



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 6th November, 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, Georgina Wills: Committee and Governance Officer.

**Tel: 020 7641 7513; Email: gwillis@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. **41 KINGSWAY, LONDON, WC2B 6TP**

(Pages 5 - 38)

2. **34 CATO STREET, LONDON, W1H 5HS**

(Pages 39 - 54)

**Stuart Love
Chief Executive
29 October 2018**

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 6th November 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/06098/FULL St James's	41 Kingsway London WC2B 6TP	Use of first to sixth floors as a Pod hotel visitor accommodation (sui generis) together with a cafe (Class A3) at ground floor and basement level, extension in the rear light well at first to sixth floors, installation of new shopfronts and doors at ground floor level and mechanical plant at roof level.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 18/04721/FULL Bryanston And Dorset Square	34 Cato Street London W1H 5HS	Excavation of a single storey basement level in order to enlarge existing residential maisonette over ground and first floor levels (Class C3).	
	Recommendation Grant conditional permission			

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	41 Kingsway, London, WC2B 6TP		
Proposal	Use of first to sixth floors as a Pod hotel visitor accommodation (sui generis) together with a cafe (Class A3) at ground floor and basement level, extension in the rear light well at first to sixth floors, installation of new shopfronts and doors at ground floor level and mechanical plant at roof level.		
Agent	JLL		
On behalf of	Elleric UK Ltd		
Registered Number	18/06098/FULL	Date amended/ completed	19 July 2018
Date Application Received	19 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	Strand		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

41 Kingsway is located on the junction between Kemble Street and Kingsway and within the Strand Conservation Area and the Central Activities Zone. (CAZ). The building is not listed but is noted as an 'unlisted building of merit'. The basement and ground floors are occupied by a building society (Class A2) with the remainder of the upper floors in office use (Class B1).

On 12 June 2018, Planning Applications Sub-Committee granted permission for the use of the upper floors as a hotel (with 66 bedrooms providing 124 bedspaces) (Class C1), together with a restaurant (Class A3) at ground floor and basement level; and associated alterations and extensions.

This latest application seeks planning permission for the use of the upper floors as a Pod hotel visitor accommodation (with 40 rooms providing 304 bedspaces) (sui generis), together with a cafe (Class A3) at ground floor and basement level; and associated alterations and extensions.

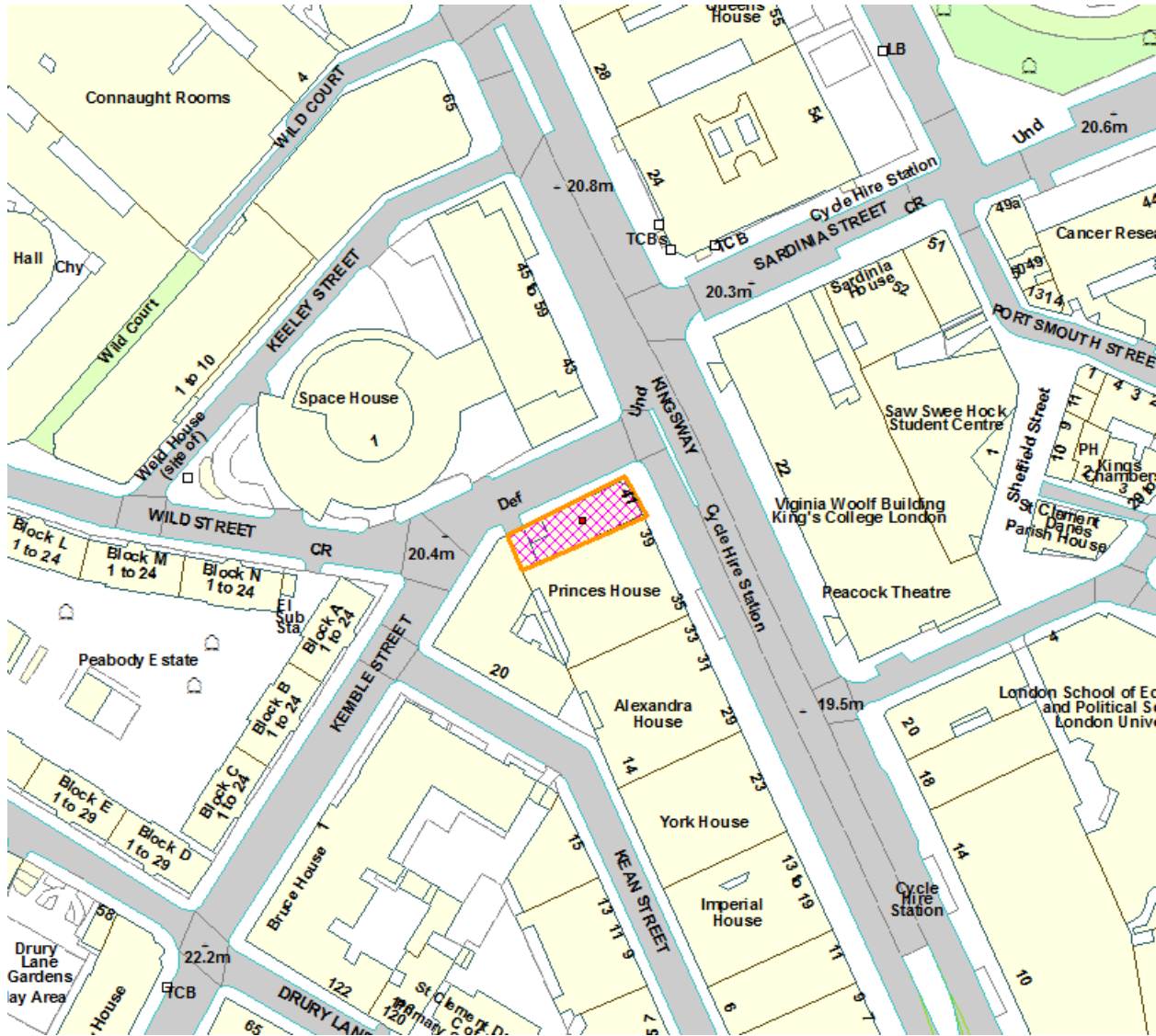
Compared to the hotel permission granted in June 2018, this latest application proposes 'Pod' type rooms/ dormitories with an additional 180 bedspaces, and a cafe/ coffee shop without primary cooking facilities.

The key issues for consideration are:

- The acceptability of the proposals in land use terms;
- The impact of the proposed works on the character and appearance of the Strand Conservation Area;
- The impact of the proposals on the amenity of neighbouring residents; and
- The impact of the proposal on the surrounding highway network.

The proposals would provide new visitor accommodation within an appropriate location within the Central Activities Zone. The application is considered acceptable in land use, design, amenity and highways terms and is subsequently recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Kingsway



View from Kemble Street

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Concerns relate to use as tourist hostel accommodation which they consider will harm the character of the area. CGCA are concerned that there is an over occupancy of beds (304 bedspaces compared to 124 bedspaces in the 66 bedroom hotel previously approved). Recommend conditions are imposed to protect residential amenity if minded to grant permission.

HIGHWAYS PLANNING MANAGER:

Servicing - Servicing would take place from the street which is not in line with UDP policy Trans 20, but is no different to the existing situation and it is not expected that the numbers of vehicles involved would be significantly different. A Servicing Management Plan should be secured by condition.

Taxis and Coaches - It's not expected that many guests would arrive by taxi. Kingsway has 16 coach parking bays so any of these could be used for coach drop off and pick up, albeit not at all times of the day.

Cycle Parking – The level of cycle parking is below London Plan standards, which requires 22 spaces (11 long-stay spaces for the hotel; 9 short-stay spaces for the hotel; and 2 short-stay spaces for the cafe). 6 spaces are proposed for long-stay, which is welcome, but none for short-stay. Even if we do not insist on short-stay spaces, they should provide at least 10 long-stay spaces.

WASTE PROJECTS OFFICER:

No objection subject to conditions. The storage arrangements for waste and recycling are in line with the Council's requirements.

ENVIRONMENTAL HEALTH:

Mechanical Plant - The information about the plant is not sufficiently specific at this stage to inform an assessment and therefore a condition requiring a supplementary acoustic report is recommended. Conditions recommended to control noise.

Internal noise (within accommodation) – considered to be acceptable and in line with guidance, given the proposal is for tourist accommodation and not long term residential accommodation.

Kitchen extract arrangements - Information states cafe use will be for hot drinks and snacks and no extract flue will be required. Condition recommended requiring that no primary cooking takes place.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 66

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

41 Kingsway is located on the junction between Kemble Street and Kingsway and within the Strand Conservation Area and the Central Activities Zone. (CAZ). The building is not listed but is noted as an 'unlisted building of merit'. The basement and ground floors are occupied by a building society (Class A2) with the remainder of the upper floors in office use (Class B1).

Kingsway is a major north-south route linking High Holborn at its north end with Aldwych at its south end. At ground floor, most of the buildings on Kingsway are commercial in character with active frontage comprising of mostly Class A retail uses. The surrounding uses are typically mixed with residential (C3), office (B1), hotel (C1) and several buildings associated with the two nearby universities (LSE and KCL). Beyond the site to the east is Kemble Street and Wild Street that are mostly residential streets and beyond this is Covent Garden.

6.2 Recent Relevant History

18/02441/FULL

Permission granted at Planning Applications Sub-Committee on 12 June 2018 for: Use of first to seventh floors as a hotel (Class C1) and as a restaurant (Class A3) at ground floor and basement level, extension in the rear light well at first to seventh floors, extension and new dormer windows at seventh floor level, installation of new shopfronts and signage at ground floor level, installation of mechanical plant and an extract duct at podium and roof level.

16/12156/FULL

Permission granted 5 April 2017 for: Use of part basement and part ground floor as a restaurant (Class A3) and use of part ground and first to seventh floors to provide 14 residential flats (Class C3). External alterations including altered ground facade, rear extension within rear lightwell between second and seventh floor levels, extension and new dormer windows at roof level, installation of mechanical plant at seventh floor level, and installation of an extract duct to the rear elevation.

15/03597/FULL

Permission granted 4 August 2015 for: Use of part basement and part ground floor as a restaurant (Class A3) and use of part ground and first to seventh floors to provide 14 residential flats (Class C3). External alterations including extension and new dormer windows at roof level; installation of mechanical plant within the rear lightwell and at seventh floor level; and installation of an extract duct to the rear elevation.

