



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (1)**

Meeting Date:

**Tuesday 11th June, 2019**

Time:

**6.30 pm**

Venue:

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

Members:

**Councillors:**

Tony Devenish (Chairman)  
Susie Burbridge  
Peter Freeman  
Tim Roca



**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 a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**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](mailto:gwillis@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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 Director of Law 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 meetings held on 21 May 2019 and 14 May 2019 as a correct record of the proceedings.

**(Pages 5 - 16)**

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

Members of the public are welcome to speak on the specific applications at the planning committee meeting.

To register to speak and for guidance please visit:

[www.westminster.gov.uk/planning-committee](http://www.westminster.gov.uk/planning-committee).

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

#### **1. 413-419 HARROW ROAD, LONDON, W9 3QJ**

**(Pages 21 - 62)**

#### **2. DRURY HOUSE, 34-43 RUSSELL STREET LONDON WC2B 5HA**

**(Pages 63 - 104)**

3.	TURNER HOUSE, 16 GREAT MARLBOROUGH STREET, LONDON, W1F 7HS	(Pages 105 - 136)
4.	ROMNEY MEWS LONDON	(Pages 137 - 154)
5.	222 STRAND, LONDON WC2R 1BA	(Pages 155 - 186)
6.	6 DANSEY PLACE, LONDON W1D 6EZ	(Pages 187 - 202)
7.	20 WESTBOURNE PARK VILLAS LONDON W2 5EA	(Pages 203 - 228)

Stuart Love  
Chief Executive  
3 June 2019

## Order of Business

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

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

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





**CITY OF WESTMINSTER**

## **MINUTES**

### **Planning Applications Sub-Committee (1)**

#### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 21st May, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Tony Devenish (Chairman), Elizabeth Hitchcock, Tim Roca and James Spencer.

#### **1 MEMBERSHIP**

- 1.1 It was noted that Councillor James Spencer was replacing Councillor Peter Freeman.

#### **2 DECLARATIONS OF INTEREST**

- 2.1 Councillor Tony Devenish explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 There were no further declarations of interest.

#### **3 MINUTES**

##### **3.1 RESOLVED:**

That the minutes of the meeting held on 14 May were not yet available to be signed by the Chairman and will be signed at the next Planning Application Sub-Committee (1).

## **4 PLANNING APPLICATIONS**

### **1 7-9 BOTTS MEWS, LONDON, W2 5AG**

Demolition of existing buildings behind a retained facade of 2a Bridstow Place and erection of buildings to provide 2 x 4- bedroom single family dwellinghouses (Class C3) with integral garages and roof terraces and excavation of two storey basement and other associated works (excavation works are substantially complete).

A late representation was received from WCC Building Control (20.05.19)

#### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

### **2 63 ABBEY ROAD, LONDON, NW8 0AE**

Application 1: Installation of external heaters to ground floor frontages on Belgrave Gardens and Abbey Road and installation of new front door. Application 2: Display of externally illuminated fascia sign measuring 0.02m X 0.08m and externally illuminated sign atop street post measuring 1.0m X 1.0m

Late representations were received from Councillor Judith Warner (15.05.2019), Councillors Lindsey Hall (20.05.19) Councillor Heather Acton (21.05.19) and the Chairman of St. John's Wood Society (21.05.19)

#### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted.
2. That conditional advertisement consent be granted.
3. It was advised that a change of use from a public house to a restaurant/cafe/shisha would require the benefit of planning permission **and would be contrary to policy SS7 with the UDP and S13 within the City Plan and would therefore unlikely be acceptable.**

### **3 BASEMENT AND GROUND FLOOR, 42 MARYLEBOME HIGH STREET, LONDON, W1U 5HD**

Installation of 4 condensing units at rear lower ground floor level in shared service yard (Retrospective Application).

#### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

The Meeting ended at 6.50 pm.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

This page is intentionally left blank



**CITY OF WESTMINSTER**

# **MINUTES**

## **Planning Applications Sub-Committee (1)**

### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 14th May, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Tony Devenish (Chairman), Susie Burbridge, Tim Roca and Peter Freeman.

#### **1 MEMBERSHIP**

- 1.1 It was noted that Councillor Peter Freeman was replacing Councillor Timothy Barnes.

#### **2 DECLARATIONS OF INTEREST**

- 2.1 Councillor Tony Devenish explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Devenish also declared that in respect of item 5, he knew the person from the Marylebone Association who had made a representation, however he had not been approached by this person about this application.
- 2.3 Councillor Susie Burbridge declared that in respect of item 1, the application site is in her Ward and she had addressed a Planning Sub-Committee in her capacity as a ward councillor about a previous application for this site.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 2 April 2019 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 HOLIDAY VILLA HOTEL, 35-39 LEINSTER GARDENS, LONDON W2 3AN**

Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.

Late representations were received from the Chief Executive of Westminster Community Homes (03.05.2019), S106 Management (14.05.2019) and the Head of Affordable Housing and Strategy (03.05.2019).

#### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, subject to a Section 106 agreement to secure:
  - a) A financial contribution of £554,958.00 (index linked and payable on commencement of development) toward the City Council's affordable housing fund; and
  - b) Payment of cost of monitoring the agreement.
2. That if the Section 106 legal agreement has not been completed within 6 weeks, then:
  - a) The Executive Director of Growth Planning and Housing 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 Executive Director of Growth Planning and Housing is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Executive Director of Growth Planning and Housing shall consider whether the 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 Executive Director of Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That conditional listed building consent be granted.
4. That the reasons for granting listed building consent, as set out in Informative 1 of the draft decision notice, be agreed.

## **2 36 WESTBOURNE PARK ROAD, LONDON W2 5PL**

Excavation of basement floor below existing house and front garden with associated front lightwell; demolition of existing front garage and replacement front boundary; replacement of existing three storey wing with enlarged three storey side extension; replacement of existing ground and first floor rear extensions with new extensions at ground and first floor, with a terrace at rear first floor level with 1.8m high privacy screen and addition of railings to rear elevation at first floor level.

An additional representation was received from a local resident (08.05.2019).

Late representations were received from 13 local residents (13.05.2019 x 6 and 14.05.2019 x 3), Councillor Maggie Carmen (13.05.2019 and 14.05.2019), Councillors Emily Payne and Richard Elcho (14.05.2019), Westbourne Park Road Residents' Association (13.05.2019) and South East Bayswater Residents' Association (14.05.2019).

The presenting officer tabled the following amendment to condition 9:

### **Rewording of Condition 9 to correct address to:**

Prior to the use of the flat roof of the ground floor extension for sitting out, you must apply to us for approval of further details of the proposed privacy screen adjacent to the boundary with no. 34 **Westbourne Park Road**, including the materials and colour. 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 prior to the use of the flat roof for sitting out. Following its installation, the privacy screen we approve pursuant to this condition must be permanently retained. (C26UB)

Reason:  
As drafted.

Matt Richards addressed the Sub-Committee in support of the application.

**RESOLVED (Councillors Tony Devenish, Peter Freeman and Tim Roca for, Councillor Susie Burbridge against):**

That conditional permission be granted, subject to an amendment to condition 9 as set out above.

## **3 3 NORRIS STREET, LONDON SW1Y 4RJ**

Use of basement, ground and mezzanine floors of 3 Norris Street as restaurant /public house (sui generis).

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

#### **4 3 NORRIS STREET, LONDON SW1Y 4RJ**

Use of an area of public highway measuring 10.6m x 2.95m for the placing of 20 tables, 44 chairs, 4 planters, 2 fabric barriers, a menu board and a space-heater in connection with the operation of the unit at basement, ground and mezzanine floors of 3 Norris Street.

#### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

#### **5 5 WIMPOLE STREET, LONDON, W1G 9ST**

Use of 5 Wimpole Street and 24 Wigmore Place as a single-family dwellinghouse. Excavation of a basement, demolition of existing roof and erection of replacement mansard roof extension, creation of rear windows and rear ground floor opening and installation of rear access stair to rear first floor of 24 Wigmore Place. Installation of air conditioning units in front pavement vault and at roof level of 5 Wimpole Street and in the mews house garage below the garden staircase, and other associated external and internal alterations to both buildings (Site includes 24 Wigmore Place).

An additional representation was received from a local resident (undated).

Late representations were received by a ward councillor in his capacity as a local resident with another local resident (09.05.2019), the Marylebone Association (09.05.2019) and the Arboricultural Officer (09.05.2019).

The presenting officer tabled the following additional conditions 15 and 16:

#### **Additional Condition 15 (planning permission)**

##### **Pre-Commencement Condition**

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:

- i. identification of individual responsibilities and key personnel.
- ii. induction and personnel awareness of arboricultural matters.
- iii. supervision schedule, indicating frequency and methods of site visiting and record keeping
- iv. 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.

**Additional Condition 16 (planning permission)**

You must apply to us for approval of detailed drawings of the following parts of the development - roof top plant. 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 detailed drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

**Additional Condition 7 (listed building consent)**

You must apply to us for approval of detailed drawings of the following parts of the development - roof top plant. 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 detailed drawings

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in 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.

**RESOLVED (Councillors Tony Devenish, Susie Burbridge and Peter Freeman for, Councillor Tim Roca against):**

1. That conditional permission be granted, subject to additional conditions 15 and 16 as set out above.
2. That conditional listed building consent be granted, subject to an additional condition 7 as set out above.

3. That the reasons for granting listed building consent, as set out in Informative 1 of the draft decision letter, be agreed.

## **6 42 DENBIGH STREET, LONDON, SW1V 2ER**

Use of basement and ground floor for Class A2 purposes (Professional and Financial Services).

### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

## **7 7 WIMPOLE STREET, LONDON, W1G 9SN**

Use of the building as a single family dwellinghouse (Class C3) and internal alterations, namely the removal of non-original partitions and false floors within the former dental studio rooms.

A late representation was received from The Howard de Walden Estate (14.05.2019).

Robert Winkley addressed the Sub-Committee in support of the application.

### **RESOLVED (Councillors Tony Devenish, Peter Freeman and Tim Roca for, Councillor Susie Burbridge against):**

1. That conditional permission be granted.
2. That conditional listed building consent be granted.
3. That the reasons for granting listed building consent, as set out within informative 1 of the draft decision letter, be agreed.

## **8 30 CHAPEL STREET, LONDON, SW1X 7DD**

Variation of condition 1 of planning permission dated 23rd September 2014 (RN 14/02800/FULL) for the "Excavation under rear garden to create a basement with swimming pool, demolition of lower ground rear extension, erection of lower ground and ground floor rear extensions, terrace at first floor level, installation of rooflight at main roof level and associated landscaping". NAMELY, to vary drawings to install new rooflights at second and roof level and relocation of roof access hatch at main roof level, alter the layout at approved basement and lower ground floors and, minor internal alterations at ground, second and third floors, relocate a rainwater pipe on the front elevation, install metal poles in the rear garden to support an artificial green wall along all boundaries, install a new rooflight at third floor level to provide access to the plant room, installation of new steps to the front entrance and front lightwell, replacement of damaged pipe on the boundary wall and installation of mounted wall lights, CCTV and external cooler unit. (Linked to 19/00464/LBC).

An additional representation was received from PSL Chartered Land Surveyors (29.04.2019).

Simon Wallis addressed the Sub-Committee in support of the application.

Marina Kaloghirou addressed the Sub-Committee in objecting to the application.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission and conditional listed building consent be granted.
2. That the reasons for granting conditional listed building consent, as set out in informative 1 of the draft decision letter, be agreed.

**9 HOLIDAY VILLA HOTEL, 35-39 LEINSTER GARDENS, LONDON W2 3AN**

Conversion to 32 flats and associated internal works: rebuilding of mansard roof level: external works, including alterations to rear fenestration.

**RESOLVED UNANIMOUSLY:**

That in the context of Counsel's legal advice for the appeal for application RN: 16/04404/FULL, that conditional permission for application RN: 19/02097/FULL be granted as per the recommendation for item 1, under Section 4, Part 1 of the agenda.

The Meeting ended at 8.15 pm.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

This page is intentionally left blank

# Agenda Annex

## CITY OF WESTMINSTER PLANNING APPLICATIONS SUB COMMITTEE – 11th June 2019 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s):</b> 18/05929/FULL  Harrow Road	413-419 Harrow Road London W9 3QJ	Redevelopment of the site to provide a 5-storey building comprising retail (Classes A1/A2) at ground floor and 19 residential units (Class C3) on the upper floors; provision of cycle parking, refuse storage, ancillary space, mechanical plant and other associated works incidental to the development.	Mr. John Biggs
	<b>Recommendation</b> <ol style="list-style-type: none"> <li>Grant conditional permission, subject to a S106 legal agreement to secure the following: <ol style="list-style-type: none"> <li>The stopping up of existing highway and dedication of new highway land to the frontage of the site in Harrow Road and Fermoy Road;</li> <li>A carbon offset payment of £9,480.00 (index linked and payable on commencement of development); and</li> <li>The costs of monitoring the S106 agreement.</li> </ol> </li> <li>If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then: <ol style="list-style-type: none"> <li>The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> <li>The Director of Place Shaping and Town Planning shall consider whether the 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ol> </li> <li>That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.</li> <li>That the Executive Director of City Management &amp; Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</li> </ol>			
Item No	References	Site Address	Proposal	Applicant
2.	<b>RN(s):</b> 19/01431/FULL  St James's	Drury House 34-43 Russell Street London WC2B 5HA	Use of basement, part ground and upper floors as a hotel (Class C1) with ancillary bars at basement and new 7th floor level; two-storey roof extension with roof terrace; refurbishments to external facade including lighting; alterations and relocation of entrance to Russell Street facade; installation of plant at roof level; and associated works.	Manex Properties Limited
	<b>Recommendation</b> Grant conditional permission.			

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 11th June 2019  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 18/09167/FULL  West End	Turner House 16 Great Marlborough Street London W1F 7HS	Alterations including 7th floor roof extension, alterations to office and retail entrances/shopfronts on Great Marlborough Street; reconfiguration of western lightwell elevation, installation of photovoltaic panels, green roofs, new extract ventilation duct and new plant enclosure at roof level and creation of office and residential terraces. Use of lower ground, part ground and part 1st to part 7th floors as offices (Class B1); use of part ground floor for dual/alternative retail (Class A1) or restaurant (Class A3) purposes; reconfiguration of existing flats and provision of one additional flat; use of basement to provide plant, cycle parking/showers waste storage and car parking (site includes 11 Ramillies Place).	Lazari Properties 3 Limited
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 19/02013/FULL  Marylebone High Street	Romney Mews London	Variations of Condition 1 and 17 of planning permission dated 1 August 2018 (RN: 18/03593) for: Erection of three-bedroom dwellinghouse (Class C3) over ground to fourth floor level - NAMELY, to enable the installation of a clay-tiled pitched front and rear screen with rear dormer window, acoustic panelling, lead cladding and a glazed access rooflight at roof level to facilitate the use of the roof as a terrace.	Starbright Ltd
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
5.	RN(s): 18/01260/FULL 18/01261/LBC  St James's	222 Strand London WC2R 1BA	Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level; and extensive internal alterations.	J D Wetherpoon PLC
	<b>Recommendation</b> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Applicant
6.	RN(s): 18/06928/FULL  St James's	6 Dansey Place London W1D 6EZ	Use of the ground floor as a substation (sui generis) and installation of new ground floor frontage.	Shaftesbury Chinatown Plc
	<b>Recommendation</b> Grant conditional planning permission.			

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 11th June 2019  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
7.	<b>RN(s):</b> 18/10463/FULL  Bayswater	20 Westbourne Park Villas London W2 5EA	Excavation of basement with rear lightwell, erection of ground floor rear extension and first floor rear extension to square off chamfered bay, alterations to windows, reinstatement of front boundary with new bin store, bike store and re-landscaping to rear garden. All in association with the use of the building as a single-family dwelling.	A R & V Investments
	<b>Recommendation</b> Grant conditional permission.			

This page is intentionally left blank



# Agenda Item 1

Item No.

**1**

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 June 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Harrow Road	
Subject of Report	413-419 Harrow Road, London, W9 3QJ,		
Proposal	Redevelopment of the site to provide a 5-storey building comprising retail (Classes A1/A2) at ground floor and 19 residential units (Class C3) on the upper floors; provision of cycle parking, refuse storage, ancillary space, mechanical plant and other associated works incidental to the development.		
Agent	DP9		
On behalf of	Mr John Biggs		
Registered Number	18/05929/FULL	Date amended/ completed	19 March 2019
Date Application Received	13 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	None		

## 1. RECOMMENDATION

1.	Grant conditional permission, subject to a S106 legal agreement to secure the following: <ul style="list-style-type: none"> <li>a) The stopping up of existing highway and dedication of new highway land to the frontage of the site in Harrow Road and Fermoy Road;</li> <li>b) A carbon offset payment of £9,480.00 (index linked and payable on commencement of development); and</li> <li>c) The costs of monitoring the S106 agreement.</li> </ul>
2.	If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then: <ul style="list-style-type: none"> <li>a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> <li>b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in</li> </ul>

the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.
4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

## 2. SUMMARY

The application site is located on the south side of Harrow Road, at its junction with Fermoy Road. The site contained a three storey, plus basement, building containing retail, restaurant and residential uses. This building burnt down in February 2017 and has remained in its current cleared form since shortly after the fire. The building was not listed, and the application site is not located within a conservation area. The site is not neighboured by any listed buildings. The site is classed as a secondary frontage within the Harrow Road District Centre and is within the North Westminster Economic Development Area.

The applicant proposes redeveloping the site to provide a five storey, mixed-use building which would include A1 or A2 uses at ground floor. Nineteen residential units are proposed on the upper floors.

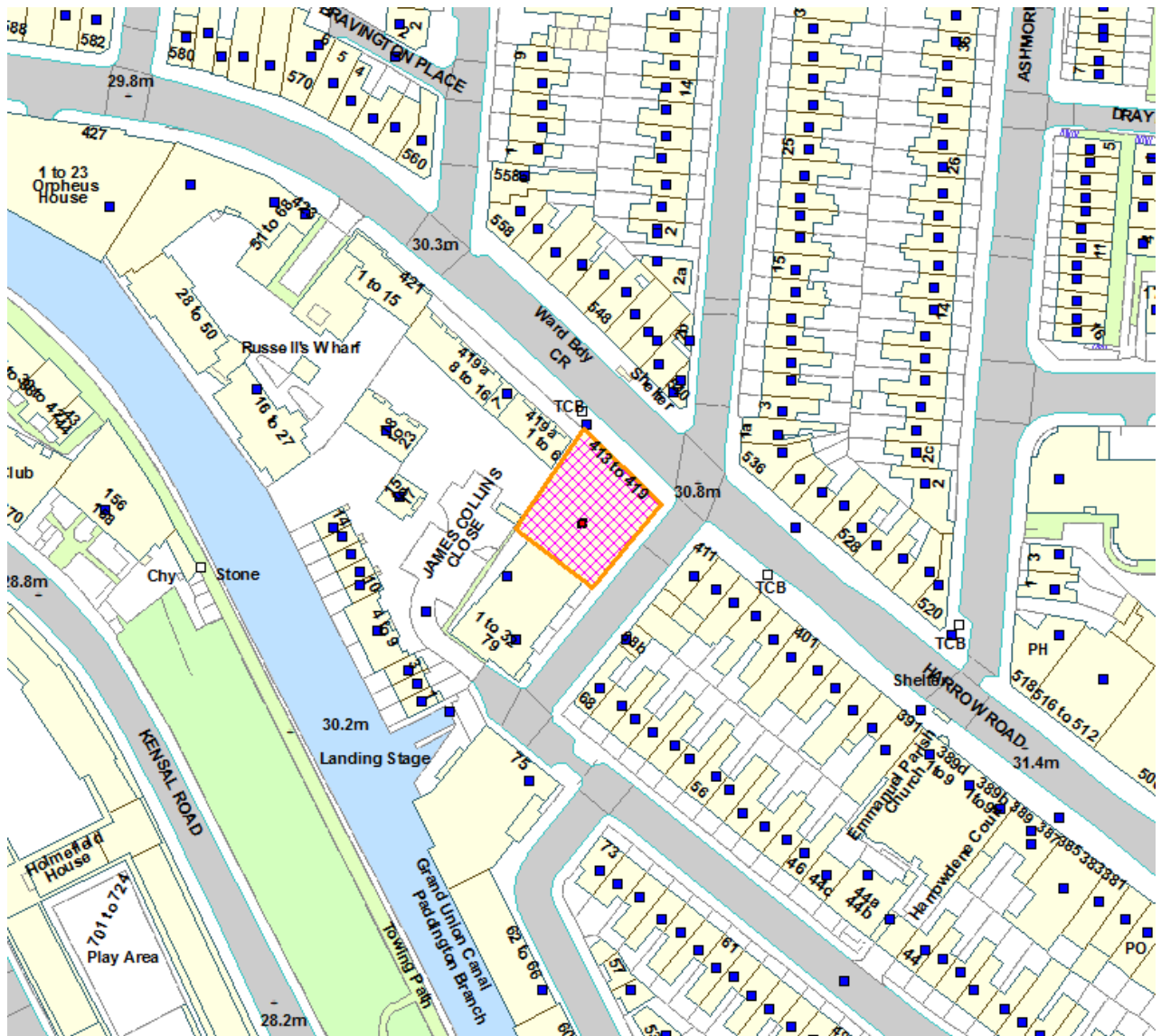
Objections to the proposed development have been received from local residents. They are primarily concerned with the impact of the proposed building on solar PV panels at 79 Fermoy Road; losses of light, increased sense of enclosure and loss of privacy for nearby residents; and the location of the proposed bin store. They are also concerned that the proposed development will set a precedent for other tall buildings in the area.

The key considerations are:

- Quality of accommodation in the proposed flats;
- Impact on the character and appearance of the area;
- Amenity impacts, including loss of light, sense of enclosure and loss of privacy; and
- Parking and highways considerations, including dedication and stopping up of public highway.

The proposed development would be consistent with the development plan comprised of The London Plan (March 2016), the Draft London Plan (Minor Amendments Version – August 2018), Westminster's City Plan (November 2016) and the Unitary Development Plan (January 2007). It is therefore recommended that planning permission is granted, subject to securing an appropriate s106 agreement and the conditions set out in the draft decision letter 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



**Application Site**



**Buildings On-site Before Fire**

Item No.
<b>1</b>

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR HARROW ROAD

No response received.

### MAIDA HILL NEIGHBOURHOOD FORUM

No response received.

### NORTH PADDINGTON SOCIETY

No response received.

### QUEEN'S PARK COMMUNITY COUNCIL

Any response to be reported verbally.

### DESIGNING OUT CRIME OFFICER

Requested that the applicant contact them to discuss the design and opportunities to reduce crime and fear of crime.

### AFFORDABLE HOUSING SUPPLY MANAGER

No response received.

### LEAD LOCAL FLOOD AUTHORITY

No response received.

### LONDON FIRE BRIGADE

No response received.

### THAMES WATER

No objection, subject to informative.

### ENVIRONMENTAL HEALTH OFFICER

Has objected to ventilation details, lack of acoustic details for the proposed balconies and air quality issues. Has recommended conditions should permission be granted. Discussed further below.

### WASTE PROJECT OFFICER

Requests further details of waste storage. Discussed further below.

### ARBORICULTURAL MANAGER

It is likely that the trees on James Collins Close could be protected following the root pruning and protective fencing methodologies suggested by the applicant. Queries whether construction access / scaffold is required on James Collins Close and how this may affect tree protection.

### HIGHWAYS PLANNING MANAGER

Objects to encroachment of development into public highway. Supportive of other highways impacts of the development, subject to recommended conditions. Discussed in further detail below.

**BUILDING CONTROL OFFICER**

Note the following observations with regards to Part B of the Building Regulations:

1. Retail unit: Final exit doors should open in direction of escape unless occupancy level is 60 or less.
2. Access to refuse storage chambers should not be sited adjacent to the residential final exit.
3. Depending on the fire risk of the ancillary accommodation, the common stair which is the only escape route may not be allowed to serve any ancillary accommodation. Section 2.46 (Approved Document B).
4. Travel distance in common corridor exceeds 7.5 m. Additional fire safety measures will be required in order to comply with Part B.
5. Open plan flats: Although open plan flats are allowed, some of the kitchens are not positioned remote from the exit e.g. Unit 3.05.
6. Common lobby on the fourth floor does not appear to be provided with smoke ventilation.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 113

Total No. of replies: 10

No. of objections: 10

No. in support: 0

In summary, the objectors raise the following issues:

- Overshadowing of solar PV panels on the roof of 79 Fermoy Road. This will reduce their output and cost residents of 79 Fermoy Road money;
- The proposed upper floor terraces would overlook the private amenity space on the roof of 79 Fermoy Road. Screens should be fixed to these to prevent overlooking;
- The building is overly bulky where it faces 79 Fermoy Road. A green wall would soften this;
- The proposed building would overshadow the roof terrace at 79 Fermoy Road;
- The proposed building would block views from the roof terrace at 79 Fermoy Road;
- The height of the building is out of character with the area;
- The proposed development is an overdevelopment of the application site;
- No details of mechanical ventilation have been shown for the flats facing Harrow Road;
- New flats and/or servicing for the new flats may result in disturbance for neighbouring residents, particularly as there is only one entrance on the Fermoy Road elevation;
- No affordable housing is proposed;
- Bin stores may result in vermin and odours for neighbouring residents;
- Increased traffic and deliveries for the new flats may increase air pollution in the area;
- The proposal would set a precedent for similar blocks in the area;
- The proposal would compromise the security of the roof terrace at 79 Fermoy Road;

- The proposal would increase traffic in the area;
- The above issues have been raised with the developer and they have not amended the development.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is located on the south side of Harrow Road, at its junction with Fermoy Road. The site contained a three storey, plus basement, building. This building had retail and restaurant uses at ground floor within four units. Ten flats were located on the upper floors. This building burnt down in February 2017 and has remained in its current cleared form since shortly after the fire.

The building was not listed, and the application site is not located within a conservation area. The site is not neighboured by any listed buildings. The site is classed as a secondary frontage within the Harrow Road District Centre and is within the North Westminster Economic Development Area.

### **6.2 Recent Relevant History**

None.

## **7. THE PROPOSAL**

The applicant proposes redeveloping the site to provide a five storey, mixed-use building which reinstates ground floor A class uses. No basement level is proposed. Nineteen residential units are proposed on the upper floors. Ten of these units would reinstate those lost in the fire.

Shopfronts are proposed to be reinstated to the Fermoy Road and Harrow Road frontages. These would contain A1 and/or A2 uses and have a floorspace of 461 sqm. The applicant is still discussing the arrangement of these with the former occupiers of these units and, should permission be granted, the number and layout of the units would be secured by an appropriately worded condition.

The flats would be accessed via an entrance on Fermoy road, south of the reinstated retail frontage. An internal cycle and refuse store would also be located adjacent to the residential entrance.

Additional plant and photovoltaic panels are proposed at roof level. No on-site parking is proposed. As per the previous building, servicing and deliveries for retail units are to be carried out to the front of units via Loading Bays situated on Harrow Road and Portnall Road.



Table 1: Uses and Floor Areas

	Pre-Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Use Class C3)	895	1685	+ 790
Retail and/or Financial and Professional Services (Use Class A2)	535	461	-74
Restaurant (Use Class A3)	123	0	-123
TOTAL	1553	2146	+ 593

During the course of the application and in response to comments from objectors and consultees, the applicant has amended the proposed development as follows:

1. Reduced balcony widths and corresponding facade openings on the Fermoy Road façade;
2. The refuse store entrance has been reconfigured to increase the distance between its door and the residential entrance door;
3. In response to feedback received from a retuning resident, a roof light has been relocated to sit further away from the roof edge. As a consequence of this, the roof plant enclosure, photovoltaic panel positions and edge protection have been reconfigured to suit;
4. An additional Automatic Opening Vent (AOV) has been provided at main roof level to address the building control officers comments.
5. The number of glazed panes within all 3.6 m wide balcony door / window openings have increased from three to four; and
6. Slight narrowing of the openings to the balcony sides within the masonry portion of the North West facing 'James Collins Close' elevation.

The above amendments are considered minor in the context of this development and no further consultation has been undertaken.

## 8 DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 A Class Floorspace

The proposed development would result in the loss of 74 sqm GIA of retail (Use Class A1) floorspace in comparison to the pre-existing building. This would not be consistent with policy S20 of the City Plan and SS6 of the UDP, that seek to protect all retail floorspace, particularly within shopping areas. However, the loss of the retail floorspace mainly occurs at ground floor level to create a formal lobby, refuse and cycle store for the residential units. Given the primacy given to residential within the development plan, the loss of this retail floorspace would be outweighed by the benefit it provides for the residential units. Although regrettable, it is acceptable in this particular instance.

The pre-existing restaurant floorspace is not protected by development plan policy. Accordingly, its loss does not raise any land use issues.

The applicant seeks a flexible permission for the A class units, allowing them to be either A1 and/or A2. As noted above, the applicant has requested that the A1 and A2 mix be reserved by condition and a condition to this effect has been recommended.

### 8.1.2 Residential use

The provision of additional residential accommodation is supported in principle by policy H3 of the UDP and policy S14 of the City Plan. Accordingly, the residential units are supported.

The proposal would include four flats with three or more bedrooms. This equates to approximately 21% of the units being 'family sized', which falls below the 33% requirement of policy H5 of the UDP. However, and as noted in paragraph 3.74 of the supporting text to this policy, this requirement will be applied with some flexibility. For example, a lower level of family sized accommodation may be appropriate in very busy, noisy environments. The application site is located in just such an environment, being located on Harrow Road. Accordingly, this shortfall would be consistent with policy H5 of the UDP in this instance.

The proposed flats would all meet the minimum space standards contained within the Nationally Described Space Standard (March 2015). They would also include outdoor amenity space in the form of balconies and terraces facing. These balconies and terraces would all exceed the space requirements of Standard 4.10.1 of the Mayor of London's Housing SPG for a residential unit of the size proposed. Accordingly, the proposed units would provide appropriate outdoor amenity space and satisfactory living accommodation.

The Environmental Health Officer has recommended several conditions to ensure that these units are not subject to excessive noise levels. These conditions are attached to the draft decision notice. The EHO notes that no assessment of noise to the external balconies facing Harrow Road has been provided. Whilst this is regrettable, it is not anticipated that occupants will use these balconies if they consider them to be too noisy. The other conditions recommended should also mitigate noise through these balconies when occupants are within their flats. Accordingly, an objection to the development on this basis would not be sustainable.

#### Affordable Housing

The proposed development would not result in an uplift of ten or more residential units or 1000 sqm GIA. As this application was made before 1 June 2019, the applicant would not be required to make an affordable housing contribution, as per policy S16 of the City Plan and the Cabinet Member for Place Shaping and Planning's statement of 14 May 2019. Notwithstanding this, the applicant has provided a viability appraisal that demonstrates that the proposed development cannot provide any affordable housing contribution. This has been reviewed on behalf of the City Council by Daniel Watney LLP who concur with its findings. The development would therefore not be able to make an affordable housing contribution, even if it were obliged to be development plan policy.

## 8.2 Townscape and Design

The application site is not neighboured by any listed buildings and is not located within a conservation area, however to the west of the site lies the boundary to the Queens Park Estate Conservation Area and the Grade II listed Queens Park Meeting Hall. These heritage assets are within the wider setting of the site.

The building which did occupy the site was out of keeping with the uniform terraces found on this part of Harrow Road, primarily due to the historic alterations which had occurred including the insertion of arched windows and the application of render. As a result of the fire, there is now an opportunity to redevelop the site with a building which enhances and positively contributes to the character and appearance of the area. Thus in terms of design and heritage issues which arise from the current proposal, these include the impact on the character or appearance of the setting of the site and the wider townscape including the conservation area and listed building.

### 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 16 with paragraphs 192 and 193 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 Queens Park Estate Conservation Area and the Grade II listed Queens Park Meeting Hall.

UDP Policy DES 1 establishes principles of urban design, 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.

### The Proposed Development

The proposed replacement building comprises of a five storey building including a setback roof level. The ground floor level comprises retail units with the residential access and the upper levels are all residential. In terms of height, the building is in keeping with the height of both the terraced buildings to the south east and the modern in fill blocks to the west. The buildings to the north west, fronting Harrow Road are lower being at 2 1/2 storeys plus roof, however these are not typical of the wider area and the height of the proposed building has been considered to respond to the lower height of these buildings. The footprint of the replacement building is comparable to the previous building on this site and therefore the building lines on both Harrow Road and Fermoy Road are considered to be acceptable. The building lines do project further out to the rear, with the massing of the building being greater in this area than the previous building.

The elevational treatment of the replacement building is predominantly brickwork comprising of a mix between dark and light brickwork tones. Metal rainscreen cladding is proposed to some of the roof level components and where the building abuts the neighbouring building on Fermoy Road. The materials are reflective of the characteristic materials of the area, with brickwork being prevalent on the historic terraces whilst metal work is typical on the modern building in the immediate setting.

With regards to detailed design the elevations have sought to reflect the bays found on the historic terraces. The use of two brick tones aids at defining these bays further. The bay is also exaggerated on the corner of Harrow Road and Fermoy Road to give greater emphasis to this element. The scale and arrangement of the windows reflects the proportionality and arrangement of those on the neighbouring building and maintains the traditional arrangement of fenestration, set within masonry reveals. The scale of the fenestration on the upper levels diminishes. The detailed design of the fenestration itself is contemporary in nature and includes decorative balustrading which has taken reference from the forms found in the immediate setting. On the principal elevations balconies are proposed within the built envelope, whilst these are more pronounced on the rear elevations and where the building meets the neighbouring building on Fermoy Road.

The roof level is subserviently detailed through it being set back from all the elevations and the use of materials more in keeping with a roof storey. On the Fermoy Road elevation, a single brickwork bay projects up to the roof level, however this aids in breaking up the massing of the elevation. All the plant at roof level is positioned in the roof, limiting its visibility from the public realm.

### Assessment

The scale and design of the replacement building are cited by objectors as causing harm to the area and grounds to refuse the application. Whether harm is caused and what the degree of harm is, is a subjective judgement, informed on the basis of considering the significance of the existing site, the character and interest of the wider setting and the impacts the proposals will have. The proposal would not result in harm to the wider setting and townscape as the proposed replacement building in terms of its footprint, scale, form and detailed design has the potential to enhance the area. Whilst the building will be a storey higher than the established buildings, the set back nature of the

roof level means it will only be visible in oblique views from the north east and west of the site. Due to its subservient design, only the metal cladding will be apparent and therefore is not considered to be visually detracting. The building will principally be seen as 4 storeys, which is characteristic of the area.

The massing of the building is an increase on the previous building due to the building line being extended to the rear. In townscape terms the proposed massing is not considered to be harmful, as the appreciation of this will be limited from the public realm. Furthermore, infill developments which utilise the whole plot can be seen to the west of the site and therefore it is not an uncharacteristic arrangement in this setting.

The detailed design and overall design approach is considered to be appropriate for this location. The design is reflective of the variety of buildings within the immediate setting both in terms of its features and use of materials. The inclusion of balconies set within the elevation is supported as this allows from the elevation to be prominent in views of the building. Additionally, the uniformity to the shopfronts and the provision of fascia's for signage is supported as this allows for the retail element of the building to compliment the upper levels.

In terms of the impact on the setting of the Queens Park Estate Conservation Area and Queens Park Meeting Hall, the NPPF defines setting as the surroundings in which a heritage asset is experienced. Whilst the new development will be within the wider setting of the designated heritage assets the proposed replacement building is not considered to have an adverse impact on its setting.

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 Queens Park Estate Conservation Area or on the setting of the Grade II listed Queens Park Meeting Hall. 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 16 of the NPPF.

### **8.3 Residential Amenity**

#### **8.3.1 Loss of Light**

Policy ENV13 of the UDP seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight.

The supporting text to policy ENV 13 notes that regard is to be had to BRE's "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" ("the BRE Guide") when assessing light loss to neighbouring properties. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design.

The applicant has submitted a Daylight and Sunlight Report by Point 2 Surveyors ("the Light Study") as part of the Environmental Statement that accompanies the application to

demonstrate compliance with the BRE Guide. The Light Study considers the properties below:

- 536 Harrow Road;
- 1, 1a Portnall Road;
- 540 Harrow Road;
- 542 Harrow Road;
- 544 Harrow Road;
- 546 Harrow Road;
- Flats 1-6, 419a Harrow Road;
- 15-17 James Collins Close;
- 77-79 Fermoy Road;
- 411 Harrow Road; and
- 68-68a Fermoy Road.

Residential properties beyond these are considered too distant from the subject property to result in potentially unacceptable light loss.

### Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect 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 Light Study notes that daylight losses to 536 Harrow Road, 1, 1a Portnall Road, 540 Harrow Road, 542 Harrow Road, 544 Harrow Road, 546 Harrow Road, Flats 1-6, 419a Harrow Road, 77-79 Fermoy Road and 68-68a Fermoy Road will not exceed BRE Guidance.

Daylight losses to 15-17 James Collins Close and 411 Harrow Road will exceed BRE Guidelines. These losses are set out in Table 2 below:

Table 2: Daylight losses to 15-17 James Collins Close and 411 Harrow Road.

SITE	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (% Range)	VSC Levels to Affected Windows After Development	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
15-17 James Collins Close	2 out of 8	20.20 to 25.37	5.45 to 6.12	0 out of 4	NA
411 Harrow Road	6 out of 14	23.85 to 33.43	19.73 to 24.77	2 out of 6	26.40 – 27.20

Overall, daylight losses beyond BRE Guidelines affect a relatively small number of properties. At 15-17 James Collins Close, VSC losses are only marginally above what the BRE Guide considers noticeable and NSL losses would be within BRE Guidelines. At 411 Harrow Road, VSC losses of up to 33.43% would occur and NSL losses of up to 27.20% would occur.

Whilst these losses are regrettable, they affect a comparatively small number of properties. As noted above, the BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In an Inner London location like this, 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 Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live. In this context, the small level of daylight loss and the fact that it is limited to two properties, does not outweigh the contribution of this site to housing delivery in Westminster.

### Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. 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.

The following properties have south facing windows that are eligible for sunlight testing according to the BRE Guide (i.e. they have windows within 90 degrees of due south):

- 536 Harrow Road;
- 540 Harrow Road;
- 542 Harrow Road;
- 544 Harrow Road;
- 546 Harrow Road;
- Flats 1-6, 419a Harrow Road;
- 15-17 James Collins Close;

- 77-79 Fermoy Road; and
- 411 Harrow Road.

The Light Study concludes that none of the above properties would have sunlight losses exceeding BRE Guidelines. Accordingly, the proposal would not result in a material loss of sunlight to neighbouring properties.

The objectors living at 79 Fermoy Road (i.e. the site to the south of the application site) are concerned that the height and bulk of the proposed development may overshadow their roof terrace and solar PV panels. To address this, the applicant has undertaken an overshadowing assessment as part of the Light Study. This overshadowing assessment demonstrates that the proposed development would result in no additional overshadowing of the roof terrace and solar PV array at 79 Fermoy Road which is unsurprising given the application sites location to the north. Accordingly, this objection is not considered sustainable.

### 8.3.2 Sense of Enclosure

The proposed development is located to the side of 419a Harrow Road and would be separated from 540-548 Harrow Road and 1-1a Portnall Road by the width of Harrow Road. It would also be separated from 411 Harrow Road and 68-68a Fermoy Road by the width of Fermoy Road and would be located approximately 19 metres from 15-17 James Collins Close. Given the proposed developments location relative to these other properties, it would not result in a significantly increase sense of enclosure for the occupants of those properties.

The objectors living at 79 Fermoy Road are concerned that the additional bulk from the proposed development would increase sense of enclosure when viewed from the roof terrace on that property. However, the additional bulk of the proposed building would be located approximately 12 metres from this terrace. When viewed from the terrace, the central portion of this additional bulk would be approximately 5.6 metres higher than this terrace. This additional height reduces to approximately 2.5 metres above 79 Fermoy Roads terrace where the two new roof terraces are proposed. It is not considered that this additional height is so significant relative to the 12 metre separation distance to result in a significant sense of enclosure for users of this roof terrace at 79 Fermoy Road.

