



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 4th February, 2020

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Jim Glen (Chairman)
James Spencer
Elizabeth Hitchcock
David Boothroyd



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: 07870 548348; email: gwillis@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Jim Glen had replaced Councillor Robert Rigby and Councillor David Boothroyd had replaced Councillor Matt Noble

To note any further changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

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:

<https://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.

(Pages 5 - 12)

- | | |
|---|-------------------------|
| 1. VARIOUS LOCATIONS NW8, NW6, W9 WITHIN NORTH WESTMINSTER INCLUDING PRINCE ALBERT ROAD LONDON | (Pages 15 - 40) |
| 2. FRASER LODGE INNER CIRCLE REGENTS PARK LONDON NW1 4NX | (Pages 41 - 58) |
| 3. 15-16 BEDFORD STREET LONDON WC2E 9HE | (Pages 59 - 88) |
| 4. 195 PICCADILLY LONDON W1J 9LN | (Pages 89 - 102) |

**Stuart Love
Chief Executive
24 January 2020**

Order of Business

At Planning 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 (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 7th January, 2020**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), James Spencer, Matt Noble and Elizabeth Hitchcock

Also Present: Councillors Melvyn Caplan and Matthew Green (Item 1)

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 The Chairman 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 emails 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 Matt Noble declared in respect of Item 2 that he knows some of the people that had submitted comments on the application but he had not discussed the proposals with them.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on the 26 November 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 5 KINGDOM STREET, LONDON

Erection of a mixed-use development comprising ground floor (at Kingdom Street level), plus 18 storeys to provide offices (B1a) plus ancillary plant and amenity areas. Three floors below Kingdom Street delivered in phases to provide a flexible mix of business B1(A), retail (A1), leisure, community and cultural uses (D1) within the former 'Crossrail box'. New outdoor terraces adjacent to railway at basement level; creation of a new pedestrian and cycle link between Harrow Road and Kingdom Street including internal and external garden and landscaping; and associated works. The application is accompanied by an Environmental Impact Assessment (EIA development)

Additional representations were received from Development Planning Services (undated) in the form of an amendment to the recommendation and the Interim Director of Planning and Place (RBKC) (17.12.2019)

Late representations were received from Development Planning Services in the form of amendments to Section 5 Consultations on the report setting out support from the Hyde Park East Association and the Paddington BID; Councillor David Boothroyd (4.1.2019); Councillor Emily Payne (7.1.2019) and British Land (2.1.2019)

Michael Meadows spoke in favour of the application.

John Zamit (Chairman, Bayswater Residents' Association, SEBRA) spoke in objection to the application.

John Zealley (Chairman, Paddington Waterways and Maida Vale Society) spoke in objection to the application.

Councillors Melvyn Caplan, Matthew Green spoke in objection to the application in their capacity as Ward Members.

RESOLVED UNANIMOUSLY:

Subject to referral to the Mayor of London, resolved to refuse permission on design, townscape and heritage grounds and that insufficient information has been submitted to demonstrate that the proposed building would not result in a cumulative material loss of light to the detriment of the amenities of the occupiers of the properties on Westbourne Terrace Road and Warwick Crescent.

2 3 - 4 LANCASTER TERRACE, LONDON, W2 3PF

Redevelopment of car park and garages to extend hotel including excavation of a basement and erection of part single, part three storey building (above ground) with terrace at first floor level, incorporating loading bay and ancillary hotel facilities and plant. Installation of flue to rear of hotel.

The presenting officer referred to the following additional condition:

Condition 30 – provide green roof.

You must provide, maintain and retain the green roof before you start to use any part of the hotel extension, as set out in your application. You must not remove any of these features.

REASON

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV17 of our Unitary Development Plan that we adopted in January 2007.

Additional condition 31

A minimum of 4 of the additional hotel rooms shall be wheelchair accessible.

Reason

In order to meet Policy 4.5 of the London Plan 2016.

Late representations were received from SEBRA (2 & 7.1.2019); Development Planning Services (3.1.2019) and the occupier of 11 Carroll House, Craven Terrace, London, W2 (3.1.2019)

Matthew Brewer spoke in support of the application.

Stephen Porter spoke in objection to the application.

Anna Bardos spoke in objection to the application.

John Zamit, representing Bayswater Residents' Association and SEBRA, spoke in objection to the application.

RESOLVED: (for: Councillors Rigby, Spencer and Hitchcock; Against: Noble)

1. That conditional permission and conditional listed building consent be granted subject to the amendment to condition 30 and the additional condition 31 as tabled and set out above and local amenity societies to be consulted on the discharge of the Servicing Management Plan.
2. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.
- 3 **DEVELOPMENT SITE AT 37-41 GREAT TITCHFIELD STREET, 42-50 MORTIMER STREET AND 1A LITTLE TITCHFIELD STREET, LONDON W1**

Restoration of ground floor shopfronts, internal alterations across ground and lower ground floor and the installation of comfort cooling within central lightwell at first floor level (within new plant enclosure) and ventilation ducts within ground floor lightwell. Use of lower ground floor of 44 Mortimer Street and rear ground floor of 44 Mortimer Street (Little Titchfield Street frontage), as flexible/alternative Retail or Gymnasium (Class A1 or D2) use, with access to proposed gymnasium or shop from new

entrance (at rear of 44 Mortimer St) adjacent to 1a Little Titchfield Street. Use of ground and lower ground floors of 46-50 Mortimer Street as Retail (Class A1).

An additional representation was received from the occupier of Flat 1, Ames House, 44 Mortimer Street, London (23.12.2019)

A late representation was received from the occupier of Flat 4, 44 Mortimer Street (7.1.2019).

The presenting officer tabled the following changes to the draft decision letter:

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 5 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 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.

(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:

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

- 12
- a) Before you use the plant within the central lightwell at first floor level you must implement the mitigation measures set out in RBA Acoustic's Plant Noise Assessment report dated 2 August 2018 Revision 2, in particular you must fully enclose the condensers with acoustic louvres, including a lid. You must then maintain it in the form shown for as long as the machinery remains in place.
 - b) You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have then carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition 9 of this permission.

RESOLVED:

1. That conditional permission be granted subject to the amendment to condition 9 and condition 12.
2. That conditional listed building consent be granted.
3. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

4 11 BEAUMONT MEWS, LONDON, W1G 6EE

Erection of roof extension to create 4-bedroom dwelling with rear roof terrace enclosed by a timber screen; formation of new green roof.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

5 7 - 10 BEAUMONT MEWS, LONDON, W1G 6ED

Erection of roof extension to form additional office space, rear roof terrace enclosed by a timber screen at first floor level, green roof, entrance lighting, seven new air conditioning units within proposed new roof plant enclosure and installation of new lift.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

6 222 STRAND, LONDON, WC2R 1BA

Use of sub-basement, basement, ground and mezzanine levels as a public house (Class A4); installation of a new ventilation system, new plant equipment at roof level; and associated internal and external alterations.

Late representations were received from Councillor Louise Hyams (6.1.2020) and Outer Temple Chambers (undated).

James Counsell QC spoke in objection to the application.

The presenting officer tabled the following changes to the draft decision letter:

Condition 5:

The Public House shall not open for business before an Operational Management Plan, including a Servicing Management Plan, has been approved by the City Council. The Operational Management Plan must 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.

Additional condition added:

You must not allow customers to drink on the pavement outside the premises.

RESOLVED UNANIMOUSLY:

1. That conditional permission and conditional listed building consent be granted subject to:

- (a) the amendment to Condition 5 and additional condition regarding not allowing customers to drink on the pavement outside the premises as tabled and set out above.
 - (b) Amending Condition 6 to reduce the closing time to 23:30 on Sunday to Thursdays and 24:00 hours on Fridays and Saturdays;
 - (c) An additional informative advising the applicant to minimise the impact of smokers on the highway.
2. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

7 131 SHIRLAND ROAD, LONDON, W9 2EP

Use of Ground Floor as a residential 2 bed unit (Class C3), and alteration to ground floor front elevation and installation of railing.

Late representations were received from Councillor Geoff Barraclough (2.1.2019) and Maven Plan (6 & 7.1.2019).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

8 BASEMENT AND GROUND FLOOR FLAT A, 36 WESTBOURNE GARDENS, LONDON, W2 5PU

Excavation of a basement beneath the existing driveway, erection of a conservatory at upper ground floor level to Westbourne Gardens elevation and associated works.

Additional representations were received from Councillor Maggie Carman (31.12.2019) and the resident, 33 Westbourne Park Road (30 & 31.12.2019).

The application was withdrawn from the agenda by officers due to issues regarding the issue of certificate.

The Meeting ended at 9.05 pm

CHAIRMAN: _____

DATE _____

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CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 4th February 2020
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s): 19/06887/FULL Regent's Park	Various Locations NW8, NW6, W9 within North Westminster Including Prince Albert Road London	Variation of condition 1 (approved plans) and condition 2 (relocation of poles) of planning permission dated 06 December 2017 (RN: 16/04837/FULL) for: Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. Namely, to allow the relocation of poles in locations 10, (Carlton Vale) and 11 (Kilburn Park Road) and 12 (Oxford Road) and revised pole design, size and material (from tapered 110>38mm diameter steel pole to 114>38 mm diameter colour coated aluminium pole.	
<p>Recommendation</p> <p>1. Grant permission subject to the completion of a legal agreement under the highway, planning and local government legislative provisions, to secure all the previous obligations pursuant to the legal agreement dated 6th December 2017 in connection with permission under reference 16/04837/FULL and the additional obligation set out below:</p> <p>a) the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12, at the applicant's cost.</p> <p>2.If the agreement has not been completed within 3 months from the date of the Committee's resolution then:</p> <p>a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however if not</p> <p>b) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that is has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that 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.</p>				
Item No	References	Site Address	Proposal	Resolution
2.	RN(s): 17/06129/FULL Regent's Park	Fraser Lodge Inner Circle Regents Park London NW1 4NX	Installation of mechanical plant within acoustic enclosure sited in excavated area to northern elevation of Fraser Lodge with additional planted screening	
<p>Recommendation</p> <p>Grant conditional permission</p>				
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 19/05768/FULL 19/05769/LBC St James's	15-16 Bedford Street London WC2E 9HE	Use of part basement as restaurant (Class A3) accessed via new ground floor entrance on Bedford Court and associated internal and external alterations including installation of full height ventilation duct in lightwell.	
<p>Recommendation</p> <p>1. Grant conditional permission and conditional listed building consent</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 4th February 2020
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	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	Resolution
4.	RN(s): 19/09543/ADV St James's	195 Piccadilly London W1J 9LN	Display of non- illuminated shroud advertisements measuring 23.49m x 39.02m and 12.79m x 8.15m for a temporary period between 01 February 2020 and 31 December 2021 (site includes 190- 195 Piccadilly).	
Recommendation Refuse advertisement consent – detrimental impact on Grade II listed building, on setting of adjacent Grade I and Grade II* listed buildings and on character and appearance of St James's Conservation Area.				

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Original proposal : Abbey Road, Regent's Park, Bryanston & Dorset Square, Church Street, Little Venice, Maida Vale, Harrow Road, Westbourne. This S73 application: Regents Park	
Subject of Report	Various Locations NW8, NW6, W9 Within North Westminster Including, Prince Albert Road, London.		
Proposal	Variation of condition 1 (approved plans) and condition 2 (relocation of poles) of planning permission dated 06 December 2017 (RN: 16/04837/FULL) for: Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. Namely, to allow the relocation of poles in locations 10, (Carlton Vale) and 11 (Kilburn Park Road) and 12 (Oxford Road) and revised pole design, size and material (from tapered 110>38mm diameter steel pole to 114>38 mm diameter colour coated aluminium pole.		
Agent	Daniel Rosenfelder		
On behalf of	UNITED SYNAGOGUE TRUSTS LTD		
Registered Number	19/06887/FULL	Date amended/ completed	9 September 2019
Date Application Received	3 September 2019		
Historic Building Grade	Original proposal:- Poles 1A and 1B cross Warwick Avenue and are located adjacent to the Grade II listed Warwick Avenue Bridge and outside of the Grade II* listed Junction House. Pole 37B is located adjacent to Grade II* Crockers Folly PH on Cunningham Place. This S73 application: Pole 11A adjacent to the railings at the rear of the footpath leading from St Augustine's Church (Grade II) and Vicarage		

Item No.
1

	(including the Grade II listed Memorial to Richard Kirkpatrick) to Kilburn Park Road.
Conservation Area	Original Proposal: Many poles are located within the St John's Wood Conservation Area, Maida Vale Conservation Area and the Regent Park Conservation Area. This S73 Application: Poles 10,11,12 lie outside of a conservation area.

1. RECOMMENDATION

<p>1. Grant permission subject to the completion of a legal agreement under the highway, planning and local government legislative provisions, to secure all the previous obligations pursuant to the legal agreement dated 6th December 2017 in connection with permission under reference 16/04837/FULL and the additional obligation set out below:</p> <p>a) the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12, at the applicant's cost.</p> <p>2.If the agreement has not been completed within 3 months from the date of the Committee's resolution then:</p> <p>a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however if not</p> <p>b) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that is has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that 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.</p>

2. SUMMARY

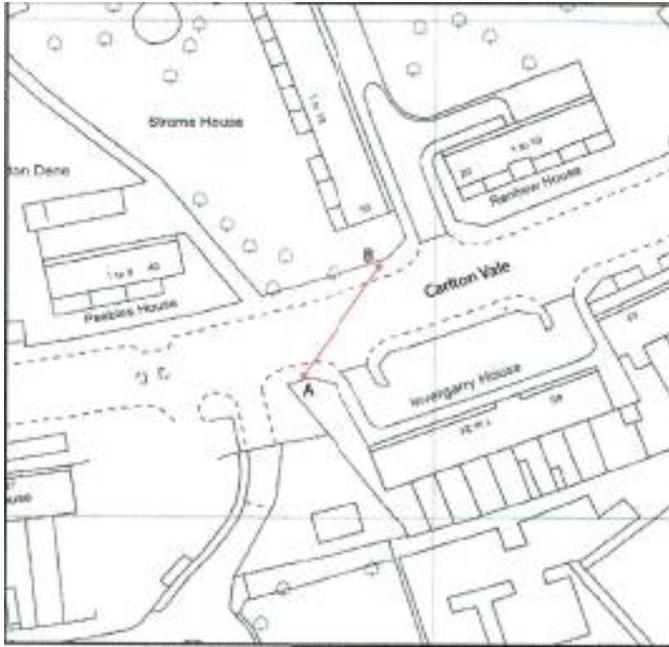
<p>Permission was granted by the Planning Applications Sub-Committee in 2017 for the erection of poles and wires in connection with the creation of an Eruv within the north of Westminster. This was subject to a legal agreement which secures a maintenance Strategy for poles and wire, cost of maintenance of street trees and the applicant to take on public liability.</p> <p>This current application seeks a minor material amendment to the 2017 permission, in order to vary three pole locations and also to revise the approved pole design and material. Nine representations of objection (and eleven representations of support) have been received on various grounds, including the impact of the ERUV on social cohesion, additional street clutter and heritage assets.</p>
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The principle of the poles on the highway, has already been established, In deciding to grant permission in 2017, Committee considered the advantages to parts of the Jewish community, provided exceptional circumstances which outweighed the harm caused by additional street clutter and street tree pruning and harm to the setting of heritage assets.

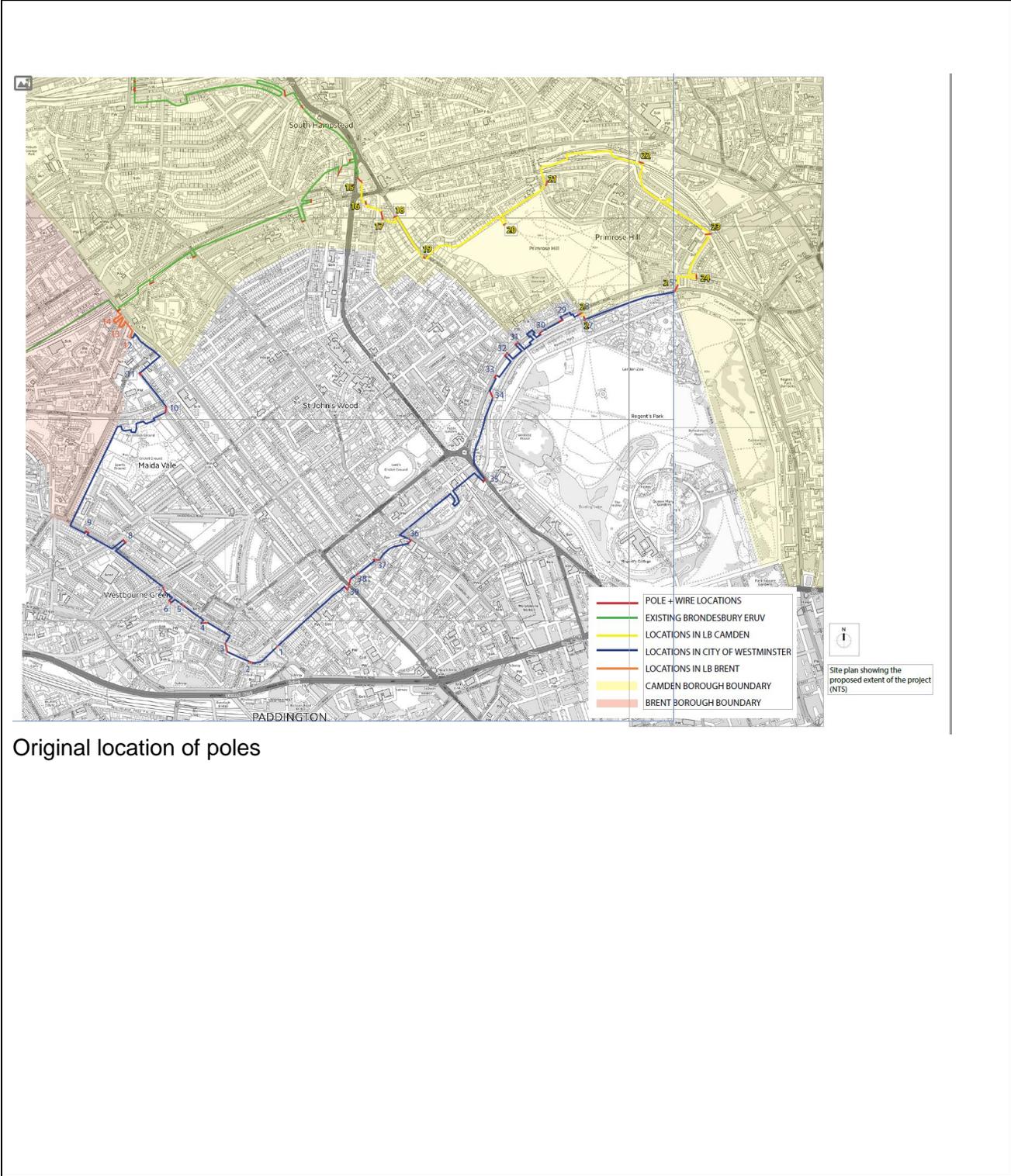
When assessing the amendments sought, the revisions to three pole locations and the revised pole design and material do not raise any significant new impacts when compared to the 2017 permission. Furthermore, there has been no significant change in planning policy or legislation in which to come to a different conclusion. As such, a favourable recommendation is made.

