



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 7th March, 2023

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
Md Shamsed Chowdhury
Ryan Jude



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, Georgina Wills, Committee and Governance Officer.

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the 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 familiarise yourself with the process prior to joining the remote meeting.

(Pages 5 - 10)

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/about-council/democracy/stream-council-meetings>

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

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|--|------------------------------|
| 1. 6 BEDFORD STREET, LONDON, WC2E 9HZ | (Pages 15 - 22) |
| 2. 29 GREAT PETER STREET, LONDON, SW1P 2LW | (Pages 23 - 34) |
| 3. HARLEY STREET UNDERGROUND CAR PARK,
QUEEN ANNE MEWS, LONDON, W1G 9HF | (Pages 35 - 46) |
| 4. GARAGES AT DEVONSHIRE ROW MEWS, LONDON | (Pages 47 - 68) |
| 5. DEVELOPMENT SITE AT 47-50 POLAND STREET AND
54-57 GREAT MARLBOROUGH STREET, LONDON | (Pages 69 -
112) |
| 6. BASEMENT AND GROUND FLOOR, 79 WILTON ROAD,
LONDON, SW1V 1DL | (Pages 113 -
134) |
| 7. DORSET HOUSE, GLOUCESTER PLACE, LONDON,
NW1 5AH | (Pages 135 -
154) |

**Stuart Love
Chief Executive
24 February 2023**

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 24th January, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Paul Fisher (Chair), Nafsika Butler-Thalassis, Md Shamsed Chowdhury and Barbara Arzymanow

Also Present: Councillors Jessica Toale and Tim Mitchell.

1 MEMBERSHIP

- 1.1 That Councillor Nafsika Butler-Thalassis was substituting for Councillor Ryan Jude
- 1.2 There were no further changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Paul Fisher 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. The Sub-Committee would be adjourned to allow Members to read late representations that had been submitted prior to the meeting.
- 2.2 Councillor Fisher advised that Item 1 had been deferred to a site visit to both the applicants and objectors' properties at the last Planning Application Sub-Committee (1) on 1 November 22. He declared that the site visit took place on 18 January 23 and both Councillor Barbara Arzymanow and himself

had attended. The site visit included viewing the roof terrace and objectors' properties. Councillor Fisher advised that Councillor Patrick Lilley had made representation on the Item, and both were members of the Majority Group.

He declared that in respect of Item 2, Councillor Jessica Toale was making representation in her capacity as a resident and informed that they were both friends, Ward Colleague, and members of the Majority Group.

He also declared that a representation had been made by a member of the Convent Garden Community Association and stated that he had previous dealings with the individuals. He also informed that he was previously a trustee for the Convent Garden Area Trust and was a member.

He further declared in respect to Item 6, Councillor Geoff Barraclough held an interest in the application site and informed they were both members of the Majority Group.

- 2.3 Councillor Md Shamsed Chowdhury declared that in respect of Item 1, he had sat on the Planning Sub-Committee which previously considered the Application. Councillor Chowdhury advised that Councillor Patrick Lilley and himself were both members of the Majority Group.
- 2.4 He advised that in respect of Item 2, Councillor Jessica Toale and himself were both members of the Majority Group and in respect of Item 6, Councillor Geoff Barraclough was also a colleague.
- 2.5 Councillor Nafsika Butler-Thalassis made the same declaration and advised that in respect of Item 6, she had held discussions with the Applicant about the application and would leave the meeting whilst the Item was being considered.
- She also declared that in respect of Item 1, Councillor Patrick Lilley and herself were members of the Majority Group
- 2.6 Councillor Barbara Arzymanow declared in respect of Item 1 she had attended a site visit with Councillor Paul Fisher and this included viewing one of the objectors' properties.

She also declared that in respect of Items 2, 3 and 4, Councillor Tim Mitchell was making representations and informed that they were both members of the Minority Group.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 1 November 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

The Chair agreed to hear the applications in the following order Items 6,1,2,3,4 and 5.

1 APARTMENT 7.01, 9 MARYLEBONE LANE, LONDON, W1U 1DB

Creation of a roof terrace at main roof level with metal and timber balustrades, roof access hatch and planter and relocation of photovoltaic panels and satellite dish to adjoining green roof.

An additional representation was made by Councillor Paul Fisher following a site visit. (18.01.23).

RESOLVED UNANIMOUSLY

That conditional permission be granted.

2 6 BEDFORD STREET, LONDON, WC2E 9HZ

Use of ground floor and basement as public house (sui generis). External and internal alterations including new entrance doors and modifications to windows/ shopfronts including installation of awnings; replacement ventilation system and installation of plant.

Additional representations were received from the TheNorthbankBID (19.01.23) and the Covent Garden Community Association (18.01.23).

Late representations were received from the Covent Garden Community Association (24.01.23), (24.01.23) & (24.01.23), The Welcome People (24,01.23) resident (24.01.23), Incentive FM Ltd (23.01.23) and Capital & Counties CG Limited (20.01.23)

Carl Stott addressed the committee in support to the application.

Andrew Hicks addressed the committee in objection of the application.

Councillor Jessica Toale addressed the committee in her capacity as resident in objection to the application.

Elizabeth Bax, Covent Garden Community Association addressed the committee in objection of the application.

Councillor Tim Mitchell in his capacity as Ward Councillor addressed the committee in objection of the application.

RESOLVED UNANIMOUSLY

That the application be refused.

Reason

Excessive size and type of use (public house) would be harmful to local residential amenity and local character.

3 APPLICATION 1: 29 GREAT PETER STREET, LONDON, SW1P 3LW

Application 1: Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).

A late representation was received from Gerald Eve LLP (19.01.22)

Joe Ibitson addressed the committee in support of the application.

Nick Brindley addressed the committee in support of the application.

Nadine MacPherson addressed the committee in objection of the application.

Neil Jackson addressed the committee in objection of the application.

Councillor Tim Mitchell in his capacity as Ward Councillor addressed the committee in objection of the application.

RESOLVED UNANIMOUSLY

That the Application be deferred until Applicant provides further information on the frequency of use of the emergency generator exhaust flue given local resident comments that it regularly operates during power trips.

4 APPLICATION 2: 29 GREAT PETER STREET, LONDON, SW1P 3LW

Application 2: Installation of five condenser units and acoustic enclosure, acoustic canopy and acoustic sound absorbent panels within external sunken lightwell (part retrospective).

Joe Ibitson addressed the committee in support of the application.

Nick Brindley addressed the committee in support of the application.

Nadine MacPherson addressed the committee in objection of the application.

Neil Jackson addressed the committee in objection of the application.

Councillor Tim Mitchell in his capacity as Ward Councillor addressed the committee in objection of the application.

RESOLVED UNANIMOUSLY

1. That conditional permission be granted.

2. That an additional Condition be included which requires a post commissioning report.

5 6 THE LANE, LONDON, NW8 OPN

Demolition of rear of building including extensions; construction of new part-one, part-two storey side and rear extension, excavation of a basement, construction of new front porch, reduction and reconfiguration of size of existing outdoor swimming pool, construction of new out building in rear garden, installation of air source heat pump system in garden. Construction of a new garden wall and associated Landscaping.

The presenting officer tabled the following changes to the Draft Decision Notice and additional Conditions.

Item 5 - 6 The Lane, London, NW8 OPN

Report Clarification

Summary and Key Considerations (Section 2 of report) to read:

Objections have been received from 9 residents and the St John's Wood Society on the grounds of overdevelopment, detailed design, impact on symmetry of buildings and impact on the St John's Wood Conservation Area, the bulk and massing of the extension resulting in impact on amenity including loss of sunlight/daylight to neighbouring buildings and overlooking, noise and disruption during the course of works and the impact on trees.

This paragraph originally referenced 4 objections were received and that there was an impact to adjacent listed buildings, where there are no listed buildings adjacent.

Conclusion (Section 10 of report) to read:

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 and 45 of the Westminster City Plan 2019-2040 (April 2021). The proposals are considered to preserve the appearance of the host property and contributes to the character and appearance of the St Johns Wood Conservation Area, a designated heritage asset. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Minor Changes/ Additions to Decision Notice:

Condition 13 to read:

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

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the

approved details and thereafter retain and maintain in accordance with the approved management plan.

Addition of Condition 15 to read:

You must apply to us for approval of detailed drawings at a scale of 1:20 and 1:5 of the following parts of the development:

- all new windows, doors, rooflights and in the case of the rooflights their method of opening.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Henri Bredenkamp addressed the committee in support of the application.

Farid Alizadeh addressed the committee in objection of the application.

Sophie Raibin addressed the committee in objection of the application.

Natalia Tsupryk addressed the committee in objection of the application.

Ludovico Zanette addressed the committee in objection of the application.

RESOLVED UNANIMOUSLY

That conditional permission as amended subject to additional conditions be granted.