Summary

The recent planning history has established that the loss of office (Class B1) on the upper floors and the provision of a Class A3 restaurant use on the ground floor are acceptable. In addition, the planning permissions established that works to install mechanical plant and an extract duct at roof level, extensions in the rear lightwell, an

extension at seventh floor level, and alterations to the façade were all accepted in principle.

None of the recent planning permissions have been implemented. Therefore, the upper floors of the building remain in lawful use for office (B1) and the ground floor and basement, still in lawful use as a building society (A2).

7. THE PROPOSAL

The proposal seeks the change of use of the upper floors of the existing building from office use (Class B1) to Pod Hotel visitor accommodation (with 40 rooms providing 304 bedspaces) (sui generis). At part ground floor and basement level, the proposal is to change the use from a building society Class A2) to a coffee shop/ cafe (Class A3).

Works are proposed to accommodate the new uses with extensions into the rear lightwell from first to sixth floor levels. A new entrance will be introduced off Kemble Street that will become the new main entrance to the Pod Hotel.

The proposals include:

- A cafe/ coffee shop (Class A3) at part ground floor and part basement;
- Pod Hotel visitor accommodation (sui generis) at first to sixth floors with 40 rooms/ dormitories providing a total of 304 bedspaces;
- An extension in the rear lightwell at first to sixth floors providing an additional 87sqm (GIA);
- A new entrance for the Pod Hotel into the reception area will be created on the Kemble Street elevation;
- External works to the building façade including replacement windows and stonework restoration;
- A new ground floor shopfront to be installed on Kemble Street and Kingsway elevations;
- A new set of doors to the service bay;
- A waste and bike storage area (ancillary) on the ground floor.

The changes in floorspace are shown in the following table:

	Existing GIA (sqm)	Proposed (sqm)	GIA	+/-
Office (B1)	1,113	0		-1,113
Building Society (A2)	836	0		-836
Pod Hotel (sui generis)	0	1,682		1,682
Cafe (A3)	0	356		356
Other (plant/ service areas)	31	29		-2
Total	1,980	2,067		87

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The site lies within the core CAZ. The proposal will result in the loss of 1,113sqm of office floorspace. Policy S20 of Westminster's City Plan (November 2016) relates to offices and seeks to restrict the loss of office space to housing, however, the loss of offices to other commercial uses is acceptable. The proposal is therefore in accordance with this policy.

'Pod' Hotel visitor accommodation

Policy S23 of the City Plan and TACE 2 of the UDP relates to new hotels and supports new tourist accommodation in the Core CAZ, in streets that do not have a predominantly residential character providing no adverse environmental and traffic effects would be generated and adequate on-site facilities are incorporated within developments.

The applicant's vision is to provide affordable, stylish, modern, and sociable visitor accommodation that utilises the site's central and highly accessible location. The applicant asserts that the proposed Pod hotel would provide visitors, particularly young visitors, with more options and flexibility on their choice of stay when visiting London, and the opportunity to meet and socialise with others in a communal and welcoming environment.

The proposed Pod hotel will provide a total of 304 bedspaces, broken down as follows:

- 40 bedrooms/ dormitories to accommodate:
- 264 single beds;
- 36 double beds; and
- 4 accessible beds.

The Covent Garden Community Association raise concerns as they consider that the proposed use as tourist hostel accommodation would harm the area. The CGCA consider that the number of bedspaces proposed represents an over occupancy of the site (304 bedspaces proposed, compared to 124 bedspaces in the hotel scheme approved in June 2018).

The Pod hotel would provide a form of tourist accommodation although unlike a hotel or hostel in the traditional sense. The accommodation proposed is formed of 'pod' type bedspaces. Visitors would be sharing a room/ dormitory with strangers, which is not a normal feature of a hotel. The applicant asserts that the key difference between a Pod hotel and a hostel is privacy. The Pod hotel provides screened off areas for each pod, with amenities within each bedspace, and a locked, large drawer space underneath each bedspace. Rooms are also only accessible to guests with a 'Pod' bedspace, adding a level of security and privacy.

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The Pod hotel entrance will be on Kemble Street. The reception area will be open 24 hours and have a designated individual responsible to assist guests with enquiries and services. A lift core would provide level access to all floors, and the staircase and lift mean guests can access their rooms from the ground floor reception area. A dedicated luggage store will be provided in the ground floor but will only be accessible to Pod hotel staff who can safely secure guests belongings. An office for the hotel staff and a linen store will be also be provided at basement level accessible for staff via the stair well and lift shaft. A dedicated service lift will be provided at ground floor with access to basement level, to transport laundry (to be outsourced) and deliveries.

A separate cafe/ coffee shop (Class A3) is proposed at part ground and basement floor levels, which is considered below. No other facilities such as a spa/gym, meeting rooms or conference facilities are proposed.

It is in the Pod hotels interests to ensure that noise disturbance from guests is kept to a minimum. The applicant has provided an 'Operational Management Plan' and a 'Delivery and Servicing Plan', which are considered acceptable and conditions are attached requiring the Pod hotel to operate in accordance with these details. This will ensure that the proposed Pod hotel will not have a significant effect on residential amenity or local environmental quality.

Whilst this type of accommodation is unusual, it is considered that the proposal contributes to the range of visitor accommodation offered and is appropriate in this central area of Westminster, close to many of London's top tourist attractions and with excellent access to public transport.

Cafe/ Coffee shop

Policy S24 relates to Entertainment Uses and sets out 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.

Policy SS5 seeks an appropriate balance of town centre uses within the CAZ. SS5(C) sets out that non-A1 uses must not cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Policy TACE 9 relates to entertainment uses which may be permissible. TACE9 (B) sets out that permission will only be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise; vibration; smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of its area.

The proposal involves the change of use of the existing commercial unit at ground and basement levels, currently occupied as a building society (Class A2), to a cafe/ coffee shop (Class A3).

The recent planning permission in June 2018 established that the provision of an A3 restaurant use on the basement and ground floors of the site was acceptable.

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The proposed cafe/ coffee shop measures 356sqm (GIA) and provides 114 seats. The cafe would be for use by Pod hotel guests and visiting members of the public. Access to the restaurant for hotel guests will be available through reception, whilst members of the public will be able to access the restaurant from the existing corner entrance off Kingsway and Kemble Street. Members of the public will be unable to access the hotel area from the restaurant.

The cafe will primarily sell coffee, hot drinks and snacks. There are to be no separate kitchen areas, no on-site cooking facilities and no ventilation flue required.

There will be sufficient provision for storage of waste and recyclable material and there is no reason to presume that, with suitable management procedures in place, the new use would result in littering or pollution of the public realm.

A condition is recommended to control opening hours from between 7am to 12 midnight. This is in line with the extant permission.

Impact of Pod hotel and cafe use on neighbours

The nearest residential occupiers are located on Kemble Street approximately 40 - 50m from the site. The applicant argues that as the building is located on the edge of Covent Garden, facing towards Holborn station, guests arriving and departing with luggage are more likely to travel along Kingsway, a more clear and prominent route, when compared with the less legible streets within Covent Garden, thereby avoiding residential properties. The site is considered to be in a strong position to allow guests and customers to disperse quickly and in many directions.

The applicant has provided an Operation Management Strategy, which provides further detail on how the Pod hotel will be managed to safeguard amenity. This sets out that the hotel is to be staffed 24 hours a day and staff will take active and courteous steps to ensure that both cafe and hotel guests exit the premises in an orderly and quiet manner.

The cafe will be under the same management as the Pod hotel and will be governed by the same operational standards. Given the location of Pod hotel bedrooms directly above, it will be in the interests of the hotel to ensure that the cafe is properly managed. On this basis and given the central location, the size of the Pod hotel and cafe proposed is considered acceptable in this instance.

The servicing and highways implications of the development are detailed in section 8.4 of this report.

8.2 Townscape and Design

41 Kingsway is located within the Strand conservation area. The building is not listed but is noted as an 'unlisted building of merit' within the Strand Conservation Area. The proposed external works are largely identical to those approved in June 2018 (with the exception of the approved extension and new dormer windows at seventh floor level, which do not form part of this scheme).

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A large proportion of the proposed works involve internal alterations. These works have a limited impact on the external appearance of the building.

The external works consist of:

Rear extension within the light well from first to sixth floor levels

The extension is within the rear internal 'courtyard' and is of minimal dimensions. It would not be visible from outside the site. The extension does not project past the rear building line and is to be constructed of materials to match the existing and as such, it is not considered to harm the character of the building or conservation area.

Façade Alterations

The works consist of the replacement of existing entrance on the Kemble Street elevation, plus the addition of a new entrance and renovation of existing windows and doors. The new entrance is designed to match the existing, the works create a simple and elegant ground floor façade that is appropriate to the building and as such enhances the character of the building and conservation area.

All of the windows are to be replaced on the upper floors with 'like for like' replacements. Details of the new doors/ windows are required by condition.

The drawing annotation indicates that the external stonework is to be cleaned and restored. A detailed method statement for the cleaning of the building is secured by condition.

Mechanical Plant

The plant within the basement has no external impact on the appearance of the building. The drawings are annotated to indicate that plant is to be placed on the flat roof at seventh floor level. This position is relatively discrete and is unlikely to harm the character and/ or appearance of the conservation area. Details of the plant and associated enclosure are secured by condition.

In summary, the works are generally considered acceptable in design terms, subject to conditions. The works are also largely identical to those approved in June 2018, which established that works to install mechanical plant, extensions in the rear lightwell, and alterations to the façade were all accepted in principle.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

Daylight/Sunlight/ Sense of Enclosure

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The new rear extension within the internal courtyard between second and sixth floor levels does not project past the rear building line. It is not considered that this extension would have an adverse impact on neighbouring windows particularly those to the rear in Princes House, 37 Kingsway, which face onto the courtyard.

Mechanical Plant

The proposals include new plant equipment, which would be located at basement level and on a flat roof at seventh floor level. Environmental Health advise that information about the plant is not sufficiently specific at this stage to inform an assessment and therefore a condition requiring a supplementary acoustic report is recommended. The City Council's standard noise conditions are also recommended.

8.4 Transportation/Parking

The site is well served by public transport, with a Public Transport Accessibility Level (PTAL) of 6b indicating its excellent location. The site is close to Holborn LUL, high frequency bus routes, and coach parking bays on Kingsway.

Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing.

The applicant has submitted a Servicing Management Plan, which indicates that the development would generate 10 delivery trips per day. While servicing is proposed to take place from the street, which is not in line with policy, this is no different to the existing situation. The Highways Planning Manager does not expect the numbers of vehicles involved to be significantly different to the existing situation, so considers the proposal is acceptable in servicing terms.

Trip generation

The Highways Planning Manager has no concerns regarding the number of customers that might use the premises. Kingsway has a number of coach parking bays so a hotel in this location would be well served in this respect.

Cycle Parking

The current London Plan standards requires 22 spaces (11 long-stay spaces for the hotel; 9 short-stay spaces for the hotel; and 2 short-stay spaces for the cafe). 6 spaces are proposed for long-stay, which is welcome, but none for short-stay. The Highways Planning Manager advises that it would be desirable to have short-stay cycle spaces but agrees with the applicant that few customers are likely to attend the cafe by bike. The applicant advises that they would be able to make the spare space in the staff storage available for customer bike parking upon request. A condition is recommended requiring details of additional cycle storage.

8.5 Economic Considerations

The economic benefits of the development are welcomed.

8.6 Access

All public entrances into the building for the Pod hotel and cafe uses will have level access with lift access provided to all floor levels. All doors are to have level thresholds, which will be of sufficient width to facilitate wheelchair access. Two DDA accessible rooms are provided on the first floor.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The waste store is located at basement level. The Waste Projects Officer is satisfied with the refuse and recycling storage arrangements proposed.

Sustainability

The applicant has submitted an Energy Strategy and Pre BREEAM assessment in support of their application. The building will achieve a 40% improvement in carbon emissions based on the current Building Regulations (2013) through the use of energy efficiency 'be lean' measures. A BREEAM excellent rating is targeted.

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 scheme does not generate any requirements for planning obligations.

The Westminster CIL payment based on the floorspace figures in the applicant's CIL form exemptions would be £57,208

The Mayoral CIL payment, again based on the floorspace figures in the applicant's CIL form would be £6,320

8.11 Environmental Impact Assessment

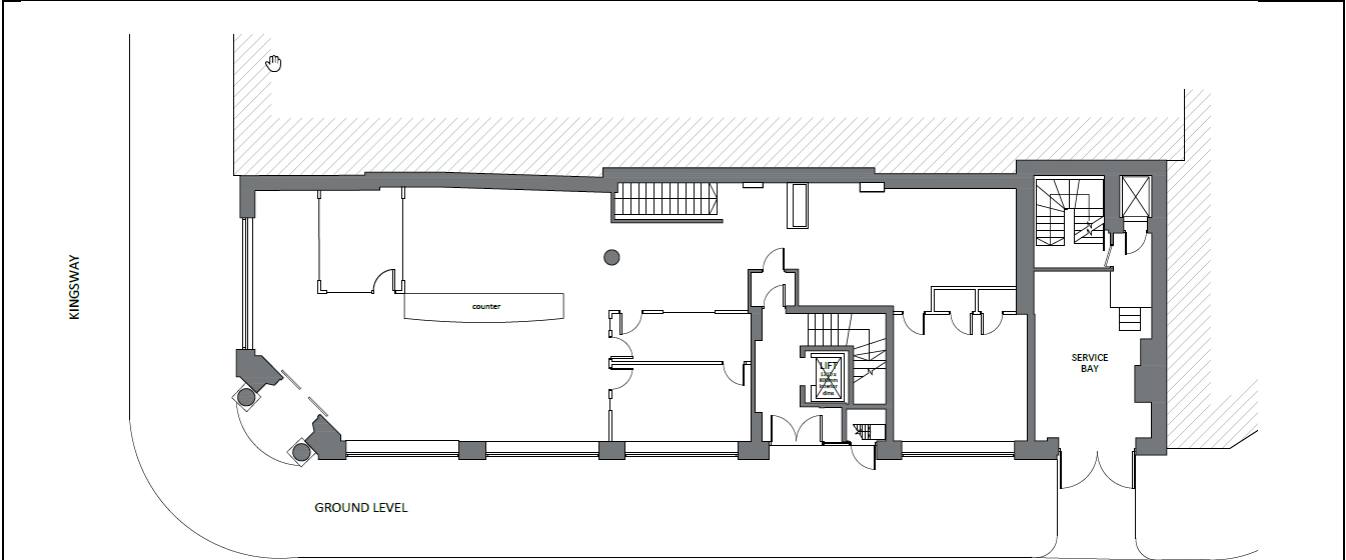
The scheme is of insufficient scale to require the submission of an Environmental Statement.

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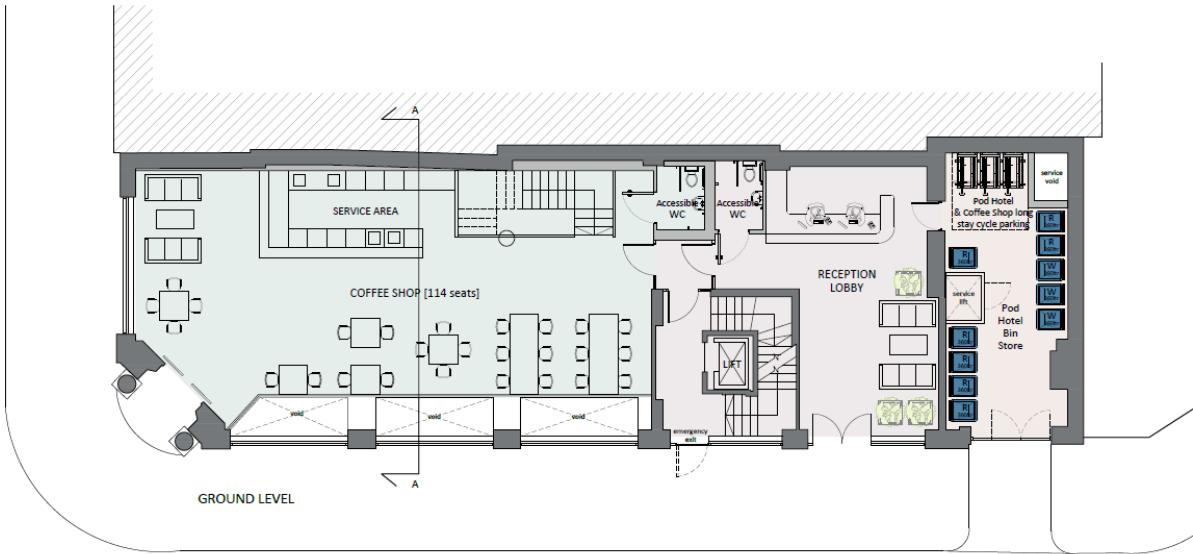
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

