERGROUND

No objection subject to conditions requiring detailed information (design and method statements) to demonstrate that excavation proposed will not impact upon London Underground tunnels or structures.

BUILDING CONTROL

Any response to be reported verbally

COVENT GARDEN AREA TRUST

No comment.

COVENT GARDEN COMMUNITY ASSOCIATION

Revised proposals are an improvement. However, concerns remain regarding lack of consultation with Sandringham Flats residents, mechanical plant has not been specified, servicing and deliveries to hotel should be limited to be between 08.00 and 22.00, conditions should limit use of roof top terrace and pool to 22.00, impact of increased basement excavation has not been assessed, the revised plans do not show where theatre docks doors

Item No.
1

will be, and finally concerns are raised about the impact on daylight and sunlight to the occupiers within Sandringham Flats.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 201; Total No. of Replies: 21.

21 objections (from 18 different addresses) received relating to the following:

Design:

- Loss of heritage asset, i.e. demolition of theatre.

Amenity:

- Loss of daylight and sunlight to flats, roof terraces and courtyards all associated with Sandringham Flats.
- Increased noise nuisance from plant machinery.
- Noise nuisance from pool and terrace.
- Impact on amenity from more intensive use not acceptable within stress area.

Theatre:

- History of existing theatre must be protected.
- Concerns that theatre will operate as a cabaret/nightclub venue and a suitable replacement theatre will not be achieved.
- Absence of fly-tower in replacement theatre will massively impact upon ability of theatre to stage productions and many theatre productions will no longer consider the theatre as a potential viable space. It will result in smaller scale theatre such as burlesque, cabaret and music.
- Flexible use of space/auditorium is not compatible with daily theatre use.
- The Arts Theatre has recently acquired rehearsal studio space elsewhere in the building and therefore this benefit is no longer applicable.
- There are enough flexible spaces available in London for conferences, stand up comedy, etc, but not enough small scale viable theatres such as this one.
- The current Arts Theatre offers a valuable resource as a space to show mid scale work and has relationships with many institutions to ensure a diverse and supportive programme of new theatre work.
- The loss of the current theatre would be a tragedy.

Other:

- Obliteration of views.
- Long programme of works will affect quality of life.
- Concerns about impact of basement excavation.
- Do not agree that the current theatre is not viable.

4. BACKGROUND INFORMATION

4.1 The Application Site and Surroundings

The buildings at 5-9 Great Newport Street lie on the north side of the road and occupy a significant part of this side of the road given the streets relatively short length.

The existing buildings at Nos. 6-9 above the theatre are a maze of circulation routes, staircases and access points which have developed organically over time. This has resulted in an unattractive street level frontage comprised of several doorways including fire escape doors, servicing entrances and the various entrances to the commercial uses above.

The site is flanked to the west by No. 10-11 Great Newport Street which was recently granted

Item No.
1

permission to convert from offices to residential flats with a rear extension. To the east beyond the listed building on the site at No. 5, is another listed building at No. 4, which is currently in use as a bar known as 'Verve'.

To the north and west of the site at the rear is a development of housing known as Sandringham Flats. Directly to the north and the rear of the site is a very large 15-16 storey office building known as Orion House which fronts onto West Street.

Great Newport Street itself consists mainly of commercial uses including several food and drink uses at ground floor level with offices or other commercial uses above. There are however, a few residential flats on the upper floors of the buildings directly opposite the site and as stated earlier permission has recently been granted for 15 new flats at 10-11 Great Newport Street. A further nine flats have also recently been approved at 12 Great Newport Street. These permissions are yet to be implemented.

The site is within the Covent Garden Conservation Area and is also within the Core Central Activities Zone and the West End Stress Area.

4.2 Relevant History

On the 16 October 1989 permission was granted in respect of 6-9 Great Newport Street for the demolition of the existing premises and a redevelopment to provide theatre, ground floors retail and offices above. This permission was never implemented.

An application similar to that which is now being considered was submitted in January 2008, but was later withdrawn pending further discussions with English Heritage, theatre groups and other interested parties.

In 2010 an application related to the listed building at No. 5 Great Newport Street was submitted for the use of the ground and first floor as mixed cultural space with offices on the remaining floors. This application was refused on the grounds that it would result in the loss of the gallery/retail use (Photographer's Gallery) which was on site at that time.

5. THE PROPOSAL

The current applications propose the demolition of Nos. 6-9 Great Newport Street behind retained facades to the street. The site would then be redeveloped to provide a replacement 322 seat theatre and ancillary spaces including a large rehearsal/studio space with a capacity of approximately 100. A new restaurant internally linked to the theatre reception space would also be located at ground and part lower ground floor. The remainder of the site would become a 66 bedroom hotel, with its main entrance being via a refurbished No. 5 Great Newport Street. The hotel would then spread across the upper floors across the rest of the site and would include a publicly accessible sculpture gallery within the main hotel bar area at first floor level, and there would be a further bar at fifth floor level, which opens out onto a terrace with a swimming pool in front of the proposed set back roof extension.

A detailed financial viability assessment has been carried out which sets out that the costs involved with this proposal make it impossible for the applicants to make any financial contributions to any planning obligations required for a development of this size.

At the time of writing, officers were still waiting for findings of the City Council's independently appointed valuation consultant. Their findings will be reported to Sub-Committee.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Existing land uses

(i) Theatre – Arts Theatre

The existing theatre has operated since 1927 when it was set up as a club for theatre enthusiasts which combined a performance space with drinking and dining facilities. It has continued to operate in a similar manner until the current day and has seating for approximately 320. It has a premises license which covers the sale of alcohol, hot food after 22.00 and the performance of plays, live music, film and recorded music. In planning terms it is considered a sui generis use.

(ii) No. 5 Great Newport Street

Previously this property was occupied by The Photographer's Gallery (Class D1); however, this has since moved to a larger premises at 16-18 Ramilles Street, W1. This space has subsequently been taken over by the Future Gallery at ground and lower ground floor and is used as an events and exhibition space. The upper floors are currently used by a number of small business as office space. An enforcement investigation is currently open into the unauthorised use of this building.

(iii) Avalon Language School and Offices

The language school provides English language courses to students from across the world and it occupies several of the upper floors at Nos. 6-9 Great Newport Street. This was granted a temporary personal permission which expired in September 2008, after which it was conditioned to revert to its previous lawful use as B1 offices. There is also some generic office space across the upper floors much of which is currently vacant.

(iv) Restaurant at No. 9 Great Newport Street

The restaurant at No. 9 is currently open until 02.00 and 03.00 on the weekends, and occupies ground and basement levels.

(v) Retail Unit at 8 Great Newport Street

There is a comic book shop which operates from the ground floor. However, this site was also previously used by the Photographers Gallery. It was their original gallery space prior to their expansion into No. 5 Great Newport Street at which point they occupied two sites on the same street. Whilst a small portion of the site (64m²) was used for retail, this is considered to have been ancillary to the main gallery (D1) use. The Photographers Gallery left Great Newport Street in 2010 and subsequently a comic book shop known as 'Orbital Comics' has moved into No. 8, although there is no record of planning permission being granted for a change of use to Class A1 retail.

Item No.
1

6.1.2 Existing and Proposed Land Uses

Land Use	Existing floorspace (m2)	Proposed floorspace (m2)	Change
Theatre (sui generis)	1,684	2,150	+466
Social/Community (D1)	969	0	-969
Restaurant (A3)	536	617	+81
Offices and Language School	986	0	-986
Hotel (C1)	0	4,172 (including 114m2 sculpture gallery)	+4,172
Shared back of house/plant floorspace	-	608	+608
Total	4,155	7,547	+3,392

(The above table is based on assumed lawful uses, not actual uses)

6.1.3 Assessment

Proposed Theatre and Restaurant

The proposed replacement theatre is at the heart of this redevelopment and the judgement of whether the proposed replacement theatre is both acceptable and deliverable is a fundamental consideration.

The applicants are seeking to provide a new 'destination' West End venue which ideally would combine a dining experience alongside a theatre experience. A large part of the ground floor frontage would be given over to the restaurant, with a narrower entrance to the theatre reception and box office than that which the Arts Theatre currently enjoys.

The possible negative impact of this on the visibility/viability of the theatre is being partly addressed through a scheme of highly visible signage akin to the character of West End theatres. A further simple high level painted sign is proposed for the flank wall of the building to increase its presence in the surrounding area. An Informative reminding the applicants that advertisement consent is required for the adverts proposed is recommended.

i) Detailed Theatre Assessment

Several objections have been received from theatre goers and producers alike who regularly visit the current Arts Theatre or who have put on productions at the venue. A common theme amongst these objections is that the current theatre is small scale and provides a unique setting for putting on a certain type of production that would not be feasible at the other larger and more prominent West End venues. It provides an intimate setting and allows for a diverse and supportive range of theatre work, and its loss, as well as its heritage value would be detrimental to London's theatre scene as a whole. A number of objectors have also commented that the new theatre would not have a fly tower, which would prevent a large number of productions from even considering it as a venue.

Throughout the application there has been some confusion as to whether or not the existing theatre has a fly tower; indeed the Theatres Trusts' comments seem to indicate that there is not one. However, following a site visit it can be confirmed that there is a working fly tower within the existing theatre, which will not be reprovided in the proposed scheme.

Notwithstanding this, the applicants have sought to demonstrate that the lack of a fly tower will not impact upon the viability of the theatre, and that the proposed theatre layout will provide a more flexible and viable space. A 'performance consultant' was also engaged by the applicants to provide detailed advice on the design and specification of the proposed replacement theatre.

Subsequently and further to some concerns being raised by officers, the applicants then appointed a specialist theatre consultant, who advised the applicants to make a number of alterations to their proposals. They have now submitted a final detailed assessment which strongly commends the revised scheme.

In summary, they report that the new theatre can be sustainable and viable without a fly tower because of the small scale nature of the theatre. The design changes include a greater height above the stage of no less than 8.3 metres which will allow for conventional scenery used by smaller scale touring shows.

The revised proposals also now include a large rehearsal studio of 120m² beneath the main auditorium. Such a large rehearsal space is highly sought after in the West End, and the opportunity to let out such a space increases the viability of the new theatre. It is also envisaged that this could operate as a much smaller scale intimate performance space with enough room for approximately 100 seats.

In summary, the applicants consultant details the following points as benefits in the redesign over the existing theatre offer –

- Introduction of 120m² rehearsal studio/additional performance space.
- Improved circulation space particularly upon entering the stalls from the ground floor foyer.
- Improved auditorium seating with better audience/actor relationship.
- Additional dressing room accommodation.
- Increased wardrobe space.
- Staff locker rooms provided
- Improved stage depth.
- Increased height under stage.
- Enlarged stage basement to accommodate storage, and many other ancillary areas.

The Theatres Trust has commented on the revised proposals and is supportive. They state that the revised proposals result in a theatre which is more flexible and capable of offering more to both audiences and performers, but also enables the theatre to potentially generate more revenue and be more sustainable. They also offer support to the improved auditorium design, the studio theatre/rehearsal space, the potential for the restaurant to work in conjunction with the theatre and that the issue of external signage has now been addressed appropriately.

Notwithstanding these revisions concerns have been raised by consultees (including the Theatres Trust) and officers that the flexible nature and design of the proposed theatre may pose a risk that theatre groups would find it difficult or unattractive to put on shows there, and that other non-theatrical uses could be more profitable to the operator. However, following detailed negotiations, a comprehensive legal agreement has been drafted to ensure that the number of operational theatre days every year would be a minimum of 320.

Item No.
1

The Theatres Trust has commented that they are encouraged by this, but have also requested that an Operational Management Plan be requested via a condition, and that they be consulted on this.

On this point alone, the draft legal agreement secures the use of the auditorium for live theatre performances for a minimum of 320 days per year. It also makes provisions for this space along with the studio theatre/rehearsal space to be used for a number of other uses in addition to this.

Therefore, it is not considered necessary to request an Operational Management Plan relating specifically to the theatres operation in addition to what is set out in the legal agreement. This would be an unnecessary duplication. Instead an Operational Management Plan will be required to address the amenity impacts of the application as a whole.

To ensure that a replacement theatre is actually provided following the demolition of the existing one, the draft legal agreement also includes clauses which set out when the phases of the redevelopment need to be carried out by and how these costs are borne out. This includes the following:

- Not to Occupy the Hotel until the Theatre Space has been constructed to Shell & Core
- On completion of the Theatre Space to Shell and Core a sum of £600,000 to be placed in an escrow account (to be administered by the Freeholder's solicitor) for the funding of the Theatre Space fit-out as specified. This sum to be payable to the Theatre Operator on its signing of a contract with fit-out contractors.

City Plan Policy S22 and UDP Policies TACE 5 and TACE 6 protect existing theatres and arts and cultural uses. TACE 6 (B) states that in those very exceptional circumstances where it is necessary to redevelop a theatre, a suitable replacement will be required to be provided within a stated period.

The theatre in its current state continues to showcase small to medium scale productions and alongside the cocktail bar, which operates from its front lounge/foyer area, it appears to remain a viable operation. Therefore, whilst it is not considered that the redevelopment of the theatre is strictly necessary, it is evident that the current theatre does require substantial investment to bring it up to a decent standard.

Policy TACE 6 goes on to state that a replacement theatre should improve accessibility, visibility, performance and operational areas, provide front and back of house facilities and provide rehearsal space. The applicants have put forward a proposal which they believe meets these objectives, and which can only be achieved through the demolition of the existing theatre and the provision of a completely new facility.

The replacement theatre would of course be subject to appropriate conditions to control capacity, hours of operation, and appropriate sound proofing arrangements, given the proximity of possible new residential accommodation along Great Newport Street.

ii) Detailed Restaurant Assessment

The applicants intend to include a sliding or removable partition between the theatre reception/bar and the restaurant, which can be pulled back prior to and during performances to enhance the feeling of a destination space and to link the operation of the restaurant and theatre.

However, at this stage the applicants do not have a operator on board for either the restaurant or the theatre and therefore as the restaurant could feasibly be managed and run by a

Item No.
1

separate operator to the theatre, it is considered necessary to build this part of the proposal into the legal agreement.

This would state that the moveable partition between the restaurant and the entrance to the theatre space on the ground floor would be retracted and kept open for a period of 90 minutes in advance of the start of all live theatre evening and matinee performances and for a further period of 45 minutes following curtain down.

The restaurant itself would occupy 617m². As this is over 500m² and within the designated West End Stress Area UDP Policy TACE 10 will apply. This policy states that enlarged restaurants such as this would only be acceptable in exceptional circumstances.

Given that the existing restaurant (which is to be lost as a result of the proposed redevelopment) is also over 500m² this policy can be applied with a degree of flexibility given that the increase in A3 floorspace only amounts to 81m².

In addition to the minor increase in size, the existing restaurant is not subject to any planning conditions or controls. Granting permission for a new restaurant would allow the City Council to impose conditions on capacity and opening hours which would give the City Council control over its operation and potentially reduce any adverse effects on residential amenity when compared with the existing. Furthermore, the proposed restaurants' link with the replacement theatre would enhance the viability of the theatre which itself makes an important contribution to Central London activity.

With suitable conditions in place the proposed restaurant is considered to comply with Policy TACE 10 and S24 and is considered acceptable.

Loss of Offices and Language School

There are no current planning policies to protect Class B1 office accommodation. The Language School is also seen as a commercial use and the loss of this alongside regular office floorspace is considered acceptable in land use terms.

Loss of Class D1 Social/Community floorspace

The buildings at No. 5 and No. 8 Great Newport Street housed the 'Photographer's Gallery', which is classed as a social and community use (Class D1). Under City Plan Policy 'S34 Social and Community Infrastructure' it is expected that all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs. In this instance the applicant has argued that as the 'Photographer's Gallery' has successfully relocated to a larger premises within Westminster at Ramilies Street, W1, the aspirations of this policy have been met. Furthermore, they also argue that only a small proportion of the floorspace occupied by the Photographer's Gallery was actual gallery space (198m² of 969m²), and the rest was offices, storage, a small cafe and ancillary retail space.

This latter argument is not persuasive, as gallery uses often have ancillary spaces for storage, offices, etc. However, the fact that the Photographers Gallery has relocated within Westminster is undeniable and whilst the Ramilies Street site does not form part of this application it is recognised that the Class D1 occupier has vacated this site.

Notwithstanding this however, the lawful use remains Class D1 and it must be demonstrated that no other alternative social/community user wishes to use the site. The applicants have not provided evidence to show if the site has been marketed for social/community use.

Instead, in an attempt to address the loss of social/community floorspace on the site, the

Item No.
1

applicants are proposing a curated sculpture gallery at first floor level within the proposed hotel. This would be publicly accessible and visible from within the hotel bar area. The applicants have suggested that they would afford a local art institute opportunities to display works.