6 FLAT 44, ASHWORTH MANSIONS, ELGIN AVENUE, LONDON, W9 1JP

Replacement of sash windows with new timber double glazed sash windows.

RESOLVED UNANIMOUSLY

That conditional permission be granted

The Meeting ended at 10.10 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 7th March 2023
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<u>Addendum Report</u> RN(s): 22/01873/LBC St James's	6 Bedford Street London WC2E 9HZ	External and internal alterations, including new entrance doors and modifications to windows/ shopfronts; installation of awnings and replacement ventilation system and plant.	JD Wetherspoon PLC
	Recommendation 1. Grant conditional listed building consent. 2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
2.	<u>Addendum Report</u> RN(s): 22/01194/FULL St James's	29 Great Peter Street London SW1P 3LW	Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).	Sapphire Alpha Ltd
	Recommendation Grant conditional permission.			
3.	<u>Addendum Report</u> RN(s): 22/01045/FULL Marylebone	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.			
4.	RN(s): 22/06882/FULL West End	Garages At Devonshire Row Mews London	Use of lower ground and ground floor level as Class E (e) medical space and/or Class E (g) (ii) research and development facility. External alterations including alterations to the fenestration and access arrangement at ground floor level along the Devonshire Row Mews frontage, installation of plant and associated enclosures, grilles and access, installation of roof lights and associated works.	The Howard de Walden Estate
	Recommendation Grant conditional permission.			
5.	RN(s): 22/04419/FULL West End	Development Site At 47-50 Poland Street And 54-57	Variation of condition 1 of planning permission dated 06 February 2020 (RN:18/10886/FULL) for Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with	Marlborough Properties Co Ltd

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 7th March 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

		Great Marlborough Street London	<p>louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works; NAMELY, to enable design amendments including alterations to the detailed design of the new facades; reconfiguration of the entrances and routes through the ground floor level of the building; the introduction of a mezzanine level at basement level 02 and internal alterations to introduce additional firefighting cores. (Application under Section 73 of the Act).</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to deed of variation to the original S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. Dedication of land as public highway. ii. A walkways agreement iii. S106 monitoring costs. <p>2. If the deed of variation has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				
Item No	References	Site Address	Proposal	Applicant
6.	<p>RN(s): 22/06456/FULL</p> <p>Pimlico North</p>	<p>Basement And Ground Floor 79 Wilton Road London SW1V 1DL</p>	<p>Use of basement and ground floors as restaurant/hot food takeaway (sui generis) with installation of extraction flue system to rear.</p>	Mr Sayed
<p>Recommendation Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 7th March 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

7.	RN(s): 19/05968/FULL 19/05969/LBC Regent's Park	Dorset House Gloucester Place London NW1 5AH	Installation of replacement double-glazed windows and doors (Proposal A) (Linked to 19/05969/LBC)	Dorset House Residential Limited
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree reasons for granting listed building consent as set out in Informative 1 of the draft decision letters.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Addendum Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	6 Bedford Street, London, WC2E 9HZ		
Proposal	External and internal alterations, including new entrance doors and modifications to windows/shopfronts; installation of awnings and replacement ventilation system and plant.		
Agent	Nineteen47 Ltd - Carl Stott		
On behalf of	JD Wetherspoon PLC - Simon Barratt		
Registered Number	22/01873/LBC	Date amended/ completed	10 November 2022
Date Application Received	10 March 2022		
Historic Building Grade	Grade II		
Conservation Area	Covent Garden		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

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

2. SUMMARY & KEY CONSIDERATIONS

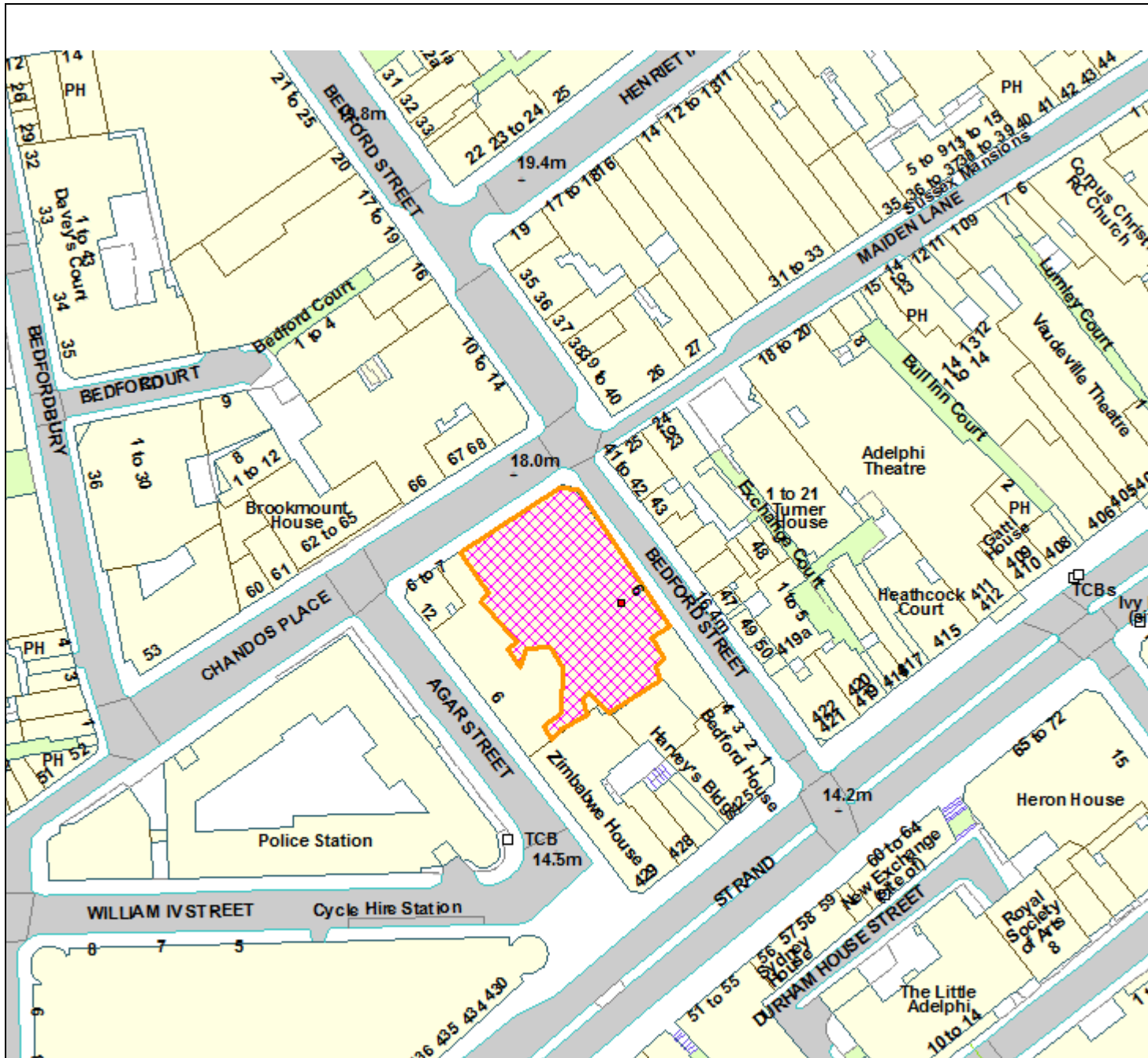
This application was discussed by members at the Planning Applications Sub-Committee meeting on 24 January 2023 but, because the debate was principally focussed on the issues raised by the planning application (22/01596/FULL) which Sub-Committee resolved to refuse (due to the harmful impact of the proposed public house use on residential amenity and local character), members' decision on the listed building consent application was not recorded in the minutes.

Planning and listed building consent applications are considered under separate legislative regimes. When considering a listed building consent application, the key consideration is the impact the

physical alterations will have on the heritage significance of the listed building, which in this case is minimal. The proposed use of the building is not controlled through this legislative regime but through the planning application which Sub-Committee has resolved to refuse.

The listed building consent application is therefore reported back to Sub-Committee so that members' decision on this application can be formally recorded.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultation

None since last reported to Sub-Committee

(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: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk

DRAFT DECISION LETTER – Listed building Consent

- Address:** 6 Bedford Street, London, WC2E 9HZ
- Proposal:** External and internal alterations, including new entrance doors and modifications to windows/ shopfronts; installation of awnings and replacement ventilation system and plant.
- Reference:** 22/01873/LBC
- Plan Nos:** 7695 PL-001A; 7695 PL-002A; 7695 PL-004A; 7695 PL-005A; 7695 PL-007; 7695 PL-008; 7695 PL-009; 7695 PL-101A; 7695 PL-201B; 7695 PL-301B; 7695 PL-302B; 7695 PL-303; 7695 PL-304; 7695 PL-305; 7695 PL-306A; 7695 PL-307; 7695 PL-308; 7695 PL-309; M0002_0 10.2.2022; M001_R1 13.5.22; JDH002M_0 13.5.2022.