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

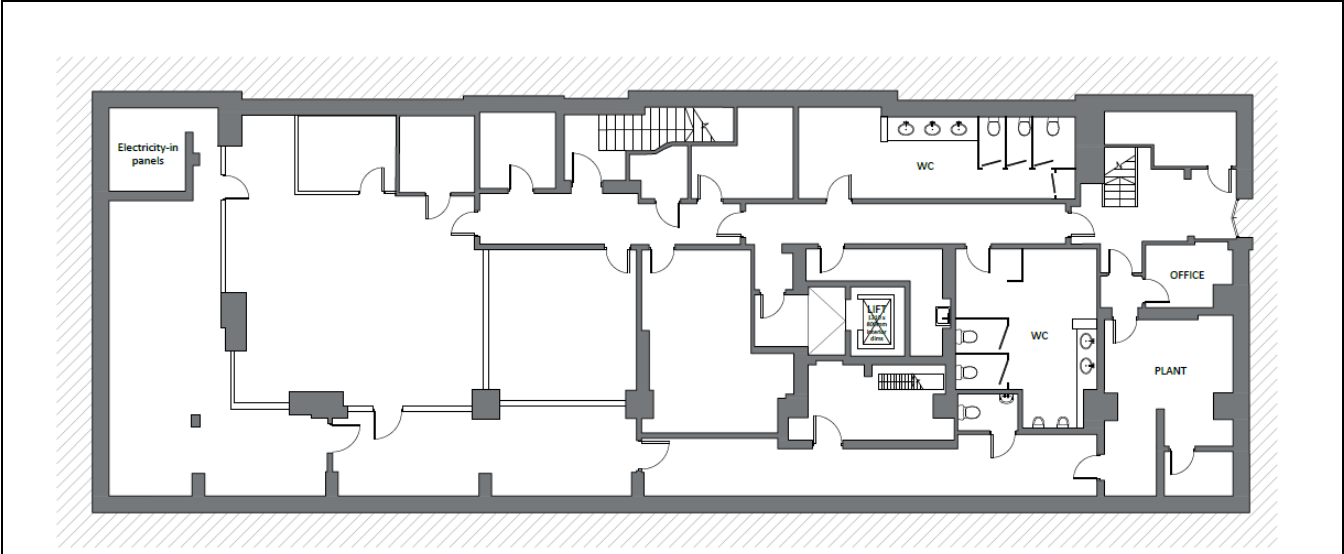
9. KEY DRAWINGS



Existing ground floor level

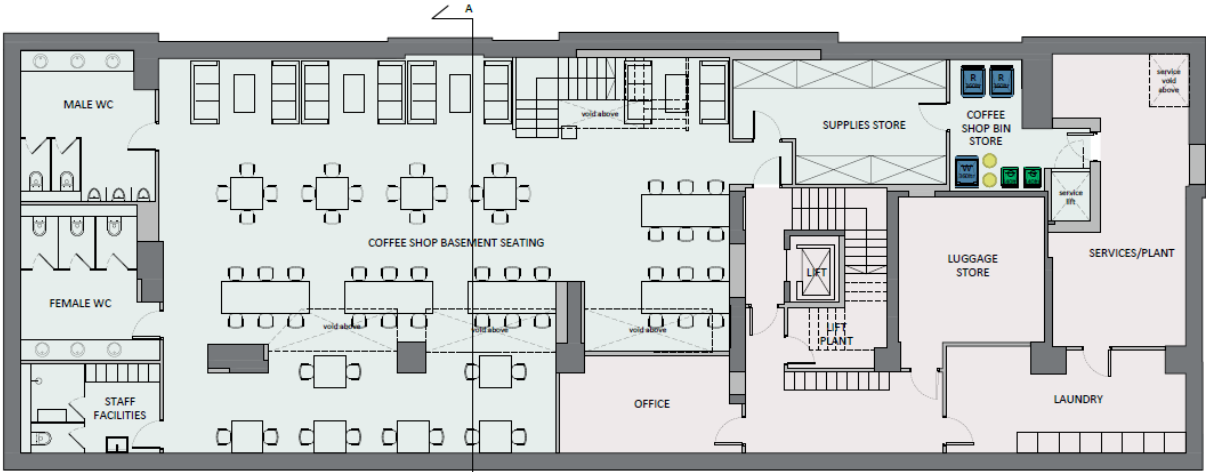


Proposed ground floor level



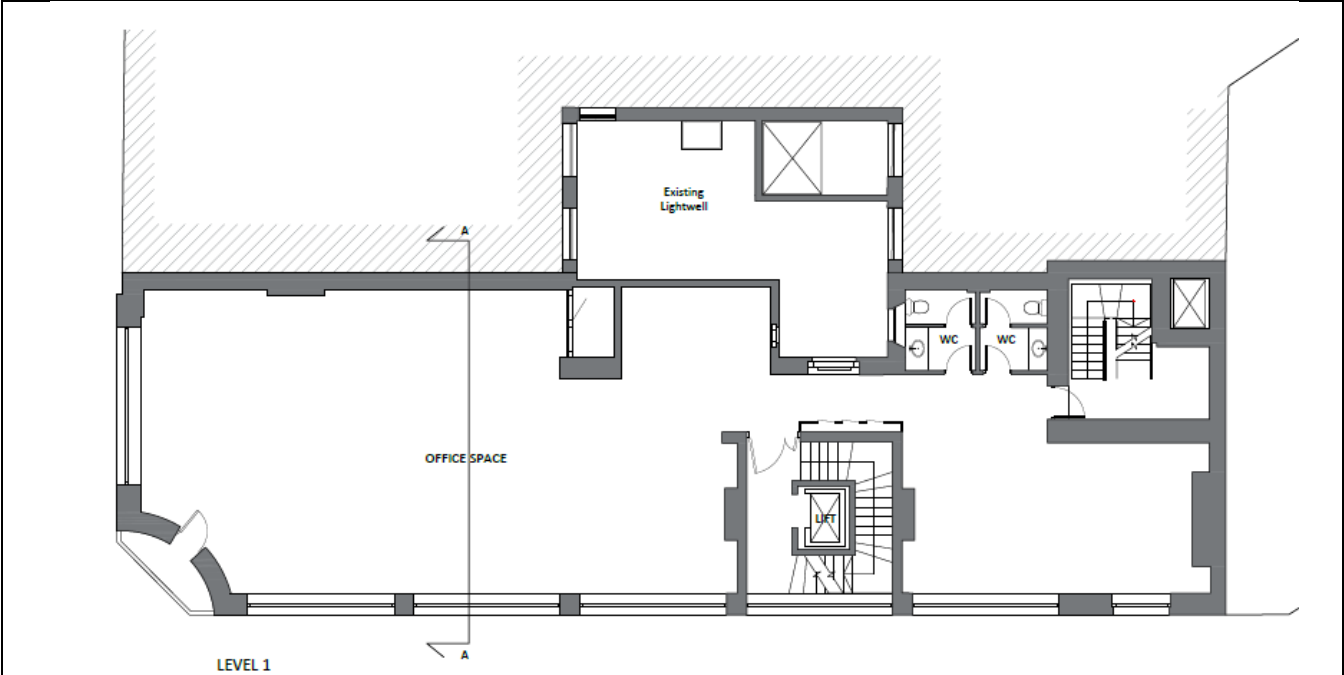
BASEMENT LEVEL

Existing basement level

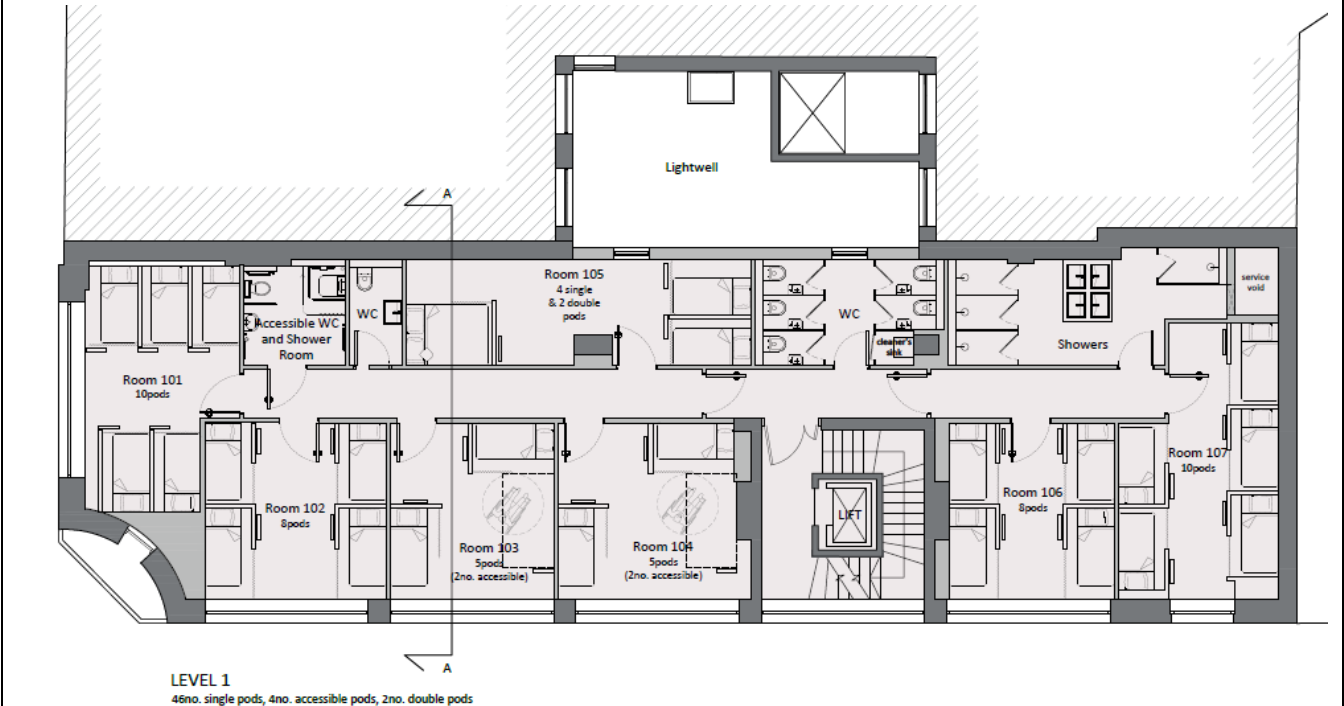


BASEMENT LEVEL

Proposed basement level