Notwithstanding this, it is considered that the loss of the Class D1 social/community floorspace from this site is contrary to City Plan Policies S21 and S34 and UDP Policy SOC 1 (D), and the views of the Sub-Committee are sought on this matter in light of the other benefits of the scheme.

Proposed Hotel and Sculpture Gallery

Policy S23 in the City Plan states that new hotels will be directed to areas included the Core Central Activities Zone, in which this site is located, and should be directed towards streets which do not have a predominantly residential character.

Currently Great Newport Street has a strong commercial character, although planning permission has recently been granted for nine new residential units at 12 Great Newport Street and 15 new residential units at 10-11 Great Newport Street. These permissions are yet to be implemented.

UDP Policy TAGE 2 states that planning permission for new hotels within the CAZ will be granted where there are no adverse environmental and traffic effects and there are adequate facilities for the setting down and picking up of visitors by coaches and for taxi's serving the hotel.

Although no designated areas for picking up and setting down visitors are proposed, the Highways Planning Manager is satisfied that the proposed hotel can be accommodated in this location without any significant adverse impacts on the local highways network. The hotel is a mid ranged size hotel with 66 bedrooms, which is unlikely to receive visitors on coaches, and the frequency of taxi drops off and pickups is unlikely to cause an adverse impact on the highway.

Furthermore, given the high PTAL rating (6b) of the site and its proximity with several bus routes along Charing Cross Road, London Underground stations at Leicester Square and Covent Garden and the mainline station at Charing Cross, a hotel of this size in this location is considered acceptable in land use terms. A further analysis of the impact of the hotel on local residential amenity is contained with the amenity and transportation sections later in this report.

6.1.4 Mixed use policies

The proposals result in an uplift of commercial floorspace of 2784m² on site. As the site falls within the CAZ UDP Policy CENT 3 applies. This states that where appropriate and practical, increases in commercial floorspace will require the equivalent provision of self-contained residential accommodation on site, and where this is not practical it should be provided offsite. Following this the cascade approach of this policy then states that other uses which contribute to the CAZ should be provided instead and failing that a financial contribution to the City Council's affordable housing fund should be sought.

The applicants have set out a case as to why residential on site would not be practical or suitable. They cite the following reasons –

- The retained facades place constraints on access to the buildings.
- The design constraints of the listed building, particularly in terms of providing additional cores.

- Given the location there would be a lack of good quality external amenity space.
- Several units would be single aspect due to the buildings orientation.

Whilst some of these points have some validity, it is perhaps more pertinent to note that the provision of an enhanced and viable theatre is fundamental to the success of these proposals, and the provision of several residential units in close proximity and/or directly above the new theatre may bring these uses into conflict, which in turn may impact upon the long term viability of the theatre. It is therefore accepted that it would not be practical to provide residential onsite.

The applicants have also stated that they do not have any buildings in the proximity of the site which could be used to provide 2,784m² of residential floorspace.

The provision of an enhanced theatre space could be considered to go some way to addressing the part of the policy which states that other uses which contribute to the CAZ should be provided. However, given that the replacement theatre is required by other City Plan/UDP policies this is not considered to fully meet the policy requirements and therefore a payment in-lieu to the affordable housing fund would be required.

This has been calculated at £4,006,361.

The applicants have provided a viability report which they say demonstrates that the extremely high costs of building the theatre and the development as a whole do not allow them to make a financial contribution.

The findings of the City Council appointed viability consultant are not yet available but will be reported verbally to Sub-Committee.

6.1.5 Conclusion

The proposed theatre, restaurant and hotel are, on their own merits, considered acceptable uses, however, Sub-Committee's views are sought as to whether the provision of an enhanced theatre space outweighs the items which are contrary to policy; namely the loss of D1 floorspace and the failure to provide any onsite residential floorspace (or a payment in-lieu) given the uplift in commercial floorspace.

6.2 Townscape and Design

6.2.1 Existing Buildings

No. 5 Great Newport Street is Grade II listed and was originally conceived as a late 17th century terraced house. It is comprised of three storeys, mansard roof and basement. It has been successively refronted during its history, most recently in the 1950s when the current black polished tile frontage with metal casement windows were added. The rear was altered and extended in the 1980s. Its interior whilst altered does retain features of historic interest, most notably the original staircase, historic chimneypieces, cornicing, panelling, architraves and the original plan form on the upper storeys.

No. 6-7 Great Newport Street is a five storey unlisted building constructed in 1895. The front elevation is red brick and can loosely said to be in a Queen Anne Revival style. The neighbouring building at 8-9 Great Newport Street is also five storeys. It was built in c.1900 and is also of red brick. Although its facade is relatively plain it does contain some stone banding and window lintels, and makes a positive contribution to the street and the surrounding conservation area.

The rear parts of these building have been subject to significant levels of alteration over their

histories. Consequently they are of little architectural merit.

6.2.2 Demolition and Façade retention

The applications propose to demolish the unlisted building at Nos. 6, 7, 8 and 9 Great Newport Street behind their retained façades. In the light of the information provided by the applicants about the buildings and the lack of an adopted Conservation Area Audit for the Covent Garden Conservation Area it is considered that the key contribution of these buildings is their front façades. In applying Policy DES 9 of the UDP, and the guidance of the NPPF to the current proposal, the degree of demolition proposed (with the Great Newport Street façades retained) is considered acceptable.

6.2.3 Height and Bulk

The application proposes to increase the height of the rebuilt buildings by one storey to the front portion of the site when compared with the existing. Following negotiations with officers this extra storey has been pushed back to the point where it is only partially visible from street level. The flank wall has also now been redesigned to be constructed of brick rather than glass. These elements of the scheme are now considered acceptable in design terms.

The most contentious element of the proposals is the significant increase in height and bulk to the rear of the site. The existing rear additions at Nos. 5, 6, 7, 8 and 9 Great Newport Street are all of limited quality, have suffered a number of unsympathetic additions, and are poorly maintained. They also vary in height from four storeys to the rear of Nos. 8 and 9, to two and three storeys at the rear of Nos. 5, 6 and 7. Therefore the full potential of the site is not utilised by the buildings in their current form.

The proposed extensions will comprise a block rising to six storeys (ground plus five) across the majority of the site. However, the site's context includes a 15 to 16 storey office tower known as Orion House to the north and Meridian House to the east which is comprised of six storeys, the rear facade of which faces the application site but contains no windows. Views across the site are therefore very limited because of its surroundings and the rear of this city block is completely enclosed.

It is acknowledged that the extensions and increased bulk will be visible in private views from the upper floor windows and communal terraces at Sandringham Flats. However, given the context of the surroundings, and that the existing unlisted buildings' rear extensions do not positively contribute to the character and appearance of the conservation area, it is not considered that refusal could be sustained on the grounds that the proposal would have a detrimental impact on the character and appearance of the conservation area.

6.2.4 Detailed design, Shopfronts and Signage

The detailed design of the development is clearly modern with a largely glazed atrium and lift shaft set well back towards the middle of the site. The proposed roof extension is also modern with a largely glazed front facade.

Notwithstanding this, these elements are all mostly invisible from the street, and there are only limited private views onto the site. Given that the façades are being retained it is considered that along with standard conditions requiring details of the proposed shopfronts and other architectural details, the proposals are considered acceptable in design terms.

It is proposed to mark the entrance to the theatre with a canopy. Fascia and canopy signage and a high level painted sign are also proposed. Whilst the architectural details of the canopy will be secured through a condition, any high level signage or illuminated advertisements will require express advertisement consent. A suitable informative advising the applicants of this

is recommended.

6.2.5 Listed building alterations

The work to remove the existing extension to the rear of the listed building at No. 5 Great Newport Street is acceptable. This is a modern addition to the building which was erected in the 1980s and is of no heritage value.

Concerns have been raised by both English Heritage and the Society for the Protection of Ancient Buildings with regard to the impact that the development will have on the setting of the rear of this listed building and the neighbouring listed building at No. 4 Great Newport Street.

The proposed alterations and extensions on land to the rear of the listed buildings (Nos. 4 and 5 Great Newport Street) will affect their setting, but noting that the context includes a tower block, the proximity of the new building is not so close to the listed buildings as to harm their setting. While it would be desirable not to have such a large development so close to the listed buildings and for its detailed design to be less stridently modern, in its current form the development is considered neutral in heritage asset terms with regard to its impact on the listed buildings.

The internal alterations to the building to facilitate its use as a hotel are not contentious and will maintain the special interest of the listed building.

Subject to conditions requiring specific detailed drawings and a method statement detailing the restoration proposed, the applications are acceptable in historic building terms.

6.2.6 Archaeology

It is noted that the sites falls within an Area of Special Archaeological Importance as defined by Westminster UDP known as 'Lundenwic and Thorney Island'.

The applicants have acknowledged this and have submitted an Archaeological Desktop Assessment of the site, particularly given that it is proposed to excavate three storeys below ground level.

The submitted report indicates that there is a high potential for Saxon and post-medieval remains to be found on this site. English Heritage Archaeology has been consulted and any feedback received will be reported verbally to Sub-Committee.

In any event, given the conclusions of the submitted desktop assessment it is considered prudent to impose conditions requiring method statements and a written scheme of investigation to be carried out in relation to the necessary archaeological work.

6.2.7 Design conclusions

In conclusion therefore, it is considered that the proposal is considered to have a neutral affect on the character and appearance of the unlisted buildings, the setting of the listed buildings and the surrounding conservation area and will maintain the special interest of the listed building. Therefore the proposals are considered acceptable in design terms and adhere to City Plan Policies S25 and S28 and UDP Policies DES 1, DES 5, DES 6, DES 9 and DES 10.

6.3 Amenity

6.3.1 Daylight and Sunlight and Sense of Enclosure

Policy ENV13 seeks to protect existing premises, particularly residential, from a material loss

Item No.
1

of daylight and sunlight as a result of new development.

Objectors are concerned about the potential loss of daylight and sunlight as a result of the proposed increase in height and bulk particularly to the rear of the site and the impact upon residents within Sandringham Flats.

These windows have views across the site, although they are not directly behind the application site and are instead to the side and some distance away from the nearest part of the development. The applicants have undertaken a daylight assessment in accordance with the Building Research Establishment (BRE) guidelines. The windows included in the assessment are those in Sandringham Flats and also across the road at 16-18 Great Newport Street which contains residential properties on the upper floors. The report concludes that there will be no additional material impact on daylight and sunlight received by the majority of residential windows. Where there are instances of changes to daylight in excess of the BRE guidelines, these occur where the existing light levels are so low already, that any reduction would show as being high in percentage terms but would not be noticeable to the occupant.

The increase in bulk arising from the extensions at the rear is fairly significant. However, given the significant distance to the windows within Sandringham Flats, it is not considered that there would be an unacceptable increase in the sense of enclosure to habitable rooms as a result of this proposal.

Despite the objections received on these grounds, for the above reasons it is not considered that they can be upheld as sustainable reasons for refusal.

Orion House, the large office block to the rear of the site would have its daylight levels compromised at lower levels and its external terrace at approximately third floor level would also be significantly overshadowed by the proposed increase in bulk. However, the occupants of commercial buildings are not afforded the same protection to their amenities as residential occupiers and a reason for refusal could not be sustained on these grounds.

6.3.2 Impact of hotel

Several objections have been received with regards to the proposed roof top pool and associated terrace on the hotel. Further to initial objections to this part of the scheme the pool has been relocated from the very top of the building so that it sits in front of the proposed set back roof extension. This would shield those residents in Sandringham Flats from any overlooking from this terrace and would also mitigate most of the noise associated with the use of the pool and terrace. Notwithstanding this there are residential properties opposite the site on Great Newport Street and permission has recently been granted for residential flats next door at Nos. 10-11.

Therefore it is considered necessary and reasonable to impose conditions relating to the use of the pool and external terrace, particularly in relation to its hours of use. The site is located within the West End Stress Area and given the proximity of residential properties, hours of 09.00 – 23.00 are considered acceptable.

The hotel itself is mid range in size with 66 bedrooms, and is unlikely to cause an adverse impact on residential amenity subject to conditions controlling the roof terrace, other bar areas and opening hours to non-hotel residents.

Subject to these conditions the proposed hotel use can be considered acceptable in amenity terms.

Item No.
1

6.3.3 Impact of theatre

The proposed theatre replaces a theatre of a similar size. The only intensification of this use is the introduction of the rehearsal/studio space which if used for performances could attract up to 100 visitors. This is only a small increase and given that these performances could not take place at the same time as performances in the main auditorium this is not considered to cause an unacceptable intensification of the use.

Furthermore, any restrictions on this additional space could affect the long term viability of the theatre.

6.3.4 Impact of restaurant

As set out in the assessment of the proposed land uses earlier in the report, it is considered that the proposed restaurant is likely to bring about some improvements in amenity terms. This is because the existing restaurant is not subject to any planning control or conditions and the City Council as the local planning authority are now able to impose conditions on the new restaurant. These conditions will limit the number of covers to 100 and will set a terminal hour of midnight Monday-Thursday and 00.30 on Fridays, Saturday and Sundays. Furthermore, an Operational Management Plan will be conditioned to ensure that access and egress to the restaurant is managed to mitigate any disturbance to local residential amenity.

6.4 Transportation/Servicing/Parking

The Highways Planning Manager is satisfied that the proposal will not have a significant impact on on-street parking in the local area due to the high level of public transport accessibility and its location within a controlled parking zone.

However, concerns have been raised with regards to the servicing and objectors have raised some concerns that proposed uses and will result in increased pressure being placed on existing highways network and parking in the area. City Plan Policy S42 and UDP Policy TRANS 20 both require adequate off street servicing provision, but in this instance it is proposed to service the development from on street. This is likely to interrupt pedestrian flows and therefore the servicing will need to be carefully managed. This will need to include details on how the arrival of vehicles will be managed to ensure that Great Newport Street is not congested by numerous servicing vehicles arriving at similar times.

It is considered that this can be adequately dealt with a detailed and robust Servicing Management Plan and it is not considered that the servicing of the site from on street could be sustained as a reason for refusal.

No cycle parking is proposed across the site. However, given the unusual nature of the site and its layout it is clear that there are no obvious locations for accessible cycle storage at ground floor level.

The proposals also make reference to a new 'dropped kerb' to the front of the hotel. The purpose of this is unclear, but in any event it is unlikely that the Highway Authority would install a dropped kerb in this location given that it is not a crossing point.

6.5 Economic Considerations

The economic benefits of the scheme are welcomed; the application is subject to a viability assessment as outlined elsewhere in this report.

Item No.
1

6.6 Other UDP/Westminster Policy Considerations

None relevant.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 Planning Obligations

A financial Viability Assessment has been submitted which sets out the case as to why the costs of this proposal are so prohibitive that planning obligations in the form of financial contributions would render the scheme unviable. Previously the City Council has appointed independent viability consultants to assess this, and they have twice before concurred with the applicants consultants.

Given the length of time this application has been in planning, a further instruction has been given to independent consultants to assess the schemes current costs given current market conditions. This report is not available at the time of writing but will be reported to Sub-Committee.

If it were possible for the applicants to provide planning obligations they would be expected to provide the following given the uplift in commercial floorspace of 2,784m² -

- The equivalent in residential floorspace on site or offsite or a payment in-lieu to the City Council's affordable housing fund of £4,008,361
- Public realm contribution of £186,528
- Crossrail contribution of £261,782

The S106 legal agreement should secure arrangements with regards to the proposed replacement theatre, restaurant and gallery space within the hotel. These can be summarised as follows -

- Occupation of the hotel only on the completion of the theatre to shell and core.
- Occupation of the restaurant only on the completion of the fit out of the theatre to accommodate performance.
- The setting aside of £600,000 (index-linked) to fund the fit out of the theatre including the seating.
- The use of the theatre space for theatrical performances for a minimum of 320 days a year.
- Securing the link between the restaurant and the theatre at ground floor level.
- The securing of a sculpture gallery within the hotel which will be open to the public.
- Monitoring costs

6.9 Environmental Assessment Including Sustainability and Biodiversity Issues

The proposal will achieve a BREEAM rating of 'Outstanding' which would be achieved by the inclusion of Combined Heat and Power (CHP) into the redevelopment and some minor energy efficiency savings equating to 6%. Overall this would equate to carbon savings of in excess of 40% over Part L of the Building Regulations. Whilst no on site renewable technologies are proposed, given the large carbon savings generated through the CHP it is considered that the proposal is acceptable in sustainability terms.

Conditions ensuring that the proposed development meets BREEAM 'Outstanding' are recommended.