For Info:

Planning Statement (March 2022); Design and Access Statement (February 2022); Cover Letter (1 March 2022); Heritage Assessment (February 2022).

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

Recommended Condition(s) and Reason(s)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of details of the following parts of the development:
- i) new entrance doors and side frames (scale at 1:10 including sections)
 - ii) shopfront including raised and fielded panel (scale at 1:10 including sections)
 - iii) photographic schedule and manufacture specifications of the faience tiles

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Alteration to awnings to ensure a minimum vertical clearance of 2.3 metres at the building face and 2.14 elsewhere and a minimum horizontal clearance from the kerb edge.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the

NPPF.

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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

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

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

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.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	29 Great Peter Street, London, SW1P 3LW		
Proposal	Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).		
Agent	Gerald Eve		
On behalf of	Sapphire Alpha Ltd		
Registered Number	22/01194/FULL	Date amended/ completed	16 May 2022
Date Application Received	16 May 2022		
Historic Building Grade	Unlisted		
Conservation Area	Smith Square		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application was presented to the Planning Applications Sub-Committee on 24 January 2023 where members resolved to defer the application, for the applicant to provide further information on the frequency of use of the emergency generator exhaust flue following a neighbouring residents comments that it regularly operates during power trips.

The exhaust flue serves the emergency generator which is required in the event of an emergency to operate the life safety system power supply for the building, such as a fire or loss of power. In addition it is operated for maintenance testing, for 15 minutes twice a year. However, the

neighbouring resident states that the generator has come into use when there are short power cut/voltage dips which occurred approximately 10 times within a 6 month period in 2022, and that when in use it releases noxious and harmful fumes that linger beyond the 15 minutes that the generator has been in use.

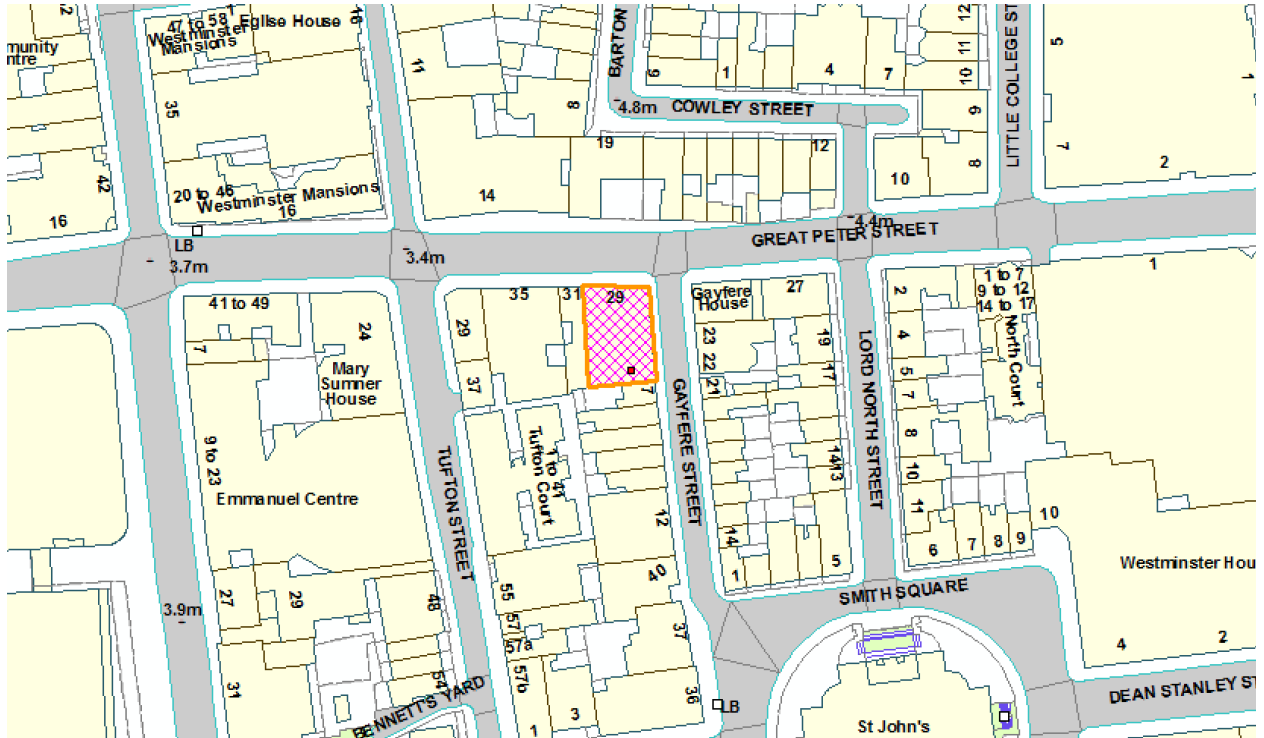
Following the committee the applicant has spoken to the neighbour and has carried out a series of investigations into the use of the generator. A report has been submitted of their findings and how it will be managed going forward.

The applicant has confirmed that the generator has come into operation 22 times since its installation in 2019, which includes the installation and commissioning phases, and during neighbourhood consultations. Recently, the generator has been triggered on a number of occasions due to how it has been set up and responded to power/voltage dips.

In order to overcome this issue, the applicant is proposing to reprogram the generator so that it is less sensitive to short term power dips – by increasing the voltage threshold at which it will come into operation. They are also proposing to increase the time delay of when the generator would operate in the event of a power dip/outage (to provide power within 15 seconds, the maximum allowed under BS9999). This will reduce the instances when it would come into operation due to power dips or momentary power outages. It is the applicant's intention to keep a log book of all instances that the generator is used. They have also reaffirmed their commitment to change the fuel source of the emergency generator from red diesel to hydrotreated vegetable oil, which will reduce the emissions. It is recommended that these measures are secured by condition.

Environmental Health raise no objection to the proposal on noise or air quality grounds. The application is therefore recommended for approval subject to the conditions set out in the draft decision notice and is reported back to you for determination.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