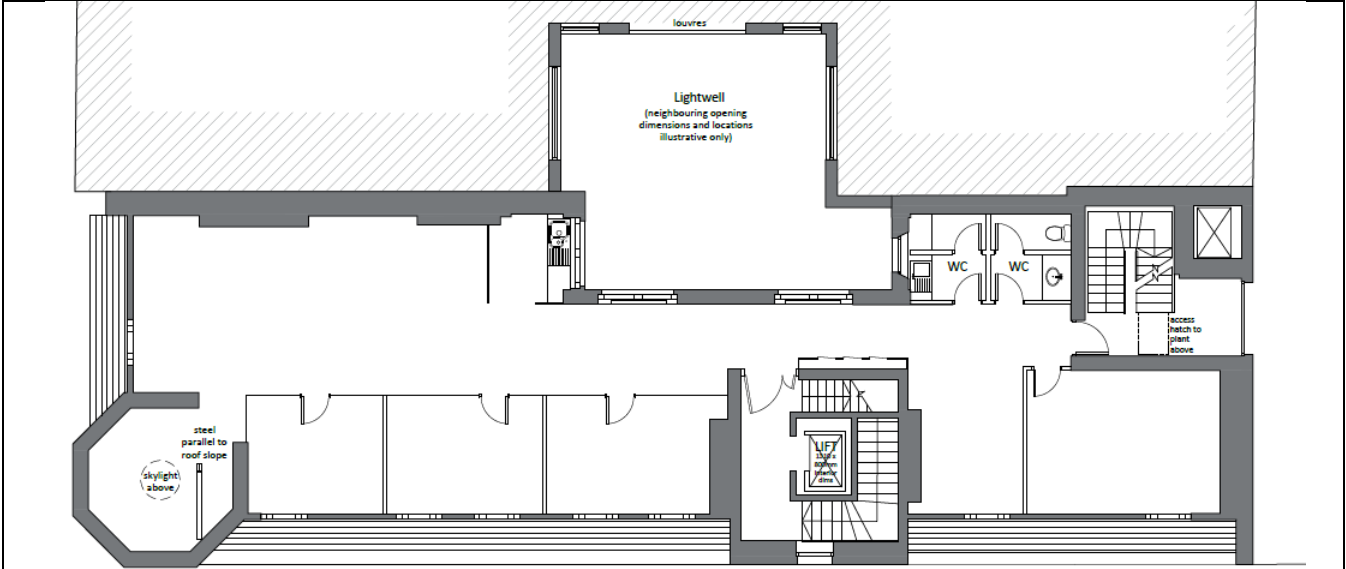


Existing first floor plan



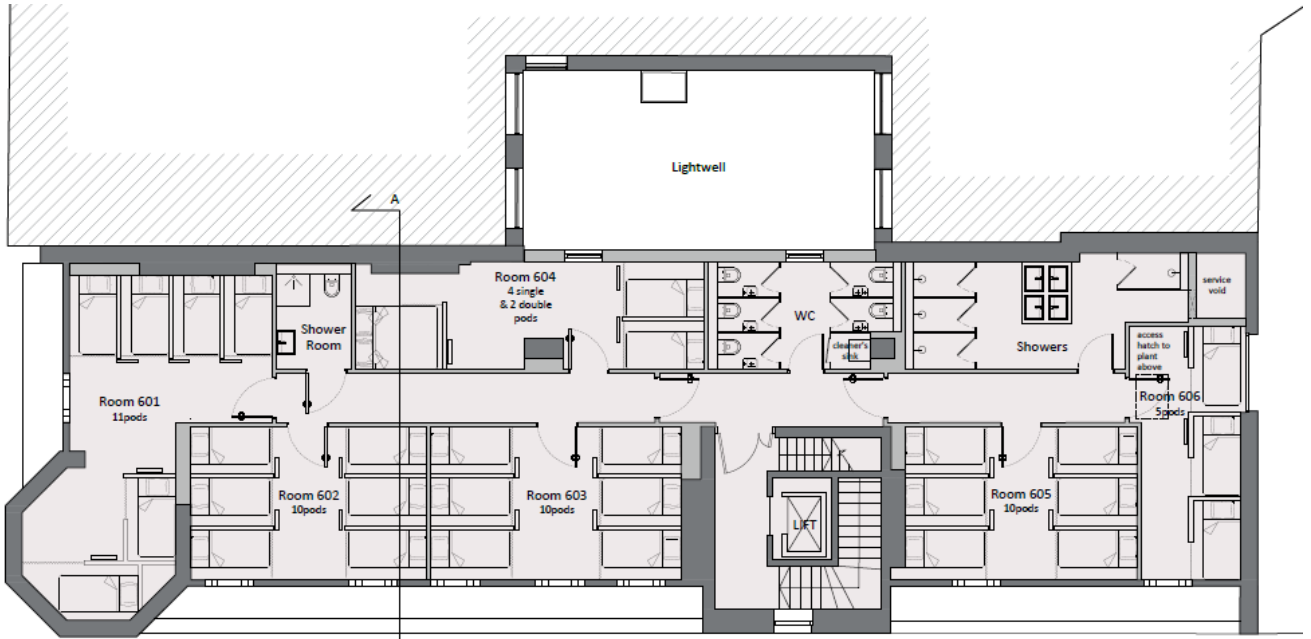
LEVEL 1
46no. single pods, 4no. accessible pods, 2no. double pods

Proposed first floor plan



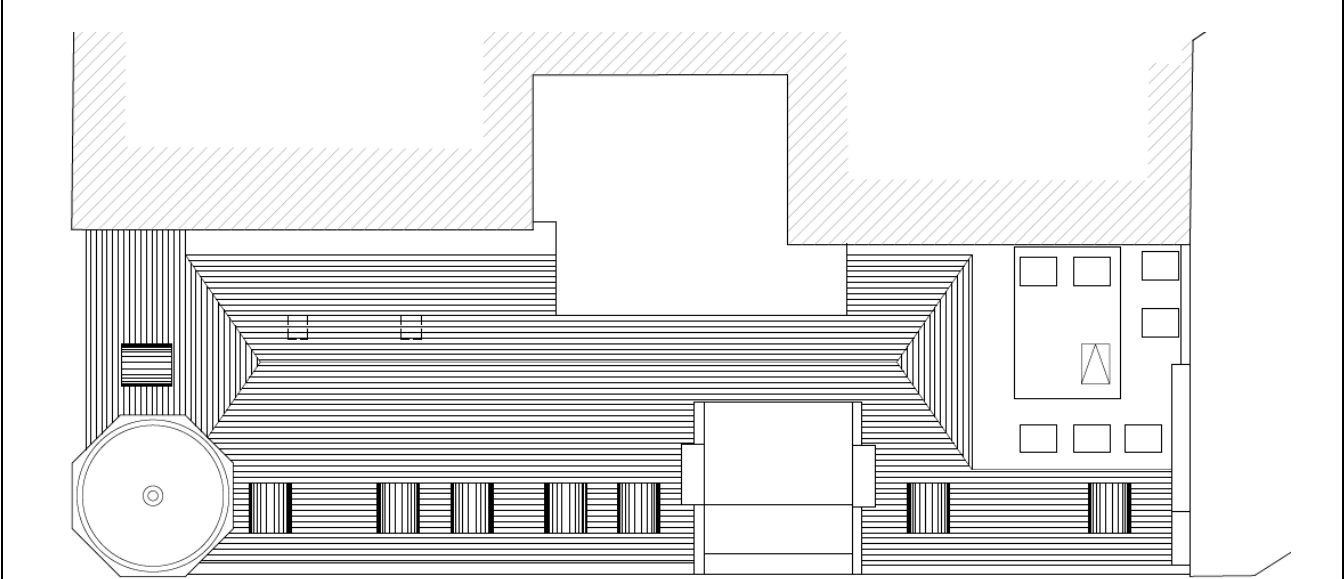
LEVEL 6

Existing sixth floor level



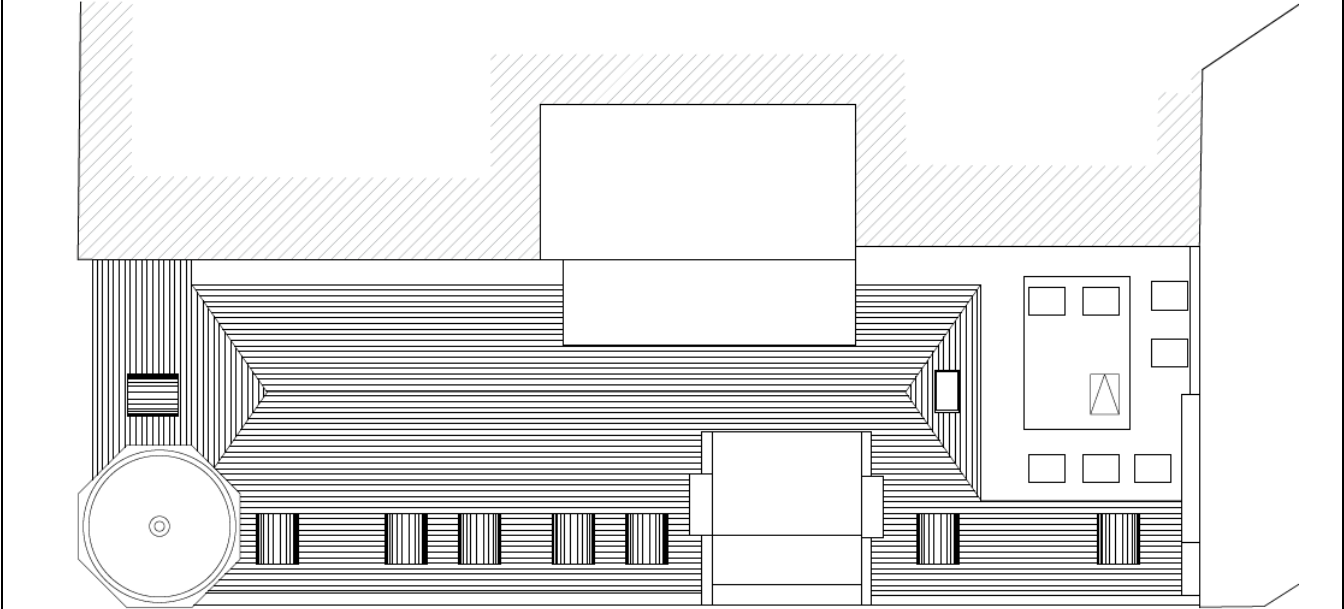
LEVEL 6
50no. single pods & 2no. double pods

