



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (2)**

Meeting Date: **Tuesday 26th July, 2022**

Time: **6.30 pm**

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

Members: **Councillors:**
Paul Fisher (Chair)
Barbara Arzymanow
Ryan Jude
Ellie Ormsby

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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. 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.

If you require any further information, please contact the Committee Officer, Clare O'Keefe, Committee and Councillor Coordinator.

**Tel: 07811 721748; email: cokeefe@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. APPOINTMENT OF CHAIR

To appoint a Chair

2. MEMBERSHIP

To note that Councillor Ellie Ormsby has replaced Councillor MD Shamsed Chowdhury.

To note any further changes to the membership.

3. 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.

4. MINUTES

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

5. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual 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 at the hybrid meeting please read the guidance, in order to

(Pages 5 - 8)

familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

To access the recording after the meeting please revisit the Media link

- | | |
|---|--------------------------|
| 1. MULTIPLE SITES: EDGWARE ROAD, BAKER STREET, WIGMORE STREET, OXFORD STREET AND GREAT TITCHFIELD STREET | (Pages 13 - 98) |
| 2. HARLEY STREET UNDERGROUND CAR PARK, QUEEN ANNE MEWS, LONDON, W1G 9HF | (Pages 99 - 116) |
| 3. 1B-1C TOTTENHAM COURT ROAD, LONDON, W1T 1BB | (Pages 117 - 130) |
| 4. APARTMENT 7.01, 9 MARYLEBONE LANE, LONDON, W1U 1DB | (Pages 131 - 154) |

**Stuart Love
Chief Executive
15 July 2022**

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) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) 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 31st May, 2022**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jason Williams (Chair), Barbara Arzymanow, Md Shamsed Chowdhury and Ryan Jude

Also Present: Councillor Paul Dimoldenberg (Item 1)

1 MEMBERSHIP

- 1.1 It was noted that Councillor Jason Williams was substituting for Councillor Paul Fisher.
- 1.2 A Councillor was required to Chair the evening's meeting and therefore the Sub-Committee

RESOLVED:

That Councillor Jason Williams be elected Chair of Planning Applications Sub-Committee (2) for that evening's meeting.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Jason Williams explained that a week before the meeting, all four Members of the Sub-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 Sub-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 Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

- 2.2 Councillor Williams declared that for Item 1 Councillor Paul Dimoldenberg was his friend and he knew former Councillor Heather Acton, who were both objecting to the application, but he had held no discussions with them regarding the application.
- 2.3 Councillors Chowdhury and Jude declared that in respect of Item 1 Councillor Paul Dimoldenberg, who was objecting to the application, was their friend, however they had held no discussions with him regarding the application.

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 5 April 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 25-27 SOUTHWICK STREET, LONDON, W2 1JQ

Installation of air handling unit with acoustic enclosure and installation of boiler flue within rear lightwell (78 - 84 Sussex Gardens and 25-27 Southwick Street) (Retrospective).

Additional representations were received from a member of the public (24.05.22) and Councillor Paul Dimoldenberg (24.05.22).

Late representations were received from Jon Dingle (30.05.22) and the former Hyde Park Ward Councillors (31.01.22).

Jon Dingle addressed the Sub-Committee in support of the application.

George Presslauer addressed the Sub-Committee in objection to the application.

Sergio Chiquetto, representing Southwick Mews Residents Association and Hyde Park Residents Association, addressed the Sub-Committee in objection to the application.

Councillor Paul Dimoldenberg addressed the Sub-Committee in his capacity as Ward Councillor in objection to the application.

RESOLVED (Councillors Arzymanow, Chowdhury and Jude – Refuse, Councillor Williams – Grant):

- 1) That conditional permission be refused on the grounds that the noise, disturbance and vibration created by the plant was having a harmful impact on the amenity of nearby residents in Southwick Mews. The reasons for refusal to be agreed under delegated powers in agreement with the Chair.

RESOLVED UNANIMOUSLY:

- 2) That conditional listed building consent be granted.
- 3) That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

2 35-35A CHESTER ROW, LONDON, SW1W 9JE

Amalgamation of 35 & 35A to form a single dwellinghouse, erection of infill extensions at lower ground floor and ground floor level with associated terrace to rear; demolition and rebuild of extended main closet wing at ground, first and second floor levels; demolition and rebuild of long closet wing extension with additional storey; erection of plant enclosure and shed to rear garden; excavation to create basement; alterations to fenestration and doors; and associated external alterations.

The presenting officer tabled the following additional condition and informative:

Addition of Condition

Add condition 17 to page 77 to read:

All new paving in the rear garden shall be permeable paving.

Reason:

To improve drainage and the local environment, as set out in Policies 35 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

This SuDS measure is proposed by the applicant and this condition will ensure it is implemented. Permeable paving will help drain surface water and attenuate surface water run off.

Addition of Informative

Add informative 7 on page 79:

You are advised to contact Jamie Newman (Arboricultural Officer) regarding the details you must provide pursuant to condition 8.

jnewman@westminster.gov.uk

This will help the applicant successfully discharge the requirements of condition 8 which requires details of soil for the garden.

Joe Haines addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted subject to an additional condition requiring the new dwelling to have at least two cycle parking spaces.

The Meeting ended at 8.11 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 26th July 2022
 OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Addresses	Proposal	Applicant
1.	RN(s): 1. 21/08885/FULL 21/08886/ADV 2. 21/08889/FULL 21/08890/ADV 3. 21/08887/FULL 21/08888/ADV 4. 21/08893/FULL 21/08894/ADV 5. 21/08891/FULL 21/08892/ADV 6. 21/08897/FULL 21/08898/ADV 7. 21/08895/FULL 21/08896/ADV 8. 22/00251/FULL 22/00252/ADV 9. 22/00875/FULL 22/00876/ADV 10. 22/00881/FULL 22/00882/ADV 11. 22/00887/FULL 22/00888/ADV 12. 22/00879/FULL 22/00880/ADV 13. 22/00877/FULL 22/00878/ADV 14. 22/00885/FULL 22/00886/ADV 15. 22/00883/FULL 22/00884/ADV Various Wards	1. 466 - 490 Edgware Road, London, W2 1EJ 2. Edgware Road Station, London 3. 378 Edgware Road, London, W2 1EB 4. 219 Baker Street, London, NW1 6XE 5. 225 Edgware Road, London, W2 1DH 6. 105 Wigmore Street, London 7. 54 Baker Street, London, W1U 7BU 8. Edgware Road & Marylebone Flyover, L'don 9. 484 - 486 Oxford Street, London, W1C 1NA 10. 334-348 Oxford Street, London, W1C 1JG 11. 149-151 Oxford Street, London 12. 354-358 Oxford Street, London, W1C 1JQ 13. 386 Oxford Street, London, W1C 1JS 14. 2A Great Titchfield Street, London, W1W 8AP 15. Junction of Oxford St and John Prince's St, London, W1B 2AE	Planning permission and advertisement consent for the installation of a 'BT Street Hub', incorporating two digital 75" LCD advert screens and telephone, on the pavement (in the listed locations).	BT Telecommunications Plc
Recommendation Application 1: 1. Grant conditional permission; and 2. Grant conditional advertisement consent. Application 2: 1. Grant conditional permission; and 2. Grant conditional advertisement consent. Application 3: 1. Grant conditional permission; and 2. Grant conditional advertisement consent. Application 4: 1. Grant conditional permission; and 2. Grant conditional advertisement consent. Application 5: 1. Grant conditional permission; and 2. Grant conditional advertisement consent.				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 26th July 2022
 OF APPLICATIONS TO BE CONSIDERED

Application 6:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 7:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 8:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 9:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 10:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 11:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 12:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 13:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 14:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 15:

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 22/01045/FULL West End	Harley Street Underground Car Park Queen Anne Mews London W1G 9HF	Use of part of basement level 1 for storage or distribution uses (Class B8).	Getir UK Ltd
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 26th July 2022
 OF APPLICATIONS TO BE CONSIDERED

3.	RN(s): 22/01941/FULL West End	1B - 1C Tottenham Court Road London W1T 1BB	Use of part ground and first to fourth floors as offices (Class E)	TCRP (1A & 1B) Ltd
Recommendation Refuse planning permission - loss of the existing Community Infrastructure and Facilities.				
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 22/02368/FULL West End	Apartment 7.01 9 Marylebone Lane London W1U 1DB	Installation of a roof terrace level with metal balustrades.	MVP Property Trust
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 July 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Church Street Hyde Park Marylebone High Street West End	
Subject of Report	Areas of pavement outside/ near: <ol style="list-style-type: none"> 1. 466 - 490 Edgware Road, London, W2 1EJ 2. Edgware Road Station, London 3. 378 Edgware Road, London, W2 1EB 4. 219 Baker Street, London, NW1 6XE 5. 225 Edgware Road, London, W2 1DH 6. 105 Wigmore Street, London 7. 54 Baker Street, London, W1U 7BU 8. Edgware Road and Marylebone Flyover, London 9. 484 - 486 Oxford Street, London, W1C 1NA 10. 334-348 Oxford Street, London, W1C 1JG 11. 149-151 Oxford Street, London 12. 354-358 Oxford Street, London, W1C 1JQ 13. 386 Oxford Street, London, W1C 1JS 14. 2A Great Titchfield Street, London, W1W 8AP 15. Junction of Oxford St and John Prince's St, London, W1B 2AE 		
Proposal	Planning permission and advertisement consent for the removal of BT kiosks and installation of a BT Street Hub, incorporating two digital 75" LCD advert screens and telephone, on the pavement (in the above locations).		
Agent	Mr Stephen Herraghty		
On behalf of	Mr James Browne		
Registered Number	<ol style="list-style-type: none"> 1. 21/08885/FULL 21/08886/ADV 2. 21/08889/FULL 21/08890/ADV 3. 21/08887/FULL 21/08888/ADV 4. 21/08893/FULL 	Date amended/ completed	<p>December 2021 (Apps 1 – 7)</p> <p>January 2022 (Apps 8 – 15)</p>

	21/08894/ADV 5. 21/08891/FULL 21/08892/ADV 6. 21/08897/FULL 21/08898/ADV 7. 21/08895/FULL 21/08896/ADV 8. 22/00251/FULL 22/00252/ADV 9. 22/00875/FULL 22/00876/ADV 10. 22/00881/FULL 22/00882/ADV 11. 22/00887/FULL 22/00888/ADV 12. 22/00879/FULL 22/00880/ADV 13. 22/00877/FULL 22/00878/ADV 14. 22/00885/FULL 22/00886/ADV 15. 22/00883/FULL 22/00884/ADV		
Date Application Received	December 202 (Apps 1 – 7) January 2022 (Apps 8 – 15)		
Historic Building Grade	NA		
Conservation Areas	Dorset Square (Application 4: 21/08893/FULL & 21/08894/ADV) Portman Estate (Application 6: 21/08897/FULL & 21/08898/ADV) Soho (Application 11: 22/00887/FULL & 22/00888/ADV) East Marylebone (Application 14: 22/00885/FULL & 22/00886/ADV) Regent Street (Application 15: 22/00883/FULL & 22/00884/ADV)		
Neighbourhood Plan	Soho Neighbourhood Plan (Application 11: 22/00887/FULL & 22/00888/ADV).		

1. RECOMMENDATION

Application 1: 466 - 490 Edgware Road, London, W2 1EJ

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 2: Edgware Road Station, London

1. Grant conditional permission; and

2. Grant conditional advertisement consent.

Application 3: 378 Edgware Road, London, W2 1EB

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 4: 219 Baker Street, London, NW1 6XE

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 5: 225 Edgware Road, London, W2 1DH

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 6: 105 Wigmore Street, London

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 7: 54 Baker Street, London, W1U 7BU

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 8: Edgware Road and Marylebone Flyover, London

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 9: 484 - 486 Oxford Street, London, W1C 1NA

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 10: 334-348 Oxford Street, London, W1C 1JG

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 11: 149-151 Oxford Street, London

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 12: 354-358 Oxford Street, London, W1C 1JQ

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 13: 386 Oxford Street, London, W1C 1JS

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 14: 2A Great Titchfield Street, London, W1W 8AP

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 15: Junction of Oxford St and John Prince's St, London, W1B 2AE

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

2. SUMMARY & KEY CONSIDERATIONS

The proposals relate to a number of sites along Edgware Road, Baker Street and Oxford Street, Wigmore Street and Great Titchfield Street. Parts of Edgware Road are located in the Portman Estate, Dorset Square, Soho, East Marylebone and Regent Street Conservation Areas.

The proposals involve the removal of existing telephone kiosks and the installation of a new free-standing structure (referred to as a 'BT Hub' structure) which has two large LED advertising panels, coupled with telecommunications equipment. Such structures require both planning permission and advertisement consent, which the applicant has applied for in relation to each site.

In 2018, a number of prior approval and advertisement consent applications were received for the installation of InLink structures which were refused and appealed. Advertisement Consent was subsequently allowed by the Planning Inspector, including all 15 application sites. These decisions are material considerations in the assessment of these latest applications.

The applicant explains that the suppliers of the InLink structure went into administration in 2019 and are no longer able to supply units to BT. Since then, the applicant reports that BT have been working on the similar the BT Street Hub, which shares many of the same features. The BT Hubs and the LED screens are both larger than the previous InLink units and their screens.

Objections have been received from local councillors, amenity societies and local residents on design and conservation, pedestrian movement and highways safety grounds.

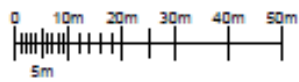
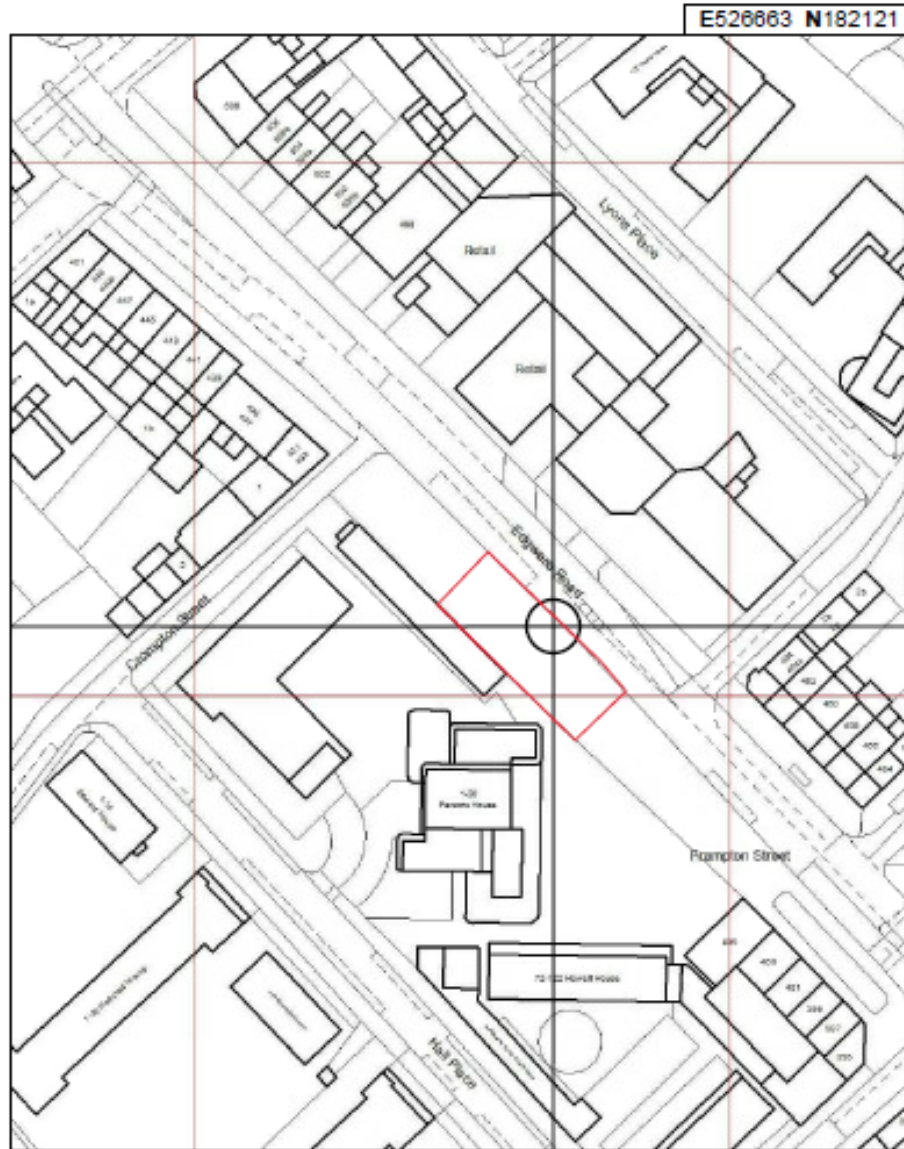
The key considerations in this case are:

- The impact of the proposals on the appearance of the townscape and the setting of nearby designated heritage assets, such as listed buildings in close proximity to the site, and Conservation Areas.
- The acceptability of the proposals on visual amenity and Highway Safety grounds.

The proposals are considered to be acceptable and would accord with policies within Westminster's City Plan 2019 – 2040 (April 2021) and the 'Westminster Way' Supplementary Planning Document (2011). To enable a review of their impact and to take into account any changes to the highway, it is recommended that approvals are on a temporary basis for 5 years.

3. LOCATION PLANS

Application 1: 466 - 490 Edgware Road, London, W2 1EJ

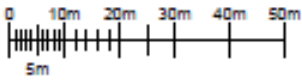


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Application 2: Edgware Road Station, London

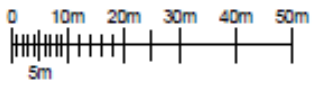


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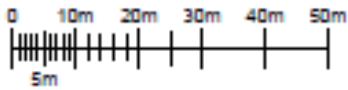
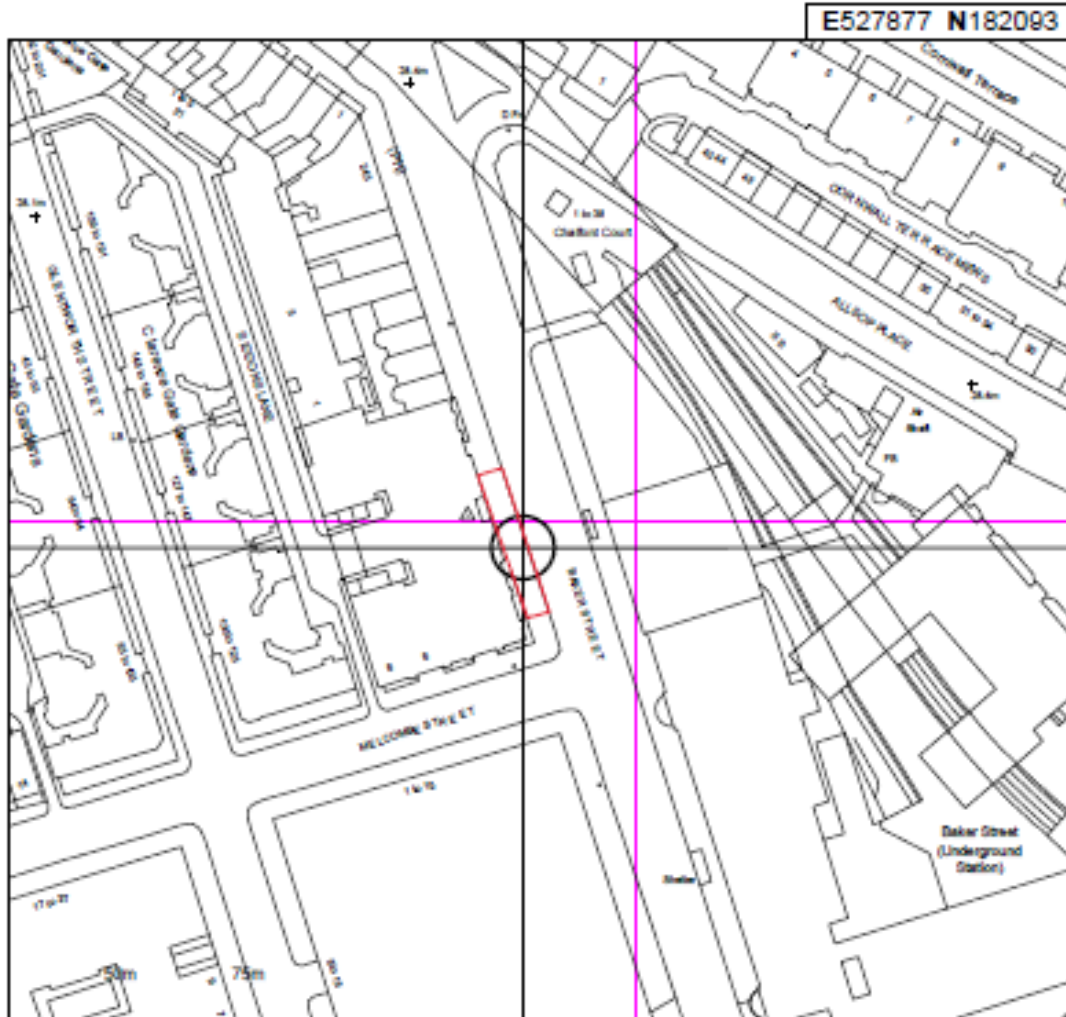
Application 3: 378 Edgware Road, London



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Application 4: 219 Baker Street

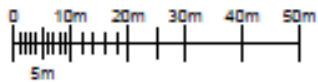


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Application 5: 225 Edgware Road

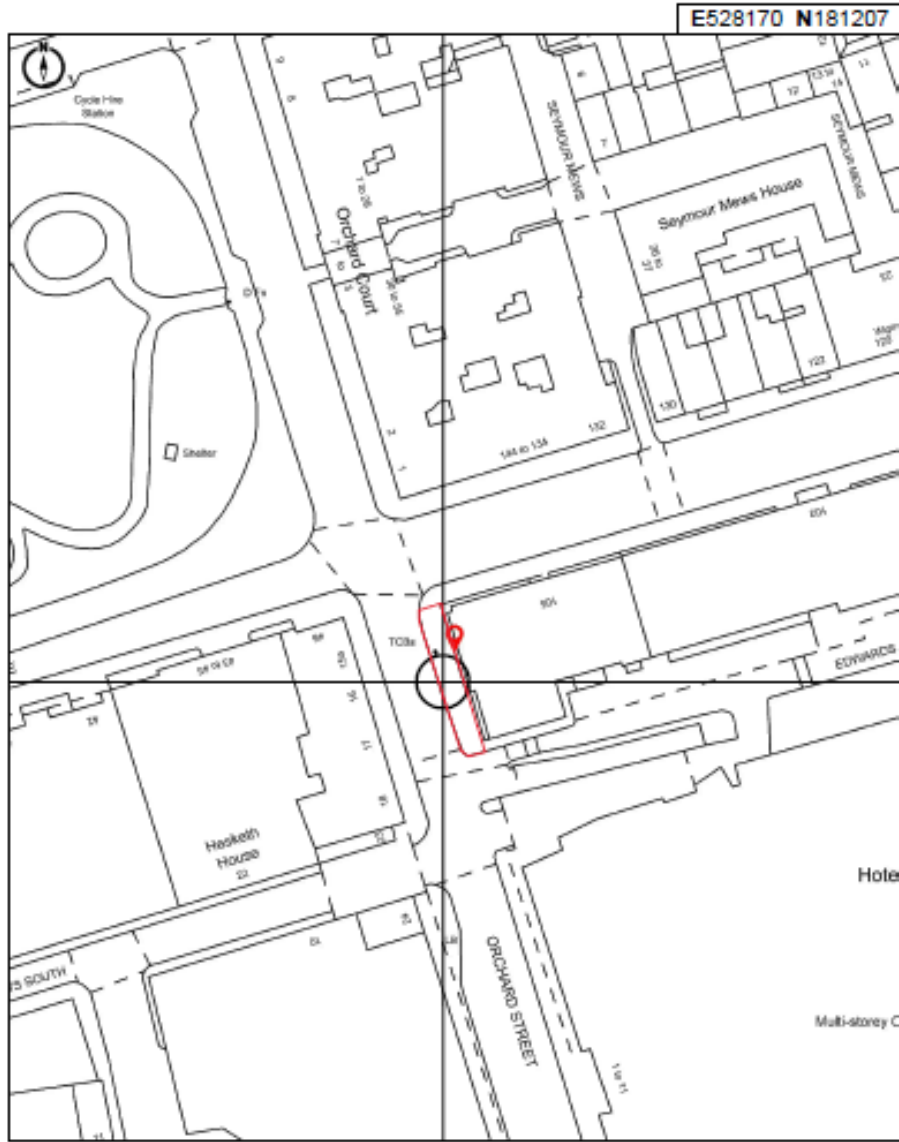


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Application 6: 105 Wigmore Street