Given the above, the proposed development would not result in a significant increase in sense of enclosure for the occupants of neighbouring properties. The proposed development is therefore consistent with policy ENV 13 of the UDP and policy S29 of the City Plan insofar as it relates to sense of enclosure.

### 8.3.3 Privacy

The proposed development is located to the side of 419a Harrow Road and would be separated from 540-548 Harrow Road and 1-1a Portnall Road by the width of Harrow Road. It would also be separated from 411 Harrow Road and 68-68a Fermoy Road by the width of Fermoy Road and would be located approximately 19 metres from 15-17 James Collins Close. Given the proposed developments location relative to these other



properties and that it would have a similar outlook to the building that it replaces, the proposed development would not significantly increase overlooking of these properties.

The objectors living at 79 Fermoy Road are concerned that the two fourth floor terraces on the south side of the proposed development would overlook their roof terrace. To overcome this concern, they have requested installation of screening on the south side of these terraces. This concern is shared by officers and a condition is recommended that requires the provision of appropriate screening.

Overall, and subject to the recommended condition, the proposed development would not result in unacceptable loss of privacy for the occupants of neighbouring properties. The proposed development is therefore consistent with policy ENV 13 of the UDP and policy S29 of the City Plan insofar as it relates to privacy.

#### **8.3.4 Noise**

The proposed development includes several items of mechanical plant that could harm the amenity of neighbouring residents if not properly controlled. The Environmental Health Officer has recommended several conditions to address this. Subject to these conditions, the proposed development would be consistent with policies S29 of the City Plan and ENV 6 and ENV 7 of the UDP.

### **8.4 Transportation/Parking**

#### **8.4.1 Car Parking**

No off-street parking is provided by the application for the residential use. Policy TRANS23 of the UDP 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 City Council's most recent night time parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 79%. However, policy TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use). As such, and with the addition of Single Yellow Line availability at night, the stress level reduces to 68%.

The City Council's most recent daytime parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 71%. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the Harrow Road Ward is 36% (2011 Census figures). The above indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have high levels of occupancy.

The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase parking stress levels. However, and on the basis of the City Council's data and car ownership levels, any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. Accordingly, the proposal is consistent with policy TRANS23 of the UDP.

With regards to the A class uses, this site is well served by public transport. The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. All bays and single yellows are restricted from 0830 till 1830 Monday to Friday. Given the decrease in A class floorspace, these existing parking controls and access to public transport in the area, the impact of the change of use on parking levels associated with the commercial use is likely to be minimal and consistent with policy TRANS22 of the UDP

#### **8.4.2 Servicing**

Policy TRANS20 of the UDP requires convenient access to all premises for servicing vehicles with this facility accommodated on-site and off-street. There are single and double yellow lines in the vicinity of the site that allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This vehicle will service the property in a similar fashion to the existing use and nearby residential properties. Given the overall decrease in commercial floor area it is considered unlikely that servicing would increase over that which could be generated by the existing.

However, and given that the applicant has not confirmed the size and use class of the A class floorspace, there is the potential for it to operate as a single large "supermarket" food retailer or similar. This use could generate different levels/type of servicing which would have an adverse impact on the highway network compared to several smaller A class uses. A condition is therefore recommended that requires submission of a Servicing Management Plan should this unit be used as a "supermarket" food retailer or similar. Subject to this condition, the proposed development would be consistent with policy S42 of the City Plan and policy TRANS20 of the UDP.

#### **8.4.3 Cycle Parking**

Policy 6.9 of the London Plan requires the provision of one cycle parking space per 175 sqm of A1 or A2 floorspace with a minimum of two where floorspace is below 100 sqm. No cycle parking is included although three spaces should be provided. A condition is recommended to secure this parking.

Policy 6.9 of the London Plan also requires one cycle parking space per one bed residential dwelling and two spaces for larger units. Sufficient cycle parking has been provided for the residential units and a condition is recommended to ensure that this is retained.

#### **8.4.4 Waste Storage**

The Waste Project Officer notes that sufficient waste storage space has been provided for the residential units, although the applicant has not indicated separate areas for general refuse and recycling. No details of waste and recycling storage for the A class floorspace has also been provided. A condition is recommended to secure this.

### 8.4.5 Building Line

Policy TRANS3 of the UDP states that the City Council, in considering development proposals, will aim to secure an improved environment for pedestrians, with particular regard to their safety, ease, convenience and directness of movement, in the course of negotiations or securing planning agreements, including the provision of appropriate facilities, such as footway widening, connecting walkways, footbridge location and covered arcading.

Policy S41 of the requires that all developments will prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment, with particular emphasis in areas with high pedestrian volumes or peaks.

The Westminster Way SPD strives to promote walking through design and use of suitable materials that aid rather than disadvantage pedestrians.

The Highways Planning Manager has objected to the loss of the previous buildings chamfered corner in lieu of the square corner now proposed. The chamfered corner allowed for a wider area of public highway at the front of the site. The Highways Planning Manager notes that the City Council has a duty is to provide pedestrians safe and convenient passage over the public highway in addition to a duty added by the Disability Discrimination Act 2005 (reinforced by Equality Act 2010) to ensure people with disabilities have the same access as able-bodied people. The guidance and aim of S41, TRANS3 and Westminster Way is to safeguard this.

Loss of this area of highway will adversely affect safe and direct pedestrian movement. Subsequent to the Highways Planning Managers comments, the applicant was asked to clarify the building line of the proposed building relative to the previous building. The applicant has provided an overlay plan which demonstrates that the proposed building would encroach into the public highway at the chamfered corner, but that it would also be set back in places, particularly on Fermoy Road. This would allow a wider footway to be provided on Fermoy Road. Given this, the proposal would also improve the pedestrian environment in this respect. Accordingly, an objection to the development on loss of highway grounds would not be sustainable.

To ensure that these areas of stopped up and dedicated highway are formalised, it is recommended that a s247 agreement is entered into. With regards to the areas to be dedicated as public highway, this would need to also be secured via a s106 agreement and it is recommended that permission is granted, subject to such an agreement being entered into.

### 8.5 Economic Considerations

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

**8.6 Access**

All of the proposed flats would be wheelchair accessible from the Fermoy Road entrance and the retail units would be wheelchair accessible from Harrow and Fermoy Roads.

**8.7 Other UDP/Westminster Policy Considerations**

**8.7.1 Trees**

There are no trees on the application site, although there are trees in James Collins Close that could potentially be affected by the proposed works. The Arboricultural Manager has not objected to the proposed development, but has queried whether the roots of these trees may be harmed during construction if scaffolding and/or construction access is required from James Collins Close. However, it is noted that these trees are not protected and this work could take place without the City Council’s approval and an objection to the development on this basis would not be sustainable. An informative is recommended that reminds the applicant that they will need to negotiate with the landowner at James Collins Close should they wish to do any works to the trees on that property and/or use it for construction access and the erection of scaffolding.

**8.7.2 Sustainability and Carbon Emissions**

Policy 5.2 of the London Plan requires that all major residential developments between 2016 – 2031 achieve a zero-carbon improvement on 2010 Building Regulations; This must be achieved in accordance with the Mayor’s Energy Hierarchy: Be Lean (use less energy), Be Clean (supply energy efficiently), Be Green (use renewable energy).

A Sustainability Statement and Energy Strategy are submitted in support of this application alongside a BREEAM Pre-Assessment Report and Overheating Risk Analysis Report, which provide full details of the energy and sustainability measures proposed to be incorporated within the Proposed Development.

The Energy Strategy submitted indicates that the residential units will have a carbon deficit of 5.26 tonnes per annum following application of the energy hierarchy. Over a 30-year period, this equates to a carbon offset payment of £9,480.00. Subject to this contribution being secured by s106 agreement, the residential units would meet policy 5.2 of the London Plan. As the A class units would need to be built to current building regulations standards, they would also be consistent with policy 5.2 of the London Plan.

**8.7.3 Air Quality**

This application is accompanied by an Air Quality Assessment (AQA). The AQA considers the potential air quality impacts during the construction phase of the development. The type, source and significance of potential impacts are identified, and the measures that may be employed to minimise these impacts are proposed. The report concludes that there is a Low Risk of dust soiling impacts and increases in particulate matter concentrations due to construction activities. However, through good site practice and the implementation of suitable mitigation measures required by the City Council’s Code of Construction Practice, the effect of dust and particulate matter releases would be significantly reduced.

The AQA also considers the potential for future residents of the proposed redevelopment to be exposed to poor air quality, given the application sites location in an Air Quality Management Area. An air quality neutral assessment has also been undertaken which confirmed that the Proposed Development will be air quality neutral. The results show that annual mean nitrogen dioxide (NO<sub>2</sub>) concentrations exceed the relevant UK Air Quality Strategy objective at the façade of the Application Site facing Harrow Road on the first to fourth floors. Therefore, mitigation measures in the form of a mechanical ventilation system for the proposed residential dwellings would be required. A condition is recommended to secure details of this. Subject to this condition, the proposed development would be consistent with policy 7.14 of the London Plan, policy S31 of the City Plan and policy ENV 5 of the UDP.

#### **8.7.4 Site Contamination.**

The Environmental Health Officer notes that due to the fire and subsequent demolition, there is a risk of contaminative materials at this site and this should be risk assessed and remediated if necessary. A condition is recommended to secure this.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

### **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.

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

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the

City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and further site contamination investigation.

### **8.11 Planning Obligations**

As set out above, and should this application be approved, a s106 agreement would be required to secure dedication of public highway and a carbon offset payment of £9,480.00.

Subject to any exemptions or relief available to the applicant, the estimated Westminster CIL payment would be £360,050.00.

### **8.12 Environmental Impact Assessment**

The proposed development is not large enough to require an EIA.

### **8.13 Other Issues**

#### **8.13.1 Construction impact**

Given the scale of the development, conditions are recommended that limit the hours of construction and to require the development to be carried out in adherence with the City Council's Code of Construction Practice, which will include monitoring of the site by the Environmental Inspectorate.

#### **8.13.2 Crime and security**

The Safer by Design Officer has requested that the applicant contact them with regards to the potential for this development to reduce crime and fear of crime. A condition is recommended to secure this.

#### **8.13.3 Objectors Comments**

The concerns raised by objectors are largely addressed above. The following is also noted.

The objectors are concerned that the proposed development would set a precedent for similar development elsewhere in the area. However, each case must be considered on its merits, having regard to the nature of the proposed development, the application site and the development plan at the time that application is decided. It is very rare for these three factors to be directly comparable to development on another site. Accordingly, the proposed development would not set a precedent for development elsewhere.

The objectors are also concerned that the refuse store is located too close to 79 Fermoy Road and may attract vermin and give rise to odours. Whilst the location of the refuse store is regrettable, it cannot be located on the Harrow Road frontage given high traffic levels on that road. Locating it elsewhere on the Fermoy Road frontage would also result in a break in the shopping frontage. The refuse store would also be secure and closed which would minimise potential vermin and odour issues and it is noted that the

Item No.
<b>1</b>

Waste Project Officer has not objected to it on these grounds. Accordingly, this objection to the development would not be sustainable.

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT <a href="mailto:nbarrett@westminster.gov.uk">nbarrett@westminster.gov.uk</a>.</p>
--

**9 KEY DRAWINGS**



**Harrow Road Elevation (Pre-Existing Top, Proposed Bottom)**

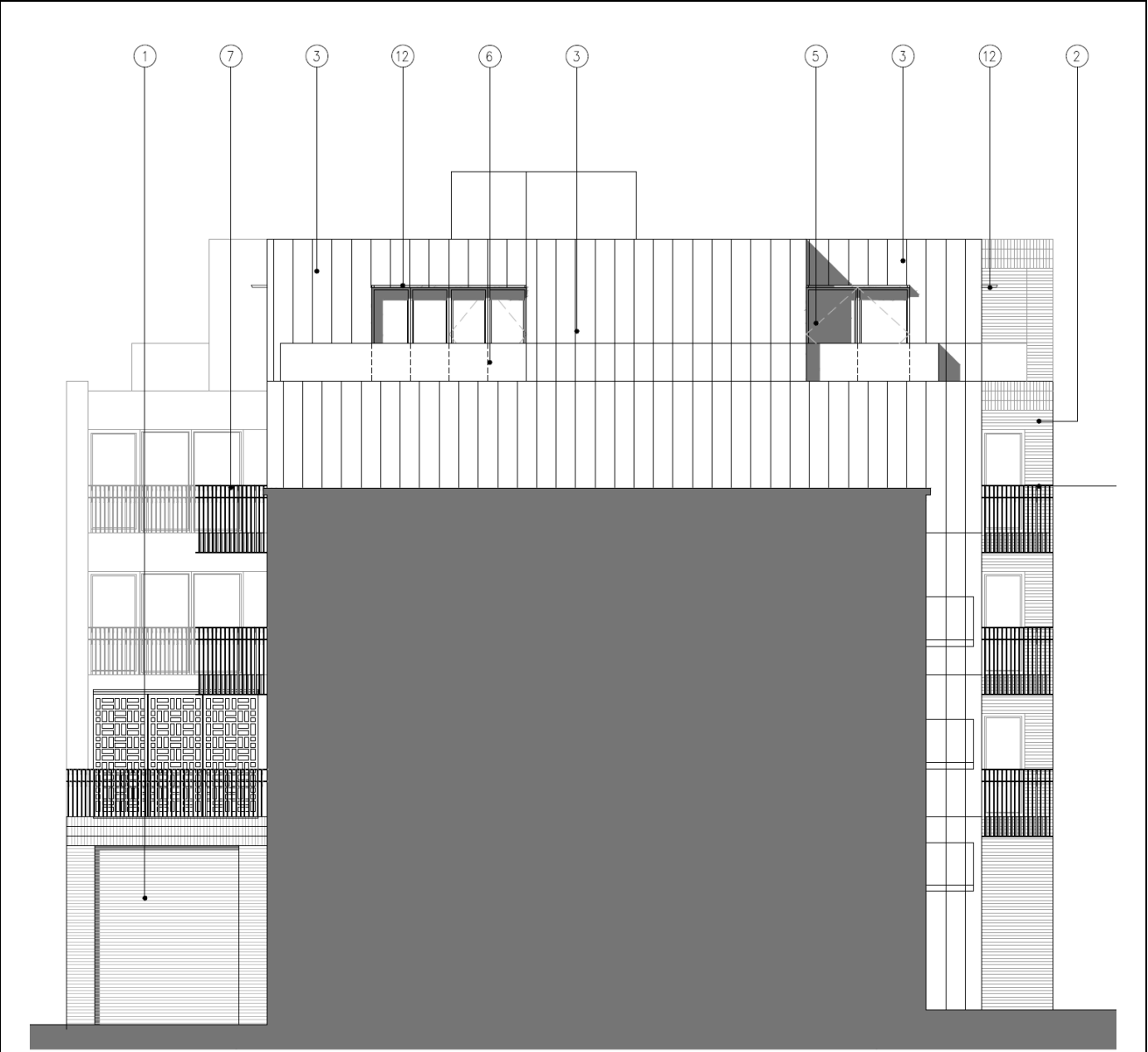




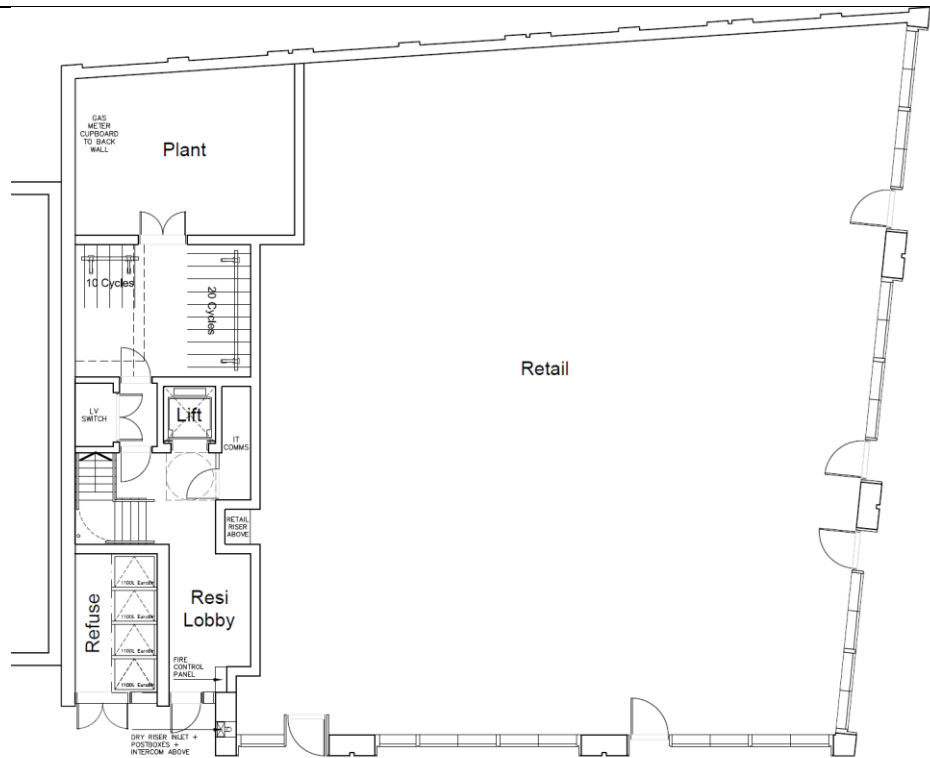
Fermoy Road Elevation (Pre-Existing Top, Proposed Bottom)



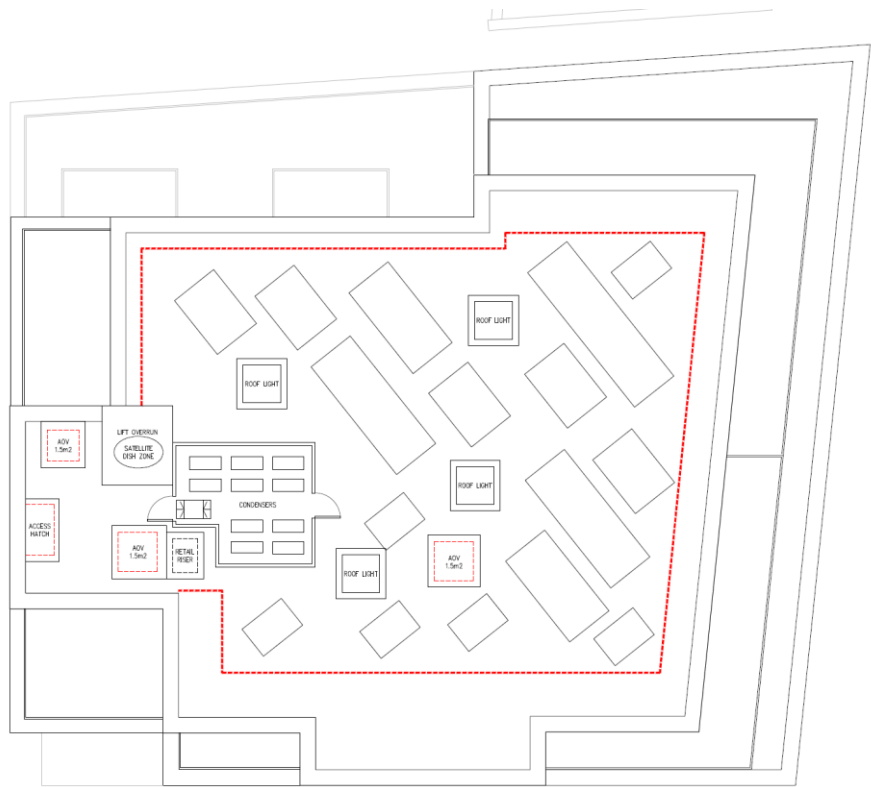
**James Collins Close Elevation (Pre-Existing Top, Proposed Bottom)**



**Proposed Southern Elevation (79 Fermoy Road View)**



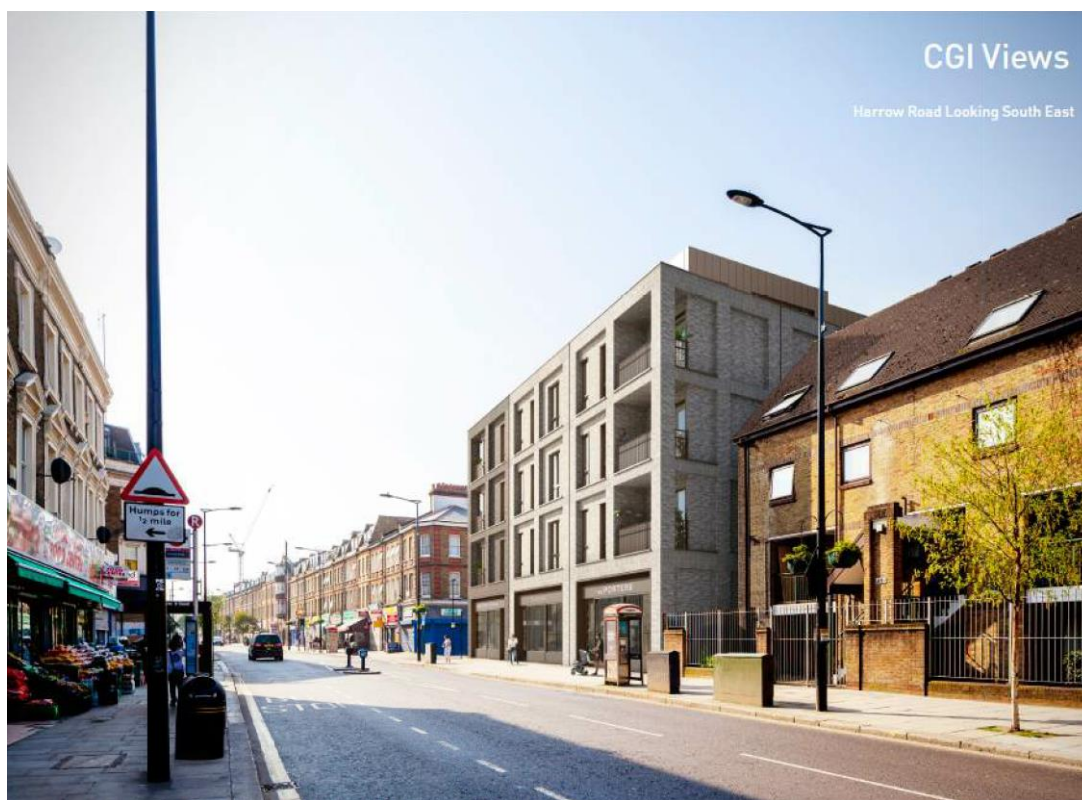
**Proposed Ground Floor Plan**



**Proposed Roof Plan**



**Visualisation of Proposed Development from Harrow and Fermoy Road Corner**



**Visualisation of Proposed Development from Harrow Road Looking Eastward**





Visualisation of proposed Development looking North Along Fermoy Road

**DRAFT DECISION LETTER**

**Address:** 413-419 Harrow Road, London, W9 3QJ,

**Proposal:** Redevelopment of the site to provide a 5-storey building comprising retail (Classes A1/A2) at ground floor and 19 residential units (Class C3) on the upper floors; provision of cycle parking, refuse storage, ancillary space, mechanical plant and other associated works incidental to the development.

**Reference:** 18/05929/FULL

**Plan Nos:** T10P100 Rev P1, T10P00 Rev P1, T10P01 Rev P1, T10P02 Rev P1, T10P03 Rev P1, T10E101 Rev P1, T10E102 Rev P1, T20P101 Rev P1, T20P00 Rev P2, T20P01 Rev P2, T20P02 Rev P2, T20P03 Rev P2, T20P04 Rev P2, T20P05 Rev P2, T70D01 Rev P1, T70D02 Rev P1, T20E101 Rev P2, T20E102 Rev P2, T20E01 Rev P2, T20E02 Rev P2, T20E03 Rev P2, T20E04 Rev P2, T20S01 Rev P2, T20S02 Rev P2, T20S03 Rev P2, T20S04 Rev P2, T20P100 Rev P1, T20E103 Rev P1, T20E104 Rev P1, T20E05 Rev P1, T20E06 Rev P1, T20E07 Rev P1

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**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 Prior to the commencement of any:

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

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

Reason:

To protect the environment of 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)

4 **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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

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



Item No.
<b>1</b>

Unitary Development Plan that we adopted in January 2007. (R18AA)

- 5 Before the ground floor A class floorspace is first occupied, you must provide us with details of the size, number and use classes of the proposed units. You must not occupy the ground floor A class floorspace until we have approved what you have sent us.

Reason:

To protect the special retail character of the area as set out in S21 of Westminster's City Plan (November 2016) and SS6 of our Unitary Development Plan that we adopted in January 2007. (R15AC)

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

Reason:

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

- 8 You must apply to us for approval of detailed drawings of the following parts of the development - signage on the Harrow and Fermoy Road elevations. 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 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 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

-Erection of privacy screens 1.8 m in height on the south western side of the fifth-floor terraces for flats 3.02 and 4.01.

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 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)

- 10 Customers shall not be permitted within the A class premises before 0700 or after 2200 each day. (C12AD)

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)

- 11 All servicing must take place between 0700 and 2200 on Monday to Saturday and 1000 and 1800 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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)

- 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. (R46AB)

- 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. (R48AA)

- 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. (R49AA)

- 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. (R49BA)

- 16 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 14 and 15 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 17 A scheme of mechanical ventilation to prevent overheating and incorporating appropriate air quality filtration shall be provided to the residential properties. Details of the mechanical ventilation system must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the residential units. The approved scheme shall be installed and permanently maintained. The mechanical ventilation system installed shall ensure that the internal noise levels of the residential units do not exceed the noise levels specified in conditions 14 and 15.

Reason:

To ensure that air quality for the residential units is protected, as required by policy 7.14 of the London Plan (March 2016), policy S31 of Westminster's City Plan (November 2016) and policy ENV 5 of the Unitary Development Plan (January 2007).

- 18 Should the A class floorspace be used as one unit and for food retail, a Servicing Management Plan must be submitted to and approved in writing by the Local Planning Authority before occupation of the unit. You must then carry out the development in accordance with the approved Servicing Management Plan.

Reason:

Item No.
<b>1</b>

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)

- 19 You must apply to us for approval of details of secure cycle storage for the A class and residential 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:

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)

- 20 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 A class and residential uses. (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)

- 21 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the 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:

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)

- 22 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)

- 23 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces and balconies.

**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)

- 24 You must apply to us for approval of details of a security scheme for the development. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building.

**Reason:**

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007.

**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, neighbourhood plan (where relevant), 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 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

**CONSIDERATE CONSTRUCTORS:**

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

**BUILDING REGULATIONS:**

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

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)

- 4 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 5 Condition 4 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)

- 6 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 7 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.  
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
  - \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 9 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.
<b>1</b>

The applicant is required to ensure that all non-road mobile machinery used during the construction phase meet the appropriate emission standards. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

- 11 The applicant is advised to ensure there is a suitable and sufficient maintenance regime in place for the air quality filtration system including cleaning and/or replacing the filters to ensure they remain effective.
- 12 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please Thames Waters guide "working near our assets" to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 13 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 14 You will need to negotiate with the adjoining landowner at James Collins Close should they wish to do any works to the trees on that property and/or use it for construction access and the erection of scaffolding for the approved development.
- 15 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto: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](http://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](http://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](http://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.

- 16 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)

- 17 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 18 The term 'clearly mark' in condition 20 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 19 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)
- 20 Pursuant to s247 of the Town and Country Planning Act 1990 (as amended) the applicant would require a stopping up order for parts of the public highway to enable this development to take place. The applicant should contact Jeff Perkins (0207 641 2642) in Highways Planning to progress the application for stopping up of the highway. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring.
- 21 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:
  - a) The stopping up of existing highway and dedication of new highway land to the frontage of the site in Harrow Road and Fermoy Road;
  - b) A carbon offset payment of £9,480.00 (index linked and payable on commencement of development); and
  - c) The costs of monitoring the S106 agreement.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 June 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	Drury House, 34-43 Russell Street, London, WC2B 5HA,		
Proposal	Use of basement, part ground and upper floors as a hotel (Class C1) with ancillary bars at basement and new 7th floor level; two-storey roof extension with roof terrace; refurbishments to external facade including lighting; alterations and relocation of entrance to Russell Street facade; installation of plant at roof level; and associated works.		
Agent	Gerald Eve LLP		
On behalf of	Manex properties Limited		
Registered Number	19/01431/FULL	Date amended/ completed	25 February 2019
Date Application Received	25 February 2019		
Historic Building Grade	Unlisted		
Conservation Area			

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Drury House is located on the west side of Russell Street and occupies the entire street frontage of Russell Street between Drury Lane and Crown Court. The site comprises basement, ground and five upper floors. The building is unlisted but lies within the Core Central Activities Zone (CAZ) and the West End Stress Area but outside a Conservation Area.

The building is currently in use as an office (use class B1) at basement and first to fifth floors and there are two separate units located at ground floor level used as restaurants (use class A3).

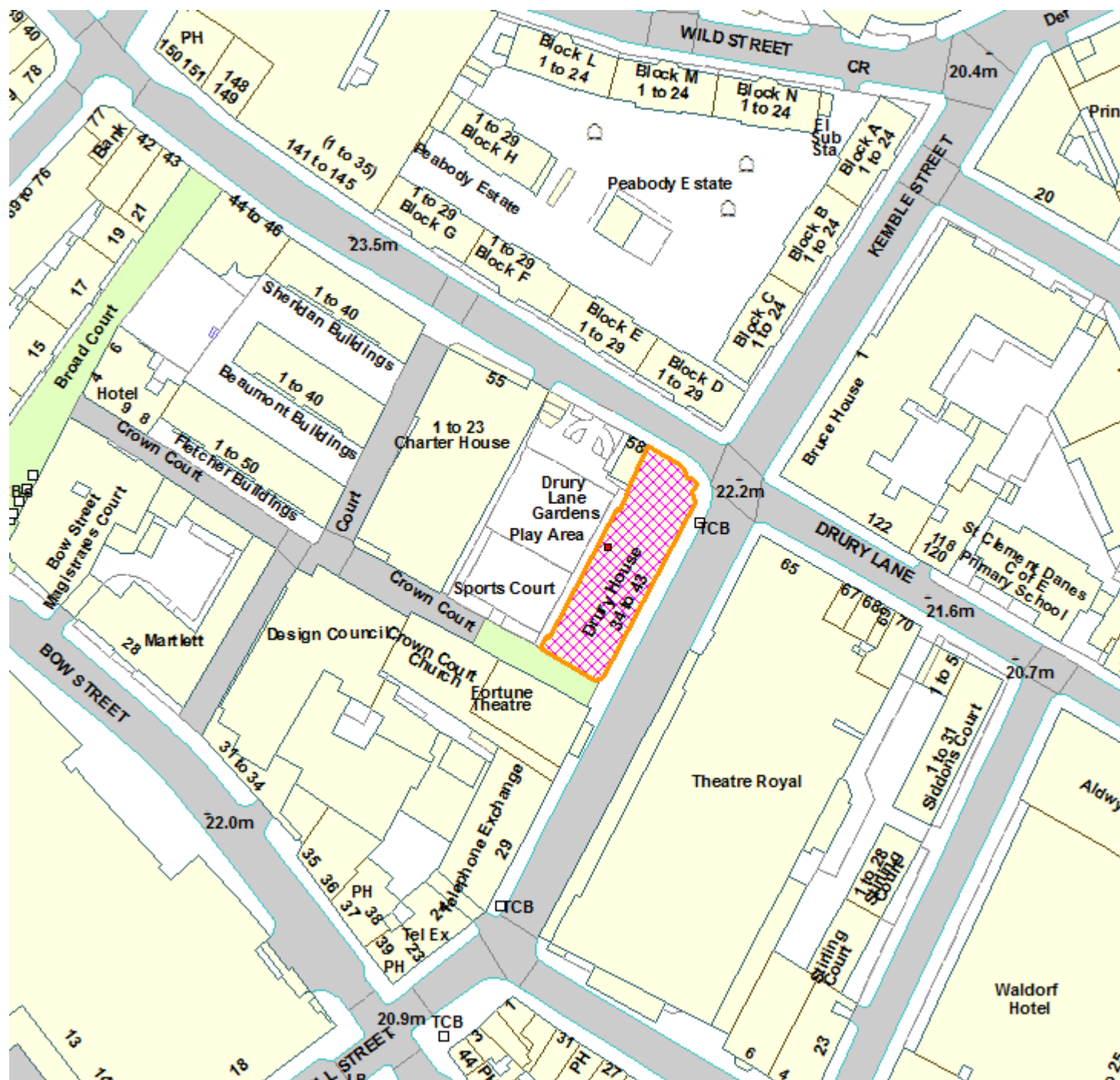
The proposal is to use the building as a hotel (with the exception of two existing ground floor Class A3 units). The scheme includes the relocation of the entrance door, alterations to the facades with creation of balconies and a two storey roof extension with a roof terrace. The proposal also includes two bars (basement level and new seventh floor level), which will be open to the public.

The key considerations are:

- The impact of the proposal on the character and appearance of the area;
- The land uses implications of the proposal;
- The impact of the proposal on the amenity of the surrounding residents; and
- The impact of the proposal on the surrounding highway network.

The proposals are considered acceptable in design, land use, amenity and highway terms in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and are therefore recommended for approval.

## 3. LOCATION PLAN



#### 4. PHOTOGRAPHS



Corner of Crown Court and Russell Street



Corner of Russell Street and Drury Lane – existing entrance





Corner of Russell Street and Drury Lane – existing entrance



**Russell Street elevation**





**Drury Lane Gardens elevation**



**Crown Court elevation**

## 5. CONSULTATIONS

### COVENT GARDEN COMMUNITY ASSOCIATION:

Object to a new hotel in the area as they feel it is already saturated with new hotels. Concerns relate to the over development of the building, overlooking and noise and nuisance to the residential community. Recommend the following measures:

- roof terrace bar to close at 9pm to avoid noise spill;
- no music break out policy;
- no access to Juliet balconies;
- no light spill/ light nuisance contained on site;
- coach arrivals controlled to avoid traffic congestion;
- smokers to be guided away from the entrance area and the Drury Lane side of the building;
- regular working party group meetings during the construction/ development period.

### COVENT GARDEN AREA TRUST:

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER:

Undesirable but could be made acceptable. The servicing it not considered ideal but no objection is raised, the Operational Management Plan must include procedures to how coaches and taxis will be managed and detailed design of cycle storage must be secured via condition.

### WASTE PROJECT OFFICER:

Waste storage not in line with the Council's recycling and waste storage requirements.

### ENVIRONMENTAL HEALTH:

No objection on environmental noise/ nuisance grounds (following receipt of additional information). Recommend condition requiring the submission of a supplementary acoustic report demonstrating that the plant will comply with WCCs standard planning noise conditions.

### THAMES WATER:

No objection but has identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal. Recommend condition that the property shall not be occupied until confirmation has been provided that either all combined water network upgrades required to accommodate the additional flows from the development have been completed; or an infrastructure phasing plan has been agreed with Thames Water.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 146

Total No. of replies: 4

No. of objections: 2

No. in support: 2

Two letters of support have been received, one highlighting the substantial and growing demand for good quality hotels and places for visitors to stay and highlighting the lack of restaurant within the proposed hotel as a recognition of the importance of visitors immersing themselves in Covent Garden. The other letter states that the hotel's proposed servicing arrangement must be properly followed and appropriately enforced.

Two letters raise the following concerns:

- noise, smells and obstruction from the servicing entrance;
- level of noise of the rooftop bar and terrace, conditions to limit the use of the terrace and bar and no music or amplified sound;
- add to the congested parking situation;
- noise and disturbance during the construction period;
- noise disturbance from the cycle store and bedrooms;
- overlooking from hotel bedrooms on Western/ Drury Lane Gardens elevation;
- disturbance from evening bin collections;
- impact of arrivals/departures by coach.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

Located on the west side of Russell Street, Drury House occupies the entire street frontage of Russell Street between Drury Lane and Crown Court. The building has frontages facing Russell Street, Drury Lane, Crown Court, and Drury Lane Gardens. The site comprises basement, ground and five upper floors. The building is unlisted but lies within the Core Central Activities Zone (CAZ) and the West End Stress Area.

In terms of designated heritage assets, there are Grade II listed buildings to the north and south of the site (Mortuary Lodge and linking walls and gate piers of Drury Lane Gardens and Fortune Theatre), and the Theatre Royal on the other side of Russell Street is a Grade I Listed building. The Covent Garden Conservation Area also lies on the other side of Russell Street.

The area is mixed in character with a large amount of residential properties in Drury Lane between Kean Street and Long Acre. To the south of the site on the other side of Crown Court is The Fortune Theatre, and the Crown Court Church of Scotland. The Theatre Royal is located opposite the site on the other side of side of Russell Street. To the west of the site is a residential property, 58 Drury Lane (known as the Cottage) and Drury Lane Gardens containing a playground and a basketball court. Charter House a building in both office and residential use is on the other side of Drury Lane Gardens. On the northern side of Drury Lane the properties are in residential use (Peabody Estate).

The main entrance to the building is at the corner of Russell Street and Drury Lane, with fire escape in Drury Lane and two within Crown Court. The building is currently in use as

an office at basement and first to fifth floors and there are two separate Class A3 units located at ground floor level used as a bakery and restaurant ('The Lebanese Bakery' and 'by CHLOE').

## 6.2 Recent Relevant History

Planning permission was granted in 2003 and 2006 for the installation of air conditioning units at roof level.

Planning permission was granted in 22 June 2005 for the demolition of existing revolving front doors, signage bulkhead, canopy over two metal framed glazed doors and four metal framed windows. Erection of new automatic sliding front doors with new signage canopy over six full height minimal frame windows.

Planning permission was granted in 20 May 2014 for the use of part ground floor for restaurant use (Class A3); alterations to include creating a new door on Russell Street frontage, removal of masonry pillars and installation of louvre at ground floor level; installation of plant and extract duct at roof level. This permission was varied in 2015 to relocate the front entrance to the restaurant and install louvers. The 2015 permission was varied in 2019 to vary drawings to allow amendments to the layout and elevation.

Planning permission was granted in 16 January 2018 for the repainting of all existing metal window frames and spandrel panels to existing external building.

## 7. THE PROPOSAL

The application involves the change of use of the building (except for the two Class A3 ground floor units that will remain in existing use) from office to hotel use. Alterations and extensions at roof level are proposed to provide a 6<sup>th</sup> floor level and a pavilion with roof terrace at 7<sup>th</sup> floor level. The hotel would be accessed from Russell Street and contain 141 guestrooms, all standard, with limited ancillary functions. A breakfast room, pantry, back of house facilities, plant and refuse storage will be located at basement level. The reception and a cycle storage will be located at ground floor level. Two bars one at basement level and the other at 7<sup>th</sup> floor level with terrace would be publicly accessible.

The Amano Group is the intended operator and they have submitted an operational management plan (OMP). The servicing of the hotel will be carried out on-street from Crown Court.

The existing and proposed floorspace figures are set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
<b>Office (Class B1)</b>	4209	0	-4209
<b>Hotel (Class C1)</b>	0	4866	+4866
<b>Restaurant (Class A3)</b>	455	455	0
<b>Total</b>	4664.5	5291	626.5

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of office use (Class B1)

The site lies within the core CAZ. The proposal will result in the loss of 4209 sqm 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.

#### Introduction of hotel (Class C1)

London Plan (2016) Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. The supporting text of the Policy E10 of the draft New London Plan estimates that London will need to build an additional 58,000 bedrooms of serviced accommodation by 2041 to meet the accommodation demands of tourists who want to visit the capital.

Hotels are important to support the visitor and business economy and they are linked to other activities in Central London such as shopping, cultural and entertainment activities.

Policy S23 of the City Plan and TACE 2 of the Unitary Development Plan (UDP) relate to new hotels. The policies state that new hotels will be directed to the Core CAZ and to those streets which do not have a predominantly residential character. Policy TACE 2 specifies that planning permission will be granted for new hotels where: no adverse environmental and traffic effects would be generated; and adequate on-site facilities are incorporated within developments proposals, including spaces for setting down and picking up of visitors by coaches and for taxis.