Proposed sixth level



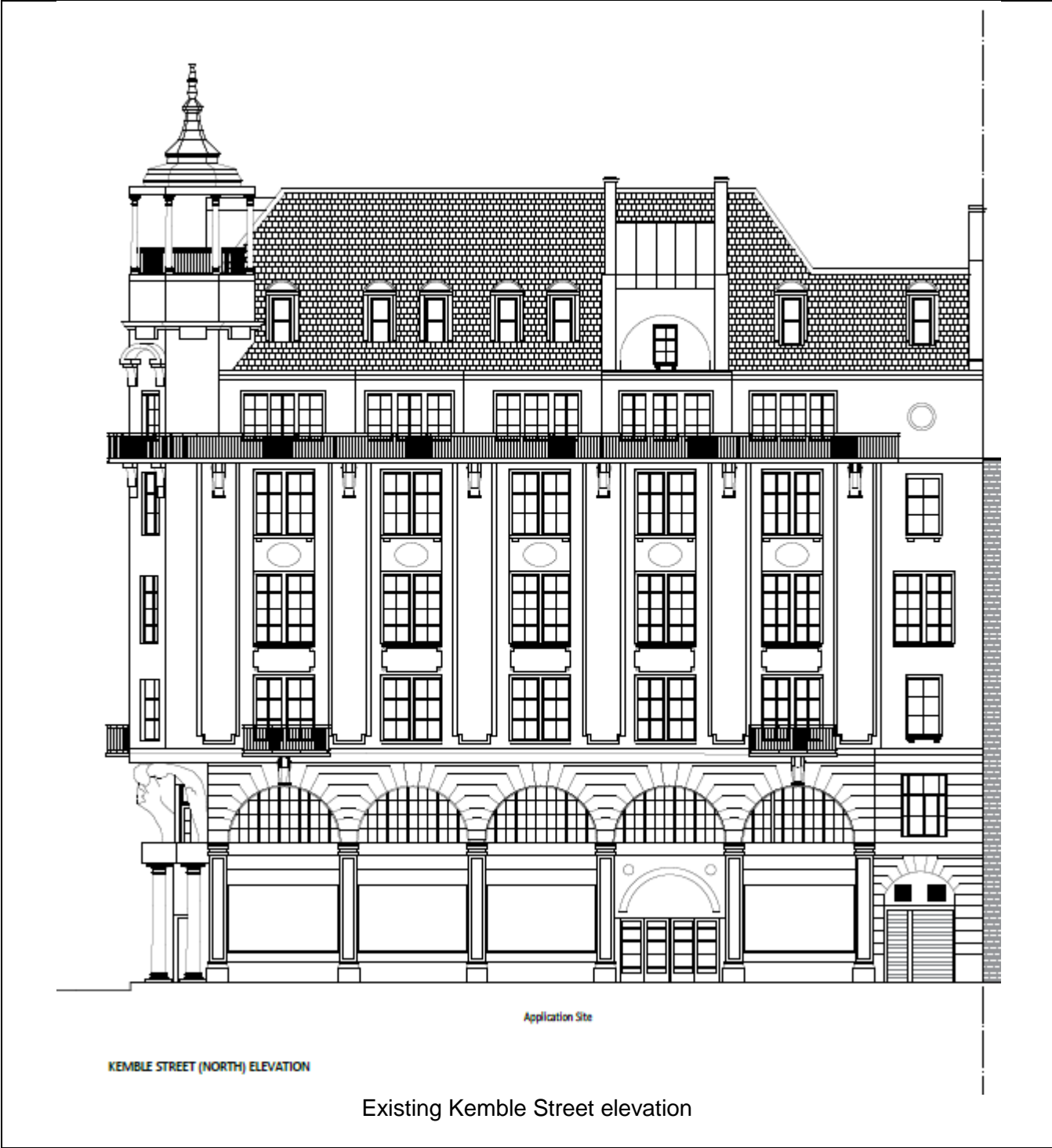
ROOF PLAN

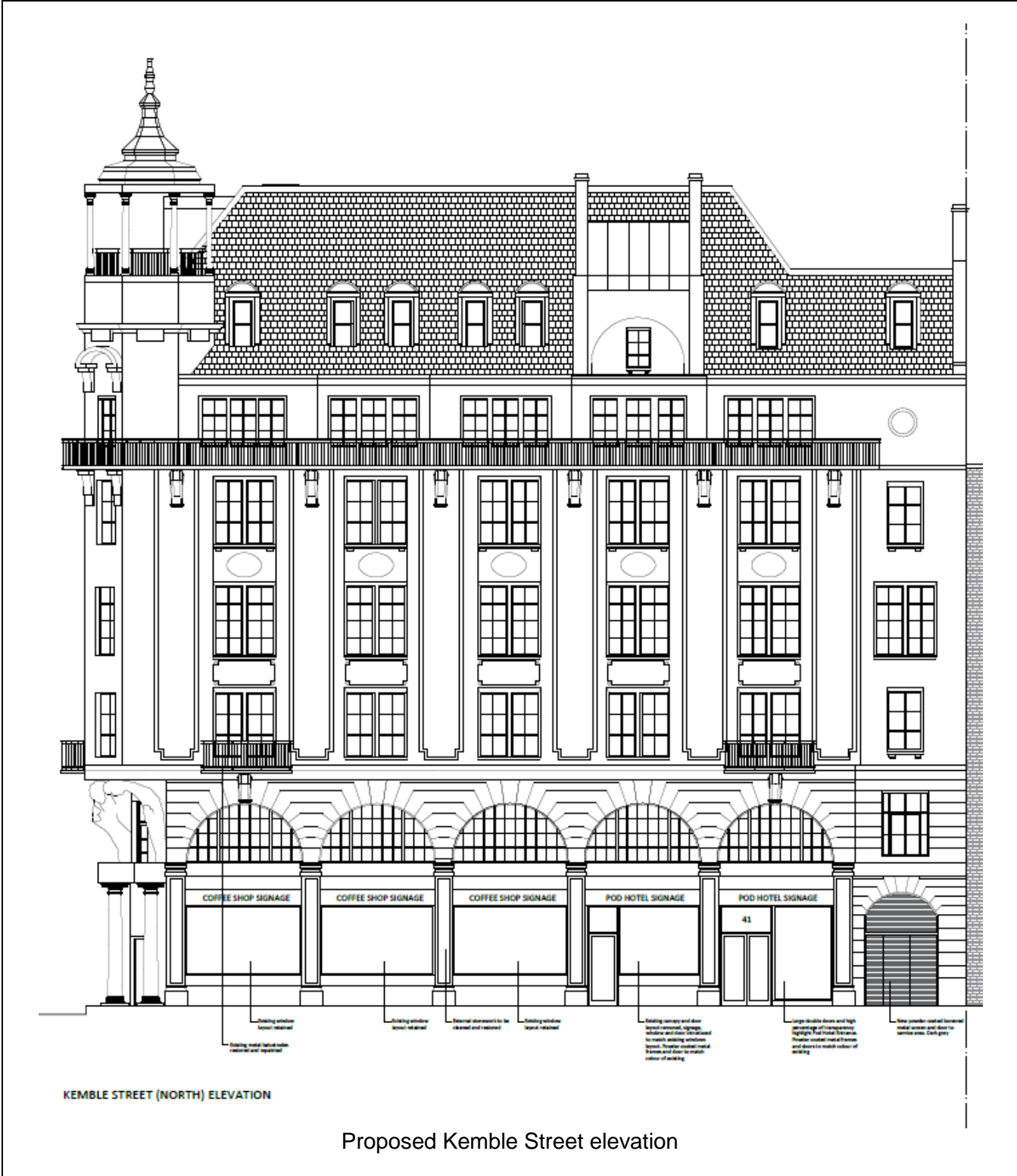
Existing roof level



ROOF PLAN

Proposed roof level







Illustrations based on Pod Hotel accommodation from around the world



Interior Illustrations

DRAFT DECISION LETTER

Address: 41 Kingsway, London, WC2B 6TP

Proposal: Use of first to sixth floors as a Pod hotel visitor accommodation (sui generis) together with a cafe (Class A3) at ground floor and basement level, extension in the rear light well at first to sixth floors, installation of new shopfronts and doors at ground floor level and mechanical plant at roof level.

Reference: 18/06098/FULL

Plan Nos: 494-(PL)110, 494-(PL)111, 494-(PL)112, 494-(PL)120, 494-(PL)121, 494-(PL)122, 494-(PL)123, 494-(PL)210, 494-(PL)211, 494-(PL)212, 494-(PL)220, 494-(PL)221, 494-(PL)222, 494-(PL)223, 494-(PL)224;
(For Information: Covering letter by JLL; Design and Access Statement by NP Architects; Planning Statement by JLL; Acoustic Planning Report, BREEAM Pre-Assessment, Energy Assessment, Energy Statement, Transport Statement and Waste Collection Strategy by Scotch Partners LLP).

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 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 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. (R11AC),

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand 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 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 Strand 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows, with corresponding cross-referenced elevations;
- ii) Doors, with corresponding cross-referenced elevations;
- iii) Typical dormer design;
- iv) Plant and acoustic enclosure at roof level.

You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand 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 apply to us for approval of details of secure cycle storage for the pod hotel use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 8 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 494(PL) 210. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

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)

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

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)

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

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 11 You must not operate a take away delivery service from the premises, even as an ancillary part of the coffee shop and cafe use and you must not permit the operation of such a service from the premises by any other individual or business.

Reason:

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We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 and ENV6 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 12 Customers shall not be permitted within the restaurant premises before 7am or after midnight each day. (C12AD)

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

- 13 Apart from the entrance to the coffee shop annotated on the approved drawings, the ground floor windows shall be fixed permanently shut.

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

- 14 No live or recorded music shall be played in the coffee shop that is audible outside of the premises.

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

- 15 The Pod Hotel and coffee shop must be managed in accordance with the Delivery and Servicing Strategy and Management Plan as set out in the Transport Statement by Steer Davies Gleave or in accordance with other details as submitted to and approved by the City Council.

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

- 16 The Pod hotel must be managed in accordance with the Operational Management Strategy as set out in Appendix 1 of the Planning Statement by JLL or in accordance with other details as submitted to and approved by the City Council.

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.

- 17 (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 schedule of all plant and equipment that formed part of this application;
 - Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - Manufacturer specifications of sound emissions in octave or third octave detail;
 - The location of most affected noise sensitive receptor location and the most affected window of it;
 - 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;
 - 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;
 - The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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. (R48AA)

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 18 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. (R51AB)

- 20 You must submit a detailed method statement for the cleaning of the building that includes photographs of a small cleaned sample panel. 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 works according to the approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand 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 You must apply to us for approval of detailed drawings (revised floor plans) showing the following alteration to the scheme:

(i) Provision of internal acoustic lobbies to the two main doors.

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 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)

- 22 The ground floor emergency exit door on the Kemble Street elevation shall be used for emergency exit purposes only and shall otherwise be kept closed.

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)

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 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

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- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

- 7 Under the 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)

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

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BACKGROUND PAPERS - 41 Kingsway, London, WC2B 6TP 18/06098/FULL

1. Application form
2. Response from Covent Garden Community Association dated 20 August 2018
3. Memo from Waste Projects Officer dated 31 July 2018
4. Memo from Environmental Sciences dated 17 August 2018
5. Memo from Highways Planning Manager dated 16 October 2018

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Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	34 Cato Street, London, W1H 5HS		
Proposal	Excavation of a single storey basement level in order to enlarge existing residential maisonette over ground and first floor levels (Class C3).		
Agent	Gerald Eve LLP		
On behalf of	Mr Chris Attey		
Registered Number	18/04721/FULL	Date amended/ completed	11 June 2018
Date Application Received	6 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	Molyneux Street		