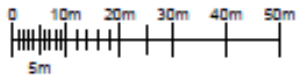
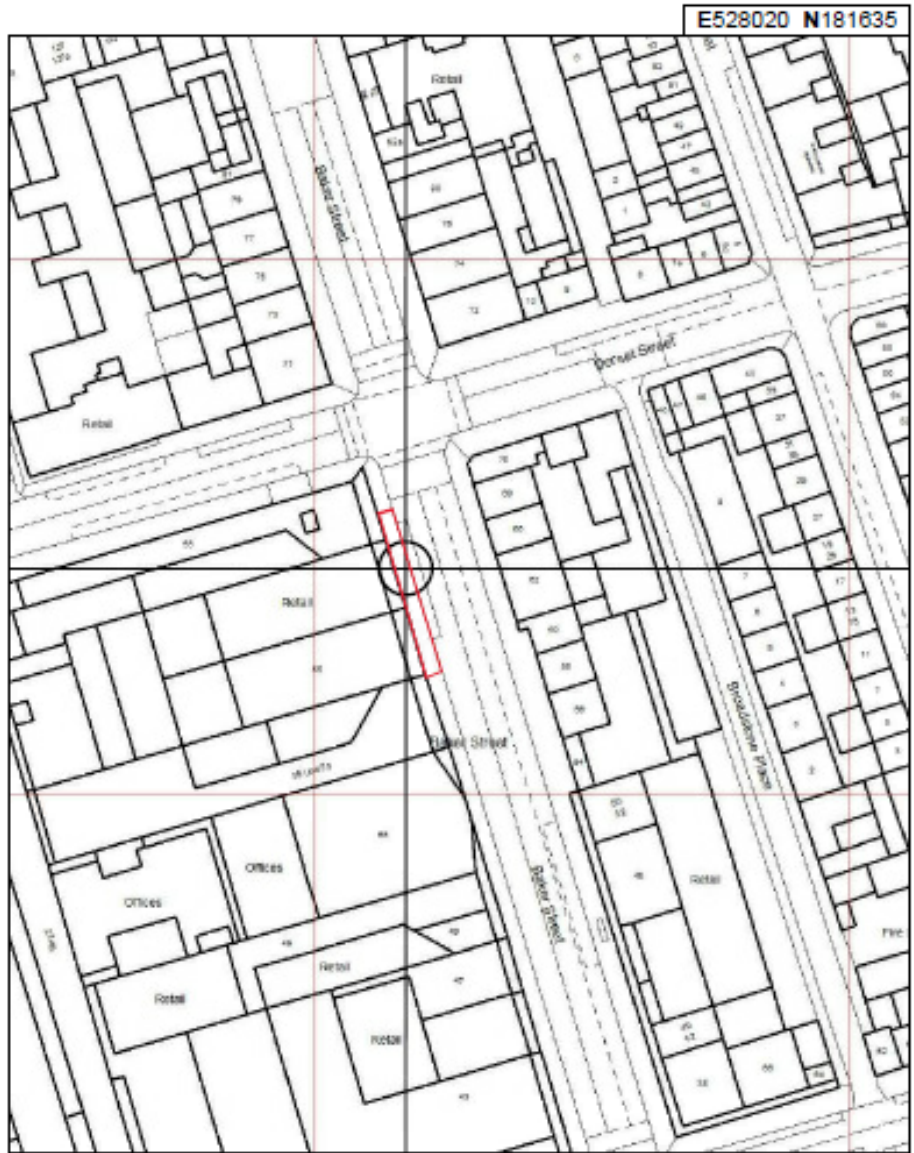


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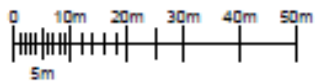
Application 7: 54 Baker Street



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Application 8: Edgware Road and Marylebone Flyover

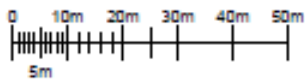
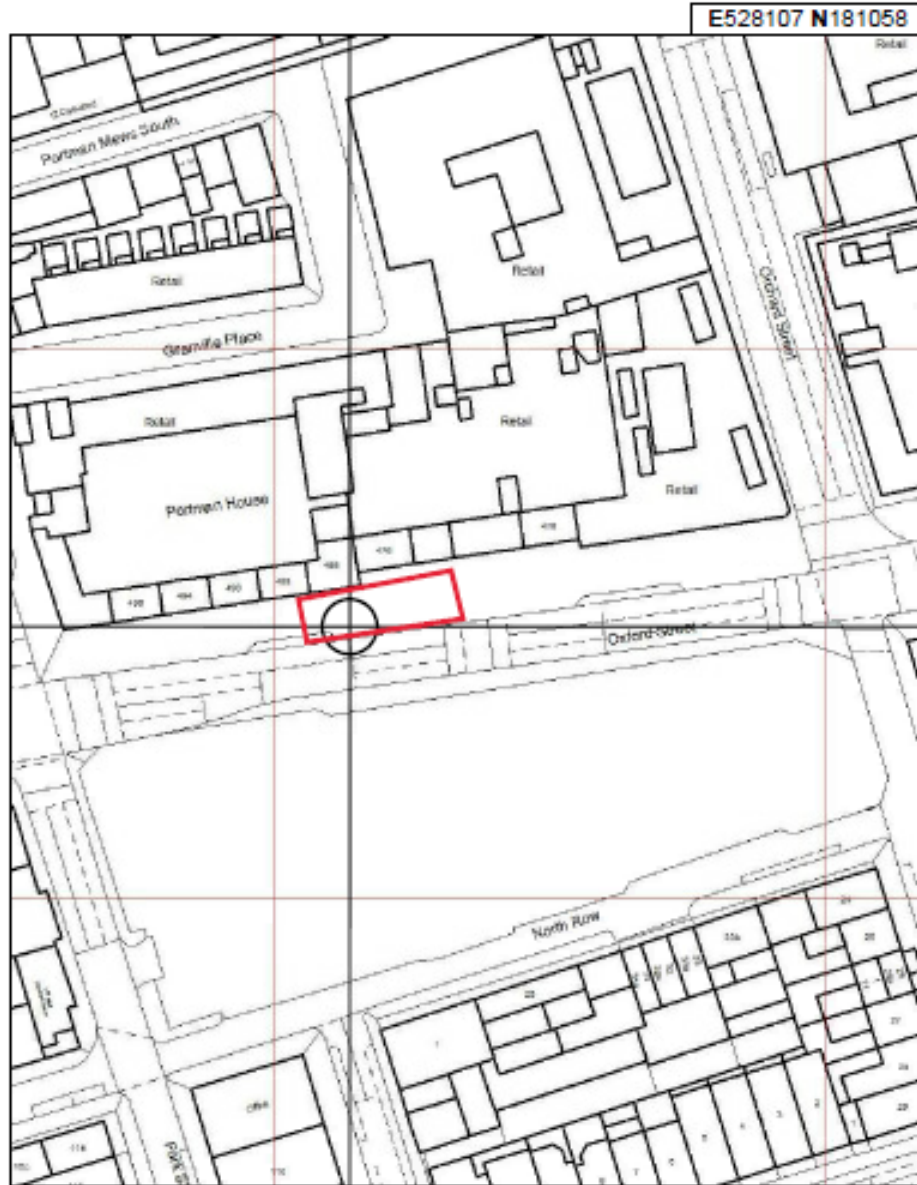


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Application 9: 484 - 486 Oxford Street, London

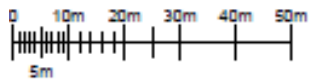


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Application 10: 334-348 Oxford St, London



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Application 11: 149-151 Oxford Street, London

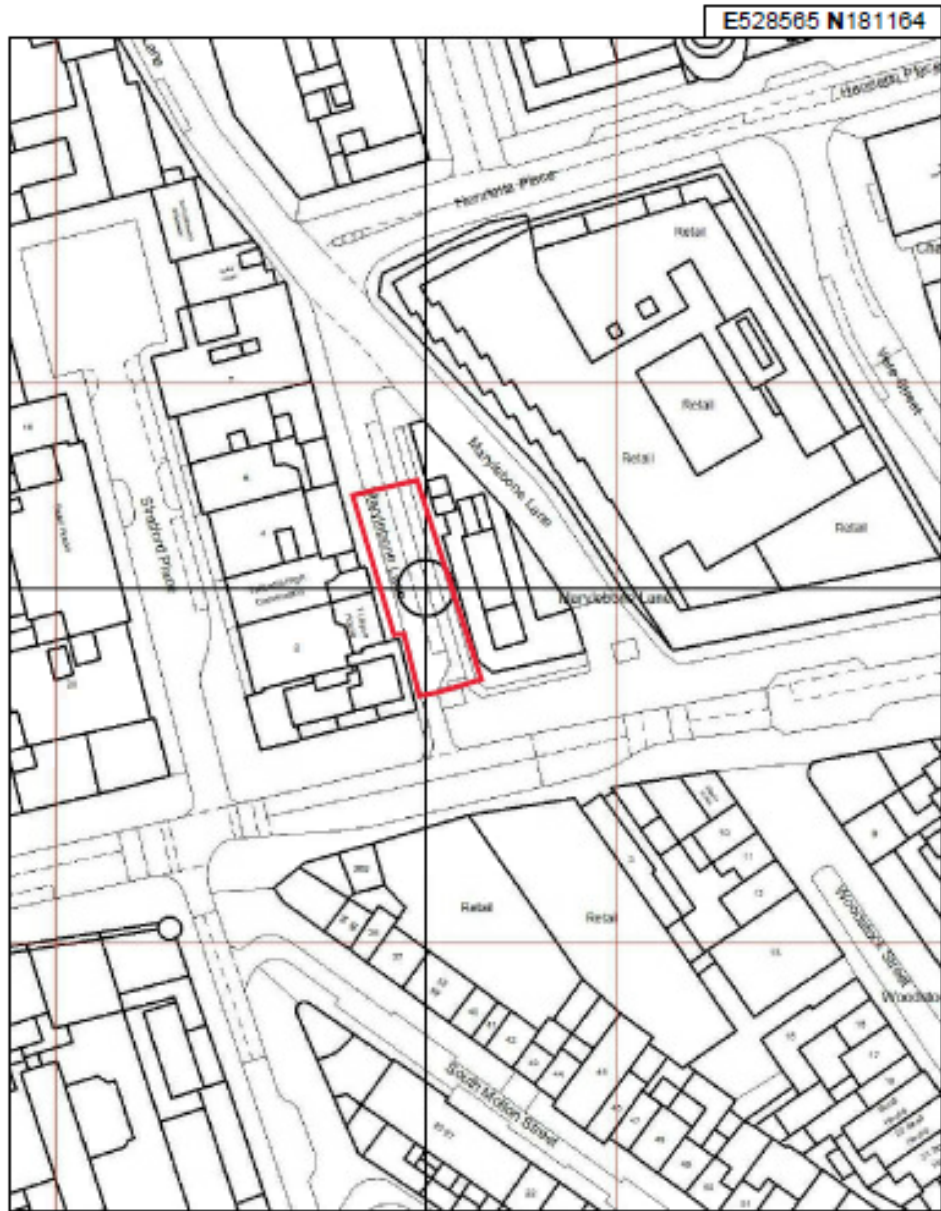


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Application 12: 354-358 Oxford Street, London

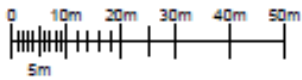
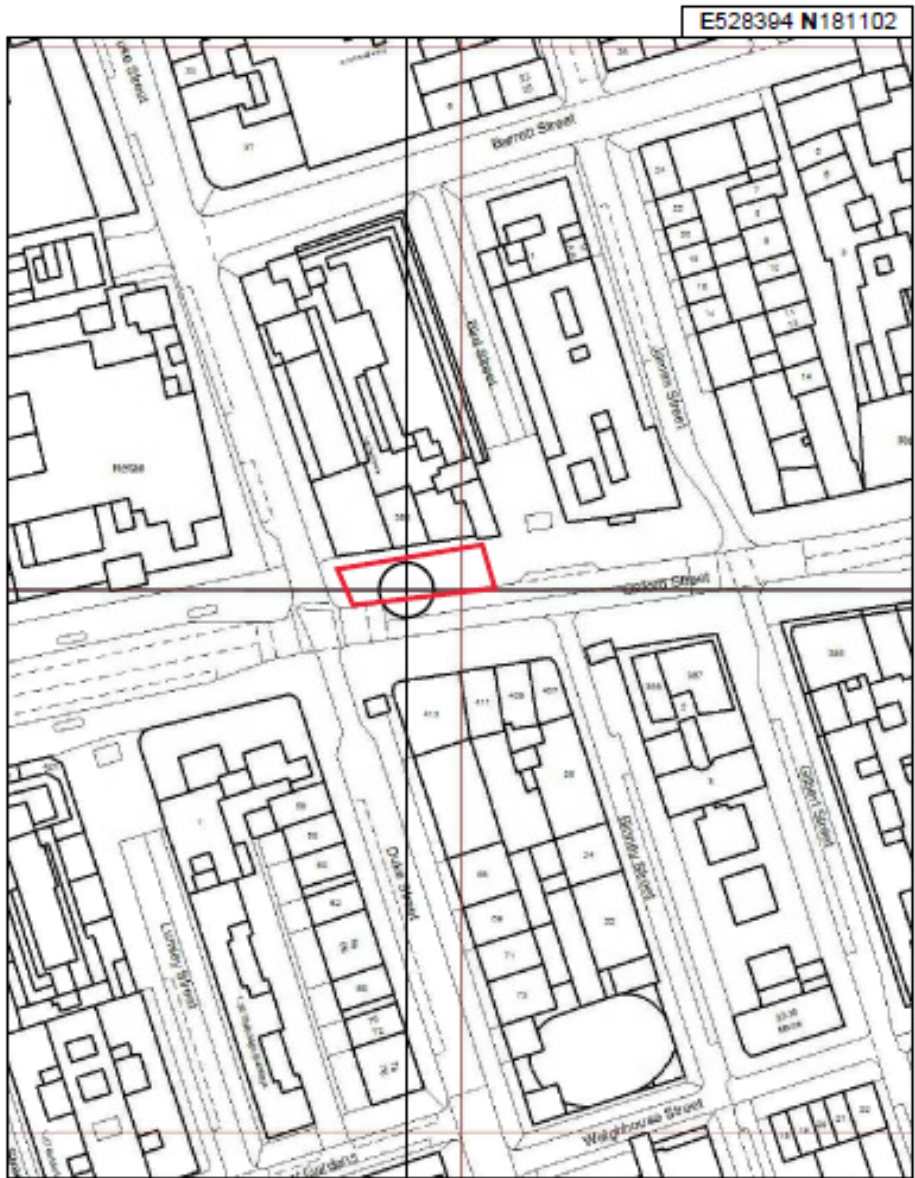


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Application 13: 386 Oxford Street, London

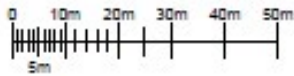
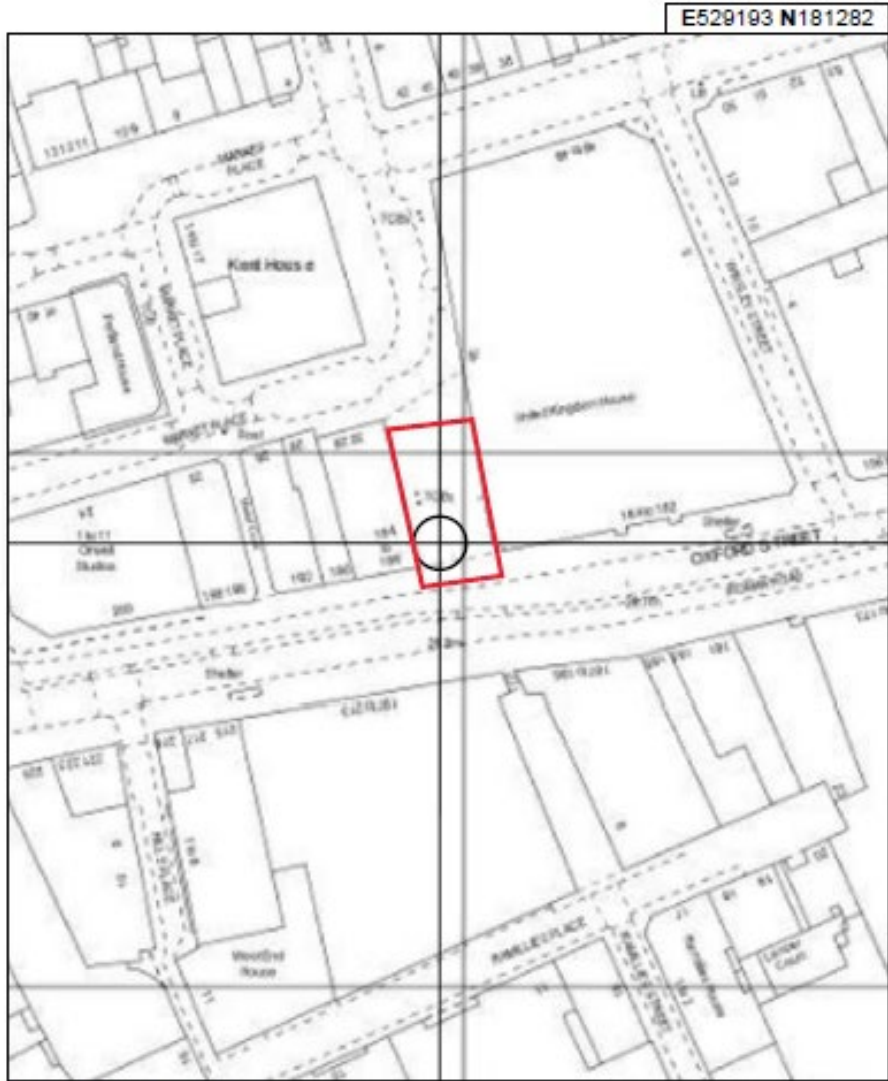


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Application 14: 2A Great Titchfield Street, London



DETAILED SITE LOCATION

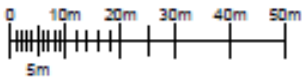
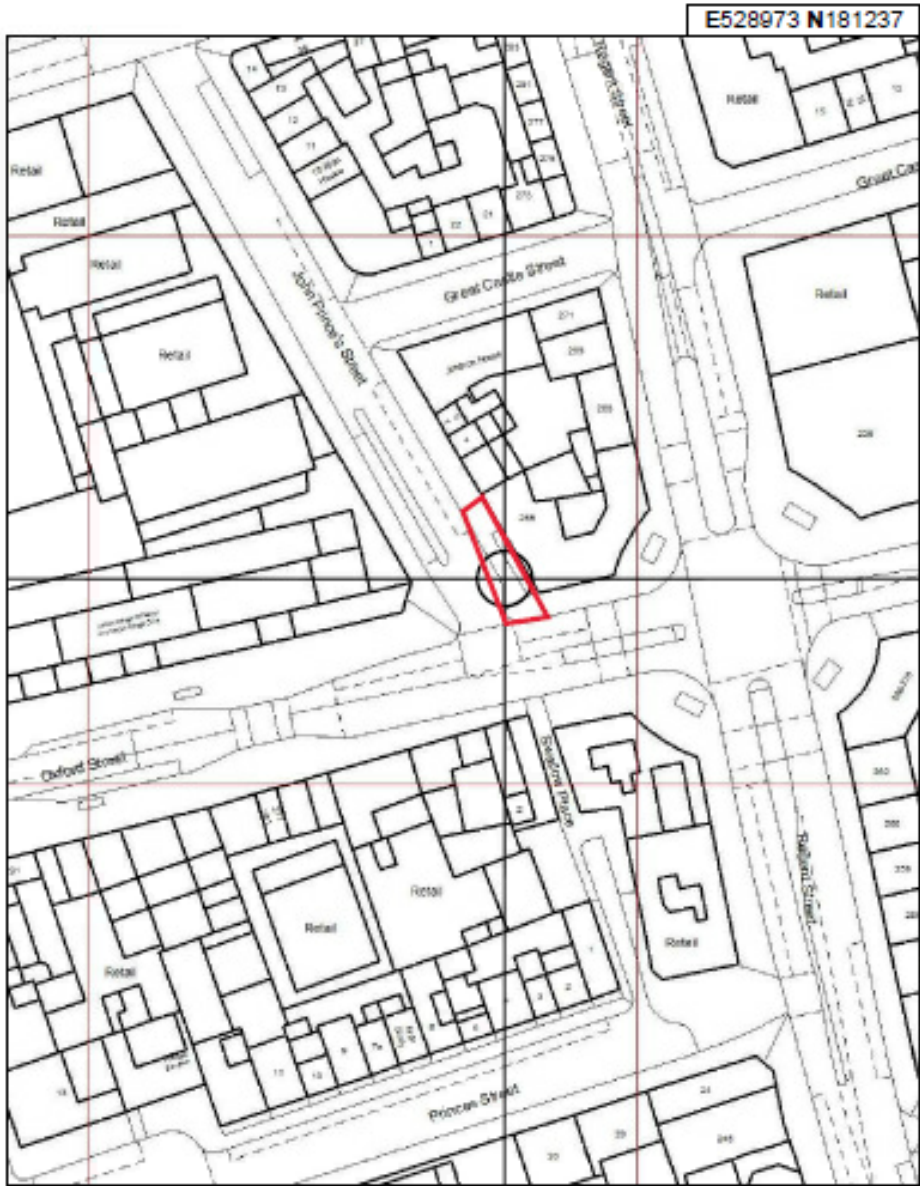
SCALE 1:1250

Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office.

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Application 15: Oxford Street and John Prince's Street, London



DETAILED SITE LOCATION

SCALE 1:1250

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4. PHOTOGRAPHS

1. 466 - 490 Edgware Road, London, W2 1EJ



2. Edgware Road Station, London



3. 378 Edgware Road, London, W2 1EB



4. 219 Baker Street, London, NW1 6XE



5. 225 Edgware Road, London, W2 1DH



6. 105 Wigmore Street, London



7. 54 Baker Street, London, W1U 7BU



8. Edgware Road and Marylebone Flyover, London



9. 484 - 486 Oxford Street, London, W1C 1NA



10. 334-348 Oxford Street, London, W1C 1JG



11. 149-151 Oxford Street, London



12. 354-358 Oxford Street, London, W1C 1JQ



13. 386 Oxford Street, London, W1C 1JS



14. 2A Great Titchfield Street, London, W1W 8AP



15. Junction of Oxford St and John Prince's St, London, W1B 2AE



5. CONSULTATIONS

5.1 Application Consultations

Application 1: 466 - 490 Edgware Road, London, W2 1EJ

LITTLE VENICE CLLRS (Neighbouring Ward: Comments on behalf of Ex- Cllr Green, Cllr Caplan and Cllr Dean)

Whilst the removal of the existing structure is welcome, the proposals do not comply with Westminster’s City Plan in that they do not minimise unnecessary and visually obtrusive clutter in the public realm. With regards to the advertising, this would appear bulky and intrusive and would impede pedestrian flow, especially for vulnerable road users.

AMENITY SOCIETIES

Paddington Waterways & Maida Vale Society:

Objection raised as the proposals result in an unnecessary increase in street furniture.

St Marylebone Society

No Response to date

PADDINGTON BID:

Support the removal of redundant BT telephone kiosks but object to their replacement with the proposed hubs. The advertising screen elements are excessive and will dominate the public realm, not in keeping with their setting, nor their stated objective as a community facility.

TRANSPORT for LONDON:

Objection raised. The site is a designated route therefore TfL has been consulted and they object to the proposal. They refer to London Plan Policy D8 (Public Realm) which states that the use, design and location of street furniture should complement the use and function of the space and that the introduction of unnecessary street furniture should be refused; and to Policy T2(d) stating that the proposal would not contribute to high quality pedestrian environment. The proposal does not contribute towards the decluttering of London's streets as TfL's Streetscape Guidance. They also mention that in the absence of means blocking traffic noise and other surrounding noise the purpose of the telephone kiosk will be undermined.

In the event the application is approved, conditions recommended to help mitigate harm caused in visual amenity and highways safety terms.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of over 2m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

WASTE PROJECT OFFICER:

No Objection Raised

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 213
Total No. of replies: 0
No. of objections: 0
No. in support: 0

SITE NOTICE:

Yes

Application 2: Edgware Road Station, London

AMENITY SOCIETIES:

The St Marylebone Society: No response received

PADDINGTON BID:

Support the removal of redundant BT telephone kiosks but object to their replacement with the proposed hubs. The advertising screen elements are excessive and will dominate the public realm, not in keeping with their setting, nor their stated objective as a community facility.