3. LOCATION PLAN- 3 sites

10



4. MAP OF PROPOSED ERUV (as originally approved)



Original location of poles

5. CONSULTATIONS

WARD COUNCILLORS FOR REGENT'S PARK, ABBEY ROAD, BRAYANSTON & DORSET SQUARE, CHURCH STREET, HARROW ROAD, LITTLE VENICE, MAIDA VALE, REGENTS PARK, WESTBOURNE.

Any response to be reported verbally

GREATER LONDON AUTHORITY

No objection. Authorisation to proceed to determine application without further reference to the GLA. Given scale and nature of the proposals, the amendments do not give rise to any new strategic planning issues.

TRANSPORT FOR LONDON

No objection. No new highway or strategic transport issues to raise. Request that the applicant take a number of comments into account.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Not necessary to be consulted.

THE ROYAL PARKS

Any response to be reported verbally.

NATURAL ENGLAND

Any response to be reported verbally.

CANAL & RIVER TRUST

No comment to make on the proposal.

THAMES WATER UTILITIES LTD

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

No objection.

LONDON BOROUGH OF BRENT

No objection.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY

Comment. The proposed relocation of the three poles does not affect the St John's Wood Conservation Area. No comment about the change of material for the poles.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

HIGHWAYS PLANNING TEAM

No objection. Acceptable (with conditions) based on previous committee decision. The proposed alterations and new locations do not raise any new highways issues or concerns.

WASTE PROJECT OFFICER

No objection.

ARBORICULTURAL SECTION

No objection

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

ENVIRONMENTAL SERVICES

No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1616

Total No. of replies: 20

No. of objections: 9

No. in support: 11

Objection

- Singles out permission for one religious minority to mark out territory covering a wide range of other groups of different beliefs.
- This is not “multiculturalism plural mono culturalism” or “ghettoization” where you encourage different groups.
- A small minority group is trying to force its will on our diverse community
- Cultural insensitivity.
- Sets a precedent for any religious or other group applying to do something similar.
- Contrary to Council policy to reduce street clutter.
- Adds to already far too much street furniture/clutter and overhead wires
- Might attract vandalism.
- Unsightly poles and wires and will fall into disrepair, become an eyesore and safety hazard.
- Poles and wires inappropriate in conservation area.
- Significant negative impact on Little Venice one of the most beautiful and scenic areas of London.
- Will the Council recompense if value of property declines?
- Wrong in every planning sense.
- Having an ERUV will encourage more Jewish people to buy homes in this area and the cost of housing will increase and non-Jewish people will no longer be able to afford to rent or buy flats in this area of Westminster, which would change the currently charming multicultural neighbourhood.
- Sweeping change to local environment.
- Oppressive symbol of the sway over a broadly tolerant local community.

- Highly visible symbol of voluntary ghettoization.
- Must also be a query about the motive, wisdom and potential provocation of an Eruv running so close to Regents Park Mosque.
- Divisive to the community.

Support

- Will hardly be noticed in the neighbourhood.
- Will ensure quality and ease of life for many and property values for all.
- The already approved consent will massively change the lives of groups of people in the community, especially the disabled, young children, elderly and is widely support by planning authorities and complaint with planning policies.
- Non contentious amendments enhancement to existing consent and make the already discreet locations of the unobtrusive fixtures even less visible.
- Will be a fantastic amenity which will result in significant improvement for many without causing any issues to the flow of traffic or the surrounding streetscape.
- Application is merely to vary an existing permission.
- The ERUV will enable buggies and wheelchairs to be pushed on the sabbath
- No negative effect on social cohesion.
- Frustrating that progress has taken so long.
- Aesthetic impact is minimal.
- Synagogue and Mosque co-exist and the strong cooperation between the two communities.
- Request tweak to poles to include more properties within the ERUV.
- Poles are discreet and hard to spot.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises of 26 locations within the north of Westminster, which are predominantly public highway (apart from site 4A). Many of the locations fall within the St John's Wood Conservation Area, Maida Vale Conservation Area or Regent's Park Conservation Area. Some locations are close to Regent's Canal and the Grand Union Canal and some are located adjacent to Grade II * and Grade II Listed Buildings. Most of the locations are within residential areas, although some are outside of commercial properties.

This current S73 application relates specifically to three locations within this area, namely Carlton Vale, Kilburn Park Road and Oxford Road, all of which are located outside of a conservation area. Oxford Road comprises the borough boundary with Brent Council. The location of the Kilburn Park Road site is in close proximity to St Augustine's Church (Grade I) and Vicarage including the Grade II memorial.

6.2 Recent Relevant History

Original Permission (2017)

The Planning Applications Sub-Committee resolved on the 17th January 2017 to grant conditional permission for the erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. This permission is governed by a legal agreement dated 6th December 2017 between the applicant and us under. (Reference: 16/04837/FULL).

The agreement relates to: -

- I. Maintenance Strategy for poles and wire.
- II. Cost of maintenance of street trees
- III. Applicant to take on public liability.

The associated Highways Agreement is currently under discussion.

Discharge of Conditions (2018)

Approval of Details granted on 09.10.2018 for alterations to locations of poles 1A/B, 2A/B, 25B, 27A, 33A/B, 37B, 39B/C, including omission of pole 27, location of any other additional poles to accommodate the relocation of the above poles including poles 38 Lyons Place, 40/AB Randolph Avenue and 41A/B Randolph Road, amended drawings to accurately reflect current on-site circumstances including existing street furniture and an Arboricultural Tree Protection Method Statement pursuant to Conditions 2 and 3 of planning permission dated 6 December 2017 (RN: 16/04837). (Reference: 17/11434/ADFULL)

First Non-Material Amendment Application

Approval on 10.01.2020 for Amendments to planning permission dated 6 December 2017 (RN: 16/04837/FULL) for: Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. Namely, resiting of previously approved location of poles and wires very close to previously-approved locations at 4a and 33.(19/06665/NMA)

Second (Pending) Non-Material Amendment Application

Amendments to planning permission dated 6 December 2017 (RN: 16/04837) for Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6, NAMELY, to allow local relocation of pole 1 (Warwick

Avenue) 2 (Warwick Place) ,38 (Lyons Place) ,39 (Aberdeen Place and Maida Vale).
(20/00151/NMA).

7. THE PROPOSAL

Type of Application

This application is made under section 73 of the Town and Country Planning Act 1990 to seek minor material amendments by varying conditions 1 and 2 associated with the earlier planning permission. There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The application is considered against the development plan and material considerations, and conditions attached to the existing permission and any significant change in these and national policies since the original grant of permission.

Background

The original application granted planning permission for physical works of development necessary to create what is known as an ‘Eruv’. The physical works comprise the erection of a number of sets of poles (joined by wires) on the pedestrian highway located within the north of Westminster. In some cases, a pole within Westminster is proposed to be joined by a wire to a pole within Camden or Brent. A total of 26 “sets” of poles were proposed comprising one, two or three poles joined by a nylon wire, a total of 51 poles. The poles were predominantly 5.5m high to straddle a vehicular highway, however where they cross only a pedestrian footpath the poles and wire were 3.3m high. The poles were cylindrical in shape and constructed of galvanized steel and colour coated black. The wire was 0.5mm nylon fishing line.

Proposed Variation

This current application seeks to vary the original permission, by the relocation of poles in three locations (sites 10, 11 and 12) together with a revised design for all the poles with respect to its diameter at its base, additional eyebolts and rods and a change in construction material from steel to aluminium.

8. DETAILED CONSIDERATIONS

8.1 Key issues

As a notional or symbolic boundary, the Eruv itself is not a structure which requires planning permission, but the poles and wire required to create the Eruv do require planning permission.

The original report to the Planning Applications Committee and the minutes of that meeting are included as a background paper to this report. It includes a detailed explanation of what an Eruv is, who could benefit from the Eruv, social cohesion as a material planning consideration and whether identified harm of the proposal (less than substantial) could be outweighed by public benefits to part of the Jewish community.

In deciding to grant conditional planning permission in 2017, the Planning Applications Sub-Committee considered that the advantages to parts of the Jewish community, outweighed the harm caused by additional street clutter and street tree pruning and harm to the setting of heritage assets. Thus the less than substantial harm to heritage assets was considered to be outweighed by public benefits. Given this and in the absence of any significant change in planning policy or legislation since the decision was made, these issues are not reassessed in this report. This report therefore concentrates solely on the proposed revisions and assesses the impact of each of the three pole locations and revised pole design with regard to site specific merits in relation to development plan and national policy on design, conservation areas, listed buildings, highways, trees and any other relevant issues.

8.2 Assessment of revisions

The applicant has stated that the revisions to the location of the poles has arisen to avoid tree crowns which have grown since the granting of the original planning permission, to address the removal of a wall and also to utilise existing poles already required to hold parking signs which has come to light during discussions with the City Council's Highway Department post the original decision.

With respect to the revised pole design and material, this has arisen following difficulties in securing a manufacturer for the original pole design and material.

Poles 10A & 10B

Original location of poles

These diagonally cross Randolph Avenue, at the junction with Carlton Vale from adjacent to the flank of the surgery on Carlton Vale to adjacent to the flank of 12 Carlton Vale within the Maida Vale conservation area.

Revised location of poles

These diagonally cross Carlton Vale from adjacent to the west end of Invergarry House frontage and its wall and railings to the curtilage wall and railing of the flank of Strome House, outside of any conservation area.

The revised poles are located in a less sensitive townscape environment outside of a conservation area, when compared to the original location and would not adversely affect the setting of the nearby Maida Vale conservation area.

Both poles would leave unobstructed pavement of 2.96m and 3.19m respectively and do not raise any new highways issues. Given the location of the poles and distance to residential properties, they are not considered to raise amenity concerns. The City Council's Arboricultural Manager has confirmed that there are no implications for trees.

The relocation of these poles is therefore considered acceptable.

Poles 11A & 11B

Original location of poles

These cross Kilburn Park Road from adjacent to the flank of Torridon House to adjacent to the brick boundary wall with St Augustine's School outside of a conservation area.

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1

Revised location of poles

These still cross Kilburn Park Road. Pole 11A will now replace the existing parking pole (but will also display the parking sign) adjacent to the railings at the rear of the footpath leading from St Augustine's Church (Grade I) and Vicarage (including the Grade II listed Memorial to Richard Kirkpatrick) to Kilburn Park Road, but outside of a conservation area.

St Augustine's Church dates from 1870-1877 and was Grade I listed in 1951. It is noted as one of JL Pearsons finest churches. It is of early Gothic style with slate pitched roof to eaves and red brick and stone dressings with much decoration and rich interior fittings. It makes a significant contribution to the townscape environment due to its special architectural and historic interest. The Memorial to Richard Kirkpatrick dating from 1907 was Grade II listed in 1987 and lies around 10 yards north west of the Church. It is a Granite stepped pedestal surmounted by granite crucifix with bronze figures of the dead Christ flanked by Keary and John. Dedicated to Richard Carr Kirkpatrick, Priest, Founder of St Augustine's Church and its first vicar, 1870 to 1907. It also makes a significant contribution due to its architectural and historic interest.

Given that the pole is to replace an existing parking sign pole, the minor difference in the appearance of the pole is not considered to result in any harm to the setting of these heritage assets in accordance with policy and the statutory duties imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Pole 11B is located diagonally opposite on the other side of Kilburn Park Road close to St Augustine's CE High School.

Both poles would leave unobstructed pavement of 3.02m and 1.97m respectively and do not raise any new highways issues. The original legal agreement will need to be updated to secure the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv pole. Given the location of the poles and distance to residential properties, they are not considered to raise amenity concerns. The City Council's Arboricultural Manager has confirmed that there are no implications for trees.

The relocation of these poles is therefore considered acceptable.

Pole 12A

Original location of pole

This is located on south side of Oxford Road and is joined by a wire to a proposed pole on the opposite side of Oxford Road within the London Borough of Brent.

Revised location of pole

Pole 12 A is located adjacent to railings in front of St Augustine's School on Oxford Road and will replace an existing parking pole (but will also display the parking sign). The pole would leave unobstructed pavement of 2.6m. The original legal agreement will need to be updated to secure the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv pole. Given the location of the poles and distance to residential properties, they are not considered to raise amenity concerns. The City Council's Arboricultural Manager has confirmed that there are no implications for trees.

The relocation of these poles is therefore considered acceptable.

Pole design

The height of the proposed pole remains at a maximum of 5.5m high (lower in some footpath locations). The pole remains of a tapered design, with a cylindrical shape but with a diameter of between 114-38mm, slightly larger at base than that previously approved (110-38mm). It is also required to accommodate two eyebolts at mid height and two rods on top to form a “V” shaped fork to hold the wire (0.5mm nylon fishing line). The pole is proposed to be constructed of aluminium, instead of the originally proposed galvanised steel, but would remain to be painted black.

This revision to the proposed material of the pole has arisen as no manufacturer capable of manufacturing a tapered steel pole could be found. The minor revisions to the diameter of the base of the pole and the additional eyebolts and “V” shape fork have arisen from further design evolution. None of the revisions are considered to be significant to the appearance of the poles within the townscape environment and are therefore considered to be acceptable.

Summary

Given the principle of the development has already been established by the extant permission for the poles and wires to create an Eruv, the revised pole design and revisions to poles in three locations is not considered to raise any significant issues with respect to design and townscape, highways, residential amenity or trees and biodiversity when considering policies DES1, DES7, DES9, DES10, TRANS3, ENV13, ENV16 of our Unitary Development Plan and policies S29, S38 and S41 City Plan: Strategic Policies. In carrying out the assessment as described earlier in this report, special regard has been had to the desirability of preserving the setting of listed buildings and conservation areas, in accordance with Sections 66 and 72 of the town and Country Planning (Listed Building and Conservation Area) Act 1990 (as amended).

8.3 Economic Considerations

The proposal would require initial and ongoing pruning of street trees and maintenance of the poles and wire which could have financial implications for the City Council. However, the applicant is proposing to fund this ongoing cost, and this is to be secured by legal agreement. The applicant is also proposing to take on public liability associated with the poles and wires.

The removal of the existing parking sign poles and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12 would be secured at the applicant's cost.

The scheme is not CIL liable (Mayoral or Westminster City Council).

8.4 Access

Not applicable.

8.5 Westminster City Plan

Westminster's Development Plan

Westminster's Unitary Development Plan was adopted in January 2007 and Westminster's City Plan: Strategic Policies was adopted in November 2016. Both documents were relevant at the time of the determination of the 2017 permission. (Reported to the Planning Applications Sub-Committee in January 2017)

The City Plan 2016 and UDP policies referred to in the consideration of this application are consistent with the NPPF unless stated otherwise.

City Plan 2019-2040

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019, the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public under Regulation - 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012,-having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.6 Neighbourhood Plans

Not applicable.

8.7 London Plan

This application raises no strategic issues. The Mayor was consulted on this S73, as was the case in the original application. The GLA concludes that the amendments do not give rise to any new strategic planning issues.

The current London Plan was adopted in March 2016 and this was the plan in place at the time of determination of the original 2017 permission. This March 2016 plan remains the adopted version of the London Plan.

A draft new London Plan was published by the Mayor for consultation in December 2017. The Examination in Public on the London Plan was held between 15th January and 22nd May 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019. The Mayor has considered the Inspectors' recommendations and, on the 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a clean and tracked version of the Intend to Publish London Plan, a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept and a note that sets out a range of interventions that will help achieve the housing delivery set out in the Plan.

It is not considered that the new London Plan contains any policies that would warrant coming to a different conclusion to that made in the determination of the January 2017 permission as confirmed by the GLA.

8.8 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 National Planning Policy Framework (NPPF) unless stated otherwise. The NPPF at the time that the original application was reported to committee was the March 2012 version. The current NPPF was published in February 2019. There has been so substantive change to the NPPF with respect to the sections which apply to this proposed development.

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. No true pre-commencement conditions are recommended.

8.9 Planning Obligations

Where an application such as this, under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. As such conditions are amended where relevant.

The 2017 permission is subject to a legal agreement, which secures the following:-

- .I. Maintenance Strategy for poles and wire.
- II. Cost of maintenance of street trees
- III. Applicant to take on public liability.

The 2017 legal agreement requires the developer to enter into a Highways Agreement to secure all of the above matters. The Highways Agreement is nearing completion and as such, it is appropriate to link this current S73 application to the detailed Highways Agreement (and through this linking it also to the original 2017 legal agreement), negating the need for a separate Deed of Variation. The draft Highways Agreement will also now need to secure the removal of the existing parking sign poles and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12 are undertaken at the applicants cost.

8.10 Environmental Impact Assessment

The scheme is not of sufficient scale to require an Environmental Impact Assessment.

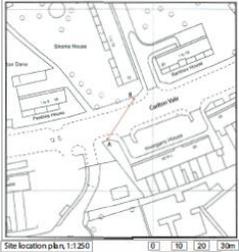
(Please note: All the application drawings and other relevant documents and Background

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1

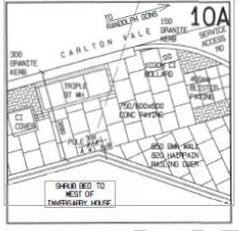
Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT sawhitnall@westminster.gov.uk

9. KEY DRAWINGS



Site location plan, 1:320



Detailed plan of pole 10A, 1:100



View of pole 10A looking southwest

Location no. 10 - Carlton Vale
 2 no. poles - Tapering 101-38mm diameter
 Height - 5.5m
 Wire length - 19m

Pole A, southside:-
 Pole located in front of dwarf wall with railings over
 Pole B, northside:-
 Pole located in front of dwarf wall with railings over

The local issues are :-

Pole 10A is located in front of a dwarf boundary wall surmounted with hairpin railings, approx 300 to the right of the angled corner of the planted bed at the west end of the Invergray House frontage, where it is away from any trees or service covers and its visual impact in the street scene is minimised by the dense shrubs behind it. It is also viewed only obliquely from Invergray House. The clear between the pole and the pavement edge is 296.0mm.