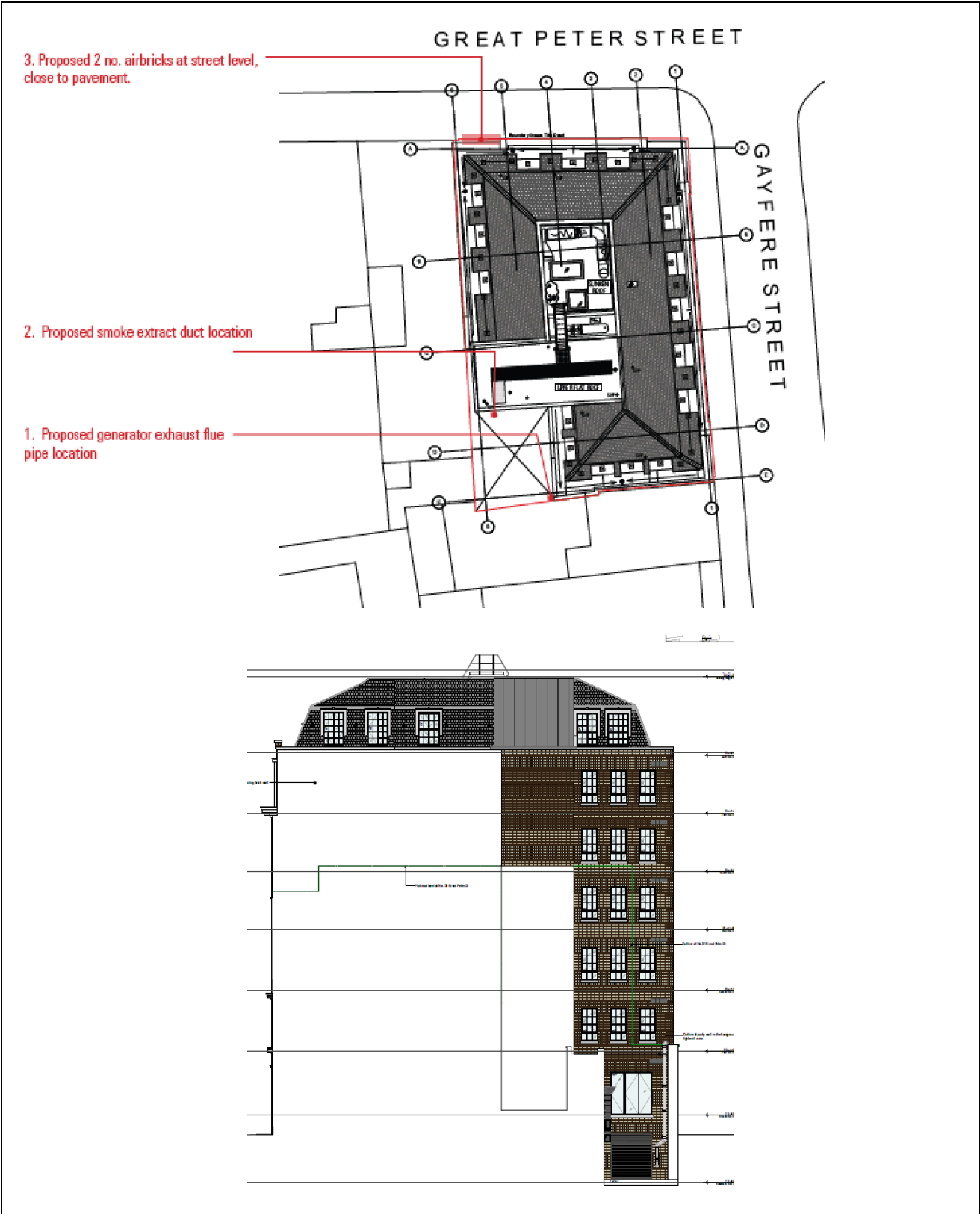
ENVIRONMENTAL HEALTH

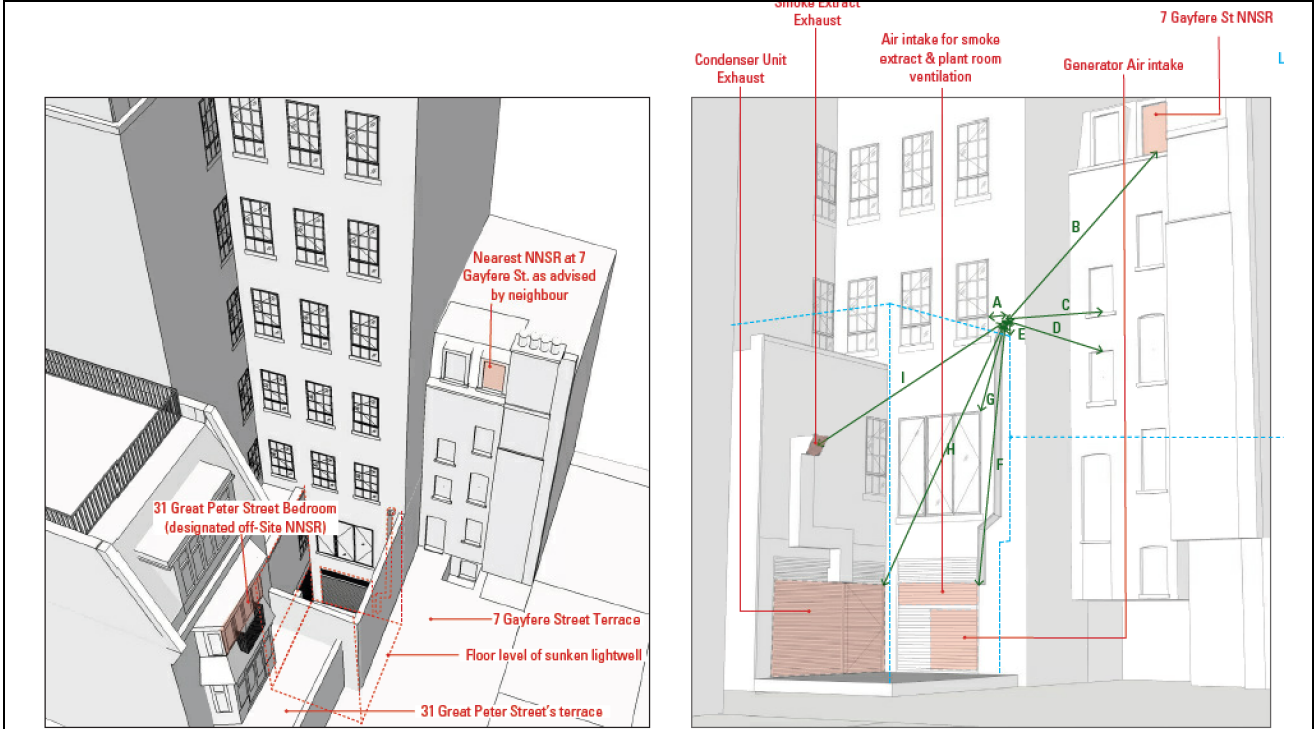
Any further response to be reported verbally.

(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: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

8. KEY DRAWINGS





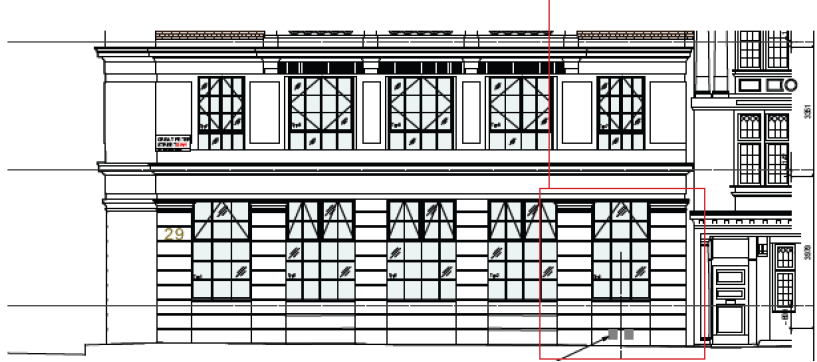
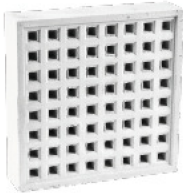
Rear sunken lightwell



Generator exhaust flue



Smoke extract duct



Air bricks to Great Peter Street

DRAFT DECISION LETTER

- Address:** 29 Great Peter Street, London, SW1P 3LW
- Proposal:** Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).
- Reference:** 22/01194/FULL
- Plan Nos:** Site location plan; 831-GAB1-P1; 831-GE01-P11; 831-GE03-P5; 831-GE04-P9; 831-GAB1-P2; 831-GE01-P13; 831-GE03-P6 and 831-GE04-P11. Emergency Plant Acoustic Report from Bickerdike Allen Ref:A11350_00_RP005_3.0 dated 21 April 2022; Air Quality Assessment from Aether Ref: AQ Assessment /2022/Great Peter Street version 4 dated 14 April 2022 and Document Reference: B.01 - Generator Use Planning Response dated 17.02.2023 by HdAr. For information: Design and Access Statement dated February 2022.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641
07866037964

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 , onot 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	No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)
	Reason: To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)
4	The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises. (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation. (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour every 6 months, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. Neighbouring residents (7 Gayfere Street, 31 Great Peter Street and tenant representative of Tufton Court) shall be given advance notification of 10 working days of any scheduled maintenance visit.
	Reason: Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)
5	You must install the acoustic attenuation measures shown on the approved drawings and as set out in Section 4.6 of the Emergency Plant Acoustic Report from Bickerdike Allen Ref:A11350_00_RP005_3.0 dated 21 April 2022 within 3 months from the date of this decision. You must then maintain the attenuation measures in the form shown and as specified for as long as the machinery remains in place.
	Reason: To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)
6	You must carry out the following measures as set out in Section 4 of Document

	Reference: B.01 - Generator Use Planning Response dated 17.02.2023 by HdAr: a. Reprogram the threshold of the emergency generator to decrease the sensitivity of the generator to stop it erroneously operating; b. Reprogram the delay in which the emergency generator operates to ensure it is capable of providing power within 15 seconds; c. the fuel source of the emergency generator to be hydrotreated vegetable oil only. These measures shall be carried out within 3 months from the date of this decision and you must maintain them as specified for as long as the machinery remains in place, unless otherwise agreed in writing by us. A log book shall be kept of all instances that the emergency generator is used.
	Reason: To protect neighbouring residents from air pollution, noise and vibration nuisance, as set out in Policies 7, 32 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)
7	All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)
	Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
8	You must finish the ductwork in grey and the air bricks in a colour to match the material next to it. You must then keep it that colour thereafter. (C26FA)
	Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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 contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
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