The proposed hotel will comprise 141 standard (double) rooms, including wheelchair accessible rooms, with limited ancillary functions in the form of a reception area, a breakfast room and two bars. The breakfast room would be for hotel guests only and would not provide lunches and dinners.

No access to the hotel is provided from Drury Lane, there is only a fire escape exit and an access to an internal cycle storage.

The scale of the proposed hotel is considered appropriate in this central location, close to many of London's top tourist attractions and with excellent access to public transport. The hotel operation will be to ensure that guests benefit from a quiet environment during night-time hours. Therefore, it is in the hotel interest to ensure that noise disturbance is kept to a minimum.

The application is supported by an OMP which includes measures designed to ameliorate the impact of the hotel and ancillary entertainment uses on residential amenities. The document sets out the hours for non-residential guests, the 24 hours security and staff presence and the non-smoking policy on Drury Lane.

Subject to the recommended conditions the proposed hotel is not considered to have a significant effect on local residential amenity or local environmental quality.

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

### **Introduction of bars (Class A4)**

Although the bars would be an integral part of the hotel and under the same management these areas would be open to non-residents, therefore the impacts of the proposed bars need to be assessed against the City Council's entertainment policies.

Based on the information submitted the bars will occupy an internal floorspace of 250 sqm (basement level) and 330 sqm (new 7<sup>th</sup> floor level bar and terrace). The Covent Garden Community Association and a neighbouring resident have raised concerns about noise and disturbance from the proposed bars and associated roof terrace.

The use must be assessed against City Plan policy S24 and UDP policy TACE 10 (given the nature of the use, the site's location within the West End Stress Area and floorspace of over 150sqm). TACE 10 has a very restrictive approach to new entertainment uses within the Stress Areas, stating they will only be granted in exceptional circumstances.

The UDP includes a schedule of what exceptional circumstances *may* constitute (though this is not exhaustive) as follows:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the site;
- b) the retention of a use which has a long-standing association with the area, or makes a major contribution to its character or function;
- c) the retention of a valued Central London activity which is of national or international importance;
- d) proposals which are shown to be necessary to improve health and safety standards, or access for disabled people;
- e) the provision of restaurants and cafés on the second floor and above in Oxford Street, Regent Street and Piccadilly;
- f) in the Paddington and the North West Westminster Special Policy Area, the achievement of regeneration benefits.

The proposal is not considered to meet any of those criteria. However, it should be noted that although TACE10 still holds weight as a saved policy, the NPPF (2018) and its presumption of sustainable development also applies which requires the planning authority to identify the specific harm caused by the proposals which would make the application contrary to sustainable development objectives. The main consideration therefore is whether there is any demonstrable harm caused by the new bars to residents' amenity and local environmental quality.

The proposed opening hours are 12.00 to 01.00 Fridays and Saturday and 12.00 to Midnight Sunday to Thursday for both bars. In respect of the roof terrace the opening hours would be 12.00 to 22.30 Monday to Saturday and 12.00 to 22.00 on Sunday. Given the presence of existing neighbouring restaurants, the theatres and the proximity

with Covent Garden market the proposed hours are considered appropriate at this location.

It is proposed that the bars will have a capacity of 114 customers at basement level and 34 in the roof top bar. The roof terrace will have a customer capacity of 90. An Operational Management Plan has been submitted and it deals with, among other things, hours of use of the terrace, the 24 hours reception, management of the rooftop bar and terrace, smoking.

A roof terrace bar of 84 sqm is proposed and there is a potential for the terrace to be intensively used. However it is located to the South of the building away from the residential properties facing Drury Lane, and shielded by the plant enclosure (2.2m height by 3m width) facing Drury Lane Gardens, which will shield the occupiers at Charter House.

It is considered that the new bars and roof terrace are considered acceptable in this mixed use area, and would not cause sufficient harm to residents' amenity and local environmental quality, subject to conditions to control of the hours of use of the terrace, the number of people to use it at one time, and the closing of the doors to the terrace to prevent noise breakout.

The noise level of the outdoor terrace has been assessed as part of the submitted acoustic report. This has been reviewed by Environmental Health who raise no objection.

It is considered that appropriate conditions can be attached to ensure that the bars and associated terrace do not cause an unacceptable impact, including restriction of hours the non-residential guests can use the bars, the number of customers, restriction of live or amplified music on the terrace, and the adherence to the Operational Management Statement.

## **8.2 Townscape and Design**

The key consideration is the impact on the appearance of the building and its townscape contribution. The proposed works will be assessed against the National Planning Policy Framework (NPPF) and policies DES 1, DES 5, DES 6 and DES 9 of our Unitary Development Plan (2007).

Comprising six-storeys above a basement, the current building, which dated from the 1980s, is constructed of red brick with Portland stone dressings, with a very dated glazing system.

Proposals include several elevation improvements, including modernising the glazing, replacement of the rusticated ground floor shopfronts with granite cladding, removal of awnings and the relocation of the main entrance to Russell Street. These are notable improvements which will benefit the appearance of the building. In relation to shopfront changes, the general arrangement being sought is an improvement however details of the glazing and cladding are to be secured by condition. Design details of the wider fenestration changes are also secured by condition.



The building currently terminates with a setback fifth floor level with rendered facade and shallow pitched copper clad roof. Proposals include a lead clad sixth floor articulated by irregular sized dormer style windows, which correspond with the fenestration pattern at fifth floor. In policy terms an additional storey would be contrary to policy DES 6, as the building presents a completed composition. However, compositionally the sixth floor would not appear over prominent and terminates the building successfully. It has been demonstrated that the additional height would not significantly exceed the general building height of the area.

The pavilion at seventh floor is a largely glazed structure which lies within a cut-out of the sixth-floor roof. The pavilion will not extend the full width of the roof to allow the remaining area to be utilised as a roof terrace. The potential visual impact of the seventh floor, as well as the resulting unbalanced composition of the roofscape is a concern, however this is lessened by it being set back.

Whilst the roof level alterations are contrary to policy, in this instance the creation of a sixth floor is not opposed as it has been successfully demonstrated it will have a minimal townscape impact. Being set back and light-weight, the seventh-floor pavilion is unlikely to be seen from street level views but is also unlikely to be overly prominent in high level private views. In design and townscape terms the proposals are considered acceptable and recommended for approval subject to conditions seeking further design details.

### **8.3 Residential Amenity**

Policies S29 of the Westminster's City Plan and ENV 13 seek to protect the amenity of existing and adjacent occupiers. Records indicate that there are residential occupiers located directly to the west of the site and to the north on the opposite side of Drury Lane.

#### **Overlooking**

The scheme shows the introduction of Juliet balconies to the façade, the applicant confirms it is not proposed for guests to have access, nevertheless as per the Covent Garden Community Association and neighbour's request this will be secure via condition.

Given the position of the roof terrace to the southern section of the building and the installation of a plant enclosure to the edge facing Drury Lane Gardens, it is not considered that the introduction of a terrace at 7<sup>th</sup> floor level will cause overlooking issues.

Concerns have been raised in respect of overlooking and noise disturbance from windows facing Drury Lane Gardens serving rooms 309, 409, 509 and 609. Those hotel bedrooms are located respectively at 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floor levels. The closest residential windows serve the ground and first floor levels of the rear elevation of 58 Drury Lane. The windows to the rear elevation of the building already exist, albeit serving the office occupiers at present, as this a very dense urban location and given the position of the windows it is not considered that these windows would lead to unacceptable loss of privacy or increased noise to neighbouring residential occupiers.

The applicant has accepted a condition to restrict windows serving rooms 309 and 409 from opening.

### **Daylight/sunlight**

A daylight and sunlight report has been submitted in support of the application to demonstrate compliance with the BRE Guide. The assessment considers the properties below:

- Charter House, 55 Drury Lane
- 58 Drury Lane
- Block D of the Wild Street Estate
- Bruce House, 124 Drury Lane

Residential properties beyond these are considered too distant from the subject property to result potentially in unacceptable light loss. Officers have reviewed the study and found that the development complies with BRE guidelines as set out below.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows, known as the No Sky Line (NSL) method. This is a measurement of the area of working place within these rooms that will receive direct daylight from those that cannot. The BRE guide suggest that reductions from existing values of more than 20% should be avoided, as occupiers are likely to notice the change.

Of the properties listed above, all the windows will not have VSC or NSL losses that exceed the parameters set out within the BRE guide.

With regards to sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. 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.

The APSH results show no transgression for all the windows assessed.

Accordingly, the resulting daylight and sunlight levels would be consistent with policy S29 of the City Plan and ENV13 of the UDP.

### **Noise disturbance**

Concerns have been raised about noise disturbance from specific bedroom windows facing Drury Lane, the cycle storage fronting Drury Lane, and the servicing entrance in Crown Court.

It is not considered that first and second floors windows serving rooms 109 and 209 will cause more noise disturbance than any open residential windows facing Drury Lane.

Those windows are existing and requesting for those windows to remain shut at all times is not considered reasonable. The applicant offers to install limiters to the windows facing Drury Lane, this will be secured via condition.

The applicant offers to provide an acoustic wall in both the cycle storage room and room 109 this is welcome.

Objections have been raised in respect of potential noise disturbance from the roof terrace. As detailed in section 8.1 of this report it is considered necessary to impose conditions on its use to ensure the roof terrace would not cause harm to residents' amenities.

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

No car parking is proposed, however it is considered that the impact of the proposed development on parking levels will be minimal. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls.

Policies S42 of the City Plan and TRANS 20 of the UDP require off-street parking which is not provided with this scheme. The servicing will rely on Single Yellow Line parking in Russell Street and transporting goods along Crown Court. The existing office use is serviced in similar fashion. The scheme shows the introduction of a limited holding area at ground floor level to minimise the impact of deliveries on the footway and reducing the dwell times of vehicles.

The Highways Planning Manager has reviewed the Servicing Management Plan and concludes that whilst it is not considered ideal an objection is not raised to the servicing element of the scheme.

Subject to a condition requiring the following of the Servicing Management Plan it is not considered that the introduction of the hotel will cause obstruction in Crown Court or impede the operation of the adjoining uses.

The Covent Garden Community Association and one neighbour request for the coach arrival and departure to be addressed and controlled. No provision for coach party arrivals and departures is provided as the applicant states that coach bookings are rarely taken as they do not correspond to their business model and marketing strategy. However, the type or operation of the hotel can change over time.

The Highways Planning Manager is concerned that without enough coach parking or a plan to deal with coaches dropping off and picking up hotel guests, coaches will stop in the carriageway and obstruct traffic. Further the transfer of guests from the site to the coach can have a negative impact on other pedestrian movement. The Operation Management Plan contains very limited information and therefore the application is not considered consistent with TRANS 6. The applicant is therefore willing to accept a condition to restrict coach bookings, which is considered acceptable to overcome these concerns.

With regards to cycle parking the drawings indicate 19 cycle parking spaces at ground floor level. While this number is acceptable, further details are required by condition to

demonstrate that there is sufficient space allocated to accommodate this number of cycle parking spaces.

## **8.5 Economic Considerations**

The economic benefits of the development are welcomed.

## **8.6 Access**

The proposed development has been designed to meet the requirements of the Disability Discrimination Act (DDA) and incorporates the principles of inclusive design. The public entrance will have level access and lift access will be provided at all floor levels. 10% of the hotel bedrooms will be wheelchair accessible in accordance with the London Plan's requirements, which it is recommended to be secured by condition.

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

### **Mechanical plant**

At this stage of the design the proposed plant has not been selected. A condition is recommended requiring the submission of a supplementary acoustic report demonstrating that the plant will comply with WCCs standard planning noise conditions.

### **Refuse /Recycling**

A dedicated refuse storage space is located at basement level and accessed via the servicing area on Crown Court. It is understood that the hotel management will assist with movement of the bins on collection day. The Waste Project requires further details of recycling and waste storage, which is secured by condition.

One neighbour raised concerns about potential noise disturbance from evening bin collections. The collection of the bins is organised by the Council and the existing arrangement will remain.

### **Sustainability**

Policy 5.2 of the London Plan refers to minimising carbon dioxide emission 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 S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

The application is supported by an Energy statement which demonstrates that features can be incorporated into the building design and improvements made to the building fabric to reduce the overall energy consumption of the building and CO2 emission rating.

A sustainability statement has also been submitted detailing the strategy which include a commitment to energy efficiency, water efficiency, waste management and cycling facilities. The statement also aims that contractors sign up to the Considerate Constructor Scheme and target a beyond best practice. Given this is an existing building, whilst limited the measures presented are welcome.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

Not applicable.

### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 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.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the construction phases of the development. The applicant has agreed to the imposition of the condition.

### **8.12 Planning Obligations**

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

The estimated Community Infrastructure Levy payment is as follows:

Mayoral CIL2:	£87,710.00
Westminster CIL:	£ 149,342.80

Total: £237,052.80

### 8.13 Environmental Impact Assessment

The application is not of sufficient scale to require its own Environmental Impact Assessment.

### 8.14 Other Issues

#### Construction impact

One objection has been received from a neighbouring property concerned with noise and disturbance from construction works. It is a longstanding principle that planning permission cannot be refused due to the impact on construction. This is due to its temporary nature and the ability to control it by condition. Accordingly, conditions are recommended that limit the hours of construction and require the adherence to the City Council's Code of Construction Practice (CoCP). Whilst the Code of Construction Practice is generally applicable to major schemes, this site is considered to be in a sensitive location in terms of construction impact with the narrow surrounding streets and close proximity of residential properties. Some additional structural work is likely to be required at lower levels to ensure the existing structure can accommodate the new extensions, and whilst there is a 'forecourt' area in front of the building which could potentially accommodate deliveries etc, there is some public art which may require removal and relocation during the course of the works. As such, given the potential issues involved in construction management, it is considered appropriate to attach the standard pre-commencement condition requiring evidence of adherence to the CoCP.

An informative is recommended to encourage the applicant to join the nationally recognized Considerate Constructor Scheme as well as keeping residents informed of works.

#### Light spill

The Covent Garden Community Association mentions light nuisance and point out that changes were made to the scheme to have less light spill following consultation carried out by the applicant and this should be secured via condition.

From the information submitted it is understood that the lighting design has been amended to ensure light spill reduction. The proposed levels would meet national park pre-curfew levels. This is welcome but cannot be secure via condition. Nevertheless, the applicant will be reminded via informative of the importance of turning off the artificial lights when not needed to reduce any potential adverse effects to the residential properties in close proximity. An informative will also refer to section 102 of the Clean Neighbourhoods and Environment Act 2005 under which a neighbour can ask the Council to take action to stop the nuisance.

#### Smells

One letter mentions concerns about smells from the servicing entrance. The hotel will provide only a service for breakfast, no restaurant is proposed as part of the scheme,

therefore it is not considered that the development would result in nuisance smells.

### **Thames Water**

Thames Water comment that they do not object to the scheme but recommend a condition as they have identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal. A condition is recommended that requires confirmation that either:

- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

(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](mailto:ddorward@westminster.gov.uk)







Existing Drury Lane elevations



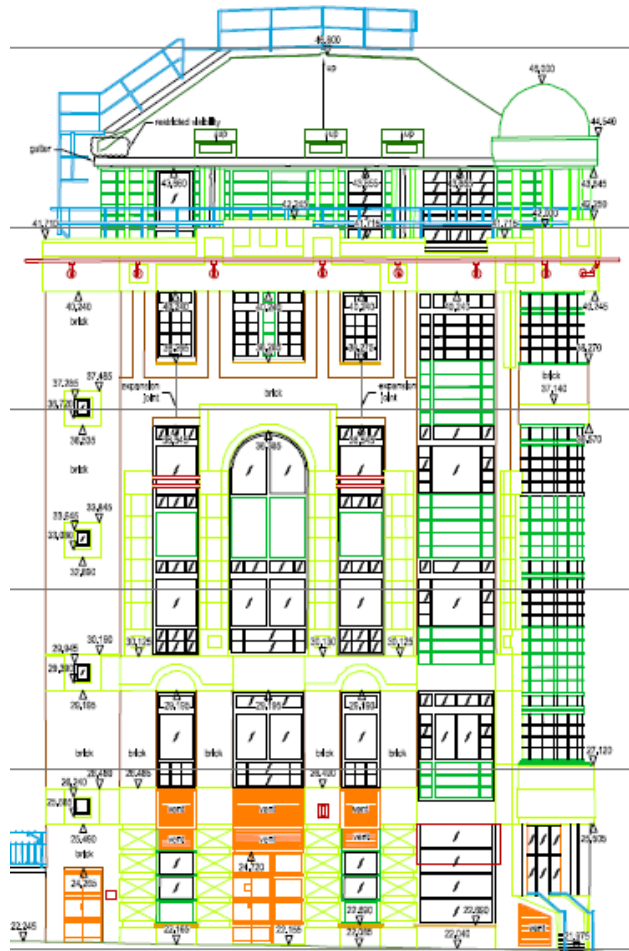
Proposed Drury Lane elevations



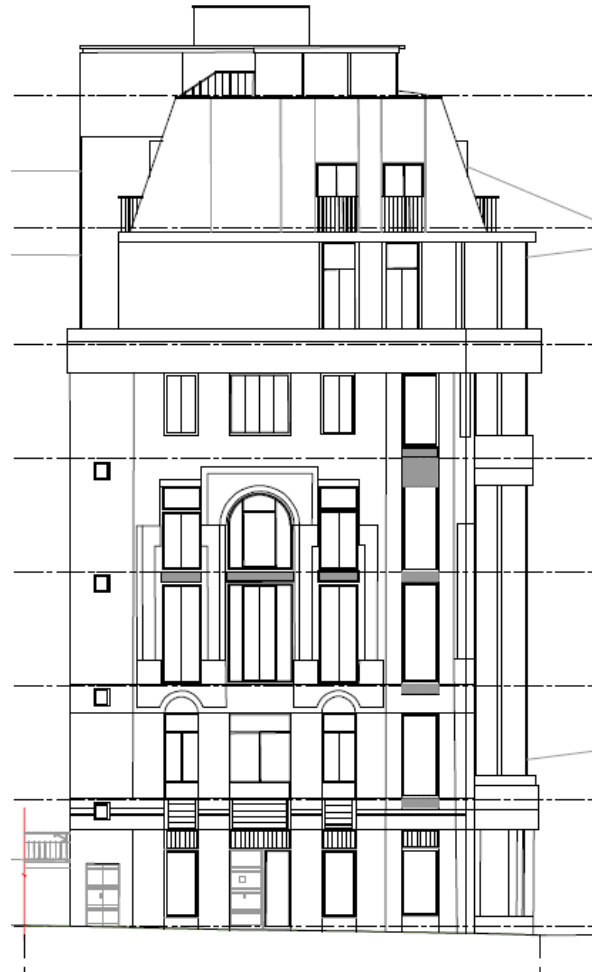
**Existing Drury Lane Gardens elevation**



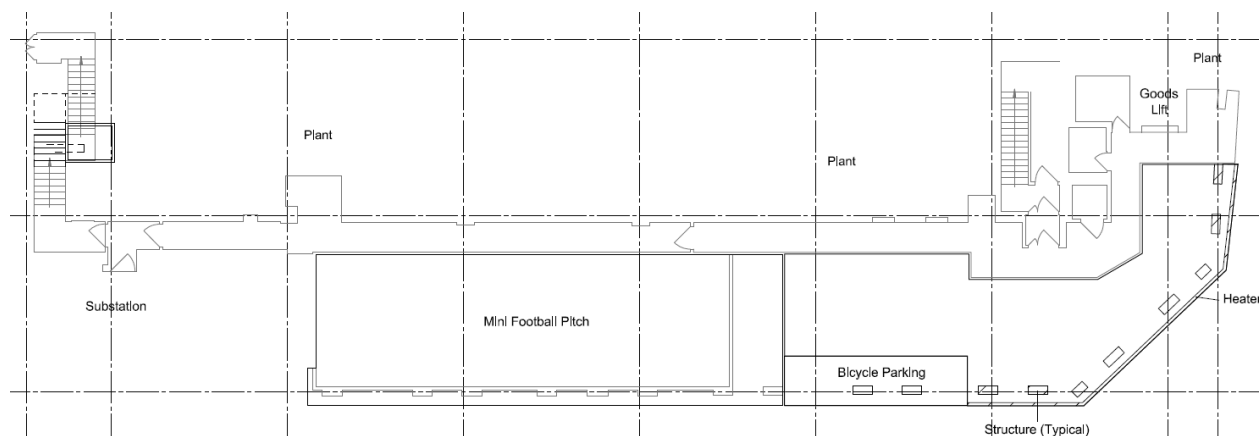
**Proposed Drury Lane Gardens elevation**



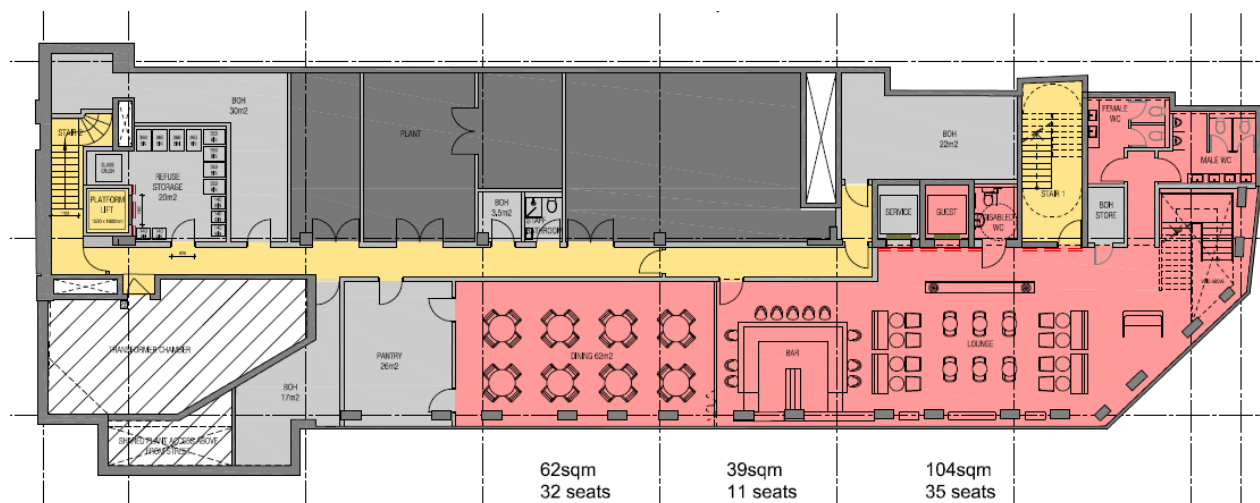
Existing Crown Court elevation



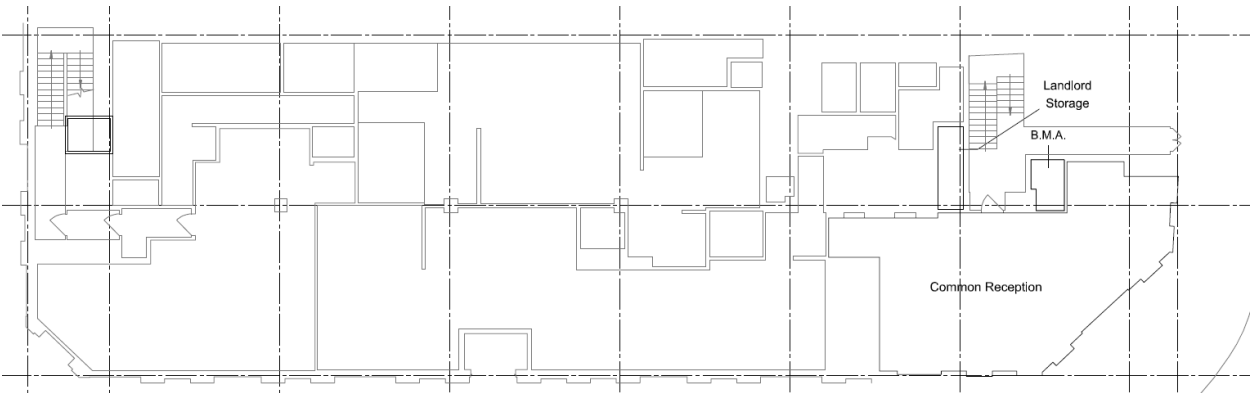
Proposed Crown Court elevation



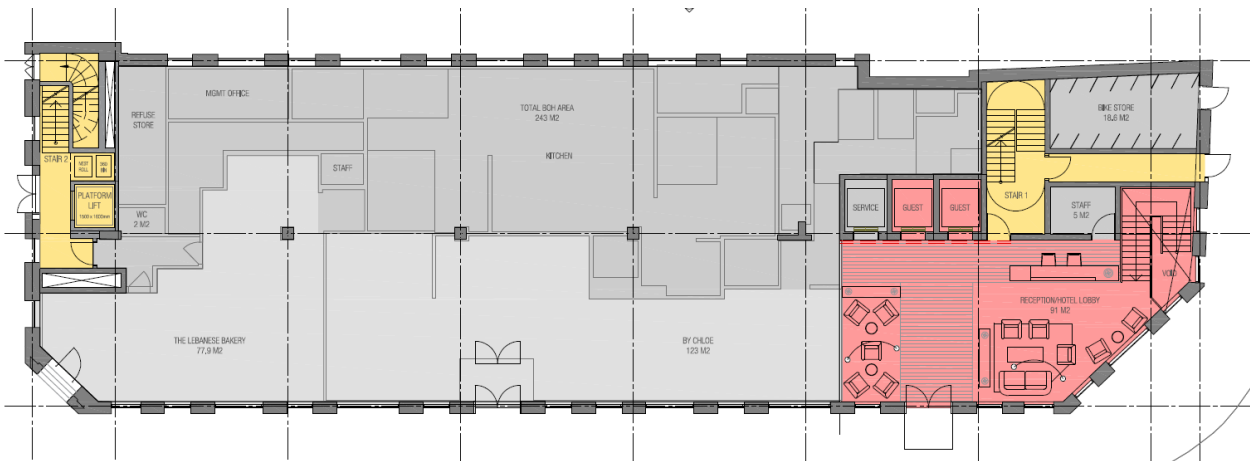
Existing basement plan



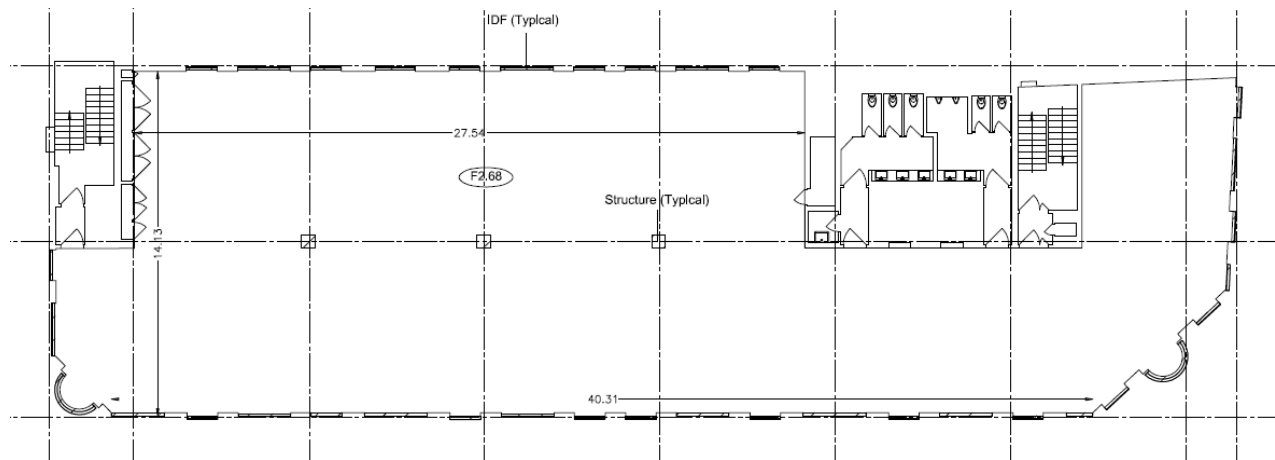
Proposed basement plan



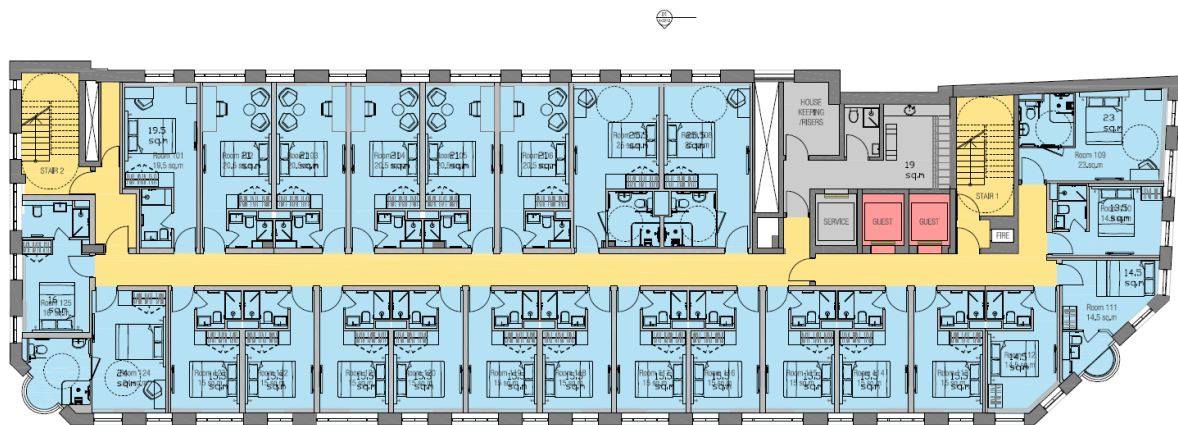
**Existing Ground Floor plan**



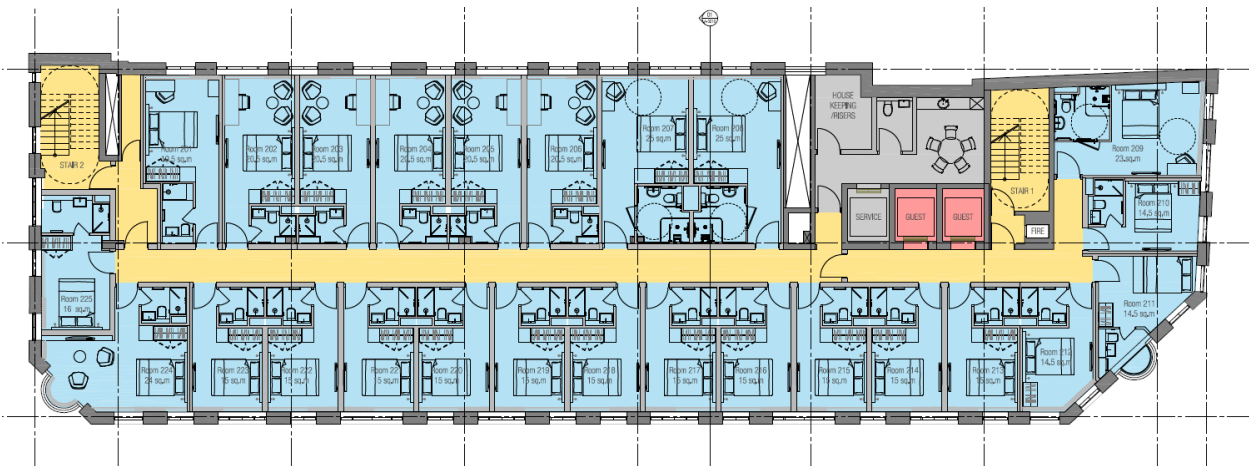
**Proposed Ground Floor plan**



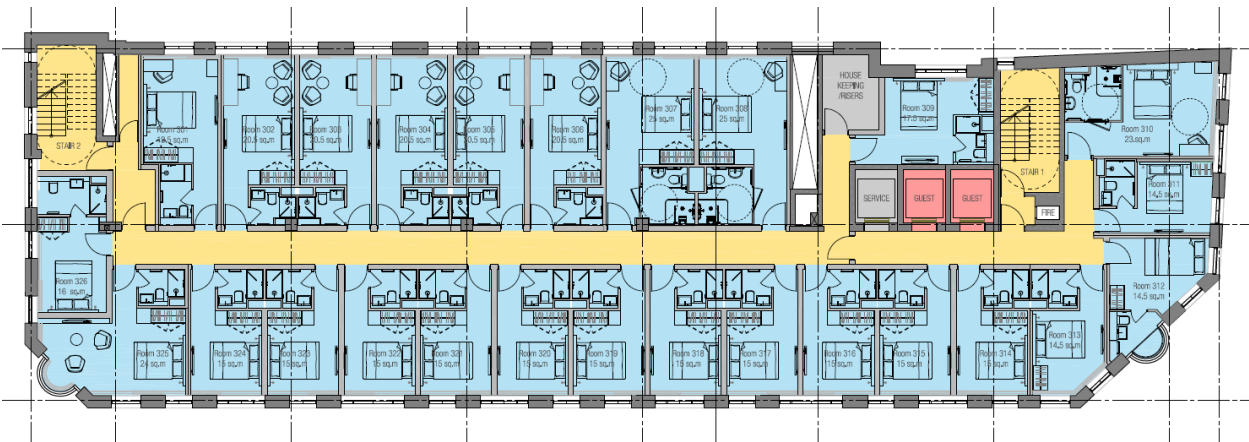
Existing First to Fourth Floor plan



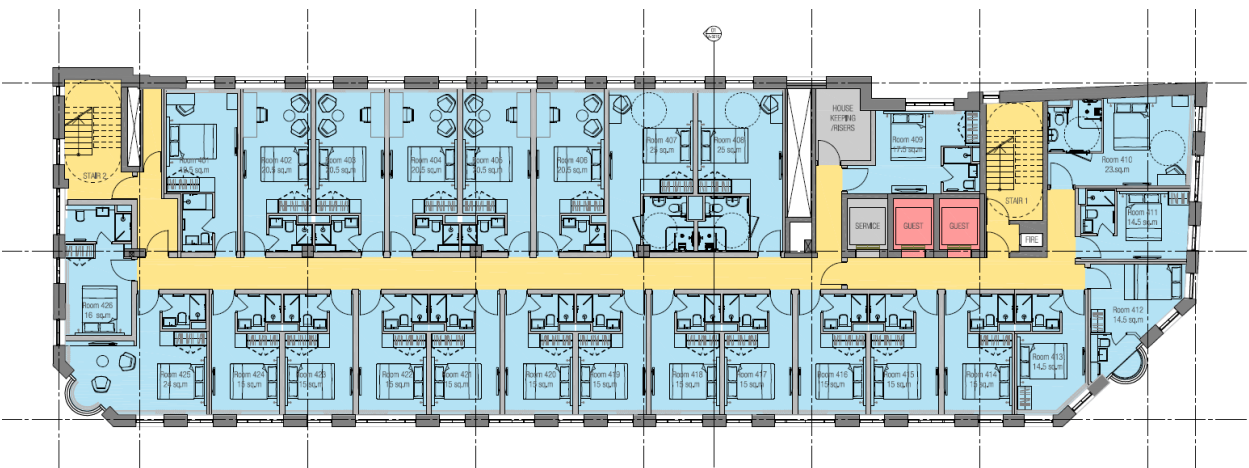
Proposed First Floor plan



### Proposed Second Floor plan



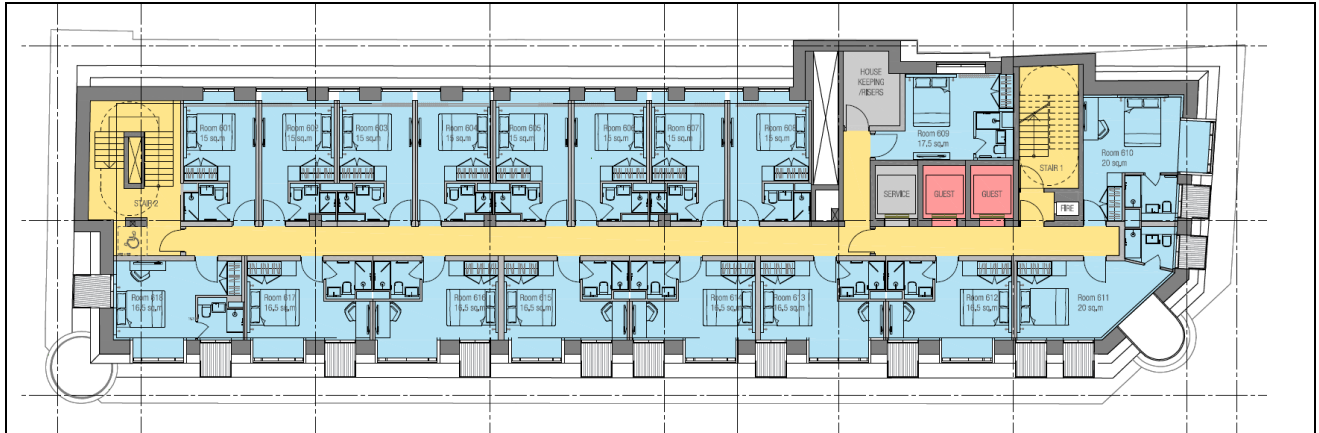
### Proposed Third Floor plan



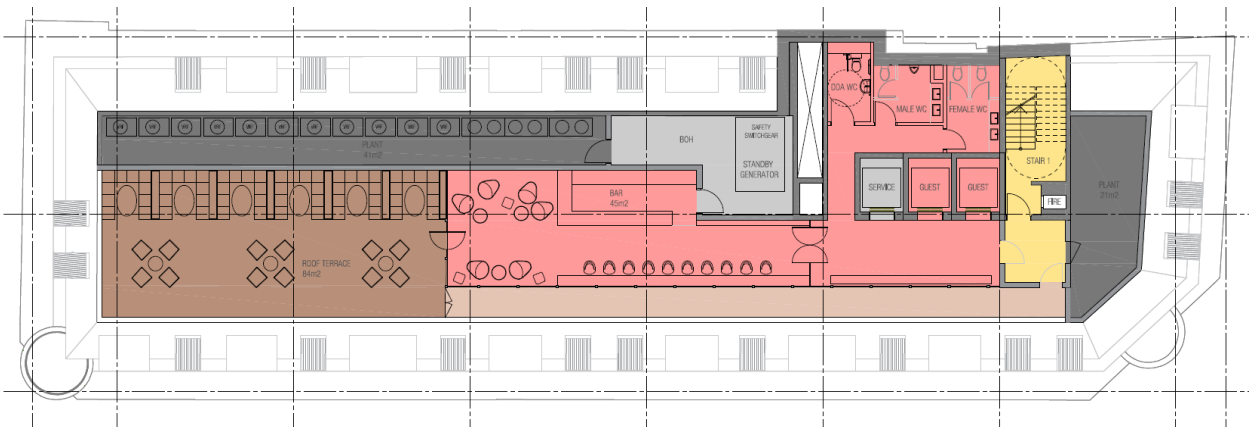
### Proposed Fourth Floor plan



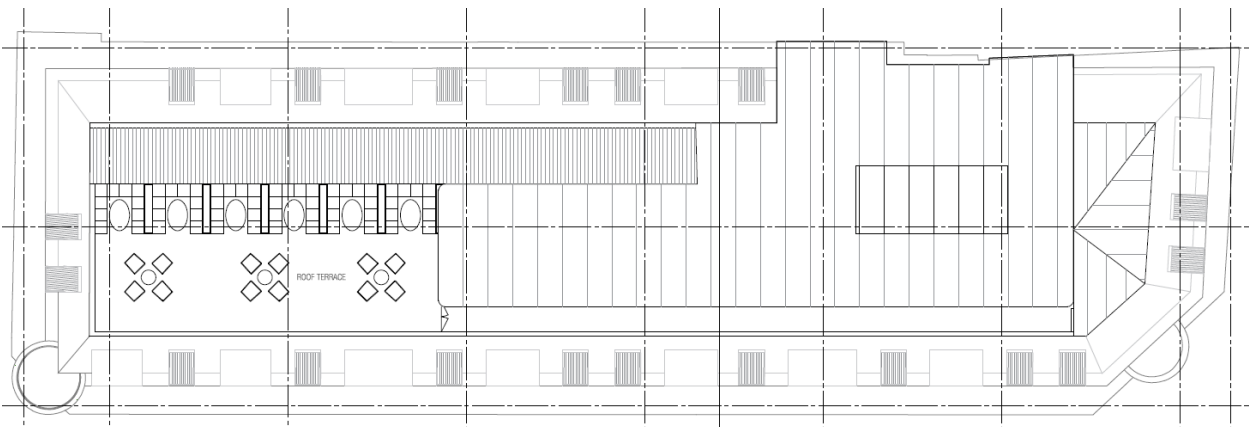




**Proposed Sixth Floor plan**



**Proposed Seventh Floor plan**



**Proposed Roof plan**

**DRAFT DECISION LETTER**

**Address:** Drury House, 34-43 Russell Street, London, WC2B 5HA,

**Proposal:** Use of basement, part ground and upper floors as a hotel (Class C1) with ancillary bars at basement and new 7th floor level; two-storey roof extension with roof terrace; refurbishments to external facade including lighting; alterations and relocation of entrance to Russell Street facade; installation of plant at roof level; and associated works.