6.10 Conclusion

It is considered that the proposal is considered acceptable in design, amenity, transportation and sustainability. However, the loss of D1 floorspace amounting to over 900m², and the lack of on site residential provision or a payment-in-lieu would ordinarily be considered unacceptable in land use policy terms.

The suitable replacement of a theatre on this site is of utmost importance in terms of providing arts/cultural facilities in Westminster in the context of adopted Policies TACE 5, TACE 6 and S22. This is supported by the Theatres Trust. Officers also consider that the proposed replacement theatre would offer an enhanced facility over the existing theatre. Therefore, the Sub-Committee's views are sought as to whether the provision of this new theatre and its ancillary parts outweigh those aspects of the scheme which are not policy compliant.

BACKGROUND PAPERS

CONSULTATION COMMENTS ON ORIGINAL SCHEME

1. Application forms
2. Letters from English Heritage (x3) dated 10.09.2012
3. Letter from The Theatres Trust dated 13.09.2012
4. Email from the Council of British Archaeology dated 10.07.2012
5. Letter from the Society for the Protection of Ancient Buildings dated 25.06.2012
6. Letter from the London Borough of Camden dated 28.06.2012
7. Letter from Covent Garden Community Association dated 19.06.2012
8. Letter from Covent Garden Area Trust dated 19.06.2012
9. Letter from London Underground dated 11.06.2012
10. Memorandum from Building Control dated 14.06.2012
11. Memorandum from Highways Planning Manager dated 29.08.2012
12. Memorandum from Environmental Health dated 29.06.2012
13. Memorandum from Cleansing Manager dated 11.06.2012
14. Letter from the occupier of [REDACTED] dated 25.07.2012
15. Letter from the occupier of [REDACTED] dated 24.07.2012
16. Letter from the occupier of [REDACTED] dated 25.07.2012
17. Letter from occupier of unknown local address dated 21.06.2012
18. Letter from the occupier of [REDACTED] dated 20.06.2012
19. Letter from the occupier of [REDACTED] dated 20.06.2012
20. Letter from the occupier of [REDACTED] dated 19.06.2012
21. Letter from person of unknown address dated 03.06.2012
22. Letter from the occupier of [REDACTED] dated 12.06.2012
23. Letter from the occupier of [REDACTED] dated 17.06.2012
24. Letter from the occupier of [REDACTED] dated 12.06.2012
25. Letter from the occupier of [REDACTED] dated 13.06.2012
26. Letter from the occupier of [REDACTED] dated 04.06.2012 and 06.06.2012
27. Letter from the occupier of [REDACTED] dated 02.06.2012
28. Letters from AKA Planning Consultants on behalf of the residents and owners of [REDACTED] dated 20.07.2012 and 30.01.2013

CONSULTATION COMMENTS ON REVISED SCHEME

1. Letter from The Theatres Trust dated 04.03.2014
2. Letter from London Underground dated 04.02.2014
3. Letter from Covent Garden Community Association dated 11.04.2014

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	75 - 77 Brook Street, Mayfair, London, W1K 4AD,		
Proposal	Demolition and redevelopment to provide a new building comprising sub-basement, lower ground, ground and part six / part seven upper storeys with roof terrace at part seventh floor, flexible / alternative office (Class B1) / retail (Class A1) on ground and lower ground floors, office (Class B1) on upper floors, installation of plant at seventh floor level, and associated works. Internal works at ground floor to link with part of No.73 Brook Street. (Linked with 1 Green Street)		
Agent	DP9 Ltd		
On behalf of	Sentia Limited		
Registered Number	18/01277/FULL	Date amended/ completed	14 February 2018
Date Application Received	14 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission subject to the completion of a S106 agreement to secure:

- a) The completion of the residential at 1 Green Street as approved on 9 April 2018 (RN: 17/01298/FULL) (prior to occupation of the office accommodation at this site);
- b) The completion of the office accommodation (within 6 months of the occupation of the residential at 1 Green Street);
- c) Carbon off-set payment to the value of £14,400 towards the Council's carbon offset fund (index linked and payable on commencement of development);
- d) Compliance with the Code of Construction Practice;
- e) The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

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

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

2. SUMMARY

75 Brook Street comprises of basement, ground and two upper floors. This building is wholly in office use. 77 Brook Street has a basement, ground and three upper floors and is primarily in office use, although there is a residential flat at third floor level.

Planning permission was granted at the site in 2017 for demolition and redevelopment to provide an office (Class B1). The existing residential flat was to be relocated as part of a land use swap with 1 Green Street.

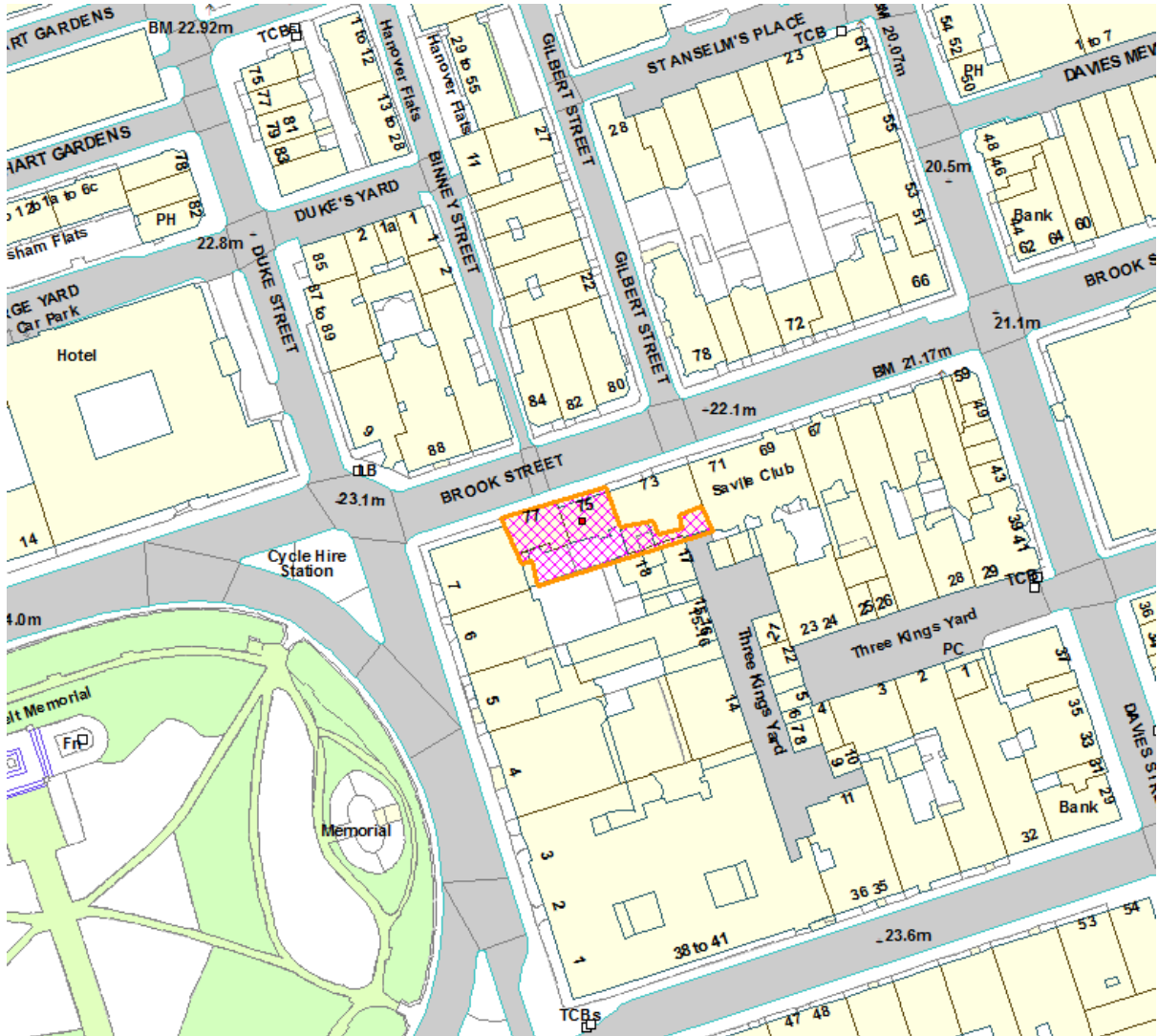
Planning permission is sought to allow the demolition and redevelopment of the site to provide a new building comprising of sub-basement, lower ground, ground and part six / part seven upper storeys with roof terrace at part seventh floor. A flexible / alternative office (Class B1) / retail (Class A1) is proposed at ground and lower ground floors, with office (Class B1) on the upper floors. Associated mechanical plant is also proposed on the seventh floor within an acoustic enclosure. The proposal will also create a ground floor link with the adjoining building at 73 Brook Street.

The key issues for consideration are:

- The land-use implications including the loss of residential;
- The impact of the demolition of the building on the Mayfair Conservation Area;
- The impact on neighbouring residential amenity.

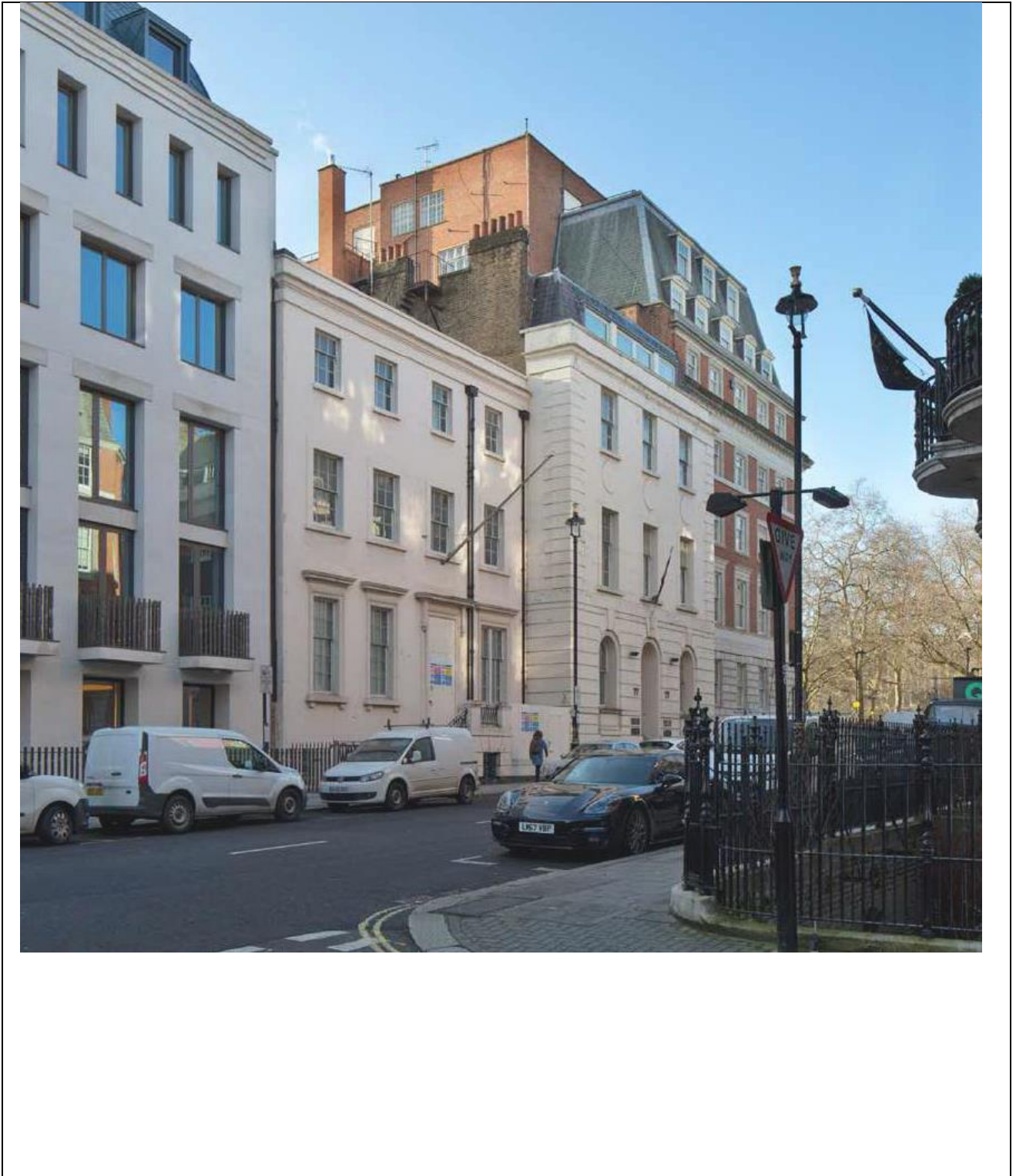
The scheme is considered acceptable in land use terms as the residential floorspace lost on this site is to be re-provided at 1 Green Street. This will be secured by legal agreement. It is not considered that the proposed use would negatively impact on residential amenity. While the proposals are not in accordance with all of the Council's design policies and are considered to cause harm to the Mayfair Conservation Area, this harm is less than substantial and is on balance outweighed by the public benefits of the proposals. The scheme is therefore recommended for approval, subject to legal agreement, and overall complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

HIGHWAYS PLANNING

No objection subject to conditions

CLEANSING

No objection subject to conditions

ENVIRONMENTAL HEALTH

No objection subject to conditions

BUILDING CONTROL

No objection

LONDON UNDERGROUND LIMITED

No comment

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 78

Total No. of replies: 0

THAMES WATER

No objection following submission of further information

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

75 and 77 Brook Street are two buildings located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ).

They both date from 1925-6. 75 Brook Street comprises of basement, ground and two upper floors. This building is wholly in office use. 77 Brook Street has a basement, ground and three upper floors and is primarily in office use, although there is a residential flat at third floor level.

6.2 Recent Relevant History

There are a number of relevant planning permissions both at this site, and the linked site at 1 Green Street, and properties immediately adjoining the site, as set out below.

The Application Site

Planning permission was granted at the site on 25 January 2017 (RN: 16/04188/FULL) for demolition and redevelopment to provide an office (Class B1) building comprising of

basement, ground and five upper storeys. External terraces at rear ground, fourth and roof levels and installation of plant at roof level. This permission formed part of a land use swap with 1 Green Street, the history of which is set out below.

The applicant has advised during the determination of this application that they have since commenced demolition work on site on the 25 April 2018 to implement the above permission (and have retrospectively applied to discharge the pre-commencement condition which requires compliance with the Council's code of construction practice).

1 Green Street

Planning permission and listed building consent (RN: 15/07795/FULL and 17/01299/LBC) were granted on 25 January 2017 for the use of the first to fourth floors for residential use providing four self-contained residential units (2 x 1 bed and 2 x 2 bed units) and other internal and external alterations.

This application formed part of a land use swap with 75-77 Brook Street (noted above) with a legal agreement ensuring that the scheme, as a whole, would secure the provision of both the office and residential uses to ensure that there is no net loss of either use.

A slightly amended scheme was granted more recently at the site (RN: 17/01298/FULL and 17/01299/LBC) were granted on 26 May 2017. These later permissions were tied into the previous S106 agreement by a deed of variation. Grosvenor Estate are responsible for implementing the permission on this site. The applicant has confirmed that works are currently under way to implement the permission.

73 Brook Street

Planning permission was granted on 07 October 2014 (RN:14/01806/FULL) for the demolition of existing building and erection of a new building comprising basement, ground and first to sixth floor levels. This building was permitted to be used as B1 office accommodation. The permission also allowed for the creation of a rear garage space to be accessed from Three Kings Yard, installation of plant at basement, sixth and main roof levels, solar panels at main roof level and installation of balconies at first floor level to the front of the property.

This permission has subsequently been implemented and is now occupied in accordance with the permission.

Three Kings Yard

Planning permission was granted on 20 June 2016 (RN: 17/02520/FULL) at 17a, 17B And 18 Three Kings Yard (to the rear of the application site) for the demolition of the existing building and redevelopment to provide a five storey building (consisting of lower ground, ground and first to fourth floor levels) with 10 residential units. This application also has balconies/terraces on the rear elevation. This permission has not yet been implemented.

The existing building at this site is four stories and in residential use as a number of individual residential properties.

7. THE PROPOSAL

Planning permission is sought to allow the demolition and redevelopment of the site. The new building will comprise of sub-basement, lower ground, ground and part six / part seven upper storeys with roof terrace at part seventh floor.

A flexible / alternative office (Class B1) / retail (Class A1) is proposed at ground and lower ground floors, with office (Class B1) on the upper floors. Mechanical plant is proposed to be installed on the seventh floor flat roof at seventh floor level within an acoustic enclosure, and associated works.

The proposal also includes internal works at ground floor to link the new building with the adjacent building at 73 Brook Street.