The Hub is in the location of a community open space, promoted by City of Westminster's place-shaping team and Transport for London - associated with the closure of the Joe Strummer subway network. These proposals from BT would damage the proposed gardens and interrupt the enjoyment of this vital new public space.

TRANSPORT for LONDON:

Objection raised. The site is a designated route therefore TfL has been consulted and they object to the proposal. They refer to London Plan Policy D8 (Public Realm) which states that the use, design and location of street furniture should complement the use and function of the space and that the introduction of unnecessary street furniture should be refused; and to Policy T2(d) stating that the proposal would not contribute to a high quality pedestrian environment. The proposal does not contribute towards the decluttering of London's streets as TfL's Streetscape Guidance. They also mention that in the absence of means blocking traffic noise and other surrounding noise the purpose of the telephone kiosk will be undermined.

In the event the application is approved, conditions recommended to help mitigate harm caused in visual amenity and highways safety terms.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of over 3m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with

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conditions to mitigate the harm caused both in visual amenity and highways safety terms.

WASTE PROJECT OFFICER:

No Objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5

Total No. of replies: 0

No. of objections: 0

No. in support: 0

SITE NOTICE:

Yes

Application 3: 378 Edgware Road, London, W2 1EB

LITTLE VENICE CLLRS (Neighbouring Ward: Comments on behalf of Ex-Cllr Green, Cllr Caplan and Cllr Dean)

Whilst the removal of the existing structure is welcomed, proposals do not comply with Westminster's City Plan in that they do not minimise unnecessary and visually obtrusive clutter of the public realm. With regards to the advertising, this would appear bulky and intrusive and impede pedestrian flow.

AMENITY SOCIETIES:

St Marylebone Society: No response to date

PADDINGTON BID:

Support the removal of redundant BT telephone kiosks but object to their replacement with the proposed hubs. The advertising screen elements are excessive and will dominate the public realm, not in keeping with their setting, nor their stated objective as a community facility.

TRANSPORT for LONDON:

The site is a designated route therefore TfL has been consulted and they object to the proposal. They refer to London Plan Policy D8 (Public Realm) which states that the use, design and location of street furniture should complement the use and function of the space and that the introduction of unnecessary street furniture should be refused; and to Policy T2(d) stating that the proposal would not contribute to high quality pedestrian environment. The proposal does not contribute towards the decluttering of London's streets as TfL's Streetscape Guidance. They also mention that in the absence of means blocking traffic noise and other surrounding noise the purposed of the telephone kiosk will be undermined.

In the event the application is approved, conditions recommended to help mitigate harm caused in visual amenity and highways safety terms.

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HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 2.98m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

WASTE PROJECT OFFICER:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55
Total No. of replies: 0
No. of objections: 0
No. in support: 0

SITE NOTICE:

Yes

Application 4:

AMENITY SOCIETIES:
St Marylebone Society

The whole of Baker Street has had a public realm upgrade which has been well designed and coordinated by the Baker Street Quarter, who should be consulted. In this location a large advertising post would obstruct the pavement and the illuminated advertising at street level is something that does not improve the Dorset Square conservation area. However, the removal of existing phone boxes is welcomed as they attract anti-social behaviour.

Queries raised as no existing phone boxes are situated in this area and the scale of the drawings.

BAKER STREET QUARTER PARTNERSHIP:

There are no BT kiosks currently in this location to be removed. The advertising screen elements are excessive and will dominate the public realm, not in keeping with their setting, nor their stated objective as a community facility. The structure is too tall, leading to it being out of keeping with other street furniture that is nearby, such as Santander bike hire other signage. Their main purpose is to advertise to passing vehicles.

PORTMAN ESTATE:

Support the removal of redundant pay phones in the area that attract anti-social behaviour and contribute to clutter, however, object to the replacement hubs as the advertisement screens are not in keeping with the public realm and surrounding area.

TRANSPORT for LONDON:

Baker Street is a designated route therefore TfL has been consulted and they object to the proposal. They refer to London Plan Policy D8 (Public Realm) which states that the use, design and location of street furniture should complement the use and function of the space and that the introduction of unnecessary street furniture should be refused; and to Policy T2(d) stating that the proposal would not contribute to high quality pedestrian environment. The proposal does not contribute towards the decluttering of London's streets as TfL's Streetscape Guidance. They also mention that in the absence of means blocking traffic noise and other surrounding noise the purpose of the telephone kiosk will be undermined.

In the event the application is approved, conditions recommended to help mitigate harm caused in visual amenity and highways safety terms.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 3.2m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

WASTE PROJECT OFFICER:

No Objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88

Total No. of replies: 2

No. of objections: 2

No. in support: 0

SITE NOTICE:

Yes

Application 5: 225 Edgware Road, London, W2 1DH

AMENITY SOCIETIES:

Paddington Waterways & Maida Vale Society:

No Comments to date.

PADDINGTON BID:

Whilst the BID supports the removal of redundant telephone kiosks they object to their replacement with these hubs. The advertising screen elements are excessive and will dominate the public realm, not in keeping with their setting, nor their stated objective as a community facility.

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The pavement in this location is exceptionally busy. The hotel has over 1,000 rooms and as London's biggest convention centre hosts global conventions regularly. The number of pedestrians using this location creates bottlenecks as people swerve to avoid the existing two kiosks.

TRANSPORT for LONDON:

The site is a designated route therefore TfL has been consulted and they object to the proposal. They refer to London Plan Policy D8 (Public Realm) which states that the use, design and location of street furniture should complement the use and function of the space and that the introduction of unnecessary street furniture should be refused; and to Policy T2(d) stating that the proposal would not contribute to high quality pedestrian environment. The proposal does not contribute towards the decluttering of London's streets as TfL's Streetscape Guidance. They also mention that in the absence of means blocking traffic noise and other surrounding noise the purpose of the telephone kiosk will be undermined.

In the event the application is approved, conditions recommended to help mitigate harm caused in visual amenity and highways safety terms.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 2.7m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

WASTE PROJECT OFFICER:

No Objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 213
Total No. of replies: 2
No. of objections: 2
No. in support: 0

SITE NOTICE:

Yes

Application 6: 105 Wigmore Street, London

AMENITY SOCIETIES:

Marylebone Association: No response

PORTMAN ESTATE:

Orchard Street is a busy street that connects pedestrians from Baker Street to Oxford Street and already experiences congestion on the pavement from the payphones. Whilst

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support is given to the removal of the redundant pay phone. An object is raised to the replacement of the second payphone with the proposed BT Hubs. The LCD advertising screens are excessive for the area and not fitting with the public realm.

BAKER STREET QUARTER PARTNERSHIP:

Support the removal of redundant telephone kiosks, which are used for anti-social behaviour, but object to their replacement with the proposed hubs. The advertising screen elements are excessive and will dominate the public realm, not in keeping with their setting, nor their stated objective as a community facility. The structure is too tall, leading it to be out of keeping with other street furniture that is nearby.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 2.8m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

WASTE PROJECT OFFICER:

No Objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16
Total No. of replies: 0
No. of objections: 0
No. in support: 0

SITE NOTICE:

Yes

Application 7: 54 Baker Street, London, W1U 7BU

AMENITY SOCIETIES:

The Marylebone Association: No response

PORTMAN ESTATE:

Orchard Street is a busy street that connects pedestrians from Baker Street to Oxford Street and already experiences congestion on the pavement from the payphones. Whilst support is given to the removal of the redundant pay phone. An object is raised to the replacement of the second payphone with the proposed BT Hubs. The LCD advertising screens are excessive for the area and not fitting with the public realm.

BAKER STREET QUARTER PARTNERSHIP:

Support the removal of redundant telephone kiosks, which are used for anti-social behaviour, but object to their replacement with the proposed hubs. The advertising screen elements are excessive and will dominate the public realm, not in keeping with

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their setting, nor their stated objective as a community facility. The structure is too tall, leading it to be out of keeping with other street furniture that is nearby.

Would be more sympathetic to the proposals if they included the removal of the BT Kiosk outside 103 Baker Street.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 2.6m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

WASTE PROJECT OFFICER:

No Objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64
Total No. of replies: 0
No. of objections: 0
No. in support: 0

SITE NOTICE:

Yes

Application 8: Edgware Road and Marylebone Flyover, London

AMENITY SOCIETIES:

St Marylebone Society – No response to date

PADDINGTON BID:

Support the removal of redundant BT telephone kiosks but object to their replacement with the proposed hubs. The advertising screen elements are excessive and will dominate the public realm, not in keeping with their setting, nor their stated objective as a community facility.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 3 m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms

WASTE PROJECT OFFICER:

No Objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 4

Total No. of replies: 0

No. of objections: 0

No. in support: 0

SITE NOTICE:

Yes

Application 9: 484 - 486 Oxford Street, London, W1C 1NA

EX-CLLR GLANZ (WEST END WARD)

The proposals, which are essentially advertising hoardings, are unwelcome and unnecessary. Objection is raised in the strongest possible terms to their inclusion in the already cluttered streetscape, as they will further impeded the objective of improving the public realm, streetscape and permeability of the area as it undergoes significant transformation.

Concern is also raised that they will add additional safety hazard, block visibility lines and evacuation routes, and further add to the feeling of neglect, tattiness and the look and feel of what was once the Nation's High Street. The proposals offer no benefit to local residents, businesses or visitors, and have significant adverse effect on the look and feel of the street.

Objection has previously been raised on similar grounds, to similar applications which were upheld on appeal. The appeals should be reviewed as part of these applications.

CLLRS SCARBOROUGH AND ROWLEY (MARYLEBONE WARD)

Support the objections of Cllr Glanz.

AMENITY SOCIETIES:

Mayfair Residents Group:

Objection. Oxford Street needs less street clutter. There is a potential for directing passing motorists especially if any of the displays are moving.

Residents Society of Mayfair & St. James's:

No response

Marylebone Association:

No Response

NEW WEST END COMPANY:

Do not object to the principle of introducing new BT Street Hubs as direct replacements, on the exact footprint of existing telephone kiosks. However, the strategy with the

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planning applications referenced above is based on the provision of the new BT Street Hub in highly prominent locations on Oxford Street, with the associated removal of telephone boxes on nearby side streets

The Street Hub would extend further into the footway than existing street furniture in close proximity, given the large size of the Street Hubs they will lead to a reduction in effective footway width, leading to increased pedestrian congestion at peak times. Concerns are also raised that the installations could lead to an increase in anti-social behaviour.

Concerns also raised regarding future challenges of having to relocate the structures to compliment the wider public realm changes associated with future public realm enhancements associated with the Oxford Street District Programme.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 6.68 m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms

WASTE PROJECT OFFICER:

No Objection

PLACE SHAPING

Two BT assets are not required in this stretch. Preference to remove both, (as a minimum, to remove the old asset to be replaced with new). Please note that all furniture on the footway may have to be relocated resulting from Oxford Street kerblines changes

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 21
Total No. of replies: 3
No. of objections: 0
No. in support: 3

Three letters of support have been received on the following grounds:

-The removal of the existing BT kiosks is a benefit as they are currently used for antisocial behaviour and cause street clutter.

PRESS NOTICE/ SITE NOTICE:

Yes

Application 10: 334-348 Oxford Street, London, W1C 1JG

EX-CLLR GLANZ (WEST END WARD)

The proposals, which are essentially advertising hoardings, are unwelcome and unnecessary. Objection is raised in the strongest possible terms to their inclusion in the already cluttered streetscape, as they will further impeded the objective of improving the public realm, streetscape and permeability of the area as it undergoes significant transformation.

Concern is also raised that they will add additional safety hazard, block visibility lines and evacuation routes, and further add to the feeling of neglect, tattiness and the look and feel of what was once the Nation's High Street. The proposals offer no benefit to local residents, businesses or visitors, and have significant adverse effect on the look and feel of the street.

Objection has previously been raised on similar grounds, to similar applications which were upheld on appeal. The appeals should be reviewed as part of these applications.

CLLRS SCARBOROUGH AND ROWLEY (MARYLEBONE WARD)

Support the objections of Cllr Glanz.

AMENITY SOCIETIES:

Marylebone Association:

No response

NEW WEST END COMPANY

Do not object to the principle of introducing new BT Street Hubs as direct replacements, on the exact footprint of existing telephone kiosks. However, the strategy with the planning applications referenced above is based on the provision of the new BT Street Hub in highly prominent locations on Oxford Street, with the associated removal of telephone boxes on nearby side streets

The Street Hub would extend further into the footway than existing street furniture in close proximity, given the large size of the Street Hubs they will lead to a reduction in effective footway width, leading to increased pedestrian congestion at peak times. Concerns are also raised that the installations could lead to an increase in anti-social behaviour.

Concerns also raised regarding the challenges of having to relocate the structures to compliment the wider public realm changes associated with future public realm enhancements associated with the Oxford Street District Programme.

Strongly supports the removal of the existing telephone boxes on Vere Street that have a negative impact on the street environment and lead to anti-social behaviour.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

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However, the proposals provide a clearway of approx. 7.098m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms

WASTE PROJECT OFFICER:

No Objection

PLACE SHAPING

Placement of street furniture/ objects needs to be mindful of future kerblines changes and development proposals for the Debenhams building. Street furniture should also be decluttered.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9
Total No. of replies: 0
No. of objections: 0
No. in support: 0

SITE NOTICE:

Yes

Application 11: 149-151 Oxford Street, London

EX-CLLR GLANZ (WEST END WARD)

The proposals, which are essentially advertising hoardings, are unwelcome and unnecessary. Objection is raised in the strongest possible terms to their inclusion in the already cluttered streetscape, as they will further impeded the objective of improving the public realm, streetscape and permeability of the area as it undergoes significant transformation.

Concern is also raised that they will add additional safety hazard, block visibility lines and evacuation routes, and further add to the feeling of neglect, tattiness and the look and feel of what was once the Nation's High Street. The proposals offer no benefit to local residents, businesses or visitors, and have significant adverse effect on the look and feel of the street.

Objection has previously been raised on similar grounds, to similar applications which were upheld on appeal. The appeals should be reviewed as part of these applications.

CLLRS SCARBOROUGH AND ROWLEY (MARYLEBONE WARD)

Support the objections of Cllr Glanz.

AMENITY SOCIETIES:

Soho Society:

The application increases, rather than removes, street clutter. The sizeable Hub would cause additional physical and visual clutter in the public realm, impeding pedestrian movement in Oxford Street which faces significant pressure on pavement flow. The

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application fails to make the case for the necessity of the Hub in this location within the Soho conservation area and appears primarily to be seeking to gain revenue from advertising by stealth, with oversized advertising screens detrimental to the public realm.

In addition, the kiosks which would be removed are in a much less busy location in Wells Street, and in conjunction with adjacent street furniture do not present a significant additional obstacle. The claimed improvement for pedestrians in Wells Street is trivial.

NEW WEST END COMPANY

Do not object to the principle of introducing new BT Street Hubs as direct replacements, on the exact footprint of existing telephone kiosks. However, the strategy with the planning applications referenced above is based on the provision of the new BT Street Hub in highly prominent locations on Oxford Street, with the associated removal of telephone boxes on nearby side streets

The Street Hub would extend further into the footway than existing street furniture in close proximity, given the large size of the Street Hubs they will lead to a reduction in effective footway width, leading to increased pedestrian congestion at peak times. Concerns are also raised that the installations could lead to an increase in anti-social behaviour.

Concerns also raised regarding challenges of having to relocate the structures to compliment the wider public realm changes associated with future public realm enhancements associated with the Oxford Street District Programme.

Strongly supports the removal of the existing telephone boxes on Wells Street that have a negative impact on the street environment and lead to anti-social behaviour.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 3.799m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms

WASTE PROJECT OFFICER:

No Objection

PLACE SHAPING

Kerblines changes are proposed along with the decluttering of street furniture to facilitate pedestrian movement are proposed on Oxford Street

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ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20
Total No. of replies:0
No. of objections: 0
No. in support: 0

SITE NOTICE:
Yes

Application 12: 354-358 Oxford Street, London, W1C 1JQ

EX-CLLR GLANZ (WEST END WARD)

The proposals, which are essentially advertising hoardings, are unwelcome and unnecessary. Objection is raised in the strongest possible terms to their inclusion in the already cluttered streetscape, as they will further impeded the objective of improving the public realm, streetscape and permeability of the area as it undergoes significant transformation.

Concern is also raised that they will add additional safety hazard, block visibility lines and evacuation routes, and further add to the feeling of neglect, tattiness and the look and feel of what was once the Nation's High Street. The proposals offer no benefit to local residents, businesses or visitors, and have significant adverse effect on the look and feel of the street.

Objection has previously been raised on similar grounds, to similar applications which were upheld on appeal. The appeals should be reviewed as part of these applications.

CLLRS SCARBOROUGH AND ROWLEY (MARYLEBONE WARD)

Support the objections of Cllr Glanz.

AMENITY SOCIETIES:
Marylebone Association:
No comments received

NEW WEST END COMPANY

Do not object to the principle of introducing new BT Street Hubs as direct replacements, on the exact footprint of existing telephone kiosks. However, the strategy with the planning applications referenced above is based on the provision of the new BT Street Hub in highly prominent locations on Oxford Street, with the associated removal of telephone boxes on nearby side streets

No objection subject to confirmation that the pedestrian flows during peak periods are not impacted by the street hub.

Concerns also raised regarding the challenges of having to relocate the structures to compliment the wider public realm changes associated with future public realm enhancements associated with the Oxford Street District Programme.

Strongly supports the removal of the existing telephone on the pedestrianised section of

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Marylebone Lane that have a negative impact on the street environment and lead to a range of anti-social behaviour issues.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 4.25m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

WASTE PROJECT OFFICER:

No Objection

PLACE SHAPING

Do not believe that there is an issue including this kiosk here given that it is off Oxford Street, however recommend removing other BT assets in the area to justify the installation of this additional asset.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 4

Total No. of replies:0

No. of objections: 0

No. in support: 0

SITE NOTICE:

Yes

Application 13: 386 Oxford Street, London, W1C 1JS

EX-CLLR GLANZ (WEST END WARD)

The proposals, which are essentially advertising hoardings, are unwelcome and unnecessary. Objection is raised in the strongest possible terms to their inclusion in the already cluttered streetscape, as they will further impeded the objective of improving the public realm, streetscape and permeability of the area as it undergoes significant transformation.

Concern is also raised that they will add additional safety hazard, block visibility lines and evacuation routes, and further add to the feeling of neglect, tattiness and the look and feel of what was once the Nation's High Street. The proposals offer no benefit to local residents, businesses or visitors, and have significant adverse effect on the look and feel of the street.

Objection has previously been raised on similar grounds, to similar applications which were upheld on appeal. The appeals should be reviewed as part of these applications.

CLLRS SCARBOROUGH AND ROWLEY (MARYLEBONE WARD)

Support the objections of Cllr Glanz.

AMENITY SOCIETIES:**Marylebone Association:**

No response

NEW WEST END COMPANY

Do not object to the principle of introducing new BT Street Hubs as direct replacements, on the exact footprint of existing telephone kiosks. However, the strategy with the planning applications referenced above is based on the provision of the new BT Street Hub in highly prominent locations on Oxford Street, with the associated removal of telephone boxes on nearby side streets

The Street Hub would extend further into the footway than existing street furniture in close proximity, given the large size of the Street Hubs they will lead to a reduction in effective footway width, leading to increased pedestrian congestion at peak times. Concerns are also raised that the installations could lead to an increase in anti-social behaviour.

Concerns also raised regarding the challenges of having to relocate the structures to compliment the wider public realm changes associated with future public realm enhancements associated with the Oxford Street District Programme.

Strongly supports the removal of the existing telephone boxes on North Row and Balderton that have a negative impact on the street environment and lead to anti-social behaviour.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 5.989m from the end of the proposed street hub to the end of the building line and 2m on the kerbside, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms

WASTE PROJECT OFFICER:

No Objection

PLACE SHAPING

Given the number of kiosks available in close vicinity it is recommended that the kiosk is not permitted in this location. However, it is acknowledged that there are anti-social behaviour issues associated with the existing kiosks on St James Street, which should be removed and replaced with Street Hub in a more appropriate location.

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ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34
Total No. of replies:0
No. of objections: 0
No. in support: 0

SITE NOTICE:
Yes

Application 14: 2A Great Titchfield Street, London, W1W 8AP

EX-CLLR GLANZ (WEST END WARD)

The proposals, which are essentially advertising hoardings, are unwelcome and unnecessary. Objection is raised in the strongest possible terms to their inclusion in the already cluttered streetscape, as they will further impeded the objective of improving the public realm, streetscape and permeability of the area as it undergoes significant transformation.

Concern is also raised that they will add additional safety hazard, block visibility lines and evacuation routes, and further add to the feeling of neglect, tattiness and the look and feel of what was once the Nation's High Street. The proposals offer no benefit to local residents, businesses or visitors, and have significant adverse effect on the look and feel of the street.

Objection has previously been raised on similar grounds, to similar applications which were upheld on appeal. The appeals should be reviewed as part of these applications.

CLLRS SCARBOROUGH AND ROWLEY (MARYLEBONE WARD)

Support the objections of Cllr Glanz.

AMENITY SOCIETIES:

Fitzrovia Neighbourhood Association:
no comments received

NEW WEST END COMPANY

Do not object to the principle of introducing new BT Street Hubs as direct replacements, on the exact footprint of existing telephone kiosks. However, the strategy with the planning applications referenced above is based on the provision of the new BT Street Hub in highly prominent locations on Oxford Street, with the associated removal of telephone boxes on nearby side streets

The Street Hub would extend further into the footway than existing street furniture in close proximity, given the large size of the Street Hubs they will lead to a reduction in effective footway width, leading to increased pedestrian congestion at peak times. Concerns are also raised that the installations could lead to an increase in anti-social behaviour.

Concerns also raised regarding the challenges of having to relocate the structures to compliment the wider public realm changes associated with future public realm

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1

enhancements associated with the Oxford Street District Programme.

Strongly supports the removal of the existing telephone boxes on the pedestrianised section of Great Titchfield street that have a negative impact on the street environment and lead to anti-social behaviour.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 3.5m from the building line and 3.289m from the proposed Street Hub to an existing kiosk, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms

WASTE PROJECT OFFICER:

No Objection

PLACE SHAPING

Raise concerns about sightlines along the street and recommend refusal.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11
Total No. of replies:0
No. of objections: 0
No. in support: 0

SITE NOTICE:

Yes

Application 15: Junction of Oxford St and John Prince's St, London, W1B 2AE

EX-CLLR GLANZ (WEST END WARD)

The proposals, which are essentially advertising hoardings, are unwelcome and unnecessary. Objection is raised in the strongest possible terms to their inclusion in the already cluttered streetscape, as they will further impeded the objective of improving the public realm, streetscape and permeability of the area as it undergoes significant transformation.

Concern is also raised that they will add additional safety hazard, block visibility lines and evacuation routes, and further add to the feeling of neglect, tattiness and the look and feel of what was once the Nation's High Street. The proposals offer no benefit to local residents, businesses or visitors, and have significant adverse effect on the look and feel of the street.

Objection has previously been raised on similar grounds, to similar applications which were upheld on appeal. The appeals should be reviewed as part of these applications.

Item No.
1

CLLRS SCARBOROUGH AND ROWLEY (MARYLEBONE WARD)

Support the objections of Cllr Glanz.

AMENITY SOCIETIES:

Marylebone Association:

No response

TRANSPORT for LONDON:

The site is a designated route therefore TfL has been consulted and they object to the proposal. They refer to London Plan Policy D8 (Public Realm) which states that the use, design and location of street furniture should complement the use and function of the space and that the introduction of unnecessary street furniture should be refused; and to Policy T2(d) stating that the proposal would not contribute to high quality pedestrian environment. The proposal does not contribute towards the decluttering of London's streets as TfL's Streetscape Guidance. They also mention that in the absence of means blocking traffic noise and other surrounding noise the purpose of the telephone kiosk will be undermined.

In the event the application is approved, conditions recommended to help mitigate harm caused in visual amenity and highways safety terms.

NEW WEST END COMPANY:

Do not object to the principle of introducing new BT Street Hubs as direct replacements, on the exact footprint of existing telephone kiosks. However, the strategy with the planning applications referenced above is based on the provision of the new BT Street Hub in highly prominent locations on Oxford Street, with the associated removal of telephone boxes on nearby side streets

The Street Hub would extend further into the footway than existing street furniture in close proximity, given the large size of the Street Hubs they will lead to a reduction in effective footway width, leading to increased pedestrian congestion at peak times. Concerns are also raised that the installations could lead to an increase in anti-social behaviour.