**Reference:** 19/01431/FULL

**Plan Nos:** A-1000 Rev. A; A-1001 Rev. A; A-2000 Rev. A; A-2001 Rev. A; A-2002 Rev. A; A-2003 Rev. A; A-2004 Rev. A; A-2020 Rev. A; A-2200 Rev. A; A-2201 Rev. A; A-2202 Rev. A; A-2203 Rev. A; A-2204 Rev. A; A-2205 Rev. A; A-2206 Rev. A; A-2207 Rev. A; A-2208 Rev. A; A-2209 Rev. A; A-3200 Rev. A; A-3201 Rev. A; A-3202 Rev. A; A-3203 Rev. A; A-3204 Rev. A; A-3210 Rev. A; I-2640 Rev. A; Acoustic report Revision 02 dated 06.02.2019; Noise impact assessment addendum Revision 02; Noise impact assessment clarification 01 (Revision A) dated 2 May 2019; Energy strategy Revision 01 dated 06 February 2019; Operational Management Plan dated; Servicing Management Plan dated February 2019; Sustainability statement dated 06 February 2019; Transport statement dated February 2019.

For information only: Amano Group brochure; Daylight and sunlight study dated January 2019; Design and access statement dated 22 February 2018; Planning statement Ref: NJB/NLR/DBE/J7707; Statement of community involvement dated February 2019

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 020 7641 7013

**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 Prior to the commencement of any:

(a) demolition, and/or

(b) earthworks/piling and/or

(c) construction

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

Reason:

To protect the environment of 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),

4 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 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)

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

i) Sample of the granite cladding for the ground floor.

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 this sample (C26DB)

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)

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

- i) New windows and external doors: elevations and sections scaled 1:10.
- ii) Design details of the pavilion, scaled 1:10.
- iii) Details of the spandrel panels.

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 (C26DB)

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 carry out the measures included in your Operational Management Plan at all times that the hotel is in use. (C05KA)

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, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 You must not allow more than 114 customers in the basement bar, 34 customers in the 7th floor bar and 90 customers on the roof terrace at any one time.

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)

- 9 Non-residents hotel guests shall not be permitted to access, or remain within the basement bar and 7th floor bar except between 12.00 and Midnight Sunday to Thursday and 12.00 to 01.00 Fridays and 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)

- 10 The 7th floor terrace shall only be used by customers between 12.00 and 22.30 Monday to Saturday and between 12.00 and 22.00 on Sundays. Outside of these hours you can only use the roof to escape and/or maintenance purposes.

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)

- 11 All doors and windows within the 7<sup>th</sup> floor bar shall remain closed between the hours of 22.30 and 12.00 Monday to Saturday and between 22.00 and 12.00 on Sundays.

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)

- 12 No live or recorded music shall be played in the hotel use as such as to be audible outside the premises.

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)

- 13 The Servicing Management Plan must be followed from occupied for the life of the development, unless revised strategy is approved (in writing) by the Local Planning Authority.

## 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)

- 14 The areas for servicing, including those at ground floor holding areas and access corridors, must be retained for this purpose for the life of the development.

## 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)

- 15 You must apply to us for approval of details of secure cycle storage for a minimum of 19 spaces. 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:

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)

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

## 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)

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

**Reason:**

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

- 18 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 17 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 No properties shall be occupied until confirmation has been provided that either:

- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 21 You must provide a minimum 10% of the hotel bedrooms as wheelchair accessible.

Reason:

As required by Policy 4.5 of the London Plan 2016.

- 22 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)

- 23 The Juliet balconies on Drury Lane elevation must not be used for sitting out or for any other purpose.

## 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)

- 24 You must apply to us for approval of details of the limiters to be installed on the hotel windows on the Drury Lane elevation and the hotel windows serving rooms 309 and 409 on the Drury Lane Gardens elevation. You must then provide and retain those limiters for the lifetime of the development.

## 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)

- 25 The operator of the hotel must not accept bookings from parties using a vehicle with a capacity of 15 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. (R23AC)

- 26 Live music or amplified music will not be permitted on the roof terrace.

## 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, neighbourhood plan (where relevant), 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](http://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 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.  
Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).  
You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works

(i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., 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 3.

- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 Conditions 17 and 18 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 6 With regards to condition 20, the developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8 You are advised that lighting must be 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).
- 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 10 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

John Firrell MHCIMA  
 Secretary - Considerate Hoteliers Association  
 C/o Wheelwright's Cottage  
 Litton Cheney  
 Dorset DT2 9AR

E-mail: [info@consideratehoteliers.com](mailto:info@consideratehoteliers.com)  
 Phone: 01308 482313

(I76AA)

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Turner House, 16 Great Marlborough Street, London, W1F 7HS,		
Proposal	Alterations including 7 <sup>th</sup> floor roof extension, alterations to office and retail entrances/shopfronts on Great Marlborough Street; reconfiguration of western lightwell elevation, installation of photovoltaic panels, green roofs, new extract ventilation duct and new plant enclosure at roof level and creation of office and residential terraces. Use of lower ground, part ground and part 1st to part 7th floors as offices (Class B1); use of part ground floor for dual/alternative retail (Class A1) or restaurant (Class A3) purposes; reconfiguration of existing flats and provision of one additional flat; use of basement to provide plant, cycle parking/showers waste storage and car parking (site includes 11 Ramillies Place).		
Agent	CBRE		
On behalf of	Lazari Properties 3 Ltd		
Registered Number	18/09167/FULL	Date amended/ completed	20 March 2019
Date Application Received	26 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	-		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The application site is a modern development, dating from the late 1980s, which comprises a ground floor retail/café use (sui generis), offices and light industrial floorspace (Class B1), which is currently occupied by a broadcasting company, and six flats accessed from the rear of the site (11 Ramillies Place). Parts of the building are conditioned for use by the existing tenant and so will have 'nil' planning use once it is vacated by the current occupier.

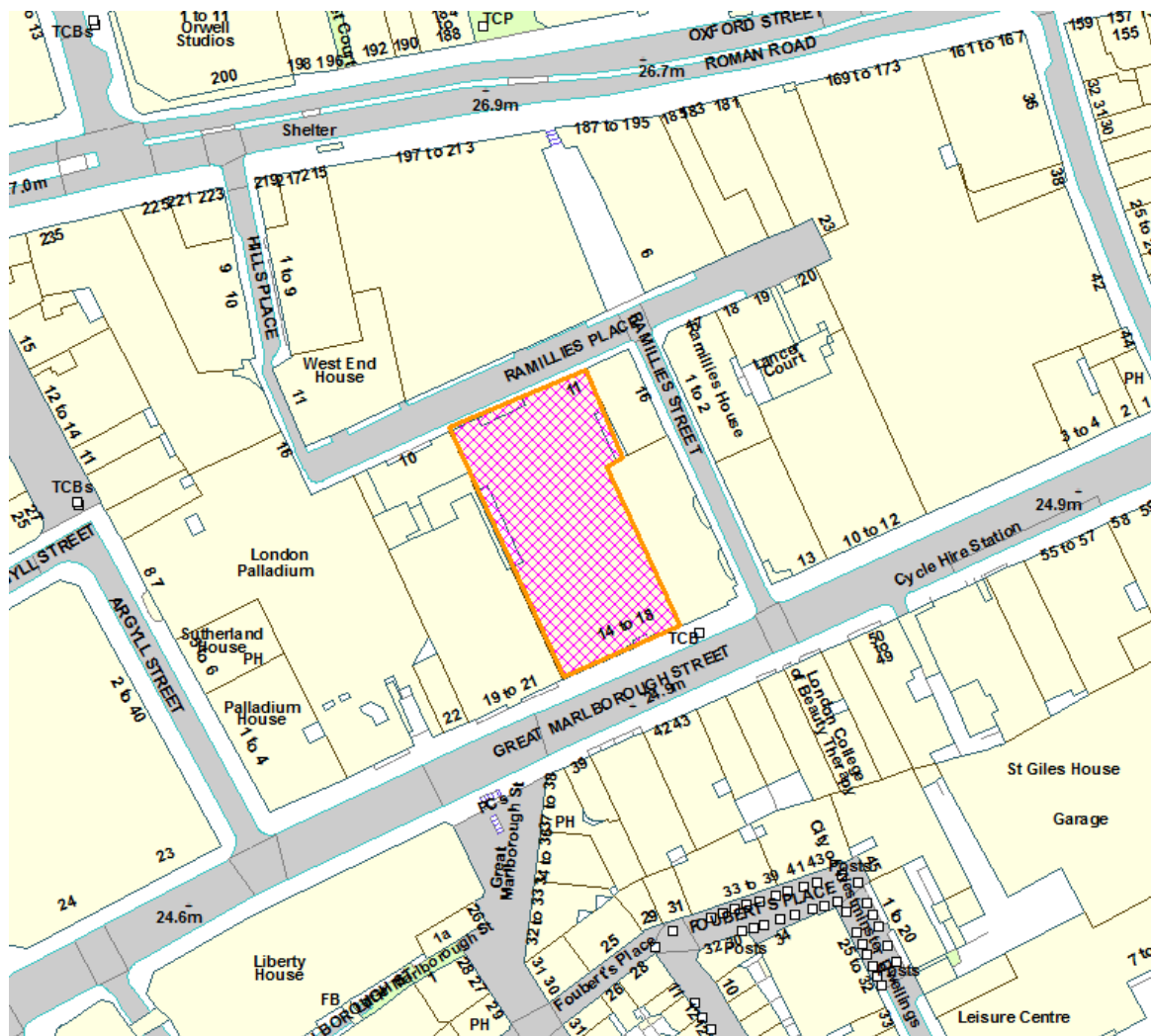
The scheme involves alterations and extensions to the building, including a seventh floor roof addition, in connection with the use of the upper floors as offices. The existing residential accommodation would be reconfigured and an additional flat provided. In addition, the existing mixed

use retail/café unit would be slightly enlarged for use as either a retail shop (Class A1) or a restaurant (Class A3). The key issues are:

- the acceptability of the scheme in land use terms, in particular the potential Class A3 use;
- the impact of the proposals upon the amenity of neighbouring properties;
- the acceptability of the proposals in design terms, their impact on views from neighbouring conservation areas and on the Strategic Viewing Corridor from Primrose Hill to the Palace of Westminster (as it breaches the development plane).

Subject to appropriate conditions, the scheme is considered acceptable in land use, amenity and design terms and the application is therefore recommended for approval.

### 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

No objection: negligible impact on the viewing corridor

### CROSSRAIL

No objection subject to safeguarding conditions.

### LONDON BOROUGH OF CAMDEN

Any response to be reported verbally

### LONDON BOROUGH OF LAMBETH

Any response to be reported verbally

### LONDON BOROUGH OF SOUTHWARK

Any response to be reported verbally

### HISTORIC ENGLAND

Do not wish to comment

### SOHO SOCIETY

Unspecified objection to proposed Class A3 use, 'would like to see it classed as A1'

### HIGHWAYS PLANNING

No objection to revised scheme subject to conditions

### CLEANSING

Revised arrangements for storage of refuse and recyclable materials acceptable

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### THAMES WATER

No objection, request informatives regarding surface water drainage, sewerage, waste water and construction issues.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154;

Total No. of replies: 1

No. of objections: 0

No. in support: 1

Letter of support from the neighbouring Photographers' Gallery

PRESS ADVERTISEMENT / SITE NOTICE: Yes



## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This is an unlisted building on the north side of Great Marlborough Street, with a rear frontage on Ramillies Place, comprising basement, lower ground, ground and first to sixth floors. The basement comprises parking and plant areas. There is a mixed use café/bakery (sui generis) on part ground floor, six flats on part first to sixth floors (known as 11 Ramillies Place) and a mixture of office (B1a) and light industrial use (B1c) floorspace, including a small broadcasting studio, editing suites and archives (currently occupied by Turner Broadcasting) in the remainder of the building. There is a significant amount of plant and large numbers of satellite dishes on the roof of the building associated with its current occupancy.

To the east, the site abuts offices at 14-15 Great Marlborough Street – which formed part of the original development with the application site - and the Photographers' Gallery at 16-18 Ramillies Street. To the west of the site is The Courthouse Hotel (19-21 Great Marlborough Street/10 Ramillies Place). Buildings in the area are largely in commercial use although records indicate that, in addition to the six flats on the upper floors of the application building, there are flats above the public house at 37-38 Great Marlborough Street and ten flats on the upper floors of No.39. There is also permission for a top floor flat within a new restaurant/office development at 47 Great Marlborough Street (under construction).

The site is within the core Central Activities Zone, the Soho Stress Area and the West End Special Retail Policy Area. It is not within a conservation area but lies adjacent to the Regent Street conservation area (to the west) and the Soho conservation area (to the south and east). It is also within the Strategic Viewing Corridor from Primrose Hill to the Palace of Westminster and falls within the safeguarding area for Crossrail 1. The building is located immediately adjacent to a grade II listed building at 19- 21 Great Marlborough Street

### 6.2 Recent Relevant History

The property was erected pursuant to a 1997 permission (97/00006/FULL) for the redevelopment of 14-18 Great Marlborough Street to provide a new building on basement, lower ground, ground and six upper floors for office, light industrial, dual alternative retail/restaurant and residential uses, incorporating basement parking and roof level plant.

Further permission was granted on 25 June 1998 (98/02611/FULL) for amendments to the approved scheme, including alterations to the basement, fourth to sixth floors and rooftop plant. The scheme provided 955 sqm of light industrial floorspace on the lower ground floor and 230 sqm on the ground floor of the application site. Condition 3 of the permission prevented the use of this light industrial floorspace for any other purpose.

17 October 2001 Separate permissions granted for the installation of a balustrade at sixth floor level and for the installation of 2 no, 2.4m diameter satellite dishes at roof level.

On 22 January 2002, personal permission was granted to Turner Broadcasting Services Europe Ltd to vary Condition 3 of the 1998 permission to reconfigure and increase the light industrial floorspace within the building to approximately 1248 sqm. The scheme replaced 788 sqm of first floor office accommodation with light industrial floorspace, to provide a television studio, and reduced the amount of light industrial floorspace on the lower ground and ground floors, replacing this with general office accommodation. The retained light industrial

floorspace at lower ground (245 sqm) and ground floor levels (215 sqm), was to be used as editing and programme production suites.

Condition 18 of the 1998 permission, which prevented access between the light industrial and office accommodation, to stop the encroachment of the general office use, was also removed on the basis that the building was occupied by the same user and that this restriction was impractical in terms of day-to day operation of the applicant's business.

A further condition was imposed to protect the retained light industrial floorspace on lower ground, ground and first floor levels (01/07998/FULL).

By early 2004, part of the lower ground floor was used for general office purposes (713sqm) and part (245 sqm) for light industrial purposes. A separate area (320sqm) provided ancillary storage accommodation for the ground floor retail unit.

On 1 April 2004, personal permission was granted to Turner Broadcasting Services for the use of the lower ground floor for light industrial purposes (04/00547/FULL). This permission was subject to a condition to prevent the use of this accommodation for any other purpose.

This 2004 proposal necessitated the relocation of general office floorspace (120 sqm) to the rear part of the western ground floor retail unit, leaving a retail unit of 240 sqm at part ground floor level. Consequently, also on 1 April 2004, personal permission was granted to Turner Broadcasting Services the use of this space for unrestricted Class B1 purposes (04/00548/FULL).

A condition was also imposed on the latter permission (04/00548/FULL) to limit the use of this space for light industrial purpose. In pre-application discussions, the applicant's view was that this condition has no effect as the permission 'did not permit any B1c light industrial floorspace'. However, although the condition was evidently imposed in error, officers consider that it does 'bite' and effectively limits the use of that floorspace to Class B1c.

The lower ground floor uses permitted by the 2004 approval (04/00547/FULL) necessitated the installation of additional generators in the basement car park. Consequently, permission was granted on 8 September 2004 (04/05896/FULL) for the use of seven basement car parking spaces for the storage of generator equipment. This permission was also personal to Turner Broadcasting. The officer's report states that six residential car parking spaces were to be retained for the existing flats

None of the personal permissions detailed above included reversion conditions. Consequently, upon vacation of the premises by Turner Broadcasting, the areas which were the subject of these personal permissions, whether for general office use for light industrial purposes or as plant storage areas, would have 'nil' planning use.

In May 2006 further permission was granted for the use of the retained ground floor retail floorspace as a mixed retail/café use (sui generis) comprising an organic bakery and cafe for the consumption of bread-based products both on and off the premises ('Le Pain Quotidien') (05/10433/FULL). Permission was granted on the basis that the unit could lawfully be occupied as a restaurant (Class A3), as the permission for the original redevelopment was for either a Class A1 or Class A3 retail use. There was evidence that the unit had been occupied for both Class A1 and Class A3 use prior to becoming vacant for approximately two years.

10 March 2015 Permission granted for the installation of four satellite antenna on the rear roof.

## 7. THE PROPOSAL

The current occupants of the office/light industrial floorspace propose to vacate the building. The application is for various alterations including:

- the erection of a seventh floor roof extension;
- alterations to the Great Marlborough Street façade including modifications to office and retail entrances/shopfronts and to fenestration on the upper floors;
- the reconfiguration of the western courtyard/lightwell to introduce a sloping glass wall at first to sixth floor levels;
- the installation of photovoltaic panels, green roofs, a new extract ventilation duct and new plant enclosure at roof level;
- the creation of office and residential terraces at sixth and seventh floor level;
- the use of the lower ground, part ground, part first to part seventh floors as offices (Class B1), including the use of those areas currently occupied for light industrial purposes and office purposes under personal planning permissions;
- the use of part ground floor for dual/alternative retail (Class A1) or restaurant (Class A3) purposes;
- the reconfiguration of existing flats and provision of an additional (seventh) flat;
- the use of basement to provide plant, cycle parking/showers waste storage and seven parking spaces for occupants of the retained and new flats.

The existing and proposed floorspace figures are as follows:

	Existing (GIA) sqm	Proposed GIA (sqm)	+/-
B1(a) Office	9843*	12729	+ 2886
B1 (c) Light industrial	2297**	0	-2297
Retail/café (sui generis)	230	0	-230
A1 retail or A3 restaurant	0	249	+249
C3 Residential	928	966	+ 38
Total	13298	13944	+646

The figures \* and \*\* include those areas which are subject to personal permission and which would benefit from 'nil' planning use once the building is vacated by the present occupier.

The application has been revised to correct the site address (to include 11 Ramillies Place; to amend the profile and materials of the proposed roof addition and details of fenestration to the front elevation, to create an additional seventh floor office terrace to the western lightwell; to show the location /number of roof level photovoltaic panels; to provide a basement parking space for all of the retained and new flats (7 spaces), to increase the level of cycle parking provision and to provide revised detailed of refuse storage provision. In

addition, the ground floor plan has been revised to show tables and chairs on the private forecourt to the front of the building and a revised draft Operational Management Plan has recently been provided in support of the proposed restaurant use.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Office use**

City Plan policy S20 encourages the provision of new office floorspace on sites within the Core CAZ. In these circumstances, any increase in Class B1a floorspace is considered acceptable in principle.

The scheme would result in the provision of an additional 2,886 sqm of office floorspace on the site, including those areas currently in personal office and light industrial use which would have 'nil' planning use. City Plan policy S1 encourages mixed use development in the CAZ. Where, in specified locations, including within the core CAZ, there is a net increase in B1 office floorspace, if the net additional floorspace (of all uses) is less than 30% of the existing floorspace, or less than 400sqm (whichever is the greater) or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required. Policy S1 does not apply to changes of use.

In this case, the net additional floorspace of all uses (646 sqm) is less than 30% of the existing building floorspace (13,298 sqm) and no residential floorspace is therefore required.

#### **Light industrial use**

Saved UDP policy COM 8 seeks to protect light industrial uses within the Creative Industries Special Policy Area (SPA). The site is located within the SPA as designated with the UDP. However, the City Plan no longer designates a Creative Industries SPA, acknowledging the overlap between, light industrial and general office uses and the fact that many creative industries can operate from general office premises. Consequently, the City Plan, whilst recognises that protecting and enhancing the Creative Industries is a priority – no longer protects light industrial floorspace. In these circumstances, the loss of the former light industrial floorspace on lower ground, part ground and part first floors, which will have a 'nil' planning use once the current tenant vacates the building, is considered acceptable in principle.

#### **Residential use**

The building current provides six residential units on part first to part sixth floors comprising four flats and 2 duplex apartments (5 x 1 bed and 1 x 2 bed) measuring between 55 and 110 sqm. The application seeks to retaining three of the flats, to reconfigure the reminder and to provide one additional unit, providing six flats and 1 duplex apartment (6 x 1 bed and 1 x 2 bed) measuring between 55 and 115 sqm. The majority of the existing residential floorspace at sixth floor level would be relocated to the new seventh floor extension. The two seventh floor flats would benefit from small terraces.

The scheme would provide an additional 38 sqm of residential floorspace which complies with policy H3 of the UDP and City Plan policy S14. The new accommodation is considered to provide an acceptable standard of accommodation and the creation of new private amenity space is welcomed.

UDP policy H5 seeks a range of unit sizes within new residential developments and normally requires 33% of new units to be family sized i.e. with three or more bedrooms. However, in built up central areas, a lesser proportion of family units may be considered appropriate. City Plan policy S15 also requires new developments to include a range of unit sizes. There are currently no family sized units on the site. The scheme would result in the provision of one additional 1 bed unit. In these circumstances, and given the site's central location, the proposed residential mix is considered acceptable.

Given the modest increase in residential floorspace proposed (38 sqm), this aspect of the scheme does not trigger a requirement to provide affordable housing.

### **Retail use**

The building currently provides a mixed café/bakery use at ground floor level (sui generis). The unit, which measures approximately 230 sqm occupies three window bays. It has 90 covers inside and 12 outside. The retail element, including the bakery counter, occupies the front part of one of the three window bays.

### **Increase in retail floorspace**

The proposal involves the reconfiguration of the existing shop unit, involving a slight increase in floorspace (19 sqm) and seeks approval for either retail or restaurant uses. The Soho Society consider that the unit should be in Class A1 retail use, rather than restaurant use. The potential use of this unit to provide a Class A1 retail shop would result in a welcome increase in Class A1 floorspace. This accords with the aims of the UDP to enhance retailing within the West End and with City Plan policies S21 and S7, which direct new retail floorspace to designated shopping areas and welcome the creation of improved retail space within the WESRPA.

It is noted that there is a slight reduction in the width of the ground floor retail resulting from the creation of an enhanced office entrance but it is not considered that this small change would have a material impact upon the attractiveness of the retail unit.

### **Potential loss of retail floorspace**

The proposals would potentially result in the loss of an element of retail floorspace within the existing bakery/café if the reconfigured ground floor unit is converted to Class A3 use. The Soho Society has objected to the proposed restaurant use on unspecified grounds, but welcome the potential Class A1 use.

UDP policy SS5 seeks an appropriate balance of town centre uses within the CAZ, outside of the primary shopping frontages and Class A1 uses at basement, ground and first floor level are protected. Permission will only be granted for the introduction of a non-A1 town centre use on these floors where the use would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality. Additionally, proposals for non-A1 uses must not lead to, or add to, a concentration of three or more consecutive non-A1 uses or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area. City Plan policy S21 protects existing A1 retail floorspace except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let. Policy S7 seeks to maintain and enhance the unique status and offer of the West End Special Retail Policy Area.

Whilst these policies would normally seek to protect existing retail floorspace, given the nature of the existing use, the small amount of retail floor area currently occupied by the retail function, the fact that the unit was originally developed for either retail or café/restaurant use (and has a history of occupation in both uses), and as the general perception of the existing use is likely to be as a café, it is not considered that the loss of the existing retail function would have an adverse impact upon the character and function of the area. In these circumstances, the loss of the existing retail floorspace is considered acceptable.

### **Restaurant/cafe use**

The approved plans for the existing use show seating for 90 customers – occupying approximately two-thirds of the main trading area - with an additional 12 customers on the pavement at the front of the building. The customer capacity is controlled by condition. The approved hours of use are between 07.00 and 22.00 hours on Monday to Friday and 08.00 to 22.00 hours at the weekend. This permission is subject to conditions to maintain the proposed layout, to prevent primary cooking, on the basis that no kitchen extract duct was proposed.

The current scheme could potentially result in the introduction of a Class A3 restaurant measuring 249 sqm. An internal kitchen extract duct is proposed, discharging at roof level, to facilitate primary cooking. The Soho Society has objected to the proposed Class A3 use on unspecified grounds.

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core Central Activities Zone. However, as the site is located within the West End Stress Area, the introduction of new entertainment uses is considered more sensitive and policy S6 states that “new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses”.

Given the size of the proposed restaurant and its location within the West End Stress Area, UDP TACE 9 applies. Permission will only be granted for the proposed use where the Council is satisfied that it would have no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, or increased parking and traffic; and no adverse effect on the character or function of the area. The Council will have particular regard to premises capacity, opening hours, arrangements to safeguard amenity and prevent disturbance from smells, noise and vibration disturbance (including that from the use of extract/ventilation and air conditioning plant), servicing arrangements (including for the storage, handling and disposal of waste and recyclable materials) and the positioning of any tables and chairs in open areas within the curtilage of the premises. Where necessary and appropriate, conditions will be imposed to ameliorate the potential effects of the use.

City Plan policy S24 requires that proposals for 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.

This part of Great Marlborough Street is characterised by commercial uses including a mixture of restaurant and office uses at ground floor level, with some isolated shop units. On

the north side of the street there are various entertainment uses including a public house, the application premises and further restaurant at No. 22 and on the corner with Argyll Street. On the southern side of the street, the frontage between the public house at 37/38 Great Marlborough Street and Poland Street, contains restaurants at Nos. 39, 42, 44 and 59. There are also several cafés on the return frontage (32-36 Great Marlborough Street), which form the gateway to Carnaby Street. There is also extant permission for the redevelopment of 47 Great Marlborough Street behind the retained front facades. The approved schemes includes a dual Class A1/A3 units.

Apart from the flats at the rear of the site, the closest residential properties to the proposed restaurant are at 37-39 Great Marlborough Street (above an existing public house and restaurant) and the existing and proposed flats on the top floor of the building and a new flat at 47 Great Marlborough Street, above an approved restaurant. However, given the largely commercial character of this busy area, and the nature of the existing use, which includes a significant café component, it is not considered that the proposed Class A3 use would, if adequately controlled, have a material impact on the character and function of this part of the Soho conservation area.

As the scheme includes a new flat and refurbished/extended offices and flats, the applicant has every incentive to ensure that the restaurant can operate without adversely affecting the amenity of future occupiers or the environmental quality of the area. To ensure this, conditions could be imposed to control the opening times, premises capacity, the nature of the use and the size of any ancillary bar (which would be used only by diners before and after meals).

This is a speculative application which is supported by a draft Operational Management Plan (OMP). The OMP sets out a number of guiding principles for the proposed restaurant operation and acknowledges that, given its location within the Stress Area, the premises would require careful management to safeguard local amenities. The OMP includes various measures designed to ameliorate the impact of the proposed use including:

- Restaurant opening between 08.00 and 23.30 on Monday to Saturday and from 09.00 to 22.00 on Sundays;
- Customer capacity of 110 within the building. The submitted plans also show tables and chairs for 15 customers at the front of the building. The Highways Engineer has advised that this space is public highway. As the application does not include tables and chairs on the highway, an informative is recommending reminding the applicant of the need to obtain separate planning permission;
- Entrance doors to remain shut except for access and egress. (The restaurant windows are fixed shut);
- Table bookings will be undertaken on a staggered basis to prevent large groups of people entering/leaving the premises at the same time and to prevent queuing;
- undertakings to encourage customers to leave the restaurant quickly and quietly, with signage displayed at the exits requesting patrons to respect the needs of local residents and businesses;
- for the operator to make arrangements with a hackney carriage and/or private carriage firm to provide transport for customers. Contact numbers will be made readily available to customers who will be encouraged to use such services and to wait inside the premises until their taxi has arrived. Customers will be discouraged from using Ramillies

Street (where the residential entrance is located) and guests using pre-booked taxis will be encouraged to ask the driver to collect them from Great Marlborough Street;

- to ensure that the future operator to implement robust management structure to ensure compliance with statutory regulations and public safety requirements. Experienced and professional staff will be employed. It is considered that any finalised OMP should include a protocols dealing within any complaints received and to appropriate measures in place to address any concerns raised;
- to ensure that all restaurant servicing takes place from the kerbside on Ramillies Place
- the operator will install a glass grinder to ensure silent disposal of bottles;
- to encourage customer smoking to take place outside the premises on Great Marlborough Street (where an ash tray will be provided) and to ensure that cigarette butts are regularly swept up throughout the day. Staff will be discouraged from smoking on Ramillies Street.

These commitments are welcome. However, it is considered appropriate to require a finalised OMP to be submitted and approved, once a tenant has been identified and before the use commences, to ensure that adequate safeguards are in place.

This proposed internal capacity (110 customers, not counting potential outside seating) is not significantly different from that approved for the existing use (90 internally and 12 outside) and reflects the increase in total floor area and the loss of the existing retail floorspace. The proposed operating hours are consistent with advice in the UDP where for entertainment uses in predominantly residential areas, conditions will be imposed to prevent customers remaining on the premises after midnight on Sundays to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights (with some permitted extensions on days preceding Bank Holidays). As this is not a predominantly residential area, the proposed opening hours are considered reasonable. They are the same as the approved hours for the restaurant at 42 Great Marlborough Street, opposite the site (capacity 225), and are less than those more recently approved for a new restaurant use at 47 Great Marlborough Street (07.00 to 24.00 hours) and are not significantly later than those already permitted for the site (until 22.00 hours) and reflect the nature of the proposed use.

Given the nature of the existing use, subject to conditions to control the proposed operation, including a restriction on capacity and the hours of operation, conditions to prevent hot food takeaway sales and the operation or servicing of a food delivery service, and a requirement for the submission of a finalised OMP which includes measures to protect residents' amenity, it is not considered that the proposed use would have an adverse impact in the amenity or environmental quality of the area and the use is considered acceptable in land use and amenity terms. The impact of the use in highways terms is detailed in section 8.4 below.

## **8.2 Townscape and Design**

Turner House is a 1990s unlisted building located outside of a conservation area. The boundary of the Soho Conservation Area runs immediately to the south and west of the site and there are several listed buildings located in close proximity, including the neighbouring grade II listed building at 19- 21 Great Marlborough Street. The building is also located within the protected strategic view 4A.2 from Primrose Hill to the Palace of Westminster. The building is located in a sensitive location in heritage asset terms and forms an important part of the setting of the neighbouring conservation area as well as the adjacent listed building.



The existing development exceeds the height of the development plane of the strategic view 4A.2 by approximately 1.6m, although this amount is variable in different locations across the site. UDP policy DES 14 (Strategic Views) seeks to protect and enhance strategic views of St Paul's Cathedral and the Palace of Westminster. The policy resists development where the height of the development plane is exceeded by the proposed development and the strategic views are interrupted. The proposal involves the removal of an existing plant area at rear roof level, associated with the existing occupier, and the erection of an additional storey with lift overruns projecting above. The existing plant enclosure to the front of the roof is retained. The proposed development would result in an overall increase of a further 1.8m above the development plane, to the lift overruns, and 0.9m to the proposed parapet. In addition to the existing breach, the building would exceed the height of the development plane by a maximum of 3.4m, although this amount varies across the site. Given this breach above the development plane, the proposal is contrary to DES 14.

Notwithstanding this breach, when viewed from Primrose Hill (which is 3.1km from the proposal site), the impact of the proposed increase in development height on views of the Palace of Westminster would be imperceptible. The proposed development results in a marginal breach which does not obscure the Palace of Westminster and does not interrupt the strategic view towards this point. The proposal for areas of green roof will soften the appearance of the development from high level and in long views. On balance therefore, the proposal is recommended for approval due to the particular circumstances of this case and the limited impact of this proposed development on the protected views of the Palace of Westminster. Conditions to limit additional plant and clutter on the roof are recommended. The Greater London Authority have raised no objection to this increase in height above the development plane.

The proposed roof extension will also be visible from street level, particularly from the Great Marlborough Street/ Carnaby Street junction. Negotiations with the applicant have secured amendments to the original design in order to reduce the visual impact of the proposed roof extension from street level. The pitching of the lightwell infill and stair core have reduced the bulk at this level and improved the overall form of the new roof storey, which now relates more successfully to its context and reduces the impact on the setting of the adjacent listed building. Original proposals for glazed lift overruns were considered unacceptable, being incongruous in the context of the palette of the roofscape and materials in this area. The revised proposals now show zinc cladding to the overruns, which is considered acceptable. The revised design is considered acceptable from street level views at the Great Marlborough Street/ Carnaby Street junction and will preserve the setting of the adjacent listed building and conservation. Given the limited width of Ramillies Place, visibility from the rear will be very limited and the proposed development is considered acceptable.

The partial infill of the existing lightwell is also considered acceptable in design terms, given the amended design which incorporates a pitch at roof level to reduce its impact from street level. The proposed alterations to the front (south) façade have also been amended. An original proposal to remove the central bay of windows and replace them with frameless glazing was considered to disrupt the consistency of fenestration on this large façade. The central bay of windows will now be retained as existing, in keeping with the fenestration pattern of the south façade. The proposed alterations at ground and first floor level are considered uncontentious in design terms.

In conclusion, whilst the proposal is contrary to DES 14, the application is recommended for approval due to its imperceptible impact on the strategic view 4A.2. The proposal is compliant with DES 6 and will preserve the setting of nearby listed buildings and the adjacent conservation area, in compliance with DES 9 and DES 10. The application is therefore recommended for approval in design terms.

### **8.3 Residential Amenity**

The application site is located in a primarily commercial area. Records indicate that the nearest residential premises are on the upper floors of the building and opposite, at 39 Great Marlborough Street.

#### **Sunlight and Daylight**

The scheme proposes an increase in height and bulk at seventh floor level, towards the rear of the site. The application is accompanied by a detailed daylight and sunlight assessment which demonstrates that, given the relationship of the proposed extensions to neighbouring sites, there would be no material loss of light to neighbouring flats. Any reductions in daylight levels would be under 1%, well below the 20% threshold set down in the BRE guidance. Additionally there would be no reduction in annual or winter sunlight to any of the properties tested.

Similarly, it is not considered that the proposals would have a material impact on the levels of light received to neighbouring commercial premises, including the neighbouring Photographers' Gallery, which does not have any windows facing the application site.

#### **Sense of Enclosure**

Given the relationship of the proposed extension to neighbouring properties, it is not considered that the proposed roof extension would result in any material increase in the sense of enclosure to neighbouring windows.

#### **Privacy**

The existing development includes office terraces at fourth and fifth floor level, in the western lightwell adjacent to the neighbouring hotel, and a 'wrap around' terrace to the front and west side of the building together with a smaller terrace on the east side of the building overlooking the rear of the Photographers' Gallery – both at sixth floor level.

The proposal removes the fourth and fifth floor western terraces, enclosing these behind the new sloping wall within the lightwell, and also encloses the sixth floor terrace on the east side of the building. A new office terrace, fronting Ramillies Place, a sixth floor office terrace to the western lightwell and two new seventh floor residential terraces overlooking the blank western facade of the Photographers' Gallery, will be provided.

Given the relationship of the proposed terraces to neighbouring properties, and the use of these buildings, it is not considered that the creation of the new terraces would adversely affect the amenity or operation of neighbouring commercial buildings or would affect the amenity of other flats within the development. Similarly, it is not considered that the new windows within the proposed extensions would result in any material loss of privacy to neighbouring properties.

In view of the above, it is not considered that the proposed development would result in a loss of amenity to neighbouring properties and the scheme is therefore considered to comply with UDP policy ENV 13 and S29 of the City Plan.

## **8.4 Transportation/Parking**

### **Parking/cycle parking**

The 2008 permission approved the use of 7 basement parking spaces to provide broadcasting equipment required by the applicant, and was approved on the basis that six parking spaces for the existing flats would be retained. On the basis that this permission was personal to Turner Broadcasting, this space would have 'nil' planning use.

The original application showed the provision of five basement level parking spaces for the development, three of which were designated for residents' parking. The Highways Planning Manager expressed concern about the absence of parking for the additional flat proposed but suggested that the shortfall could be addressed through a requirement for the developer to provide car club membership for occupants of the new flat. However, given the planning history, it was considered that that parking should be re-provided for the existing flats, with an additional parking space for the new unit. The application has since been revised to show the provision of seven residential parking spaces. This complies with policy TRANS 25 of the UDP and would be secured by condition

The site is centrally located and close to good public transport links. It is considered that the level of parking demand associated with the proposed office and Class A uses would be similar to the existing. The site is in a Controlled Parking Zone and anyone accessing the site by car will be subject to local parking controls.

### **Cycle parking**

There are currently 16 cycle spaces within the basement. London Plan policy 6.9 would require 1 cycle space to be provided per 90 m<sup>2</sup> of office floorspace, one space per 175 m<sup>2</sup> for Class A uses, 1 space per residential dwelling, with 2 spaces for each dwelling comprising two or more bedrooms. Based on the floorspace within the development, the policy requirement would be for a minimum of 2 cycle spaces for the Class A use and 142 spaces for the Class B1 use, and 8 spaces for the flats.

The plans have been revised to show 140 parking spaces (increased from 120) in the basement. These spaces would be accessed via a dedicated cycle lift at the rear of the site. (There is also a cycle stair rail for use in the event of an emergency). This increased level of cycle parking is welcomed and is considered sufficient to meet the needs of the development. The cycle parking would be secured by condition. The provision of staff showers and lockers is welcomed

### **Servicing**

The servicing demands of the proposed development are likely to be similar to those of the existing uses. There are yellow lines in the vicinity of the site where loading and off-loading can take place. The draft Operational Management Plan confirms that all servicing will take place from the highway on Ramillies Place. This is considered acceptable. However, given the servicing demands associated with a food retail use (supermarket) a condition is recommended to prevent such use in the event that the unit is occupied for Class A1 purposes.

**Crossrail**

The site falls within the Crossrail safeguarding line. Crossrail raised no objection to the revised proposals subject to conditions.

**8.5 Economic Considerations**

Any economic benefits generated by the proposals are welcomed

**8.6 Access**

Access arrangements remain unchanged

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

The scheme provides replacement plant at roof level, and within the basement. The application is accompanied by an acoustic report. The Council's Environmental Health Officer has raised no objection to the plant proposals subject standard conditions relating to noise and vibration. The proposal is therefore considered to comply with UDP policy ENV7 and S32 of the City Plan

**Dispersal of cooking smells**

The application drawings include proposals for a full height kitchen extract duct which runs through the building and discharges at roof level. The Environmental Health Officer has confirmed that the proposed arrangements for the dispersal of cooking smells are acceptable and would safeguard the amenity of flats within the application building and occupants of neighbouring property. Subject to a condition requiring the extract duct to be provided prior to the commencement of a restaurant use, this aspect of the scheme is considered acceptable and complies with UDP policy ENV5 and S31 of the City Plan.

**Refuse /Recycling**

The application has been revised to provide amended details of storage for refuse and recyclable materials, which were considered inadequate. The amended plans show separate office and residential storage waste stores at basement level, and a waste store for the retail/restaurant unit at rear ground floor level.