The key differences between this proposal and the approved scheme at the site are that the building is larger in footprint, height and bulk with an additional floor at sub basement floors. This proposal also introduces an alternative retail (Class A1) use of the ground and lower ground floors.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses and floorspace figures for the proposal are set out in the table below.

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	933	1878	+945
Flexible Office(B1) / Retail(Class A1)	0	432	+432
Residential (Class C3)	85	0	-85
Total	1018	2310	+1292

Existing and proposed floorspace figures for 75-77 Brook Street

As the proposal will be linked to the previous permission for the land use swap at 1 Green Street, it is necessary to consider the floorspace provisions on both sites as a composite package.

The existing and proposed areas for the consented schemes at 1 Green Street are set out in the table below.

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	501	0	-501
Residential (Class C3)	0	563	+563
Retail (Class A1)	310	258	-52
Total	811	821	+10

Consented existing and proposed floorspace figures at 1 Green Street

The overall comparative floorspace figures for the proposed development at the site and the consented scheme at 1 Green Street are set out in the table below.

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	1434	1878	+444
Flexible Office (B1) / Retail (Class A1)	0	432	+432
Residential (Class C3)	85	563	+478
Retail (Class A1)	310	258	-52
Total	1829	3131	+1302

Overall comparative floorspace figures for the proposed development at the site and the consented scheme at 1 Green Street

Land Use Swap

As a standalone scheme, the proposal would result in the loss of a residential flat, contrary to Policy S14. However, City Plan policy CM47.1 allows the swapping of uses between sites and for land use packages in order to maximise the potential of individual sites within the commercial areas of Westminster's Central Activities Zone. A land use swap will be appropriate provided that the sites are in the vicinity of each other; the mixed use character of the immediate area is secured; there is no net loss of floorspace across the site taken as a whole; the uses are appropriate and there is no loss of amenity, any residential accommodation is of a higher quality and the applications are submitted at the same time and all elements are completed within a time frame agreed by the Council.

The principle of this land use swap between both sites has already been accepted as established by the January 2017 planning permission. It is considered that the land use option is still acceptable in this regard and accords with Policy CM47.1 of the City Plan. A legal agreement will ensure that there is no net loss of either office or residential uses.

Increase in Office Floorspace

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness.

The Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan as offices contribute to the unique and varied mixed use character of the Core CAZ which will ensure the continued vitality, attraction and continued economic success of Central London. The provision of additional office floorspace in this location is therefore acceptable in principle.

Across both site the proposal would result in the potential uplift of 876sqm GIA of office floorspace (Class B1). This is a larger increase compared to the extant scheme which provided a net increase of 177sqm in office floorspace. This is acceptable in principle given the sites location within the Core CAZ and is in accordance with Policy S20 of the City Plan.

Mixed Use Policy

City Plan Policy S1 sets out the circumstances in which development proposals which include an increase in Class B1 office floorspace trigger a requirement to provide new residential accommodation.

Part C of the Policy states that where the net additional floorspace of all uses is more than 50% of the existing building floorspace and more than 400sqm, residential floorspace or an equivalent payment in lieu will be provided, equivalent to the new additional B1 office floorspace less 30% of the existing building floorspace. This provision must be provided in accordance with the cascade set out in the policy.

The proposed net additional floorspace of all uses across both sites is 1302sqm, which is a 71% increase of the existing building floorspace (1829sqm). This requires the provision of 327sqm of residential floorspace, provided in accordance with the policy cascade. This requirement of floorspace is provided for and exceeded by the amount of residential floorspace being provided at 1 Green Street (478 sqm). The provision of the residential floorspace in this location is considered acceptable and in accordance with the policy cascade which requires the residential floorspace to be provided on-site or in the immediate vicinity.

Affordable Housing

The increase in residential floorspace does not trigger the need to provide any affordable housing provision under Policy S16 of the City Plan.

Flexible A1 Retail Use

The lower ground floor and part of the ground floor are proposed to be used for either retail or office use. This area measures 432sqm. Policy S6 of the Westminster City Plan identifies the Core CAZ as an appropriate location for retail (Class A1) uses and encourages the provision of more retail throughout the area. City Plan Policy S21 looks to direct new retail floorspace to the designated shopping centres. The use of the ground and lower ground floors as retail (Class A1) is considered acceptable in principle given the sites location in the Core CAZ.

The Highways Planning Manager has advised that due to the size of the space, should the space be used for food retail, it would be likely to have a detrimental impact on the local road network due to delivery requirement for such uses. Accordingly, a condition is imposed prohibiting food retail should the area be used as A1. Subject to the above condition, the possible new retail use is acceptable.

8.2 Townscape and Design

The existing buildings are twentieth century in origin but in a neo-Georgian / Regency style. They make a positive contribution to the character and appearance of the Mayfair Conservation Area. Demolition is only acceptable if the proposed replacement buildings preserve or enhance the character and appearance of the conservation area.

Brook Street dates from the 1720's. Many of the original Georgian houses survive. On the south side there is the grade 2 starred listed Savile Club (no. 69-71) and two grade 2 listed buildings at nos. 65 and 67. These have stuccoed facades. On the north side of the street are a number of grade 2 and 2 starred listed buildings. These have brick facades. This is a highly sensitive historic street and the design of any new building needs to respond positively to the character of the street and surrounding conservation area.

In January 2017 the City Council granted planning permission for the demolition and replacement of these buildings. This permission has been implemented as demolition has commenced. The permission is for a new building designed on neo-Georgian principles, with brick facades and a mansard type roof. It is seven storeys high, including the basement and roof storeys. This design approach was considered appropriate as it would relate to the Georgian character of Brook Street and this part of the Mayfair Conservation Area.

The current proposals differ significantly from the planning permission scheme. The proposed buildings are taller and a different design approach has been taken.

Plan Form

The existing buildings are set forward of the historic building line in Brook Street. As in the planning permission scheme, the proposed building is set back on the historic building line, with new areas between the building and the pavement. This is beneficial to the street and the Mayfair Conservation Area.

Height and Bulk

The current scheme seeks to create a significantly greater amount of accommodation than the extant scheme. The building has been designed to appear as two buildings; the eastern part is nine storeys and the western part is ten storeys, including lower ground and sub-basement floors. The height increases towards the taller building on Grosvenor Square. The height of the eastern part of the development matches the height of the new adjoining building, no. 73 Brook Street, which is designed by the same architects.

Set back from the facade at the eastern end of the site, adjacent to no. 73 is a large boxy plant room. It relates poorly, in terms of its height, bulk and its design, to the roof at the front of the building. Although this is not readily visible in views from street level, it will be visible from the upper floors of adjacent buildings.

It is considered that it would be more appropriate to carry the height and bulk of the front of the eastern part across the whole site, so that there is a greater contrast between the Brook Street buildings and the larger scale Grosvenor Square buildings. This was achieved in the planning permission scheme. However, the applicant argues that greater height and bulk at the western end to create an incremental stepping down west to east is justified.

Design and Materials

The design approach adopted is very different from the Neo-Georgian of the planning permission scheme. The facades are more contemporary, and the front facade is clad in Portland stone, similar to no. 73. The two facades proposed and the existing building

to the east would create a run of three stone facades, of similar designs, but with a degree of variety in the detailing. They would all have the first and second floor windows combined to form one tall, vertically proportioned element, with a spandrel panel between the two levels. The top floors of the facades would feature narrow, vertically proportioned windows

The floor levels of the new building and no. 73 would line up. This would enable the buildings to be combined to create one large building if this was desirable commercially. Whilst this is not unacceptable in principle, it does mean that the ground floor of the western most part is set partly below street level. This is an unusual arrangement, especially in Brook Street where the ground floors are at or above street level.

The proposed materials are natural Portland Stone for the front facade, with the additional use of glazed terracotta to frame the metal windows. Hamhill stone is also proposed for the top floor of the eastern facade. The rear facade is clad in brickwork. The proposed roof storeys are steeply pitched, with curved tops, and are clad in metal shingles, with narrow dormer windows. This is a deliberately modern design approach, making reference to the new building at no. 73.

Design Conclusion

The current proposals are not as deferential to the existing historic character of Brook Street as the planning permission scheme, in terms of the proposed height and bulk and the facade design. They are related to the new building at no. 73, rather than the Georgian character of much of the street. However, in the context of no. 73, the design approach could be considered acceptable.

The aim to create more floorspace on the site compared to the planning permission scheme results in some urban design and conservation compromises. The height and bulk, including the proposed plant room, are considered harmful to the character and appearance of this part of the Mayfair Conservation Area. This harm is 'less than substantial'. However, in assessing these proposals that harm has to be weighed in the balance, as required by the NPPF. If there are public benefits to outweigh the harm to heritage assets (the Mayfair Conservation Area) then planning permission should be granted.

Overall Harm and Benefits

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention needs to be paid to the desirability of preserving or enhancing the character or appearance of the Mayfair Conservation Area.

The public benefits of the scheme are considered to be the significant contribution towards the office floorspace target in the CAZ, as set out in Policy S20 of the City Plan, and the creation of more jobs and employment floorspace. The proposals need to be considered in the context of the benefits it provides against the harm to the heritage asset. The scheme will deliver public benefits which outweigh the less than substantial harm to the heritage asset (the conservation area). As such, while the proposal may not be considered to fully comply with all the urban design and conservation policies, it is considered to comply with the City Council's development policies when taken as a whole.

8.3 Residential Amenity

Council records indicate that the closest residential properties are at 5 and 6-7 Grosvenor Square, immediately adjoining the building to the west. Other nearby residential properties includes 17B and 18 Three Kings Yard abutting the site to the south east.

Sunlight and Daylight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

A daylight and sunlight report has been submitted as part of the application which assesses the impact of the development on Nos.5 and 6-7 Grosvenor Square and both the existing and consented buildings at 17-18 Three Kings Yard.

The report demonstrates that all windows assessed at No.5 Grosvenor Square are fully compliant with BRE daylight and sunlight requirements. The largest loss in VSC is 6.62%, well below the threshold above which losses in daylight are considered to be noticeable is 20% VSC. There is no effect on APSH at this property

In relation to the flats at No. 6-7 Grosvenor Square, none of these windows experienced any material losses of daylight in the extant scheme. When compared to that scheme, only two windows would now experience losses of more than the 20% threshold (23.96% and 20.63% respectively). One window serves a bedroom and the other window adversely affected is served by another window in the same room that is not affected. However, when compared to the baseline figures, 14 windows are shown to breach BRE guidance with VSC losses of between 21.94% and 37.32%. However, the retained values in these rooms are still considered to be acceptable considering the location of the properties in this dense urban area. (6 of these windows would still retain values of between 15.79 and 24.03). There are no losses in APSH at this property.

The existing building at No.17-18 Three Kings Yard experience a number of losses in VSC which breach BRE guidance, ranging mostly between 20.1% - 38.9% but with one

as high as 82.5%. With regards to this high loss in VSC and some of the other losses, it is recognised that these windows have a particularly low baseline levels of VSC (the window with the largest loss currently only experiences 1.43 VSC). As a result, any change in massing to the application site would create a disproportionately high percentage change with only small absolute changes. Additionally, the window with the largest loss is located below a balcony. Given the relatively small absolute changes which the proposal would have on VSC levels for these properties, the relatively minor losses in VSC are not considered to materially worsen the living conditions of the existing accommodation. The report demonstrates that there are not likely to be any losses in APSH at the existing property.

The assessment of the consented scheme at No.17-18 Three Kings Yard shows that, as with the existing property, a number of windows will experience losses in VSC in excess of the BRE guidance (ranging from 26.2% - 42.32%) however, as before, these windows have low baseline levels of VSC and would experience small absolute reductions. The report shows that there will not be any losses in APSH at the proposed property.

Sense of Enclosure

The proposed new building will have a larger footprint. The majority of this increased footprint is created by increasing the depth of the building at the rear, adjacent to the side elevation of No. 18 Three Kings Yard. The development will create a large, full height (rising to sixth floor) blank flank elevation against the boundary wall No. 18 Three Kings Yard. The existing buildings are set back from the boundary wall by some distance at ground, first and second floors. The previously consented scheme at this site was also set back from the boundary wall at the rear at ground to third floors (albeit not to the same extent as the existing building), and then stepped back at fourth and fifth floors.

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. It is acknowledged that the occupants of No. 18 may feel more 'closed in' than at present. However, the rear windows in 18 Three Kings Yard do not directly face the application site and it is therefore not considered that the resulting relationship between the site and the adjoining residential building would result in an unacceptable degree of enclosure to reasonably withhold planning permission.

Furthermore, should the approved scheme at Nos. 17a, 17B And 18 Three Kings Yard be implemented, the new building here will occupy a larger footprint than the existing building with a rear closet wing adjoining the current application site with windows and balconies largely facing south west, away from the application site. If this scheme is implemented it is considered that there would be a subsequent reduction in any increased sense of enclosure to these properties in Three Kings Yard.

Privacy

The proposal includes a large flank wall facing the Three Kings Yard properties at the rear. This wall is blank and would therefore not result in any overlooking or loss of privacy to the residential properties at the rear.

Windows are proposed which are set back from the rear but these have been located at a distance from the neighbouring residential properties, with privacy fins incorporated, such that oblique views from the site are minimised.

The proposed terrace at seventh floor is set back behind the building line as it is atop a mansard structure. It only provides views across Brook Street towards Nos. 80, 82 and 84, which all appear to be in office use. It is therefore not considered that there will be any loss of privacy to surrounding properties as a result of the terrace.

8.4 Transportation/Parking

The Highways Planning Manager has advised that, given the high level of public transport accessibility to the site, the proposed development is unlikely to result in any significant increase in demand for on-site parking in the vicinity. The proposed cycle storage provision is considered acceptable and in line with the requirements of the London Plan. The cycle storage will be provided as shared facilities between No. 73 Brook Street (retaining the existing approved amount of storage) and will be accessed via the rear of No.73, as is currently, through Three Kings Yard. The provision of this will be secured by condition.

The Highways Planning Manager has raised concern regarding the lack of details regarding servicing of the site. The site is located within a Controlled Parking Zone, which means that loading and unloading is allowed to occur. It is requested that in order to minimise the impact of servicing on the public highway, a servicing management plan is recommended to be secured via condition.

8.5 Economic Considerations

The economic benefits of a more intensive use of the site as a result of the increase in both retail and office floorspace are welcomed.

8.6 Access

Level access is to be provided and in the event that the lower floors are used for retail purposes level access will be provided through the existing entrance at 73 Brook Street.

8.7 Other UDP/Westminster Policy Considerations

Noise

The proposed development includes a roof terrace at seventh floor fronting onto Brook Street. This is largely shielded from the properties at No. 6-7 Grosvenor Square by the form of the seventh floor office accommodation. The properties at Three Kings Yard are somewhat shielded from the terrace by the proposed plant enclosure. Due to concerns regarding potential late night noise from use of the terrace, it is considered necessary to restrict the hours which the terrace can be used (between 08:00-21:00 Monday Friday only) by condition.

Plant

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Mechanical plant will be located at the flat roof at seventh floor level within a plant enclosure and in part of the sub-basement. Calculations indicate that with the specified noise attenuation measures and distance attenuation the plants will be compliant with the City Council's noise criteria. The operational hours of the plant will be restricted to those recommended by Environmental Health (07:00-23:00 Monday – Friday) and assessed in the acoustic report by condition. The installation of the plant enclosure will also be secured by condition.

Environmental Health note that the specific plant for the proposal has not yet been chosen so have requested a supplementary acoustic report be submitted once the choice is made.

Refuse /Recycling

The applicant has provided details of waste and recycling storage at basement level which are considered acceptable and will be secured by condition. The Cleansing Officer has requested that the applicant provide a temporary storage area for waste at ground floor level however the extant scheme site did not require such a facility. It is considered that a condition ensuring that no waste is left on the highway unless immediately prior to collection would be sufficient to overcome these concerns.

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

- i) The completion of the residential at 1 Green Street as approved on 9 April 2018 (RN: 17/01298/FULL);
- ii) The completion of the office accommodation (within 6 months of the occupation of the remainder of the residential at 1 Green Street);
- iii) Carbon off-setting to the value of £14,400;
- iv) Compliance with the Code of Construction Practice;
- v) The costs of monitoring the legal agreement.

Officers consider that these 'heads' satisfactorily address the City Council policies, the Supplementary Planning Guidance and the CIL Regulations.

The estimated CIL payment is :

- Mayoral CIL: £87,647.53
- Westminster CIL: £216,369.74
- Total: £304,017.27

8.11 Environmental Impact Assessment

Policy 5.2 of the London Place refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy,
2. Be Clean-Supply energy efficiently,
3. Be Green-Use renewable energy.