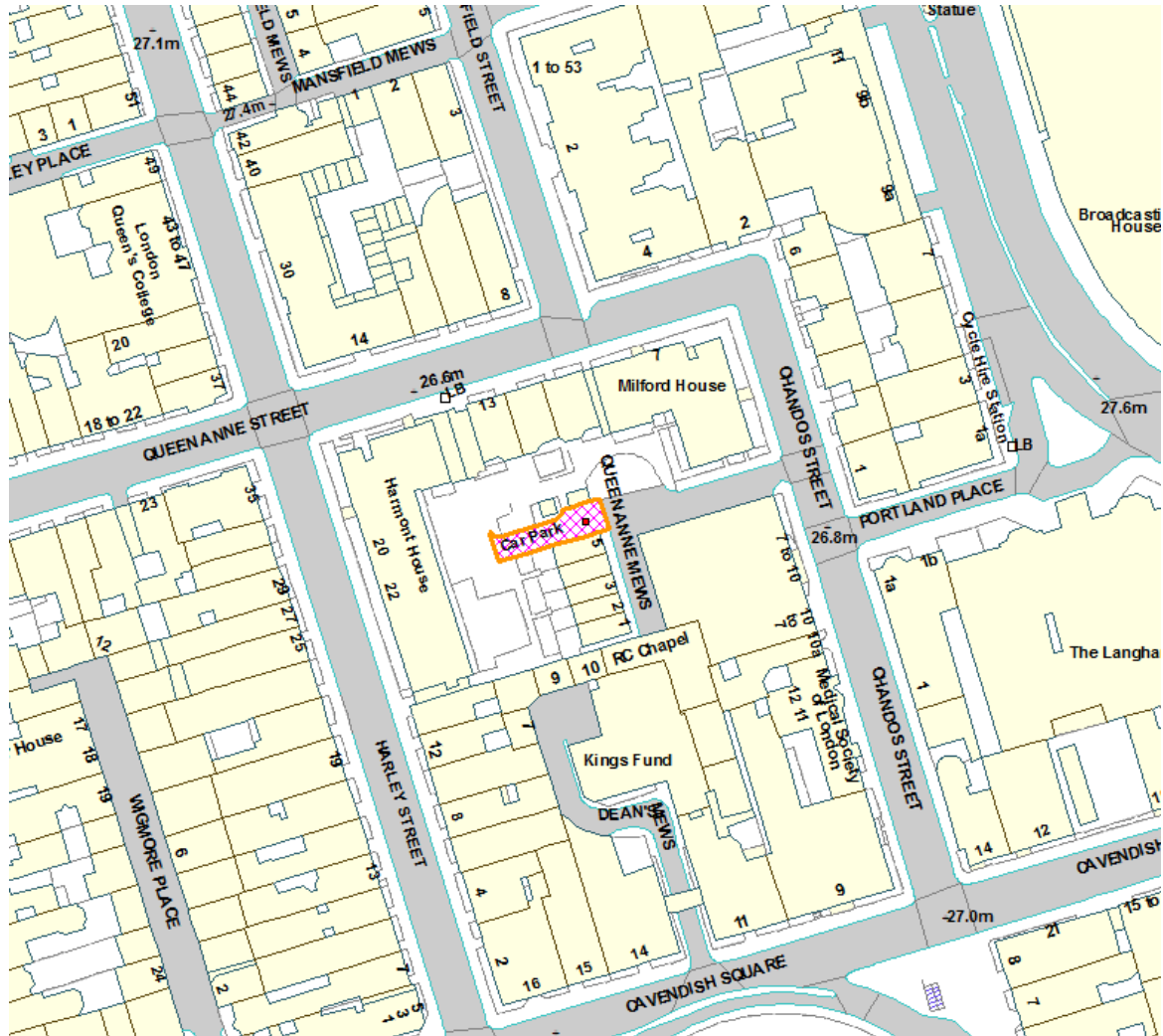
2. SUMMARY & KEY CONSIDERATIONS

This application was reported to the Planning Applications Sub-Committee on 26 July 2022.

Committee resolved to defer the application as the Committee requested further information in relation to fire safety, servicing, staff code of conduct and an overview of a recent application involving a storage facility within a car park under Sherwood Court (109-119 Seymour Place).

Having regard to the additional information received, it is considered that the proposal, with conditions, is still acceptable in land use, highways and fire safety 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

LATE REPRESENTATIONS RECEIVED AND REPORTED TO COMMITTEE ON 26 JULY 2022

Two letters/emails of objections on the following grounds:

- Noise associated with the proposed operation, vehicle movements and from staff talking.
- Supply of alcohol from the site has the potential to increase anti-social behaviours.
- Use inappropriate to the character and function of the area
- Ability for waste to be collected given height restriction

CONSULTATIONS AFTER ITEM REPORTED TO COMMITTEE ON 26 JULY 2022

LONDON FIRE BRIGADE

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

6. BACKGROUND INFORMATION

This application was reported to the Planning Applications Sub-Committee on 26 July 2022. Committee resolved to defer the applications as the Committee requested further information with respect to:

- 1) A Fire Statement with specific reference to storage of a lithium batteries to be reviewed by London Fire Brigade.
- 2) Confirmation as to whether it is possible to condition that vehicles delivering goods to site are electric vehicles only.
- 3) Staff code of conduct.
- 4) Details of the fire safety concerns raised by London Fire Brigade on a planning application within the car park under Sherwood Court 109-119 Seymour Place (ref: 22/01715/FULL).

Each of the above are discussed in turn below:

Fire Safety

Whilst the subject of fire safety is covered by Part B of the Building Regulations, the NPPF refers to the fact that planning decisions should 'take into account wider security and defence requirements by anticipating and addressing possible malicious threats and natural hazards'.

London Plan Policy D12 requires that 'all development proposals must achieve the highest standards of fire safety'. New developments should incorporate fire safety solutions and represent best practice in fire safety planning in both design and

management.

Committee requested further details to be submitted with respect to fire safety with specific reference to storage of a lithium batteries to be reviewed by London Fire Brigade.

Following the Planning Applications Sub-Committee on 26 July 2022, the Applicant submitted a Fire Statement for the proposed development considering the following:

- Use and risk profile;
- Occupancy assessment;
- The building's construction method and products and materials used;
- Means of escape for all building users and evacuation strategy;
- Passive and active fire safety measures;
- External fire spread;
- Fire appliance and assembly points outside space; and
- Firefighting access and equipment.

With regards to the storage of lithium batteries, the Fire Report notes that the facility will be provided with an overnight parking area for ten e-bikes. Battery charging racks will be located opposite the e-bikes but within the same area. Approximately eight 'Super Soco CPX batteries' will be charged simultaneously.

The Fire Report states that the charging area has the same risk profile (A3) as the rest of the storage and delivery facility; therefore, no compartmentation is required between these areas as per BS 9999 guidance.

However, as an additional fire safety measure, they have recommended that the e-bike/e-scooter area be enclosed in 60 minutes fire resistance walls and doors with smoke seals.

Additionally, they have recommended that the chargers should be installed and maintained, and the batteries maintained in accordance with manufacturer's guidelines.

Following receipt of the Fire Statement, London Fire Brigade were consulted on 01 November 2022. Despite multiple emails from officers following the expiry of the consultation period, no consultation response has been received. Whilst it is unfortunate, fire matters have been fully considered by an appropriately qualified engineer and additional fire measures, as set out above, have been incorporated into the proposal since the application was last considered. Building Control have also been consulted on these measures and their response will be reported verbally at the committee meeting. An informative has been included requiring the Applicant to secure all relevant permissions from the Fire Authority and District Surveyor prior to opening the premises.

Servicing

Committee members requested confirmation as to whether it is possible to condition that vehicles delivering goods to site are electric vehicles only.

The Applicant has stated that Getir cannot accept a condition for inbound deliveries to be electric vehicles only as they do not currently have electric vehicles as part of their goods in delivery fleet. Getir have a long term aspiration to turn fully electric, but this is

not practically possible at this moment and therefore cannot be offered up on a site by site basis as it would make the operation unviable. The Applicant is however satisfied to accept a condition requiring all customer delivery vehicles from the premises to be electric.

Whilst Getir's existing fleet arrangement is regrettable, it is likely that there would be a reduction of motorised vehicles overall when considering the unrestricted vehicle generation potential of the existing lawful use.

Staff Code of Conduct

Committee members requested that further information is submitted to the Council in respect to the staff code of conduct. The Applicant has stated that Getir are willing for the letter on staff code of conduct to form part of the requirements for the operational management plan, in accordance with recommended conditions.

Car park under Sherwood Court 109-119 Seymour Place

Committee members requested further details in relation to the fire safety concerns raised by London Fire Brigade as part of a planning application within the car park under Sherwood Court 109-119 Seymour Place.

An Enforcement Notice was served requiring the cessation of use of part of the car park as a delivery hub for the storage, collection and return of mopeds for hot food delivery as well as the removal of items associated with the use.

As part of the enforcement investigation, London Fire Brigade visited the property which was still in use at the time and carried out a risk assessment which, in summary, found that:

- The fire risk assessment had not been reviewed in relation to the storing or charging of lithium ion batteries.
- The compartmentation between the electrical cupboard and the car port area had not been effectively planned.
- The training of staff working in lot 13 had not been planned or organised.
- The prevention of fire occurring from the charging and storage of lithium ion batteries had not been planned.
- The measures for dealing with dangerous substances had not been planned.

This subsequently resulted in the issuing of a notification of fire safety deficiency letter which stated that 'during the inspection, it was noted that some fire safety matters require attention to reduce the risk of fire and/or reasonably ensure the safety of people using the premises. These matters need to be addressed in order to comply with Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).'

Subsequently, a retrospective application was submitted for the 'use of Unit 13 at basement level for storing and charging electric bike and scooter batteries (sui generis)'. Due to the known fire safety concerns, London Fire Brigade were consulted. The application documents did not have regard to the fire safety concerns nor was an assessment submitted in support of the application.