The Project Officer (Waste) has confirmed that the revised details are now acceptable. These arrangements will be secured by condition. It is noted that there is internal access link between the proposed Class A1/A3 unit and the rear refuse/recycling store. However, this replicates the existing situation.

**Biodiversity**

The scheme includes new areas of green/living roofs on the building. This would increase the site's contribution to the biodiversity of the area and is welcomed, complying with policy S38 of the City Plan. A condition is recommended requiring full details of the construction and planting of these areas.

### **Sustainability**

City Plan policy S28 states that new development must incorporate exemplary standards of sustainable design which should reduce energy use and emissions that contribute to climate change during the lifecycle of the development and to ensure the reduction, reuse or recycling of resources and materials. An extended life-time of the building itself should be achieved through excellence in design and the use of high quality durable materials and the efficient operation of the building.

The London Plan provides a framework for achieving sustainable development. Policy 5.3 requires that the highest standards of sustainable design and construction to be achieved to improve the environmental performance of new developments.

The application is supported by a sustainability report which details proposed measures to achieve these policy objectives. The development will include photovoltaic panels at roof level and will utilise thermally efficient building materials and include energy efficient heating, lighting and water systems and install energy efficient appliances. A BREEAM Pre-Assessment report has been provided in relation to the refurbishment of the non-domestic parts of the building which estimates that the development will 'achieve a 'very good' rating.

The proposed energy efficiencies are welcomed and comply with relevant local plan and London Plan policies.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

Not relevant

### **8.10 London Plan**

As the proposals breach the development plane within the Strategic Viewing Corridor from Primrose Hill to the Palace of Westminster, the application has been referred to the GLA. They have raised no objection to the application, considering that the proposals would have a negligible impact on the viewing corridor.

### **8.11 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.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence Crossrail safeguarding requirements. The applicant has agreed to the imposition of the condition.

### **8.12 Planning Obligations**

The development does not trigger any planning obligations.

The estimated Westminster CIL payment is £161,619.19. The mayoral CIL is estimated at £114,030.

### **8.13 Environmental Impact Assessment**

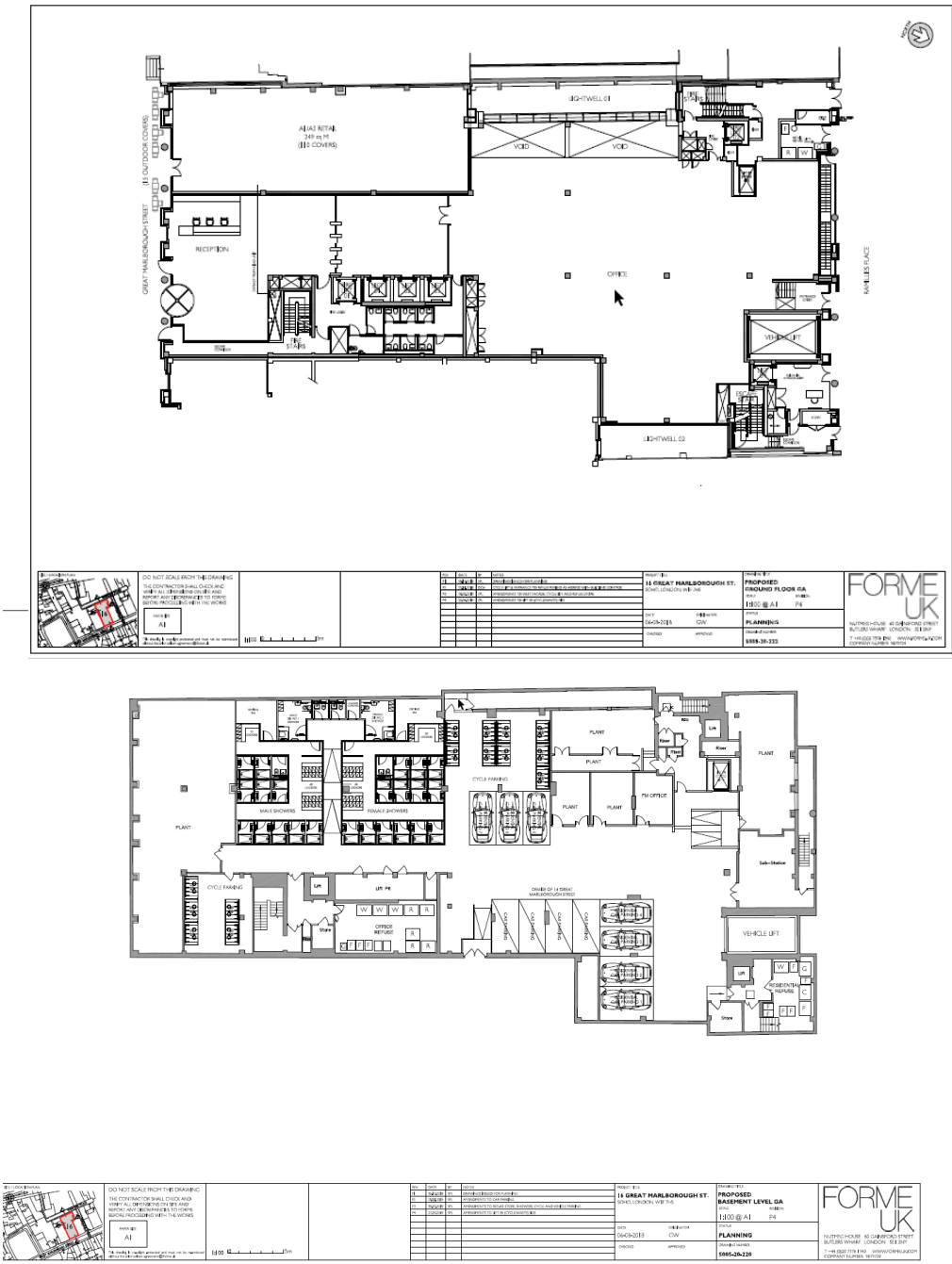
An Environmental Impact Assessment is not required given the nature of the development.

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

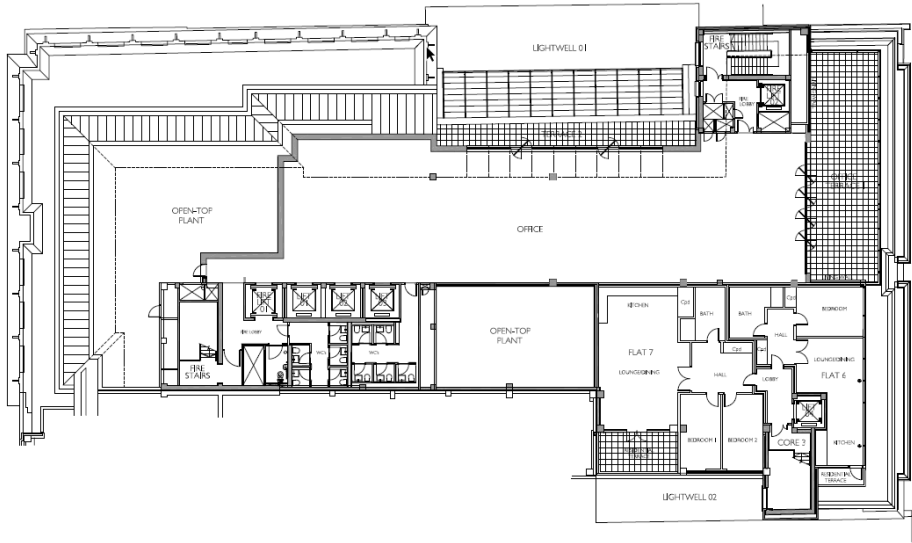
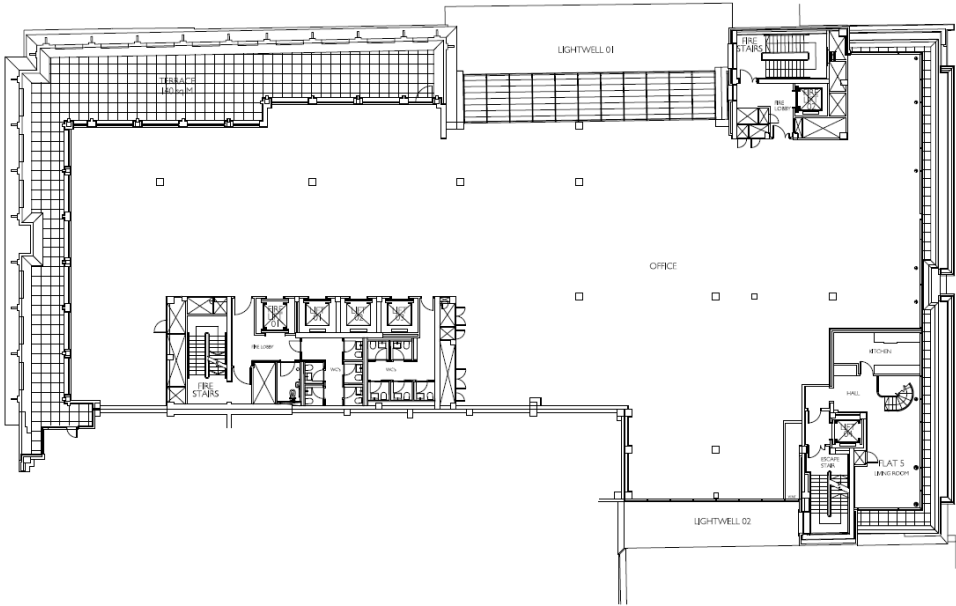
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

9. KEY DRAWINGS

Proposed basment and ground floor plans



Proposed sixth and seventh floor plans



DO NOT SCALE FROM THIS DRAWING  
THE CONTRACTOR SHALL CHECK AND  
VERIFY ALL DIMENSIONS ON SITE AND  
REPORT ANY DISCREPANCIES TO FORME  
BEFORE PROCEEDING WITH THE WORKS

1:100

DATE	2024	BY	AI
REVISION	01	DATE	2024
DESCRIPTION	REVISION 01: UPDATE DRAWING TO REFLECT LATEST INFORMATION		
DATE	2024	BY	AI
REVISION	02	DATE	2024
DESCRIPTION	REVISION 02: UPDATE DRAWING TO REFLECT LATEST INFORMATION		
DATE	2024	BY	AI
REVISION	03	DATE	2024
DESCRIPTION	REVISION 03: UPDATE DRAWING TO REFLECT LATEST INFORMATION		

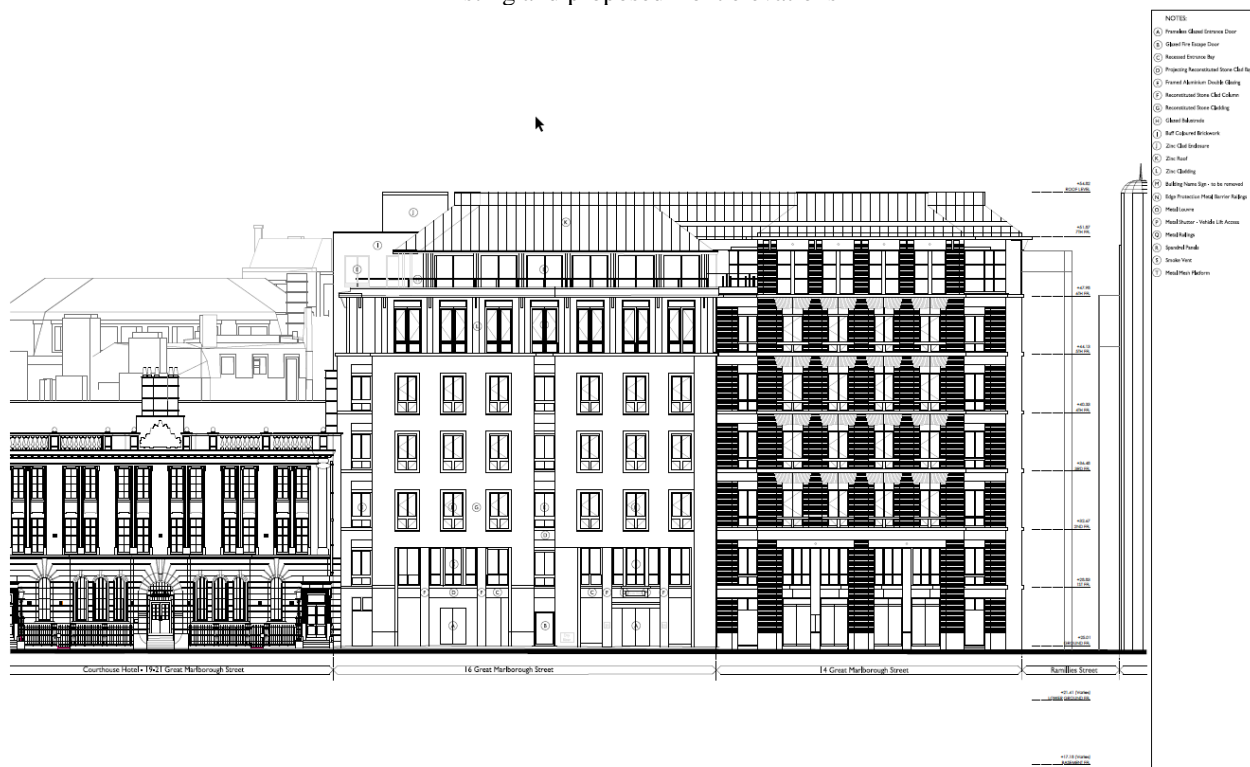
PROJECT NO.  
14 GREAT HARBOROUGH ST.  
SOMERSET, LONDON, W1P 7JL

PROPOSED  
SEVENTH FLOOR GA  
1:100 @ A1

FORME  
UK  
NORTH HOUSE 40 CHANCERY STREET  
SOUTHERN SHAW, LONDON, SE1 2HT  
T +44 (0)20 7701 0100 WWW.FORMEUK.COM  
COPYRIGHT FORME 2024



## Existing and proposed front elevations



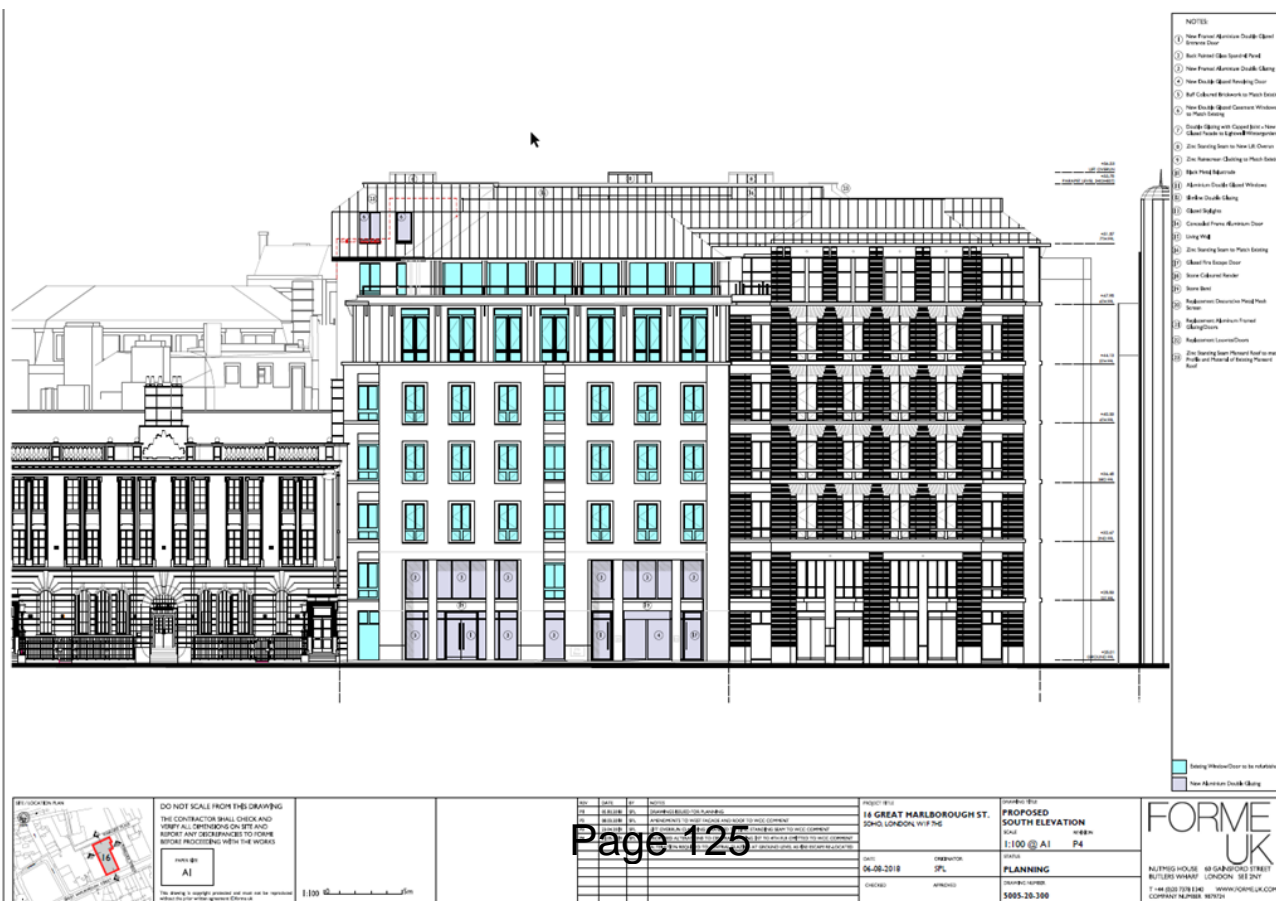
- NOTES
1. Proposed Glass Entrance Door
  2. Proposed Glass Entrance Door
  3. Proposed Glass Entrance Door
  4. Proposed Glass Entrance Door
  5. Proposed Glass Entrance Door
  6. Proposed Glass Entrance Door
  7. Proposed Glass Entrance Door
  8. Proposed Glass Entrance Door
  9. Proposed Glass Entrance Door
  10. Proposed Glass Entrance Door
  11. Proposed Glass Entrance Door
  12. Proposed Glass Entrance Door
  13. Proposed Glass Entrance Door
  14. Proposed Glass Entrance Door
  15. Proposed Glass Entrance Door
  16. Proposed Glass Entrance Door
  17. Proposed Glass Entrance Door
  18. Proposed Glass Entrance Door
  19. Proposed Glass Entrance Door
  20. Proposed Glass Entrance Door
  21. Proposed Glass Entrance Door
  22. Proposed Glass Entrance Door
  23. Proposed Glass Entrance Door
  24. Proposed Glass Entrance Door
  25. Proposed Glass Entrance Door
  26. Proposed Glass Entrance Door
  27. Proposed Glass Entrance Door
  28. Proposed Glass Entrance Door
  29. Proposed Glass Entrance Door
  30. Proposed Glass Entrance Door
  31. Proposed Glass Entrance Door
  32. Proposed Glass Entrance Door
  33. Proposed Glass Entrance Door
  34. Proposed Glass Entrance Door
  35. Proposed Glass Entrance Door
  36. Proposed Glass Entrance Door
  37. Proposed Glass Entrance Door
  38. Proposed Glass Entrance Door
  39. Proposed Glass Entrance Door
  40. Proposed Glass Entrance Door
  41. Proposed Glass Entrance Door
  42. Proposed Glass Entrance Door
  43. Proposed Glass Entrance Door
  44. Proposed Glass Entrance Door
  45. Proposed Glass Entrance Door
  46. Proposed Glass Entrance Door
  47. Proposed Glass Entrance Door
  48. Proposed Glass Entrance Door
  49. Proposed Glass Entrance Door
  50. Proposed Glass Entrance Door
  51. Proposed Glass Entrance Door
  52. Proposed Glass Entrance Door
  53. Proposed Glass Entrance Door
  54. Proposed Glass Entrance Door
  55. Proposed Glass Entrance Door
  56. Proposed Glass Entrance Door
  57. Proposed Glass Entrance Door
  58. Proposed Glass Entrance Door
  59. Proposed Glass Entrance Door
  60. Proposed Glass Entrance Door
  61. Proposed Glass Entrance Door
  62. Proposed Glass Entrance Door
  63. Proposed Glass Entrance Door
  64. Proposed Glass Entrance Door
  65. Proposed Glass Entrance Door
  66. Proposed Glass Entrance Door
  67. Proposed Glass Entrance Door
  68. Proposed Glass Entrance Door
  69. Proposed Glass Entrance Door
  70. Proposed Glass Entrance Door
  71. Proposed Glass Entrance Door
  72. Proposed Glass Entrance Door
  73. Proposed Glass Entrance Door
  74. Proposed Glass Entrance Door
  75. Proposed Glass Entrance Door
  76. Proposed Glass Entrance Door
  77. Proposed Glass Entrance Door
  78. Proposed Glass Entrance Door
  79. Proposed Glass Entrance Door
  80. Proposed Glass Entrance Door
  81. Proposed Glass Entrance Door
  82. Proposed Glass Entrance Door
  83. Proposed Glass Entrance Door
  84. Proposed Glass Entrance Door
  85. Proposed Glass Entrance Door
  86. Proposed Glass Entrance Door
  87. Proposed Glass Entrance Door
  88. Proposed Glass Entrance Door
  89. Proposed Glass Entrance Door
  90. Proposed Glass Entrance Door
  91. Proposed Glass Entrance Door
  92. Proposed Glass Entrance Door
  93. Proposed Glass Entrance Door
  94. Proposed Glass Entrance Door
  95. Proposed Glass Entrance Door
  96. Proposed Glass Entrance Door
  97. Proposed Glass Entrance Door
  98. Proposed Glass Entrance Door
  99. Proposed Glass Entrance Door
  100. Proposed Glass Entrance Door

<p>DO NOT SCALE FROM THIS DRAWING</p> <p>THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO FORME BEFORE PROCEEDING WITH THE WORKS</p> <p>DATE: 01/08/18</p> <p>AI</p> <p>1:100 @ A1</p>	<p>DO NOT SCALE FROM THIS DRAWING</p> <p>THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO FORME BEFORE PROCEEDING WITH THE WORKS</p> <p>DATE: 01/08/18</p> <p>AI</p> <p>1:100 @ A1</p>	<p>PROJECT TITLE: 14 GREAT MARLBOROUGH ST. SOHO, LONDON, W1F 7SG</p> <p>DATE: 06-08-2018</p> <p>OPERATOR: SPL</p> <p>CHECKED: APPROVED</p> <p>1505-00-300</p>	<p>PROJECT TITLE: 14 GREAT MARLBOROUGH ST. SOHO, LONDON, W1F 7SG</p> <p>DATE: 06-08-2018</p> <p>OPERATOR: SPL</p> <p>CHECKED: APPROVED</p> <p>1505-00-300</p>
--	--	---	---

FORME UK

ALTIMED HOUSE 40 GARNET STREET BUTCHERS MARKET LONDON, SE1 2NF

T +44 (0)20 709 1146 WWW.FORMEUK.COM COMPANY NUMBER: 167874



- NOTES
1. New Proposed Glass Entrance Door
  2. New Proposed Glass Entrance Door
  3. New Proposed Glass Entrance Door
  4. New Proposed Glass Entrance Door
  5. New Proposed Glass Entrance Door
  6. New Proposed Glass Entrance Door
  7. New Proposed Glass Entrance Door
  8. New Proposed Glass Entrance Door
  9. New Proposed Glass Entrance Door
  10. New Proposed Glass Entrance Door
  11. New Proposed Glass Entrance Door
  12. New Proposed Glass Entrance Door
  13. New Proposed Glass Entrance Door
  14. New Proposed Glass Entrance Door
  15. New Proposed Glass Entrance Door
  16. New Proposed Glass Entrance Door
  17. New Proposed Glass Entrance Door
  18. New Proposed Glass Entrance Door
  19. New Proposed Glass Entrance Door
  20. New Proposed Glass Entrance Door
  21. New Proposed Glass Entrance Door
  22. New Proposed Glass Entrance Door
  23. New Proposed Glass Entrance Door
  24. New Proposed Glass Entrance Door
  25. New Proposed Glass Entrance Door
  26. New Proposed Glass Entrance Door
  27. New Proposed Glass Entrance Door
  28. New Proposed Glass Entrance Door
  29. New Proposed Glass Entrance Door
  30. New Proposed Glass Entrance Door
  31. New Proposed Glass Entrance Door
  32. New Proposed Glass Entrance Door
  33. New Proposed Glass Entrance Door
  34. New Proposed Glass Entrance Door
  35. New Proposed Glass Entrance Door
  36. New Proposed Glass Entrance Door
  37. New Proposed Glass Entrance Door
  38. New Proposed Glass Entrance Door
  39. New Proposed Glass Entrance Door
  40. New Proposed Glass Entrance Door
  41. New Proposed Glass Entrance Door
  42. New Proposed Glass Entrance Door
  43. New Proposed Glass Entrance Door
  44. New Proposed Glass Entrance Door
  45. New Proposed Glass Entrance Door
  46. New Proposed Glass Entrance Door
  47. New Proposed Glass Entrance Door
  48. New Proposed Glass Entrance Door
  49. New Proposed Glass Entrance Door
  50. New Proposed Glass Entrance Door
  51. New Proposed Glass Entrance Door
  52. New Proposed Glass Entrance Door
  53. New Proposed Glass Entrance Door
  54. New Proposed Glass Entrance Door
  55. New Proposed Glass Entrance Door
  56. New Proposed Glass Entrance Door
  57. New Proposed Glass Entrance Door
  58. New Proposed Glass Entrance Door
  59. New Proposed Glass Entrance Door
  60. New Proposed Glass Entrance Door
  61. New Proposed Glass Entrance Door
  62. New Proposed Glass Entrance Door
  63. New Proposed Glass Entrance Door
  64. New Proposed Glass Entrance Door
  65. New Proposed Glass Entrance Door
  66. New Proposed Glass Entrance Door
  67. New Proposed Glass Entrance Door
  68. New Proposed Glass Entrance Door
  69. New Proposed Glass Entrance Door
  70. New Proposed Glass Entrance Door
  71. New Proposed Glass Entrance Door
  72. New Proposed Glass Entrance Door
  73. New Proposed Glass Entrance Door
  74. New Proposed Glass Entrance Door
  75. New Proposed Glass Entrance Door
  76. New Proposed Glass Entrance Door
  77. New Proposed Glass Entrance Door
  78. New Proposed Glass Entrance Door
  79. New Proposed Glass Entrance Door
  80. New Proposed Glass Entrance Door
  81. New Proposed Glass Entrance Door
  82. New Proposed Glass Entrance Door
  83. New Proposed Glass Entrance Door
  84. New Proposed Glass Entrance Door
  85. New Proposed Glass Entrance Door
  86. New Proposed Glass Entrance Door
  87. New Proposed Glass Entrance Door
  88. New Proposed Glass Entrance Door
  89. New Proposed Glass Entrance Door
  90. New Proposed Glass Entrance Door
  91. New Proposed Glass Entrance Door
  92. New Proposed Glass Entrance Door
  93. New Proposed Glass Entrance Door
  94. New Proposed Glass Entrance Door
  95. New Proposed Glass Entrance Door
  96. New Proposed Glass Entrance Door
  97. New Proposed Glass Entrance Door
  98. New Proposed Glass Entrance Door
  99. New Proposed Glass Entrance Door
  100. New Proposed Glass Entrance Door

<p>DO NOT SCALE FROM THIS DRAWING</p> <p>THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO FORME BEFORE PROCEEDING WITH THE WORKS</p> <p>DATE: 01/08/18</p> <p>AI</p> <p>1:100 @ A1</p>	<p>DO NOT SCALE FROM THIS DRAWING</p> <p>THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO FORME BEFORE PROCEEDING WITH THE WORKS</p> <p>DATE: 01/08/18</p> <p>AI</p> <p>1:100 @ A1</p>	<p>PROJECT TITLE: 14 GREAT MARLBOROUGH ST. SOHO, LONDON, W1F 7SG</p> <p>DATE: 06-08-2018</p> <p>OPERATOR: SPL</p> <p>CHECKED: APPROVED</p> <p>1505-00-300</p>	<p>PROJECT TITLE: 14 GREAT MARLBOROUGH ST. SOHO, LONDON, W1F 7SG</p> <p>DATE: 06-08-2018</p> <p>OPERATOR: SPL</p> <p>CHECKED: APPROVED</p> <p>1505-00-300</p>
--	--	---	---

FORME UK

ALTIMED HOUSE 40 GARNET STREET BUTCHERS MARKET LONDON, SE1 2NF

T +44 (0)20 709 1146 WWW.FORMEUK.COM COMPANY NUMBER: 167874

**DRAFT DECISION LETTER**

**Address:** Turner House, 16 Great Marlborough Street, London, W1F 7HS,

**Proposal:** Alterations including 7th floor roof extension, alterations to office and retail entrances/shopfronts on Great Marlborough Street; reconfiguration of western lightwell elevation, installation of photovoltaic panels, green roofs, new extract ventilation duct and new plant enclosure at roof level and creation of office and residential terraces. Use of lower ground, part ground and part 1st to part 7th floors as offices (Class B1); use of part ground floor for dual/alternative retail (Class A1) or restaurant (Class A3) purposes; reconfiguration of existing flats and provision of one additional flat; use of basement to provide plant, cycle parking/showers waste storage and car parking (Site includes 11 Ramillies Place).

**Reference:** 18/09167/FULL

**Plan Nos:** 5005-20-/220 Rev P4, 221 Rev P2, 222 Rev P4, 223 Rev P2, 224 Rev P2, 225 Rev P2, 226 Rev P2, 227 Rev P2, 228 Rev P2, 229 Rev P2, 230 Rev P2, 300 Rev P4, 301 Rev P3, 302 Rev P3, 304 Rev P2, 305 Rev P2

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

**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 The railings hereby approved shall be formed, and permanently maintained, in black painted metal

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)

4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located.

You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in 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)

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

Living roof

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)

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:

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

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

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

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)

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

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

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

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

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

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

Reason:

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

10 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)

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

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

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

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

(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

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

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

12 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. (R49AA)

13 Customers shall not be permitted within the restaurant premises before 08.00 or after 23.30 hours on Monday to Saturday and before 09.00 or after 22.00 hours on Sundays

**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 ENV6 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

**Reason:**

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

15 Any bar area within the restaurant must be ancillary to the restaurant use and must be used to serve restaurant customers only, before, during or after their meals. You must only use the rest of the premises as a sit-down restaurant with waiter service. You must not use it for any other purposes, including any within Class A3 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).

(C05FB)

Reason

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

16 You must not operate a delivery service or permit a delivery service to be operated from the restaurant premises.

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

17 The capacity of the restaurant hereby approved shall not exceed 90 customers (excluding the use of any outside space)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and of our Unitary Development Plan that we adopted in January 2007. (R05CC)

18 You must provide the waste store shown on drawing 5005-20-220 Rev P4 and 222 Rev P4 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 You must apply to us for approval of a management plan which should show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant 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 restaurant is in use. (C05JB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

20 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 2016 (R22FA)

21 You must provide at least one parking space for each of the residential flats in the development. The parking spaces reserved for residents must be clearly identified. (C22CA)

## Reason:

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

22 No waste shall be stored on the highway

## 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)

23 The kitchen extract duct to Class A3 use hereby approved shall be fully installed prior to the commencement of any Class A3 use

## 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)

24 In order that Crossrail is satisfied that the surcharge applied on top of its tunnels does not exceed the design envelope of the tunnels, the developer shall submit Category II (independently) checked and certified calculations detailing foundation load reactions, resolved to a distributed equivalent UDL at the depth of the underside of foundations,

1. Details to be submitted prior to commencement of Demolition (Deconstruction works):

A: (pre-existing surcharge loading) Unfactored dead load, superdead load and live load components

B: (minimum surcharge loading during deconstruction) unfactored dead load components

2. Details to be submitted prior to commencement of Construction works: (proposed surcharge loading) Unfactored dead load, superdead load and live load components for the proposed development

## Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

25 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)

26 Should the Class A3 use hereby permitted be implemented, all restaurant doors (except for access and egress) and all windows shall be kept closed.

## 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)

28 Should the Class A1 retail use be implemented, the unit shall not be occupied as a retail food supermarket.

## 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)

## 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, neighbourhood plan (where relevant), 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 lease contact Thames Water for advice re sewerage, water pressure etc. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

3 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)

4 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;
- \* 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](http://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.

5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- \* Lighting - ensure luminaires can be safely accessed for replacement.
- \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

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

6 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)

Item No.
<b>3</b>

7 Manual-handling accidents account for 38% of all reported accidents. Careful consideration at the design stage can eliminate or reduce the need for manual handling within buildings, for example the location of delivery areas in relation to store rooms and access to and the position of plant rooms.

There is more guidance on the Health and Safety Executive website at <http://www.hse.gov.uk/msd/index.htm>. (I80EB)

8 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)

9 You are reminded that further planning permission is required to place tables and chairs on the public highway outside the building.

10 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground floor shop unit can change between the Class A1 retail and Class A3 restaurant/cafe uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

11 You may need separate licensing approval for the restaurant/cafe premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Romney Mews, London		
Proposal	Variations of Condition 1 and 17 of planning permission dated 1 August 2018 (RN: 18/03593) for: Erection of three-bedroom dwellinghouse (Class C3) over ground to fourth floor level - NAMELY, to enable the installation of a clay-tiled pitched front and rear screen with rear dormer window, acoustic panelling, lead cladding and a glazed access rooflight at roof level to facilitate the use of the roof as a terrace.		
Agent	David Corley		
On behalf of	Starbright Ltd		
Registered Number	19/02013/FULL	Date amended/ completed	14 March 2019
Date Application Received	14 March 2019		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

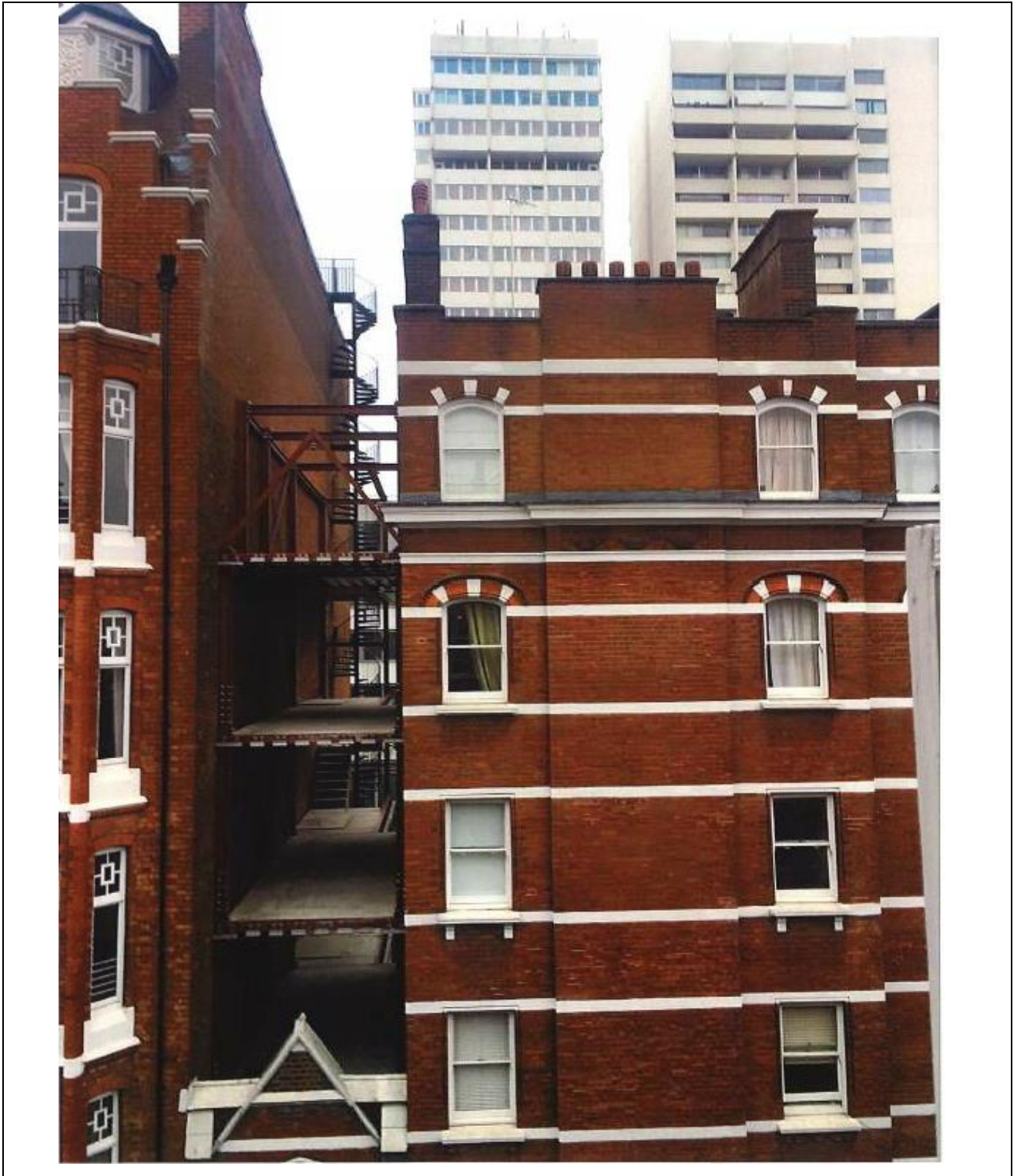
The site lies on the east side of Chiltern Street close to its junction with Marylebone Road in the Portman Estate Conservation Area. The application site itself forms the access to 1 and 2 Romney Mews and sits between Portman Mansions to the north and York Mansions to the south. In August 2018 permission was granted for a 3-bedroom dwellinghouse infill and this consent is currently being implemented. This application seeks to vary a condition in that consented scheme that prevents the proposed roof from being used as a terrace and to install a tiled pitched screen to enclose the proposed terraced area.

The key issues in this case are:

- \* The impact of the proposals on residential amenity.
- \* The impact of the proposals on the character and appearance of the Portman Estate Conservation Area.



#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

No objections raised.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

#### Original consultation

No. Consulted: 50

Total No. of replies: 5 letters of objection on the following grounds:

#### Design

\*The 2m high glass screen is out of keeping with neighbouring buildings

\*Unnecessary increase in bulk and massing

#### Amenity

\*Loss of privacy

\*Noise and nuisance late at night

\*There is already significant noise pollution created from the houses at the rear of Romney Mews

\*Limiting the time the terrace can be used would be impossible to enforce

\*The noise impact survey is inaccurate

\*Part of the roof terrace is not encompassed by acoustic enclosures

#### Other

\*There are no other roof terraces within the vicinity

\*Request a delay in determining the application whilst residents commission an independent noise survey

\*There is no need for a roof terrace

#### Re-consultation following submission of revised plans

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 42;

Total No. of replies: 3 letters of objection on the following grounds:

#### Amenity

\*Roof terrace is likely to be used as a high-intensity entertainment space for parties and event with music and leading to noise pollution

\*Noise report is flawed and does not take into account measuring music, phones, raised voices, or reverberation within York Mansions courtyard

#### Other

\*Roof terrace is unnecessary



- \*Plans are unclear
- \*Impact from smokers
- \*Queries relating to compliance with the acoustic report
- \*Drainage/guttering concerns

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The site lies on the east side of Chiltern Street close to its junction with Marylebone Road in the Portman Estate Conservation Area. The application site itself forms the access to 1 and 2 Romney Mews and sits between Portman Mansions to the north and York Mansions to the south. Portman Mansions are a series of 19th century residential blocks built of red brick with Gothic windows and stepped gables. York Mansions are also of red brick with a strong stucco banding. The entrance gate to Romney Mews uses the red brick, stucco and Gothic detailing of the mansion blocks.

In 2018 permission was granted for the erection of a 4-storey dwelling within the gap between the two mansion blocks. This permission is currently being implemented.

### **6.2 Recent Relevant History**

In December 2012 planning permission was refused for the erection of a one-bedroom residential dwelling in the gap between York Mansions and 5 Portman Mansions above the existing entrance passage to Romney Mews. The application was refused for design and parking reasons. An appeal against this decision was subsequently dismissed in October 2013, on design grounds.

In April 2015 planning permission was granted for the erection of a new two-bedroom residential dwelling at first, second and third floor levels in the gap between York Mansions and 5 Portman Mansions above the existing entrance passage to Romney Mews.