Concerns also raised regarding the challenges of having to relocate the structures to compliment the wider public realm changes associated with future public realm enhancements associated with the Oxford Street District Programme.

Strongly supports the removal of the existing telephone boxes on John Princes Street that have a negative impact on the street environment and lead to anti-social behaviour.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of approx. 2.889m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms

WASTE PROJECT OFFICER:

No Objection

PLACE SHAPING

The Oxford Street District aim is to rationalise street furniture and declutter the street. Ideally, it would be preferred to have no BT kiosks/hubs on this street, but as a compromise, removal of the two existing kiosks to accommodate the new hub on the opposite footway is recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies:0

No. of objections: 0

No. in support: 0

SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement in Westminster guidance note sets out what is expected of developers in terms of community engagement prior to the submission of a planning application. It advises that where non-major development would have a significant impact, early engagement is encouraged. In this case, the applicant has not carried out an early engagement.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

Applications 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15

These application sites are not located within an area covered by a Neighbourhood Plan.

Application 11

This application is within the area covered by the Soho Neighbourhood Plan

The Soho Neighbourhood Plan includes policies on a range of matters including housing, residential amenity, air quality and climate change, traffic and servicing, green infrastructure, pedestrians and cycling and waste and recycling.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Soho neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Sites

The applications relate to areas of pavement outside or near the following address:

1. 466 - 490 Edgware Road, London, W2 1EJ
2. Edgware Road Station, London
3. 378 Edgware Road, London, W2 1EB
4. 219 Baker Street, London, NW1 6XE
5. 225 Edgware Road, London, W2 1DH
6. 105 Wigmore Street, London
7. 54 Baker Street, London, W1U 7BU
8. Edgware Road and Marylebone Flyover, London
9. 484 - 486 Oxford Street, London, W1C 1NA
10. 334-348 Oxford Street, London, W1C 1JG
11. 149-151 Oxford Street, London
12. 354-358 Oxford Street, London, W1C 1JQ
13. 386 Oxford Street, London, W1C 1JS
14. 2A Great Titchfield Street, London, W1W 8AP

15. Junction of Oxford St and John Prince's St, London, W1B 2AE

7.2 Recent Relevant History

Background:

The 15 sites all have a history of refused prior approval and advertisement consents applications (outlined below) for 'InLink' telecommunication and advertisement structures. The prior approval applications were submitted because the applicant considered that the structures did not require planning permission. In relation to appeal decisions for separate sites, Westminster contended in the High Court that structures incorporating advertising and telecommunications do not have permitted development rights. The High Court agreed, finding that such structures had a dual use as both a telephone kiosk and for the advertising panel and therefore did not sit within the scope of the relevant General Permitted Development Order (GPDO) class (Part 16 Class A). The Court of Appeal upheld this judgment.

The GPDO and the Advertisement Regulations have been amended to remove the relevant permitted development right and the deemed advertising consent. However, the judgment emphasises the requirement for any development to fall entirely within the applicable class of the GPDO to benefit from the permitted development right. Mixed use development cannot generally fall within the scope of a GPDO class because, if it were to be able to do so, the GPDO could and would be used for permitting development for something outside its scope. Which is what applicants had previously sought in relation to these structures.

After the judgement, the applicant for the Inlink structures withdrew the prior approval applications but continued with the advertisement consent appeals.

Application 1: 466 - 490 Edgware Road, London, W2 1EJ

On 28 September 2018, the City Council refused prior approval and advertisement consent for Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area. (RNs: 18/06441/ADV and 18/06439/TELCOM)

On 1 May 2019, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 15 November 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *"Due to existing advertisements in the area and the spacing of the proposals will retain the open character of the footway. The proposals advertisements would harmonise within their well-kept urban contact than the existing kiosk"*.

Application 2: Edgware Road Station, London

On 28 September 2018, the City Council refused prior approval and advertisement consent for display of two internally illuminated digital LCD display screens measuring 1.21m x 0.69m (one on each side of the InLink unit). Site lies to the south of Edgware Road Tube Station (Bakerloo Line). On the grounds of harm to the appearance (amenity) of the area. (RNs: 18/06449/ADV and 18/06448/TELCOM)

On 01 May 2019, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 15 November 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“The existing illuminated digital screens behind the site are more prominent as such the proposed screens would not appear so large to be incongruous within this highly commercial area. as modern structures the proposed advertisements would harmonise better with their modern and urban context than the existing kiosks. The proposed imposition of a condition to prevent the display of advertisements featuring moving elements would satisfactorily protect the safety of road users”.*

Application 3: 378 Edgware Road, London, W2 1EB

On 28 September 2018, the City Council refused prior approval and advertisement consent for the display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area. (RNs: 18/06445/ADV and 18/06444/TELCOM)

On 01 May 2019, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 15 November 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“Whilst there are some advertisements in the vicinity, these are not of so great an extent that the addition of the proposed advertisements would result in an undue dominance of advertising in the area. The proposal would be in keeping with the bustling commercial character of its surroundings. Furthermore, the proposed advertisements would harmonise better with their modern and urban context than the existing kiosks. The appeal proposals would not harm amenity”.*

Application 4: 219 Baker Street, London, NW1 6XE

On 23 October 2018, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LCD screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2896 mm. On the grounds of harm to the appearance (amenity) of the area. (RNs: 18/07399/ADV and

18/07398/TELCOM)

On 5 February 2019, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 22nd August 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“In the context of existing street furniture including streetlights, the proposals would not have a significant harmful effect on the amenity of the area. The adverts are similar to nearby bus stop digital displays. Alongside other advertisement and window displays in Baker Street the setting of no. 231-243 and the VPH would not be dismissed”.*

Application 5: 219 Baker Street, London, NW1 6XE

On 11 January 2019, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area and harm the setting of the neighbouring grade II listed building, at 10 Praed Street. (RNs: 18/10013/ADV and 18/10011/TELCOM)

On 18 January 2019, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 9 August 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“Although the location would be prominent, it would essentially replace the existing telephone kiosks. The advertisements would be read in conjunction with the adjacent modern building that has various automotive advertisements on its large, glazed frontages at ground floor and the presence of other street furniture. The advertisement would be more apparent during the hours of darkness, but it would not be a discordant addition to the street scene in this commercial area with the variety of shop fronts and the overall commercial nature of the area”.*

Application 6: 105 Wigmore Street, London

On 22 October 2018, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LCD screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2896 mm. On the grounds of harm to the appearance (amenity) of the area and harm to the setting of the neighbouring Portman Estate Conservation Area. (RNs:18/07457/ADV and 18/07456/TELCOM).

On 16 April 2019, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 22 August 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“The advertisements would be read in conjunction with the adjacent modern building that has various automotive advertisements on its large glazed frontages at ground floor, and the presence of other street furniture, such as street and traffic lights are close to the appeal site. The advertisement would be more apparent during the hours of darkness, but it would not be a discordant addition to the street scene in this commercial area with the variety of shop fronts and the overall commercial nature of the area”.*

Application 7: 54 Baker Street, London, W1U 7BU

On 20 September 2018, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LCD screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2896 mm. On the grounds of harm to the appearance (amenity) of the area and harm to the setting of the neighbouring Portman Estate Conservation Area. (RNs: 18/06488/ADV and 18/06486/TELCOM)

On 16 April 2019, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 22 August 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“This is a busy and active area where the structure would be seen in the context of existing street furniture including a number of bicycle racks, street lighting, traffic signs and in the context of ground floor commercial illuminated signage and very large window displays. In this context, and taking into account its size, the proposed advertisement would not cause harm to the amenity of the area of the character and appearance of the conservation area.”.*

Application 8: Edgware Road and Marylebone Flyover, London

On 6 February 2019, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area. (RN: 18/10636/ADV).

On 13 February 2019 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 22 May 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“Given the busy commercial context of the proposals, including commercial signage, the adverts will not be out of the character. The footpath is wide and would allow ample space for pedestrian movement. The advertisement would not be incongruous or harmful to the character and appearance of the area”.*

Application 9: 484 - 486 Oxford Street, London, W1C 1NA

On 19 September 2018, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area and harm to the setting of the neighbouring Portman Estate Conservation Area (RN: 18/06693/ADV & 18/06474/TELCOM).

On 13 February 2019 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 23 October 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“Against the back drop of exiting shopfronts, bus shelters, large advertisement displays within the wider street scene, the proposals would not appear unduly tall or discordance and would not cause harm to the amenity of the appeal site or its surroundings.”*

Application 10: 334-348 Oxford Street, London, W1C 1JG

On 11 October 2018, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area harm the setting of the neighbouring Mayfair, Harley Street and Stratford Place Conservation Areas. (RN: 18/06969/ADV & 18/09348/TELCOM)

On 7 December 2018 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 17 October 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“In the context of large shop windows to surrounding retail units, and the presence of other digital display screens within some of those windows, the proposals would not appear discordant. The proposed displays would be smaller than most of those existing displays, and than the large illuminated nearby shop windows, and sufficiently separated from them as to avoid creating advertisement clutter. They would not appear disproportionate or unduly large, tall or dominant in their immediate surroundings or the wider street scene”.*

Application 11: 149-151 Oxford Street, London

On 08 October 2018, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area, the character and appearance of the Soho Conservation Area and would harm the setting of the neighbouring grade II

listed building at No. 147 Oxford Street. (RN: 18/06978/ADV & 18/06977/TELCOM).

On 30 April 2019 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 07 August 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“The proposals would be sensitive in size, height, design and illumination, particularly when viewed in the context of the surrounding shop fronts which have visually prominent signage and advertisements. The proposed advertisements would not be intrusive features within the surrounding area and would not detract from the character of the conservation area. Given its size and design the proposed advertisements would not adversely compromise the special architectural qualities of 147 Oxford Street, nor would it have a harmful effect on its setting”.*

Application 12: 354-358 Oxford Street, London, W1C 1JQ

On 8 October 2018, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LCD display screens measuring 1.21m x 0.69m (one on each side of the InLink unit) in Marylebone Lane. On the grounds of harm to the appearance (amenity) of the area, character and appearance of the Stratford Place Conservation Area and harm to the setting of the neighbouring grade II listed buildings on the east side of Stratford Place (RN: 18/07050/ADV & 18/07049/TELCOM)

On 03 May 2019 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 23 September 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“In the context of this commercial area with modern street furniture, shopfronts and signage, the advertisements would be complimentary and relatively inconspicuous. They would not harm the character and appearance of the area of the setting of near by listed building. There is nothing to suggest that the advertisements would cause highways safety issues or affect pedestrian flow”.*

Application 13: 386 Oxford Street, London, W1C 1JS

On 02 October 2018, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm.

On the grounds of harm to the appearance (amenity) of the area, character and appearance of the Stratford Place and Mayfair Conservation Area and harm to the setting of the neighbouring grade II listed 400 Oxford Street (Selfridges) (RN: 18/07047/ADV & 18/07040/TELCOM)

On 30 November 2018 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 17 October 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating *“Against the backdrop of existing adjacent shopfronts and the displays and lighting within them, and in the context of similar, larger, existing adverts within the wider street scene, including within the PECA, the proposed advertisements would not appear unduly large, tall or discordant, and would not cause harm to the amenity of the appeal site or its surroundings, including the nearby conservation area.”*

Application 14: 2A Great Titchfield Street, London, W1W 8AP

On 08 October 2018, the City Council refused prior approval and advertisement consent for the; Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area, character and appearance of the East Marylebone Conservation Area and harm to the setting of the neighbouring grade II listed 164-182 Oxford Street. (RN: 18/06975/ADV & 18/06976/TELCOM)

On 30 April 2019 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 07 August 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“The advertisements would blend in with the existing signage and advertisements in the shop fronts. The proposal would sit comfortably within the existing street clutter surrounding the site and the scale, design and level of illumination of the advertisements would not be visually intrusive and would not detract from the character and appearance of the street scene or the conservation area. The introduction of the proposal would not be a dominant feature and would not be harmful to the setting of the nearby listed building”.*

Application 15: Junction of Oxford St and John Prince's St, London, W1B 2AE

On 10 October 2018, the City Council refused prior approval and advertisement consent for the display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area, character and appearance of the Regent Street Conservation Area and harm to the setting of the neighbouring grade II listed 261-271 Regent Street (RN:18/06971/ADV & 18/06970/TELCOM)

On 06 December 2018 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 17 October 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *“In the context of those existing window displays and other digital advertisements, and given the highly commercial nature of the site’s immediate surroundings, the proposed digital displays would not be unduly large, tall or dominant, and would not cause harm to the amenity of the wider street scene, the character or appearance of the conservation area, or the setting of the listed building at 261-271 Regent Street.”*

8. THE PROPOSAL

The applicant proposes to install new free-standing structures (referred to as a 'BT Hub' structure), which comprises two large LED advertising panels and telecommunications equipment, in the 15 locations outlined above. Such structures require both planning permission and advertisement consent, which the applicant has applied for in relation to each site.

The BT Hubs measure 1236mm x 350mm x 2960mm and the LED screens, one on each side of a freestanding structure, measure 950mm x 1670mm. The structures provide free public Wi-Fi, free UK calls, USB charging and an emergency services button. The BT hubs also include environmental sensors, 'insight counting' and small cell mobile connectivity to improve 5G coverage.

The applicant explains that the suppliers of the InLink structure went into administration in 2019 and are no longer able to supply units to BT. Since then, the applicant reports BT have been working on the similar the BT Street Hub – which shares many of the same features.

While the structures provide a mix of telecommunications and advertising functions, the City Council consider it to be apparent that the primary purpose of these structures is for advertising.

As a general principle the City Council does not consider that existing kiosks should be regarded as an opportunity for other commercial uses, including advertising. They were installed in the streets for the purpose of telecommunications only, in accordance with the permitted development provisions of the Town and Country Planning (General Permitted Development) Order. Now that the original function is largely, if not wholly, unnecessary, they should be removed, in accordance with the conditions which form part of the permitted development provision.

The kiosks sought to be removed are considered to make a negative contribution to the appearance of the streetscape, and some have been identified as problematic due to their associations with antisocial behaviour. Their removal is considered to be beneficial. If it is the case that at least one of the kiosks is superfluous then they should in any case be removed under the conditions of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals are considered to be acceptable in land use terms.

9.2 Environment & Sustainability

Applicant has explained that since the rollout of InLinks, there has been increased focus on green initiatives and environmental monitoring. Street Hubs take this into account and have sensors that can count pedestrian, cyclist and vehicle movements as well as monitor air, sound and light. This free information has its own dashboard and will help the planning system actively manage patterns of growth in support of national air quality objectives and the Governments ten-point plan for a Green Industrial Revolution.

9.3 Biodiversity & Greening

Not applicable.

9.4 Townscape, Design & Heritage Impact and Highways Impact

Policy Context:

The National Planning Policy Framework (2021) is supportive of the expansion of electronic communication networks in paragraphs 114-118. However, it does state that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Paragraph 118 states local planning authorities must determine applications on planning grounds.

The development plan for Westminster consists of:

- Westminster's City Plan, adopted on 21st April 2021.
- The Mayor of London's London Plan (published 2021).

In considering the proposals the City Council has had regard to:

- a) Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.
- b) Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which relates to need to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The relevant City Plan policies are:

Policy 19: Digital Infrastructure, information and communications technology States that:
(A). Investment in digital and telecommunications infrastructure will be supported. The public benefits of proposals for new infrastructure will be weighed against impacts on local character, heritage assets, or the quality of the public realm.

(D). Opportunities for co-location, shared facilities and innovations such as smart street

furniture should be explored where new digital and telecommunications infrastructure is proposed and proposals for standalone apparatus should demonstrate that such opportunities have been exhausted. Proposals on the highway should also demonstrate that it is not feasible to locate on existing buildings or other structures.

Policy 24 (Sustainable Transport) states:

Development must positively contribute towards the improvement of its public transport nodes in terms of accessibility and legibility and the improvement and delivery of walking and cycling routes that serve a site in order to create an environment where people actively choose to walk and cycle as part of everyday life.

Paragraph 24.6 states: Approximately 1.1 million visitors step into Westminster each weekday so ensuring that all highways and public realm projects prioritise the needs of the pedestrian is essential.

Policy 25 (Walking and Cycling) states:

Development must promote sustainable transport by prioritising walking and cycling in the city.

Part B states that development must prioritise and improve the pedestrian environment and contribute towards achieving a first-class public realm particularly in areas of kerbside stress, including the provision of facilities for pedestrians to rest and relax (including seating) and high-quality and safe road environments and crossings, where needed.

Policy 38 (Design Principles) states:

New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods. All development will positively contribute to Westminster's townscape and streetscape, having regard to the character and appearance of the existing area, adjacent buildings and heritage assets, the spaces around and between them and the pattern and grain of existing streets, squares, mews and passageways.

Policy 39 (Westminster's Heritage) states:

Westminster's unique historic environment will be valued and celebrated for its contribution to the quality of life and character of the city. Public enjoyment of, access to and awareness of the city's heritage will be promoted. Development must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability, and will:

- ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance
- place heritage at the heart of place making and good growth, maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings.

Part I states that development within the settings or affecting views of listed buildings will take opportunities to enhance or better reveal their significance.

Part K states that development will preserve or enhance the character and appearance

of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Policy 40 (Townscape and architecture) states:
Spaces and features that form an important element in Westminster's local townscapes or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development.

Policy 43 (Public Realm) states:
Development will contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design.

Part G states that signs and advertisements will make a positive contribution to amenity or public safety by being sensitively designed in terms of their size, location and degree of illumination, their impact on the building on which they are displayed, local context, street-scene and wider townscape.

Paragraph 43.16 states: Although they play a role in providing information, control of signs and advertisements is important as they can have significant impacts on the quality and appearance of the street scene and upon the building on which they are displayed. They may also affect amenity and public safety, including highway safety, and can damage the appearance of the streetscape and the architectural integrity of our built environment.

London Plan

Policy T3 part B(3) states that development Plans and development decisions should ensure the provision of sufficient and suitably-located land for the development of the current and expanded public and active transport system to serve London's needs, including by safeguarding London's walking and cycling networks.

Policy T4 part E states that the cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

Paragraph 10.4.3 states that it is important that development proposals reduce the negative impact of development on the transport network and reduce potentially harmful public health impacts. The biggest transport-related impact of development on public health in London is the extent to which it enables physical activity from walking, cycling and using public transport.

Historic England Guidance

The Historic England document 'Streets for All, London' has guidance on how to manage the historic environment. On page three there is a photograph of a BT InLink advertising structure, which is similar to the proposed BT Hubs. The text below the photograph states:

Of particular concern in terms of street clutter that shouts its presence, are advertisements attached to street furniture. In London these are increasingly being

located in highly trafficked and often historically sensitive areas. Historic England is worried about the degrading effect these have on the character of conservation areas and the setting of listed buildings, with damaging impacts exacerbated when digital screens and internally illuminated signs are used.

'Westminster Way' Supplementary Planning Document

The 'Westminster Way' Supplementary Planning Document (2011) combines urban design and highways issues and advice. It provides guidance on the installation of new street furniture and specifically considers the installation of new payphone kiosks. It seeks to minimise clutter and ensure a neat and elegant townscape. Specifically in relation to the location of telephone kiosks, Appendix 1 (page 106) states that they must be sited sensitively in relation to the surrounding area, and should not be located in close proximity to one another.

The 'Westminster Way' (pages 17-18) sets out ten rules as part of a Westminster Code. Rule 4 - 'Clutter Free' seeks to minimise the occurrence of furniture obstruction, by removing obsolete, duplicated or unnecessary items, co-locating elements where appropriate and only installing new items where considered absolutely necessary. The public realm will also be managed in such a way that any such clutter is removed so it is maintained to minimal levels. This will ensure ease of pedestrian movement and the delivery of a truly inclusive and neat public realm.

Considerations:

Application 1: 466 - 490 Edgware Road, London, W2 1EJ

The application site is on the pavement outside 466-490 Edgware Road, which lies on the west side of the road and is closer to the kerb edge side of the footway than to the building line. The site lies outside a conservation area and there are no conservation areas or listed buildings in the immediate vicinity. Other than the modern telephone kiosk which is proposed to be replaced by the BT Street Hub there is minimal street furniture immediately adjacent although there is a bus shelter, a litter bin and a recycling centre nearby to the north, as well as several street trees. This part of Edgware Road forms part of the Transport for London Road Network (TLRN). The additional BT kiosks proposed to be removed are sited on the pavement outside 430 Edgware Road and on the pavement on the outside 178-180 Edgware Road.

Objections have been received on behalf of Little Venice Ward Councillors, Paddington BID and Paddington Waterways and Maida Vale Society on the grounds of their size and visual impact and impediment of pedestrian flow.

In this busy commercial context, in the presence of mature trees, within the vicinity of modern street future, the proposals are not considered to unduly harm the visual amenity of the area. The proposals can not reasonably be resisted on townscape grounds.

The proposal leaves a pedestrian clearway of over 2m to the kerbs edge and over 3m from the proposed street Hub to the closest item of street furniture which satisfies the City Council's 2m minimum requirement, it is considered that the Street Hub will not

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have an unacceptable impact pedestrian movement. Given their size, the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions

Application 2: Edgware Road Station, London

The application site lies on the north side of Marylebone Road on the back edge of the footway adjacent to the Bakerloo Line entrance to Edgware Road Underground Station. The site lies outside a conservation area and there are no listed buildings within the immediate vicinity, although the adjacent Edgware Road Tube Station is an unlisted building of merit. Other than the modern telephone kiosk which is proposed to be replaced by the BT Street Hub, there is relatively little street furniture in this section of Marylebone Road, other than the railings to the subway, some bike stands, streetlight columns and a large digital advertising structure. This part of the Marylebone Road forms part of the Transport for London Road Network (TLRN). The additional BT kiosks proposed to be removed are sited on the pavement of Bell Street and the pavement on Edgware Road.

Objections have been received from Paddington BID regarding the size of the structure, their dominance, the extent of the advertisement and the impact on visual amenity and the public realm. However, in the context of this large, illuminated advertising billboard, the proposed BT Street Hub would not appear so large as to be incongruous. The urban and modern appearance of the BT Street Hub would be in keeping with the character of the street corner and could therefore not reasonably be resisted on townscape grounds.

There is a pedestrian clearway of approx. 3.2m from the end of the proposed street Hub to the building line and while this measure satisfies Westminster Way's, public realm strategy, recommendation which requires a minimum 2m pedestrian clearway, it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions

Application 3: 378 Edgware Road, London, W2 1EB

The application site lies on the pavement outside 378 Edgware Road, on the east side of the road and on the kerb edge side of the footway. The site lies outside a conservation area and there are no conservation areas or listed buildings in the immediate vicinity. Other than the modern telephone kiosk which is proposed to be replaced by the BT Street Hub, there are several other items of street furniture in this section of Edgware Road including another telephone kiosk, litter bin, a Legible London totem, street lighting columns and road traffic signage. This part of Edgware Road forms part of the Transport for London Road Network (TLRN). The additional BT kiosks proposed to be removed are sited on the pavement outside the Post Office on Edgware Road and at the corner of Harrowby Street and Forset Street.

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Objections have been received on behalf of the Little Venice Ward members, and the Paddington BID on the ground that the adverts would appear over dominant, not in keeping with their setting and would contribute to clutter. However, in this busy commercial context, the additional structure and advertising is not considered unduly harmful to visual amenity or the appearance of the streetscape. The proposals can not reasonably be resisted on townscape grounds.

The proposal leaves a pedestrian clearway of over 2.989m from the proposed street Hub to the building line and satisfies the City Council's 2m minimum requirement, it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Application 4: 219 Baker Street, London, NW1 6XE

The application site lies on the west side of Baker Street outside 219 Baker Street. The site lies within the Dorset Square Conservation Area. There are grade II listed buildings at 231-243 Baker Street and The Volunteer Public House which lies further north. Nos. 231-243 are terraced houses dating from 1815, with shopfronts dating from mid to late nineteenth century with some twentieth century alterations, and The Volunteer Public House dates from 1815 as part of the Portman Estate Development. Other than the modern telephone kiosk which is proposed to be replaced by the BT Street Hub, there are relatively few other items of street furniture in the immediate vicinity, but they include a litter bin and some traffic signage.

The Marylebone Society, Baker Street Quarter Partnership and Portman Estate have raised concerns on the grounds that the advertisement would obstruct the pavement and that the illumination of the advert is not improve the Dorset Square conservation area.