Pole 10B is located in front of a dwarf boundary wall surmounted with hairpin railings in front of the blank flank wall of Strome House, which is some distance back from the site boundary. It is away from any trees or service covers and its visual impact in the street scene is minimised by the mature, tall tree to the west within the site to the rear and the tree in the footpath to the east. The clear between the pole and the pavement edge is 319.0mm.



Detailed plan of pole 10B, 1:100

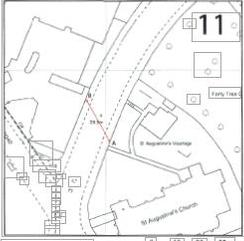


View of pole 10B looking north-east

Rev'n B
 Pair of poles no. 10, Carlton Vale - Site plan, detailed location plans and proposed elevations
 Drawing Ref: 881.10

14

Proposed poles 10 A & 10B- Carlton Vale







Location no. 11 - Kilburn Park Road
 2 no. poles - Tapering 101-38mm diameter
 Height - 5.5m
 Wire length - 20m

Pole A, south side:-
 Pole replaces existing parking pole at the rear of the footpath with a higher pole.

Pole B, north side:-
 Pole located in front of railings on a plinth with mesh fence over

The local issues are :-

Pole 11A will replace the existing parking sign pole just behind the kerb with an elongated pole adjacent to the railings at the rear of the footpath and will display the parking sign at its existing height. There are no trees or services nearby and the new location in front of dense planting in the garden behind, will reduce the visual impact of this pole and of the parking pole which will be removed. The pole will be well screened from the house behind. The distance of the pole from the pavement edge is 3020mm.

Pole 11B is located in front of the tubular steel railing fence on a plinth, surmounted by a mesh fence and is located in front of a post in the mesh which has inverted Y diagonal struts, which will reduce the visual impact of the pole within the streetscape. The pole is away from any trees or service covers. It will not be seen from any windows in the school building. The clear between the pole and the pavement edge is 1975mm.

Rev'n A
 Pair of poles no. 11, Kilburn Park Road - Site plan, detailed location plans and proposed elevations.
 Drawing Ref: BB1.11

Proposed poles 11B & 11B- Kilburn Park Road



Site location plan, 1:1250



View of pole 12A looking south-east

Location no. 12A - Oxford Road
 2 no. poles - Tapering 101-38mm diameter
 Height - 5.5m
 Wire length - 13m

Pole A, south side:-
 Pole located in front of St Augustine's School railings, replacing existing
 kerbside parking pole.
 Pole B, north side:-
 Pole located in London Borough of Brent and subject to a separate
 application.
 The local issues are:-
 Pole 12A is located adjacent to the railings and avoids the wire passing
 near trees. The pole is positioned away from any services covers. The clear
 width between the pole and the pavement edge is 2600mm.

The pole replaces the existing parking sign pole thus avoiding adding
 material to street furniture; the parking sign will be refixed on the
 relocated pole and the footpath fully reinstated to match existing paving.

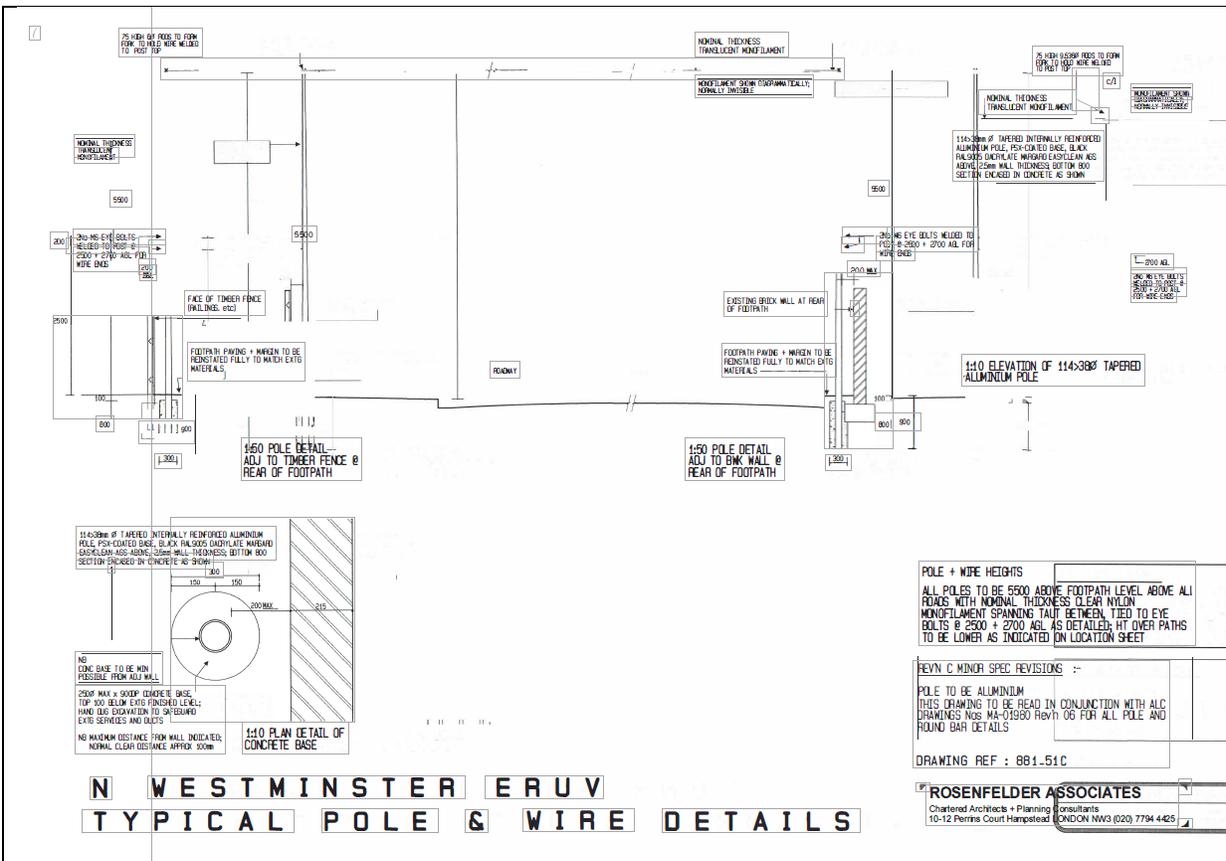


View of pole 12A looking south-east

Pole no. 12, Oxford Road - Site plan, detailed location plans and proposed elevations

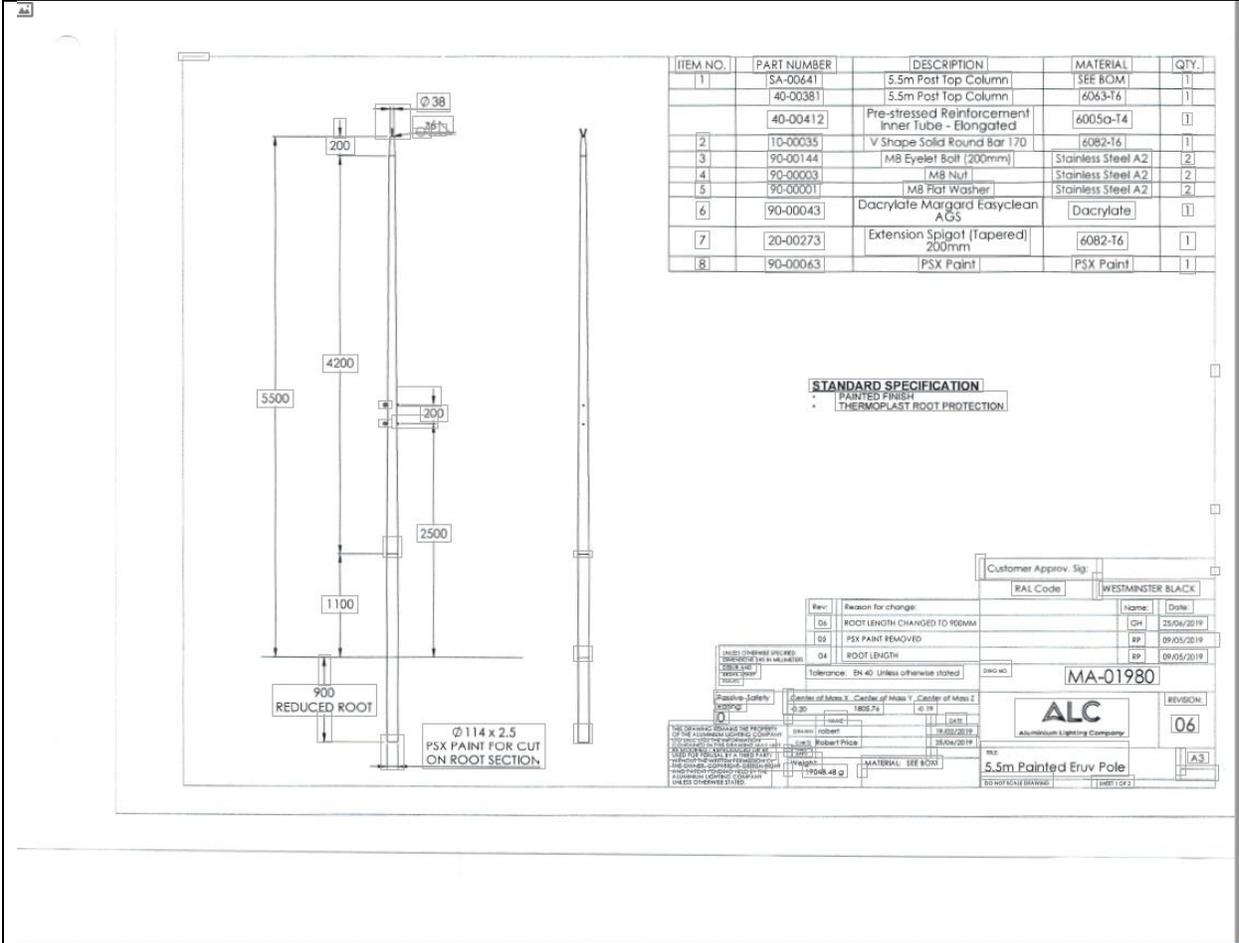
Drawing Ref: 881.12A Rev'A

Proposed pole 12A- Oxford Road

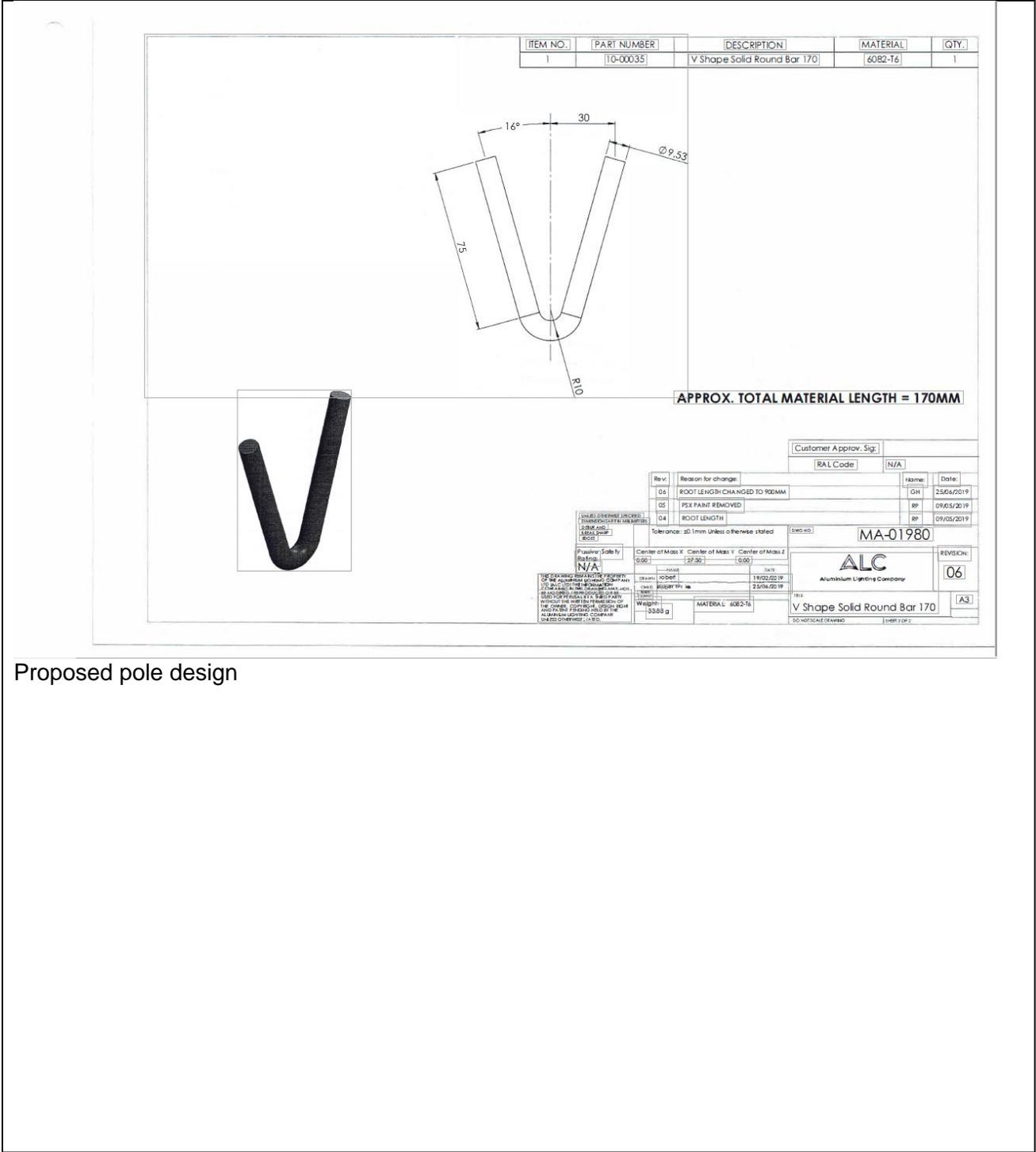


N WESTMINSTER ERUV
TYPICAL POLE & WIRE DETAILS

Proposed pole design



Proposed pole design



ITEM NO.	PART NUMBER	DESCRIPTION	MATERIAL	QTY.
1	10-00035	V Shape Solid Round Bar 170	6082-16	1

Customer Approv. Sig:	
RAL Code	N/A

Rev.	Reason for change	Name	Date
06	ROOT LENGTH CHANGED TO 900MM	GH	25/06/2019
05	PSX PAINT REMOVED	RP	09/05/2019
04	ROOT LENGTH	RP	09/05/2019

UNLESS OTHERWISE SPECIFIED:
 DIMENSIONS IN MILLIMETERS
 UNLESS OTHERWISE SPECIFIED
 TOLERANCE: ±0.1mm Unless otherwise stated

MA-01980

Plasiker Scale by	Center of Mass X	Center of Mass Y	Center of Mass Z
N/A	0.00	27.30	0.00
NAME	DATE	DATE	DATE
Robert	19/02/2019	25/06/2019	
Weight	MATERIAL	V Shape Solid Round Bar 170	
3380 g	6082-16		

ALC
 Aluminium Lighters Company

REVISION: 06

1/3

2D/3D SCALE DRAWING SHEET 01

Proposed pole design

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1

DRAFT DECISION LETTER

Address: **Various Locations NW8, NW6, W9 Within North Westminster Including, Prince Albert Road, London,**

Proposal: Variation of condition 1 and 2 of planning permission dated 06 December 2017 (RN: 16/04837/FULL) for: Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6. Namely, to allow the relocation of poles in locations 10, (Carlton Vale) and 11 (Kilburn Park Road) to facilitate tree canopies and removal of wall at pole 12 (Oxford Road) and revised pole design, size and material (from tapered 110>38mm diameter steel pole to 114>38 mm diameter colour coated aluminium pole.

Plan Nos: AS FURTHER SUPERSEDED BY NON MATERIAL AMENDMENT 881.4 Rev'n A and 881.33 Rev'n B. (REF:19/06665/NMA)AS FURTHER SUPERSEDED BY PLANS AND DOCUMENTS (REF:19/06887/FULL)
881.10 Rev B
881.11 RevA
88.12A Rev A
881.51C
MA-01980 Rev 06 sheets 1 and 2.
Supplementary Planning Statement 16.08.2019
ORIGINAL PLANS AND DOCUMENTS: REF: 16/04837/FULL)
DETAILED LOCATION OF POLES REV A; MAP OF LOCATION OF POLES;
DESIGN & ACCESS STATEMENT REV A.AS FURTHER SUPERSEDED BY
APPROVAL OF DETAILS CONDITION 3 PLANS AND DOCUMENTS (REF 17/11434/ADFULL)
Arboricultural Method Statement Revision C dated September 2018;
Design and Access submitted March 2018 (as part superseded by revised pole drawings for poles 2 and 39 Rev D and omission of drawing 881-51B).

Case Officer: Sarah Whitnall **Direct Tel. No.** 020 7641 2929

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

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

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

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- 2 The development shall be carried out in accordance with the approval of details approved on 09.10.2018 under reference 17/00434/ADFULL, unless otherwise agreed by us in writing.

Reason:

In order to minimise the impact of the proposal on heritage assets, pedestrian safety and amenity grounds in accordance with Policies DES9, DES10, ENV13 and TRANS3 of the Unitary Development Plan that we adopted November 2007 and policies S25, S41 and S29 of Westminster's City Plan: Strategic Policies that we adopted July 2016.

- 3 Any work under near trees must not damage the branches of the tree or the roots over 24mm in diameter. If you uncover any roots of this diameter, you must adapt the foundation design or location to retain them.

Reason:

To protect the trees and the character and appearance of this part of the City and the St John's Wood, Maida Vale and Regent's Park Conservation Areas. 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)

- 4 This permission must be commenced no later than 06.12.2020.