In August 2018 planning permission was granted for the erection of three-bedroom dwellinghouse (Class C3) over ground to fourth floor level. The planning consent is being implemented.

In December 2018 planning permission was refused for the installation of metal balustrades, an obscured glass screen and a sliding access rooflight at roof level to facilitate the use of the roof as a terrace. The application was refused on both design and amenity grounds (noise disturbance).

## **7. THE PROPOSAL**

This application seeks minor amendments to the permission granted in 2018 to facilitate the use of part of the roof as a terrace. The physical works include the installation of a clay-tiled fake pitched roof to the front and rear of the property. At the rear, a dormer window is proposed within the pitched roof and the side return to the new roof is formed

of lead cladding and acoustic panelling. A new glazed hatched rooflight provides access to the proposed terrace. The scheme was revised to replace a glazed screen at the rear of the terrace with a solid pitched roof.

The 2018 permission was subject to a condition preventing the entire roof from being used as a terrace, and so this application seeks to vary that permission to enable the area enclosed by the pitched roof and glazed structures to be used as a terrace.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The application does not raise any land use issues.

### **8.2 Townscape and Design**

The application site is a new-build infill building which fills the gap between two late Victorian mansion blocks. Its design derives from the materials and details of Portman Mansions to the north and York Mansions to the south. Previous proposals incorporating roof terraces on this building have been refused, or have seen the roof terrace removed from the application. This is because a roof terrace, particularly one which is visible in views from the Chiltern Street buildings, is an uncharacteristic termination for a building which has been expressly designed for its late Victorian context.

The currently proposed roof terrace at Romney Mews has been the subject of negotiation during the application process. As originally proposed the terrace had a tall glazed screen at the rear. It is now concealed at both front and rear by false roof slopes. This overcomes the objection regarding the uncharacteristic appearance of a terrace at this level. At the rear a dormer window in the roof slope allows views from the terrace to the rear, but restricts oblique views of adjacent buildings.

This approach to accommodating a roof terrace on a domestic building is in line with the advice in the Council's Supplementary Planning Guidelines (SPG), 'Roofs; A guide to Alterations and Extensions on Domestic Buildings.' The false roof slopes do add bulk to the new building at this level, but this increase is considered to be acceptable given the heights of the adjoining buildings and the objection on this ground is not supported.

A further objection has also been received to the originally proposed glass screen at the rear of the terrace. As this element has now been replaced by a false roof slope this objection is considered to be overcome.

Following the revisions to the design, and subject to a condition requiring that the roof slopes be covered in natural grey-blue slate, the roof terrace is now considered to be acceptable in design terms.

### **8.3 Residential Amenity**

Objections have been received from the occupants of five flats in York Mansions (three of whom reiterated their objections when re-consulted after the scheme was revised) on the grounds that use of the proposed roof terrace would result in loss of privacy and

unacceptable noise disturbance, particularly late at night. Objections have also been received on the grounds that the submitted noise report is fatally flawed.

### Noise

The permission refused in December 2018 was for a 15 sqm roof terrace. The latest proposed roof terrace is smaller than that which was previously refused and measures some 9 sqm. It is set towards the centre of the roof, back from the roof edges. This application also proposes a full acoustic enclosure of the terrace, with a combination of reflective and noise absorbing materials to contain noise. None of these acoustic measures were proposed in the refused scheme which was enclosed mainly by a metal balustrade and a small section of obscured glazed screening.

The application is supported by a noise impact assessment that sets out the measures proposed to control noise from the proposed external amenity space. These measures include a 2m high brick clad fake pitched roof to the Chiltern Street and rear frontages, a 2m high lead screen to the side elevation, acoustic panelling to the south wall of Portman Mansions and to the face of the chimney breast on York Mansions and a noise absorption flooring. The noise report demonstrates that recommended internal noise levels for adjoining residential spaces would still be achieved (35 dB daytime and 30 dB at night) when the terrace is in use. Environmental Health have raised no objections to the application.

Neighbouring occupiers have raised a number of detailed objections to the noise report claiming that the noise report is fatally flawed, that it does not take account of loud noises, shouting/laughing, music or mobile phones. The noise report however measures existing levels of ambient noise at the application site itself (and not adjoining windows) and calculates anticipated noise levels emanating from the terrace, plotting the perceived noise levels at the nearest windows of adjoining properties.

Calculations used in the noise report are based on the potential of 8 people speaking at once and it is recognised that it does not cover 'peak' noises such as laughter, shouting or music. However, there is no formal requirement for the submission of acoustic reports for domestic roof terraces, and such applications are rarely accompanied by noise reports. Whilst officers accept that additional noise is likely to be created by the use of the existing flat roof as a terrace, it is unlikely that the noise levels associated with this proposal would be so significant as to justify refusal. The terrace is modest in size and it is unlikely that significant numbers of people could be accommodated on the area. Further, there are a number of other terraces in the area and there is no evidence of noise nuisance having been reported from these terraces. As such, it is considered that the proposal is unlikely to create noise nuisance which would significantly harm the amenity of the adjoining residential occupiers.

Concerns have also been raised on the grounds that the noise survey has been undertaken within adjoining residential flats without the consent of the flat owners. However, this was based on a misunderstanding, as the report is based on estimates of noise levels at the relevant flats.

Consequently, it is not considered that the proposals could justifiably be recommended for refusal on noise grounds.

**Overlooking**

The proposed terrace is set back from the rear facade of York Mansions and so there would be no line of sight to the windows and balconies in either York Mansions or to the rear windows in 2 Romney Mews. It is not considered that the scheme would result in any loss of privacy to residential windows in neighbouring properties.

It should be noted that a small terrace was included as part of the approved scheme, at the front of the top (fourth) floor.

**8.4 Transportation/Parking**

Not relevant.

**8.5 Economic Considerations**

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

**8.6 Access**

Not relevant.

**8.7 Other UDP/Westminster Policy Considerations**

None relevant.

**8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

**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**

The proposal does not trigger any requirement for Planning Obligations.

### 8.12 Environmental Impact Assessment

The proposal is of insufficient scale to require an environmental assessment.

### 8.13 Other Issues

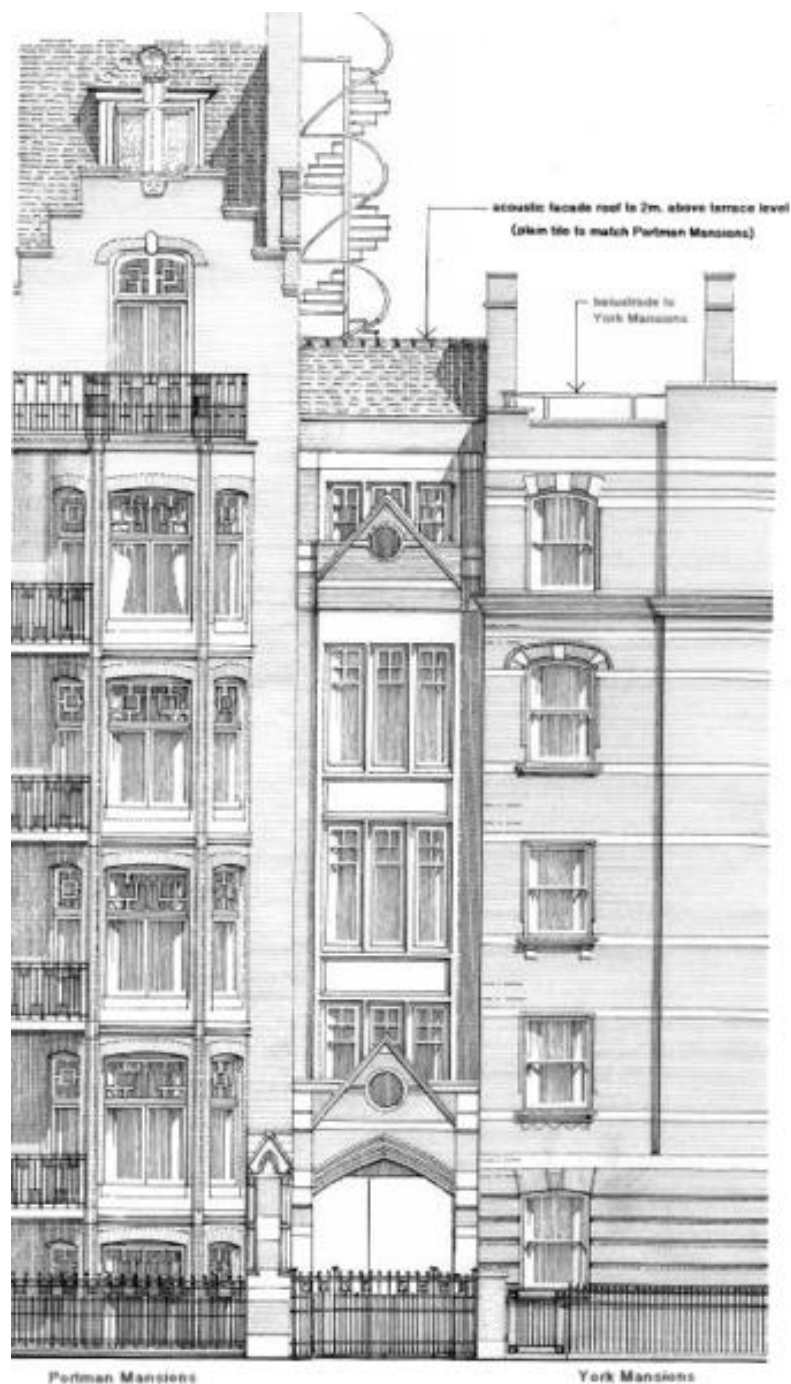
One letter of objection has been received on the grounds that the plans are unclear, to drainage/guttering concerns and to the impact from smoking. The drawings submitted with the application are considered sufficient to determine the application and drainage/guttering is a matter for the Building Regulations. At roof level it is not considered that there would be any adverse impact from smokers occupying a small private dwelling.

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

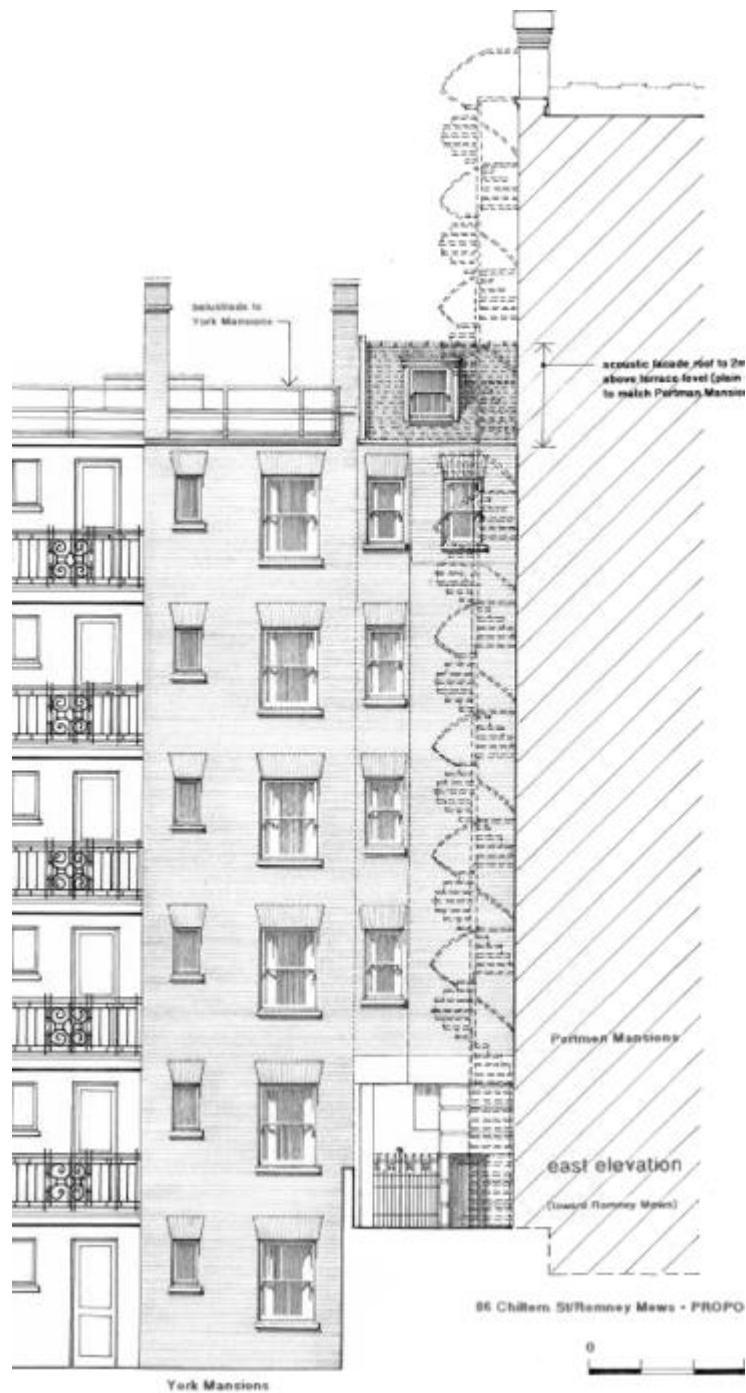
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

## 9. KEY DRAWINGS

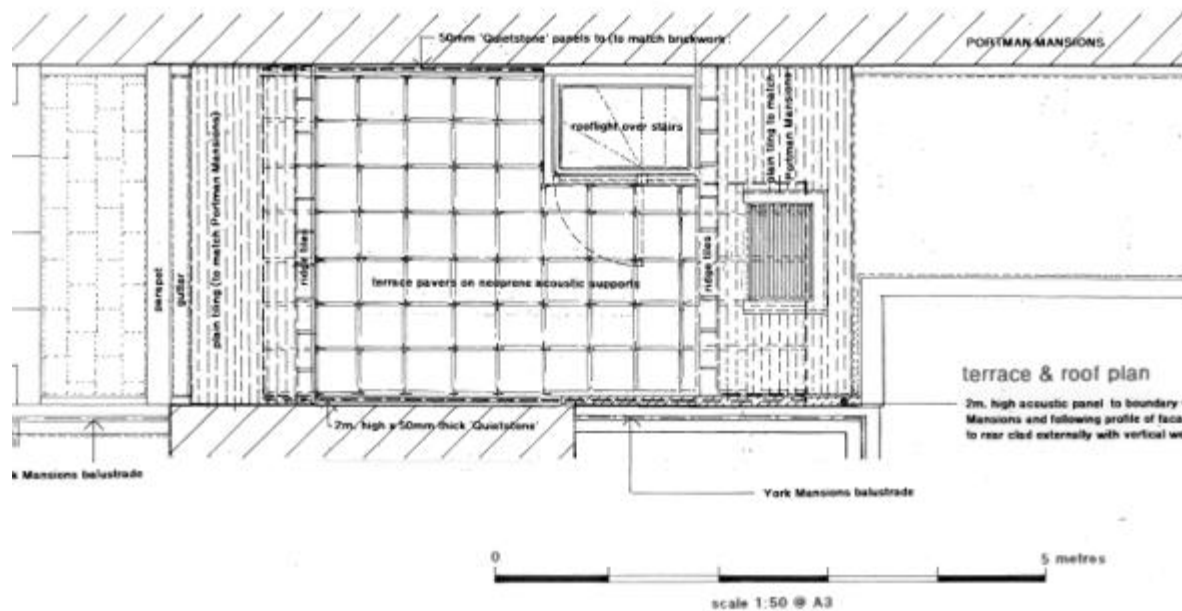
Proposed front elevation



Proposed rear elevation



## Proposed roof plan





**DRAFT DECISION LETTER**

**Address:** Romney Mews, London

**Proposal:** Variation of Conditions 1 and 17 of planning permission dated 1 August 2018 (RN: 18/03593) for: Erection of three-bedroom dwellinghouse (Class C3) over ground to fourth floor level; NAMELY, to enable the installation of a clay-tiled pitched front and rear screen with rear dormer window, acoustic panelling, lead cladding and a glazed access rooflight at roof level to facilitate the use of the roof as a terrace.

**Reference:** 19/02013/FULL

**Plan Nos:** 807/terrace/02B, 03B,04B, 05B

**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 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 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 807/P/02A. You must clearly mark them and make them available at all times to everyone using the dwelling. (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)

- 4 You must install the obscure glazing in the stairwell windows and the fourth floor south facing bedroom windows in the side wall of the building in accordance with the glass sample approved on 11.10.2018 (RN 18/07347/ADFULL), or in accordance with alternative obscure glazing samples to be submitted to and approved by the City Council. You must then fit the type of glass we have approved and must not change it without our permission.

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)

- 5 You must install the window limiters to the side facing top-hung stairwell windows and south facing fourth floor bedroom windows in accordance with the details approved on 11.10.2018 (RN 18/07347/ADFULL), or in accordance with alternative measures to limit the extent of window opening to be submitted to and approved by the City Council. You must then fit the limiters we have approved and must not remove them without our permission.

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)

- 6 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 Portman Estate 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 carry out the development in accordance with the samples approved 11.10.2018 (RN 18/07347/ADFULL), or in accordance with alternative samples of the facing materials, to be submitted to and approved by the City Council. You must then carry out the work using the approved materials., ,

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate 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 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. (R49AA)

- 9 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 2016 (R22FA)

- 10 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Portman Estate 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 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 this part of the Portman Estate 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 apply to us for approval of detailed drawings of the following parts of the development

- entrance gates

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 Portman Estate 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 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant

and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

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

- 14 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)

- 15 You must not extend or enlarge the dwelling without our permission. This is despite the provisions of Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it). (C21HA)

**Reason:**

To prevent an overdevelopment of the site and to protect the 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. (R21EC)

- 16 You must carry out the development in accordance with the window and door details approved 11.10.2018 (RN 18/07347/ADFULL), or in accordance with alternative detailed drawings of all new windows and external doors, to be submitted to and approved by the City Council. You must then carry out the work in accordance with 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 Portman Estate 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 not use the rear flat 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, 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)

### 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, neighbourhood plan (where relevant), 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](http://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](mailto: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 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)

- 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)
- 5 The term 'clearly mark' in condition 3 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 Conditions 13-14 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)
- 7 Prior to development commencing you are advised to address the impact of your proposal on the means of escape in relation to the occupiers of the adjacent and adjoining buildings. You are advised of the need to maintain any established means of fire escape from adjacent buildings. Please contact our Head of District Surveyors' Services and/or The London Fire Authority regarding this aspect of your proposal.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 June 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	222 Strand, London, WC2R 1BA		
Proposal	Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level; and extensive internal alterations.		
Agent	K D Paine & Associates Ltd		
On behalf of	J D Wetherpoon Plc		
Registered Number	18/01260/FULL and 18/01261/LBC	Date amended/ completed	17 January 2019
Date Application Received	13 February 2018		
Historic Building Grade	II		
Conservation Area	Strand		

## 1. RECOMMENDATION

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

## 2. SUMMARY

222 Strand is a grade II listed building located within the Strand Conservation Area, opposite the Royal Courts of Justice. The sub-basement to mezzanine floor levels are a vacant bank (Class A2) and the floors above are in use as barrister chambers (Class B1). The site is within the Core Central Activities Zone.

The applicant seeks permission and consent for the use of the sub-basement to mezzanine floor levels as a public house (Class A4), and the installation of a new ventilation system and new air conditioning equipment at roof level and extensive internal alterations.

The key issues in this case are:

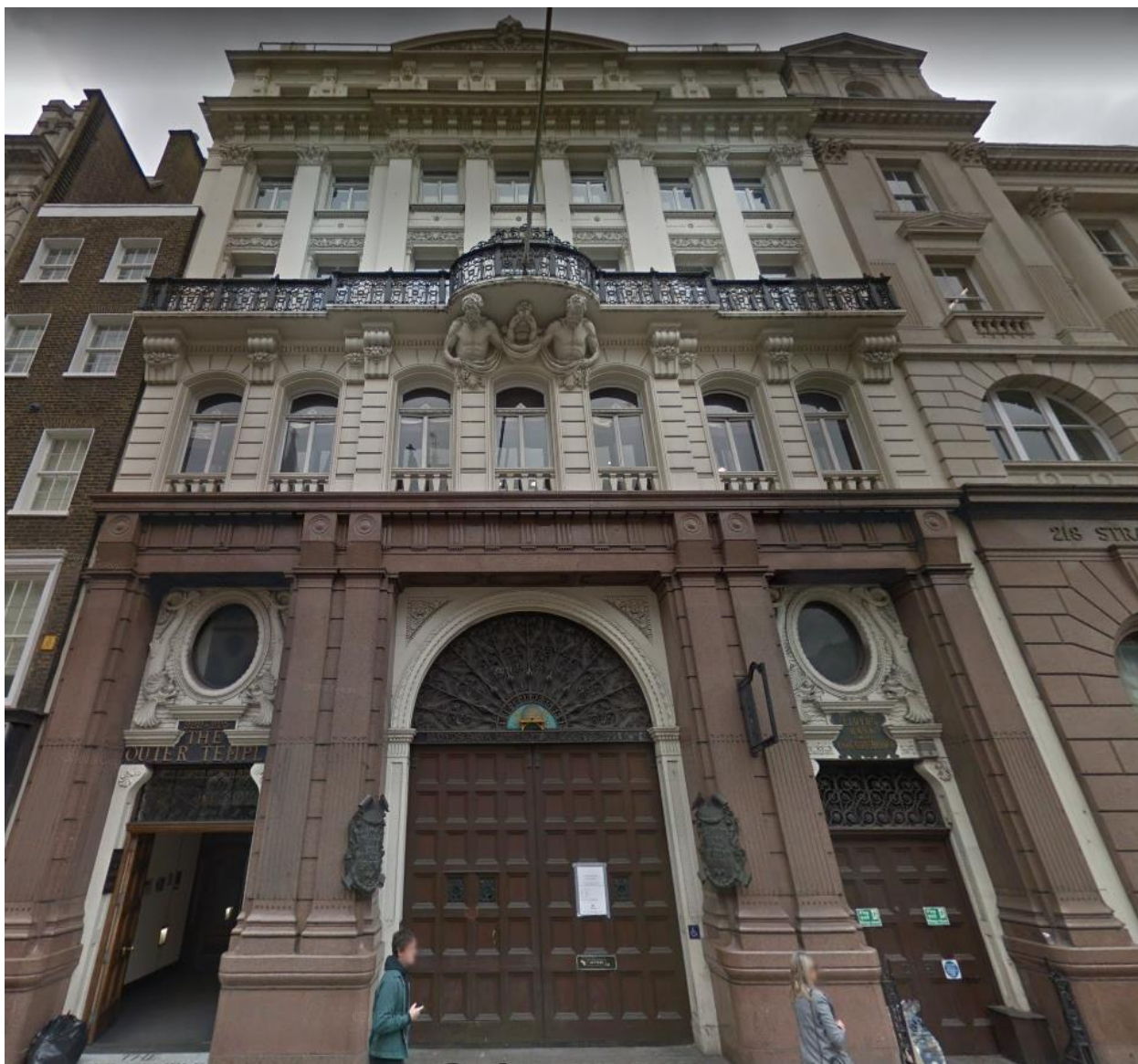
- The impact of the proposed public house upon neighbours' amenity and local environmental quality; and
- The impact of the alterations upon the special interest of the listed building and the character and appearance of the Strand Conservation Area.

As set out in this report, the proposed development accords with the relevant policies in the Unitary Development Plan (UDP), Westminster's City Plan (the City Plan), the London Plan, the New Draft London Plan and the guidance set out in the Mayor's draft Culture and the Night Time Economy SPG. The application is therefore acceptable in land use, design, heritage and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letters.





## 4. PHOTOGRAPHS



Front Elevation



Main Hall





Images of Entrance Vestibule (top) and Basement Vault (bottom)

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

Insufficient information on servicing, opening hours and ventilation.

### HIGHWAYS PLANNING MANAGER:

The applicant will need to submit to the City Council a robust servicing management plan and cycle parking provision should be provided, which should be secured by conditions. No concerns are raised regarding car parking, trip generation and travel arrangements.

### ENVIRONMENTAL HEALTH:

Recommend conditions requiring the proposed air re-circulatory system to comply with WCC guidance document on Kitchen Extracts, and for the proposed plant to comply with WCC standard noise conditions.

### PROJECT OFFICER (WASTE):

The waste and recycling arrangements are acceptable subject to the provision of an on-site waste holding area on the ground floor to avoid bins being left on the public highway before and after waste collections.

### METROPOLITAN POLICE:

Any response to be report verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 40

No. of replies: 2 from a single objector.

Objections received on behalf of Outer Temple Chambers, 222 Strand, on all of the following summarised grounds:

#### Land use:

- The public house use would be contrary to the development plan which states entertainment uses of this size should only be allowed in exceptional circumstances, and the applicant has not demonstrated these exist in this case.
- The use conflicts with the other uses in the area such as residential, tourism, artistic and cultural uses.
- The letter from a marketing agent to support the applicant's contention the property has been difficult to let contains insufficient evidence and the marketing was not long enough.

#### Amenity:

- The proposal would result in noise disturbance, nuisance and other environmental impacts harmful to residents and other commercial uses, and the applicant has not overcome the Environmental Health Officers Concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

222 Strand is a grade II listed building located within the Strand Conservation Area. This late nineteenth century building is six storeys high, plus two basement levels. The application relates to the sub-basement to mezzanine floor levels, which are a vacant bank (Class A2). The premise was originally built as a restaurant for the Royal Courts of Justice, which are located opposite, but this use was short lived, and the premise has been in use as a bank since 1895. Whilst the exterior is of architectural interest, it is the building's majolica-tiled vestibule by Doulton and the painted tile friezes within the banking hall that are of particular historic interest as well as artistic and aesthetic value.

The building is within the Core Central Activities Zone (Core CAZ). This part of the City is characterised by a mixture of uses including offices, residential, retail, educational and uses associated with the legal profession. The upper floors of the application building are barrister chambers, the building adjacent to the west is retail on ground floor with offices above and the building adjacent to the east is retail on ground floor with four residential flats above. To the rear of the site is 4 Essex Court, within the City of London, which is in use as barrister chambers.

### 6.2 Recent Relevant History

None relevant.

## 7. THE PROPOSAL

The applicant seeks planning permission and listed building consent for the use of the sub-basement to mezzanine floor levels as a public house (Class A4), the installation of a new ventilation system, new air conditioning equipment at roof level and extensive internal alterations.

Patrons would drink and eat on the ground and mezzanine floor levels, the basements would primarily be back of house areas. The internal alterations include the extension of the mezzanine level over part of the double height main ground floor space, the creation of bars, toilets, a kitchen and other ancillary areas.

Since submission, the applicant has submitted further details including an acoustic assessment and ventilation details and has amended the scheme to provide an air recirculation system for the kitchen.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Bank (Class A2)	2,490	0	- 2,490
Public House (Class A4)	0	2,490	+ 2,490
Total	2,490	2,490	

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of a bank

Banks provide important services for residents, workers and visitors to the City. However, throughout the country branches have been closing due to an increase in online banking services. Policy SS 5 of the Unitary Development Plan (UDP) relates to the management of shopping and other services within the Core CAZ, it seeks to encourage a balanced mix of appropriate street-level activities and seeks to protect and enhance the attraction of the Core CAZ as a shopping and entertainment destination. It affords no specific protection to banks or other A2 uses. It states that proposals for non-A1 uses must not lead to, or add to, a concentration of non-A1 uses, or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Between Essex Street and Middle Temple Lane there are 16 ground floor units, nine of which are retail shops (Class A1), three are professional services (Class A2), three are restaurants (Class A3) and one is a public house (Class A4). The loss of the bank would not affect the number of non-A1 uses on the street, but it would increase the number of entertainment uses. The policy application section of policy SS 5 states an over-concentration of entertainment uses occurs when the number and size of these uses dominate a street or area and the consequential effects of their operations have a detrimental effect on residential amenity and local environmental quality. Therefore, the loss of bank would be acceptable subject to the acceptability of providing a new public house.

#### Provision of a public house

The NPPF supports positive planning for the provision of community facilities including public houses. The London Plan also recognises the important role that public houses can play in the social fabric of communities, meeting local needs, and supporting the night-time economy in the CAZ (London Plan Policies 3.1B and 4.8). The Mayor's Draft New London Plan and draft 'Culture and the Night Time Economy' SPG are also material considerations in planning decisions. These promote the night-time economy, particularly in the CAZ, and state boroughs should support proposals for new public houses, where appropriate (Emerging London Plan Policies HC6 and HC7).

Policy S1 of the City Plan (Mixed Use in the Central Activities Zone) states that within the CAZ the City Council will promote a mix of uses consistent with supporting its vitality, function and character. The justification for policy S1 states mixed use means offices, shopping, entertainment, cultural, social and community and residential uses sharing buildings, streets and localities. The unique and varied use character across the CAZ is fundamental in ensuring the vitality, attraction and continued economic success of Central London.

The objector considers a public house use in this location would conflict with the existing uses in the area. However, a mix of uses, including entertainment uses such as public houses, is appropriate within the CAZ and consistent with the above policy and guidance.

The main land use issue is whether a public house of the scale proposed would accord with requirements of the City Council's entertainment policies.

The proposed public house measures 2,490 sqm (GIA), which constitutes a large entertainment use as defined in Chapter 8 of the UDP. Policy TACE 10 of the UDP states that entertainment uses of this size will only be acceptable in exceptional circumstances. The UDP recognises that larger entertainment uses can have a disproportionate impact on residential amenity and local environmental quality and can contribute to the loss of character, and unacceptably change the function, of an area. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. However, the Plan acknowledges that there can be considerable variation between the effects of different types of entertainment uses.

The objector does not consider that the applicant has demonstrated that there are exceptional circumstances such to justify this large entertainment use. They contend the use would result in noise disturbance, nuisance and other environmental impacts harmful to residents and other commercial uses.

In allowing a previous appeal against the refusal of permission for an extension to an existing restaurant to create a unit measuring nearly 800 sqm (Appeal Ref: APP/X5990/A/12/2183693 – 34 Grosvenor Square), the Planning Inspector concluded that if the use would not result in any material harm, to residents' amenity and local environmental quality, this was sufficient to constitute exceptional circumstances. The City Council has subsequently adopted this approach in considering proposals for large entertainment uses.

#### *Impact of the proposed use*

The public house would open at 07:00 each day and would close at 00:30 on weekdays and 01:30 on Friday and Saturdays. While the public house would measure 2,490 sqm, the patron area of the unit would in fact be much smaller at approximately 670 sqm (or 27% of the floor area). As a result, the applicant states that the premise would have maximum capacity of 591 patrons, 380 covers). The unit does not benefit from an external area, and therefore patrons would smoke outside the front of the building (no drinking or eating would be allowed outside). There would be no amplified music at the premises.

Policies ENV 6 and ENV 7 of the UDP and policy S32 of the City Plan require developments to contain noise and to demonstrate that any noises emitted by plant and machinery and from internal activities, including noise from music (amplified or unamplified), and human voices, complies with relevant standards. Where appropriate, developments should incorporate design features and operational measures to minimise and contain noise and vibration from developments, to protect noise sensitive properties.

Noise issues of potential concern would be the impact of mechanical plant and the impact of patron/ staff activity inside and outside the premises. The applicant has provided an acoustic report to assess the noise impact. The Council's Environmental Health team have confirmed the report demonstrates that noise from patrons, even at peak times, would not disturb the offices above or residents adjacent as the existing floor and wall construction is sufficient in absorbing sound.



The impacts in terms of noise from plant and the kitchen extract system are discussed in section 8.7 of this report, where it is explained that these elements would not harm the amenity of neighbours or local environmental quality.

In terms of the detailed operation and management of the public house, the applicant has not submitted a formal plan. The applicant has explained how they propose to manage the site however. This includes policies on dispersal and neighbourhood relations to ensure patrons do not harm neighbouring residents. The applicant would also operate a no music policy, which will help reduce noise associated with the use, and a condition is recommended to ensure this is the case.

A full Operational Management Plan is recommended to be secured by condition. This plan would have to include acceptable details on, and management of: opening hours and capacity (including peaks of patrons); ingress and egress by patrons; staff arrangements; servicing arrangements; smoking arrangements; maintenance of equipment; and neighbourhood liaison, including details of how complaints would be received and addressed. The operator would then have to adhere to this plan for the lifetime of the public house.

In the circumstances outlined above, and subject to recommended conditions, the development would not have a harmful impact on neighbouring residential and commercial occupiers in the vicinity, and this constitutes as an exceptional circumstance.

#### *Impact on the character and function of the area*

The area is characterised by a mixture of uses. Primarily, these are commercial uses including offices and legal uses, as well as retail and entertainment uses such as public houses and restaurants. There are also some residential units in the area. This mixture is characteristic of the Core CAZ, and in this context the proposed public house would not adversely impact on the character and function of the area. The property is located on the busy Strand which is a major thoroughfare in the City, and consequently, the patrons visiting would not result in undue activity in the vicinity. Indeed, it would add to the vibrancy of this part of the City providing a place for workers, visitors and residents alike to drink, eat and socialise.

#### *Other exceptional circumstances*

The applicant has also set out other circumstances which they consider justify the proposals. The applicant notes the property does not benefit from a traditional shopfront which retail operators would normally expect in a retail premise. The building's listed status limits what alterations an owner could realistically make to the building to adapt it to meet the modern needs of retail occupiers. Indeed, the applicant has marketed the property and has received little interest in it, and the marketing agents consider this is due to the lack of an active frontage, restricted layout and limited scope to alter the building.

The applicant notes that these limitations often affect former historic banks, cinemas and theatres which mean it can be difficult to find alternative uses for these buildings. The applicant notes that adapting the space into a public house requires significantly less alteration than for other uses, and the applicant has experience in adapting historic

buildings such as this into public houses. Furthermore, the public house would be a use similar to the premises original intended use as a restaurant.

While the application proposes a large entertainment use, the applicant has demonstrated that there are exceptional circumstances which justify this. The proposal is acceptable in land use terms therefore.

## **8.2 Townscape and Design**

As required by Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the determination of this proposal must pay special regard to the preservation of the listed building and conservation area. This is reflected in the NPPF and by the Council's own policies; in particular to this case, S25 and S28 of the City Plan and DES 1, DES 5, DES 8, DES 9 and DES 10 of the UDP. The Council's 'Repairs and Alterations' SPG is also relevant.

Externally, the proposed works are in connection with new air conditioning units to the main roof level and alterations to a lower roof within a lightwell in connection with the air-recirculatory system. The air conditioning units would be within an existing plant enclosure and so would not harm the character and appearance of the building or area. The other works at lower level are minor and within an enclosed lightwell, and so similarly would not harm the building or area.

Internally, the alterations are more extensive. To provide customer facilities, the basement requires the installation of light-weight partitions within the existing vaulted compartments, but generally the internal plan form and architectural details will be preserved and remain exposed. Similarly, the applicant will require some new openings within the sub-basement, but the applicant would accommodate the service largely within the parameters of the existing structure.

The ground and mezzanine floors, particularly the entrance lobby and banking hall, exhibit significant internal details, which the proposals seek to retain. Other than the removal of modern partitions and a lift within the banking hall, the applicant proposes very little that would affect the Doulton Earthware – which of course officers welcome.

Of note is the removal of what appears to be contemporary double doors, which would not significantly affect the interior. There may also be a requirement to increase the handrail on the stairs to the first floor. If this proves necessary, a subtle intervention maybe permissible if sensitive to the original fabric and interior design of the building. Officers recommend a condition to secure details of this.

The proposals also include the installation of a new mezzanine floor within the main hall, occupying approximately half of its floor plan. This work, being a substantial structural intervention, it would have a significant impact on the internal character and fabric of the hall, both physically and visually. However, additional floor space is desirable for additional seating thereby increasing the viability of the unit. The hall exhibits original interior features which the applicant would retain, the mezzanine would sit above the panelling which exists on the walls and columns, with balustrading spanning between the columns. Design details of the mezzanine are to be secured by condition, as are details of its attachment to existing fabric, to ensure its impact is minimised.

### 8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

The proposed external alterations are limited to air conditioning units within an existing enclosure and minor alterations to a lower level roof. These alterations would not impact on residential neighbours in terms of privacy, overlooking or enclosure. Other impacts, including noise disturbance are discussed in sections 8.1 and 8.7 of this report.

### 8.4 Transportation/Parking/Servicing

#### Transportation/Parking

In terms of visitors and staff arriving and departing the site, the Highway Planning Manager has advised that the levels would likely be similar to the existing use. The site is also within a Control Parking Zone which means anyone who does drive to the site would be subject to those controls. In these circumstances, the impact of the public house on car parking levels would be minimal and consistent with policies TRANS21 and TRANS22 of the UDP.

The Highway Planning Manager notes that many trips associated with the site (excluding servicing activity) would be via public transport or other sustainable modes (such as walking and cycling). The provision of cycle parking would help promote cycling, and while the submitted drawings do not show cycle parking, this is to be secured by condition (in line with the London Plan requirements).

#### Servicing

Policy S42 of the City Plan and policy TRANS 20 of the UDP state new developments should provide off-street servicing as deliveries and goods left on the highway can create an obstruction to pedestrians and have an adverse impact on the public realm.

This site does not have an off-street servicing area, nor would it be practical to create one. Therefore, the Highway Planning Manager has recommended that a robust Servicing Management Plan be secured by condition. This would need to demonstrate how the proposed development would minimise the impact of the proposed development on the highway network, so as not to have a significantly detrimental impact on other highway users. This plan will form part of the Operational Management Strategy which will be secured by condition.

### 8.5 Economic Considerations

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

### 8.6 Access

The City Plan notes that buildings and spaces must be designed for the needs and convenience of all. There is level access into the building from the street, which allows

access into the main hall and bar area. There is also a passenger lift which allows access to the mezzanine floor. Therefore, those with reduced mobility will be able to use the patron areas of the public house which is welcomed.

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

### **Plant**

There is existing external plant within an enclosure on the main roof of the building, and the proposal seeks to add additional air conditioning units within it. Policy ENV 7 requires the applicant submit an acoustic assessment to demonstrate that the plant operation will comply with noise requirements in relation to the nearest noise sensitive property.

Since submission, the applicant provided an acoustic report which has been assessed by the Council's Environmental Health Officer. Subject to conditions relating to noise and vibration, the new plant would not result in any material loss of amenity.

### **Kitchen Extract System**

Originally, the applicant proposed the extract system for the new kitchen to discharge at a low level onto Strand through an existing grill. Environmental Health objected to this arrangement. To avoid harmful odours and fumes impacting on neighbours and local environmental quality, the City Council normally requires a full height extract duct to take fumes and odours to a high level. The applicant explored providing this, however they revised the scheme to propose an air-recirculatory system.

Environmental Health have explained that subject to certain criteria relating to its operation, this system would ensure that neighbours are not harmed by cooking odours and fumes as it would not discharge odours into the atmosphere. Therefore this is acceptable, subject to conditions to ensure that the operation of this system would be in accordance with the Council's relevant policies and guidance.

### **Refuse /Recycling**

Refuse for the development would be stored in the basement and transferred to ground level using the lift. The application has been amended to show separate bins for recycling, general waste, food waste and waste cooking oil in accordance with Council protocols. The waste and recycling arrangements are acceptable subject to the provision of an on-site waste holding area on the ground floor to avoid bins being left on the public highway before and after waste collections.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF,

the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

None relevant

### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 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.

### **8.12 Planning Obligations**

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

The development is not liable to pay CIL.