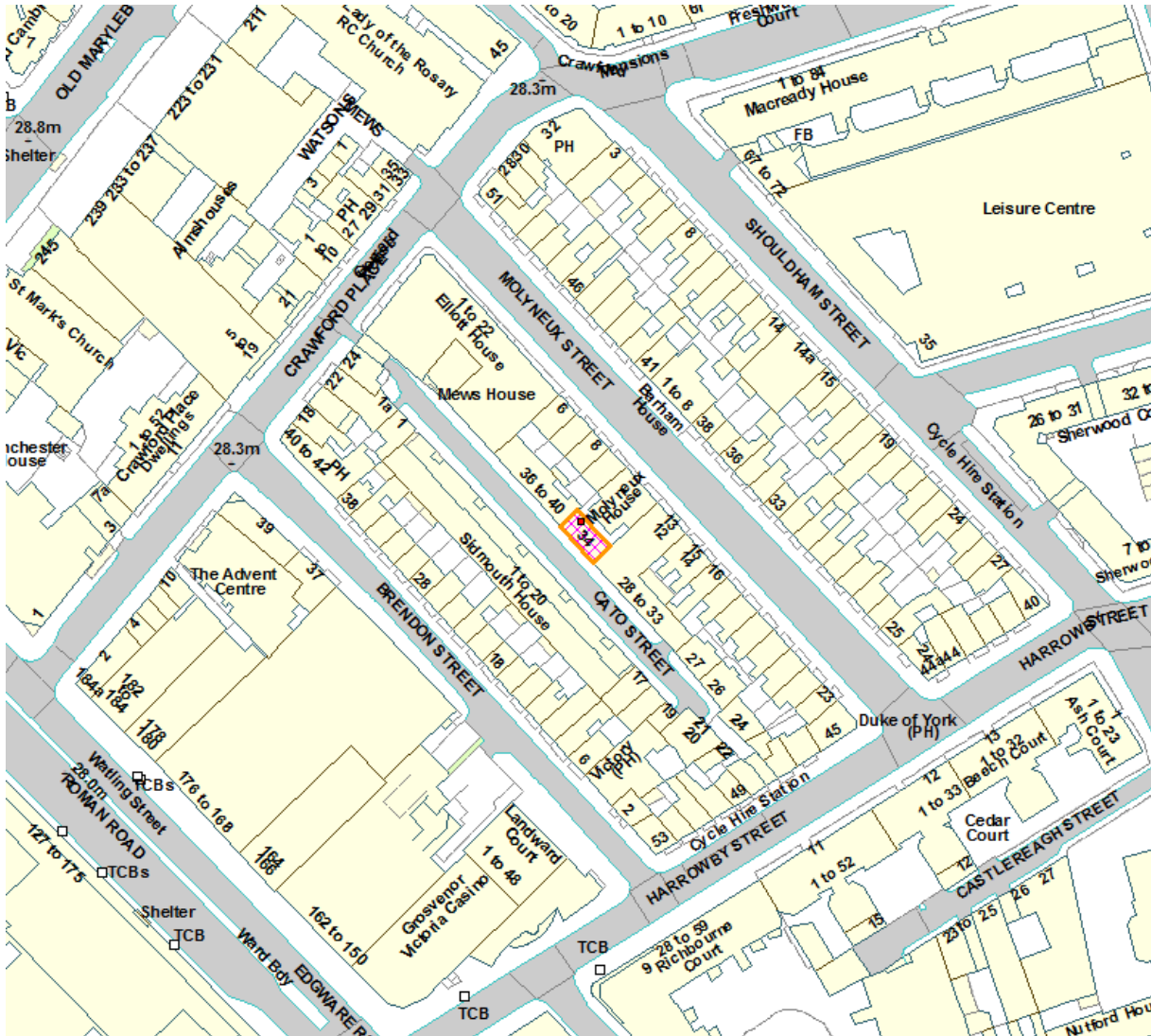
1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>The application site comprises an unlisted building in use as three flats. The site is located within the Molyneux Street Conservation Area and is surrounded by residential properties. Permission is sought to excavate a new basement floor beneath the footprint of the building in order to enlarge the existing residential maisonette over part ground and first floor levels. Once complete, there will be no visible manifestation of the proposed basement.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"> - Whether the quality of the enlarged residential unit is acceptable. - Whether the proposed subterranean development complies with the basement policy. - Whether the applicant has committed to complying with the Code of Construction Practice (CoCP) in order to ensure that the disruption during the course of construction for neighbouring residents is minimised. <p>The proposed works are considered acceptable in land use, design and heritage terms and in terms of policy as set out in the Westminster City Plan (November 2016) and Unitary Development Plan (2007) policies, as well as national policy in the National Planning Policy Framework (2018).</p>
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3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Any response to be reported verbally.

HARROWBY AND DISTRICT RESIDENTS' ASSOCIATION:

This type of development causes significant disturbance to the residents within this densely populated area and is out of character with the conservation area.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 49

Total No. of replies: Five letters of objections from the occupiers of four properties.

No. of objections: 5

No. in support: 0

Objecting on the following grounds:

- Cumulative noise and disruption caused by building works in the area.
- Impact of construction works on vulnerable residents adjacent to the site.
- Does not support any work that involves underpinning party walls.
- Structural concerns.
- Lack of policy justification for extending the existing maisonette through the creation of a basement. The basement rooms will not have adequate daylight to be habitable rooms and therefore appear to be superfluous ancillary rooms.
- The proposed new basement windows to the rear rely on a neighbouring site for daylight.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted building located within the Molyneux Street Conservation Area and the Central Activities Zone (CAZ).

The Grade II listed Nos. 6-9 Molyneux Street are located to the north of the application site but do not have a contiguous boundary with the application site.

The building is in use as an integral garage at ground floor level, a two-bed flat over part ground and first floor levels, a one-bedroom flat at second floor level, and a two-bedroom flat at third floor level.

The buildings surrounding the site are all in residential use. The site at the corner of Molyneux Street and Crawford Place (the former Elliott House) is currently being redeveloped to provide 32 x flats and is nearing completion.

Cato Street has vehicular access from the north-west from Crawford Place. Access to Cato Street from the south-eastern end from Harrowby Street is limited to pedestrians.

The site is not within a flood risk zone, either from fluvial or surface water flooding. The site not located within an Archaeological Priority Area. Finally, the site is not located above any subterranean infrastructure or within a safeguarding zone for potential future subterranean infrastructure.

6.2 Recent Relevant History

Permission was granted on 22 December 1972 for the redevelopment of the site of Nos. 34 and 35 Cato Street by the erection of a four-storey building for use as two self-contained flats and one self-contained maisonette.

It is understood that the building was at some point converted into a single family dwellinghouse. On 3 November 2006, permission was granted to convert the building into a two bed maisonette and 2 x one-bed flats (Ref: 06/07697/FULL).

7. THE PROPOSAL

The application proposes excavating beneath the footprint of the building to provide a new basement storey in order to enlarge the existing maisonette over part ground and first floor levels. An addition 46 sq.m of additional residential floorspace is proposed. No alterations to the front or rear facade of the building are proposed.

The applicant has declared that notice of the application has been served upon all owners of adjoining properties that have an ownership interest in parties walls that are proposed to be underpinned. The applicant has also confirmed that none of the flats within the building are owned by parties other than the applicant. This meets the applicant's statutory requirements in terms of notifying owners of the land to which the application relates.

It was originally proposed to insert three slot windows within the rear elevation to provide some limited natural light to this new basement. This part of the proposal has now been omitted following concern from officers that: (i) The windows wholly relied on light from the courtyard of Molyneux House which is outside the applicant's ownership and therefore these windows could potentially prejudice future development opportunities in this neighbouring site; and (ii) Even if fixed shut and fitted with obscure glass, lightspill from these windows would have caused an unacceptable loss of amenity for the residents living within Molyneux House. One of the grounds for objection by local residents is therefore no longer relevant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Proposals for extensions to existing housing and the provision of additional residential floorspace are acceptable in principle, in accordance with UDP Policy H3(E) and City Plan Policy S14.

The existing residential unit comprises 68 sq.m (GIA) and is made up of double bedroom (14.0 sq.m) and WC at ground floor level and a living room, dining room, sub-standard single bedroom (6.0 sq.m) and kitchen at first floor level. The floorspace of the unit falls slightly short of the minimum space standard of 70 sq.m (GIA) for a new two-bed, three-person maisonettes, as set out within Policy 3.5 of the London Plan (2016).

This proposal would increase the size of the residential unit by 46 sq.m (GIA) so that it would be 114 sq.m (GIA) in size. Although the eventual internal layout of the enlarged unit is indicative, the applicant envisages that the residential unit will be retained as a two-bedroom flat. The kitchen is envisaged to be relocated from first floor level to the proposed new basement. A larger bedroom that meets minimum size standards and additional bathroom are envisaged to replace the first floor kitchen. The sub-standard bedroom is shown to be replaced by a study.

The new basement will have no natural light or ventilation. The majority of the floorspace of the flat, however, will be above ground. This, combined with its enlargement so that it now meets minimum size standards for new dwellings, means that the enlarged dwelling when taken as a whole is considered to provide an acceptable standard of residential accommodation, in accordance with City Plan Policy S29.

Issues such as ensuring that there is an adequate means of escape from the new basement will be dealt with under the Building Regulations and are outside the scope of planning control.

8.2 Townscape and Design

There will be no external manifestation of the new basement and therefore the proposal will preserve the character and appearance of the Molyneux Street Conservation Area.

8.3 Residential Amenity

Once constructed, the new basement will have no impact upon residential amenity and is therefore acceptable in this respect. The potential disruption during the course of construction is discussed within Section 8.13 of this report.

8.4 Transportation/Parking

No additional residential units are proposed and therefore the proposed development raises no material transportation issues.

8.5 Economic Considerations

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

8.6 Access

Access to the site will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 Neighbourhood Plans

A Neighbourhood Plan has not yet been submitted for the area in which this site is located.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

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

8.13 Other Issues

Basement

City Plan Policy CM28.1 requires the submission of a structural methodology statement in relation to the proposed excavation works, together with a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's CoCP. The applicant has complied with both of these requirements.

The method of excavation has been considered by Building Control officers who advise 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 purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

We are 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 professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. It is considered that this is far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations. To go further would be to act beyond the bounds of planning control.

In terms of the size and depth of the proposed basement, this is fully compliant with City Plan Policy CM28.1. It will not involve the excavation of more than one storey below the lowest original floor level and the floor-to-ceiling height meets the usual expectation set out within the supporting text to the basement policy.

The fact that the proposed basement will be located entirely beneath the existing building means that there is no requirement to incorporate landscaping and / or permeable surfacing. Finally, there are no trees in the vicinity of the site that will be affected by the proposed excavation.

Code of Construction Practice

A condition is recommended to ensure that the development complies with the CoCP, which will require the developer to provide a Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development. The applicant has agreed to the imposition of this pre-commencement condition.

The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's CoCP, the proposed basement extension complies with the requirements of Policy CM28.1 through ensuring that the disruption to local residents is minimised. Whilst the concerns from local residents in terms of the disruption during the course of construction are noted, this does not represent a sustainable ground for refusing the application in light of the mitigation secured through the CoCP.

Archaeology

The site is located outside of an Archaeological Priority Area. This, together with the modest scale of development, means that there is a negligible risk to heritage assets of archaeological interest. It is therefore not considered to be necessary to impose conditions securing a written scheme of investigation for a programme of archaeological work and recording of any findings.