However, in the context of this busy commercial area, existing street furniture and signage, the proposals are not felt to cause any further harm to the character and appearance of the conservation area, nor the setting of nearby listed buildings. It would not therefore be reasonable to resist the proposals on townscape and listed building grounds.

The objectors have also noted that there are no existing phone boxes in this location to be removed. The proposed equipment to be installed on Baker Street, outside number 219 is not a direct replacement. The BT kiosks proposed to be removed are sited on the pavement outside 35 Marylebone Road and one on the pavement on the junction of Marylebone Road and Luxborough Street.

The proposals will leave a pedestrian clearway of approx. 3.2m from the end of the proposed street Hub to the building line and which exceeds the City Council's 2m minimum requirement, it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on

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highways grounds, subject to conditions.

Application 5: 225 Edgware Road, London, W2 1DH

The application site lies on the north side of Praed Street on the kerb edge side of the pavement outside the Hilton London Metropole. The site lies outside a conservation area, although the Bayswater Conservation Area lies approximately 130m to the west. Approximately 5m to the west on the same side of the street is no. 10 Praed Street, which is a former pub and a grade II listed building.

In addition to the two modern telephone kiosks which are proposed to be replaced by the BT Street Hub, there are a number of other items of street furniture immediately adjacent including a streetlamp column, a road sign and a bollard. The BT kiosk proposed to be removed is located on the pavement outside 51-55 Edgware Road.

of pedestrians using this location creates bottlenecks as people swerve to avoid t
Objections have been raised by the Paddington BID on the grounds that the advertising screen elements are excessive and will dominate the public realm, and that the kiosks will negatively impact pedestrian movement in this busy location.

However, in the context of this busy commercial area and existing street future and advertising, the proposals are not considered unduly harmful on townscape and visual amenity grounds. It would therefore be unreasonable to resist the proposals on these grounds.

The proposals leave a pedestrian clearway of approx. 2.7m from the end of the proposed street hub to the building line and satisfies the City Council's 2m minimum requirement and it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Application 6: 105 Wigmore Street, London

The application site lies on kerb edge side of the pavement on Orchard Street outside the 105 Wigmore Street. The site lies outside a conservation area, although the opposite side of the road is within the Portman Estate Conservation Area.

In the nearby vicinity are nos. 122-130 Wigmore Street, grade II listed buildings dating from the 1770-80s Portman Estate development. In addition to the two modern telephone kiosks which are proposed to be replaced by the BT Street Hub outside 105 Wigmore Street, there are a number of other items of street furniture immediately adjacent including a streetlamp column, bike stands and a bollard.

An objection has been received from the Portman Estate and Baker Street Quarter Partnership on the grounds of pedestrian movement and the excessive nature of the advertising which is not fitting in the public realm.

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In the context of exiting streetscape future and given the commercial nature of the street, the proposals are not considered to unduly harm the visual amenity of the area and cannot therefore be reasonably resisted on those grounds.

The proposals provide a pedestrian clearway of approx. 2.8m from the end of the proposed street hub to the building line and satisfies the City Council's 2m minimum requirement and it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Application 7: 54 Baker Street, London, W1U 7BU

The application site lies on the kerb edge side of the pavement outside the 55 Baker Street. The site lies outside a conservation area but within close proximity of the Portman Estate Conservation Area boundary. In addition to the modern telephone kiosk proposed to be replaced by the BT Street Hub outside 55 Baker Street, there are a number of other items of street furniture including a number of bicycle racks, street lighting, traffic signs with traffic signals also located a short distance away, as well as outside seating present in front of the adjacent building. The additional BT kiosk proposed to be removed is located on the pavement on the north side of Paddington Street.

An objection has been received from the Portman Estate on the grounds of pedestrian movement and the excessive nature of the advertising which is not fitting in the public realm. One resident objection has been received in relation to the size of the structure and the extent of adverting. However, given the commercial character of the site and the existence of existing street future, lighting and signs, the proposals are not considered unduly harmful to visual amenity and cannot be reasonably resisted on those grounds.

The proposed show pedestrian clearway of approx. 2.6m from the end of the proposed street Hub to the forecourt area of the nearest property. This satisfies the City Council's 2m minimum requirement and it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways ground, subject to conditions.

Application 8: Edgware Road and Marylebone Flyover, London

The application site lies on the east side of Edgware Road on the building edge side of the footway. Despite the site address the site lies on the south side of the Marylebone Road flyover, 70m to the south of the tube station entrance and is adjacent to the perimeter railings to the subway. The site lies outside a conservation area and there are no conservation areas or listed buildings in the immediate vicinity.

Other than the modern telephone kiosk which is proposed to be replaced by the BT

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Street Hub, there are several other items of street furniture in this section of Edgware Road including two further telephone kiosks, litter bins, a Legible London totem, street lighting columns, utilities cabinet and a CCTV column.

Objections have been received from the Paddington BID on the grounds that the advertising component and their dominance on the public realm. However, given the commercial nature of Edgware Road, and existing modern street future and advertising, the proposals are not considered to unduly harm the visual amenity of the area and therefore can not be reasonably resisted on these grounds.

The proposal leaves a pedestrian clearway of approx. 3m from the proposed street hub to the closest item of street furniture which satisfies the City Council's 2m minimum requirement and it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. The proposed Hub is a replacement and is set back from the pedestrian desire line. Given their size the displays will not cause an unacceptable impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the application on highways grounds, subject to conditions.

Application 9: 484 - 486 Oxford Street, London, W1C 1NA

The site is the pavement outside of 484 - 486 Oxford Street, which is situated on the north side of the street. The site is not within a conservation area, however, it is in close proximity to the Mayfair, Portman Estate, and Stratford Place Conservation Areas. There are also views from the site to the Selfridges Building which is listed at Grade II* and 139-141 Park Lane which is listed at Grade II. In the immediate vicinity of the proposed site there are a number of other items of street furniture including streetlights, a bench, and a bin, there are also two trees.

Objections from Ward Councillors and the Mayfair Residents Group are on the grounds of Oxford Street requiring less street clutter. The New West End Company also object to their highly prominent location.

The Ward Councillors state that they have previously raised objections to similar proposals on the same grounds, leading to the applications being refused and the appeals upheld. However, it should be noted that, at this site, the Planning Inspector has already allowed an appeal for similar proposals (see Section 7.2 of this report).

Three neighbouring residents support the removal of the existing kiosks which are used for antisocial behaviour and clutter the street.

Given the commercial nature of the area and the existence of existing modern street furniture advertising as well as street trees, the proposals are not considered overly prominent and will not unduly harm the visual amenity of the area. As such it would not be considered reasonable to resist the proposals on townscape and visual amenity grounds.

The proposals show pedestrian clearway of approx. 6.68m from the end of the proposed Street Hub to the forecourt area of the nearest property. This satisfies the City Council's

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2m minimum requirement, and it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Further, the installation of the Street Hub in this location would not prejudice future public realm enhancements associated with the Oxford Street Programme and permission could not be refused on this basis

Application 10: 334-348 Oxford Street, London, W1C 1JG

The site is the pavement outside of 334-348 Oxford Street, which is situated on the north side of the street. The site is not within a conservation area, however, it is in close proximity to the Mayfair, Harley Street, and Stratford Place Conservation Areas. In the immediate vicinity of the proposed site there are a number of other items of street furniture including a lamp, a bench, and some bins, there are also two trees.

Objections have been received from councillors, who object to the proposals on the grounds of impeding pedestrian movement, street clutter and safety. The New West End Company also object to its highly prominent location. However, in the context of exiting street future and the commercial nature of the area, the proposals are not considered unduly harmful to visual amenity and cannot reasonably be resisted on those grounds.

The councillors state that they have previously raised objections to similar proposals on the same grounds, leading to the applications being refused and the appeals upheld. However, it should be noted that, at this site, the Planning Inspector has already allowed an appeal for similar proposals (see Section 7.2 of this report).

The proposed equipment to be installed outside 334-348 Oxford Street is not a direct replacement but shows a pedestrian clearway of approx. 7.089m from the end of the proposed street Hub to the building line. This satisfies the City Council's 2m minimum requirement, and it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Further, the installation of the Street Hub in this location would not prejudice future public realm enhancements associated with the Oxford Street Programme and permission could not be refused on this basis

Application 11: 149-151 Oxford Street, London

The site is the pavement outside of 149-151 Oxford Street, which is situated on the south side of the street. The site located within the Soho Conservation Area, and has views from the East Marylebone Conservation Area. The site is also located near to 147 Oxford Street which is Grade II listed, and there are views to the site from 156-162

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Oxford Street which is grade II* listed. In the immediate vicinity of the proposed site there are a number of other items of street furniture including a streetlight, and a bin, and there are also two trees.

Objections have been received from councillors, who object to the proposals on the ground of impeding pedestrian movement, street clutter and safety. The Soho society also raise objections to the increase in street clutter, and their impact on pedestrian flow. They also object to the advertisements due to their size and detrimental impact on the public realm. The New West End Company also object to its highly prominent location.

However, in the context of exiting street future and the commercial nature of the area, the proposals are not considered unduly harmful to visual amenity and character and appearance of the conservation area, nor the setting of neighbouring listed building. Therefore, the proposals cannot reasonably be resisted on those grounds.

The proposed equipment to be installed outside 149-151 Oxford Street is not a direct replacement but provides a pedestrian clearway of approx. 3.799m from the end of the proposed street Hub to the building line. This satisfies the City Council's 2m minimum requirement, and it is considered that the Street Hub not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Further, the installation of the Street Hub in this location would not prejudice future public realm enhancements associated with the Oxford Street Programme and permission could not be refused on this basis

Application 12: 354-358 Oxford Street, London, W1C 1JQ

Whilst the site is located on Marylebone Lane near the junction with Oxford Street. The site isn't located within a conservation area however it is just outside the Stratford Place Conservation Area, and is visible from the Mayfair Conservation Area. It is located nearby to 2-7 Stratford Place, and 8-10 Stratford Place both which are Grade II listed, as well as Stratford House which is Grade I listed. In the immediate vicinity of the proposed site there are a number of other items of street furniture including benches, cycle racks, bins, and a kiosk, there are also a number of trees.

Objections have been received by councillors, who object to the proposals on the grounds of impeding pedestrian movement, street clutter and safety.

However, in the context of exiting street future, street trees and the commercial nature of the area, the proposals are not considered overly prominent or unduly harmful to visual amenity or the setting of neighbouring listed building. Therefore, the proposals cannot reasonably be resisted on those grounds.

Then proposals show a pedestrian clearway of approx. 4.25m on one side of the proposed street Hub. This satisfies the City Council's 2m minimum requirement, and it is considered that the Street Hub not have an unacceptable impact pedestrian movement.

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Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Application 13: 386 Oxford Street, London, W1C 1JS

Whilst the site address is 386 Oxford Street, it is more accurately described as being outside 396 Oxford Street close to the junction with Duke Street. The site is not located within a Conservation Area, but is within close proximity to the Stratford and Mayfair Conservation Areas. It is also close to 360-366 Oxford Street, and 368-370 Oxford Street, both of which are Grade II listed, as well as the Selfridges building which is Grade II* listed. In the immediate vicinity of the proposed site there are a number of other items of street furniture including a bench, and a bin, as well as two trees.

Objections have been received from councillors, who object to the proposals on the grounds of impeding pedestrian movement, street clutter and safety. The Soho society also raise objections to the increase in street clutter, and their impact on pedestrian flow. They also object to the advertisements due to their size and detrimental impact on the public realm. The New West End Company also object to its highly prominent location.

However, in the context of exiting street future and the commercial nature of the area, the proposals are not considered unduly harmful to visual amenity and character and appearance of the conservation area, nor the setting of neighbouring listed building. Therefore, the proposals cannot reasonably be resisted on those grounds.

The proposed equipment is not a direct replacement but provides a pedestrian clearway of approx. 5.989m from the end of the proposed street Hub to the building line and 2m on the kerbside. This satisfies the City Council's 2m minimum requirement, and it is considered that the Street Hub not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Further, the installation of the Street Hub in this location would not prejudice future public realm enhancements associated with the Oxford Street Programme and permission could not be refused on this basis

Application 14: 2A Great Titchfield Street, London, W1W 8AP

Whilst the site is located on Great Titchfield Street near the junction with Oxford Street. The site is located within the East Marylebone Conservation Area and is located adjacent to 164-182 Oxford Street which is Grade II listed. In the immediate vicinity of the proposed site there are a number of other items of street furniture including benches, cycle racks, bins, and a kiosk, there are also a number of trees.

Objections have been received from Councillors, who object to the proposals on the

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grounds of impeding pedestrian movement, street clutter and safety. The Soho society also raise objections to the increase in street clutter, and their impact on pedestrian flow. They also object to the advertisements due to their size and detrimental impact on the public realm. The New West End Company also object to its highly prominent location.

The proposed equipment to be installed in Great Titchfield Street although not a direct replacement, is within the immediate area. The repositioning of this BT kiosk, is more in line with existing street furniture and is less likely to cause pedestrians to deviate from their desire lines. The proposals show a pedestrian clearway of approx. 3.5m from the building line and 3.289m from the proposed Hub to an existing kiosk, it is considered that the Street Hub not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Further, the installation of the Street Hub in this location would not prejudice future public realm enhancements associated with the Oxford Street Programme and permission could not be refused on this basis.

Application 15: Junction of Oxford St and John Prince's St, London, W1B 2AE

The site is the pavement on the east side of John Prince's Street at the junction with Oxford Street. The site is located within the Regent Street Conservation Area and is close to the Mayfair, and Harley Street Conservation Areas. Furthermore, it is in close proximity with 1 and 2, John Prince's Street, 249-259 Regent Street, 1 and 1A Cavendish Square, all of which are Grade II listed.

Objections have been received from Councillors, who object to the proposals on the grounds of impeding pedestrian movement, street clutter and safety. The Soho society also raise objections to the increase in street clutter, and their impact on pedestrian flow. They also object to the advertisements due to their size and detrimental impact on the public realm. The New West End Company also object to its highly prominent location.

The proposed shows a pedestrian clearway of approx. 2.889m on one side of the proposed street Hub to the building line. This satisfies the City Council's 2m minimum requirement, and it is considered that the Street Hub not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Further, the installation of the Street Hub in this location would not prejudice future public realm enhancements associated with the Oxford Street Programme and permission could not be refused on this basis.

9.5 Residential Amenity

Due to their size and position on highway, it is considered that the Street Hubs would not have a detrimental impact in terms of loss of light, overlooking, sense of enclosure or loss of privacy over the existing situation.

As part of their submission the applicant has included an Anti-social Behaviour Management Plan. In it they highlight that the existing unused kiosks are often prime sites for Anti-social behaviour and vandalism, and state that they intent to work with local stakeholders to prevent this occurring at the new Street Hubs.

The proposals are considered to be acceptable in amenity terms.

9.6 Economy including Employment & Skills

The improvements in digital infrastructure and connectivity that are proposed are intended to support future economic growth.

9.7 Other Considerations

Radiation Levels

The applicants have provided the relevant ICNIRP certification confirming that individually and cumulatively, the installation is within acceptable limits of non-ionising radiation levels and will not harm human health. The application in this respect complies with the guidance contained in the NPPF and planning practice guidance, as such it would not be reasonable for the City Council to uphold any objection on health-related grounds.

9.8 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.9 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application and no pre-commencement conditions are recommended.

10. Conclusion

It is considered that the visual harm of the hubs would be limited, there would be sufficient pavement width remaining not to impede pedestrian movement and that the advertisements would not pose a highway safety issue. The fact that Advertisement Consent was allowed by the Planning inspector, on all 15 application sites, is also a strong material consideration in the assessment of the applications. Accordingly, it is considered that the proposals are acceptable in land use, design and conservation, residential amenity and highways terms and comply with Policies 19, 24, 25, 38, 39, 40, 43 of the Westminster City Plan (April 2021) and the "Westminster Way" Supplementary Planning Document. The applications are therefore recommended for conditional approval, for a temporary period of 5 years.

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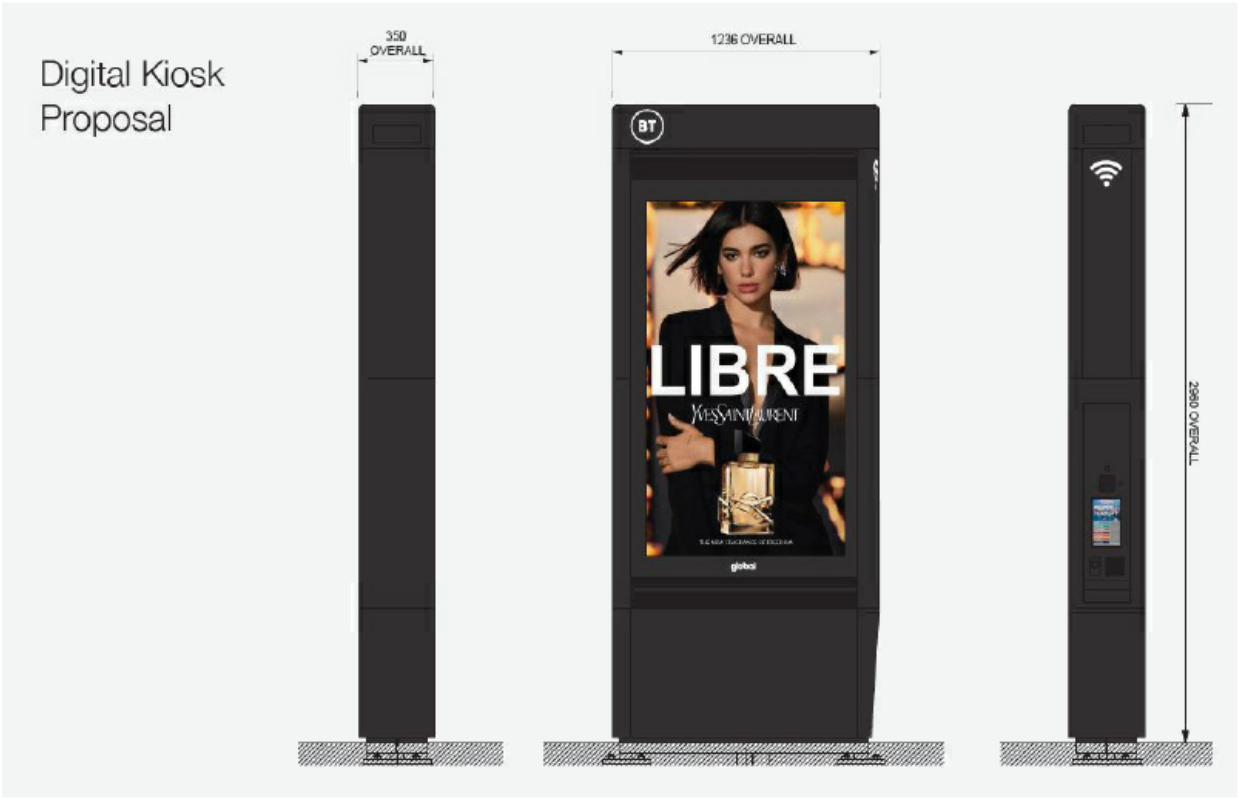
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

11. KEY DRAWINGS



Visual of BT Hub



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EXAMPLE DRAFT PLANNING PERMISSION DECISION LETTER (conditions are the same for each of the 15 applications)

Address: 466 - 490 Edgware Road, London, W2 1EJ,
Proposal: Removal of three BT kiosks and installation of one BT Street Hub, incorporating two digital 75" LCD advert screens on pavement opposite 466 - 490 Edgware Road.
Reference: 21/08885/FULL
Plan Nos: 001 REV A, 002 REV A, 003 REV A.

Case Officer: Jennie Humphrey **Direct Tel. No.** 020 7641
07866040589

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 The permitted maximum luminance of the two digital display screens shall not exceed the level of 600cd/m2 if illuminated area is less than 10m2, if larger its 300cd/m2; during hours of darkness and all specifications shall be in accordance with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05 (PLG05): The Brightness of Illuminated Advertisements'.

Reason:
To protect the visual amenity of the area.

- 3 The illumination and advertisement/displayed image shall not be intermittent or flashing, not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements), not incorporate changing light patterns, and shall show two dimensional images only. (Please note the illumination of the proposed Hubs will need to adhere to limits of luminance, illuminance and intensity as advised in PLG05 [see Section 5 of Limiting the luminance of illuminated advertisements], and Guidance Note 01: The Reduction of Obtrusive Light).

Reason:

To protect the visual amenity of the area and in the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021).

- 4 No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Reason:
In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 5 No audio associated with the advertisements.

Reason:
To protect the amenity of the area.

- 6 Messages relating to the same product shall not be sequenced.

Reason:
To protect the visual amenity of the area.

- 7 The advertisements displayed on each panel shall not change more frequently than once every 15 seconds.

Reason:
To protect the visual amenity of the area.

- 8 The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Reason:
To protect the visual amenity of the area.

- 9 The footway and carriageway of the concerned public highway must not be blocked during the installation and maintenance of the proposal. Temporary obstruction during the installation / maintenance must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrian or obstruct the flow of traffic.

Reason:
In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 10 The proposed BT Street Hubs shall be maintained in a condition that does not impair the visual amenity of the site.

Reason:

To protect the visual amenity of the area.

- 11 All vehicles associated with the works must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 12 The structure can remain for five years from the date of this letter. After than you must remove it and return the land to its previous condition.

Reason:

So that we can assess the effect of the structure and make sure it meets policy 24, 25, 38, 39, and 43 of the City Plan 2019-2040 (April 2021).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

Item No.
1

EXAMPLE DRAFT ADVERTISEMENT CONSENT DECISION LETTER (conditions are the same for each of the 15 applications)

Address: 466 - 490 Edgware Road, London, W2 1EJ,

Proposal: Display of two internally illuminated digital 75" LCD display screens measuring 1.67m x 0.95m on each side of the Street Hub unit opposite 466 - 490 Edgware Road.

Reference: 21/08886/ADV

Plan Nos: 001 REV A, 002 REV A, 003 REV A.

Case Officer: Jennie Humphrey

Direct Tel. No. 020 7641
07866040589

Recommended Condition(s) and Reason(s)

Standard Conditions:

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (2) No advertisement shall be sited or displayed so as to –
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Additional Condition(s):

- 1 You can display the advert for five years from the date of this letter. You must then remove it without delay.

Reason:

So that we can assess the effect of the advert and make sure it meets policy 24, 25, 38, 39, 43 of the City Plan 2019-2040 (April 2021).

- 2 The permitted maximum luminance of the two digital display screens shall not exceed the level of 600cd/m² if illuminated area is less than 10m², if larger its 300cd/m²; during hours of darkness and all specifications shall be in accordance with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05 (PLG05): The Brightness of Illuminated Advertisements'.

Reason:
To protect the visual amenity of the area.

- 3 The illumination and advertisement/displayed image shall not be intermittent or flashing, not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements), not incorporate changing light patterns, and shall show two dimensional images only. (Please note the illumination of the proposed Hubs will need to adhere to limits of luminance, illuminance and intensity as advised in PLG05 [see Section 5 of Limiting the luminance of illuminated advertisements], and Guidance Note 01: The Reduction of Obtrusive Light).

Reason:
To protect the visual amenity of the area and in the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021).

- 4 No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Reason:
In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 5 No audio associated with the advertisements.

Reason:
To protect the amenity of the area.

- 6 Messages relating to the same product shall not be sequenced.

Reason:
To protect the visual amenity of the area.

- 7 The advertisements displayed on each panel shall not change more frequently than once every 15 seconds.

Item No.
1

Reason:
To protect the visual amenity of the area.

- 8 The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Reason:
To protect the visual amenity of the area.

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.

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 July 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF,		
Proposal	Use of part of basement level 1 for storage or distribution uses (Class B8).		
Agent	Mango Planning & Development Ltd		
On behalf of	Getir UK Ltd		
Registered Number	22/01045/FULL	Date amended/ completed	4 March 2022
Date Application Received	17 February 2022		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the conversion of 15 car parking spaces within an existing public car park at basement level -1 for use as a storage and as a distribution centre (Class B8) operated by Getir to provide grocery products direct to consumers.