### **8.13 Environmental Impact Assessment**

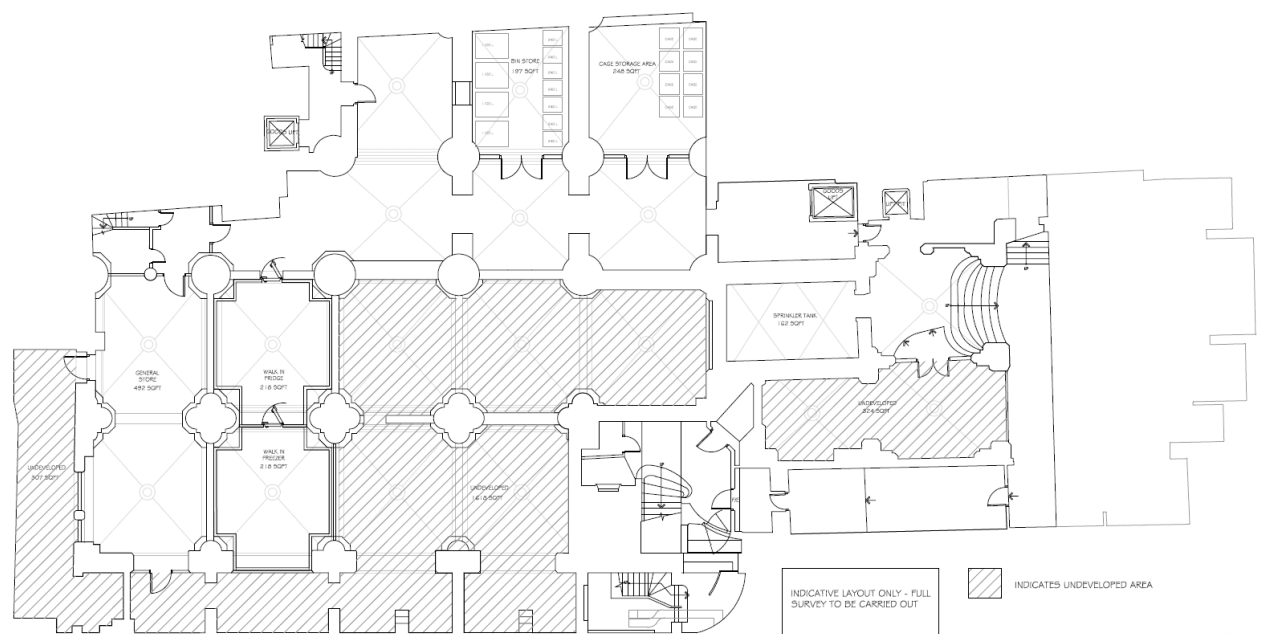
The application is of insufficient scale to trigger the requirement of an EIA.

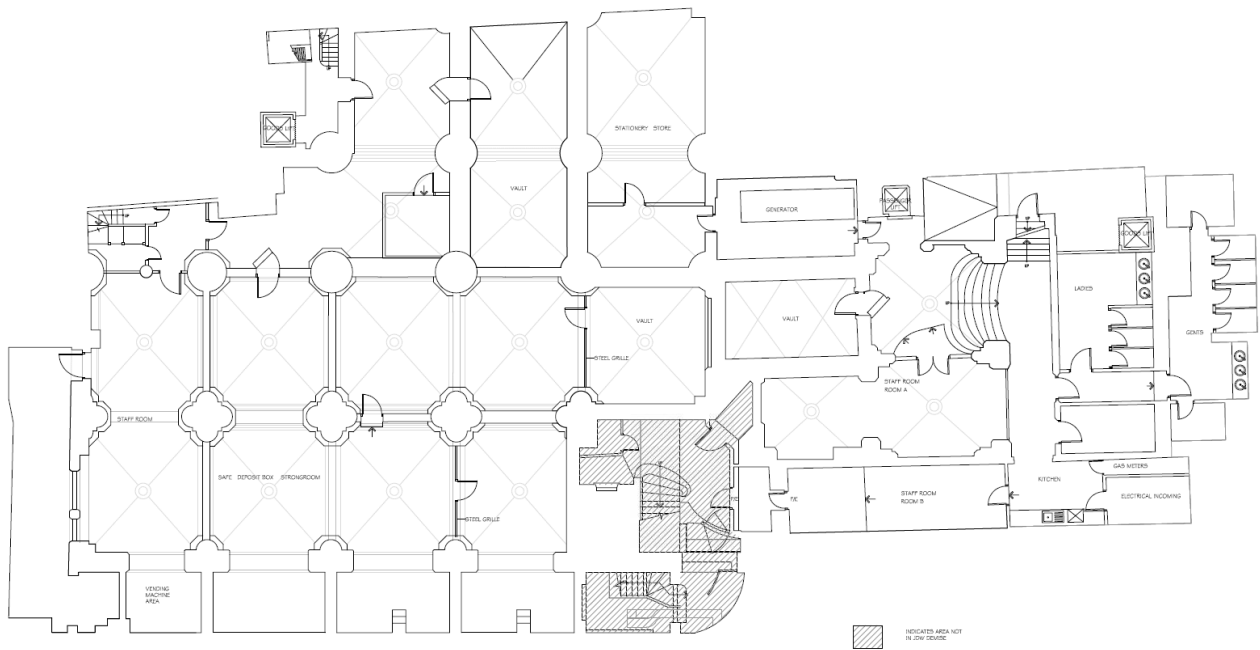
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

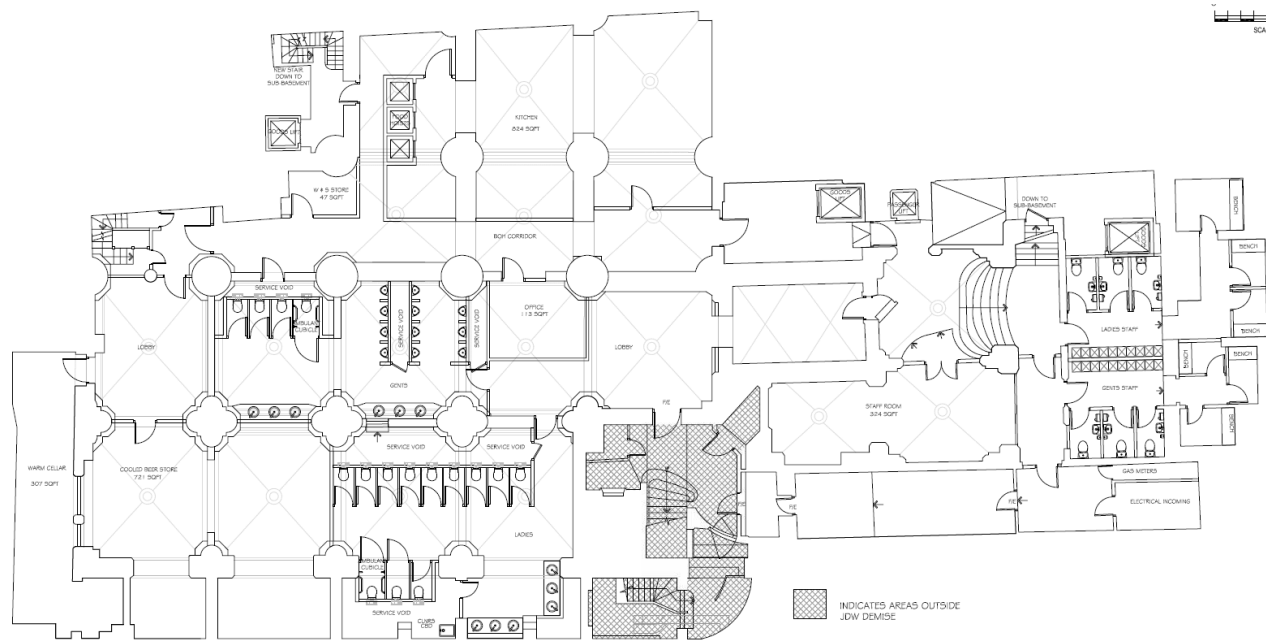
INDICATIVE LAYOUT ONLY - FULL SURVEY TO BE CARRIED OUT

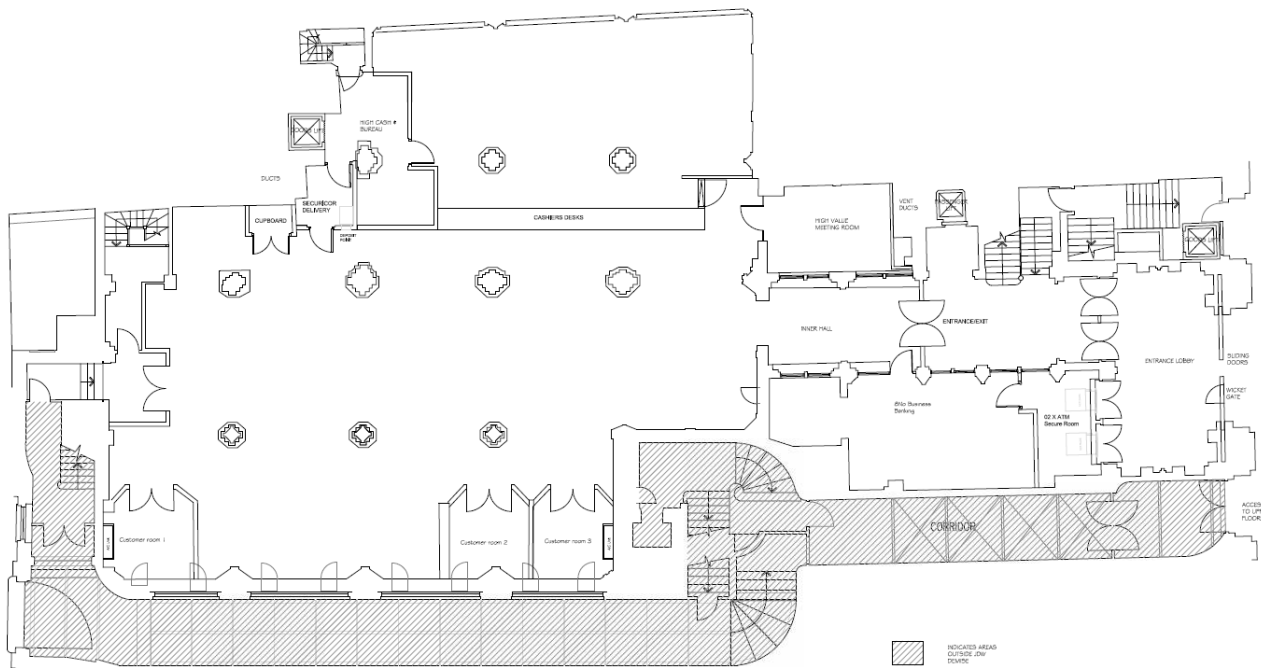
### Existing and Proposed Sub-Basement Plans





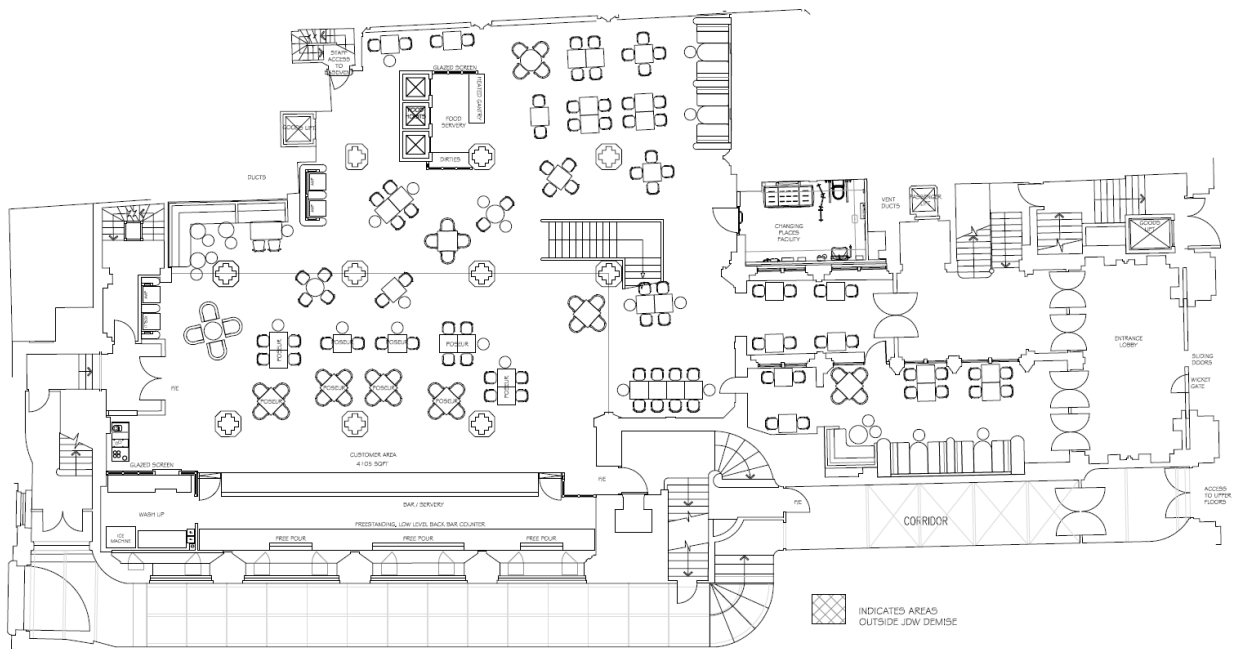
### Existing and Proposed Basement Plan





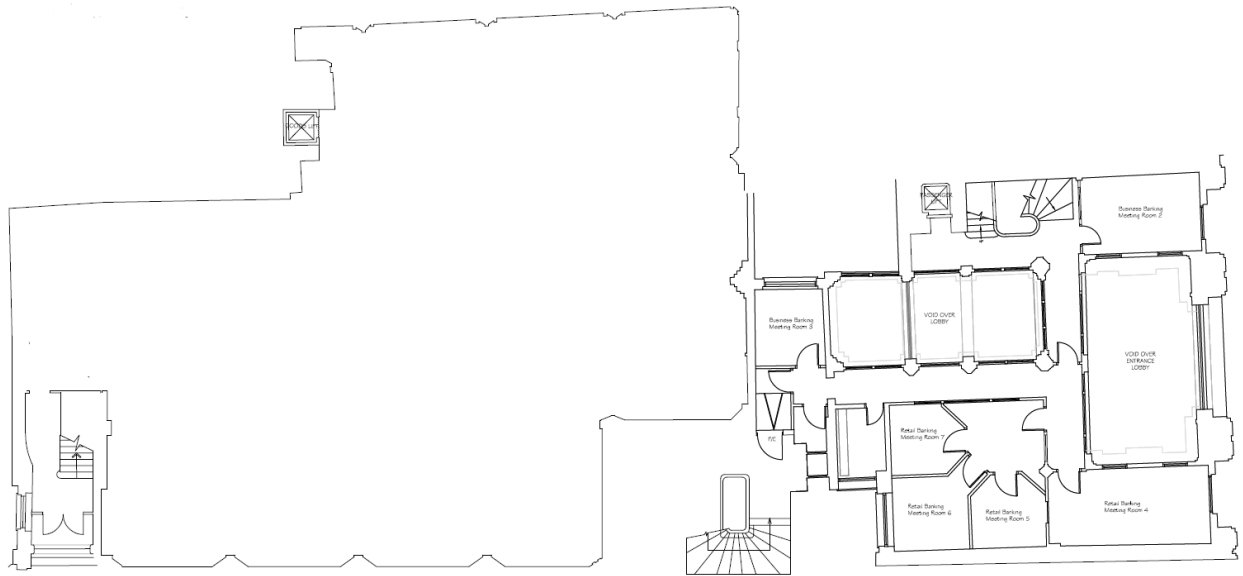
EXISTING GROUND FLOOR PLAN

### Existing and Proposed Ground Floor Plan



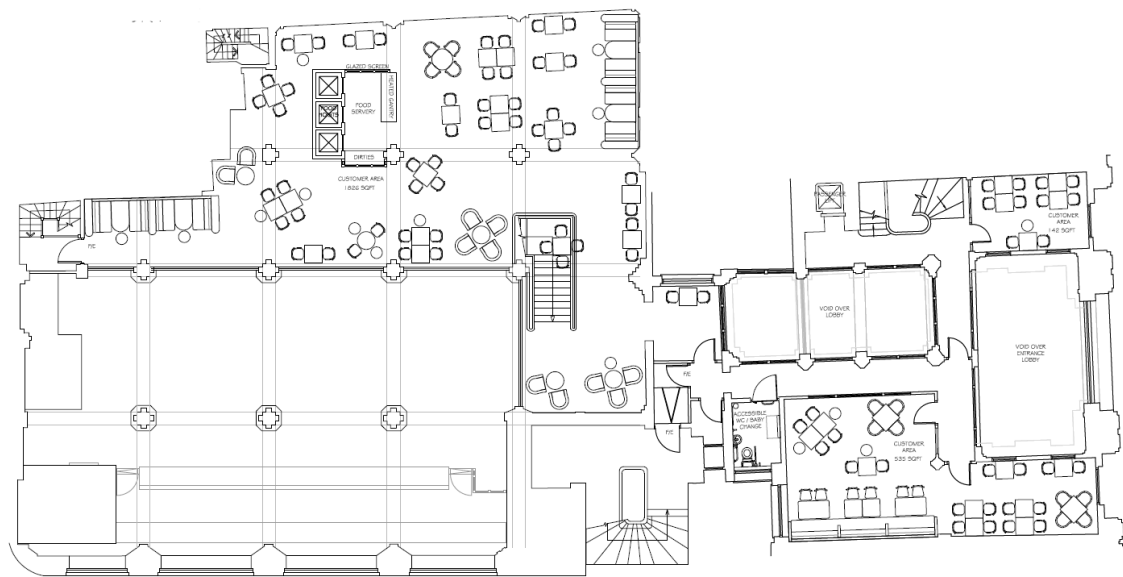
PROPOSED GROUND FLOOR PLAN



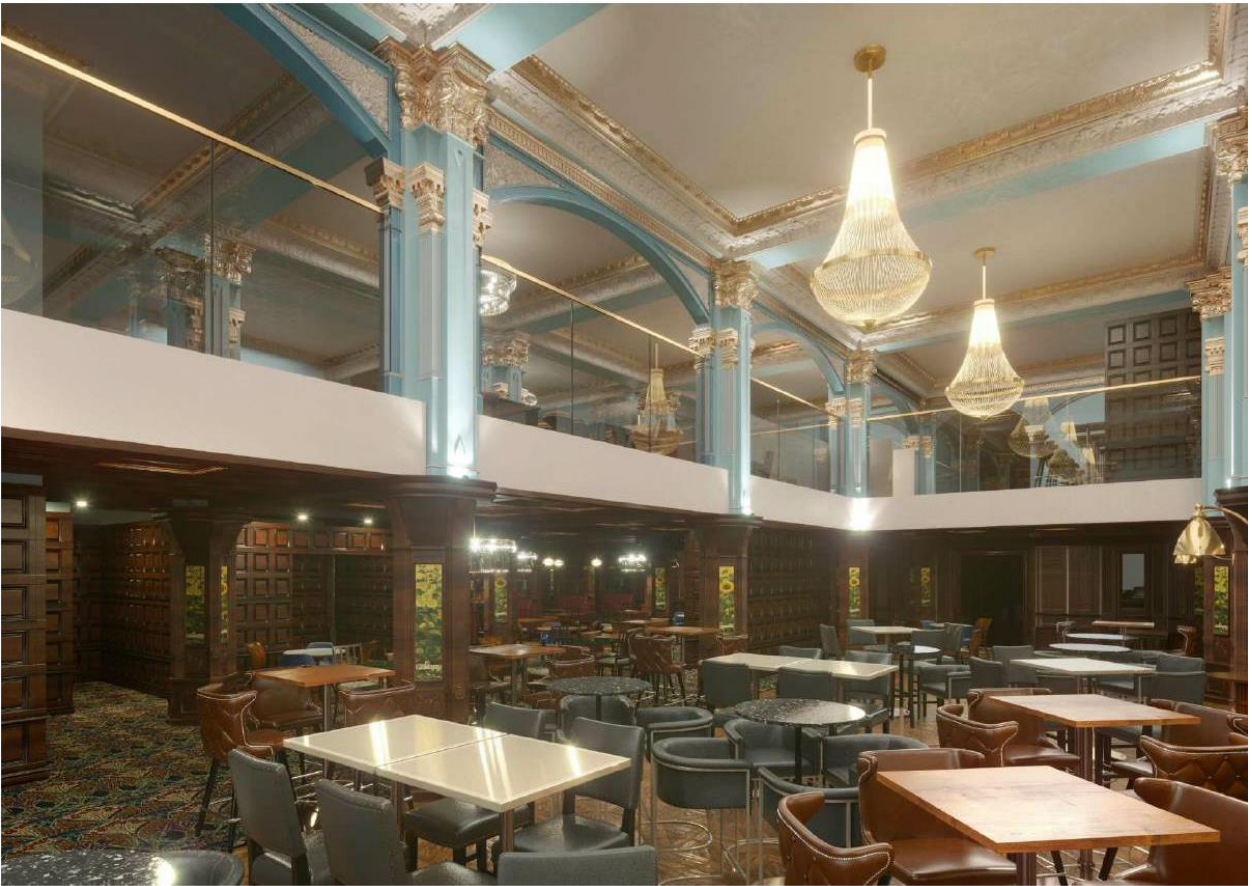


EXISTING MEZZANINE FLOOR PLAN

### Existing and Proposed Mezzanine



PROPOSED MEZZANINE FLOOR PLAN



Images of Proposal

**DRAFT DECISION LETTER – PLANNING PERMISSION**

**Address:** 222 Strand, London, WC2R 1BA

**Proposal:** Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level.

**Reference:** 18/01260/FULL

**Plan Nos:** Site Location Plan; PL03; PL04; PL05; PL06; PL07; T-618; PL-620; T-619 rev A; 7503-00 rev A; 7503-01 rev D; 7503-02 rev C (roof plant); 7503-02 rev B (ground floor); 7503-03 rev A; 7503-04 rev E; 7503-05; 7503-06; 191; 105; 106.

For Information Only:

Noise Impact Assessment; Policy Position Statement; Design Images; Marketing Letter from CBRE; Heritage Statement; Ventilation Statement and Information regarding Reco Air System; Photos.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 Prior to the Public House opening, you must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, prevent customers queuing on the street, manage customers who wish to smoke, prevent customers from taking their drinks outside, and manage servicing. With regards to servicing the plan must identify process, internal storage locations, scheduling of deliveries and staffing, and set out how it will be carried out in a sensitive manner to ensure noise and highway impacts are minimised.

You must then carry out the measures included in the approved Operational Management Plan at all times that the Public House (Class A4) 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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must not allow more than 591 customers into the property at any one time.

**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. (R05AB)

- 6 You must not play live or recorded music on your property. (C13IA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and 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. (R13AC)

- 7 Customers shall not be permitted within the Public House premises before 07:00 or after 00:30 on Sunday to Thursday and before 07:00 or after 01:30 on Fridays, Saturdays, and the days before bank holidays and public holidays.

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

- 8 You must not sell any take-away food or drink on the premises and you must not operate a delivery service, even as an ancillary part of the primary Class A4 use.

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. (R05AB)

- 9 (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. (R46AB)

- 10 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)

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

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

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

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

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 12 You must apply to us for approval of details of an on-site waste holding area on the ground floor to avoid bins being left on the public highway before and after waste collections. Prior to the Public House opening, you must provide the holding area on the ground floor and you must provide the separate stores for waste and materials for recycling at sub-basement level shown on drawing numbers PL05 and 191. You must clearly mark them and make them available at all times to staff of the public house.

**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)

- 13 You must apply to us for approval of details of secure cycle storage for the Public House 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:**

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)

- 14 Prior to the Public House opening, a "Secured by Design" accreditation shall be obtained for the drinking establishment and thereafter all features are to be permanently retained.

**Reason:**

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 15 The kitchen extract ventilation shall be limited to a recirculation system approved by the Local Planning Authority and all cooking and reheating of food within the premises shall operate by electricity only and not by gas or solid fuels such as coal or wood.

**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)



- 16 The re-circulation system hereby approved must have no external discharge.

**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)

- 17 Following installation of the recirculation plant and equipment hereby approved, you are required to submit a supplementary report for our approval before the use of the premises as a public house commences. You must thereafter maintain the recirculation plant and equipment as approved. The supplementary report must include:

- (a) A schedule of all plant and equipment installed.
- (b) Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating.
- (c) In the working environment the breakout noise not exceeding 55 dB (A) in the kitchen.
- (d) Details of the whole ventilation scheme in the kitchen that maintains an ambient temperature of not more than 25 centigrade whilst cookline equipment is operating.
- (e) Details of service / filter replacement and maintenance arrangements.

**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)

**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, neighbourhood plan (where relevant), 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 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560., , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk)., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
  
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
  
- 4 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](http://www.opsi.gov.uk).

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 – LISTED BUILDING CONSENT**

**Address:** 222 Strand, London, WC2R 1BA

**Proposal:** Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level; and extensive internal alterations.

**Reference:** 18/01261/LBC

**Plan Nos:** Site Location Plan; PL03; PL04; PL05; PL06; PL07; T-618; PL-620; T-619 rev A; 7503-00 rev A; 7503-01 rev D; 7503-02 rev C (roof plant); 7503-02 rev B (ground floor); 7503-03 rev A; 7503-04 rev E; 7503-05; 7503-06; 191; 105; 106.

For Information Only:

Design Images; Marketing Letter from; Heritage Statement; Ventilation Statement and Information regarding Reco Air System; Photos.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 5 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

- i) Full design and structural details of the mezzanine, including sections, elevations and details of fixings.

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 (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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

i) Any alterations to the original staircase in connection with providing additional fall protection.

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 (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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 8 You must not disturb existing original tiles and panelling unless changes are shown on the 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

#### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 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 2.4 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)

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 April 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	6 Dansey Place, London, W1D 6EZ		
Proposal	Use of the ground floor as a substation (sui generis) and installation of new ground floor frontage.		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury Chinatown Plc		
Registered Number	18/06928/FULL	Date amended/ completed	16 August 2018
Date Application Received	16 August 2018		
Historic Building Grade	Unlisted		
Conservation Area	Chinatown		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

The application site is located within the Chinatown Conservation Area, the Core Central Activities Zone (Core CAZ) and the Creative Industries Special Policy Area (CISPA). The property comprises ground and four upper floors. The whole building is currently occupied by Lo's Noodle Factory, a mix of light industrial, wholesale retail and ancillary activities (sui generis). Permission is sought to allow the use of the ground floor as a substation (also sui generis) and the installation of new ground floor frontage. The key issues for consideration are:

- The impact of the loss of the existing Sui generis use on the character and function of the area, and
- The acceptability of the new ground floor frontage upon the appearance of the building and the character and appearance of the conservation area.

While the importance of the existing sui generis use and its contribution to China Town is noted, it is considered possible to protect such a use under existing policies. The proposed electrical substation is considered to bring significant benefits to the area by addressing current power supply issues in the area. The change to the frontage would be acceptable if its appearance is improved with the application of some public art.

### 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

### SOHO SOCIETY

No objection provided the existing tenant is relocated to suitable alternative premises and any consent is conditioned in this way later.

### CROSSRAIL 1

Do not wish to comment

### CROSSRAIL 2

No comment

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### HIGHWAYS PLANNING

Objection – doors opening over the highway

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14; No. of objections: 1 -

One objection has been received from the current occupier on the following grounds:

- Loss of business in Chinatown,
- Loss of employment,
- Loss of employment floorspace, and
- Disruption to the supply chain of fresh food within London.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted building located within the Chinatown Conservation Area, the Core Central Activities Zone (Core CAZ) and the Creative Industries Special Policy Area (CISPA). The property comprises ground and four upper floors. It is located at the western end of Dansey Place, on the south side.

The whole building is currently occupied by Lo's Noodle Factory. The applicant advises that they produce and distribute noodles for approximately 95% of Chinatown's restaurants and have been operating since the late 1970s. The operation comprises a mix of light industrial activities (the production of the noodles at the ground floor) and wholesale retail activities and staff areas on the upper floors. It is considered that the use of the premises is therefore a one-off 'sui generis' use.

### 6.2 Recent Relevant History

#### The Application Site

There is no planning history at the application site.

### Other Relevant Permissions

Planning permission was granted at 4 Dansey Place on 31 January 2019 (RN: 18/09688/FULL) to allow the use of first floor as a retail wholesale use (sui generis), to enlarge the existing retail wholesale use at ground floor level, use of the second and third floor for a flexible/alternative use of either retail wholesale (sui generis), office (B1) or residential (C3) comprising 2 x 1 bedroom units. External alterations to the front and rear were also permitted. The applicant has indicated that this is a potential site for the noodle factory to relocate to, although further permission would be required to enable part light industrial use.

Planning permission was granted at 3 Horse and Dolphin Yard on 06 June 2018 (RN: 18/03093/FULL) for use of part of the ground floor as an electrical sub-station (sui generis) with associated external alterations, including the installation of a louvered door.

## **7. THE PROPOSAL**

Planning permission is sought to allow the use of the ground floor as a substation (also a sui generis type of use) and the installation of new ground floor frontage. The land use figures for the proposed development are shown in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Light Industrial/Wholesale Retail (sui generis) Use (ground floor only)	29	0	-29
Substation (sui generis) Use (ground floor only)	0	29	+29
Total	29	29	0

The applicant advises that power supply is a recurring issue within Chinatown and, with a long term interest in the area, the applicant is looking to allow UKPN to install the substation in this location. A secondary substation has already been approved in Horse and Dolphin Yard nearby (RN: 18/03093/FULL) which, together with the substation in this application, would help address the power supply issues in the area.

The upper floors would remain unchanged as part of the existing sui generis use.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of Light Industrial/Wholesale Retail (sui generis) Use**

The site lies within the Creative Industries Special Policy Area (CISPA) as defined within the Unitary Development Plan (UDP) where light industrial uses are protected. Policy COM8 states that "proposals for redevelopment, rehabilitation or other development affecting premises containing light industrial floorspace will not be granted planning permission where:

1. the site is located within the Creative Industries Special Policy Area
2. this would result in the loss of industrial activities which contribute to the character and function of the area."

Paragraph 2.78 of the UDP recognises the important contribution that “...*certain industrial activities make to the strength and diversity of the economic and employment base of Westminster...*” and notes that these should be protected as “...*they are important to the character of the City and its economic life, well in excess of their actual size.*” Such uses are grouped into two basic categories:

*“(a) those that are long established, that offer unique or specialist goods or services to national and international markets and which are dependent on their location in central London such as bespoke tailoring, haute couture and other fashion design, jewellery manufacture and repair.*

*“(b) those that provide essential supportive or ancillary services to other important economic and cultural activities, such as film/image processing laboratories associated with the media industry in Soho and clothing workshops associated with the clothing industry in East Marylebone”*

Although the site is located within the CISPAs as defined in the UDP, this SPA designation has not been included within the City Plan. In discussing the importance of Business and Employment, the City Plan recognises that protecting and enhancing the Creative Industries is a priority. However, it also acknowledges that such uses do not fall within a specific use class and they therefore require a customised approach. There is an emphasis on ‘creative industries’ rather than ‘light industry’ and the ‘clustering’ of such uses, and the importance of wider ‘creative hubs’, rather than protection of particular uses. Policy S18 ‘Commercial Development’ refers to encouraging commercial development within the Core Central Activities Zone; S20 states that where appropriate the Council will request a range of business floorspace including workshops and studio.

One objection has been received from the current occupier of the premises on the grounds of the loss of a business in Chinatown, the loss of employment, the loss of employment floorspace, and disruption to the supply chain of fresh food (noodles) within London. The objector also advises that, while the applicant advised at submission of the application that there had been close communication regarding the application prior to submission, this was not actually the case. The applicant claims that discussions have taken place, and are ongoing, with the current occupier in an effort to enable the current use to relocate. The applicant has advised that it may be possible to relocate the existing use at nearby 4 Dansey Place. However, the objector advises that they have been offered the first and second floors of these premises [the ground floor is occupied by another tenant] and does not consider these premises appropriate due to the nature of their operation, which involves large heavy machinery and large amounts of water, creating a wet environment that is best suited to being located at ground floor level. The objector claims that there would be significant costs involved in undertaking the necessary structural works required to operate from the alternative premises offered.

Council officers are sympathetic to the arguments of the existing tenant, and recognise that the current use of the premises as a noodle factory makes a contribution to the character and economy of China Town. However, it is considered that the changing nature of the planning policies, reflecting the move from light industrial ‘manufacturing’ to the ‘creative industries’, makes it difficult to resist the loss of this very specific, one-off

activity. Although conveniently located, the process could be carried out elsewhere and as with most other foodstuffs for Chinatown, it could be brought in.

The applicant has also highlighted the fact that the planning process should not be used to protect a particular user or tenant. The issue of the existing tenant being offered a suitable place to relocate is, in this case, largely a private matter which must be resolved outside of the planning system. The request of the Soho society that the existing tenant be relocated (and this be secured by condition or similar) cannot therefore be upheld.

The other comments from the objector in relation to the disruption of the supply chain of fresh food, mainly noodles, is not considered to be a planning consideration as they could be delivered from elsewhere. The other aspects raised by the objector, with regards to the loss of employment and employment floorspace (both of which are small), are considered to be outweighed by the benefits that the provision of an electrical substation will bring to the area. As a result, the objections from the current occupier are not considered to be sustainable.

With regard to the partial wholesale retail function, City Plan Policy S21 protects retail floorspace through the Westminster except where the Council considers the unit is not viable, as demonstrated by long-term vacancy (18 months) despite reasonable attempts to let. UDP Policy SS5 seeks an appropriate balance of town centre uses on CAZ Frontages and states that *“A1 uses at ground, basement and first floor level in the CAZ and CAZ frontages will be protected.”* It goes on to state that the introduction of non-A1 town centre uses at these floors will only be granted where it would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality. Non-A1 uses also must not lead to, or add to, a concentration of three or more consecutive non-A1 uses.

While the existing unit provides a wholesale retail function, it is not considered that the partial loss of this activity in this location would have a detrimental impact on the character and function of the area. Dansey Place has a strong servicing character, with a prevalence of back entrances to the larger units fronting onto Gerrard Street and Shaftesbury Avenue and is not somewhere frequented by the general public. The existing unit is already a non-A1 use, and it is not considered it's loss or the proposed use would lead to, or add to, a concentration of three or more consecutive non-A1 uses. The upper floors of the property could continue to be used for wholesale retain purposes.

**Proposed Substation (Sui generis) Use**

There is no policy in the City Plan or saved sections of the UDP which directly concern the use of premises as electrical substations. However, the proposed new sui generis use is considered acceptable in land use terms. The provision of a new sub-station in this area will provide the benefit of reliable power distribution to this area of the city, which is welcomed.

**8.2 Townscape and Design**

Dansey place is a secondary street with a strongly service character. Elevations here tend to feature rear entrances to buildings on Shaftesbury Avenue and Gerrard Street,

rather than active frontages. Bins, ducts and air conditioning dominate the environment. There are three retail-type outlets on the street, including the application site, none of which have an intact traditional shopfront.

At 6 Dansey Place, the shopfront consists of a brick stallriser, an infilled shop window opening containing some small vents and fixed windows, and a blank fascia above. The stallriser appears to be in stock brick, and a recessed entrance contains a door of no particular merit. A large downpipe descends between the door and shopfront. Above the shopfront the building is traditionally proportioned, though the building is in red brick, rather than the prevailing stock. While the proportions of the building and the shopfront are typical of the wider area, the fabric itself is poor, and the cumulative changes have resulted in a building which makes a neutral contribution to the character and appearance of the conservation area.

The proposal replaces the existing altered shopfront in its entirety with louvred panels and doors, obliterating all detail and features at ground floor level, including fascia and stall riser. A brick soldier course is introduced above the louvres. The complete loss of a shopfront, even one as altered as the existing, is still harmful to the character of the area where the replacement detracts from its character or appearance.

However if a decorative treatment were applied to the louvres, which reduced its deadening impact on the street, it could be considered acceptable. Therefore a condition is recommended requiring a scheme of public art to be applied to the louvres. Other examples in the city show how a decorative scheme can improve the appearance of street level louvres. The applicant has agreed to this.

On the basis that the existing shopfront is of poor quality, that Dansey Place has a strongly service character, and if the proposed louvres are improved with an artistic treatment, the proposal is considered acceptable in design and conservation terms.

### **8.3 Residential Amenity**

Not applicable.

### **8.4 Transportation/Parking**

The Highways Planning Manager has assessed the application and raised an objection on the grounds that the proposed doors open outwards over the public highway, which would be contrary to policies TRANS2, TRANS3 and the Highways Act (s153). The applicant has subsequently amended the design of the door accessing the upper parts of the property so that this opens inwards.

The two new doors which provide access to the substation (one being a single door and one pair of double doors) both still open outwards. The agent advises that it is a requirement of UKPN that the doors open outwards in case of an emergency. They have also advised that these doors in question are only opened from the outside, and not the inside, so there is full visibility along the public realm when these are opened. Although not ideal, given that Dansey Place does not experience high levels of pedestrian use due to its service nature, and that the doors in question will not be opened over the

highway on a regular basis or from the inside, an exception can be made in this instance and these doors may be allowed to open over the highway.

## **8.5 Economic Considerations**

The potential loss of a small established business are noted but are not considered sufficient to outweigh the wider benefits to the local economy of having a reliable electricity supply.

## **8.6 Access**

There will be no change in access arrangements to the upper parts of the property. New access doors will be provided to the ground floor part of the property to be used as an electrical sub-station.

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

### **Mechanical Plant**

An acoustic report has been submitted in support of the proposed plant at ground level, which has been assessed by Environmental Health. They have confirmed that the proposed installation is likely to comply with the relevant criterion within UDP Policy ENV 7. No further mitigation to reduce the noise levels (such as screening or limiting hours of operation) are required to enable this. Subject to the Council's standard noise and vibration conditions. The application is considered acceptable in amenity terms.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## **8.9 Neighbourhood Plans**

A Soho Neighbourhood Plan is in development and not applicable at the current time.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 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.



Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. There are no such conditions in this case.

#### **8.12 Planning Obligations**

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

#### **8.13 Environmental Impact Assessment**

Environmental Impact issues have been covered in section 8.7 above.