Reason:

This permission authorises amendments to the original planning permission granted on 06.12.2017 (RN 16/04837/FULL) which must be commenced no later than the above date. (R03HA)

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 Some poles (9A/B and 34A/B) are located close to flat roofs/walls which could be considered to potentially give easier climbing access to properties. You are advised to liaise with the owners of these properties and to consider the use of anti-climb paint.

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1

3 This application is subject to the completion of a legal agreement under the highway, planning and local government legislative provisions, to secure all the previous obligations pursuant to the legal agreement dated 6th December 2017 in connection with permission under reference 16/04837/FULL and the additional obligation set out below:

a) the removal of the existing parking sign pole and the replacement of the parking plates onto the new Eruv poles at locations 11 and 12, at the applicant's cost.

4 To avoid any doubt: The majority of trees affected by the Eruv are growing within conservation areas and a number are included in Tree Preservation Orders. The consent of tree owners and the City Council will be required before carrying out any tree pruning to install the Eruv or maintain it. You must write giving us six weeks' notice if you want to cut, move or trim any of the trees in conservation areas and you must obtain written permission before you prune any part or remove any tree that is subject of a Tree Preservation Order.

5 Some of the trees affected by the proposal are on private land and the consent of the owner will be required to prune a tree even if a conservation area notification is made or consent to work on a protected tree has been granted.

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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Regent's Park	
Subject of Report	Fraser Lodge, Inner Circle, Regents Park, London, NW1 4NX		
Proposal	Installation of mechanical plant within acoustic enclosure sited in excavated area to northern elevation of Fraser Lodge with additional planted screening		
Agent	Ms Rebecca Campbell		
On behalf of	n/a		
Registered Number	17/06129/FULL	Date amended	25 July 2019
Date Application Received	11 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Regent's Park		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Fraser Lodge is an unlisted building within the Regent's Park Conservation Area. The building lies on the north-east side of the Inner Circle. The building provides support services and accommodation for St John's Lodge, a large private house which lies to the north-west and is a grade II* listed building.

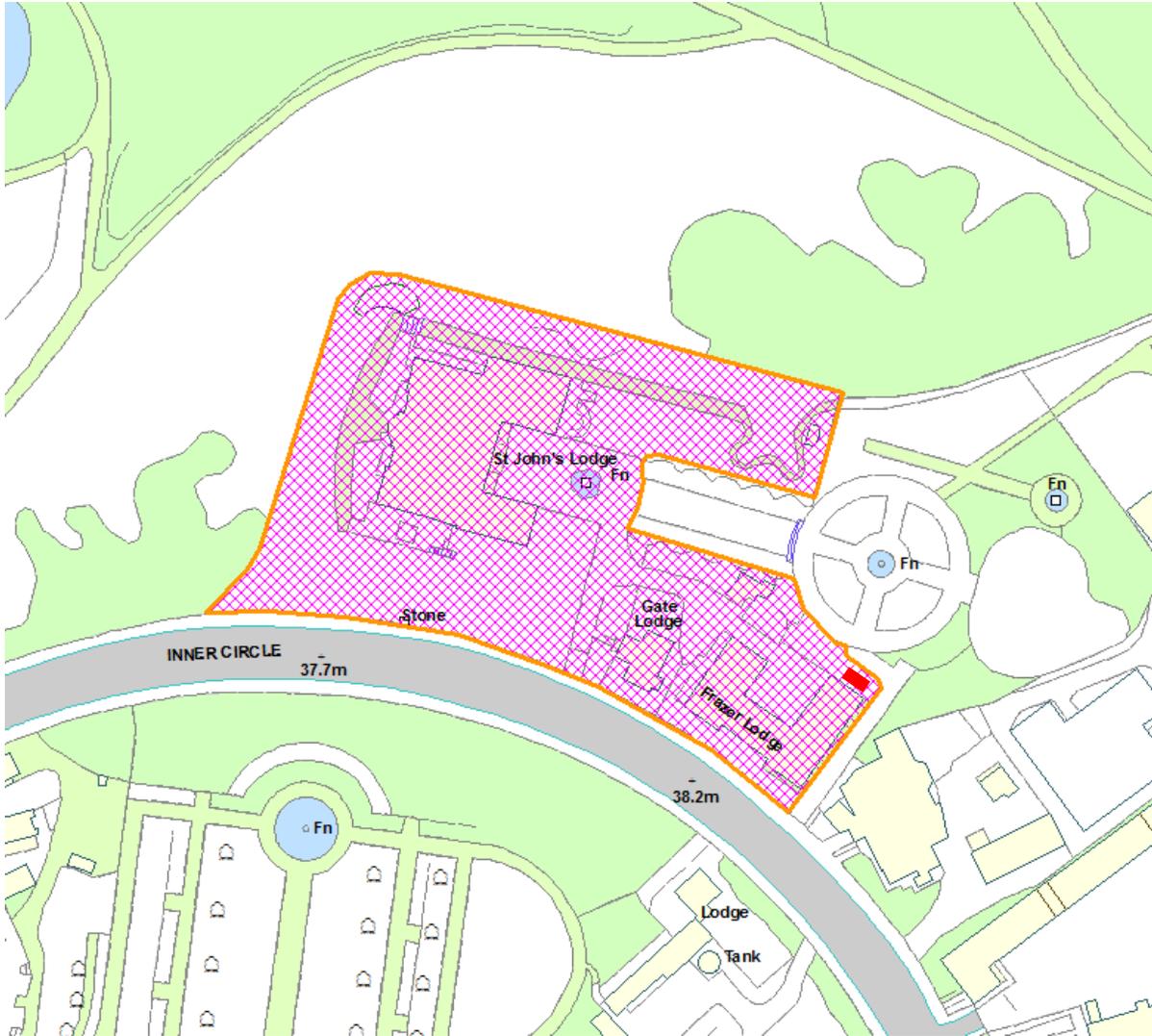
Permission was granted for external plant, immediately to the north-east of Fraser Lodge, in January 2014 (13/08599/FULL), however, the installed plant did not accord with the approved drawings and instead the plant housing has a different footprint and is taller. This application when initially submitted sought permission to retain the current plant, but to sink it slightly into the ground and to re-orientate it to minimise its visual impact from St John's Lodge Gardens (formerly a private garden associated with St John's Lodge, but now a publicly accessible garden, owned and managed by the Royal Parks as part of Regent's Park). Following lengthy discussions it was considered that the initial proposal would insufficiently mitigate the visual impact of the plant and as such an alternative design is now proposed which is to retain the plant in its current position but to introduce additional planting between it and the yew hedge that forms the boundary to St John's Lodge Gardens. The intention being to screen the plant with trees/shrubs and thus ensure that the plant is not visible from within

the gardens.

It is considered that the proposal does have the potential to overcome the concerns about the visual impact of the plant in views from the gardens and thus the proposal is recommended for approval subject to a series of conditions which aim to secure that the screening is effective.

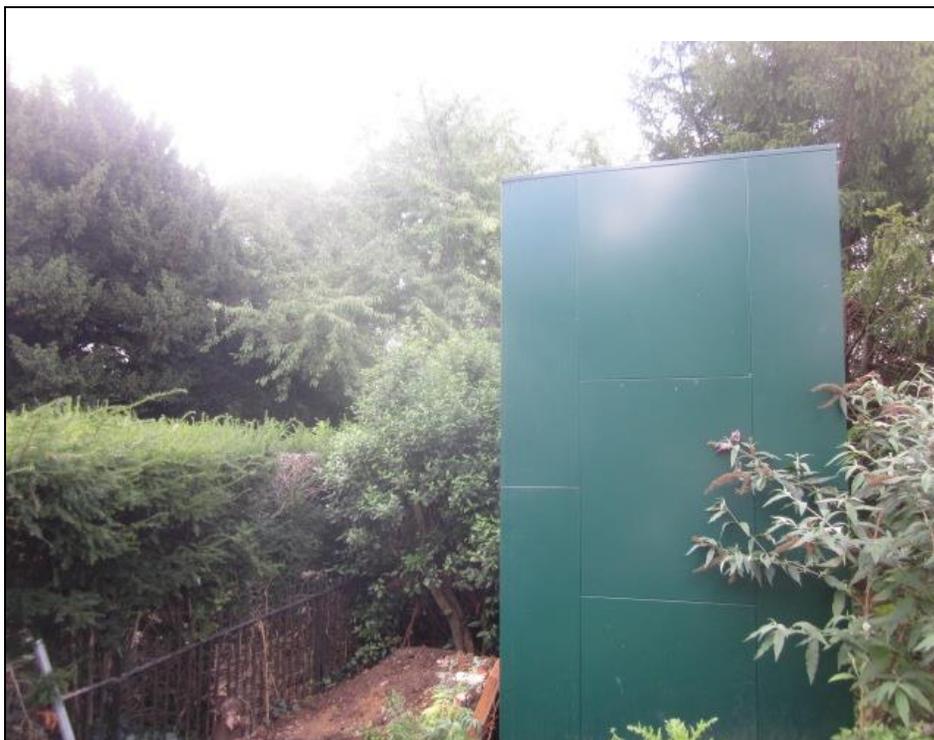
A planning enforcement notice has been served, as the currently installed arrangement does not comply with the approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of plant enclosure from within grounds of Fraser Lodge



View of plant enclosure from within St John's Lodge Gardens, statue in foreground is grade II listed.

5. CONSULTATIONS

FIRST CONSULTATION (3 August 2017):

HISTORIC ENGLAND:

No comment, recommend the application be determined in accordance with national and local policy, and on the basis of our specialist conservation advice.

THE GARDENS TRUST:

No comment.

ST MARYLEBONE SOCIETY:

Strong objection to the existing installation as it intrudes on St John's Lodge Garden both visually and in terms of noise and disturbance. Consider that any plant in this location must not be visible from the listed gardens and must allow for natural variation in hedge heights, and it must not generate noise or blasts of air in the garden.

ENVIRONMENTAL SCIENCES TEAM:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

No. of objections: 4

Objection received from Regent's Park Conservation Area Advisory Committee expressing concern that noise from the plant disturbs the exceptionally peaceful area of the 'Secret Garden'.

Objection received from The Royal Parks concerned about the visual and noise impact.

Other objections, including one on behalf of the Friends of Regent's Park and Primrose Hill relate to the harm caused to the garden both in terms of visual impact and noise.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

SECOND CONSULTATION (9 August 2019 - on revised proposal to retain plant in current location but to add additional soft landscaping to screen it):

HISTORIC ENGLAND:

No comment, recommend views of our specialist conservation advisers are sought.

THE GARDENS TRUST:

No comment.

ST MARYLEBONE SOCIETY:

Strongly object. Question need for such a large plant structure. Express concern about its visual impact and noise. Suggest unit is relocated.

HEAD OF ARBORICULTURAL SERVICES:

Considers the planting and maintenance programmed to be acceptable, subject to suggested condition.

ENVIRONMENTAL SCIENCES TEAM:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

No. of objections: 1 Objection on behalf of the Friends of Regent's Park and Primrose Hill relate to the harm caused to the garden both in terms of visual impact and noise. Question need for such a large plant unit and suggest it should be relocated.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

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

Fraser Lodge is an unlisted building within the Regent's Park Conservation Area. The building lies on the north-east side of the Inner Circle. The building provides support services and accommodation for St John's Lodge, which is a large private house to the north-west and is a grade II* listed building. Immediately to the west of Fraser Lodge is a small gate lodge, again associated with St John's Lodge, which is grade II listed.

Fraser Lodge was built in the late 1980s / early 1990s and replaced a mews building which had been substantially damaged during the war. It is a two-storey building which comprises lower ground floor and ground floor built in a U-shape with a central courtyard and is in a neo-Georgian style. Because of the perimeter landscaping, the building is partially obscured from view, with its most prominent visual impact being towards the Inner Circle. Immediately to the south of Fraser Lodge is a path which provides access to St John's Lodge Gardens, which was formerly part of St John's Lodge, but which is now a garden that is open to the public and forms part of Regent's Park. There are views of Fraser Lodge from within this garden.

The garden was originally part of the grounds to St John's Lodge (but has been open to the public since 1928) and the current layout is attributed to Weir Schultz who is believed to have undertaken the landscaping in the 1890s for the then owner the 3rd Marquess of Bute. The garden design is said to reflect Arts and Crafts ideas and the design was intended to be 'fit for meditation'. The garden was renovated in 1994 by Colvin & Moggeridge to reflect the Weir Schultz plan and honour the 3rd Marquess of Bute. There are two listed statues within the gardens: the Hylas fountain sculpture of 1894/5 (moved to the garden in 1930s) by Henry A Pegram (grade II); and the Statue of a Shepherdess of 1931 by CL Hartwell (grade II). Also, the gate piers and steps at the threshold between the public garden and the private garden of St John's Lodge are grade II listed and are thought to date from 1846 and associated with Charles Barry's works at the site.

Regent's Park is a grade I registered park on Historic England's Register of Parks and Gardens. While St John's Lodge Gardens are not referred to within the description of the park, they certainly lie within the park boundary and are considered to form part of the designation.

6.2 Recent Relevant History

13/08599/FULL

Installation of mechanical plant within enclosure to garden and internal plant with louvres to main roof and driveway, alterations to fenestration and use of two garages for packing room, tanks and bin storage.

Application Permitted 21 January 2014

This decision is directly relevant to the current application. The enclosed plant approved by this decision was located adjacent to the north-east of Fraser Lodge between the building and the yew hedge that forms a boundary to St John's Lodge Gardens. In recommending approval for this scheme, the delegated report made the following remarks with respect to the visual impact of the enclosure:

"With respect to the proposed new plant and acoustic enclosure this is located in a very discreet location, with planting around it to further hide it. There would be glimpses of the enclosure from St John's Wood Gardens, but if finished in an appropriate colour it is considered that there would be very minimal visual impact and no harm caused by this, in terms of visual amenity."

At the time of this assessment the yew hedge was taller and there was far greater soft landscaping within the grounds of Fraser Lodge, such that the building itself was largely obscured from view and the proposed plant enclosure only marginally projected above the height of the hedge but was also obscured by the planting within Fraser Lodge.

14/02926/FULL

Basement extension to the side of existing house and associated alterations including alterations to fenestration and stairway.

Application Permitted 20 April 2015

14/02929/LBC

Basement extension, internal alterations including changes to lifts, stairways and fenestration and external changes to fenestration and stairways.

Application Permitted 20 April 2015

These two applications also granted permission for plant adjacent to Fraser Lodge, although in this case serving the main house (St John's Lodge). This plant is largely sunk into the lower ground floor of Fraser Lodge and is not visible from St John's Lodge Gardens. However, the noise output from this equipment is not in compliance with the planning permission and an enforcement notice has been served in relation to this.

7. THE PROPOSAL

As the subject of an enforcement enquiry this application was initially submitted in July 2017 when it was proposed to lower the height of the existing enclosure by 450mm and rotate it through 90 degrees so that its narrower dimension faced toward the gardens. From an assessment of this proposal it was an officer view that as the enclosure would then come closer to the yew hedge and as the hedge had been reduced in height and the amount of tree/shrub planting around the enclosure had been significantly reduced, that this would mean that the enclosure remained prominently visible from within St John's Wood Lodge.

The applicants were asked to look at alternative locations and options, including sinking the equipment further into the ground. However, because of other existing below ground structures and due to concerns about the impact on the root system of the yew hedge and an adjacent yew tree the option of sinking the unit further has not been possible. As a unit was approved in this location, the installation and all associated pipework are routed to this location and an alternative location elsewhere on the site has not come forward.

The current proposal therefore seeks to retain the enclosure in its current position but to introduce tree/shrub planting in the form of 3 x Photinia x Fraseri 'Red Robin'; 1 x Ilex 'Nellie Stevens'; 3 x Elaeagnus x ebbingei 'Gilt Edge'; 2 x Ceanothus Puget Blue; 1 x Arbutus unedo; and 1 x Magnolia grandiflora 'Goliath', which are to be located around the plant enclosure, with the taller planting (between 3.5m-4m) positioned between the enclosure and the yew hedge. The intention being that there will be an all year round natural green screen which would hide views of the enclosure from the gardens.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are no land use issues which arise from this proposal.

8.2 Townscape and Design

Designed as a tranquil space, 'fit for meditation', St John's Lodge Garden is a key component of the setting to St John's Lodge but is also an important heritage asset in its own right forming part of the grade I registered Regent's Park and containing listed statuary. Its peaceful and intimate character contribute to its significance. While other buildings, notably Fraser Lodge, can be seen beyond the boundary of the garden, they are of a scale and design which form a calm and complementary backdrop.

The plant enclosure that has been installed to the side of Fraser Lodge rises prominently above the yew hedge on the west side of the garden. The current condition has a harmful impact on the setting of the garden and upon the setting of the Hylas fountain sculpture, as it introduces a highly visible utilitarian and unsightly green box into a garden previously devoid of such features. It was on this basis that the enforcement notice was served.

When permission was granted for a plant enclosure in this location in 2014, it was done so on the basis that the enclosure was lower and that it was largely screened by trees and shrubs.

It remains the case that if the plant is hidden from view when within the garden, then it would be a discreetly positioned structure and would not be harmful to the garden and the relevant designated heritage assets. On the basis that the proposed planting would achieve this level of screening and subject to the suggested conditions which would secure retention and/or re-provision (should it fail) of an acceptable planted screen the proposal is considered acceptable.

Subject to compliance with the planting programme and the imposition of the proposed conditions the proposal would accord with design policies S25 and S28 of the City Plan; and DES 1, DES 5, DES 9, DES 10 and DES 12 of the UDP.

8.3 Residential Amenity

There are no impacts on residential amenity. The nearest residential properties are Fraser Lodge and St John's Lodge, both in the ownership of the applicant. Environmental Health have raised no objection to the proposal on noise grounds.

8.4 Transportation/Parking

There are no transportation/parking issues which arise from this proposal.

8.5 Economic Considerations

There are no economic issues which arise from this proposal.

8.6 Access

There are no access issues which arise from this proposal.

8.7 Other UDP/Westminster Policy Considerations

In addition to the visual impact of the plant enclosure (addressed in the Townscape and Design section) the other main concern expressed about the proposal is the impact of noise on the peaceful and tranquil nature of the garden. Policy ENV 6 of the UDP which concerns noise pollution indicates that the City Council will not permit development that would cause noise disturbance in tranquil areas.