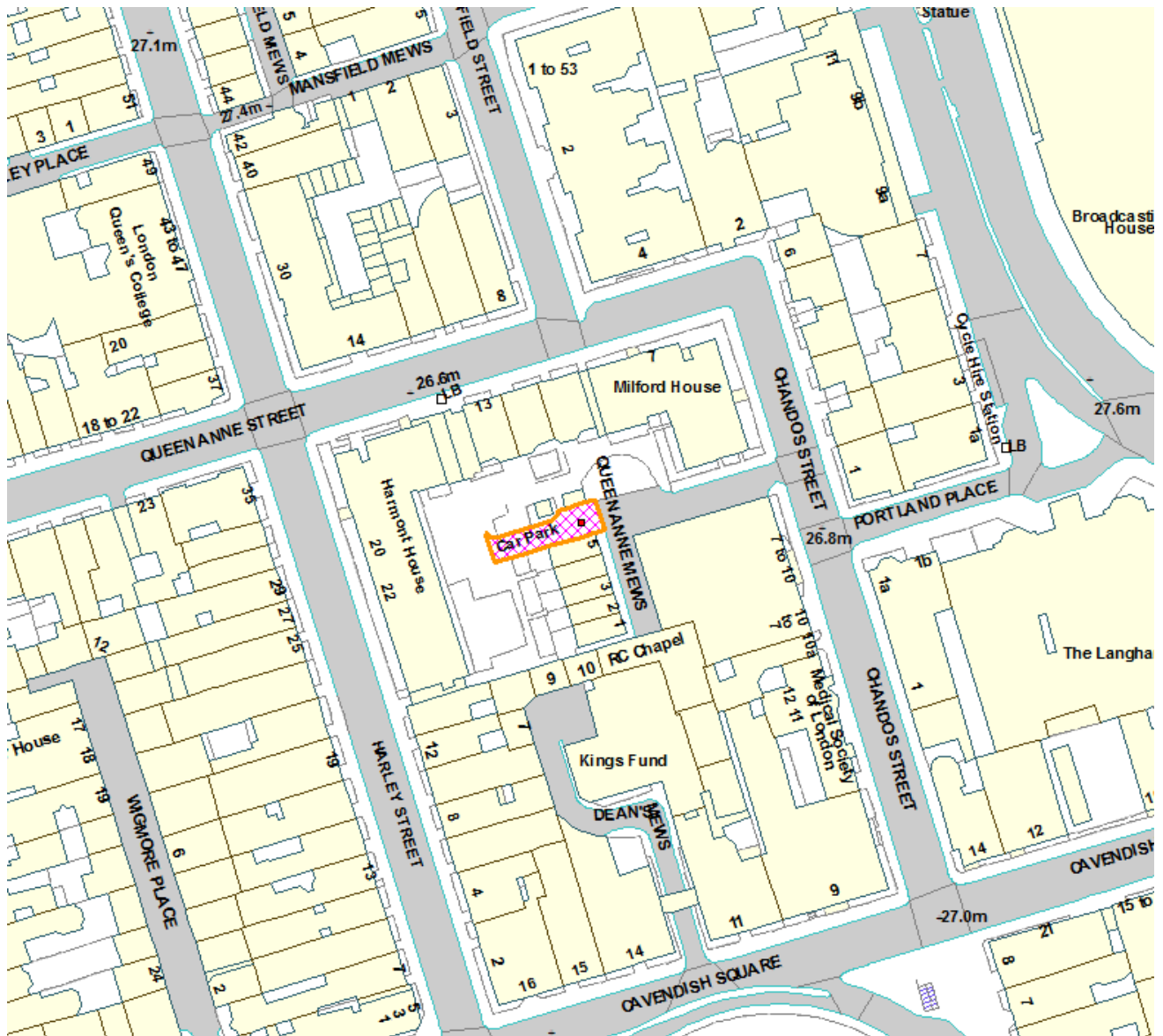
The key considerations in this case are:

- The acceptability of the proposed use in terms of traffic generation.
- The impact on the amenity of neighbouring residential properties.

Objections have been received from neighbouring residents on the basis that they consider that the proposal would harm residential amenity and the operation of the local highway network.

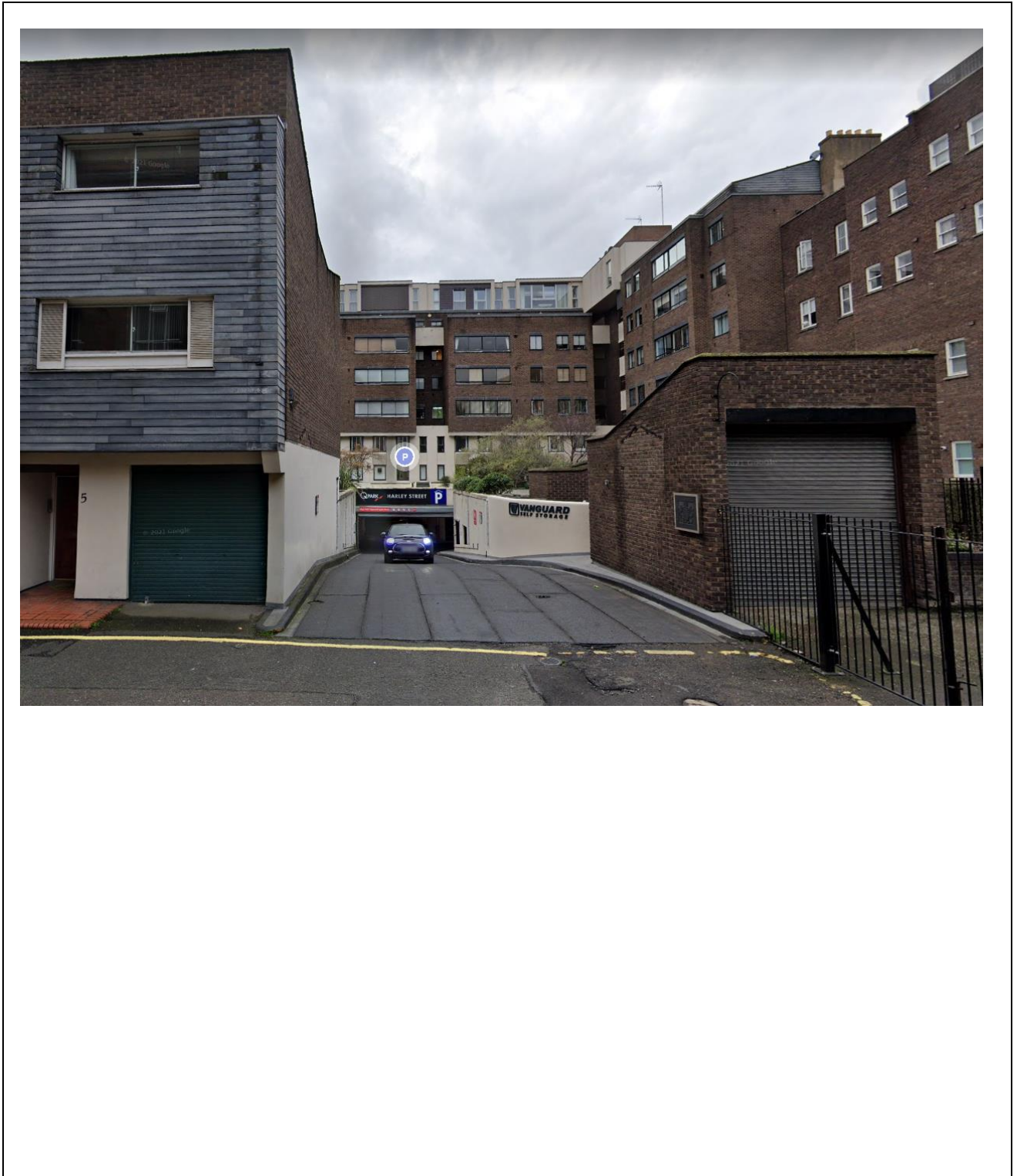
For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use and highways terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Marylebone Association):

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection subject to conditions

PROJECT OFFICER FOR WASTE

Further details required.

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 145

No. Replies: 6 objections on the following grounds:

- Notices not served.
- Question whether the proposed use would require mechanical plant given its subterranean location.
- Noise associated with the increase usage of roller shutters, vehicle movements and from staff talking.
- Ability to service within the car park when considering the 1.82m height restriction.
- Potential for deliveries post 8pm.
- Supply of alcohol from the site has the potential to increase anti-social behaviours.
- Precedent for future 24/7 businesses.
- Disagreement with description of the character of the area within the applicant's submission.

SITE NOTICE

Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. However, given the nature of the development, the application is not required to submit details of the engagement they have undertaken with their application. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place has not been submitted, this is not contrary to the expectations of the guidance for development of this scale.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is Harley Street Underground Car Park, which is accessed via an entrance ramp in Queen Anne Mews. The car park is set over three basement levels beneath two blocks of residential flats (Milford House and Harmont House). The vehicular access / egress ramp are also adjacent to Nos. 1-5 Queen Anne Mews, which comprise five dwellings. There is a separate pedestrian staircase to the car park on the north side of Queen Anne Mews.

The site is within the Harley Street Conservation Area and within the Central Activities Zone.

Although there are other uses within the car park, including a self-storage facility, the area relevant to this application is in use as a commercial car park (Sui Generis).

7.2 Recent Relevant History

09/03914/FULL

Use of Basement Level 3 of car park to provide lettable self-service storage facilities (Class B8).

Permitted – 6 August 2009

10/08788/COFUL

Retention of a roller shutter across the entrance/exit to close the car park when required

for maintenance purposes or in an emergency.

Permitted – 9 December 2010

The hours of use of the roller shutter (between 09.00 and 19.00) and the number of times it may be operated per year (12) were restricted by condition.

13/07597/FULL

Use of part third basement level as a self-storage facility (Class B8).

Permitted – 29 October 2013

The approved operating hours are between 08.00 and 20.00.

14/07202/FULL

Removal of Condition 2 of planning permission dated 9 December 2010 (RN: 10/08788) for the retention of a roller shutter across the entrance/exit to close the car park when required for maintenance purposes or in an emergency; NAMELY, to allow the roller shutter to operate without any time or frequency conditions.

Permitted – 24 November 2014

16/10759/FULL

Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).

Permitted – 30 May 2017

17/08870/FULL

Removal of Condition 10 of planning permission dated 30 May 2017 (RN: 16/10759) for, 'Use of part of the public car park (part third basement level) as a self- storage facility (Class B8)'; to make the permission permanent rather than temporary for one year.

Permitted – 21 November 2017

21/06522/FULL

Use of part of basement as a last mile logistics hub (Sui Generis).

Permitted - 19 November 2021.

This relates to the same part of the basement as the current application and permits delivery vans to drop off parcels which are then distributed to their final destination using cargo bikes stored in the premises. A condition requiring an Operational Management Plan to be submitted for the City Council's approval secures details of the customer collection process, staffing levels, location of activity, instructions provided to customers and hours of operation.

This permission has not been implemented but remains extant.

8. THE PROPOSAL

Permission is sought for the conversion of 15 car parking spaces within an existing public car park at basement level -1 for use as a storage and as a distribution centre (Class B8).

It is intended that the space will be operated by Getir, a company whose operation is the storage and distribution of grocery products direct to consumers.

No customers are allowed within the unit and no transactions occur on the premises as

orders are made via a phone app, collected and delivered to customers by couriers on e-mopeds and e-bikes. Sales do not take place at the site and there is no ability for customers to collect an order.

The proposed hours of operation are between 08:00 to 00:00 daily.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of car parking spaces

Policy 27 (G) states that proposals for the redevelopment of existing car parks for alternative uses will be supported. Therefore, the principle of the loss of commercial car parking is acceptable.

The existing car park has a total of 287 spaces. The applicant indicates that the average occupancy is 115 vehicles or 40%. The proposal will convert 15 existing spaces. The average usage of the car park will therefore still be able to be accommodated in the remaining spaces.

Proposed storage and distribution centre

London Plan Policy SD4(M) states, '*Sufficient capacity for industry and logistics should be identified and protected, including last mile distribution, freight consolidation and other related service functions within or close to the CAZ and Northern Isle of Dogs to support the needs of businesses and activities within these areas*'.

London Plan Policy T7(F) adds, '*Development proposals for new consolidation and distribution facilities should be supported provided that they do not cause unacceptable impacts on London's strategic road networks and:*

- 1) *reduce road danger, noise and emissions from freight trips*
- 2) *enable sustainable last-mile movements, including by cycle and electric vehicle*
- 3) *deliver mode shift from road to water or rail where possible (without adversely impacting existing or planned passenger services)*'.

City Plan Policy 29(A) states, '*The council will strongly support the provision of consolidated facilities for freight, servicing and deliveries in new development in accordance with emerging London Plan policy. The net loss of existing off-street facilities will be resisted*'.

This strong policy support for distribution facilities means that the principle of the proposed use is considered to be an acceptable replacement for the lawful use of this part of the site as a commercial car park. This is subject to details relating to the operation of the use.

Whilst Getir do not currently operate from a premises within Westminster, it previously operated from 96A Clifton Hill. The commencement of the use in this location was not authorised, being in breach of a condition that restricted the building's use to offices.

The City Council received a large number of complaints and objections from the local amenity society and residents in relation to this unauthorised use and the problems it

has created for residents living in this area. This resulted in formal enforcement action being taken in the form of a Breach of Condition Notice being served. Subsequently, a planning application was made that attracted objections from a Ward Councillor, the local amenity society, the local MP and a significant number of local residents (120) on the grounds of the detrimental impact on residential amenity grounds. These included:

- Noise disturbance from vehicle movements occurring sometimes late at night, including large delivery trucks, motorbikes used by employees arriving and departing for shifts, and scooters used to distribute goods to customers.
- Employees creating noise through conversations with each other and on mobile phones outside premise including late at night.
- Noise from internal operation including noise from audio notifications when processing orders, slamming of doors, stacking shelves etc.,
- Noise as a result of delivered goods being transported on trolleys from the road down the alleyway to the premises, reversing alarms, horns and amplified music from delivery vehicles.
- Light pollution from the premises entrance and rooflights late at night.
- Increased litter and smoking by employees within the access alleyway.

The application was subsequently refused due to its impact on residential amenity and inappropriate servicing arrangement. Getir subsequently ceased operations at 96A Clifton Street.

In contrast to 96A Clifton Street, the application site is located on a mixed-use area, uses electric vehicles which generate less noise, contains all operations and servicing within the car park and there are other storage and distribution uses contained within the car park which have operated without complaint.

Neighbouring residents have also raised concerns regarding the proposed use as they consider that the operation will result in noise nuisance associated with the increased usage of roller shutters required for vehicles entering the car park, vehicle movements and from staff talking. Concerns have also been raised on the grounds that supply of alcohol from the site has the potential to increase anti-social behaviours and the proposed hours of use will set a precedent for future 24/7 businesses in the locality.

The roller shutter is managed by the car park operators. The current application does not propose any change to the operation of the roller shutter, which is not subject to controls over the hours of its use and is no noisier than motor vehicles leaving the car park. In these circumstances, it is not considered that these objections could be supported.

With regards to operational noise disturbance to neighbouring residents, all site operations will be contained within the basement and, as such, it is not considered that the proposal will result in noise disturbance subject to a requirement for the use to operate in accordance with an Operational Management Plan (OMP) which must identify process, scheduling and staffing, controlling the maximum number of deliveries to and from the site, the type of vehicle used and measures to ensure staff will not loiter on Queen Anne Mews. It is recommended that the submission of an OMP for the City Council's approval be secured by condition prior to the commencement of the use.

With regards to noise from vehicles, deliveries from the site will utilise electric vehicles

and it is recommended that this be secured by condition. Given that these vehicles are much quieter than vehicles powered by the internal combustion engine, it is not considered that their noise emission will be materially harmful to the amenity of neighbouring residents.

Whilst concerns regarding the supply of alcohol from the site and the resultant potential to increase anti-social behaviours are noted, it is not considered that this grounds to refuse the application as many premises within Westminster serve/sale alcohol in line with the terms of their license and operate within the same catchment as the proposed use would cater for.

Contrary to the view expressed by neighbours, it is sought to operate between 08:00 and 00:00 and not 24 hours daily. Environmental Health has questioned whether the use could terminate at 23:00. Given the existing 24/7 car park, it is considered unreasonable to reduce the proposed hours further than those sought.

9.2 Environment & Sustainability

The proposed use will provide a delivery service utilising electric vehicles. This accords with the aspirations of the City Council, as set out in Policies 32 and 33 of the City Plan, in terms of its commitment to improving air quality in the City.

9.3 Biodiversity & Greening

Given the subterranean nature of the application site, the incorporation of biodiversity features or greening is not appropriate.

9.4 Townscape, Design & Heritage Impact

This application does not alter any external features.

9.5 Residential Amenity

The local environmental impacts are detailed within both Section 9.1 and 9.6 of this report.

An objector questions whether the proposed use would require mechanical plant given its subterranean location. To support the application, an acoustic report was submitted which states that, '*...based on a site visit to an existing Getir site it was noted there will be no external refrigeration plant and all chilled/frozen goods will be stored in internal chiller cabinets*'. In light of this, Environmental Health team was re-consulted and raised no objection to this aspect of the proposal. As such, this objection cannot reasonably be upheld.

9.6 Transportation, Accessibility & Servicing

Car Parking

The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on existing on-street parking levels will be minimal.

Cycle Parking

The London Plan requires a minimum of two cycle parking spaces to support sustainable travel by staff. The applicant indicates that staff would be able to store their bicycle in the space that the delivery bicycles are stored. While not an ideal approach to dedicated cycle parking, the Highways Planning Manager no objection is raised on this specific point.

Trip Generation & Servicing

The applicant indicates that there would be 384 trips to and from the site between 08:00 and 00:00 daily utilising e-bike or e-moped. The applicant considers that it is likely that these trips will be largely evenly disrupted throughout the day. The result would be 24 trips per hour. If there are busier periods, there could be more intense periods of vehicle movements at certain times.

The applicant also states there will be up to 27 deliveries a week to the site to allow stock to be sent out for distribution. These forecasts are based on Getir's operations on other sites. The location for deliveries to the site has now been confirmed as within the car park and deliveries will be limited to be being made by small vans (due to the limited height of the car park).

The proposed use will create a significant increase in activity on the local highway network both through deliveries being made from the distribution centre and from deliveries to it. While activity is likely to have a noticeable impact on the local highway network, subject to conditions requiring a servicing and operation management plan and ensuring all servicing of the premises takes place between the hours of 08:00 and 20:00 daily, it is not considered that a refusal on transport grounds is justified.

Waste & Recycling Storage

The Projects Officer (Waste) has requested further information in relation to waste storage. A condition is recommended to be imposed requiring revised details to be submitted for the City Council's approval prior to the commencement of the use.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. Whilst the development is of insufficient scale to require an employment and skills plan, the proposed development will contribute to the recovery of the CAZ in accordance with Policies 1 and 13 in the City Plan 2019-2040 through the creation of 30 full time equivalent posts.

9.8 Other Considerations

An objection has been raised on the grounds that the applicant did not serve the correct notice.

During the course of this application, when officers became aware that not all notices has been served, they contacted the applicant and instructed them to do so. Additional notices were served on the 06 April 2022.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application. No pre-commencement conditions are recommended.

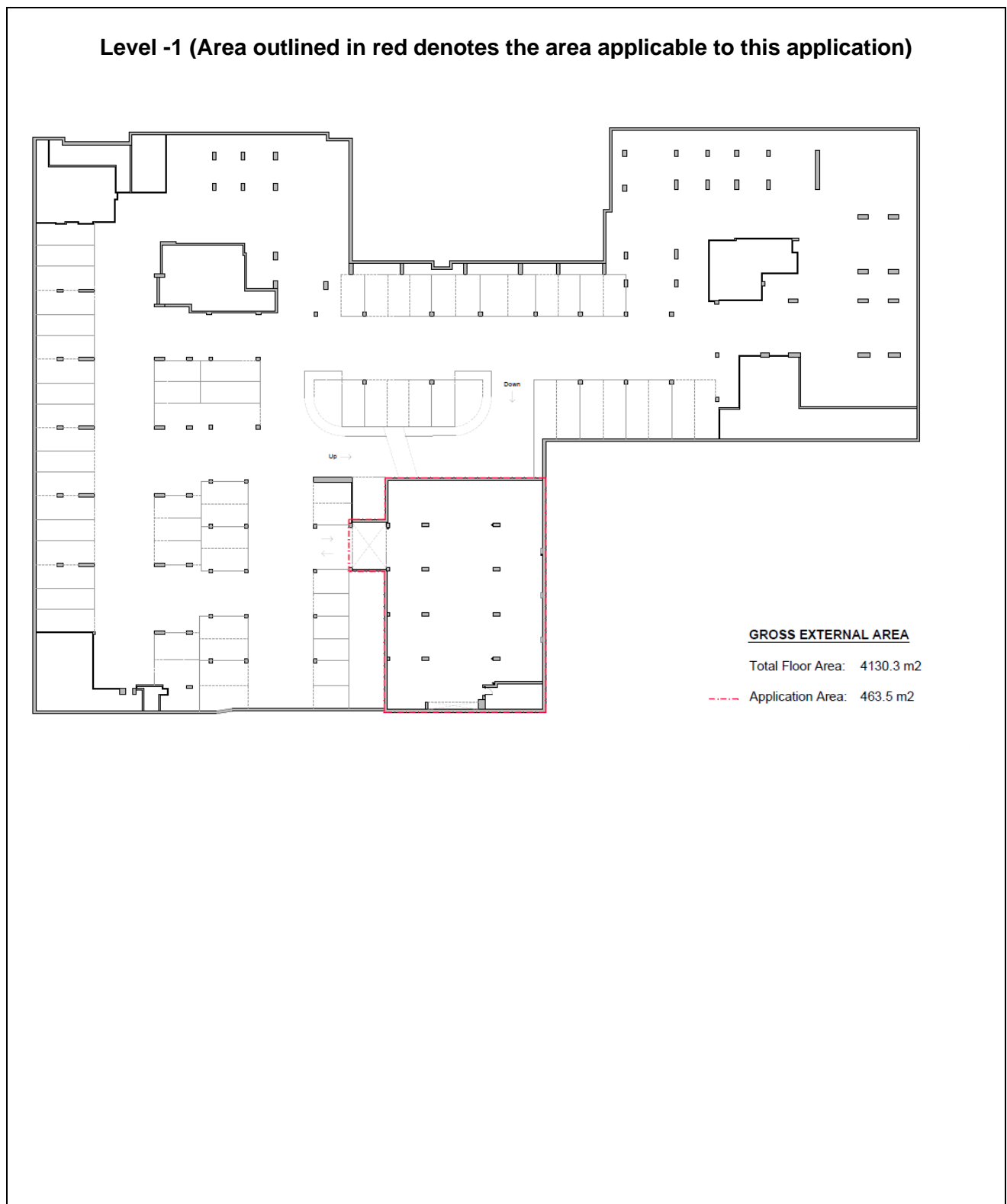
10. Conclusion

It is considered that the proposal is acceptable in land use, amenity and highway terms and complies with Policies 1, 7, 13, and 29 of the City Plan 2019 - 2040 (April 2021) and Policies SD4 and T7 of the London Plan. The application is therefore recommended for conditional approval.