#### **8.14 Other Issues**

None applicable

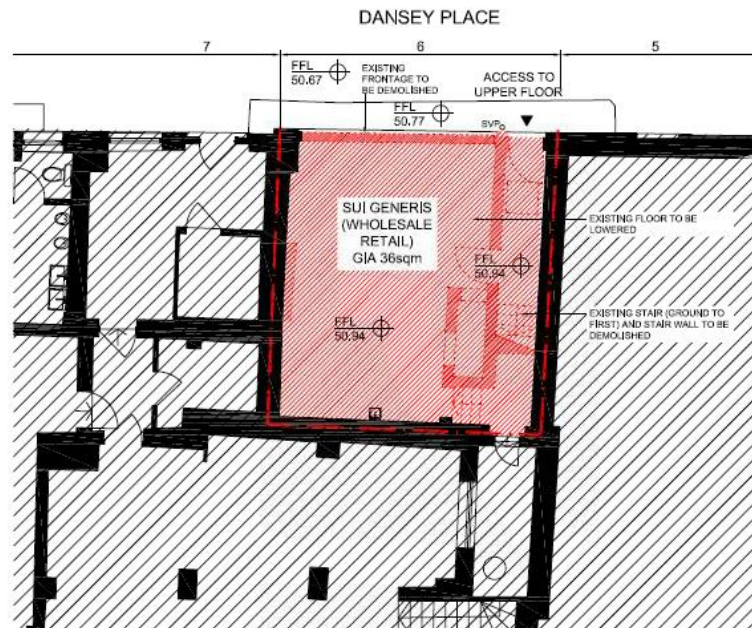
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

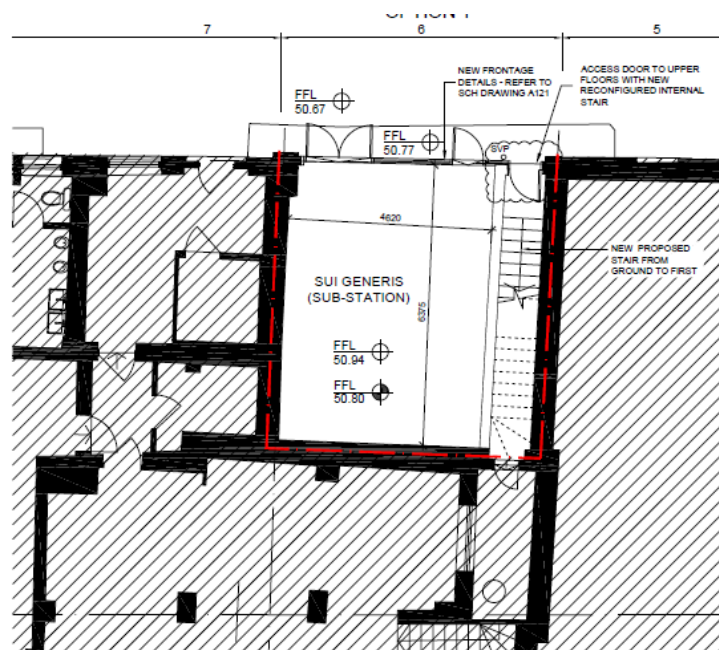


## 9. KEY DRAWINGS

## Existing Ground Floor Plan (with demolition)



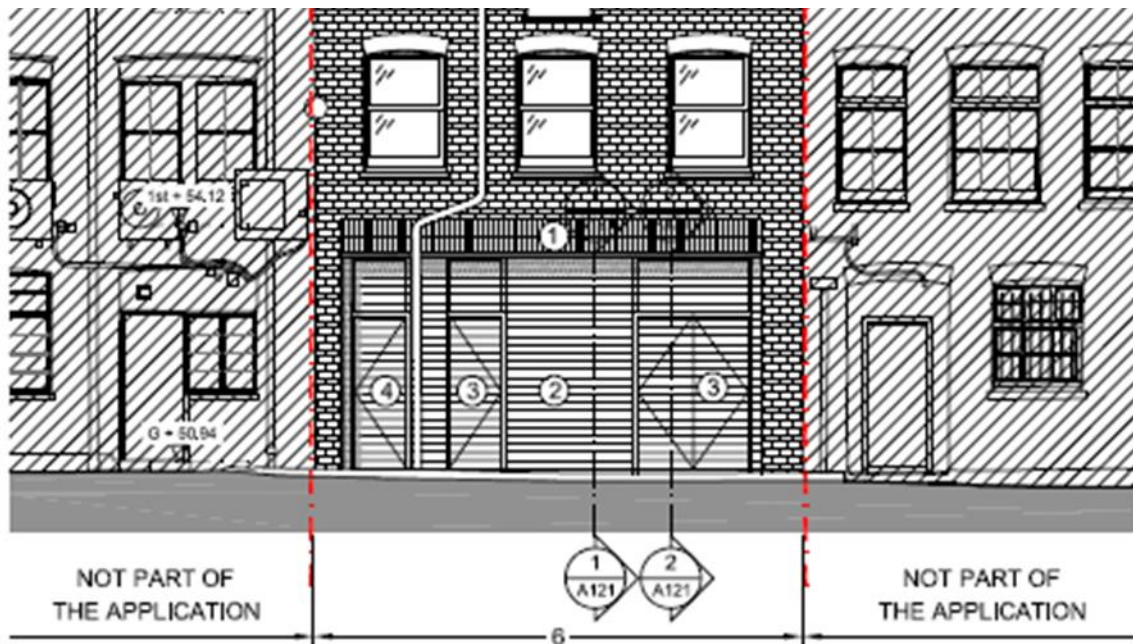
## Proposed Ground Floor Plan



Existing Front Elevation (with demolition)



Proposed Front Elevation



**DRAFT DECISION LETTER**

**Address:** 6 Dansey Place, London, W1D 6EZ

**Proposal:** Use of the ground floor as a substation (sui generis). Installation of new ground floor frontage.

**Reference:** 18/06928/FULL

**Plan Nos:** A101 Rev. A ; A111 ; A121

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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)

- 6 You must apply to us for approval of a scheme of public art applied to the substation louvres. Before the substation use is commenced you must install the public art in accordance with the details approved by the Council. You must then maintain the approved public art and keep it on this site and you must not remove it without the written consent of the Council as Local Planning Authority.

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 Chinatown 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)

#### **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, neighbourhood plan (where relevant), 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 Conditions 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

Item No.
<b>6</b>

- 3 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.
  
- 4 Please note that substation equipment can contain high energy within low frequency content of sound. Low frequency can be easily transferred within building structures. It is strongly recommended that Residential use should not be introduced above the substation at First Floor level. The applicant is also advised that to limit structural borne sound the equipment must be sufficiently isolated and mounted to minimise sound and vibration transmission.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 <sup>th</sup> June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	20 Westbourne Park Villas, London, W2 5EA		
Proposal	Excavation of basement with rear lightwell, erection of ground floor rear extension and first floor rear extension to square off chamfered bay, alterations to windows, reinstatement of front boundary with new bin store, bike store and re-landscaping to rear garden. All in association with the use of the building as a single-family dwelling.		
Agent	Mr Adam Beamish		
On behalf of	Mr Alastair Graham		
Registered Number	18/10463/FULL	Date amended/ completed	18 April 2019
Date Application Received	11 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

No.20 Westbourne Park Villas is an unlisted semi-detached three storey building subdivided into three flats, located within the Westbourne Conservation Area.

Permission is sought for works involving extensions and alterations to the building and its curtilage in connection with the amalgamation of the flats into a single family dwelling house. Most of the works were granted permission last year under two applications, apart from two new elements now included which comprise works of excavation to form a basement beneath part of the building and the reinstatement of a front boundary wall. The proposal has been revised during the application to amend the proposed rear lightwell and proposed landscaping plan to include tree planting and to revise the ownership certificate.

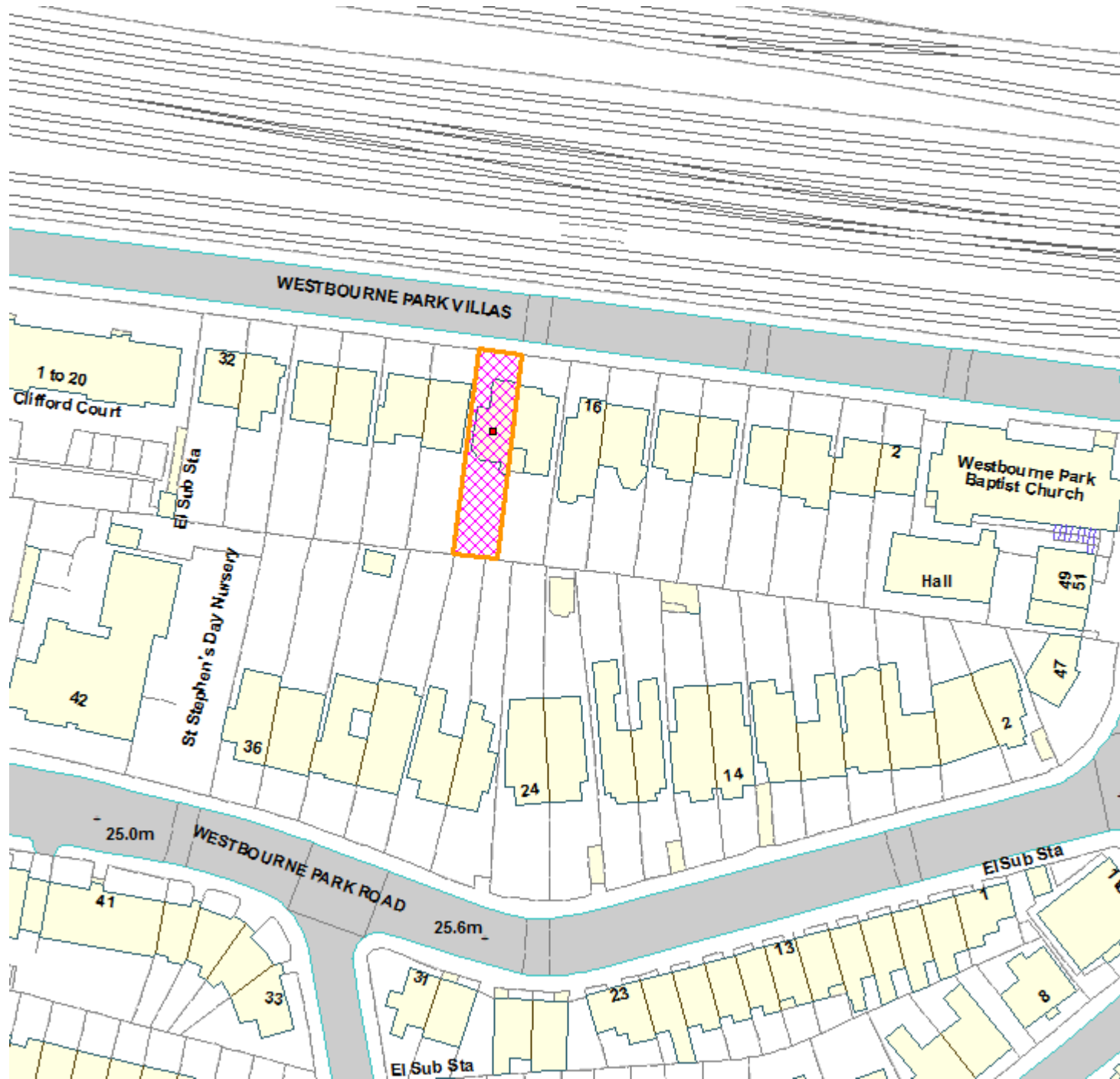
Objections have been received from six neighbours on a number of grounds including principle of basement, design, amenity, structural, trees and construction. The key considerations are:

- Impact on the proposal on character and appearance of the building and Westbourne conservation area; and
- Impact of the proposal on the amenities of neighbouring properties

The proposal is considered acceptable and satisfies the relevant planning policies our Unitary Development Plan and City Plan. Accordingly, it is recommended that conditional permission is granted.



## 3. LOCATION PLAN



#### 4. PHOTOGRAPHS

The front elevations of 18 (left) and 20 Westbourne Park Villas (right).





The rear elevation of 20 Westbourne Park Villas.





The rear elevation of 20 (left) and 18 Westbourne Park Villas (right).





The rear elevation of 22 (left) and 20 Westbourne Park Villas (right).



## 5. CONSULTATIONS

### ORIGINAL CONSULTATION

#### WESTBOURNE NEIGHBOURHOOD FORUM

Any response to be reported verbally.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### BUILDING CONTROL

No objection. The scheme has been justified structurally, sufficient details have been provided to show how the walls will be extended using traditional mass fill concrete underpinning in 1m wide section and piling which is appropriate for this site. The proposals to safeguard adjacent properties during construction is acceptable. The proposal will not have any effects on ground or surface water and it will not increase the likelihood of flooding in the local area.

#### ARBORICULTURAL SERVICES

No objection, subject to conditions, to secure tree protection, landscaping and tree planting. Noted that revised landscaping plan should be secured to include replacement tree planting for the removed plum trees (subsequently submitted).

#### ADJOINING OWNERS / OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 20

No. of objections: From 6 addresses

No. of other responses: 0

The objections are summarised as follows:

#### DESIGN

- Harm to the conservation area, from loss of garden and due to basement not being traditional feature
- Extensions harmful to building
- Details of boundary wall should be provided

#### AMENITY

- Loss of daylight, to kitchen at no. 18
- Noise disturbance from proposed family room in basement
- Light pollution to rear

#### BASEMENT

- Cumulative impact of basements on ground water levels is not known
- Full width lightwells and no margin of undeveloped land has been provided
- Lightwell should not be altered in the future

- Building is at risk of subsidence, as it is not underpinned, ground levels of the gardens nearby vary and as it is alleged that local water causes are known to rise and fall throughout the year
- The collapse to the rear at no. 10 Westbourne Park Villas in February 2019 is not reassuring to neighbours
- An independent assessment of the Structural Methodology Statement should be carried out

#### LANDSCAPING

- Landscaping plans do not show the recently felled plum tree or replacement tree.

#### CONSTRUCTION IMPACT

- Construction noise produced would be in breach of Article 1 and 8 Human Rights Act - the right to peacefully enjoy a home and threaten neighbour's health
- Vibrations caused will weaken neighbouring buildings
- A timetable of works should be provided

#### PROCEDURAL MATTERS

- The consultation letter arrived 9 calendar days after it was dated
- Consultation letters have been sent to empty flats within the application site.

#### OTHER MATTERS

- The work is being carried out to make the site more 'saleable'
- Wrong ownership certificate has been served

#### RECONSULTATION

Following revisions to the design of the rear lightwell and omission of glazed balustrade revised landscape plan to show replacement tree planting for the removed Plum tree and a revised certificate of ownership (Certificate B) re-consultation was carried out.

#### BUILDING CONTROL

Please note that No 10 Westbourne park Road was not a basement, it was a rear extension. The Collapse at No 10 was cause due by the builder putting the temporary supports were close to excavated area. The Council has a duty to consider the information submitted in planning and health and safety issues but we cannot control negligence.

#### ADJOINING OWNERS / OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 20

No. of objections: From 3 Addresses

No. of other responses: 0

Amendments to do not satisfactorily address previous objections and concerns. Welcomes the removal of glazed lightwell balustrade, reduction in the width of the lightwell, and amended landscaping plan.

ADVERTISEMENT/SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No.20 Westbourne Park Villas is an unlisted three-storey semi-detached mid-19th century villa in use as in use as three flats on the south side of Westbourne Park Villas, located within the Westbourne Conservation Area. It is currently vacant but arranged as three flats.

The site which has front and rear gardens contains a small lilac tree within the rear garden. A previously existing individual plum tree and small group of plum trees have been lawfully removed. The adjoining sits also contain trees, a Lawson Cypress at No.18 Westbourne Park Villas abutting the rear boundary and a small Holly tree within No.22 Westbourne Park Villas that abuts the front boundary.

The application site is joined to No.18 Westbourne Park Villas which lies to the east and to the west is No.22 Westbourne Park Villas. To the rear lie the properties of Westbourne Park Road, some 40m away.

### 6.2 Recent Relevant History

#### 17/09966/FULL

Amalgamation of three existing flats to form one 4 bedroom single dwellinghouse.

Application Permitted 3 January 2018

#### 18/03376/FULL

Erection of single storey rear extension at ground floor level, extension at rear first floor level, installation of fenestration within the flank elevation, alterations to the existing fenestration within the upper floor rear extension and associated alterations.

Application Permitted 10 July 2018

#### 18/05925/ADFULL

Details of rooflights being fully concealed behind parapet to ground floor extension pursuant to Condition 4 of planning permission dated 10 July 2018 (RN:

18/03376/FULL).

Application Permitted 24 July 2018

#### 18/04017/TCA

No objection was raised to the removal of a healthy plum tree under an application for tree works 18/04017/TCA. A replacement tree is required to be planted within 12 months of removal.

The removal of a moribund plum tree did not require the formal consent of the Council but requires a replacement tree to be planted with agreement of size and species with the City Council.

## 7. THE PROPOSAL



Planning permission is sought for extensions and alterations to the building comprising of excavation to create a single storey basement beneath part of the building as proposed to be extended with associated rear lightwell, ground floor rear extension, first floor rear extension (squaring off the chamfered bay), alterations to fenestration, new front boundary and bin store and new rear bike store, all in association with the amalgamation of three flats into a single family dwellinghouse,

During the course of this application, the proposal was amended. The rear lightwell was reduced in width and the glazed balustrade around the lightwell was omitted. The landscaping plans were update revised to include replacement tree planting. A revised ownership certificate was also submitted to reflect that some basement works are proposed to the party wall. Re-consultation was subsequently undertaken.

It is of note that a significant amount of the works proposed have already gained planning permission under separate planning applications, as set out in the planning history section of this report and that these permissions remain extant and able to be implemented. This application includes works granted permission in under both of the 2018 applications, together with additional works comprising excavation to create a new single storey basement and the reinstatement of a front boundary.

There has been no significant change in on site circumstances or planning policy since the granting of permissions in 2018.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

It is proposed to amalgamate the three flats within the building into a single family dwellinghouse. This has already gained planning permission (2018) which remains extant.

The building would have originally been a single family dwellinghouse when it was first erected in the mid-19th century and the proposal is to return it to this use, the loss of two residential units in this instance is acceptable under policy H5 of our Unitary Development Plan (UDP and S14 of our City Plan.

It is also proposed to enlarge the building by 84sq. m. This will be achieved by the excavation of a basement, a ground floor rear extension (17 sq. m) and the squaring-off the chamfered bay to rear first floor level (3sq. m.). Increasing the provision of residential floor space accords with policies S14 of the City Plan and H 3 of the UDP.

Given the above, the proposal application is acceptable in land use terms and accords with policies of S14 to the City Plan and H3 and H5 of the Unitary Development Plan (UDP).

### **8.2 Townscape and Design**

#### Rear Extensions

The proposed ground floor rear extension is predominantly the same as that approved in 2018, the only difference being that a higher parapet is proposed to screen the rooflight in order to address a condition of that permission. The scale of the proposed extension is in keeping with the proportions of the host building and respect the hierarchy of the upper floors. At each corner of the rearward facing elevation of the extension it is stepped back and this recessed nature of the elevation reduces its visual mass.

At first floor level it is proposed that the existing chamfered bay will be 'squared-off' which was also permitted in 2018. The additional mass is not considered to detract from the architectural design of the building and therefore the alteration is acceptable in design terms.

#### Window Alterations

The changes to the fenestration including replacement and alterations to windows are the same as that approved in 2018. They are considered to enhance the building's contribution to the Westbourne Conservation Area through their traditional detailed design. A condition is recommended requiring the windows to be timber framed and painted white.

#### Lightwell

The proposed lightwell covering (part glazed, part steel mesh) measures 1m deep and 3.3m wide and is centrally located adjacent to the rear elevation. The lightwell as whole will be seen in the context of the principally glazed rear elevation of the ground floor rear extension. As such the walk on glazing to provide access from the extension into the garden will not appear incongruous, in either the context of the host building or the conservation area. The lightwell itself is considered of modest size and is discreetly located. As such the lightwell would not harm the character and appearance of the existing building or that of the surrounding conservation area. Accordingly, the proposal preserves that character and appearance of the conservation area consistent with policies DES 1, DES 5 and DES 9 of the UDP and S28 of the City Plan.

#### Front Boundary

The existing front boundary to the application site is mostly open except for three concrete planters adjacent to the public footway. This arrangement is not considered to be in keeping with the conservation area or the character of the host building. The proposed low render wall with piers capped in coping stones is considered to be an acceptable design approach to reinstating a boundary in this location. A sample of stone and Yorkstone paving is to be sought by condition. Behind the proposed front boundary wall and sitting just lower than it, is to be a refuse and recycling store faced in render. The location of the bin store to the side of the garden adjacent to the boundary with no. 22 Westbourne Grove is acceptable.

Given the above, the proposal preserves that character and appearance of the Westbourne conservation area and is consistent with policies DES 1, DES 5 and DES 9 of the UDP and S28 of the City Plan.

### 8.3 Residential Amenity

The proposed ground floor rear extension and first floor rear extension (squaring off the chamfered bay) were granted permission in 2018 and in granting permission were assessed in terms of their potential impact on the amenity of neighbouring properties. There is no reason in which to come to a different conclusion. Notwithstanding this, the assessment is set out below.

The proposed single storey rear extension is to project 3m away from the existing rear elevation of the building, adjacent to the boundary with no. 18 Westbourne Park Villas and be situated approximately 4m away from no. 22 Westbourne Park Villas. The extension has brought about objection on the potential impact it would have on the amount of daylight received by the ground floor kitchen window of No. 18 Westbourne Park Villas. However, given the scale of the extension and its relationship with this neighbouring property, it is considered that no significant loss of daylight or sense of enclosure would occur. Given the distance and relationship to other surrounding properties (No.22 Westbourne Park Villas and properties to the rear in Westbourne Park Road), it is also considered that there would be no significant loss of amenity to these neighbours. The objection raised by a neighbour on this ground is therefore not supported.

The proposed squaring-off of the chamfered bay at First Floor level would result in a minor increase in the sense of enclosure to the bedroom window within no. 18 Westbourne Park Villas. However, it is not considered to be significant.

Objections have been raised with respect to noise escape from use of a “family room” and potential for light pollution from the lightwell and rear extension. It was requested if permission is to be granted that the room layout is not altered from that shown on the submitted drawings. However, it is unreasonable to place such a restriction on a single family dwelling house, where domestic activities are to take place. With respect to the potential for light pollution, given the size and location of the lightwell and glazing, it is not considered that any significant light pollution would occur from this single family dwelling house. For these reasons the objections are not supported.

The replacement of the ground floor flank window that is nearest to the front door with a larger window as well as the replacement of each of the first and second floor windows on the rear elevation with larger windows are both considered acceptable. These windows would be only marginally larger than the existing and would therefore not result in any significant increase in overlooking.

Given the above, notwithstanding the objections raised, the proposal is considered acceptable in amenity terms and accords with policies S29 of the City Plan and ENV 13 of the UDP.

### 8.4 Transportation/Parking

As the proposal will result in a reduction in the number of residential units, the parking arrangements satisfy TRANS 23 of the UDP. An external waste storage has been indicated on the submitted plans. The absence of secure, accessible, weatherproof cycle

parking is regrettable however, as the units exist already and there is external amenity space where bikes could be stored, it is not necessary to condition these details. The proposal is therefore acceptable in highways terms.

### **8.5 Economic Considerations**

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

### **8.6 Access**

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

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

#### **Trees and landscaping**

The City Council acknowledges that gardens are an integral feature of the Westbourne Conservation Area. An objection has been raised on grounds of loss of garden. The existing garden is around 129sq.m and would reduce to approximately 101sq.m under this proposal. Given that the proposal would make only modest incursion into the rear garden, and the amount of retained garden is consistent with the prevailing garden size in this locality. The objection on this ground is not sustainable.

The proposed basement meets the landscaping criteria under our basement policy. However, a revised proposed soft landscape plan has been submitted in order to address the concerns of the City Council's arboricultural officer. The plan now indicates tree planting to replace the trees removed from the garden (as set out in the history section of this report). Subject to conditions requiring protection of trees during the works within and adjacent to the site and full details of soft landscaping including replacement tree planting, the proposal is acceptable in tree and landscaping terms.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

This application raises no neighbourhood plan issues.

### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the Council's Code of Construction Practice during the demolition/excavation and construction phases of the development under condition 3 as well as requirement to provide details of acceptable tree protection measures under condition 6. The applicant has agreed to the imposition of the conditions.

#### **8.12 Planning Obligations**

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

#### **8.13 Environmental Impact Assessment**

Environmental Impact issues are not relevant in the determination of this application.

#### **8.14 Other Issues**

##### **Basement**

The excavation of basements must be considered against policy CM28.1 of the City Plan, as set out below.

##### Part A of Policy CM28.1

##### *Structural Matters*

Structural integrity matters during construction are controlled through the Building Regulations and the Party Wall Act and not directly by the planning system. Notwithstanding this, policy CM28.1 requires the applicant to provide a structural engineer's report which explains the likely methodology of excavation and the impact on adjacent properties. As these provided reports that have been produced by a member of the relevant professional institution they carry a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

It was raised in objections from neighbours that the basement could cause subsidence and adversely affect neighbouring properties, namely due to their age, absence of underpinning, because the grounds levels vary between neighbouring properties and also as it is alleged that that local water courses are known to rise and fall during hot and cold weather. Matters such as this are not typically considered material planning considerations, despite this each of the structural survey reports provided by the applicant have been as assessed by the City Council's Building Control department whom have advised that the structural approach is justified, sufficient details have been provided, concluding that they have no adverse comments in relation to the application. For these reasons it is not considered reasonable that matters raised by neighbours which express structural concerns can be sustained as to refuse permission on these grounds.

An objector has cited an incident at 10 Westbourne Park Villas, where in February 2019 part of the rear elevation at ground, first floor and second levels collapsed, in connection with constriction of a rear extension. Each case must be dealt with on its merits and with respect to this application, sufficient information has been submitted at this stage. This incident in the vicinity of the site appears to have been caused by temporary supports too close to an excavated area. Our Building Control officer has advised that whilst the City Council has a duty to considered in planning and health and safety issues they cannot control negligence. Similarly, it is not considered reasonable that the request by a neighbour is adhered to that an independent assessment of the Structural Methodology Statement is carried out.

#### *Flooding Matters*

The application site is located in Flood Zone 1 which is the Environmental Agency's area of lowest flood risk and approximately 310m away from the nearest hidden river according to the City Council's GIS maps. Despite this applicant was required by Part A of policy CM28.1 to provide a Flood Risk Assessment because it was located in the Westbourne Grove surface water flooding hot spot as defined by the City Council's Basements Supplementary Planning Document (SPD). The data provided in the submitted Flood Risk Assessment shows the application site as well as all of the properties on southern side of Westbourne Park Villas have a 'very low' risk of surface water flooding. The City Council wishes to make it clear that they are not approving these reports and assessments produced external professional organisations, but instead using them for the purpose of showing that there is no known impediment at this stage preventing the creation of basement.

It was raised in an objection that the cumulative impact of basements is not known on local ground water levels, citing the development approximately 100m away on the corner of Westbourne Park Baptist Church which includes basement works. No specific information or evidence came to light regarding local ground water levels that demonstrated that there is risk from the cumulative impact of basement disturbing ground water levels. The submitted Flood Risk Assessment has shown that the application site is not over is not situated over a groundwater vulnerability area according the Environment Agency's data. Although it has been demonstrated that there is no likely risk from either fluvial or pluvial flooding the applicant is advised by way of informative to install pump to prevent sewer flooding.

#### *Construction Matters*

The construction process of the basement and its impacts are not typically considered material planning matters, however, in order to protect the residential environment Part A of policy CM28.1 does require that the applicant gives due consideration to its impacts prior to permission being granted. The applicant has provided a completed Code of Construction (CoCP), demonstrating their willingness to adhere to its requirements. The CoCP binds the applicant providing mitigation measures to impacts such as dust and vibrations in a Construction Management Plan that must be approved by the City Council's Environmental Sciences team before the any excavation work commences.

While the objections from neighbours are noted, which stated the construction noise produced would be in breach of Article 1 and 8 Human Rights Act - the right to peacefully enjoy a home and threaten neighbour's health it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible. If the application is considered acceptable as whole, a condition is to be included requiring the applicant having the form authorised by the City Council's environmental sciences team before works commence. The City Council's Environmental Sciences team will require a construction management plan, of which will include a timetable of the works as was requested in a comment received by a neighbour.

#### Part B of Policy CM28.1

It is required that the basement (both during construction and upon completion) must not result in a loss of trees of townscape, ecological or amenity value and that a satisfactory landscaping scheme is provided. The impact of the basement on the trees within and near to the application site and landscaping matters will be discussed in the arboricultural section of this report. The folding doors into the lightwell is considered to acceptable in order to provide the basement with sufficient natural ventilation. The proposed basement plan does not indicate the location of pump device required to prevent the basement from sewer flooding, however, as the floor plans indicate sufficient floor space it is not considered permission could be resisted for this. Part C of the policy requires direct external manifestations of the extension such as that of lightwells to be sensitively designed and discreetly located. Matters relating to the appearance of the lightwell are to be discussed separately in the design part of this report.

#### Part C of Policy CM28.1

The originally submitted basement plan showed the excavated lightwell adjacent to the boundary shared with no. 18 Westbourne Park Villas on the site's eastern boundary. The applicant was advised that is an acceptable basement would be one which leaves a margin of undeveloped land on each of its sides which are not under the main footprint of the building. The applicant provided amended drawing which accords with this requirement with a margin of approximately 1200mm. It has also been shown that the basement is under less than 50% of the garden land associated with the building.

#### Part D of Policy CM28.1

There not any matters included in Part D which are relevant to this application.

In summary, it is considered that the proposed basement and associated lightwell fully accords with the relevant policy of CM28.1 of the UDP. The basement is therefore regarded as acceptable.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: ADD SARAH WHITNALL BY EMAIL AT [SWHITNALL@WESTMINSTER.GOV.UK](mailto:SWHITNALL@WESTMINSTER.GOV.UK)

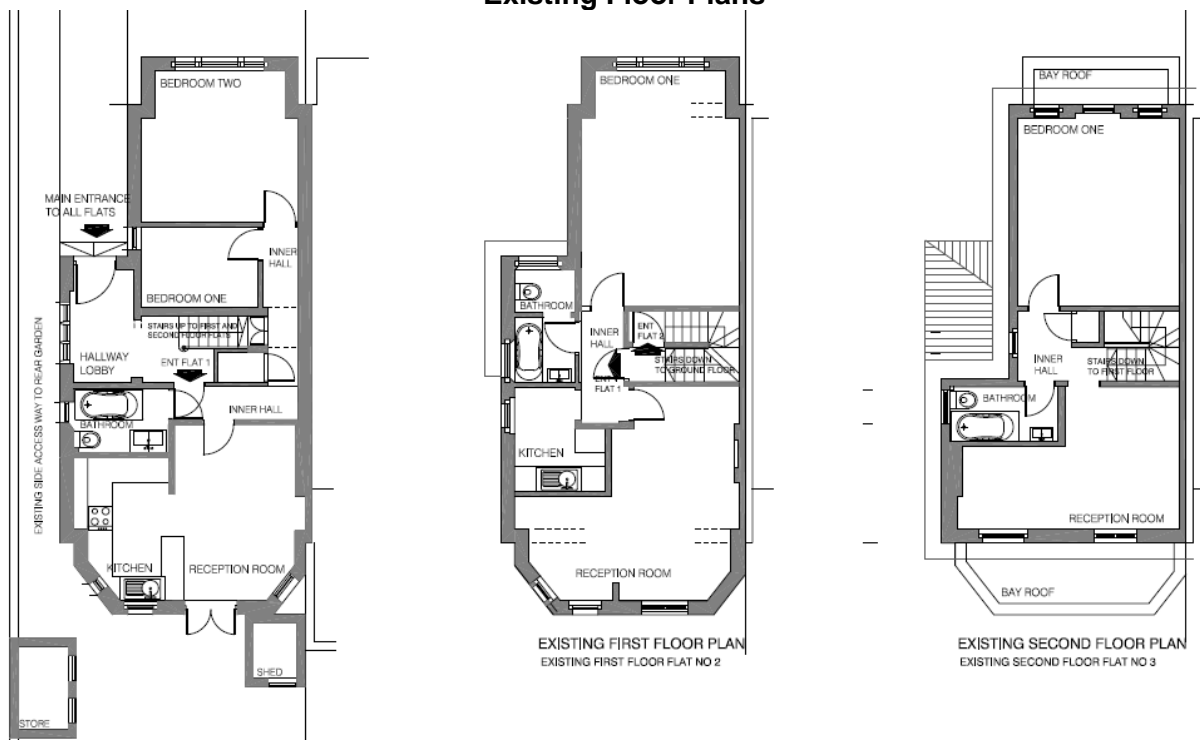


## 9. KEY DRAWINGS

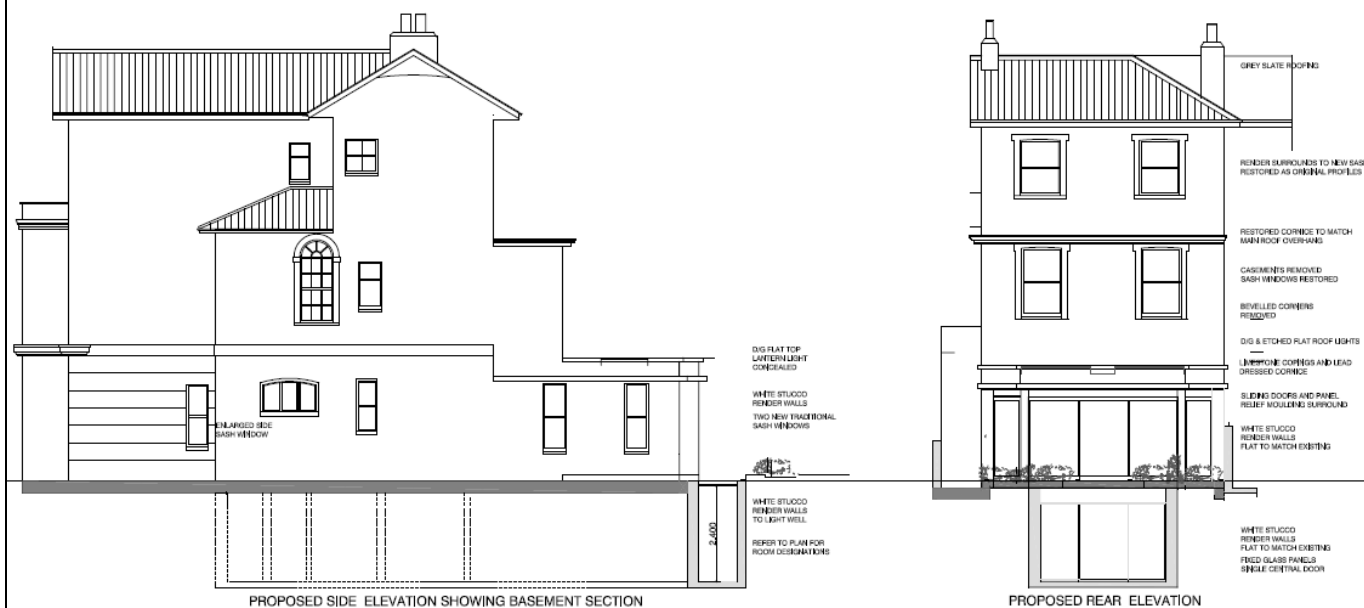
## Existing Side and Rear Elevations



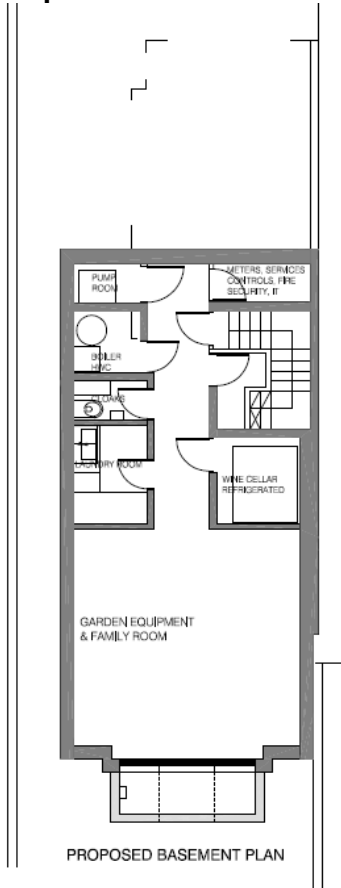
## Existing Floor Plans

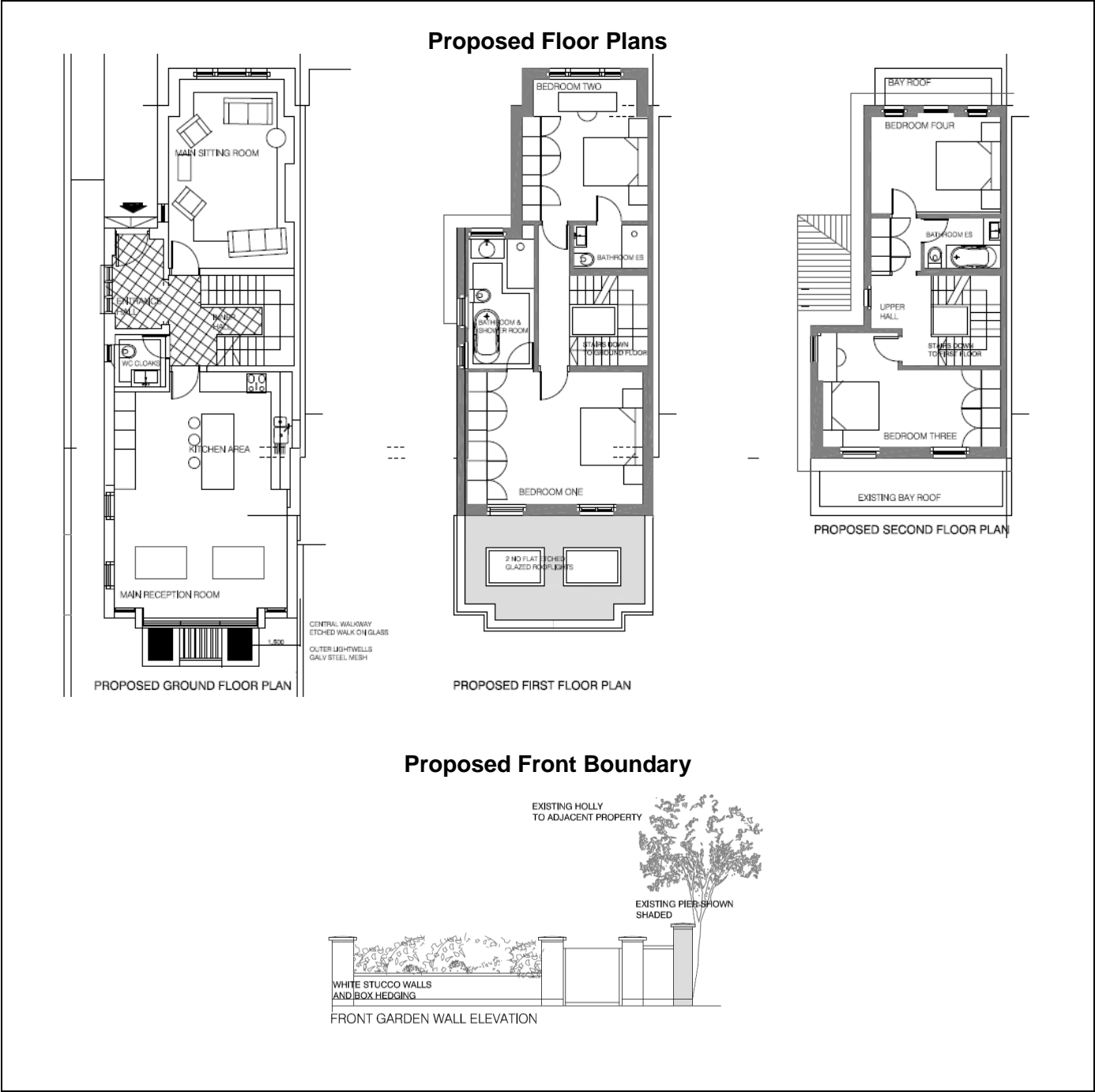


### Proposed Side and Rear Elevations



### Proposed Basement Plan





**DRAFT DECISION LETTER**

**Address:** 20 Westbourne Park Villas, London, W2 5EA

**Proposal:** Excavation of basement with rear lightwell, erection of ground floor rear extension and first floor rear extension to square off chamfered bay, alterations to windows, reinstatement of front boundary with new bin store, bike store and re-landscaping to rear garden. All in association with the use of the building as a single-family dwelling.

**Reference:** 18/10463/FULL

**Plan Nos:** 01, 02, 07, 09A, 10B, 11A, Design and Access Statement, Cover Letter, Location Plan, Appendix A Checklist and Arboricultural Report dated 9th April 2019.

USED FOR INFORMATION - Flood Risk Assessment, Soil Investigation, Structural Methodology Statement - Appendix A Rev 1, Structural Methodology Statement - Appendix B, Structural Methodology Statement - Appendix C, Structural Methodology Statement - Appendix D and Structural Methodology Statement - Appendix E.

**Case Officer:** Harry Berks

**Direct Tel. No.** 020 7641 3998

**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:
  - 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 piling, excavation and demolition work only:

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

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

**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)

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

**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)

- 6 **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 in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

**Reason:**

To protect the trees and the character and appearance of this part of the Westbourne; Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 7 Each of the new and replacement windows must be timber framed and painted white. They must be maintained in this way thereafter without interruption.

## 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 Westbourne 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 provide us with a sample of the stone you will use to cap the gate piers on the front boundary. We must have approved of this part of the development before you carryout works to this part of the development.

## 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 Westbourne 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 The front garden area must be paved in Yorkstone as shown on approved drawing no. 10 B.

## 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 Westbourne 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 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 as well as include tree planting to replace those already removed. 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 1 planting season; 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 1 year; of planting them, you must replace them with trees of a similar size and species.

## Reason:

To protect the trees and the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 11 Notwithstanding the details shown on the Landscape Layout drawing no. 10 B, you may not erect the timber garden shed and bike store until you have provided us with detailed elevational drawings and plans with details on the proposed materials. These plans, drawings and materials must be agreed and approved prior to work on this part of the development.

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

- 12 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

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)

**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, neighbourhood plan (where relevant), 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 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.,

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

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

- 3 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)
- 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)

Item No.
<b>7</b>

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.