It was evident from a site visit that the plant which is the subject of this application is almost inaudible even at very close quarters and cannot be heard from within St John's Lodge Garden. However, the plant which is nearby and approved in April 2015, is noisy and certainly audible from the garden. This plant is also the subject of an enforcement notice and it is not in compliance with the noise conditions imposed by the 2015 permission.

Because the green plant enclosure (subject of this application) is the only plant associated with Fraser Lodge and St John's Lodge that can be seen from St John's

Lodge Garden it is a natural assumption to make that the plant noise that can be heard is coming from this equipment and this has undoubtedly led to the objections on noise grounds. However, this plant is not causing a noise issue and therefore it is considered that the plant is not causing harm to the tranquil nature of the garden and subject to the imposed noise conditions, its currently quiet condition can be maintained.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There are none applicable to this site.

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.

8.13 Environmental Impact Assessment

Not applicable.

8.14 Other Issues

None.

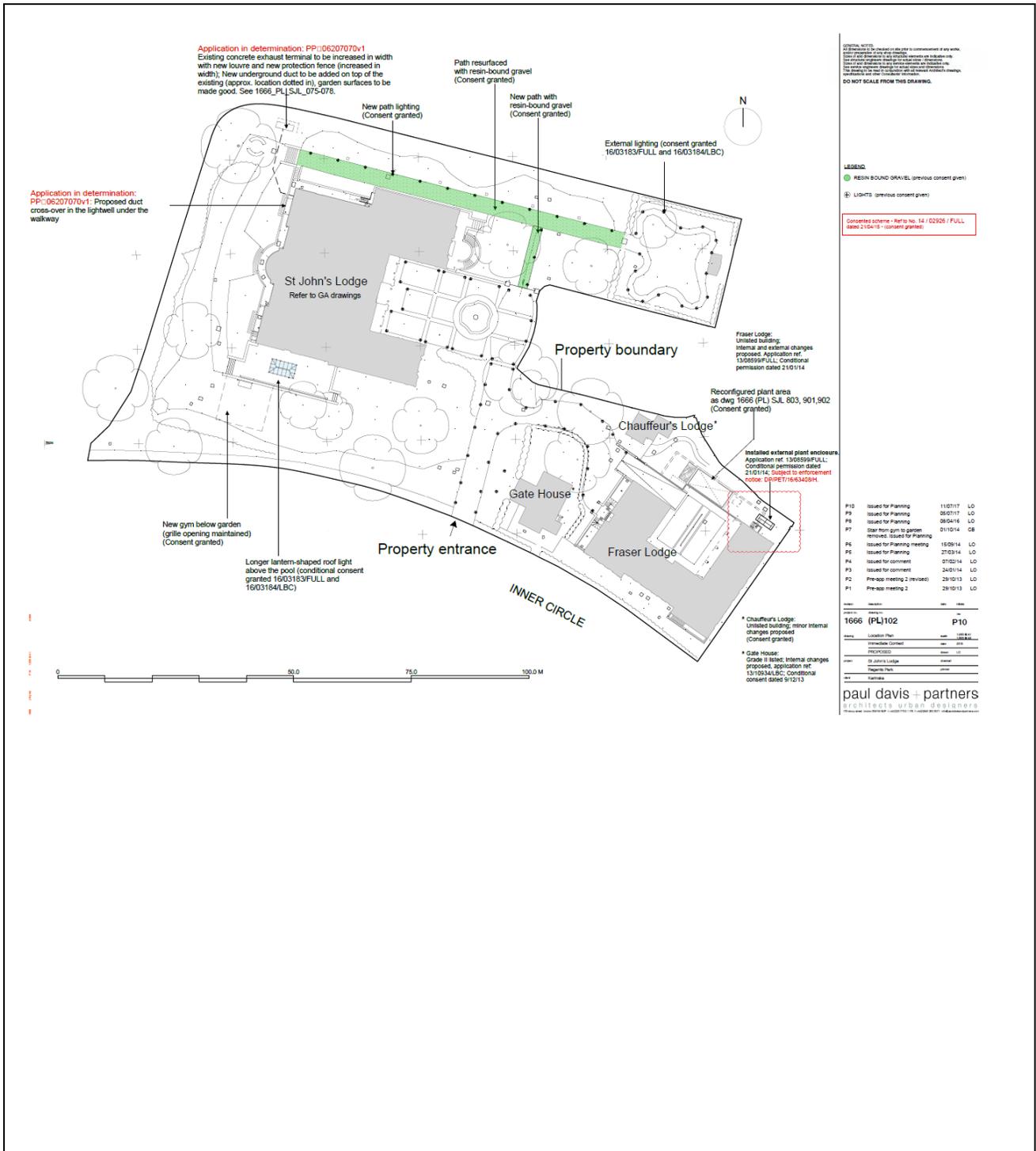
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

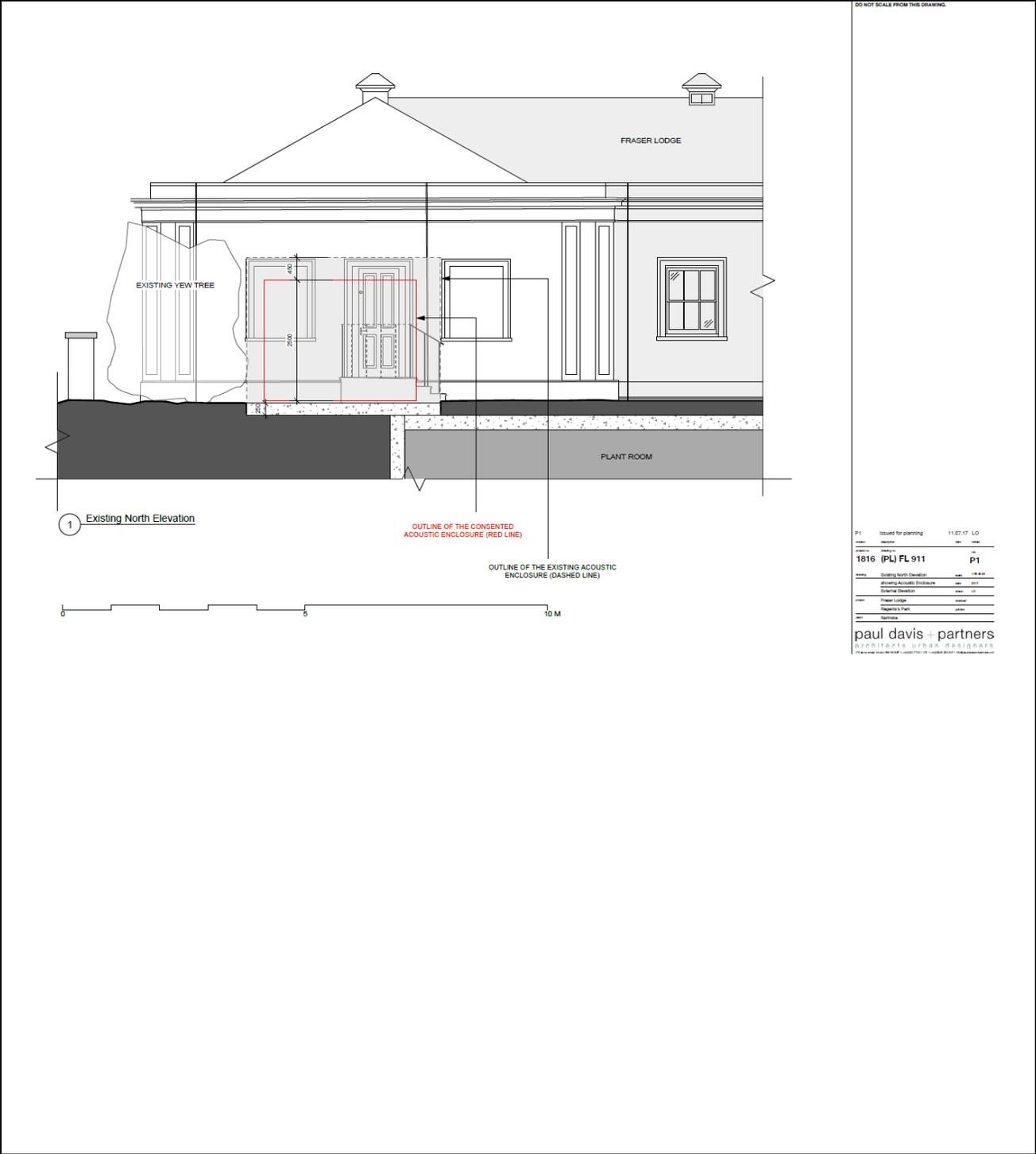
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk .
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9. KEY DRAWINGS





DO NOT SCALE FROM THIS DRAWING.

1 Existing North Elevation

OUTLINE OF THE CONSENTED ACOUSTIC ENCLOSURE (RED LINE)

OUTLINE OF THE EXISTING ACOUSTIC ENCLOSURE (DASHED LINE)

0 5 10 M

P1	Issued for planning	11.07.17	LO
1816 (PL) FL 911			P1
Existing North Elevation	1:50		
Existing Acoustic Enclosure	1:50		
Consented Acoustic Enclosure	1:50		
Plant Room	1:50		
Project Design	1:50		
Project Date	11/07/17		
Scale	1:50		

paul davis + partners
ARCHITECTS URBAN DESIGNERS

DRAFT DECISION LETTER

Address: Fraser Lodge, Inner Circle, Regents Park, London

Proposal: Installation of mechanical plant within acoustic enclosure sited in excavated area to northern elevation of Fraser Lodge with additional planted screening

Plan Nos: 1666 (PL) 001/P6 (site location plan); 1666 (PL) 102/P10; 1816 (PL) FL 911/P1; 1816 (PL) FL 915/P01; 1816 (PL) FL 916/P01; 1816 (PL) FL 917/P02; 1816 (PL) FL 920/P02; document titled 'Plant Enclosure Screening' (ref. 1816(PL)902_P2, dated 20.12.2019).

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

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

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

Reason:

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

- 2 (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)

- 3 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)

- 4 The planting scheme as shown on plan 1816 (PL) FL 917 P02 must be in place by 31 March 2020, or a date otherwise agreed first in writing, and retained and maintained for as long as the mechanical plant is present on site. If you remove any trees or shrubs or find that they are dying, severely damaged or diseased during the period that the mechanical plant is present on site you must replace them with trees or shrubs of the same size and species.

Reason:

To make sure that the appearance of the mechanical plant is suitable and that it has no adverse impact on the character and appearance of this part of the Regent's Park Conservation Area, specifically St John's Lodge Gardens; nor upon the setting of the listed statuary within the gardens. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9 and DES 10 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 Conditions 2 & 3 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.
- 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.

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

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Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	15-16 Bedford Street, London, WC2E 9HE,		
Proposal	Use of part basement as restaurant (Class A3) accessed via new ground floor entrance on Bedford Court and associated internal and external alterations including installation of full height ventilation duct in lightwell.		
Agent	CBRE Ltd		
On behalf of	Lothbury Property Trust Co Limited		
Registered Number	19/05768/FULL and 19/05769/LBC	Date amended/ completed	23 July 2019
Date Application Received	23 July 2019		
Historic Building Grade	II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

<ol style="list-style-type: none"> 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.
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2. SUMMARY

<p>15 – 16 Bedford Street is a Grade II listed building located within the Covent Garden Conservation Area, Core Central Activities Zone (Core CAZ), West End Stress Area (WESA) and West End Special Retail Policy Area (WESRPA). The property comprises five stories above basement and is situated opposite the junction of Henrietta Street and Bedford Street, adjacent to Bedford Court. Permission is sought for a change of use of part ground and basement levels from retail (Class A1) and Office (Class B2) to a new restaurant use (Class A3) at basement level accessed from a new entrance on Bedford Court, with a full height extract duct within the lightwell. The existing retail unit will be retained but reduced in size.</p>
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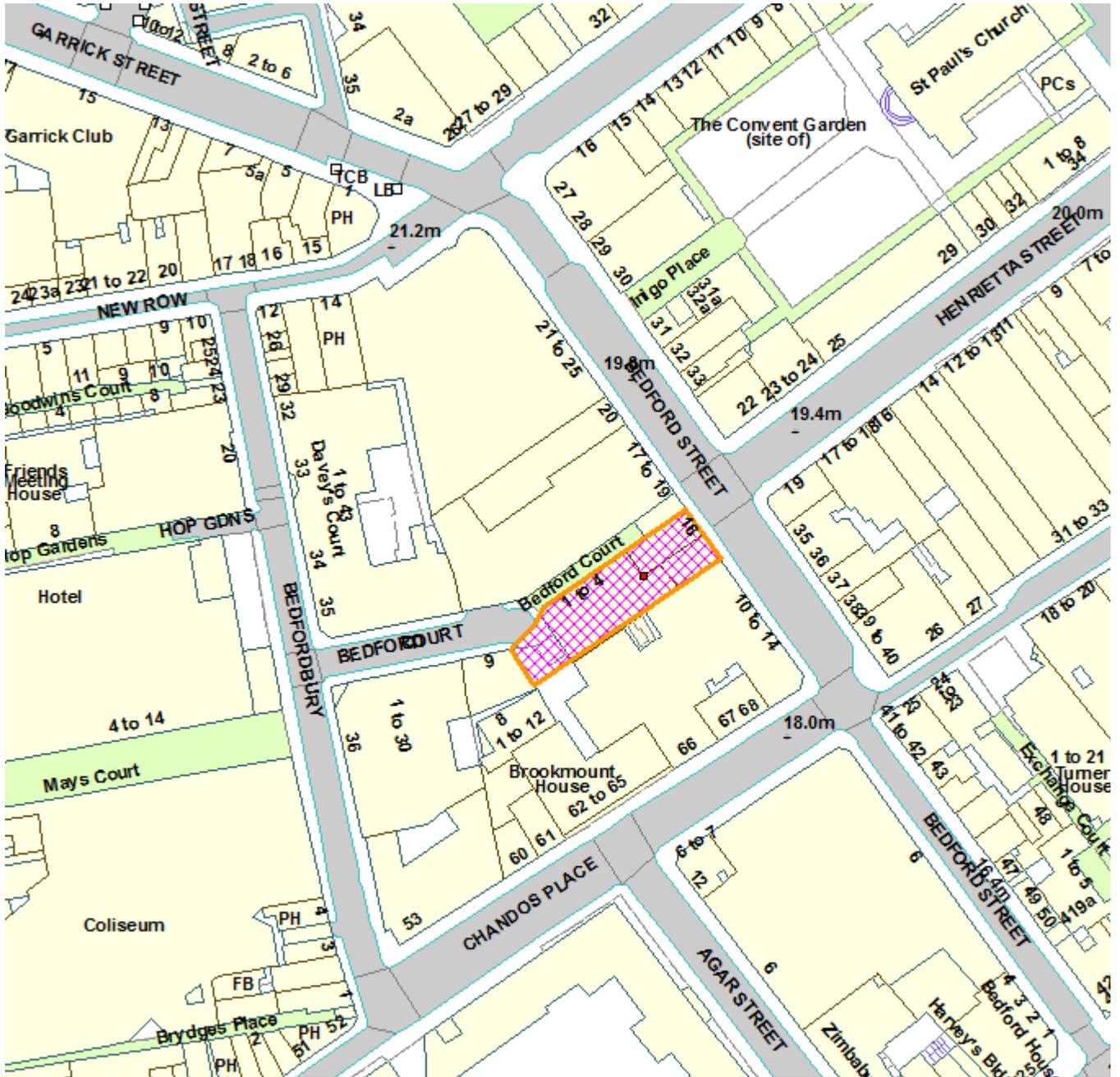
The key issues in this case are:

*The impact of the proposed restaurant use on neighbouring residential amenity, local environmental quality and the character and function of the area;

*The impact of the proposed restaurant use on the surrounding highway network;

The proposal is considered to comply with relevant policies set out in our City Plan and Unitary Development Plan and is therefore considered acceptable in land use, amenity, design and highways terms.

3. LOCATION PLAN



4. PHOTOGRAPHS



Bedford Street Entrance



Proposed Bedford Court Entrance (on left)

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

25/08/2019

Objection due to the density of the residential community in this area, which already suffer from servicing and noise from nearby restaurants and bars. To introduce another licenced venue in such close proximity will have a negative impact on residential amenity, causing further distress and disturbance. The entrance in Bedford Court (alley way) is directly beside and below residential properties and will cause noise and anguish to nearby residents.

Suggested conditions should the application be approved;

- 1) Hours of use restricted to 08:00 to 23:00 Monday to Thursday, 08:00 to 00.00 Friday, 09:00 to 00:00 Saturday, and 10:00 to 22:30 on Sunday;
- 2) The premises to agree an Operational Management Plan;
- 3) No music or noise break out from the premises;
- 4) The entrance door manned at all times, and guests accompanied out and shown to their chosen transport after 22:00;
- 5) No smoking or loitering in the Bedford Court entrance;
- 6) The address of the premises to be published as being on Bedford Street and not Bedford Court;
- 7) Deliveries to the premises only to be 08:00 and 18:00 Monday to Friday, 09:00 to 18:00 on Saturday and 10:00 to 18:00 on Sundays;
- 8) All deliveries to the premises to comply with TfL's Code of Practice for Quieter Deliveries;
- 9) Waste to be stored inside the building and only moved to the proposed outside bin store between 09:00 and 20:00 on any day;
- 10) Waste to be collected from the premises between 08:00 and 18:00 Monday to Friday, 09:00 to 18:00 on Saturday and 10:00 to 18:00 on Sundays;
- 11) Location of any smoking areas for customers/staff to be positioned so as to prevent a nuisance to residents;
- 12) Kitchen extracts to be switched off at soonest point after last service and subject to annual maintenance and cleaning and a record kept;
- 13) Phone numbers of duty manager to be supplied to residents of 17/19 Bedford Street and Bedford Court.

19/11/2019

Objection, whilst appreciative of the measures taken by the applicant to deal with the objections from the neighbouring residents, the association can see little change to the anticipated disturbance that is very likely to be caused by another licenced premises in this area.

Having visited the site it was noticeable that the restaurant at 17-19 Bedford Street was in breach of its servicing conditions, with queuing vans causing disturbance to residents. It is also noted that there is no dedicated servicing area for this proposal, the parking bay from which the applicant intends to carry out servicing is also used by other tenants of the building.

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The entrance on Bedford Court remains an issue in terms of noise disturbance and smoke.

Experience with the restaurant at 17-19 Bedford street that has similar conditions in place has shown that without enforcement problems will arise. It is only by limiting the numbers of restaurants and bars in this street that further disturbances to residents will be avoided.