The above application differs significantly from this application as all fire matters have been fully considered by a Fire Engineer and the car park under Sherwood Court

contained charging points for in excess of 60 batteries (see photos below) via extension sockets, whereas this application includes the provision of charging points for up to 8 batteries within a compartmentalized area.



Other

As listed in section 5.1 of this report, a number of late representations were received after the committee report had been published. All of the ground raised, with the exception of the below, were previously addressed in the Committee Report.

- Ability for waste to be collected given height restriction

The Applicant has stated that the waste generated from the proposed use will be backhauled during deliveries of stock. This is acceptable and has the benefit to reduce the number of trips associated proposed development.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK.

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, measures to ensure staff will not loiter on Queen Anne Mews and a code of conduct for all staff members.

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 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.
- 3 You must secure all relevant permissions from the Fire Authority and District Surveyor to prior to opening the premises.

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 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Garages At, Devonshire Row Mews, London.		
Proposal	Use of lower ground and ground floor level as Class E (e) medical space and/or Class E (g) (ii) research and development facility. External alterations including alterations to the fenestration and access arrangement at ground floor level along the Devonshire Row Mews frontage, installation of plant and associated enclosures, grilles and access, installation of roof lights and associated works.		
Agent	The Howard de Walden Estate		
On behalf of	The Howard de Walden Estate		
Registered Number	22/06882/FULL	Date amended/ completed	11 October 2022
Date Application Received	11 October 2022		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

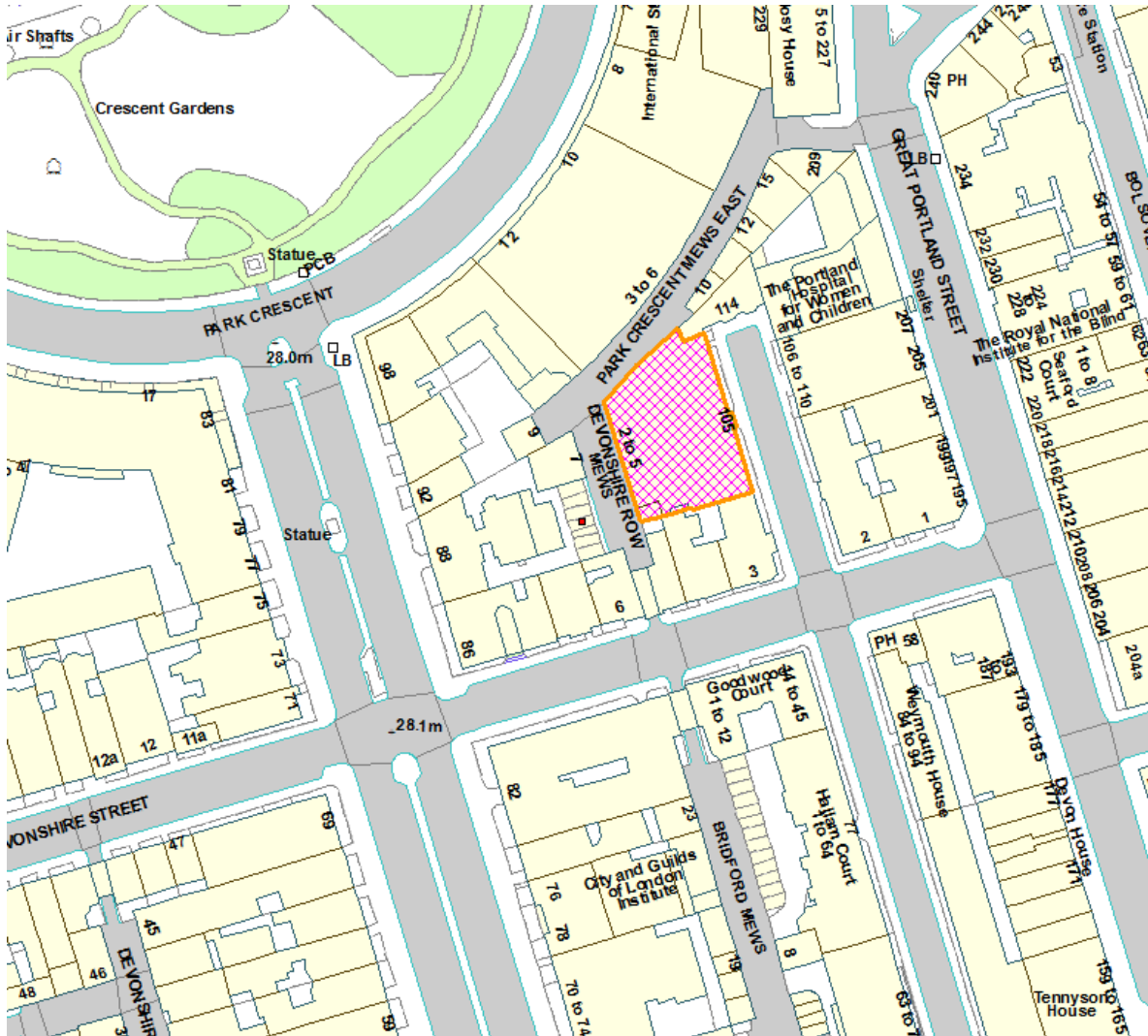
The application relates to the existing garages facing the eastern side of Devonshire Row Mews at part lower ground and ground floor of the property. Permission is sought for the use of the premises as Class E (e) medical space and/or Class E (g) (ii) research and development facility. Alterations are also proposed to the frontage of the premises as well as the addition of plant and skylights.

The key considerations in this case are:

- The acceptability of the proposed use(s) on the character and function of the area
- The impact on the amenity of neighbouring residential properties.
- The impact of the proposed plant and ground floor frontage on the appearance of the building and the character and appearance of the Harley Street Conservation Area.

For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use, design, highways and amenity a 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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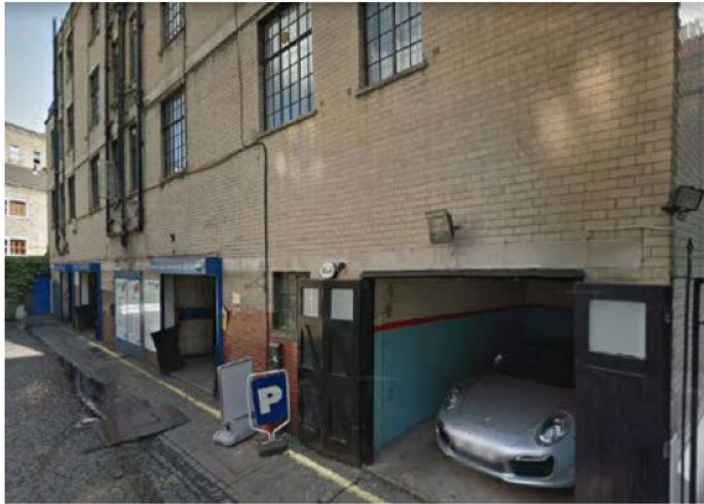
4. PHOTOGRAPHS



Approach from Devonshire Street2-5 Devonshire Row Mews



2-5 Devonshire Row Mews 105 Hallam Street
Proposed location of new roof plant enclosure



Street view of the west elevation



Street view of the south elevation

5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Marylebone Association):

- Concerns raised regarding the size of the metal louvered plant enclosure (subsequently reduced in size)
- Considers cycle parking provision is insufficient
- Should explore options to increase biodiversity on site

AMENITY SOCIETY (Portland Village Association):

- The scheme should address long standing issue of fly tipping in/from the Mews

HIGHWAYS PLANNING MANAGER:

Concerns raised regarding:

- Planters to the elevation (removed from scheme)
- Lack of off-street servicing/ground floor holding area (application amended to include off-street servicing)

ENVIRONMENTAL HEALTH

No objection

WASTE PROJECT OFFICER

Further details required.

ADJOINING OWNERS / OCCUPIERS

No.of original consultees: 107

2 responses (1 Objection and 1 neutral comment) raising the following issues/concerns:

- Loss of manned 24/7 parking facility, the primary users of which are those visiting and/or employed at the Portland Hospital,
- Concerns regarding the implications of construction works
- Queried type of plant, hours of use and the likely noise implications
- Concerns regarding notification by the Applicant

SITE & PRESS 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. The current occupants have raised concern regarding the lack of prior notification the application. The Applicant has confirmed that the correct notices have been served on those with a freehold interest or leasehold interest with at least 7 years (21 days prior to submission) left to run. 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 site is located on the western side of Hallam Street, to the north of properties fronting onto Devonshire Street, to the south of Park Crescent Mews East and to the east of Devonshire Row Mews.

The property is a 4-storey brick-built building with part of the rear lower ground and ground floor in commercial garage use with part of the lower ground and ground floor and all upper floors in Class C3 residential use. The flats above the property are part of 105 Hallam Street.