Policy 5.2 E of the London Place states that where specific targets cannot be fully achieved on site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy S39 of the City Plan states that major development should be designed to link and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so.

The applicant has submitted an Energy and Sustainability Strategy. Measures to provide a resource-efficient building on the site include the provisions of suitable glazing ratio to balance heat losses and gains, various fabric insulations, use of passive design and high efficiency mechanical ventilation and heat recovery. The developer has provided information relating to the efficiencies with the structure of the new building.

The development is anticipated to secure 14% CO₂ savings which is below the 35% target set by the London Plan. (The previously approved scheme at this site secured 16.4% CO₂ savings) However, the applicant has agreed to make a policy compliant contribution of £14,400 towards the Council's carbon offset fund to make up the shortfall in carbon reduction. The fund is used to enhance the energy efficiency or installing renewable energy infrastructure on public or community buildings. This will be secured by S106 agreement.

8.12 Other Issues

Construction Impact

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code.

Furthermore, City Plan Policy S29 states that: *“The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation, and this will be achieved through compliance with the relevant parts of the Council’s Code of Construction Practice.”*

The proposal is included within the Code by virtue of it being a major application. Compliance with the Code will be secured by condition. As works have commenced on site for the previous permission, compliance with the Code will be secured through the legal agreement instead of by the standard condition.

Basement

The proposal includes the creation of a basement level. The proposed basement development is compliant with the City Plan policy on basement development (Policy CM28.1). As the proposed basement will be entirely contained within the footprint of the building, it is not considered the policy requirements regarding landscaping, loss of trees etc. are applicable in this instance.

Building Control have assessed the proposed basement, the accompanying structural method statement, the method of construction, underpinning and safeguarding of the neighbouring sites and confirmed that these are acceptable. They have confirmed that an investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The Building Control Officer has confirmed that the means of escape from the basement is also acceptable.

Thames Water

Thames Water have submitted comments in relation to the proposed works. The initially raised objection to the lack of information regarding the waste water infrastructure needs of this application and requested a drainage strategy be secured by condition. However, following the submission of additional information from the applicant, they are now satisfied with this aspect. No objection was raised to the water infrastructure capacity

(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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