COVENT GARDEN AREA TRUST
Any response to be reported verbally

HIGHWAYS PLANNING MANAGER
No objection

The site has a good level of public transport accessibility. It is considered that the proposal is unlikely to have a significant impact on on-street car parking in the area. The service bay will only accommodate the smallest of delivery vehicles but combined with the measures within the submitted Operational Management Strategy should mean a significantly reduced impact on the surrounding public highway.

The proposed cycle parking arrangements are considered to be acceptable.

PROJECTS OFFICER (WASTE)
No objection to the proposed storage arrangements for waste and recyclable materials for the development, as shown on the submitted drawings. It is recommended that this provision is secured by condition.

ENVIRONMENTAL HEALTH
No objection, subject to conditions.

The Council's standard noise and vibration conditions are recommended, along with a condition to secure a supplementary acoustic report.

The proposed full height ventilation duct terminates at roof level and complies with Environmental Health requirements.

Conditions are recommended to prevent noise nuisance from amplified music through the building fabric.

All the mitigation measures outlined in the submitted footfall survey should be incorporated into the applicants Operational Management Plan. If this is done, the use of the proposed entrance on Bedford court is unlikely to result in significant harm.

METROPOLITAN POLICE (DESIGNING OUT CRIME)
No objection, subject to a condition that Secured By Design accreditation is achieved. This will ensure that appropriate security measures are installed that will provide the appropriate level of security to ensure this site has the resilience to crime that it will require for the Covent Garden area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 96

Total No. of replies: 16

No. of objections: 16 objections from residents within 8 and 9 Bedford Court, Duval Court and 19 Bedford Street on some or all of the following grounds:

Land Use and Amenity

- There is a saturation of restaurants in this area;
- There is already a lot of late night noise in the area from smokers, bottle crushing, staff talking and rubbish disposal associated with other nearby restaurants, the proposals would increase this.
- The proposed entrance via the side passage would cause pedestrian traffic and associated noise disturbance to nearby residents, particularly at night. Noise created in this area would be amplified by its enclosed nature.
- Bedford court cannot cope with another restaurant backing into this small area, complaints have already been made to the council regarding general noise, smoking and servicing relating to Nando's and Wahaca. Noise from taxis dropping off, picking and waiting in the area will also cause noise disturbance.
- The proposed plant machinery could cause noise disturbance to nearby residents.
- The creation of an external bin compound will cause noise disturbance to residents, as will the movement of bins at anti-social times.

Design

- The external bin store will be an eyesore.

Highways

- Bedford court is already congested due to servicing associated with other restaurants, the proposals would increase this. Late night and early morning servicing would create noise disturbance for residents.
- The estimation of number of servicing vehicles is unrealistic, the vehicle bay is not sufficient for large vehicles, therefore a larger number of smaller vehicles would be needed, causing noise and congestion.
- The booking system for servicing and deliveries will be done on an informal basis and is unlikely to be successful.

Other

- There is an issue with the bins in Bedford Court being over full, which has been causing significant health and safety issues (rats, foxes, human defecation).
- Rough sleepers could be displaced and end up closer to nearby residential properties.
- The application was submitted during the August holiday period as a way of "burying bad news", the consultation event organised by the applicant was poorly advertised.

- The associated request for an extended licence is unacceptable.

NEIGHBOURS RE-NOTIFIED ON 6 NOVEMBER 2019

New information and further detail provided, including: Cycle Parking Requirements and Strategy; Delivery and Servicing Plan; Acoustic and Footfall Survey; Operational Management Plan (OMP) for Restaurant Use and Amended Drawings.

Total No. of replies: 5

No. of objections: 5 objections on some or all of the following grounds:

Amenity

- The revised proposals fail to resolve noise and disturbance from the proposed door on Bedford Court which will increase footfall in this location. In practice, a porter on the door will not be able to police where customers smoke, contain the noise of customers arriving and leaving or restrict where customers wait for taxis. This will also be very hard to enforce.
- Vehicle curfew (including moving wheeled bins) should be brought in line with the other existing restaurants (pre 08:00) otherwise a dangerous precedent could be set leading to appeals from the incumbents.
- It is requested that an evening time limit is set for servicing at the weekends.
- The only route for bins to be removed would be through the restaurant, this would be impractical and could lead to waste remaining on site for longer periods attracting vermin. Waste specifications have not been provided.
- Insufficient details relating to ventilation have been provided.

Highways

- The proposals would cause traffic congestion in the surrounding streets related to servicing and increase vehicular traffic.
- Request a “no un-authorized parking” sign in Bedford Court to deter taxis.

NEIGHBOURS RE-NOTIFIED ON 18 DECEMBER 2019

Updated Operational Management Plan (OMP) for Restaurant Use provided.

Total No. of replies: 3

No. of objections: 3 objections on some or all of the following grounds:

Amenity

- It is unacceptable that customers be allowed to use the side entrance on Bedford Court, which will cause noise disturbance. It is not believable that a member of staff will always be on duty at the entrance to direct smokers to Bedford Street and stop people congregating.

Highways

- The revised OMP does not allay concerns about servicing and traffic congestion.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

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

15 -16 Bedford Street is a Grade II Listed Building, comprising five storeys above basement, located within the Covent Garden Conservation Area, West End Special Retail Policy Area (WESRPA), West End Stress Area (WESA) and Core Central Activities Zone (Core CAZ). The application site is located opposite the junction of Henrietta Street and is adjacent to Bedford Court. The application site currently comprises retail (Class A1) and office floorspace (Class B1) at ground and basement levels. The upper floors of the building are in office use.

6.2 Recent Relevant History

In June 2004, planning permission and listed building consent were granted for alterations and extensions including replacement roofs to 15-16 Bedford Street; demolition and rebuilding behind retained facade at 1-4 Bedford Court; new plant and lift motor room at roof level; extension within internal lightwell; alterations to side elevation of Bedford Court; new shopfronts and hard landscaping, all in connection with use as offices, retail (Class A1) in basement and ground floor of No. 16 Bedford Street and dual use of basement and ground floors of No. 15 Bedford Street for A1 (retail), A2 (financial/professional services), or B1 (office) purposes; use of the remainder of the buildings for B1 (office) purposes.

In August 2007, planning permission was granted for the use of the rear part of the lower ground floor of No. 16 as a gymnasium (Class D2).

In January 2008, planning permission and listed building consent were granted for installation of a new shopfront and internal alterations at ground and basement level including addition and removal of partitions.

7. THE PROPOSAL

Planning permission is sought for use of the basement as a restaurant, with a new separate entrance on Bedford Court to the rear of the existing retail unit, measuring 326.7 sqm. No restaurant seating is proposed at ground floor level. The existing retail unit will be retained albeit reduced by approx. 128.2 sqm to accommodate the new restaurant entrance at ground floor level and remove back of house space at basement level.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
A1 (Retail)	240.6	112.4	-128.2
Office (Class B1)	198.5	0	-198.5
Restaurant (Class A3)	0	326.7	+326.7
Total	439.1	439.1	0

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of A1 Retail floorspace

City Plan Policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

Unitary Development Plan Policy (UDP) SS5 states that A1 uses at ground, basement or first floor level in the CAZ and CAZ Frontages will be protected.

A retail unit is retained, however it will be reduced in size by 128.2 sqm (approx. 20sqm at ground floor) to accommodate the ground floor entrance and restaurant floorspace at basement level.

The applicant states that the existing retail unit has been vacant since the last occupiers, Patisserie Valerie, went into administration in January 2019. The applicant has also provided a letter from Hanover Green LLP (Chartered Surveyors), stating that the reduction in size of the retail unit is helpful in terms of the marketability and viability of the retail space.

Whilst the proposals would result in an overall loss of retail floorspace, a viable retail unit of 112.4 sqm at ground and basement level, fronting Bedford Street, would be retained. Accordingly, it is considered that the loss of the A1 floorspace is acceptable in this instance.

Loss of Office (Class B2) floorspace

City Plan Policy S20 resists the loss of offices to residential use but there is no policy that resists the loss of existing office space to another commercial use in this location. The reduction of office floorspace is therefore acceptable in principle.

Creation of Restaurant (Class A3) floorspace

City Plan Policy S6 (Core Central Activities Zone) of Westminster's City Plan (2016) states that the Core CAZ is an appropriate location for a range of commercial and cultural uses and complementary residential use. Within the West End Stress Area, 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.

City Plan Policy S24 states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The proposed A3 floorspace is 326.7 sqm and given the application is within the West End Stress Area, UDP Policy TACE 9 is relevant in assessing the proposals. The policy aims to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. The policy states that permission will only be granted for proposals where the City Council is satisfied that the proposed development has 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 impact on the character and function of the area.

The application site is located in close proximity to a number of residential properties, including 19 Bedford Street, 8 and 9 Bedford Court and Duval Court. Objectors state that the proposed entrance via the side passage on Bedford Court would cause increased pedestrian traffic, noise disturbance and loss of privacy to nearby residential properties from people congregating, smoking and anti-social behaviour which would be amplified as the street is enclosed. The objectors also state that there is already a saturation of restaurants in the surrounding area and reference the disturbance caused by a number of existing restaurants in the area, especially in Bedford Court.

Whilst there are a number of nearby A3 and entertainment uses in the street, it is considered that the proposals would not be detrimental to the balance of street-level activities in the area. Covent Garden is a diverse district, characterised by specialist shops and night-time activities. It is considered that the proposals would be in keeping with the established character and function of the area and would not intensify an existing concentration of entertainment uses.

In order to address the concerns of residents, the applicant has made a number of changes to the proposed operation of the unit throughout the course of the application. The closing time of the restaurant has been reduced by half an hour each day from the hours originally proposed by the applicant. The proposed hours of operation sought are now: 10:00 to 23:00 Monday to Thursday; 10:00 to 23:30 Friday and Saturday; and 12:00 to 22:00 on Sunday. The maximum capacity of the restaurant has also been reduced from 150 to 125 covers. It is recommended that both the hours of operation and capacity are secured by condition.

The applicant has confirmed that “Blacklock” will be the occupier of the restaurant. An Operational Management Plan has been submitted which sets out measures to reduce disturbance to nearby residents, including:

- An entrance lobby will be located at ground floor level. This lobby will be regulated by a supervisor each evening from 7pm – close. The Porter will assist guests to transportation on Bedford Street after 10pm;
- As well as a supervisor/porter in the entrance lobby each evening, there shall be a second member of staff placed outside the entrance 30 minutes before closing time, whose duties will include directing patrons to use Bedford Street and ensuring that

- they leave in an orderly manner to prevent public nuisance and obstruction of the public highway;
- In instances where customers await a table, the ground floor lobby and an internal seating area downstairs at basement level will ensure no diners remain at street level;
 - The consumption of alcohol is ancillary to taking of a substantial table meal and there will be no post meal bar operation at the premises;
 - Customers and staff who wish to smoke will be directed to do so on Bedford Street at all times and not Bedford Court.

The applicant has submitted a footfall survey to demonstrate likely levels of pedestrian traffic and noise levels in Bedford Court associated with the proposed restaurant use. Based on this information, Environmental Health have raised no objection on potential noise nuisance grounds, subject to the mitigation measures set out in the Operational Management Plan. A condition is recommended to ensure that the restaurant is operated in accordance with the Operational Management Plan and that prior to occupation a "Secure by Design" accreditation is obtained for the building as recommended by the Metropolitan Police (Designing Out Crime Officer).

Objectors have also raised concerns that the proposals would cause traffic congestion in the surrounding streets related to servicing and increase vehicular traffic including taxis. It has also been highlighted that any late night or early morning servicing would disturb residents.

Servicing will occur via the existing off-street delivery bay to the rear of the site. The Highways Planning Manager raises no objection to the application provided that the restaurant use is carried out in accordance with the applicant's Delivery and Servicing Management Plan, which is recommended to be secured by condition. The applicant has also amended the proposals to include an internal waste store to reduce noise disturbance to nearby residents.

The applicant states that servicing will take place between 08:00 - 22:00 Monday to Friday and 10:00 - 22:00 Saturday to Sunday. These hours are considered to be satisfactory, given the busy city centre location of the site. It is recommended that these hours and the submitted Delivery and Servicing Plan are secured by condition.

Objectors have also raised concern that the proposed plant machinery could cause disturbance to nearby residents. A full height extract duct is proposed within an internal lightwell and it is recommended that full details of all plant be secured by condition, as well as a supplementary acoustic report to demonstrate compliance with the Council's standard noise and vibration conditions. Conditions are also recommended to ensure that no amplified sound from the restaurant will be audible outside the premises and there will be no unacceptable noise nuisance from amplified music through the building fabric.

It is considered that subject to the recommended conditions, the proposed restaurant use (Class A3) would not result in unacceptable adverse effects on residential amenity and local environmental quality. Accordingly, the proposals are considered to be in accordance with Policies S6, S24, SS5 and TACE 9.

8.2 Townscape and Design

15-16 Bedford Street, along with no.14 Bedford Street, form a group of grade II listed buildings. They date from the mid-nineteenth century and were designed by S S Teulon. The narrow passageway of Bedford Court runs along the northside of no.16 and the unlisted 1-4 Bedford Court abuts the rear of nos.15-16 Bedford Street. The unlisted Bedford Court building and the listed 15-16 Bedford Street are now internally linked in places.

The proposed works are predominantly internal to the basement and ground floors but do also include the installation of a full-height kitchen extract duct to facilitate the proposed restaurant use.

The lower two floors of these two listed buildings have been substantially altered over time, such that their interiors make a very minimal contribution towards the significance of these buildings. As such the proposed layout changes effect non-historic fabric and would have no adverse impact upon the significance of the listed buildings.

With respect to the proposed full-height extract duct, this is to be located within a lightwell located to the rear of nos.15-16 and built against a modern lift shaft wall of 1-4 Bedford Court. The proposed duct will rise to reach the same height as existing structure associated with the modern building behind the façade of Bedford Court and will be clad to match the facing material of that structure. While there are long views down Henrietta Street of the application site and the very top of the duct may just be visible in these views, it will nevertheless appear against existing structure rather than interrupting the skyline and the colour-match will ensure that it has minimal visual impact. Conditions are recommended to ensure the appearance of the duct is acceptable.

Very minor alterations are also proposed to the rear basement façade of 1-4 Bedford Court, where within a narrow lightwell it is proposed to modify the width of a door and to introduce two areas of louvres. This part of the building is very discreetly sited and the proposals would be largely unnoticeable.

The applicant envisages future minor changes to the retail shopfront on Bedford Street and to the restaurant entrance in Bedford Court, but notes that these will be subject to the designs of the future tenant and thus does not form part of this application.

In terms of the proposed change of use, the character of Covent Garden is one where the ground floor and basements of many properties are in retail and restaurant use. The proposed uses in this case would not adversely affect the character of the conservation area.

The proposals would therefore have no adverse impact upon the listed buildings or upon the Covent Garden Conservation Area and would accord with design policies S25 and S28 of the City Plan; and DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP

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 proposals involve the installation of a ventilation flue within the existing lightwell. Due to its position and size, it is considered that the flue would not lead to an unacceptable loss of daylight and sunlight or sense of enclosure, over the existing situation.

Noise, disturbance and privacy are addressed in section 8.1 of this report. Subject to conditions, the proposals are considered to be in line with policies S29 and ENV13.

8.4 Transportation/Parking

The site has a good level of public transport accessibility and is within a Controlled Parking Zone, which means that anyone who does drive to the site will be subjected to those controls, because of this, it is considered that the impact of the proposals on parking would be minimal.

Two cycle parking spaces are indicated for the A1 use and three spaces for the restaurant (Class A3). Given the floor areas of each of the uses the proposed arrangements are considered sufficient. A condition is recommended to ensure that the cycle parking spaces are retained.

Servicing is considered in section 8.1 above.

8.5 Economic Considerations

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

8.6 Access

Access would be from an entrance on Bedford Court. The basement level would be accessed by new stair and platform lift.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposed storage arrangements have been revised to ensure that the proposed waste store is located within the building. The arrangements are in line with the requirements of the City Council. A condition is recommended to ensure the continued provision of this facility and that it is used for no other purpose. The operator will utilise a sonic bottle crusher internally to minimise noise during the transfer of refuse.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this 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.

8.12 Planning Obligations

Not applicable.

8.13 Environmental Impact Assessment

Not applicable.

8.14 Other Issues

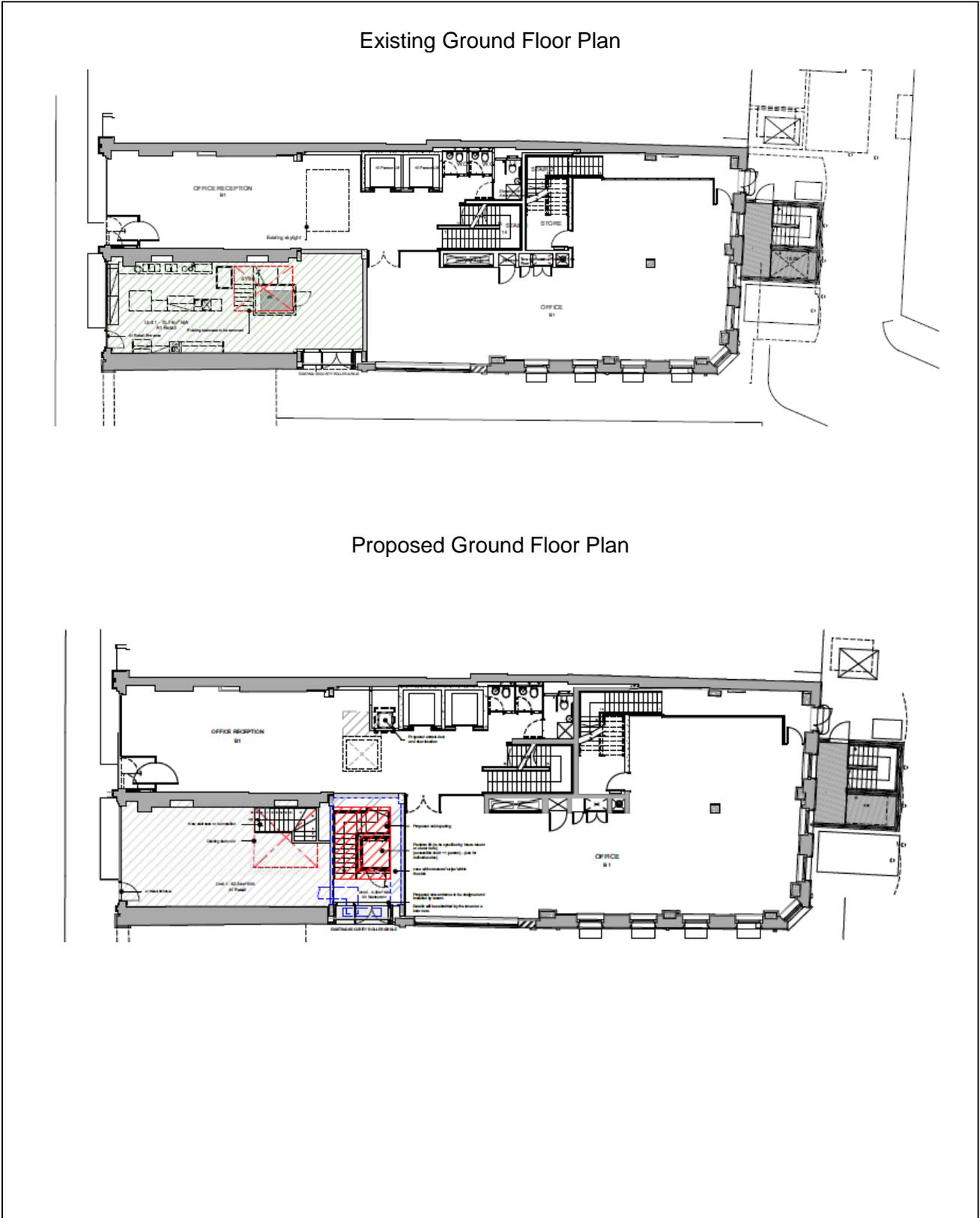
Licensing

A separate licence application has been made by the freeholder and will be considered under separate legislation. The applicant has confirmed that the licensing application has been placed on hold until the planning application has been determined.