This application relates to the area currently in use as a commercial garage and has its main frontage onto Devonshire Mews.

The site is located in the Harley Street Conservation Area and the Central Activities Zone (CAZ).

The site is surrounded by a mix of residential, commercial and medical uses.

7.2 Recent Relevant History

No relevant history.

8. THE PROPOSAL

The application seeks to change the use of the lower ground and ground floor level to Class E (e) medical use and/or Class E (g) (ii) research and development use totalling 924.5 m² GIA.

It is intended that the premises will have 10 consultation rooms and 2 treatment rooms. The facilities is proposed to be open to patients between the hours of 0800 and 2000 Monday to Saturday and between 0800 and 1200 on Sundays.

In terms of physical alterations, the proposal seeks to carry out the following works:

- Removal of the existing car lift and introduction of a new passenger lift.
- Demolition and reorganisation of internal partitions, staircases, and removal of redundant internal equipment.
- Installation of a rooflight over an existing light well.
- Alterations at ground floor to reconfigure existing staircase and introduce new stair and service openings.
- Removal and replacement of existing roller shutters, timber doors and glazing on the front elevation at ground floor level with new double-glazed black powder coated steel framed windows and doors.
- Installation of plant enclosed within a metal screen at second floor level.
- New perforated screen facing the internal courtyard of 105 Hallam Street to provide fresh air for new mechanical ventilation.

During the course of the application, the submission was amended to remove planter boxes fitted to the Devonshire Row Mews frontage, omit outward opening doors, reduction of the size of the plant enclosure and to accommodate off-street servicing.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of commercial garage

An objection has been received on the basis that the proposal will result in the loss of a manned 24/7 parking facility which 90% of the customers are either employed at the Portland Hospital in the form of consultants with the remainder visitors.

Policy 27 (G) states that proposals for the redevelopment of existing car parks for alternative uses will be supported. Therefore, despite the objection received, the principle of the loss of commercial car parking is acceptable. There are also a number of commercial car parks in the vicinity of the site including the NCP Harley Street (6 minutes' walk to Portland Hospital), Regent's Park Car Park (2 minutes' walk to Portland Street Hospital) and CitiPark Clipstone Street (5 minutes' walk to Portland Street

Hospital).

Proposed medical use

Health facilities fall within the City Plan's definition of 'community facilities / infrastructure'.

City Plan Policy 17, part A states that "New community infrastructure and facilities will be supported where there is an identified present or future need... New facilities will be of a nature and scale to meet identified need and be sufficiently flexible to meet the requirements of providers as they may change over time." Supporting text in paragraph 17.1 and 17.2 states that such facilities can be either publicly or privately owned and/or operated and that they are integral to supporting people's everyday lives, being used by residents, workers and visitors, and are a vital resource to support successful places and communities. No information has been provided demonstrating present or future need, but in this location, which lies close to the boundary of the Harley Street Special Policy Area, the likely provision of such uses by the private sector would be in response to perceived demand and would not be objectionable.

Proposed research and development use

Policy 13 part A states that 'new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period, enabling the continued growth and clustering of the creative, knowledge, and research-based sectors. Additional floorspace that meets the needs of modern working practices, including through the provision of co-working space and a range of Class E (commercial, business and service) uses on site, is supported in principle in ...parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character'.

Policy 14 part G states that 'town centre uses (including office use) will also be supported in principle throughout the parts of the CAZ with a commercial or mixed-use character, having regard to the existing mix of land uses and neighbourhood plan policies'.

The application site is located in an area which is mixed-use in character. As such, the proposed research and development use is acceptable in principle.

Implications of Use Class Order

The government introduced changes to Town Centre Uses in the Use Classes Order which came into effect from 01 September 2020. This places medical and research facilities within a wide range of other uses within Class E. Due to the limited information with regards to the increased flexibility, it is considered necessary to restrict the Class E use by condition to the uses specified only.

9.2 Environment & Sustainability

In order to reduce the carbon impact associated with the development, the following measures are proposed:

- To maximise the amount of natural light available to the lower ground floor, the existing lightwell to the north is retained and a rooflight installed above it. Internal walk-on rooflights are introduced into the ground floor to increase natural light to the basement.

- Existing glazing and doors along the west elevation and the north lightwell are proposed to be replaced with new that are compliant with current Building Regulations.
- The existing envelope is proposed to have improved thermal performance and airtightness, to limit heat loss.
- Installation of mechanical ventilation with heat recovery throughout.
- Installation of LED lighting and low flow devices, to limit consumption of energy and water.

This accords with the aspirations of the City Council, as set out in Policies 36 and 38 of the City Plan.

9.3 Biodiversity & Greening

Westminster City Plan Policy S34 requires that developments will, wherever possible, 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.

The Marylebone Association have suggested that further biodiversity improvements are explored. The initial proposal included the provision of planters on the front elevation. Due to the highway implications, it was not considered that they were appropriate and as a result were removed from the proposal. Given the confined nature of the site, it is not considered it is possible to provide urban greening in this instance.

9.4 Townscape, Design & Heritage Impact

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

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

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.

Assessment

2-5 Devonshire Row Mews is an unlisted building located within the Harley Street Conservation Area. The building has a London stock brick façade and is 4 storeys tall. It is highly utilitarian in design with a strong service character and does not positively

contribute towards the character of the Conservation Area. There are a number of nearby listed buildings including 1-6 Park Crescent which is listed at Grade I.

The proposals include the removal and replacement of the existing doors at ground floor level, with some of the doors being partially infilled for the opening to be used for windows. The existing doors are modern in design and construction and do not positively contribute to the character of the Conservation Area. The proposed new doors are in a "coach door" style which is more sympathetic to the character of the mews and in accordance with the guidance set out in the 'Mews - A Guide to Alterations' SPG. Furthermore, the openings which are proposed to be partially infilled to create window openings are to be infilled with bricks which match the existing bricks. This proposed approach is acceptable in principle, however more details are required regarding the details of the proposed doors and windows. Conditions have been attached to this effect.

The proposals also include the installation of condenser units, and an associated screen on a roof at second floor level. It is recognised that the condenser units will help support the medical use of the building. The Marylebone Association raised concerns regarding the size of the plant enclosure. Subsequently, the applicant reduced the size of the proposed screen. This screen is not visible from Devonshire Street, the principal thoroughfare, meaning there are only limited public views of it from Devonshire Row Mews, as well as private views from surrounding properties. Furthermore, Devonshire Row Mews as existing has a utilitarian service character and as previously noted does not positively contribute to the character of the Harley Street Conservation Area. Therefore, the installation of the proposed condenser units and associated screen will have a neutral impact on the character of the mews and on the wider conservation area.

On the first floor roof to the rear of the building it is proposed to install a rooflight over an existing lightwell. There are no public views of this area, and it has a strong service character. No details have been provided regarding the design of the rooflight, therefore conditions have been added that these must be provided and approved before any works on the rooflight can go ahead.

Overall, these proposals will have a neutral impact on the character of the Harley Street Conservation Area and on the special interest of the nearby listed buildings. They are therefore in keeping with policies 38, 39 and 40 of the Westminster City Plan 2019-2040 (adopted April 2021).

Design Conclusion

It is considered that the proposals would not cause harm to the heritage asset and therefore, a recommendation to grant conditional permission would be compliant with the relevant policies of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed works are considered to preserve the character or appearance of the Harley Street Conservation Area, and the setting of neighbouring listed buildings, and are therefore considered to be acceptable in design terms.

9.5 Residential Amenity

Policy 7 of the City Plan 2019-2040 seeks to protect and, where appropriate, enhance amenity by preventing unacceptable impacts including impacts on daylight and sunlight and sense of enclosure.

Council tax records indicate that there are five residential units within 5 Devonshire Street to the south of the site and 76 residential units within 105 Hallam Street which include the upper floors of the application site.

Impact of the proposed use

Policy 7 also refers to the requirement for development to protect and where appropriate, to enhance local environmental quality. Conditions will be imposed to mitigate the potential impact of the development, where appropriate.

The use of the building for either medical or research and development use is considered acceptable in principle in amenity terms. With regard to the proposed medical use, this provides 10 consulting rooms and 2 treatment rooms, but clearly arrival and departure of patients would be spread throughout the day. The applicant estimates that around 150 people, including patient and staff would access the site across a typical weekday. This would result in approximately some 15 person trips per hour. It is not considered that the use is likely to generate significant activity, particularly when compared to the lawful car park use.

In order to safeguard the amenity of neighbouring residents, it is proposed to restrict the hours of operation to between 0800 and 20.00 on Monday to Saturday and from 0800 to 12.00 on Sundays. Given the existing 24-hour use of the car park, these conditions are considered to result in an improvement to the amenity of adjoining residents. The applicants have confirmed that this condition is acceptable.