9. KEY DRAWINGS

Existing/Demolition Front Elevation



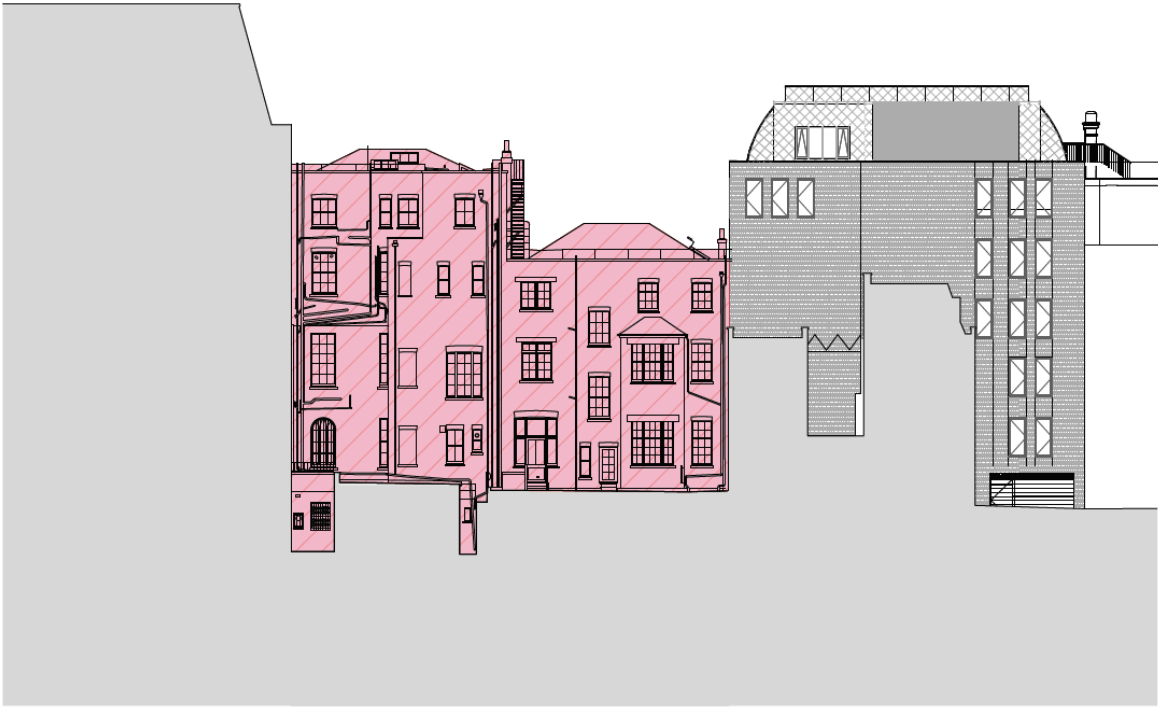
Existing North Elevation

Proposed Front Elevation



Proposed Brook Street Elevation

Existing/Demolition Rear Elevation



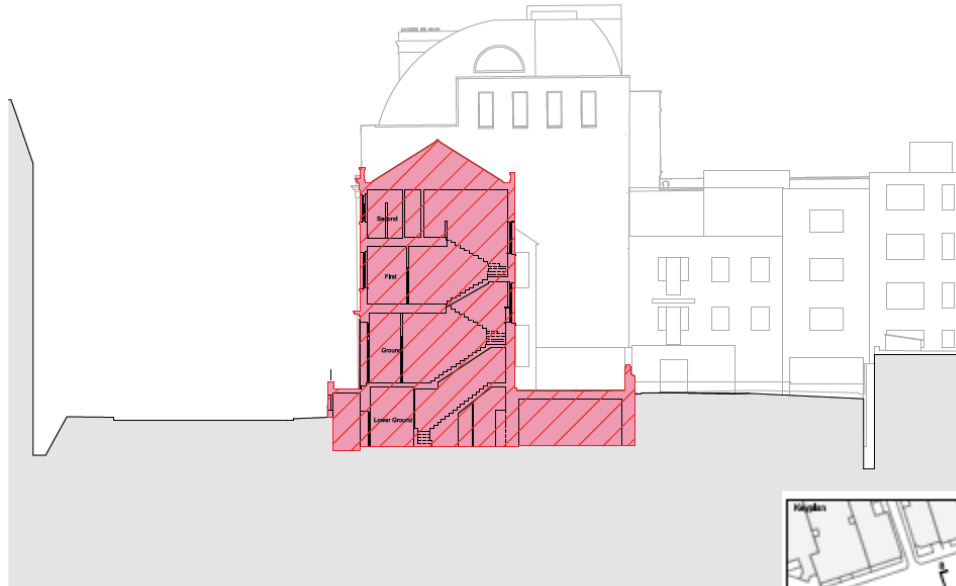
Existing South Elevation

Proposed Rear Elevation



Proposed South Elevation

Existing/Demolition Section B-B



Existing Section B-B

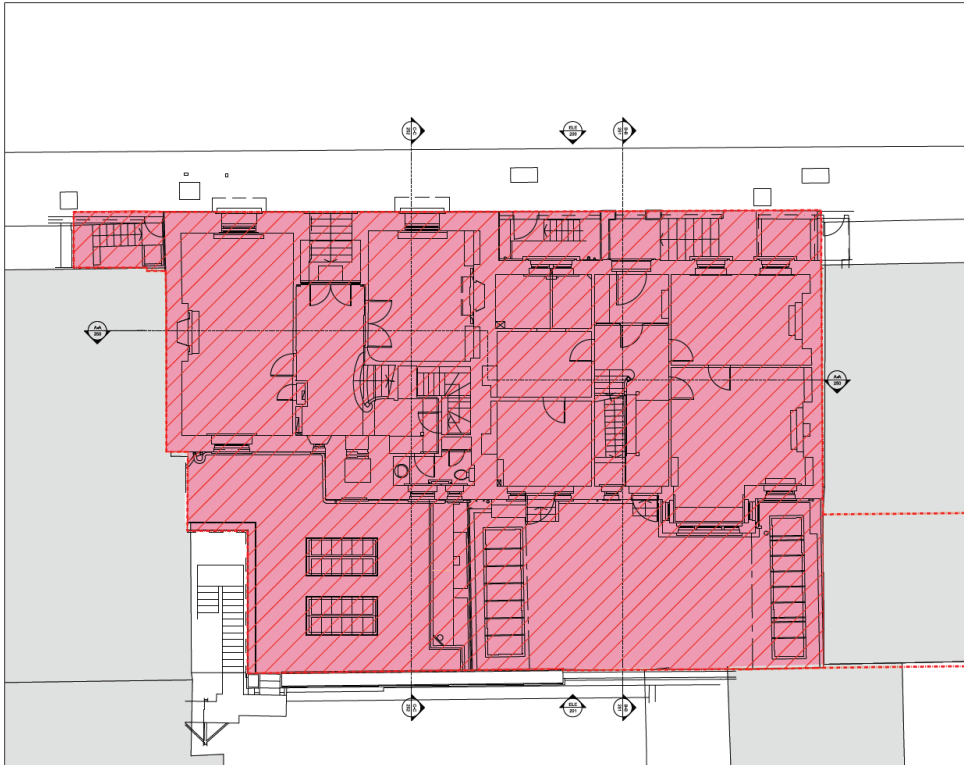


Proposed Section B-B

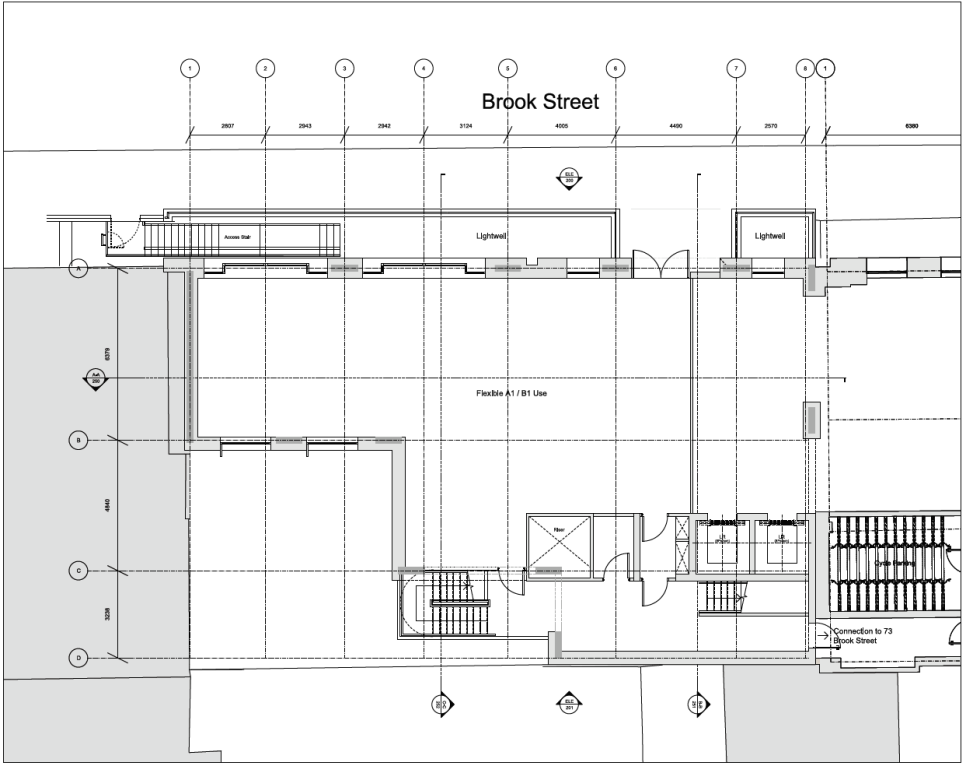


Proposed Section B-B

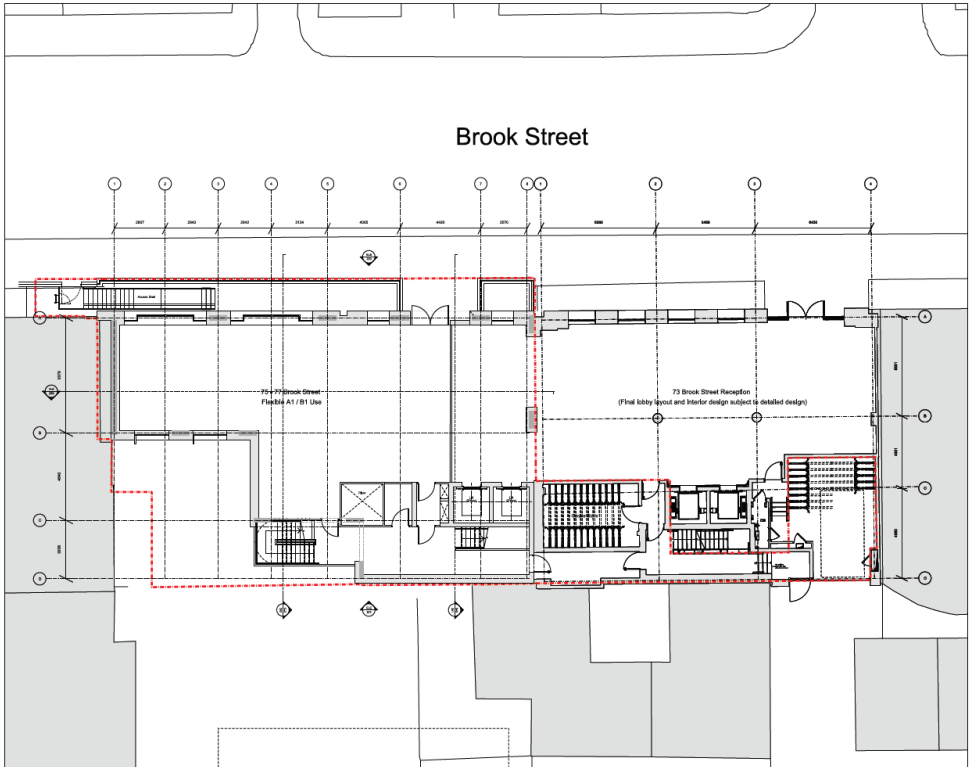
Existing/Demolition Ground Floor



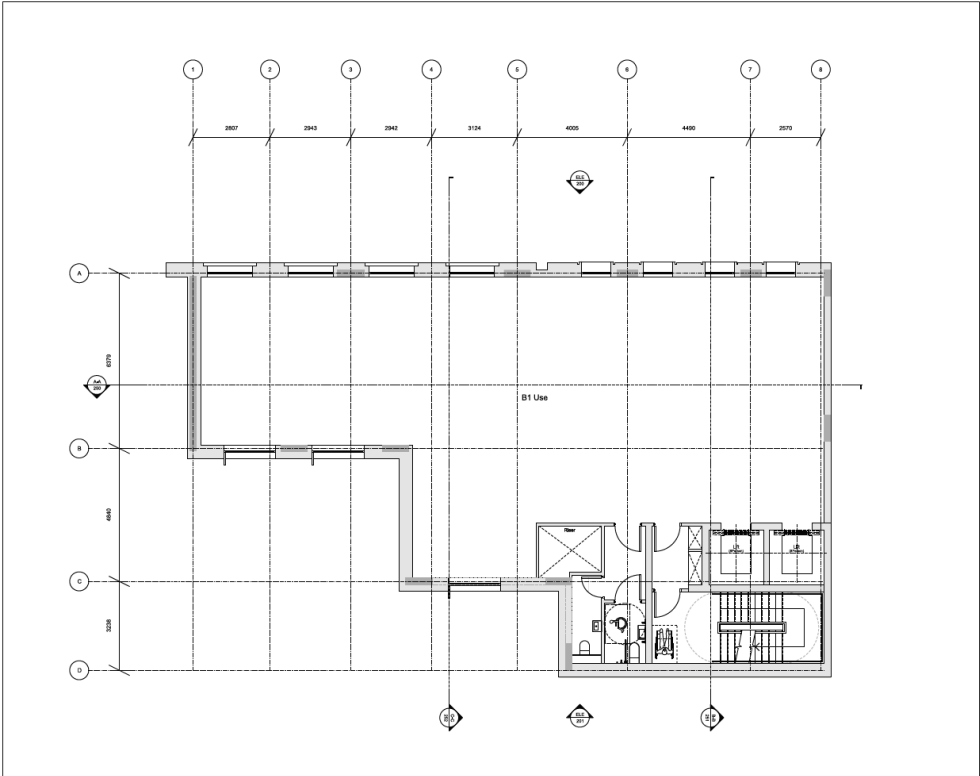
Proposed Ground Floor



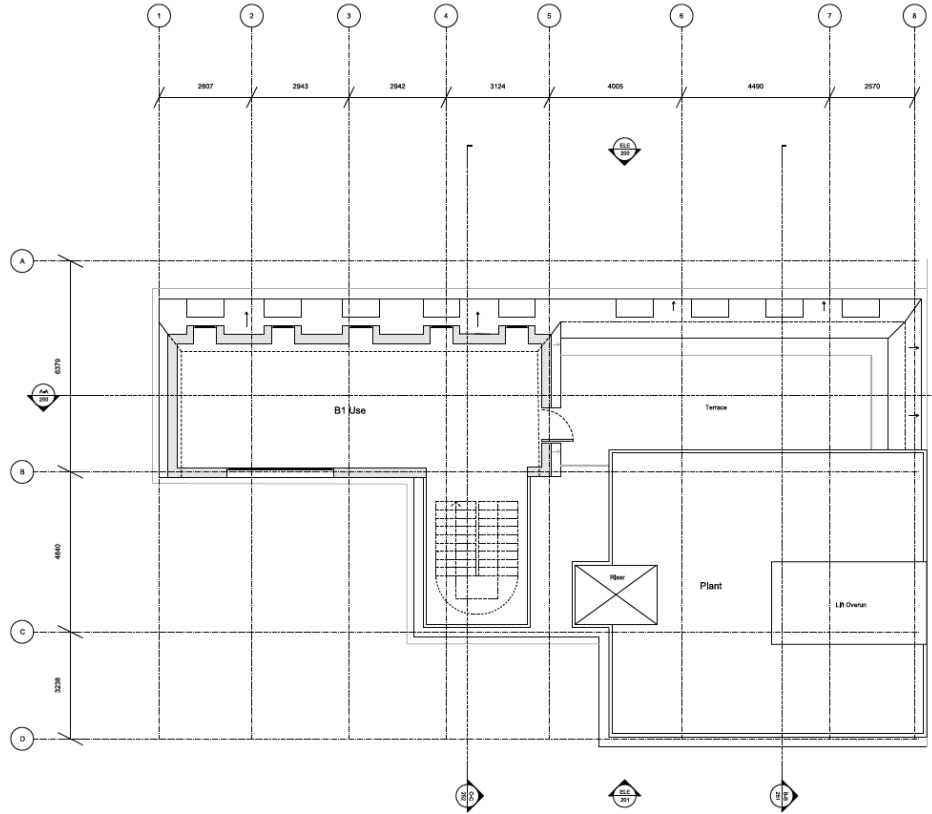
Proposed Ground Floor Plan Including No.73 Brook Street



Proposed Indicative Floor Plan (3rd and 4th Floors)



Proposed 7th Floor



DRAFT DECISION LETTER

Address: 75 - 77 Brook Street, Mayfair, London, W1K 4AD

Proposal: Demolition and redevelopment to provide a new building comprising sub-basement, lower ground, ground and part six / part seven upper storeys with roof terrace at part seventh floor, flexible / alternative office (Class B1) / retail (Class A1) / retail art gallery (Class A1) on ground and lower ground floors, office (Class B1) on upper floors, installation of plant at seventh floor level, and associated works. Internal works at ground floor to link with part of No.73 Brook Street. (Linked with 1 Green Street RN: 17/01298/FULL)

Plan Nos: Demolition Drawings:
1487-A-PLN-099-EX ; 1487-A-PLN-100-EX ; 1487-A-PLN-101-EX ; 1487-A-PLN-102-EX ; 1487-A-PLN-103-EX ; 1487-A-PLN-104-EX ; 1487-A-PLN-105-EX ; 1487-A-ELE-200-EX ; 1487-A-ELE-201-EX ; 1487-A-ELE-202-EX ; 1487-A-SEC-250-EX ; 1487-A-SEC-251-EX ; 1487-A-SEC-252-EX

Proposed Drawings:
1487-A-PLN-098 Rev. B ; 1487-A-PLN-099 ; 1487-A-PLN-100 ; 1487-A-PLN-101 ; 1487-A-PLN-103 ; 1487-A-PLN-105 ; 1487-A-PLN-106 ; 1487-A-PLN-107 ; 1487-A-PLN-108 ; 1487-A-PLN-110 ; 1487-A-ELE-200 ; 1487-A-ELE-201 ; 1487-A-ELE-202 ; 1487-A-SEC-250 Rev. A ; 1487-A-SEC-251 ; 1487-A-SEC-252 ; 1487-A-DET-301 ; 1487-A-DET-302 ; 1487-A-DET-303 ; 1487-A-DET-304 ; 1487-A-DET-305 ; 1487-A-DET-306 ; 1487-A-DET-307 ; 1487-A-DET-308 ; 1487-A-DET-501 ; 1487-A-DET-502 ; 1487-A-DET-503 ; 1487-A-DET-504 ; 1487-A-DET-505

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 You must apply to us for approval of a sample panel of stonework and brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

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

1. Typical front and rear facade details at all levels
2. Roof storey

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

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

Reason:

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

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

Reason:

Because these would harm the appearance of the building, and would not meet 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)

- 6 The Brook Street facades shall be clad in natural Portland stone.

Reason:

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

- 7 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail (Class A1) accommodation hereby approved shall not be used as a food retail supermarket unless otherwise agreed in writing by the City Council as local planning authority

Reason:

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

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

- 9 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 10 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.

- 11 You must not occupy the building allowed by this permission until a Service Management Plan has been submitted to and approved by the City Council. You must not commence the B1 or the A1 use until we have approved what you have sent us. You must then carry out the measures included in the servicing management plan at all times that the B1 (office) and A1 (retail) is in use.

Reason:

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

- 12 (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.

- 13 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.

- 14 The plant/machinery hereby permitted shall not be operated except between 07:00-23:00 Monday - Friday.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance 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.

- 15 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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)

- 16 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 12 and 13 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.

- 17 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 18 You must provide the waste store shown on drawing 1487-A-PLN-098 Rev. B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 19 The terrace hereby permitted shall not be used between 21:00 and 08:00 Monday to Fridays and at no time on Saturdays and Sundays except in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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 are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 With regards to Condition 11, the Servicing Management Plan (SMP) should outline how servicing will occur on a day to day basis for the application site, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.

The SMP should also identify storage locations, staffing arrangements, scheduling of deliveries, and likely delivery vehicle size. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction or a danger to highway users.
- 4 Conditions 12, 13, 14, 15 and 17 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)
- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

Item No.
4

- 7 The term 'clearly mark' in condition 18 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 8 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)
- 9 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

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

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

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

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

- 11 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of residential floorspace at Site 2, the provision of £14,400 towards carbon off-setting and the costs of monitoring the legal agreement .
- 12 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

Item No.
4

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
MAJOR PLANNING APPLICATIONS SUB COMMITTEE	Date 10 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	1-17 Shaftesbury Avenue, London, W1D 7EA,		
Proposal	Variation of condition 1 and 15 of planning permission dated 25 April 2016 (RN: 15/07092/FULL) for the Demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities. NAMELY, to allow use of 6th floor mezzanine (Level 7) as restaurant (Class A3), roof realignment at Level 7 and new plant enclosure at Level 8, flexible use of approved retailing (Class A1) for retail and restaurant purposes (Classes A1 and A3), removal of chimneys on 1-17 Shaftesbury Avenue facade, minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement, and adaptation to accommodate LBC consent (17/07490/LBC)		
Agent	JLL		
On behalf of	Sherwood Street Limited		
Registered Number	18/02900/FULL	Date amended/ completed	11 April 2018
Date Application Received	11 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation of the existing legal agreement dated 25 April 2016
2. If the deed of variation is not completed within six weeks of the date of the Committee's resolution,

then:

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

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site occupies an island block on the western side of Shaftesbury Avenue bounded by Glasshouse Street and Sherwood Street to the west, Regent Street to the south and Denman Street to the north. Permission was originally granted in April 2016 for the redevelopment of this site and for the erection of a new 6-storey building for office, retail, restaurant and residential purposes. Permission is now sought for amendments to the original scheme including:

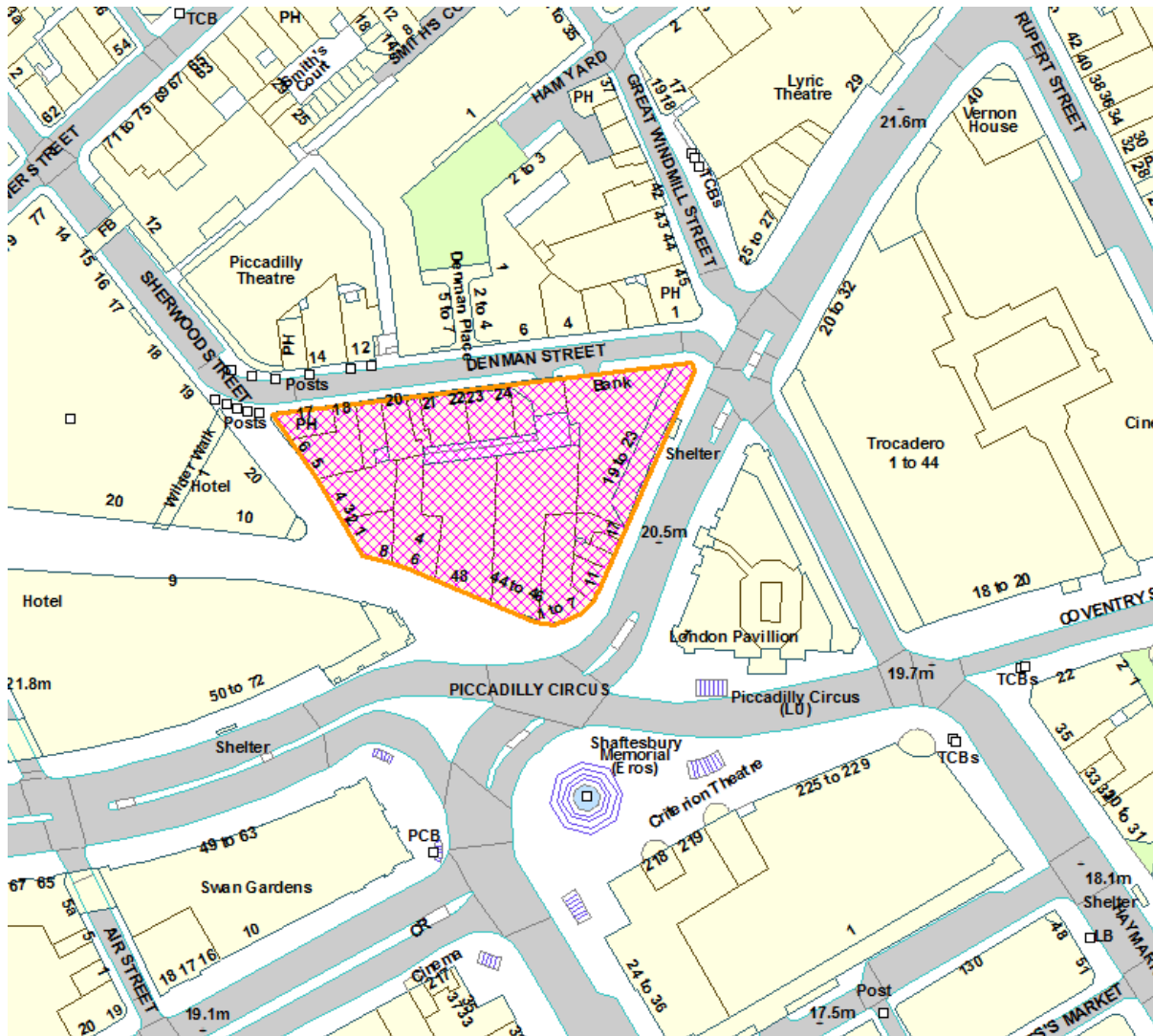
- * The use of the sixth floor mezzanine for restaurant purposes;
- * The realignment of the roof at Level 7 and a new plant enclosure at Level 8;
- * A flexible use of the approved retail floorspace for retail and restaurant purposes;
- * Minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement consent (16/03719/FULL and 16/03720/ADV);
- * Adaptations to accommodate the listed building consent (17/07490/LBC) at 4-6 Glasshouse Street; and
- * Removal of chimneys on 1-17 Shaftesbury Avenue façade.

The key issues are:

- * The impact of the scheme on the character and appearance of the area
- * The principle of additional restaurant floorspace in this location and the potential loss of retail floorspace;
- * The impact of the scheme on the amenity of neighbouring occupiers

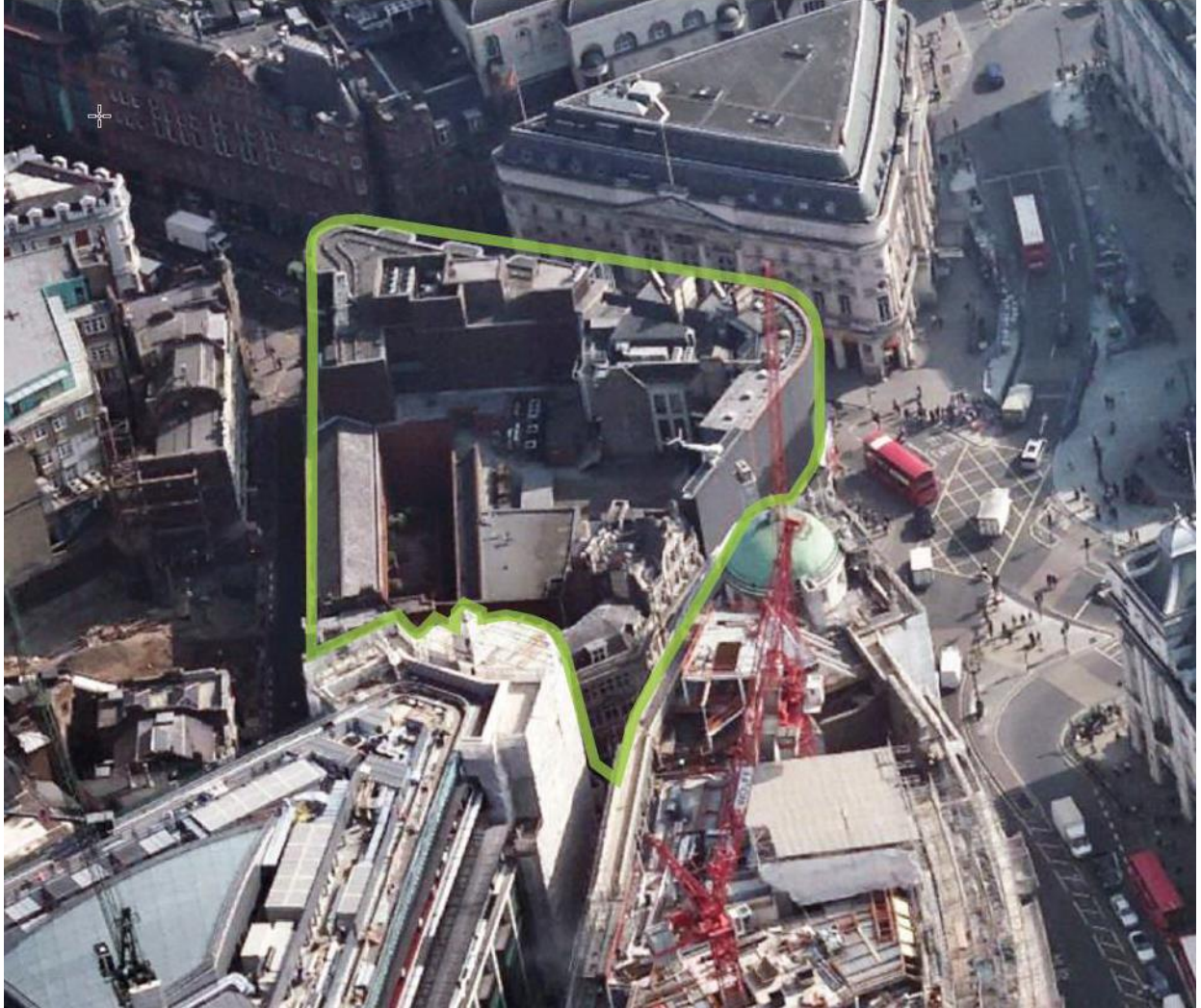
The proposals are considered to accord with City Council policies within the City Plan and Unitary Development Plan. The amendments would also result in a development that's scale and nature is not substantially different from the one which has been approved. The application is therefore recommended for approval, subject to a deed of variation to the original S106 legal agreement.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

GREATER LONDON AUTHORITY

Consider that the amendments do not give rise to any new strategic planning issues.