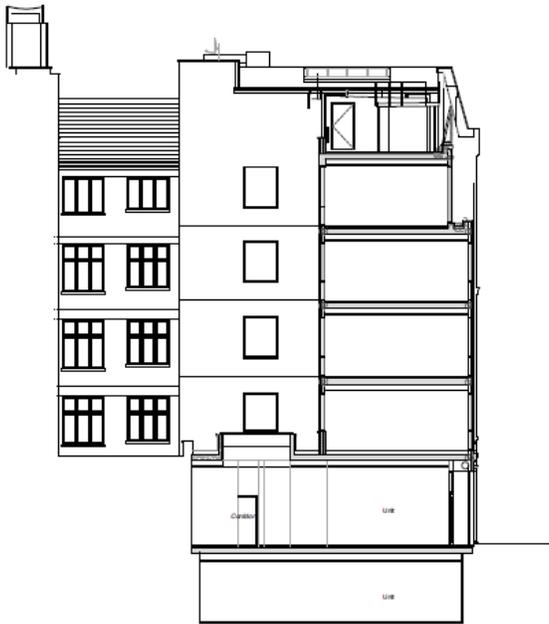
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk

9. KEY DRAWINGS



Existing Bedford Street Elevation and Section Through Lightwell



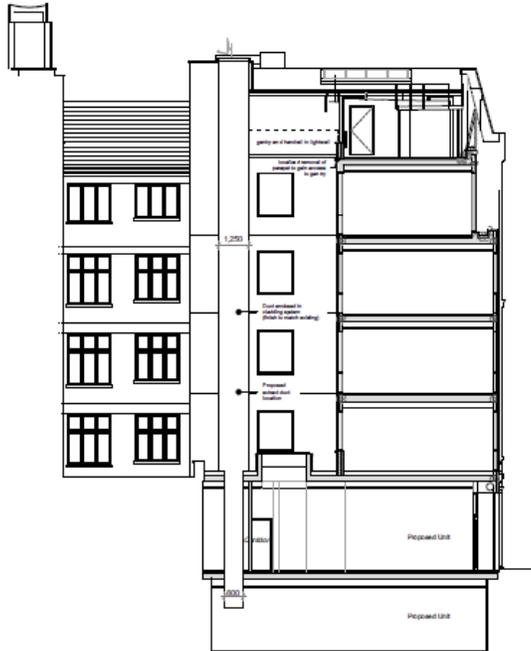
Existing Bedford Street Elevation

Existing Bedford Street section through existing lightwell

Scale 1:200



Proposed Bedford Street Elevation and Section through Lightwell



Existing Bedford Court Side Elevation



Proposed Bedford Court Side Elevation



DRAFT DECISION LETTER

Address: 15-16 Bedford Street, London, WC2E 9HE,

Proposal: Use of part basement as restaurant (Class A3) accessed via new ground floor entrance on Bedford Court and associated internal and external alterations including installation of full height ventilation duct in lightwell.

Reference: 19/05768/FULL

Plan Nos: 00101 P02; 00108 P11; 00109 P09; 00110 P05; 00111 P03; 112 P05; 113 P0800125 P03; 00125 P03; Noise Survey Report 19/0288/R1 dated 11 July 2019; Delivery and Servicing Plan dated October 2019; Acoustic and Footfall Survey 19/0288/R3; Operational Management Plan (OMP) for Restaurant Use received 22 January 2020.

For information: Cover Letter dated 19 July 2019; Cycle Parking Requirements and Strategy dated 30 October 2019; Design & Access Statement dated July 2019; Planning Statement dated July 2019 dated 31 October 2019; Built Heritage Statement dated July 2019.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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 building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of full details of the following parts of the development
– the design and appearance of the terminating section of the extract duct.

You must not start any 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 these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 The external cladding of the new extract duct shall match exactly the colour finish of the lift shaft wall to which it is attached and the two shall be maintained in the same colour.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

- the location, design and appearance of any CCTV cameras.

You must not start any 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 these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 Customers shall not be permitted within the Restaurant (Class A3) premises before 10:00 hours or after 23:00 hours Monday to Thursday; before 10:00 hours or after 23:30 hours Friday to Saturday; and 12:00 to 22:00 on Sundays.

Reason:

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

- 8 You must carry out the development in accordance with the approved Operational Management Plan received 16 December 2019 at all times that the restaurant (Class A3) is in use, unless a revised Operational Management Plan is submitted for approval by the City Council. The approved Operational Management Plan must thereafter be followed by the occupants for the life of the development.

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)

- 9 You must not allow more than 125 customers into the property at any one time. (C05HA)

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)

- 10 You must carry out the development in accordance with the approved Delivery and Servicing Plan dated October 2019 at all times that the restaurant (Class A3) is in use, unless a revised Delivery and Servicing Plan is submitted for approval by the City Council. The approved Delivery and Servicing Plan must thereafter be followed by the occupants for the life of the development.

Reason:

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

11 All servicing (including refuse collection) must take place between 08:00 - 22:00 Monday to Friday and 10:00 - 22:00 Saturday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

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

12 You must provide the waste store shown on drawing 00125 P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the Restaurant (A3). 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)

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 Notwithstanding the information provided, you must apply to us for approval detailed drawings of the design, construction and insulation of the whole ventilation system plus any associated equipment and an acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 13 and 14 of this permission. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

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

- 16 (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 (Class A3) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the Restaurant (Class A3) 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)

- 17 The discharge point of kitchen cooking fumes must be:

- i) at least at the height of the lift over-run;
- ii) at sufficient discharge velocity (at least 8m/s) to limit the potential entrainment of exhaust air.

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)

- 18 Prior to occupation of the restaurant use (Class A3) hereby permitted, a "Secured by Design" accreditation shall be obtained for the restaurant 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)

- 19 No amplified sound from the restaurant (Class A3) hereby permitted shall be audible from outside the premises.

Reason:

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

- 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)

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 or visit 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 are advised that this decision does not approve any shopfront changes or any signage. Any changes of this nature are likely to require listed building consent, planning permission and possibly advertisement consent.

DRAFT DECISION LETTER

Address: 15-16 Bedford Street, London, WC2E 9HE,

Proposal: Use of part basement as restaurant (Class A3) accessed via new ground floor entrance on Bedford Court and associated internal and external alterations including installation of full height ventilation duct in lightwell.

Reference: 19/05769/LBC

Plan Nos: 00101 P02; 00108 P11; 00109 P09; 00110 P05; 00111 P03; 112 P05; 113 P0800125 P03

For information: Cover Letter dated 19 July 2019; Design & Access Statement dated July 2019; Planning Statement dated July 2019 dated 31 October 2019; Built Heritage Statement dated July 2019.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 You must apply to us for approval of full details of the following parts of the development,
, -
the design and appearance of the terminating section of the extract duct. You must not start any 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 these approved details

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 The external cladding of the new extract duct shall match exactly the colour finish of the lift shaft wall to which it is attached and the two shall be maintained in the same colour.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of full details of the following parts of the development,

-the location, design and appearance of any CCTV cameras. You must not start any 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 these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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)

- 3 You are advised that this decision does not approve any shopfront changes or any signage. Any changes of this nature are likely to require listed building consent, planning permission and possibly advertisement consent.

Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	195 Piccadilly, London, W1J 9LN,		
Proposal	Display of non- illuminated shroud advertisements measuring 23.49m x 39.02m and 12.79m x 8.15m for a temporary period between 01 February 2020 and 31 December 2021 (site includes 190- 195 Piccadilly).		
Agent	DP9		
On behalf of	British Academy of Film and Television Arts		
Registered Number	19/09543/ADV	Date amended/ completed	6 December 2019
Date Application Received	6 December 2019		
Historic Building Grade	II		
Conservation Area	St James's		

1. RECOMMENDATION

Refuse advertisement consent – detrimental impact on Grade II listed building, on setting of adjacent Grade I and Grade II* listed buildings and on character and appearance of St James's Conservation Area.

2. SUMMARY

190-195 Piccadilly is a large grade II listed building located within the St James's Conservation Area.

Advertisement consent is sought for the display of non- illuminated shroud advertisements measuring 23.49m x 39.02m on the north elevation and 12.79m x 8.15m on the east elevation, for a temporary period between 1 February 2020 and 31 December 2021.

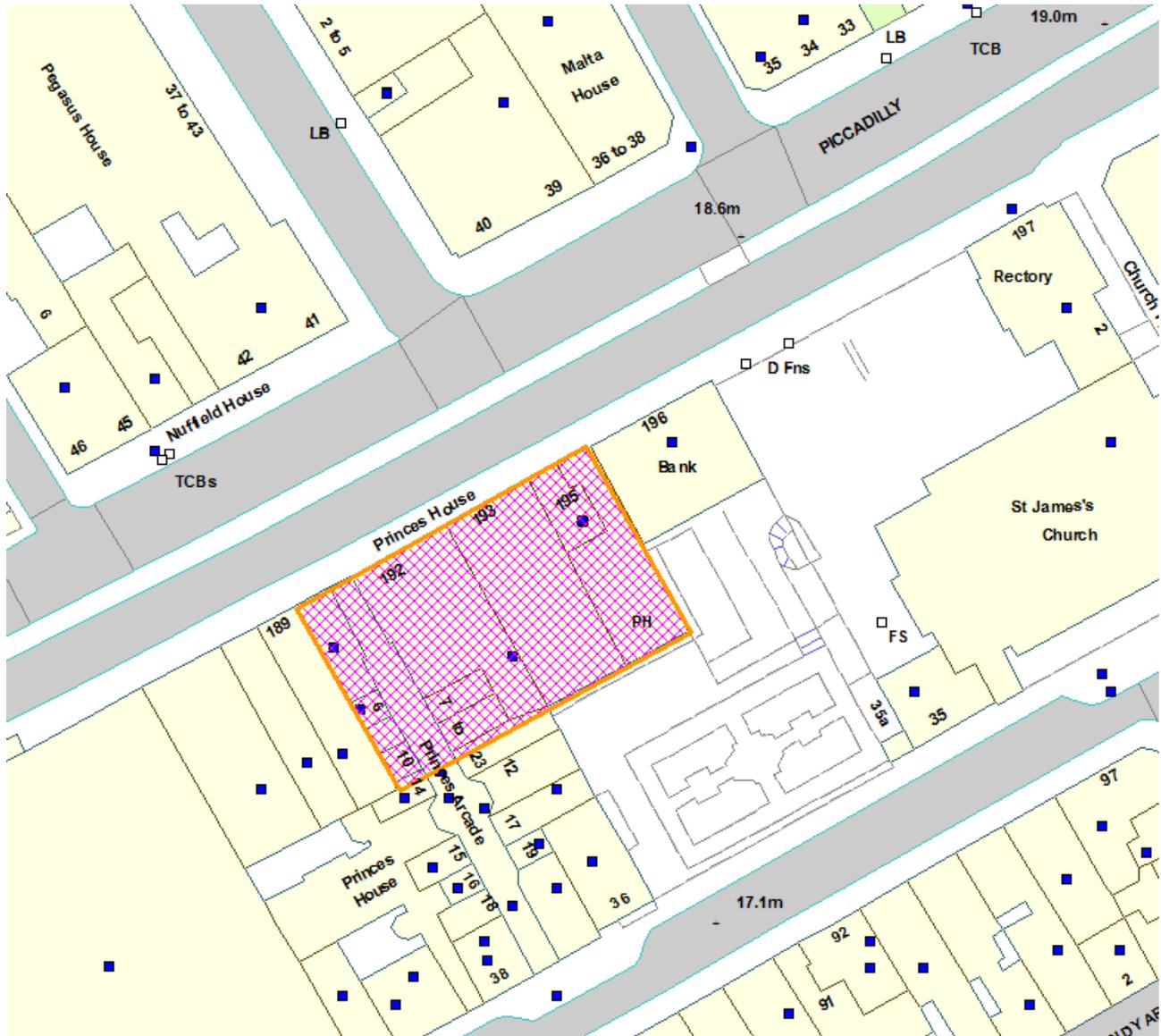
The key issues for consideration are:

*The impact of the proposals on the appearance of the building and upon the visual amenity of the St James's Conservation area.

*The impact of the proposals on the setting and amenity of nearby listed buildings.

The application has been assessed against the relevant policies as set out in the Unitary Development Plan (January 2007) and Westminster's City Plan (November 2016).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Proposal site in 2016:



Current view of proposal site:



5. CONSULTATIONS

CLLR HYAMS (WARD COUNCILLOR FOR ST JAMES'S)
Support.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 3

No. of objections: 0

No. in support: 3 letters from The Crown Estate, Heart of London Business Alliance and St James's Church Piccadilly.

Letters of support have been received on some or all of the following grounds:

- Proposal will enliven the site in a dramatic and innovative way.
- Imperative that site remains attractive whilst the building is surrounded by scaffolding.
- Will drawing attention to adjacent Princes Arcade and advertise the shops in it.
- Opportunity for BAFTA to tell story of its work.
- Appropriate for this location and will contribute to the future success of the West End.
- Advertisement will add to area's reputation as leading cultural destination.
- Wrap has been designed by a world renowned design consultancy.
- Likely to attract substantial press coverage from the wrap's unveiling, promoting BAFTA's charitable work and the immediate area.
- Respectful of the character of the building and Piccadilly.
- Showcases work of BAFTA breakthrough artists.

6. BACKGROUND INFORMATION

6.1 The Application Site

190- 195 Piccadilly is a large grade II listed building located within the St James's Conservation Area. The building dates to 1881-3 and was designed by E.R. Robson with facade sculptures by Onslow Ford. It was formerly in use as the Royal Institute of Water Colours. The building is located adjacent to a grade II* listed building at 196 Piccadilly (Midland Bank) and close to a grade I listed building at the Church of St James's. It is also located directly opposite several grade II listed buildings as well as grade I listed Albany and grade II* listed Burlington House. The proposal site is therefore located in a highly sensitive location in heritage asset terms.

6.2 Recent Relevant History

19/06104/LBC

Temporary installation of a tied-in scaffold to the north, south and east elevations and associated works (site includes 190- 195 Piccadilly).

Application Permitted 11 September 2019

19/03134/LBC

Variation of condition 1 of listed building consent dated 02 March 2017 (RN: 17/00128/LBC) for the: Internal and external alterations including works to the roof, the installation of new plant, the raising of and installation of new rooflights, creation of roof terrace and associated works. Namely, alterations to beam in the valley between the skylights and addition of two new columns, removal of chimney to east and south elevations, extension of sliding doors onto the fourth-floor terrace to the full width, replacement of the west rooflight glazing, roof layout alterations, and amendments to roof facade.

Application Permitted 4 July 2019

19/03133/FULL

Variation of conditions 1 and 6 of planning permission dated 02 March 2017 (RN: 17/00127/FULL) for the: Internal and external alterations including works to the roof, the installation of new plant, the raising of and installation of new rooflights, creation of roof terrace and associated works. Namely, to allow alterations to beam in the valley between the skylights and addition of two new columns, removal of chimney to east and south elevations, extension of sliding doors onto the fourth-floor terrace to the full width, replacement of the west rooflight glazing, roof layout alterations, amendments to roof facade and rewording of condition 6.

Application Permitted 4 July 2019

19/07819/LBC

Variation of Condition 1 of listed building consent dated 4 July 2019 (RN: 19/03134) which in itself varied condition 1 of listed building consent dated 02 March 2017 (RN: 17/00128/LBC) for the: Internal and external alterations including works to the roof, the installation of new plant, the raising of and installation of new rooflights, creation of roof terrace and associated works to enable alterations to beam in the valley between the skylights and addition of two new columns, removal of chimney to east and south elevations, extension of sliding doors onto the fourth-floor terrace to the full width, replacement of the west rooflight glazing, roof layout alterations, and amendments to roof façade; NAMELY to remove and reinstate the damaged section of floor structure at third floor level.

Application Permitted 6 November 2019

17/00127/FULL

Internal and external alterations including works to the roof, the installation of new plant, the raising of and installation of new rooflights, creation of roof terrace and associated works.

Application Permitted 2 March 2017

17/00128/LBC

Internal and external alterations including works to the roof, the installation of new plant, the raising of and installation of new rooflights, creation of roof terrace and associated works.

Application Permitted 2 March 2017

7. THE PROPOSAL

The proposed advertisement to the north elevation measures 23.49 metres in height and 39.02m in width, which occupies the full area of the principal elevation which fronts on to Piccadilly. A second high level advertisement is located to the east elevation at approximately 17m above ground level, which measures 12.79m x 8.15m. The advertisements are positioned frontwards of the principal building line by a maximum of 3m at the lower levels and 1.5m at the upper levels. The application form states that the proposed advertisements are to be externally illuminated. However, the applicant has subsequently confirmed in writing that the advertisements are in fact to be non-illuminated.