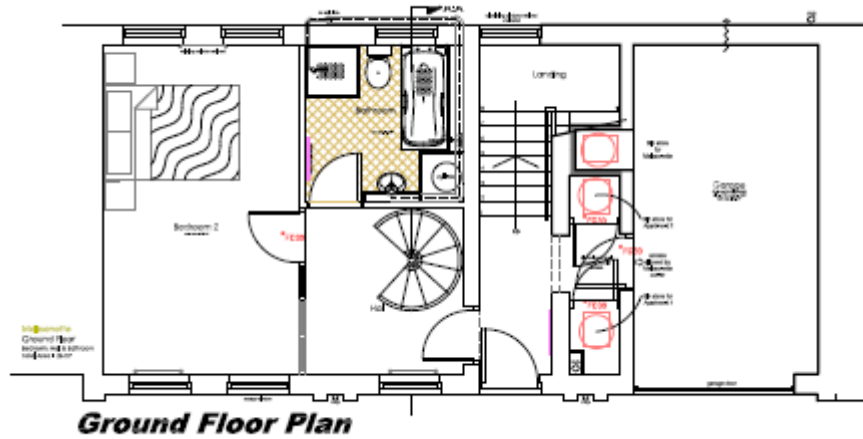
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

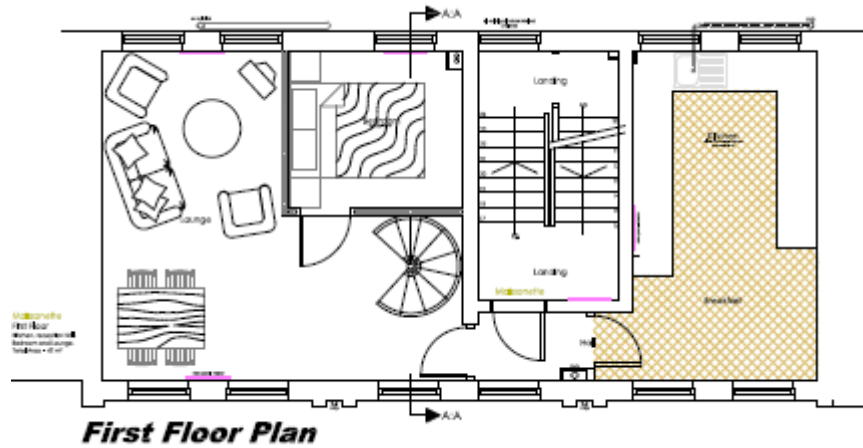
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

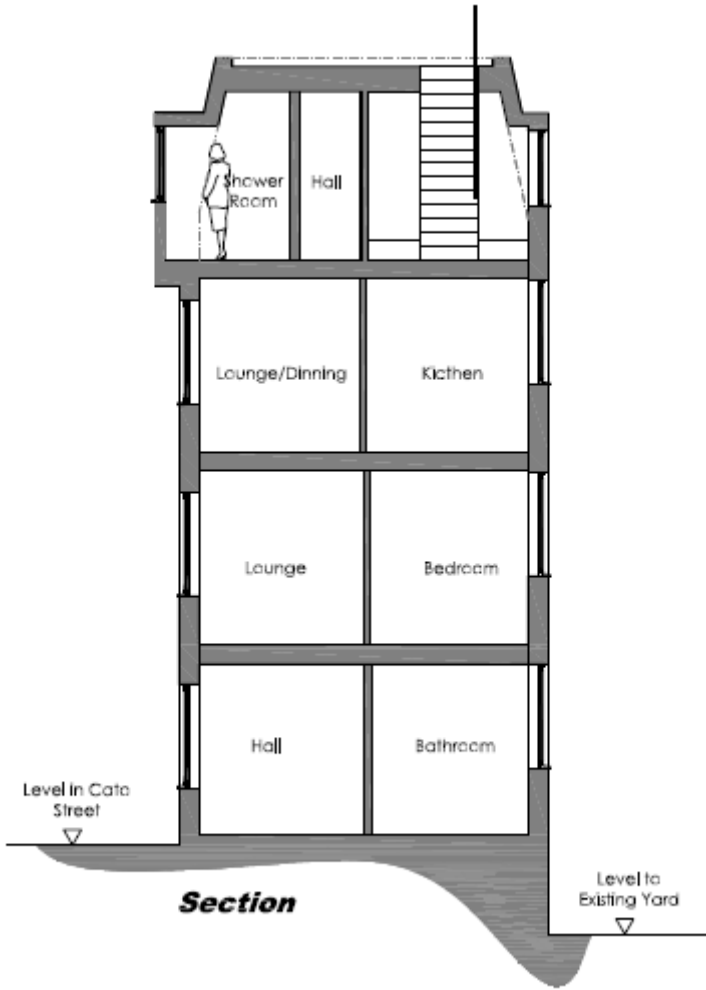
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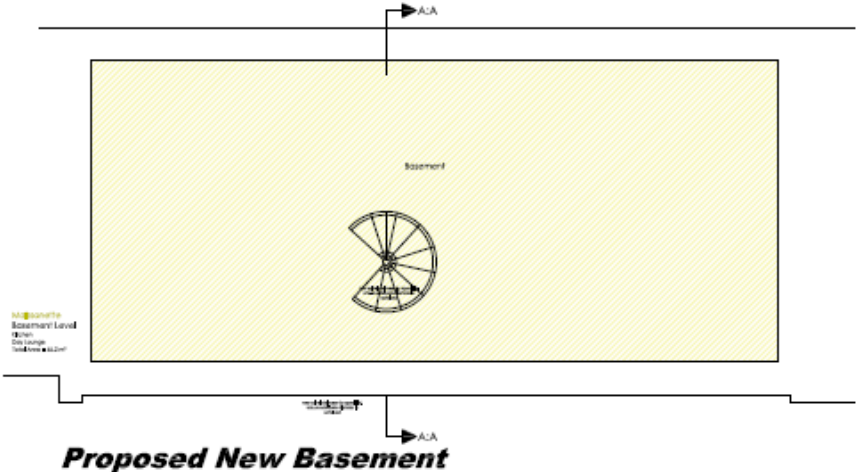
Existing first floorplan:



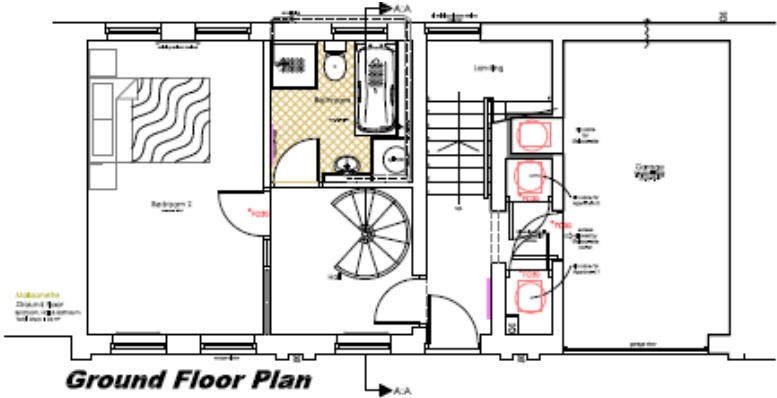
Existing section:



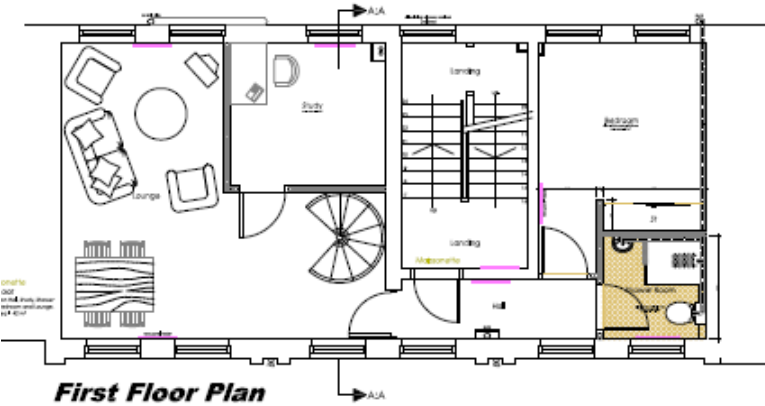
Proposed new basement floorplan:

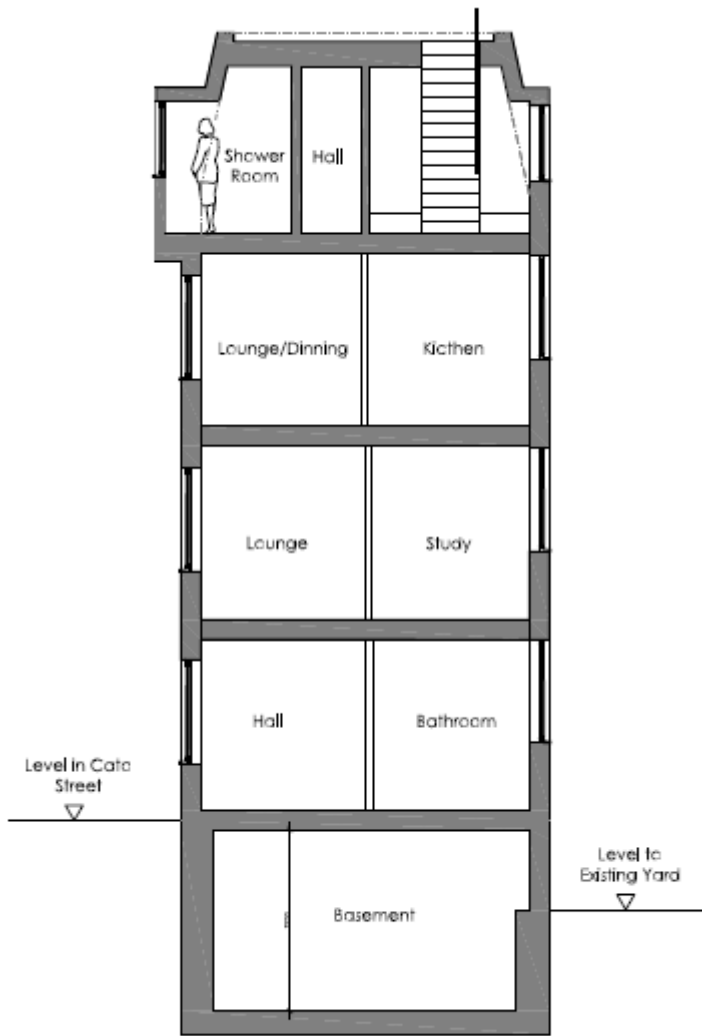


Proposed ground floor plan:



Proposed first floorplan:





Section

DRAFT DECISION LETTER

Address: 34 Cato Street, London, W1H 5HS

Proposal: Excavation of a single storey basement level in order to enlarge existing residential maisonette over ground and first floor levels (Class C3).

Reference: 18/04721/FULL

Plan Nos: 914-03 Rev. A.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of 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. (R11AC)

- 3 **Pre Commencement Condition.** 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

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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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

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. (R11AC)

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 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

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. 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.

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