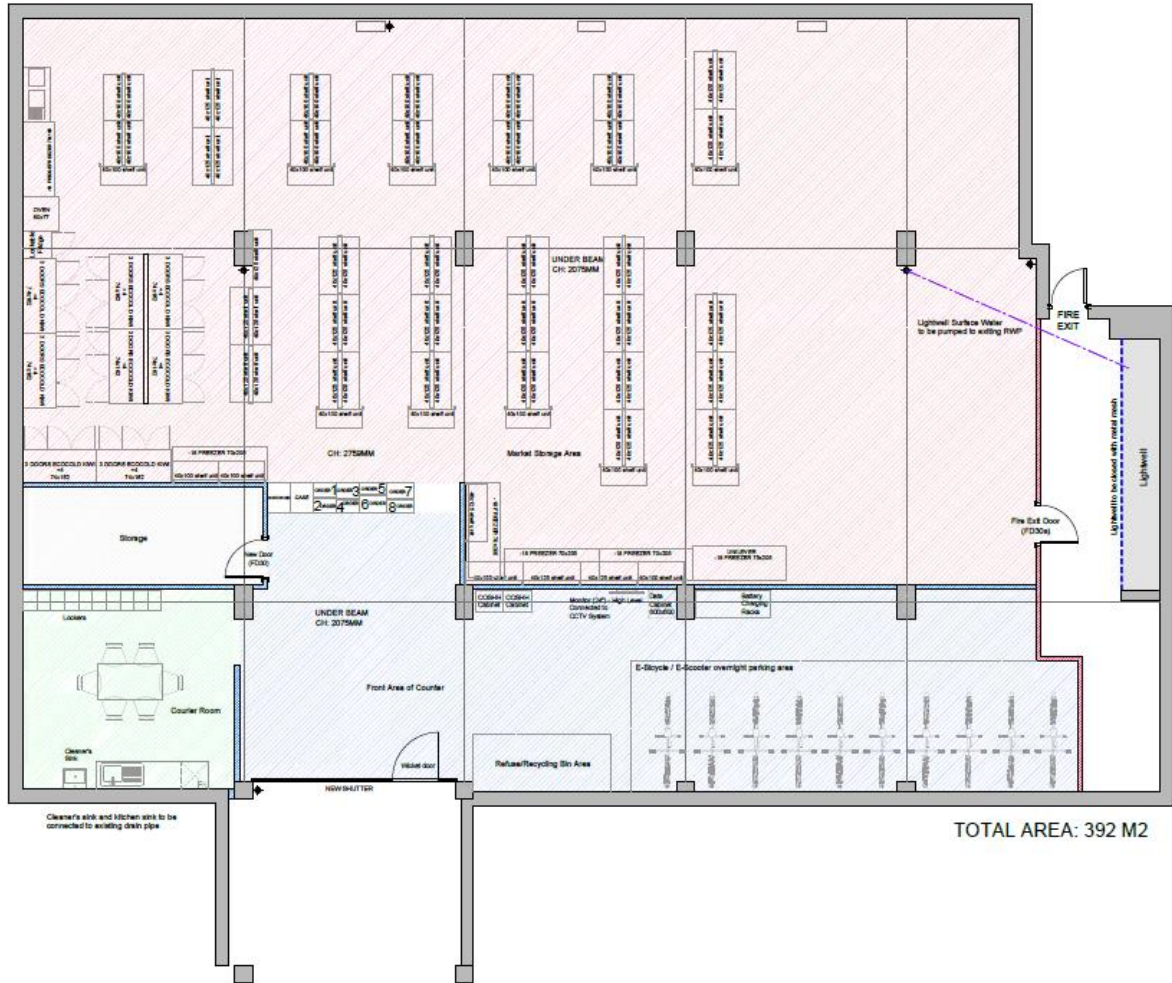
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK

11. KEY DRAWINGS



Layout plan of Storage and Distribution Centre



TOTAL AREA: 392 M2

DRAFT DECISION LETTER

Address: Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF

Proposal: Use of part of basement level 1 for storage or distribution uses (Class B8).

Plan Nos: 1100 Rev 4, 1011 Rev P1

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

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 You must apply to us for approval of an Operational Management Plan prior to commencement of the use. The OMP must identify process, scheduling and staffing, controlling the maximum number of deliveries to and from the site, the type of vehicle used and measures to ensure staff will not loiter on Queen Annes Mews.

You must not commence the use hereby approved until we have approved in writing what you have sent us.

You must then operate the use hereby approve in accordance with the approved Operational Management Plan for life of development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 24, 25 and 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 3 You must apply to us for approval of a Servicing Management Plan prior to commencement of the use. The plan must identify process, internal storage locations, scheduling of deliveries and staffing

You must not commence the use hereby approved until we have approved in writing what you have sent us.

You must then operate the use hereby approved in accordance with the approved Servicing Management Plan for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 4 All areas for servicing, including off-street vehicle areas, holding areas and access corridors, must be retained for this purpose for the life of the development and used for no other purpose that prevents off-street servicing from occurring. No servicing including waste collections shall occur from the highway.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 5 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the storage and distribution centre use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the storage and distribution centre. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

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

- 6 No combustion engine motorised vehicles (including mopeds, motorcycles, cars, vans) are permitted to make deliveries from the site.

Reason:

To protect the reduce the environmental impacts associated with development as set out in Policies 7, 12, 24, 32 and 33 of the City Plan 2019 - 2040 (April 2021).

- 7 You must not operate a delivery service from the premises outside of the hours of 08:00 to 00:00.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021)

- 8 The delivery of all goods shall take place within level -1 of the car park and not outside the car park. No delivery shall be received to the premises outside of 08.00 - 20.00 daily.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in

neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021).
(R23AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 With regards to Condition 2, you are advised that no more than 30 deliveries per week will be acceptable. All deliveries to the site to be made internally within the underground car park and no goods transferred from vehicle from the highway.

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.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	1B - 1C Tottenham Court Road, London, W1T 1BB		
Proposal	Use of part ground and first to fourth floors as offices (Class E)		
Agent	Allen Planning Ltd		
On behalf of	TCRP (1A & 1B) Ltd		
Registered Number	22/01941/FULL	Date amended/ completed	4 April 2022
Date Application Received	22 March 2022		
Historic Building Grade	Grade II		
Conservation Area	Hanway Street		
Neighbourhood Plan	Fitzrovia West Neighbourhood Plan		

1. RECOMMENDATION

Refuse permission (loss of the existing Community Infrastructure and Facilities)

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the change of use of the vacant educational use (last used as a language school) (Class F1) at part ground, and on the first to fourth floors of the building to offices (Class E). The existing use is identified as a Community Infrastructure and Facilities.

The key considerations in this case are:

- Whether the loss of the existing Community Infrastructure and Facilities (the educational use) is acceptable.

While the principle of the proposed office accommodation in this location is acceptable, the loss of the existing educational use has not been demonstrated to be in compliance with London Plan, City Plan and Neighbourhood Plan policies which seek to protect it.

Furthermore, it is not considered that the potential benefits of the proposed office use would outweigh the loss of the existing use.

It is accordingly recommended that the application is refused as it is contrary to Policy 17 of the City Plan 2019 - 2040 (April 2021), Policy PR4 of the Fitzrovia West Neighbourhood Plan, and Policy S1 of the London Plan (2021).

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

FITZROVIA WEST NEIGHBOURHOOD FORUM

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection.

WASTE PROJECT OFFICER

Objection: waste details not in line with Council storage requirements

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 24

Total No. of replies: 0

SITE NOTICE: Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application. However, the Early Community Engagement guidance only expects such engagement to take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors. Given the nature of the proposed use and the lack of residential properties in close proximity to the site, it is not considered that such impacts will arise and therefore the lack of community engagement complies with the guidance.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and

paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The Fitzrovia West Neighbourhood Plan includes policies on a range of matters including promotion of regeneration, provision of housing, entertainment uses, community facilities, provision of small business units, provision of active frontages, open spaces, environmental performance, and servicing.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Fitzrovia West neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is a Grade II Listed Building located in the Hanway Street Conservation Area. It is located on the west side of Tottenham Court Road, just to the north of the junction with Oxford Street and New Oxford Street.

The building comprises of basement, ground and four upper floors. Burger King is currently located at the basement and ground floors with the upper floors being previously occupied by the Mayfair school of English. These upper floors are now vacant.

It is located within the Central Activities Zone (CAZ), the Tottenham Court Road Opportunity Area (TCROA), the West End Retail and Leisure Special Policy Area (WERLSPA) and the Fitzrovia West Neighbourhood Plan (FWNP) area.

7.2 Recent Relevant History

There is no relevant planning history at this site.

8. THE PROPOSAL

Planning permission is sought to allow the use of part ground and first to fourth floors as offices (Class E). The floors are currently a vacant educational use (language school)

(Class F1). The applicant advises that the area subject to this application measures 297 sqm (GIA).

No external or internal works are proposed in this application.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposal represents the loss of the existing vacant language school (Class F1) use at first to fourth floors and the use of this space as office (Class E).

Loss of Educational Use/Language School (Class F1):

London Plan Policy S1 (Developing London's social infrastructure) Part G states:

"Redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan."

Schools, colleges and universities are included within the definition of 'social infrastructure'.

The City Plan identifies education uses, such as this language school (vacant or not) as 'community infrastructure and facilities' (Para. 17.1). This is whether or not they are publicly or privately owned and/operated (Para. 17.2). City Plan Policy 17(C) states,

"Existing community facilities and floorspace will be protected other than where it can be demonstrated that either:

1. *the loss or relocation is necessary to enable service provision to be reconfigured, consolidated, upgraded, or delivered more effectively as part of a published strategy to improve services and meet identified needs; or*
2. *there is no demand for an alternative social and community use for that facility or floorspace, evidenced by vacancy and appropriate marketing for at least 18 months."*

Fitzrovia West Neighbourhood Plan Policy PR4 (Leisure, Sports and Community Infrastructure) parts 1 and 2 also seek to protect Community Infrastructure, stating:

1. *Existing community and leisure uses will be protected and development proposals which would result in their loss through redevelopment or change of use should as far as possible provide for a similar facility on site or elsewhere in the designated area;*
2. *Development proposals for redundant social infrastructure should provide for its full or partial use as other social infrastructure before consideration of alternatives;"*

There is no definition of 'community and leisure uses' within the Fitzrovia West Neighbourhood Plan, although Para. 5.26 states, '*... these mainly take the form of*

meeting places where some recreational activities can take place'. Para. 5.26 goes on to set out the main community facilities and these includes a primary school and a nursery. Given the inclusion of other educational facilities, it is considered that Fitzrovia West Neighbourhood Plan Policy PR4 does protect the existing language school on site.

Despite requests by officers, the applicant has failed to provide any information to demonstrate that the proposal meet either of the two exceptions within City Plan Policy 17(C).

The applicant has also not demonstrated that other community infrastructure and facilities would be suitable at the site, only addressing this in relation to primary or secondary educational floorspace (i.e. that require drop off points, outdoor space etc.). No justification for why other community infrastructure and facilities could not occupy the spaces has been provided

It is not uncommon for a number of other community infrastructure and facilities to operate on similar sites, including other types of tertiary education, health facilities, meeting places, places of worship, multi-use community facilities, etc. It is accepted that some of these would require planning permission.

For these reasons, it is concluded that the loss of this community infrastructure and facility is contrary to London Plan Policy S1, City Plan Policy 17 and Fitzrovia West Neighbourhood Plan Policy PR40

Proposed Office (Class E) Use:

City Plan Policy 2 sets out that within the West End Retail and Leisure Special Policy Area and TCROA, developments should work towards, "*Significant jobs growth through a range commercial-led development including retail, leisure, offices and hotel use.*"

Supporting text in para. 2.5 (page 35) states:

"The area around Tottenham Court Road station, which includes land both in Westminster and Camden, has been identified as an Opportunity Area in the London Plan. This is in recognition of the significant capacity for high quality new development that delivers new jobs and homes and an enhanced public realm, alongside transport improvements associated with the Elizabeth Line."

City Plan Policy 13 seeks new and improved office floorspace to facilitate jobs growth and notes that this is supported in principle in the:

"Parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character, including the West End Retail and Leisure Special Policy Area (WERLSPA) and Opportunity Areas;"

City Plan Policy 14 seeks the "*The intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses...*", while part C2 of this policy states "*The WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub...*".

The applicant has stated on the application form that the new office floorspace proposed is not expected to increase or decrease the number of employees on the site. This is unlikely to be the case, with employment in offices expected to be more dense than in an education facility.

As such, the proposed modest increase in office floorspace would go some way to meeting the office and growth targets set out in the London Plan and City Plan.

Land Use Conclusion

The benefits of the modest increase in office floorspace are not considered to outweigh the harm caused by the loss of the existing community infrastructure and community use from the site.

9.2 Environment & Sustainability

The change of use has no environmental or sustainability implications.

9.3 Biodiversity & Greening

The change of use has no biodiversity or greening implications.

9.4 Townscape, Design & Heritage Impact

The change of use has no townscape, design or heritage implications.

9.5 Residential Amenity

Council records do not indicate that there are any residential properties in proximity of the site. It does not appear that there are any residential properties opposite the site on the east side of Tottenham Court Road, in Camden. The change of use therefore has no implications on residential amenity.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager has assessed the application and raised no objection with the proposals in highways terms. They consider that the numbers of people coming and going to and from the site are not likely to change and it could not be much better served by public transport. Equally, they do not consider that the servicing needs of the site would alter significantly between the two uses.

Servicing and Waste & Recycling Storage

The Waste Project Officer has objected to the application on the basis that the waste details submitted are not in line with the council waste storage requirements and that storage areas are not shown on the proposed plans.

Had the application been considered acceptable, suitable waste storage details would

have been secured by condition.

Cycling & Cycle Storage

The Highways Planning Manager notes that the London Plan and City Plan would require 4 cycle parking spaces to be provided on site for the proposed use. However, he also notes the constraints of the site given its location on the upper floors of the building. As such, it is accepted that it would not be possible to provide cycle storage on site

9.7 Economy including Employment & Skills

The economic impacts are discussed within Section 9.1 of the report.

9.8 Other Considerations

During the determination of the application, the applicant suggested that the existing lawful use of the floorspace might not be its last use (i.e. a language school (Class F1)). If the applicant wishes to explore this issue further, it should be through the submission of a lawful development certificate.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

While the principle of the proposed office accommodation in this location is acceptable, the loss of the existing educational use has not been demonstrated to be in compliance with London Plan Policy S1, City Plan Policy 17 or Fitzrovia West Neighbourhood Plan Policy PR4 that provide protection for this existing use. It is not considered that the benefits of the proposed office use outweigh this policy conflict.

It is accordingly recommended that the application is refused.

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

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

11. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 1B - 1C Tottenham Court Road, London, W1T 1BB,
Proposal: Use of part ground and first to fourth floors as offices (Class E)
Reference: 22/01941/FULL
Plan Nos: BL_NH_001 Rev 3 ; BL_NH_002 Rev 3 ; BL_NH_003 Rev 3 ; BL_NH_004 Rev 3

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

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

Your plans would cause the loss of the existing Community Infrastructure and Facilities (language school, Class F1) which contributes to the character and function of this part of the Central Activities Zone. This would not meet Policy 17 of the City Plan 2019 - 2040 (April 2021) and not meet Policy PR4 of the Fitzrovia West Neighbourhood Plan, or Policy S1 of the London Plan (2021).

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, further guidance was offered to the applicant by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable.

However, the necessary amendments/information to make the application acceptable was not forthcoming. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- Demonstrate the acceptability of the proposals against City Plan Policy 17 and, if necessary, submit a detailed marketing report on the marketing exercises that have been undertaken that

would satisfy the requirements of Part C2 of this policy.

This marketing report will then need to be assessed by an independent third party to determine if the marketing that has been undertaken has been fair and reasonable, and that there is no longer a demand for the space. The cost of this third-party assessment must be covered by the applicant. Quotes from available relevant parties will be requested and reviewed during the application stage. ,

- Demonstrate the acceptability of the proposals against Fitzrovia West Neighbourhood Plan Policy PR4.

- 2 During the course of this application, the Council was advised that the lawful use of the site may be unclear. You are advised to consider submitting a suitable certificate of lawfulness to regularise the use should you consider this necessary and should you be able to accumulate and submit the necessary evidence to support these claims.

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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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 July 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Apartment 7.01, 9 Marylebone Lane, London, W1U 1DB		
Proposal	Installation of a roof terrace level with metal balustrades.		
Agent	DSDHA		
On behalf of	Mr Paul Coehlo		
Registered Number	22/02368/FULL	Date amended/ completed	7 April 2022
Date Application Received	7 April 2022		
Historic Building Grade	Unlisted		
Conservation Area	N/A		
Neighbourhood Plan	None relevant.		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application site is located on the eastern side of Marylebone Lane with frontages on Bourne Mews and Aldburgh Mews, an entirely residential mews to the immediate rear of the site. 9 Marylebone Lane, The Mansion, is a residential building, built pursuant to planning permissions granted in 2014. The application relates to an apartment building at level 7, a 3-bedroom penthouse apartment with a small balcony also at level 7. Permission is sought to install an internal stair to provide access to a roof terrace enclosure to the north-western corner of the building, through a hinge-open roof light. Existing PV panels are to be relocated onto the adjacent sedum roof.

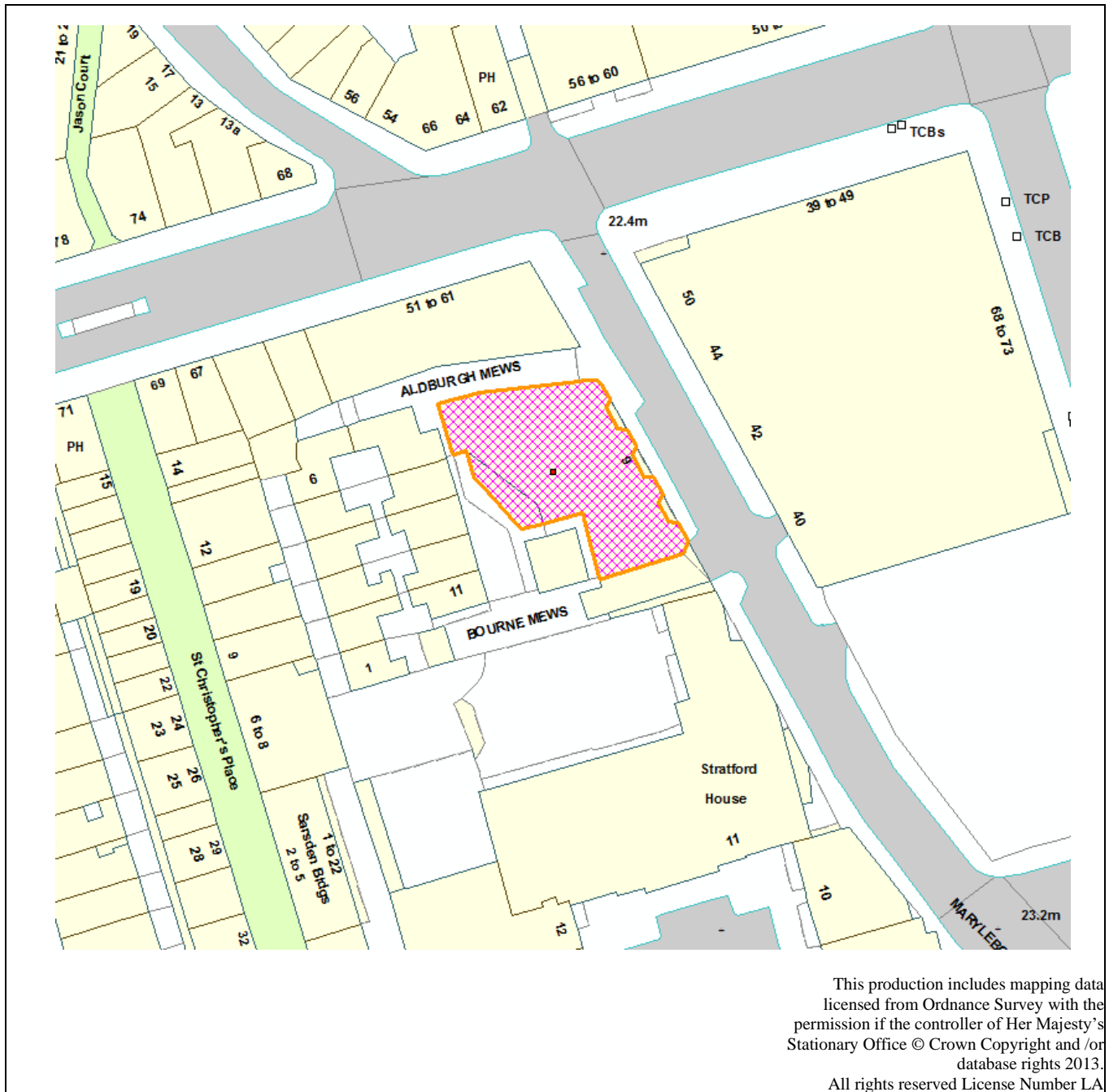
Objections have been received from neighbouring properties on the grounds of design, impact on amenity and impact during the course of construction.

The key issues in the determination of this application are:

- The impact of the works on the character and appearance of the building and adjoining Harley Street and Stratford Place Conservation Area;
- The impact of the roof terrace on the amenity of neighbouring properties;

For the reasons as discussed in the report, the proposals are considered in accordance with City Council policies as set out in the City Plan 2019-2040 with respect to land use, design and basement excavation and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





Views from Aldburgh Mews

5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR SCARBOROUGH

A roof terrace was never part of the original planning application and will look straight down onto the courtyard and overlook the houses on the west side removing any privacy for all.

MARYLEBONE ASSOCIATION

No response to date

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40;

Total No. of replies: 7 (from 5 respondents) raising the following objections:

Amenity

- * The proposal would breach Policy 7 (A) of Westminster's City Plan that requires development to be neighbourly, protecting and enhancing amenity such as preventing unacceptable impacts, including sense of enclosure, overshadowing, privacy, outlook and overlooking.
- * Loss of privacy both to the houses in Aldburgh Mews facing the building together with adjacent properties
- * Anyone on the terrace would have a 'Big Brother' view directly into the Mews and actually, directly into residents' homes, including bedrooms.
- * The terrace is an extremely large space that can accommodate significant seating together with a twelve-seater dining table. The potential for noise disturbance is completely unacceptable
- * The Mansion already has an overbearing appearance to Aldburgh Mews and this proposal will only serve to increase that overbearing presence
- * Loss of light
- * The properties in Aldburgh Mews already suffer significant disruption due to the poor existing design of The Mansion and this proposal only serves to increase the disruption to the enjoyment of the Mews by the residents.

Design

- * The proposal involves a further storey. The Mansion building had already reached its maximum height allowance which, in any event, have been limited to 6, not 7 stories
- * The proposal is for a shed-like structure add-on to a building that is already too high for the site, which would be obvious and unsightly
- * Section 3.9 of the proposal provides some 'VU City Views' and seeks to assert that "it is clear that the roof terrace enclosure is not visible from either of these views." Again, this is disingenuous 'spin' for the purpose of the application.
- * The proposals include a tree in a planter and lighting, all of which would draw the eye to this unnecessary afterthought.

Other matters

* There is absolutely no need for the owner of this penthouse to be given permission for another roof terrace, when he already has one and a balance must be struck between one owner's desire for a second roof terrace at a cost of £2m and the interests of the wider community, residents and neighbourhood.

* The extension to this building is not 'development' and it is not necessary.

* Disturbance during construction. Residents are still blighted by scaffolding on the Mansion, having lived with demolition, excavation and construction for the best part of a decade.

* Residents have been blighted by the development of The Mansion, and continue to be blighted by scaffolding, construction noise outside of lawful working hours, and Clivedale have not fulfilled all of their promises and obligations on the original build, including a promise to 'green-wall' the London Underground vent. There should be no application and certainly no permission until 'The Mansion' has complied with the previous promises they gave and the permission granted.

SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages householders carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. The applicant advised that through the Management Company, Clivedale London, all residents of The Mansion and neighbours at Aldburgh Mews have been consulted through the issue of a personally addressed letter with a design report explaining the proposal. It is understood that objections at this stage were raised on both disturbance from construction and loss of view and daylight/sunlight.

6. WESTMINSTER'S DEVELOPMENT PLAN**6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

9 Marylebone Lane is a residential building, on three basement levels, lower ground, ground and seven upper floors built pursuant to planning permissions granted in 2014 and completed circa 2019. It stands on the west side of Marylebone Lane between Bourne Mews and Aldburgh Mews. It is not in a conservation area but adjoins the Harley Street Conservation Area to the north, and the Stratford Place Conservation area to the south which also includes the Grade I listed Stratford House.

The building lies within close proximity to Aldburgh Mews, a residential mews containing 12 properties.

7.2 Recent Relevant History

Permission was granted on 10 April 2014 for the demolition of existing building and redevelopment to provide a building comprising lower ground, ground and seven floor levels, excavation to provide three sub-basement levels. Use of the building as 21 residential units, terraces at sixth and seventh floors, together with landscaping of existing access road, landscaped communal amenity space. Associated ancillary leisure facilities, car and cycle parking, mechanical plant and associated works at lower basement levels.

Whilst the development is now complete, the site has been subject to a number of complaints to the Enforcement Team, all of which have now been resolved.

8. THE PROPOSAL

The proposal is for the installation of a 17sqm roof level terrace, accessed via a hinge-open access rooflight. The terrace will be enclosed by part solid and part open metal balustrades and seating and storage is integrated into the design, as is a 2.5sqm planter.

9 existing PV panels are to be relocated onto the adjacent sedum roof.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The application does not raise any land use issues.

9.2 Environment & Sustainability

Sustainable Design

The proposals involve the relocation of nine PV panels which will sit on top of the adjacent existing sedum roof. Detailed design will ensure fixings are appropriate as to not impact the thriving of the roof or its biodiversity.

Light Pollution

The proposed lighting strategy is intended to be subtle and has been designed to be integrated into planters and benches. An informative has been included to remind the applicant to design the lighting so that it does not cause any nuisance for neighbours at night.

9.3 Biodiversity & Greening

City Plan Policy 34 states that, wherever possible, developments will contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. In order to increase the biodiversity of the roof, the terrace will be planted to attract wildlife. A sustainable planting mix will incorporate species that have been carefully selected to suit the micro-climate for low maintenance requirements and enhancements to local wildlife.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Detailed Design

9 Marylebone Lane is an unlisted building completed circa 2019. It stands on the west side of Marylebone Lane between Bourne Mews and Aldburgh Mews. It is not in a conservation area but adjoins the Harley Street Conservation Area to the north, and the Stratford Place Conservation area to the south which also includes the Grade I listed Stratford House.