8. DETAILED CONSIDERATIONS

8.1 Townscape and Design

Relevant policies from Westminster's Development Plan include S25 and S28 of the City Plan: Strategic Policies. These recognise the importance of the conservation of Westminster's heritage assets including its listed buildings and conservation areas and seek exemplary standards of design which respect Westminster's local distinctiveness and enrich its world class city status. In the Unitary Development Plan, key policies of relevance to this proposal include DES 8 (Signs and Advertisements), DES 9 (Conservation Areas) and DES 10 (Listed Buildings).

In particular, DES 8 seeks to secure the highest standards of design in all advertisements, and their compatibility with the townscape. DES 8 (A) (2) states: 'Consent will not normally be granted for... g) high level signs [or] i) permanent or temporary advertising hoardings or shrouds, unless they are sensitively related to its local context, with a minimum of obvious or intrusive commercial advertising content or display.'

Further, paragraph 10.99 of the policy application to DES 8 is of particular relevance to this proposal, stating: 'Advertising hoardings or shrouds have a significant impact on visual amenity and are inappropriate as permanent features in Westminster. Temporary hoardings or shrouds around building sites or empty sites should not normally be used for displaying poster advertisements. However, in commercial streets, posters on building site hoardings at ground floor level may be acceptable. Large displays above ground floor level can have an adverse impact on amenity are not appropriate.'

DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings.

DES 10 aims to protect and enhance listed buildings, their settings and those features of special architectural or historic interest that they possess. Part D of this policy states that permission will not be granted for works which would adversely affect 'a) the immediate or wider setting of a listed building' and 'b) recognised and recorded views of a listed building or a group of listed buildings.'

Also of relevance to this application is the supplementary planning guidance (SPG) document 'Advertisement Design Guidelines', which was adopted by the City Council in 1992. This document provides further guidance on advertisements and hoardings in

terms of their relationship to the townscape and with respect to their location on buildings.

Paragraph 3.3 of the SPG states: 'Advertisements should be confined to the ground floor or basement area of buildings. Advertisements fixed above the ground floor will not normally be allowed, unless they cannot reasonably be fixed at a lower level, or if it can be demonstrated that they make a positive contribution to the character of an area or a building.'

Paragraph 10 of the guidance goes on to state that 'where they do not relate to the land or its development, commercial advertisements on temporary hoardings, such as those around building sites or vacant land, will not normally be permitted by the City Council in conservation areas or around listed buildings. As an alternative, site owners are encouraged to consider painting their temporary hoardings in a decorative manner, to add interest to the street scene, while building works take place... Advertisements on hoardings, by their sheer size and bold content usually harm the scale, colour effect, roofline and overall appearance of any area and especially conservation areas.'

The positioning and scale of the large advertisements at high level serve to increase the impact of the temporary hoarding and its visibility in long views. Piccadilly is a vibrant and commercial part of the conservation area. Notwithstanding the commercial nature of this street, advertising content is almost entirely confined to ground floor level and there are no nearby examples of high level advertisements. Advertising in this part of the conservation area is almost entirely compliant with the Council's policies which contain a strong presumption against high level advertisements as set out above. Advertising is generally limited to modest ground floor fascia signs and projecting signs at fascia level. Above ground floor level, the attractive frontages remain almost entirely uncluttered and absent of commercial signage and make an important contribution to the aesthetic value of the streetscape. In contrast, the proposed advertisements would be the largest and highest commercial signage within the immediate vicinity.

It is therefore considered that due to their height, size, location and design, the proposed advertisements are wholly out of keeping with the predominant character and appearance of this part of the conservation area and would cause harm to visual amenity and the appearance and special interest of this grade II listed building. The proposed advertisements exacerbate the impact of having to cover up the site during works. The hoarding would be very prominent and jarring in important local views along Piccadilly from both the east and west, having a striking and discordant impact on the street scene which owes much to its historic architecture and character. This harmful impact would be evident at some distance from the proposal site in long views down Piccadilly.

Given the size and prominence of the proposed shroud advertisements in long views, the advertisements would also serve to dominate and distract from views of the adjacent grade II* listed building at 196 Piccadilly, partially obscuring this listed building in long views from the west. The high level advertisement proposed on the east flank wall of the proposal site would also dominate views of this adjacent listed building, which is significantly lower and smaller in scale than no. 195, when viewed from the east, forming an important part of its foreground along with St James's Church. The proposal would

therefore cause harm to the setting of this adjacent grade II* listed building, contrary to DES 10.

The proposed high level advertisement to the east elevation would also be highly visible from the churchyard of St James's Church, which is grade I listed, and would be visually dominating from this position. Local views of this highly significant building from Piccadilly would also be overshadowed by the incongruous proposed high level advertising, which would undermine the prominence of the church tower within the streetscene. It is therefore considered that this advertisement would cause harm to the setting of this grade I listed building, which is contrary to DES 10.

In summary, the application is contrary to DES 8, DES 9 and DES 10 of the City Council's Unitary Development Plan and adopted supplementary planning guidance set out above. The proposed advertisement would cause harm to the visual amenity and character and appearance of this part of the conservation area as well as the appearance and special interest of this grade II listed building. It would also cause harm to the setting of adjacent grade II* and grade I listed buildings. There are no public benefits to outweigh that harm. The temporary nature of the proposal is considered insufficient justification. The City Council has won several appeals relating to similar proposals across the West End. The application is therefore recommended for refusal on design and listed building grounds.

8.2 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.3 Neighbourhood Plans

Not applicable.

8.4 London Plan

This application raises no strategic issues.

8.5 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.

8.6 Planning Obligations

Item No.
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Planning obligations are not relevant in the determination of this application.

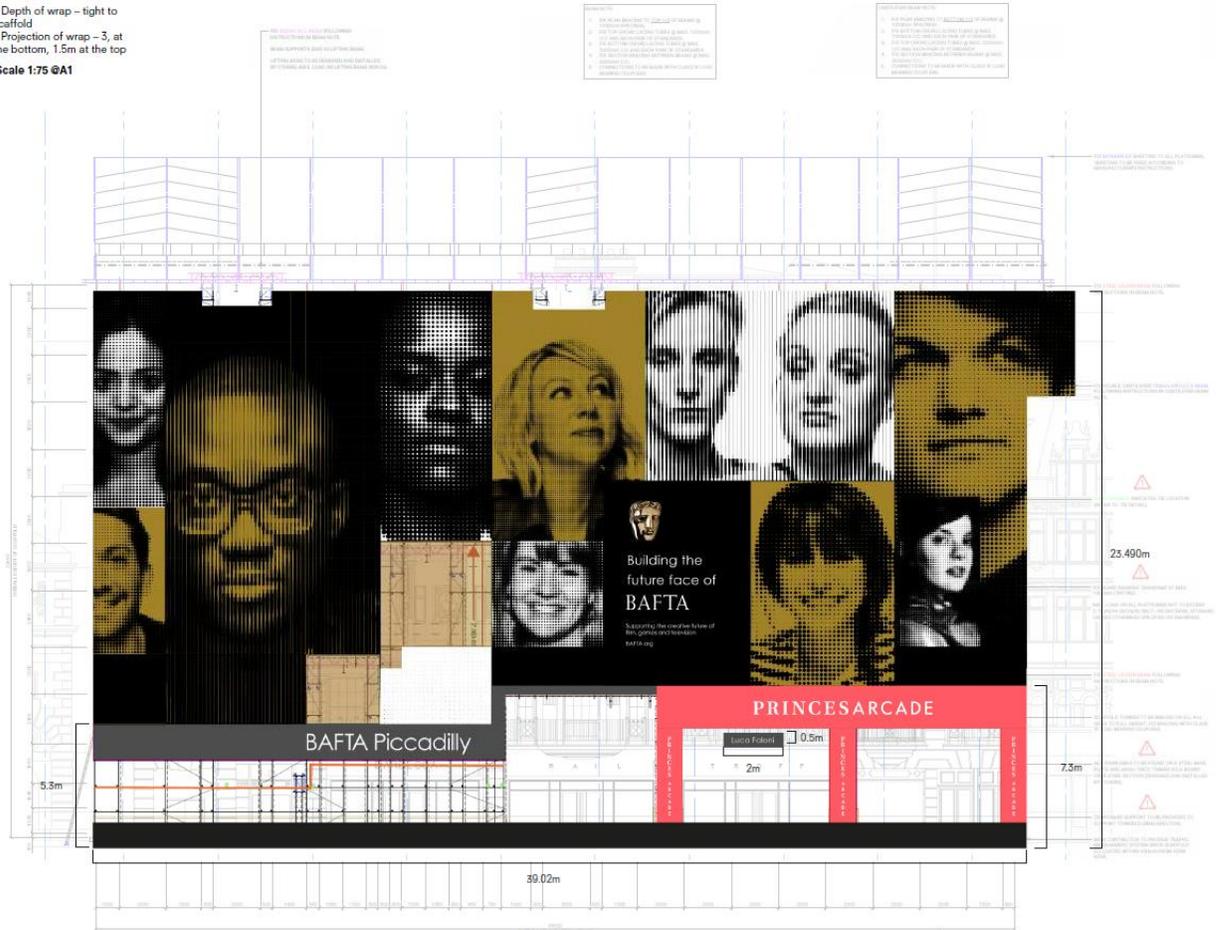
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk

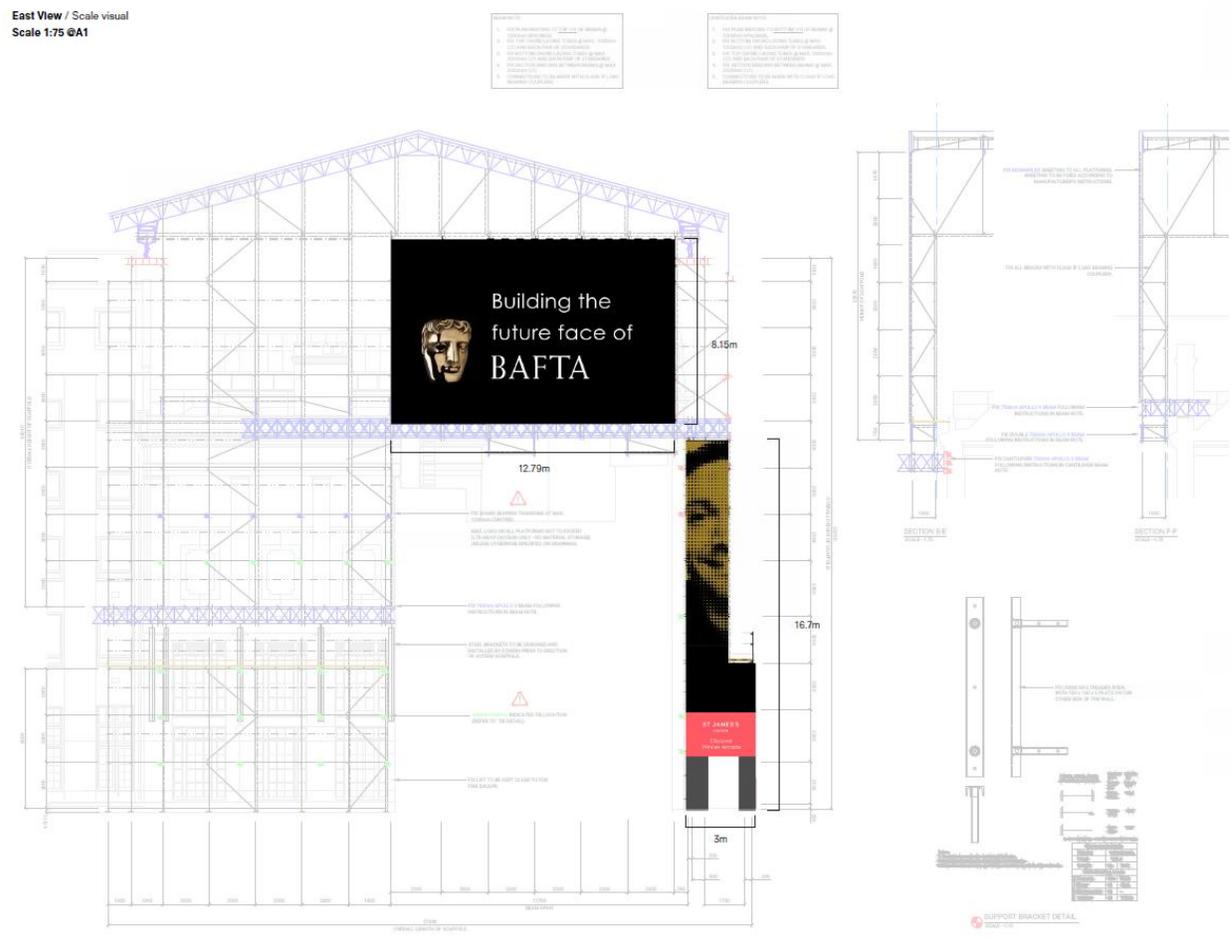
9. KEY DRAWINGS

Proposed Front (North) Elevation:

Front View / Scale visual
 • Depth of wrap – tight to scaffold
 • Projection of wrap – 3, at the bottom, 1.5m at the top
 Scale 1:75 @A1

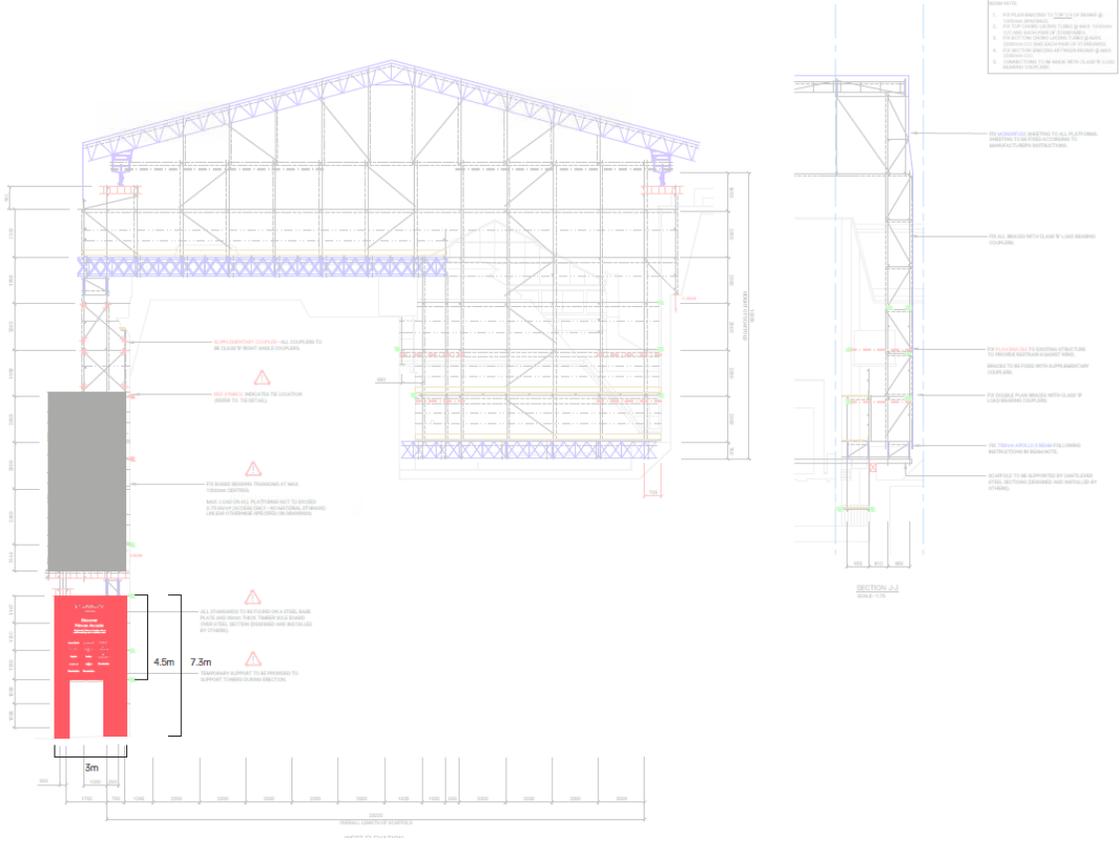


Proposed Side (East) Elevation:



Proposed Side (West) Elevation:

West View / Scale visual
Scale 1:75 @A1



DRAFT DECISION LETTER

Address: 195 Piccadilly, London, W1J 9LN,

Proposal: Display of non- illuminated advertisements on hoardings measuring 23.49m x 39.02m and 12.79m x 8.15m for a temporary period between 01 February 2020 and 31 December 2021 (site includes 190- 195 Piccadilly).

Reference: 19/09543/ADV

Plan Nos: 347PL000; 347PL000-01; (Front View) GKR-5868-01-08 Rev. 01; (East View) GKR-5868-01-10 Rev. 03; (West View) GKR-5868-01-14 Rev. 03; 'Typeface Sizes' (8), , For Further Information;, '190-196 Piccadilly Temporary Fabric Scaffolding Wrap and Hoarding' dated 06.12.2019, ,

Case Officer: Heidi Pearce

Direct Tel. No. 020 7641 3267

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

Because of their height, scale, location and design, the proposed advertisements would harm the appearance and special interest of the grade II listed building and the appearance (amenity) of the area. They would also fail to maintain or improve (preserve or enhance) the character and appearance of the St James's Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 8, DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X15AD)

Reason:

Because of their height, scale, location and design, the proposed advertisements would harm the setting and amenity of the neighbouring grade II* listed building at 196 Piccadilly (Midland Bank). This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007. (X20AC)

Reason:

Because of its height, scale, location and design the proposed advertisement to the east elevation would harm the setting and amenity of the neighbouring grade I listed building at St James's Church. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007. (X20AC)

Informative(s):

- 1 You are advised that the proposed non- illuminated projecting sign benefits from deemed consent under Schedule 3 of the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Advertisement consent is therefore not required for this proposal. However, this proposal may require listed building consent for which a separate application is required.

- 2 You are advised that a revised scheme which limits advertising to ground floor level only is likely to be considered more favourably. A 1:1 rendering of the existing building to the upper levels is also likely to be considered acceptable in principle.

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.