LONDON BOROUGH OF CAMDEN

No response to date

LONDON BOROUGH OF LAMBETH

No response to date

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to offer any comments

SOHO SOCIETY

No response to date.

HIGHWAYS PLANNING MANAGER

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

CLEANSING

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 118; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site occupies an island block on the western side of Shaftesbury Avenue bounded by Glasshouse Street and Sherwood Street to the west, Regent Street to the south and Denman Street to the north. The site includes the entire block, apart from four buildings at the corner of Denman Street and Sherwood Street. The site is named after the Monico restaurant and hotel, which once fronted Shaftesbury Avenue within the site.

The whole of the block falls within the Soho Conservation Area, the Central Activities Zone (CAZ) and the West End Stress Area. The site is also within the Strategic Viewing Corridor 2: Primrose Hill to the Palace of Westminster. The site comprises the following buildings:

1-4 Sherwood Street. This building is designated as an unlisted building of merit in the Soho Conservation Area Audit. No's 1-2 is a 4-storey building and accommodates a bureau de change at ground floor level and office accommodation on the upper floors. No's 3-4 is occupied as a bar at basement, ground and first floors with offices on the upper floors.

4-8 Glasshouse Street. Nos. 4-6 is a 6-storey building in bar and nightclub use at basement, ground and first floors with office uses on the upper floors. No 8 Glasshouse Street is a 6-storey corner building occupied for restaurant purposes at basement and ground floor and for office purposes at first to fourth floors

44-48 Regent Street. These buildings are occupied for retail purposes at basement, ground and first floor but these floors fall outside the scope of this application.

1-17 and 19-23 Shaftesbury Avenue. Nos. 1-17 are in retail use at basement and ground floor (again falling outside the scope of this application) and the upper floors have consent for dual/alternative use as either office or for educational purposes. Nos. 19-23 Shaftesbury Avenue consists of a 6-storey building with retail, banking and restaurant uses at basement, ground and mezzanine level with office uses on the upper floors. There is a double height pedestrian arcade at ground floor and mezzanine level, which the public have access through.

19-26 Denman Street. Nos. 19 and 20 Denman Street are both 5-storey buildings in retail uses at basement and ground floor with residential flats on the upper floors. They are both designated as an unlisted building of merit. 21-26 Denman Street is a 4-storey building in retail use at basement and ground floor with residential accommodation on the upper floors. The building also accommodates the entrance to an existing servicing area.

The site also includes the iconic advertising screens, known as the Piccadilly Lights, which are attached to the exterior of 1-17 Shaftesbury Avenue and Nos. 44-48 Regent Street from the first floor upwards. Much of the space behind the advertising screens is empty and undeveloped

The site lies within the heart of the West End and although it is characterised by its tourist, entertainment and leisure economies, there is significant residential accommodation within close proximity. The nearest residential dwellings to the application site are to the immediate north of the site at 1-4 Denman Street and there are 24 flats within the recently completed Ham Yard Hotel. The site also neighbours a number of listed building including the Grade II listed former County Fire Office to the south-west, the Grade II listed former Regent Palace Hotel to the west; the Grade II listed London Pavilion to the east and the Grade II listed 20-24 Shaftesbury Avenue to the north-east.

6.2 Recent Relevant History

In April 2016 planning permission was granted for the demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with

three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities.

7. THE PROPOSAL

Permission was originally granted in April 2016 for the redevelopment of this site and for the erection of a new 6-storey building for office, retail, restaurant and residential purposes. Permission is now sought for amendments to the original scheme including:

- * The use of the seventh floor for restaurant purposes;
- * The realignment of the seventh floor roof and a new plant enclosure at eighth floor;
- * A flexible use of the approved retail floorspace for retail and restaurant purposes;
- * Minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement consent (16/03719/FULL and 16/03720/ADV);
- * Adaptations to accommodate the listed building consent (17/07490/LBC) at 4-6 Glasshouse Street; and
- * Removal of chimneys on 1-17 Shaftesbury Avenue façade.

The relevant floorspace figures are set out in the table below:

	Existing	Consented	Proposed (GIA)	+/- Difference (between consented and proposed schemes)
A1 retail	1,770	1,333	170	- 1,163
A3 restaurant	581	1,264	2,816	+ 1,552
A4 bar/nightclub	1,292	0	0	0
A5 take away	91	0	0	0
Class A total	3,734	2,597	2,986	+389

Figures previously reported were in GEA

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail

The existing retail floorspace (some 1,770 sqm) is currently located on Denman Street and Shaftesbury Avenue. In the consented scheme, the applicants proposed a number of flexible retail/restaurant units onto Denman Street, Glasshouse Street and Shaftesbury Avenue. None of the units were specifically identified for class A1 use, and therefore a condition (Condition 15) required a minimum of 1,333 sqm of retail (Class A1) floorspace within the development, with details of the location of these retail units to be agreed prior to the occupation of the development.

This application seeks to vary this condition to allow the retail to be flexible within Classes A1 and A3. The applicant requests that the condition is amended to require the provision of “at least 2,986 sqm GIA of flexible retail floorspace (Classes A1 and A3 only) with a minimum of 170 sqm of retail (Class A1) floorspace at ground floor level. The location of the Class A1 floorspace shall be approved prior to occupation of this part of the development. Thereafter the retail (Class A1) uses must be carried out in accordance with the approved details.”

The City Council places a high priority on retaining A1 uses and, in the event that only 170sqm of this flexible retail space is used as Class A1 retail, there would be a reduction of up to 1,163sqm of Class A1 retail floorspace throughout the site, compared to the consented scheme. This is contrary to Policy S21 of Westminster’s City Plan: Strategic Policies which states that ‘Existing A1 retail will be protected throughout Westminster’. Exceptions to this policy are where the Council considers that the unit is not viable. The scheme is also contrary to Policy SS 4 of the UDP which states that ‘Development schemes should provide at least the same amount of retail floorspace as was there before. The size and type of units must be appropriate to the character and function of the street’.

In support of this amendment, the applicant has produced two retail reports which set out the rationale for the revised retail strategy which is being proposed. The reports argue that within the West End, the majority of Class A1 is located along Oxford Street, Bond Street and Regent Street. In comparison the site, situated in the Piccadilly Circus area, has a weak Class A1 pitch. It identifies there is limited demand for A1 units within the development given the strong competition elsewhere. Moreover, catering is concentrated in the Leicester Square and Soho area which are closer to the theatres, cinemas and other leisure facilities. Piccadilly Circus neighbours these two areas and acts as a gateway for theatres and entertainment. The applicant argues that unmet market demand for A3 uses in Piccadilly Circus, combined with a lack of demand for A1 and strong existing competition in the rest of the West End, illustrates that A3 uses are more likely to be successful in the Piccadilly Circus area. Further A3 units in the Piccadilly Circus area would reduce the stress on Soho by satisfying some of the A3 demand of customers as they come through Piccadilly Circus.

It is accepted that the site has limited retail character. No class A1 retail exists on either Sherwood Street or Glasshouse Street and a large proportion of the existing retail is either at basement level on Denman Street (approx. 460sqm) or at first floor on Shaftesbury Avenue (the Japan Centre totalling approx. 580sqm). The only Class A1 retail unit at ground floor level on Shaftesbury Avenue is a tourist souvenir shop. Denman Street does have a stronger retail character and 22 Denman Street is currently occupied as a shoe shop, 24-25 as a book shop and 26 is occupied as a convenience store. The applicant has agreed to replace these ground floor units and this is reflected in the revised condition which requires a minimum of 170sqm of retail floorspace at ground floor level.

Whilst the revised condition has the potential for a large loss of retail floorspace, it is accepted that the majority of the site does not have a particularly strong retail character. Further, the retail that does exist is either poor quality or largely located at basement or first floor levels, and in this regard it is considered that the potential loss of retail here will not undermine the retail character and function of the area. In addition, it is recognised

that the provision of better retail floorplates and the introduction of improved shopfronts, particularly on the Shaftesbury Avenue frontage, would contribute to the vitality and viability of this part of the West End.

Increase in Class A3 floorspace (Level 7)

In addition to the new restaurant floorspace that could be created by revising Condition 15, the proposal also involves the creation of a new restaurant at seventh floor level comprising an additional 404sqm of A3 floorspace. This space was formerly identified as office use and also has access to a terrace area. This restaurant will be accessed off Shaftesbury Avenue using an entrance at ground floor level served by two lifts.

The site currently accommodates some 1,964 sqm of entertainment floorspace including the Jewel Bar/Nightclub on Glasshouse Street and Bar Blanca on Sherwood Street together with a number of restaurants and hot food take-away premises including Jamie's Dog House on Shaftesbury Avenue. All the existing bar/club and hot food take-away uses would be lost and replaced with Class A3 floorspace. The proposed use of the seventh floor as a restaurant (and the flexible use of the lower ground, ground and first floor units) would increase the entertainment floorspace on this site by 852sqm. Westminster's City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. They aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance.

The balance of these policies in terms of promoting entertainment uses and protecting amenity varies depending on the size, type and location of the entertainment use. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances.

In assessing the impact on residential amenity and local environmental quality regard is had to a) noise, b) vibration, c) smells, d) increased late night activity e) increased parking and traffic and f) no adverse effect on the character or function of the area.

It is also recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new entertainment uses include the gross floorspace to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

The provision of new restaurant floorspace of 2,816sqm would need to be assessed against UDP policy TACE 10. The proposed restaurant uses are entirely speculative at this stage and an operator has not been identified to date. Given that the existing entertainment uses are largely uncontrolled and operate with late night opening hours, it is considered that with appropriate conditions, an increase in entertainment floorspace of 852sqm is acceptable in principle in this location. Conditions are therefore once again recommended to control capacity, hours of operation until midnight, the submission of

detailed restaurant layout plans and to preclude the amalgamation of restaurant units to prevent the creation of large restaurant units. A condition is also recommended requiring the submission of operational management plans which will come forward once the operators are known.

8.2 Townscape and Design

The proposals are very similar to those approved. The changes involve the addition of a plant area on the roof, raising the height of the building slightly, and the removal of chimney stacks on Shaftesbury Avenue. The proposed plant room is designed to relate to the proposed faceted roof structure. It will not be readily visible from street level and its impact on the conservation area is very small. It is above the development plane of the protected vista from Primrose Hill to the Palace of Westminster. There is a presumption against new development above the plane. However, there are taller buildings immediately adjacent (and elsewhere in the view) which are already above the development plane. The impact of the proposed roof plant area on the view from Primrose Hill will be negligible and is considered acceptable.

Whilst the demolition of chimney stacks is often considered unacceptable in conservation areas, those on Shaftesbury Avenue are not considered to be of particular importance as they are not very visible in street views and do not make an important contribution to the roofscape of the building or the conservation area. In this case their demolition is considered acceptable.

The application also seeks to bring the planning permission in line with the listed building consent recently granted for the reconstruction of the now listed building at 46 Glasshouse Street. This is uncontentious. Overall the proposals are not considered to harm heritage assets and are in line with the City Council's urban design and conservation policies set out in the City Plan and the Unitary Development Plan.

8.3 Residential Amenity

Sunlight and Daylight

A Daylight and Sunlight Addendum has been prepared by Point 2 Surveyors Ltd and submitted in support of the application. The Addendum assesses the potential daylight and sunlight effects to the existing surrounding residential properties as a result of the proposed amendments including the impact of the additional plant and roof alignment at Level 7 and the new plant enclosure at Level 8. The Addendum concludes that any additional reduction of daylight and sunlight to the existing surrounding residential properties would be negligible.

8.4 Transportation/Parking

Servicing

The application is supported by a revised Transport Statement that suggests that under an unlikely worst case scenario (where all the retail is food retail) there would be a likely increase of 32 vehicles per day over the previously agreed application. The Transport Statement demonstrates how these can be managed such that they can be spread

across the day and that the existing servicing bay will still be large enough to cope. The Highways Planning Manager is therefore of the view that the application is acceptable in servicing terms. As in the consented scheme a condition is proposed to secure a Delivery and Servicing Plan.

Cycle parking

There is an over-provision of long-stay cycle parking and no short-stay cycle parking. This is as approved and the Highways Planning Manager raises no objections.

8.5 Economic Considerations

The general economic benefits associated with the development are noted and welcomed.

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

Plant

In terms of plant, Policies ENV6 and ENV7 of the UDP seek to protect occupants of adjoining noise sensitive properties from the impacts of noise from new development, including from plant. A new plant room is proposed at roof level however at this stage precise details of the plant have not been submitted. Environmental Health have requested the submission of a supplementary acoustic report demonstrating that the plant can comply with the design levels and conditions are proposed to ensure that the plant operates within acceptable limits.

Refuse /Recycling

A centralised waste store is once again proposed at basement level 2. This is to be secured by condition.

8.8 London Plan

This application has been referred to the Mayor who considers that the application does not raise any new 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 2016 permission was subject to a legal agreement to secure the following:

- ii) a contribution of £3,400,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- ii) compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £41,000;

- iii) a Crossrail contribution of £1,719,217;
- iv) Payment for the cost of necessary highway works including relocation of the bus stop on Shaftesbury Avenue;
- v) Provision of off-site residential floorspace prior to first occupation of any part of the development and thereafter not to occupy the residential floorspace other than as Affordable Housing;
- vi) The costs of monitoring the legal agreement.

This proposal which seeks amendments to the 2016 permission therefore requires a deed of variation to ensure the obligations are met.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

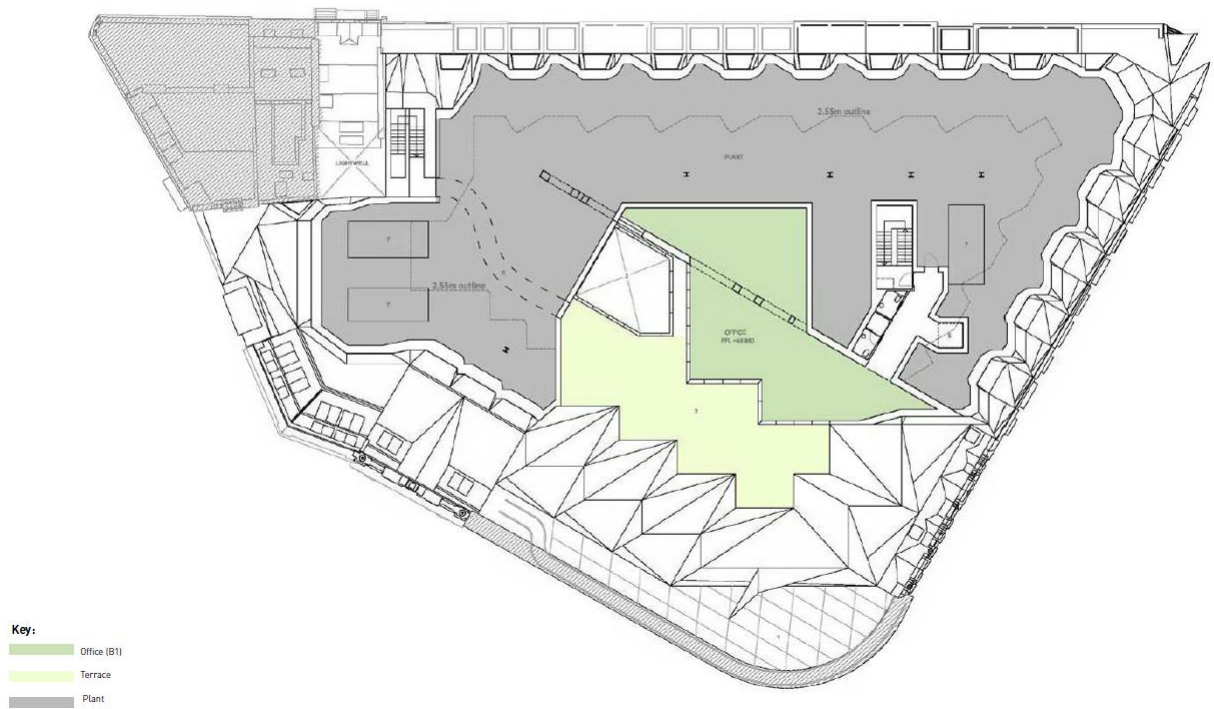
None relevant in this application.