The application site is at roof level on the north-west corner of the building and seeks permission for alterations to create a roof terrace. The existing roof is subdivided to provide areas for photovoltaic panels and living roofs, along with other mechanical plant associated with the building.

When the building was constructed, in design and heritage asset terms a key feature of it was to ensure it had minimal visual impact in views from Stratford Place towards Stratford House. The previous building on the site had a turret feature that was conspicuous on the skyline and which detracted from the setting of Stratford House. That has been removed as part of the redevelopment and the view along Stratford Place is thereby much improved. (See below).





This is a key point raised by an objector to the current application who notes in the committee report relating to the redevelopment of 9 Marylebone Lane that there was a requirement for a “silhouette that provided a level and symmetrical backdrop to Stratford House.” The objector is of the opinion that the proposal would add an unsightly box to the top of the building, that from any distance would appear as a shed, along with a tree in a planter and lighting all of which would draw the eye to what they believe is an unnecessary afterthought.

The objector also believes that the impact on the north facade would be unacceptable in design and heritage asset terms, further referencing the shed-like structure and its impact on the otherwise sleek roofscape which is visible in street-level views such as from Marylebone Lane.

The applicant has analysed the visual impact of the proposed roof terrace from various points and made use of 3D modelling software. However, the objector challenges the accuracy of the information provided.

In design and heritage assets terms, there is no evidence to support the assertion that the 3D modelling is inaccurate or misleading. The view from Stratford Place would be unaltered by the proposal, and there would only be very slight visibility of the roof terrace enclosure from distant views in Wigmore Street and Marylebone Lane. In these views the enclosure, which is formed principally of metal railings, would not appear incongruous or out of character with the building or its surroundings. While the terrace would be more obvious in views from the upper floors of taller surrounding properties, considering the existing appearance of the photovoltaic panels and other mechanical plant on the roof, the terrace would not appear incongruous or out of character with its immediate surroundings, and its detailed design has been created to ensure that it suits the appearance of the existing building.

The detailed design of the roof terrace is acceptable; it will suit the building and will

maintain the setting of the nearby conservation areas and listed buildings. This accords with city plan policies 38, 39 and 40. Nevertheless, in design and heritage asset terms it is essential that the terrace is not cluttered with paraphernalia that would detract from its surroundings, and this may be dealt with by condition.

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents, such as that of the proposals here, must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

Objections have been received from the occupants of five properties in Aldburgh Mews on the grounds that the proposed roof terrace would result in loss of privacy, daylight and unacceptable noise disturbance.

Privacy

There are views down to the properties in Aldburgh Mews from the existing balcony at seventh floor, and residents concerns about additional overlooking and loss of privacy are clearly understood. However, the proposed roof terrace is set back approximately 1.5m from the rear facade of 9 Marylebone Lane and would be 5 stories higher than the properties at the rear, and so there would be no line of sight to the windows and balconies in Aldburgh Mews. Section sight-lines have been submitted that demonstrate that, by way of the parapet height and the setback of the roof terrace from the building edge, the sight line is some way above the Aldburgh Mews buildings.

It is not considered that the scheme would result in any loss of privacy to residential windows in neighbouring properties.

Noise

Neighbouring occupiers have raised a number of objections on noise grounds and argue that noise currently cascades down from the Mansion, particularly when there are window cleaners, or when people in the Mansion open windows and play music.

Whilst officers accept that additional noise is likely to be created by the use of the existing flat roof as a terrace, it is unlikely that the noise levels associated with this proposal would be so significant as to justify refusal. The terrace is relatively modest in size with the useable area of the terrace (which excludes the access rooflight area) measuring some 4m by 4m. Whilst plans submitted with the application indicate that up to 12 people could be seated on the terrace, it is unlikely that significant numbers of people could be accommodated on the area. Further, there is a similar sized roof terrace at level 7, and there is no evidence of noise nuisance having been reported from this terrace. As such, it is considered that the proposal is unlikely to create noise nuisance which would significantly harm the amenity of the adjoining residential occupiers.

Consequently, it is not considered that the proposals could justifiably be recommended

for refusal on noise grounds.

Daylight & Sunlight and sense of enclosure

The proposals would not result in a material loss of light or increased sense of enclosure to any of the surrounding properties.

9.6 Transportation, Accessibility & Servicing

Not relevant in the determination of this application.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Construction impacts

With regards to concerns relating to the construction impact of the development, permission cannot be refused on the basis of construction impact given its temporary nature and ability to control it by condition. A condition is recommended that limits noisy construction to the City Council's standard construction hours and an informative is also recommended to encourage the applicant to join the considerate constructors scheme.

The applicant has also confirmed that all components required for construction, including the scaffolding will arrive in the apartment at level 07 through the service lift. The area of the roof terrace will be 'trimmed' out from the existing roof and scaffolding erected from level 7 within the apartment to a workable level above the roof (as temporary shelter). The delivery of materials/components will be on Marylebone Lane and other than the delivery of the materials/components. The applicant also confirms that they will produce a Construction Environmental Management Plan outlining how the project will avoid, minimise or mitigate effects on the environment and surrounding area. This would be circulated to residents throughout its development to take on board stakeholder concerns.

Fire Safety

In relation to Planning Gateway One, the application involves the development of an existing relevant building. The applicant has provided a Fire Statement, which has been produced by a suitably qualified third party assessor. It details how adequate means of escape is managed and what features and equipment will reduce fire risk/ mitigate fire.

Other issues

Concerns have been raised regarding compliance with original planning conditions,

including the greening of the London Underground vent and the erection of unlawful scaffolding. With regard to the green wall, although this was shown on the approved drawings there was no condition attached to the planning permission requiring that it had to be provided. While the applicant may still be intending to provide the green wall (subject to the agreement of LUL), it is not a requirement of the planning permission.

It is understood that the scaffolding which has been erected is required to undertake defect works. Scaffolding on the pavement does require a temporary structure license and this matter has been passed forward to the Highways licensing team.

Objections have also been received on the grounds that there is no need for this development, however, the application could not be reasonably refused for this reason.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

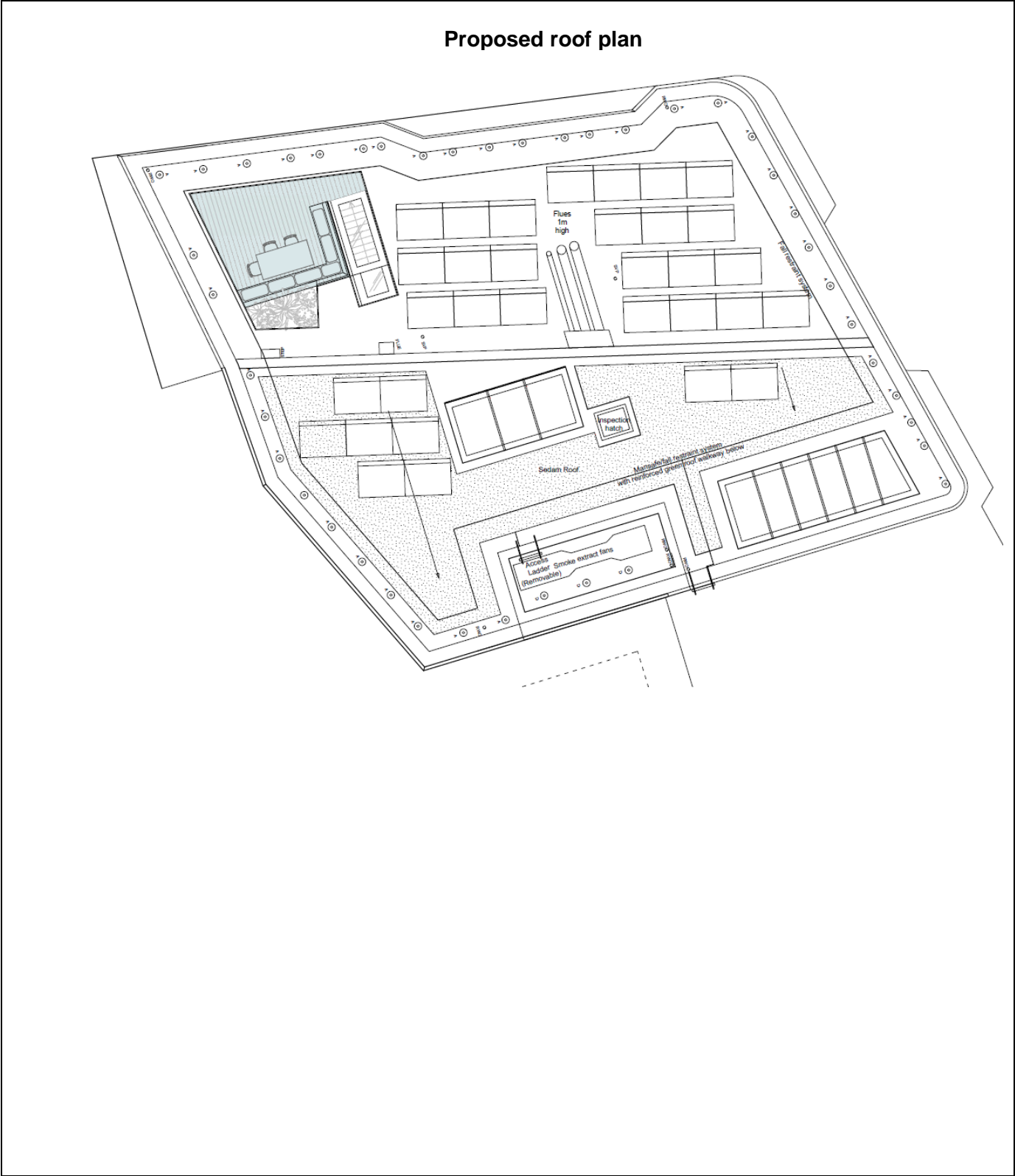
10. Conclusion

The detailed design of the roof terrace is acceptable in conservation and design terms and the proposals are not considered to harm surrounding residential amenity. As such, the proposal is considered acceptable, mindful of policies 7, 33, 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

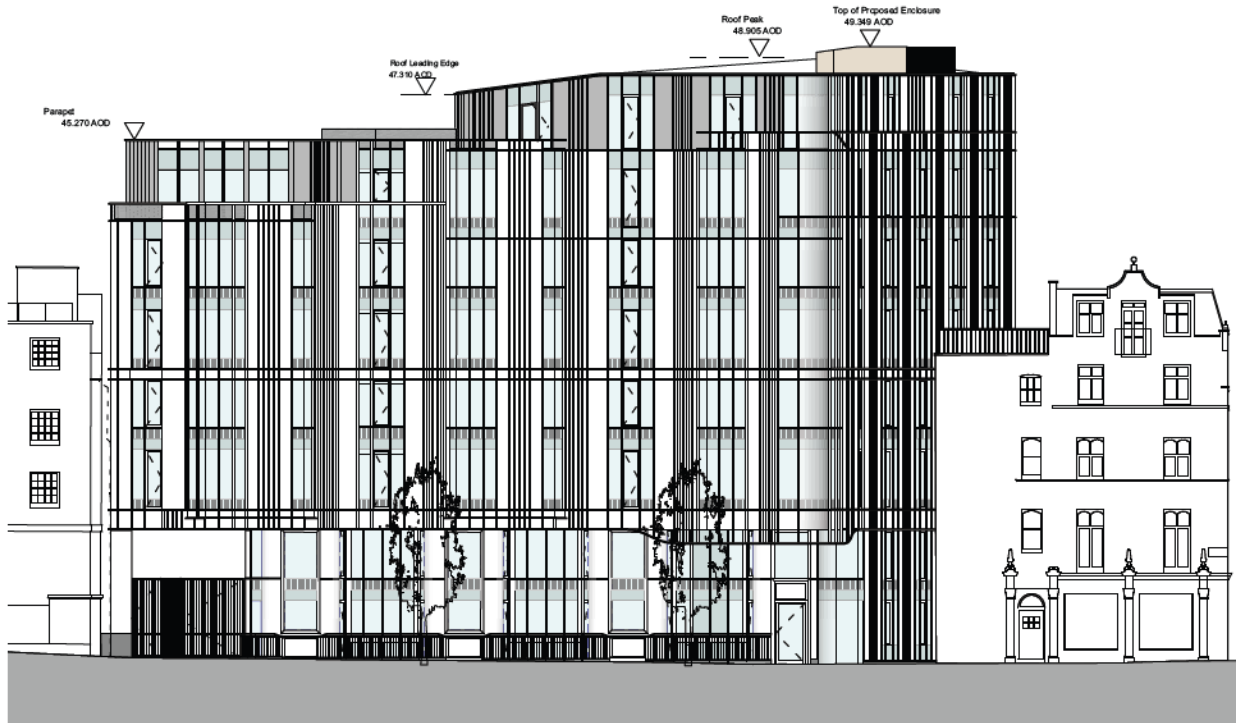
11. KEY DRAWINGS



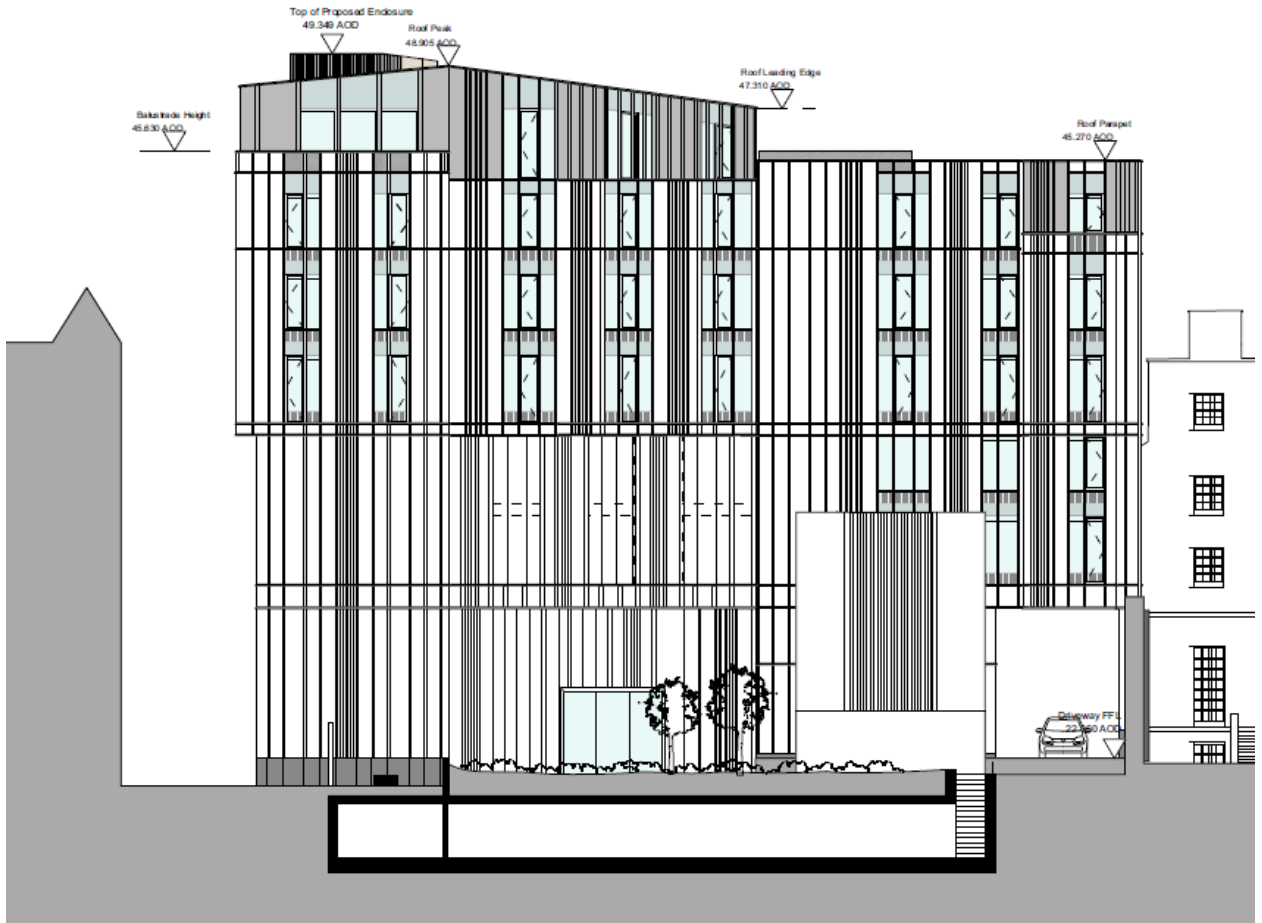
Proposed north elevation



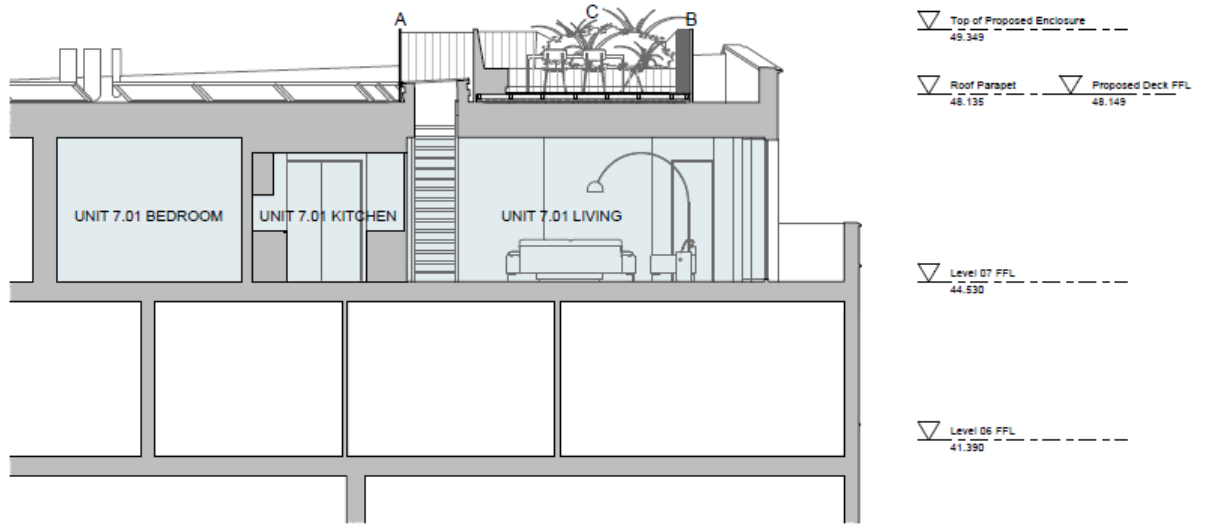
Proposed east elevation



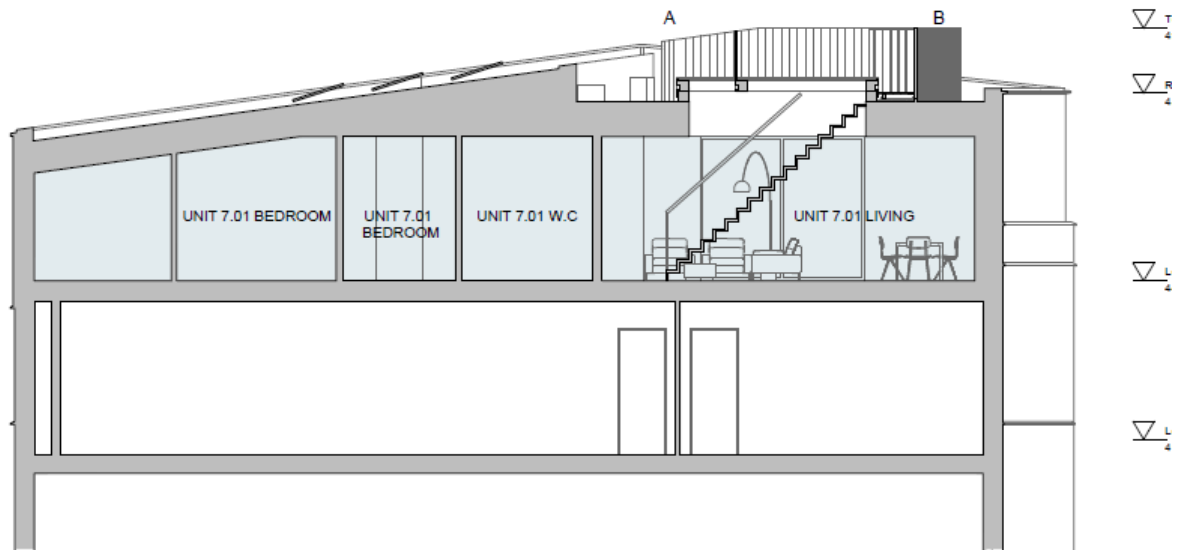
Proposed west elevation



Proposed sections

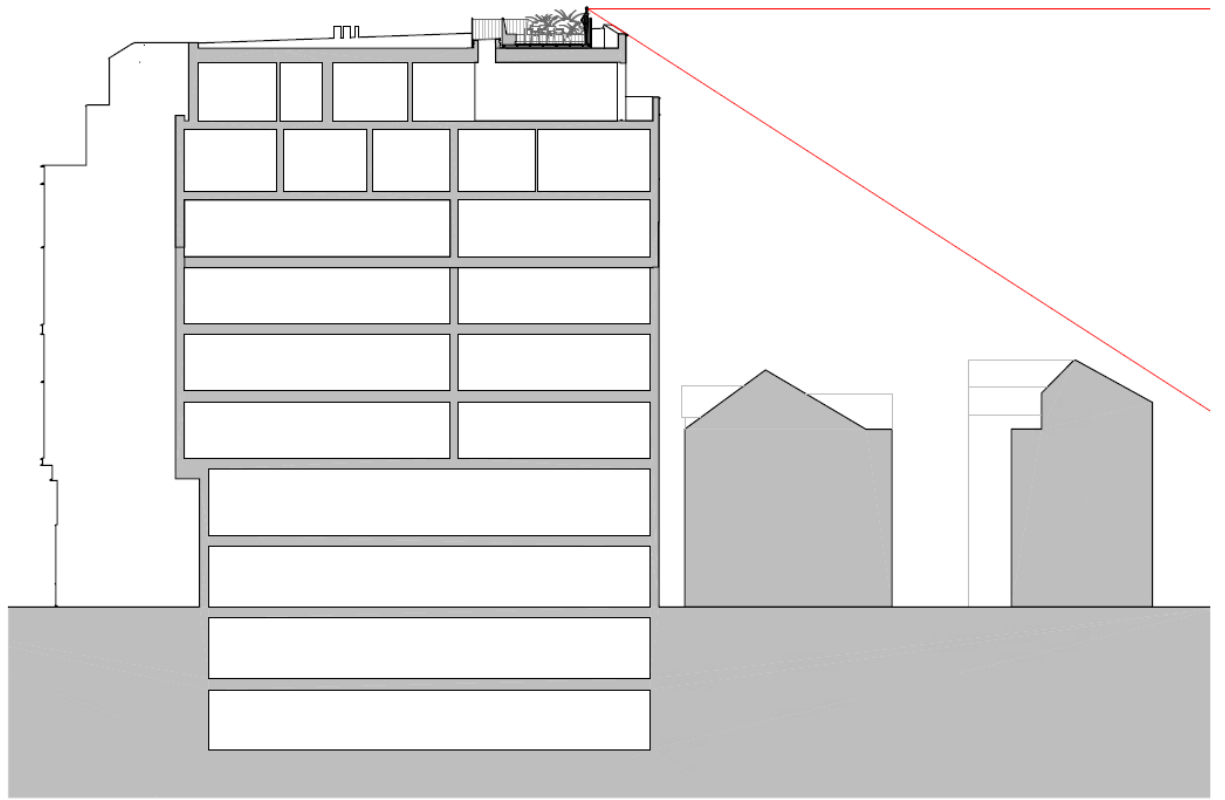


1 Proposed Section A-A
P40.001



2 Proposed Section B-B
P40.002

Section sight lines



DRAFT DECISION LETTER

Address: Apartment 7.01, 9 Marylebone Lane, London, W1U 1DB,
Proposal: Installation of a roof terrace level with metal balustrades.
Reference: 22/02368/FULL
Plan Nos: 337_P20.010, P30.001, P30.002, P30.003, P30.004, P40.000

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 5 You must not use the roof terrace until the PV panels have been relocated to the position shown on drawing 337_P20.010

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 3 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.

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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