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

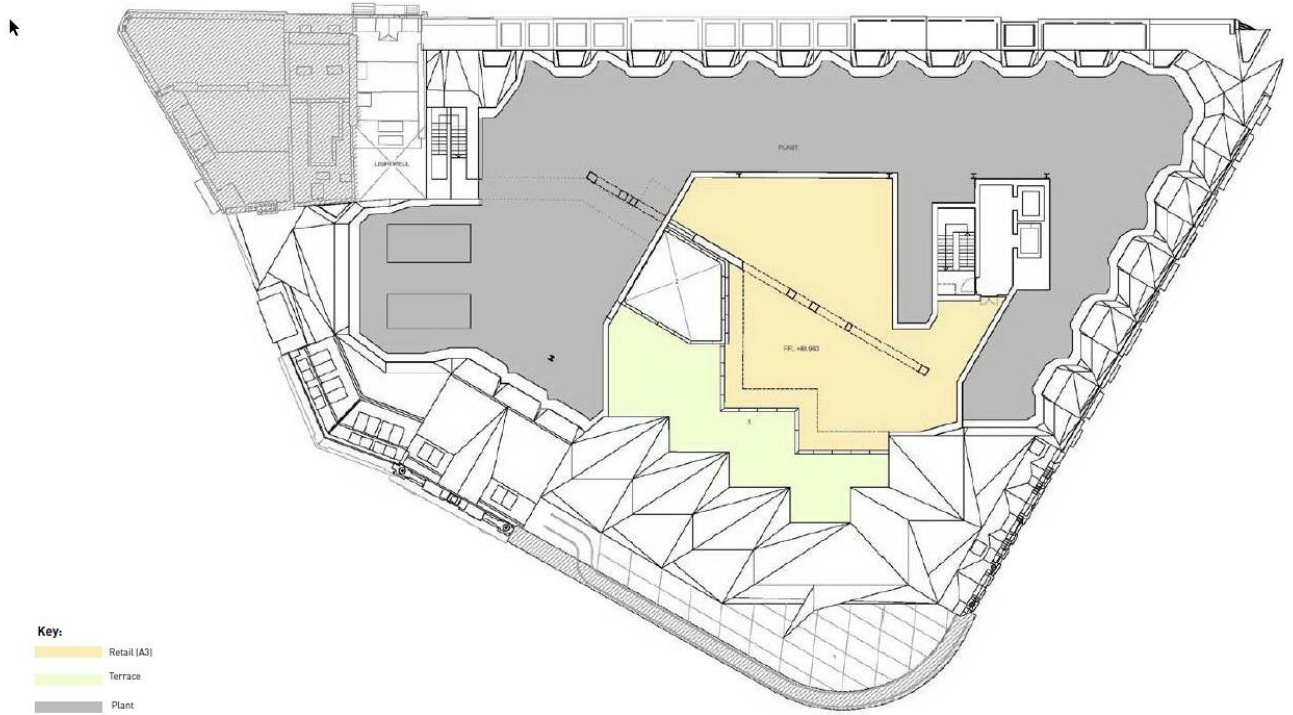
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

9. KEY DRAWINGS

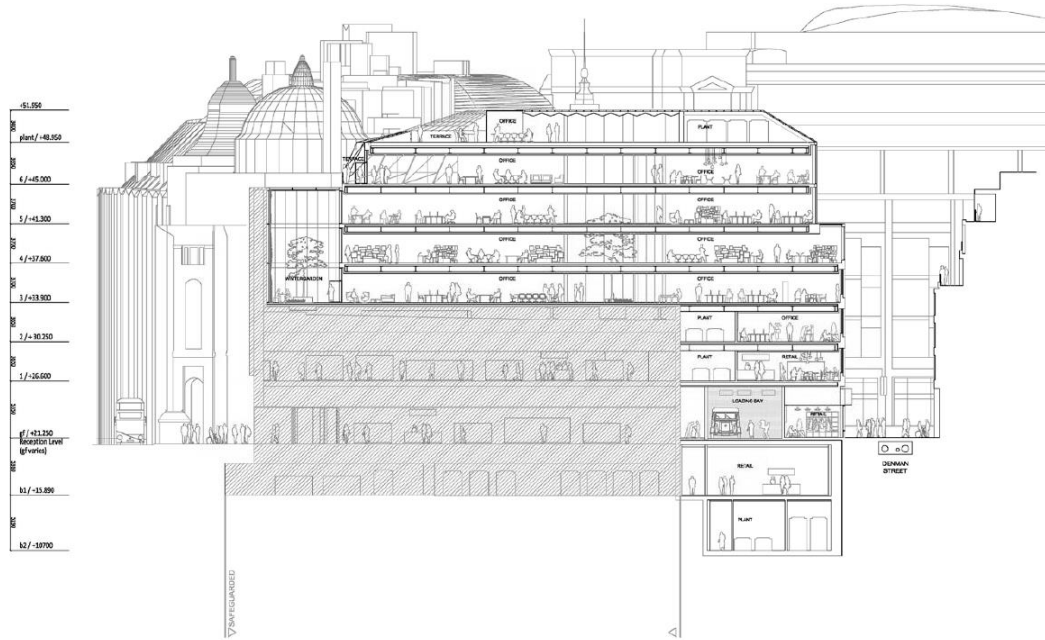
Approved plan level 7 - offices (B1 use)



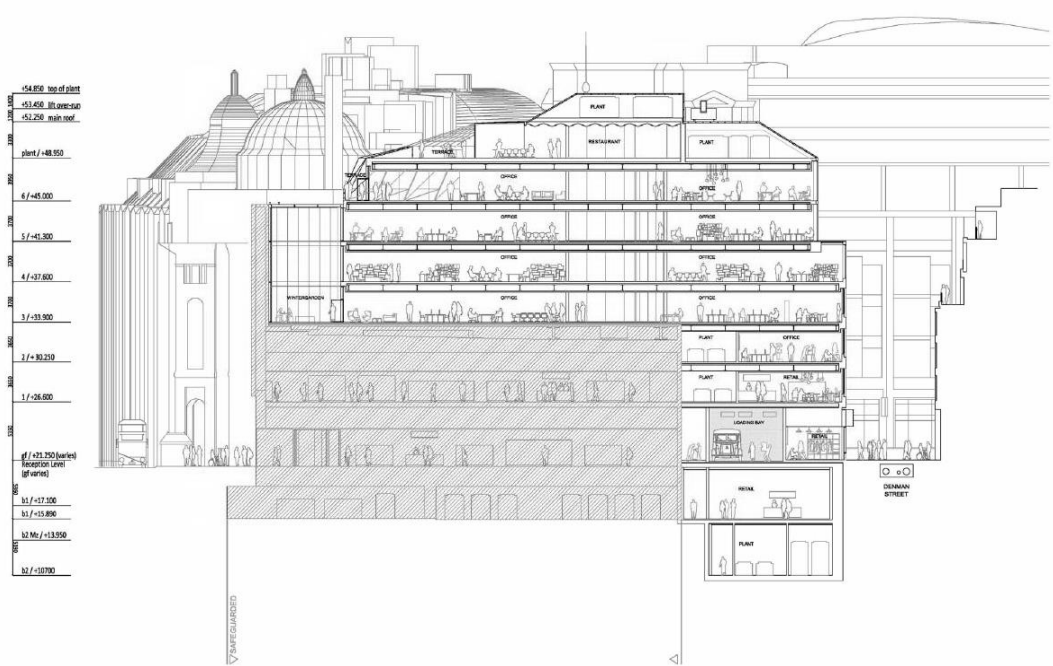
Proposed plan level 7 - restaurant (A3 use)



North-south section through approved scheme showing roof profile



North-south section showing proposed amended roof profile

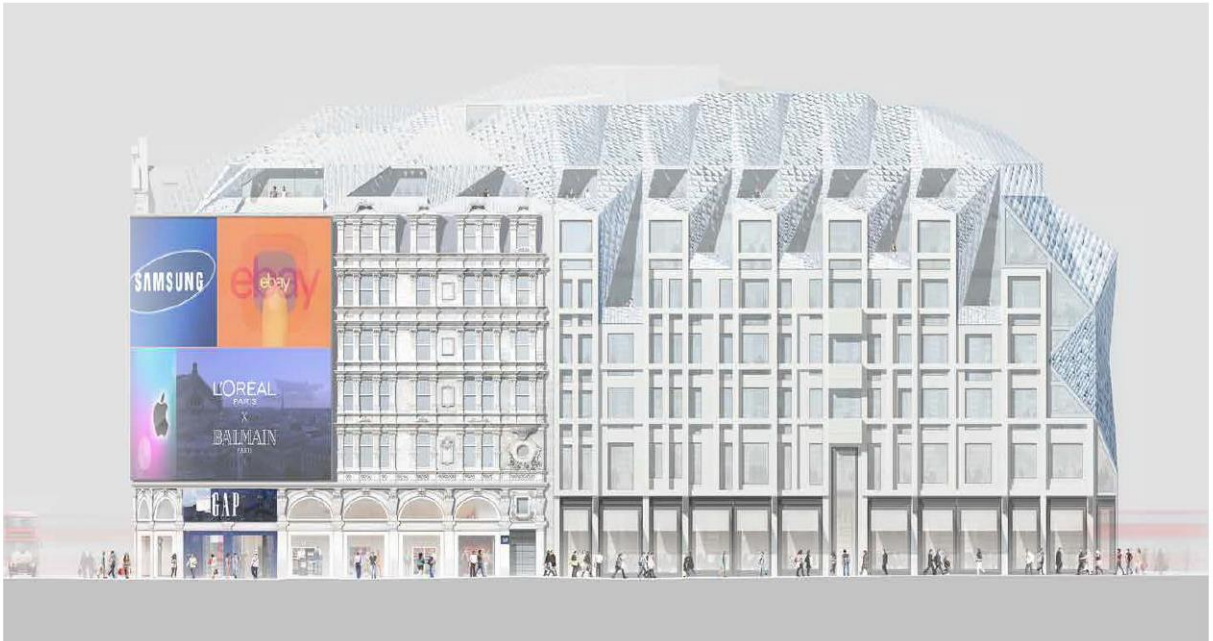


Shaftesbury Avenue approved elevation showing two chimneys



 Two chimneys highlighted

Proposed Shaftesbury Avenue elevation with chimneys omitted



4-6 Glasshouse Street Listed Building consent (ref: 17/07490/LBC)



Consented 4-6 Glasshouse Street Elevation showing new Portland stone inserts above ground floor

Reconstructed facade incorporating existing and new Portland stone inserts

Ground floor Retained facade



Model view of 4-6 Glasshouse Street Listed Building Consented scheme

DRAFT DECISION LETTER

Address: 1-17 Shaftesbury Avenue, London, W1D 7EA,

Proposal: Variation of condition 1 and 15 of planning permission dated 25 April 2016 (RN: 15/07092/FULL) for the Demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities. NAMELY, to allow use of 6th floor mezzanine (Level 7) as restaurant (Class A3), roof realignment at Level 7 and new plant enclosure at Level 8, flexible use of approved retailing (Class A1) for retail and restaurant purposes (Classes A1 and A3), removal of chimneys on 1-17 Shaftesbury Avenue facade, minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement, and adaptation to accommodate LBC consent (17/07490/LBC)

Reference: 18/02900/FULL

Plan Nos: 18/02900/FULL
 FP_MP_PA_LM_21000 Rev 02, 21001 Rev 02, 21002 Rev 02, 21003 Rev 02, 21004 Rev 02, 22000 Rev 03, 22001 Rev 02, 22002 Rev 03, 22003 Rev 02, 22004 Rev 02, 22005 Rev 02, 22006 Rev 02, 22007 Rev 02, 22008 Rev 02, FP_MP_PA_LB2_20000 Rev 02, LB2_20001 Rev 02, LB1_20002 Rev 05, L00_20003 Rev 05, L01_20004 Rev 04, L02_20005 Rev 01, L02_20006 Rev 02, L03_20007 Rev 02, L04_20008 Rev 02, L05_20009 Rev 02, L06_20010 Rev 02, L06_20011 Rev 02, L07_20012 Rev 02

15/07092/FULL

FP_MP_PA_LM_21000 Rev 01, 21001 Rev 01, 21002 Rev 01, 21003 Rev 01, 21004 Rev 01, 21100 Rev 01, 21101 Rev 01, 21102 Rev 01, 21103 Rev 01; 22000 Rev 02, 22001 Rev 01, 22003 Rev 01, 22004 Rev 01, 22005 Rev 01, 22006 Rev 01, 22007 Rev 01, 22008 Rev 01; FP_MP_PA_LB2_20000 Rev 01, 200001 Rev 01, LB1_20002 Rev 04, L00_20003 Rev 04, L01_20004 Rev 03, L02_20005 Rev 01, 20006 Rev 01, L03_20007 Rev 01, L04_20008 Rev 01, L05_20009 Rev 01, L06_20010 Rev 01, 20011 Rev 01, L07_20012 Rev 01; FP_MP_PA_SK_02 Rev 01

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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 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 Soho 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)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Soho 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)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development –

1. Typical facade details at all levels, including roof;
2. Alterations to dismantled and rebuilt facades
3. Public art

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

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

- 5 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or,
 - (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building., ,

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Soho 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)

- 6 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 Soho 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)

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

Reason:

Because these would harm the appearance of the building, and would not meet 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)

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

Sherwood Street new facade - Design development to enhance degree of modelling and use of materials, appropriate for this location, and as a replacement for the existing building. For example, the ground floor could be framed in a different material to echo the shopfront frameworks adjacent. The window openings would benefit from having expressed reveals and cills.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho 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 apply to us for approval of method statement of the following parts of the development
- Dismantling and rebuilding of stone facades.

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 method statement. (C26DB)

Reason:

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

- 10 The stone facades to be dismantled shall be rebuilt using all of the existing original stonework.

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 Soho 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)

- 11 Customers shall not be permitted within the restaurants (Class A3) premises outside of the following hours: 07.00 to 0000 midnight Sunday to Thursday, bank holidays and public holidays and 07.00 to 00.30 the next day on Friday and Saturdays.

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 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must apply to us for approval of detailed drawings of the appearance and location of the ventilation system for the Class A3 uses. You must not start any work on the relevant part 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 the first use of the restaurant and thereafter the ventilation system shall be retained and maintained for as long as the Class A3 units are in place.

Reason:

The use of the Class A3 units without any kitchen ventilation would cause harm to occupiers of neighbouring properties from cooking smells. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007

- 13 You must apply to us for approval of an Operational Management Plan for the restaurant (Class A3) uses.

This shall include details of the capacity for each unit. You must not open the restaurants to customers until we have approved what you have sent us. Thereafter you must manage the restaurants in accordance with the approved plan.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 14 Prior to the occupation of the restaurant (Class A3) units hereby approved, you must apply to us for approval of detailed drawings of the layouts of these units in plan form at a scale of 1:200. None of these units shall thereafter be amalgamated to form larger units.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007 or S24 of Westminster's City Plan: Strategic Policies adopted November 2013.,

- 15 You must provide at least 2,986 sqm GIA of flexible retail floorspace (Classes A1 and A3 only) with a minimum of 170 sqm of retail (Class A1) floorspace at ground floor level. The location of the Class A1 floorspace shall be approved prior to occupation of this part of the development. Thereafter the retail (Class A1) uses must be carried out in accordance with the approved details.

Reason:

To ensure a minimum amount of retail (Class A1) in accordance with Policy S21 of Westminster's City Plan that we adopted in January 2011 and SS5 of the Unitary Development Plan that we adopted in January 2007.

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

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

Reason:

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

- 17 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

- 18 The plant/machinery hereby permitted shall not be operated only between the following times:

Mondays to Fridays 0800 to 2300, Saturdays 0900 to 2300, Sundays 1200 to 2300

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance 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.

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 16 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.

- 20 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.

- 21 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.

- 22 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 21 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:

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.

- 23 You must put a copy of this planning permission and all its conditions at street level outside the building

for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 24 You must provide the waste store shown on drawing FP_MP_PA_LB2_2000 Rev 02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the properties. You must store waste inside the property and all the waste shall be collected internally. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 25 You must apply to us for approval of details of how waste for the residential units is going to be stored on the site. 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 waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the residential flats. You must not use the waste store for any other purpose. (C14CD)

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)

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

You must carry out basement excavation work only;

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

Noisy work must not take place outside these hours. (C11BA)

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 of our Unitary Development Plan that

we adopted in January 2007. (R12AC)

- 27 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.

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

Reason:

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

- 29 You must apply to us for approval of details of a servicing management plan for the development identifying the process, storage locations, scheduling of deliveries and staffing for servicing purposes. The uses allowed by this permission must not commence until we have approved what you have sent us.

Reason:

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

- 30 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- i) Provide details on all structures ,
- ii) Accommodate the location of the existing London Underground structures and tunnels ,
- iii) Accommodate ground movement arising from the construction thereof ,
- iv) Mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 31 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., ,
- combined heat and power unit

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

Reason:

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

- 32 The development shall commence before 7 December 2020.

Reason:

This permission authorises amendments to the original planning permission granted on 8 December 2015 (RN 15/07092/FULL) which must be commenced no later than the above date.

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.

This page is intentionally left blank