Conditions are also imposed to ensure that any internal activity, from either the proposed medical or research and development use, would be harmful to the occupiers of the flats at first floor.

Daylight, sunlight and Sense of Enclosure

The proposal includes a plant enclosure approximately 2.5m in height at second floor level set back from south and west elevations of the building. Given the enclosure is set against the flank wall at second and third floor accommodation and the setbacks, it is not considered that the proposal would cause an unacceptable loss of daylight, sunlight or outlook within neighbouring residential properties.

9.6 Transportation, Accessibility & Servicing

Car parking

No car parking is provided for the medical/research use. The site is located within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. Policy 27 supports development without car parking provision and therefore the lack of parking is considered acceptable.

Trip Generation

It is not considered that the proposed use would result in a significant increase of vehicle trips in the mews when compared to vehicle generating potential of the existing car park and would not affect safety and operation; however, it is likely to result in higher levels of activity at different times of the day when compared to the existing use. While the applicants consider that the majority of patients will use public transport, some may not

be permitted or feel able to use it. A condition has been imposed requiring the submission of an Operational Management Plan (OMP) which includes details of staff and patient numbers, arrival and departure processes, hours of operation, length of patient stay. The medical use would be required to operate in accordance with the approved OMP. Subject to this, on balance, while the proposals are likely to result in increased levels of activity at different times, it is not considered that the arrival/departure of patients, both pedestrian and vehicular, would have a material impact on highway safety or operation.

Servicing

Policy 29 requires off-street servicing and freight consolidation. Servicing on-street is likely to result in conflicts with other highway users (including pedestrians and cyclists), result in localised congestion and have an adverse impact on the local public realm. Due to concerns raised by the Highways Planning Manager during the course of the application, the application has been amended to include off-street servicing, albeit limited to vehicles up to 2.5m in height. On the rare occasion that vehicles greater in height than this is required, users will benefit from the ground floor holding area which is also provided within the servicing area. This enables deliveries to be moved off-street immediately and waste would not need to be left on-street awaiting collection, to the benefit pedestrians and other users as well as the public realm appearance.

Conditions have also been recommended to secure the off street servicing facilities and a robust and focused Servicing Management Plan to demonstrate measures to minimise the impact of the proposal on the highway network.

Cycle Parking

The Marylebone Association raised considered that the proposed cycle parking was insufficient. The proposal contains four cycle parking spaces which is consistent with the London Plan requirement.

Waste

The applicant has indicated waste storage; however, it is not in line with the Council's waste storage requirement. A condition has been recommended for revised waste details.

The Portland Village Association requested that the scheme should address a long standing issue with fly tipping in/from the Mews. Whilst it is likely that due to the provision of adequate waste storage facilities on-site will improve conditions in the Mews, it is not reasonable to require a proposal to address issues outside of their control.

Doors/Planters over Highway

The Highways officer raised concerns regarding the installation of planters on the Mews frontage and with doors opening over the highway. The Applicant revised the door arrangement and omitted the proposed planters during the course of the application to ensure the public highway remained unobstructed in accordance with City Plan Policy 25.

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

Plant

A neighbouring resident has queried the location of the proposed plant, hours of operation and raised concerns regarding potential noise impacts. The proposal includes the provision of mechanical plant within an enclosure at second floor level and the installation of a perforated screen facing the internal courtyard of 105 Hallam Street to provide fresh air for new mechanical ventilation. The plant comprises of 4 air condenser units, extract units to both the toilet and a pantry and an air handling unit (supply and extract). With the exception of a single condenser unit required to operate 24 hours as it is associated with IT equipment, the proposed plant will operate from 0700 to 23:00. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that the proposed plant is likely to comply with the City Council's noise Policy 33. The proposals will not therefore harm the amenity of neighbouring properties.

Construction Impacts

Concerns were raised regarding the impact of construction works on residents' amenity. A condition is recommended to control the hours of building works and an informative is also recommended to encourage the applicant to sign up to the Considerate Contractors scheme. While residents' concerns are noted, given the nature and scale of the development, it is considered that, with the conditions/informative in place, that construction impacts are minimised as far as practicable.

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

Subject to appropriate conditions the proposal accords with development plan policies, specifically London Plan Policy T5 and Policies 1, 7, 13, 14, 17, 25, 27, 29 33, 38, 39 and 40 of Westminster's City Plan.

In terms of heritage impact, the proposal is considered acceptable, mindful of policies 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.

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: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK .

11. KEY DRAWINGS

Existing West Elevation



Proposed West Elevation



Proposed Ground Floor Plan



Proposed Lower Ground Floor Plan



DRAFT DECISION LETTER

Address: Garages At, Devonshire Row Mews, London,

Proposal: Use of lower ground and ground floor level as Class E (e) medical space and/or Class E (g) (ii) research and development facility. External alterations including alterations to the fenestration and access arrangement at ground floor level along the Devonshire Row Mews frontage, installation of plant and associated enclosures, grilles and access, installation of roof lights and associated works.

Plan Nos: 2221-ST-XX-B1-DR-A-2151 A01, 2221-ST-XX-GF-DR-A-2152 A01, 2221-ST-XX-RF-DR-A-2153 A01, 2221-ST-XX-XX-DR-A-3151 A01, 2221-ST-XX-XX-DR-A-4151 A01, 2221-ST-XX-B1-DR-A-2251 A01, 2221-ST-XX-GF-DR-A-2252 A05, 2221-ST-XX-RF-DR-A-2253 A02, 2221-ST-XX-XX-DR-A-3251 A05, 2221-ST-XX-B1-DR-A-4251 A01.

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

- i) windows.
- ii) doors.
- iii) rooflight.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 The lower ground floor and ground floor shown on drawings 2221-ST-XX-B1-DR-A-2251 A01 and 2221-ST-XX-GF-DR-A-2252 A05, must not be used for any other purpose other than for medical space and/or research and development purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, in accordance with Policies 16, 17, 18, 24, 25, 26, 28, 29, 25, 32, 33, 34 and 37 of the City Plan 2019 - 2040 (April 2021).

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property between the hours of 07:00 and 23:00 and shall exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property between the hours of 23:00 and 07:00, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the

plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property between the hours of 07:00 and 23:00 and shall not exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property between the hours of 23:00 and 07:00 unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BC)

- 7 With the exception of the 'Comms Room Condenser' (Ref: CU3), the plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 9 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 10 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 11 Prior to occupation of the premises for medical purposes, an Operational Management Plan (OMP) shall be submitted for approval. The OMP must include details of staff and patient numbers, arrival and departure processes, hours of operation, length of stay. The medical use shall only then operate in accordance with the Operational Management Plan.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

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

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)

- 13 No goods, including fuel, delivered or collected by vehicles with a clearance height of 2.5m or less arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods on such vehicles only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, 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). (R23BC)

- 14 You must apply to us for approval of a Servicing Management Plan (SMP). The use(s) hereby permitted shall be carried out in accordance with the approved servicing management plan.

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)

- 15 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

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

Reason:

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

- 17 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 start work on the relevant part of the development until we have approved in writing 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 the stores and make them available at all times to everyone using the premises. (C14ED)

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)

- 18 In the event that the premises is used for medical purposes, patients shall only be permitted on the premises between the hours of 0800 and 2000 Monday to Saturday and between 0800 and 1200 on Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

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 respect to condition 14, the Servicing Management Plan (SMP) should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should be responding to the physical layout of the site and provide robust procedures for any future occupant to follow, to ensure servicing occurs in an efficient manner. This will also ensure any future management company or occupant is clearly aware of their responsibilities.

Item No.
4

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Development Site At 47-50 Poland Street And 54-57, Great Marlborough Street, London,		
Proposal	Variation of condition 1 of planning permission dated 06 February 2020 (RN:18/10886/FULL) for Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works; NAMELY, to enable design amendments including alterations to the detailed design of the new facades; reconfiguration of the entrances and routes through the ground floor level of the building; the introduction of a mezzanine level at basement level 02 and internal alterations to introduce additional firefighting cores. (Application under Section 73 of the Act).		
Agent	DP9 Ltd		
On behalf of	- Marlborough Properties Co Ltd		
Registered Number	22/04419/FULL	Date amended/ completed	4 July 2022
Date Application Received	4 July 2022		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho Neighbourhood Plan		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to secure the following:

- i. Dedication of land as public highway;
- iii. A walkways agreement

iv. S106 monitoring costs.

2. If the deed of variation has not been completed within six weeks of the date of the Committee resolution, then:

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

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

2. SUMMARY & KEY CONSIDERATIONS

This application involves the re-development of 54 and 55-57 Great Marlborough Street, and 47, 48, and 49-50 Poland Street. Both sites have planning consent for hotel (Class C1) with publicly accessible restaurant/bar (Class A3/A4), and retail uses. That permission has now been implemented.

The application under Section 73 of the Act seeks to make a number of 'minor material amendments' to the approved development, including:

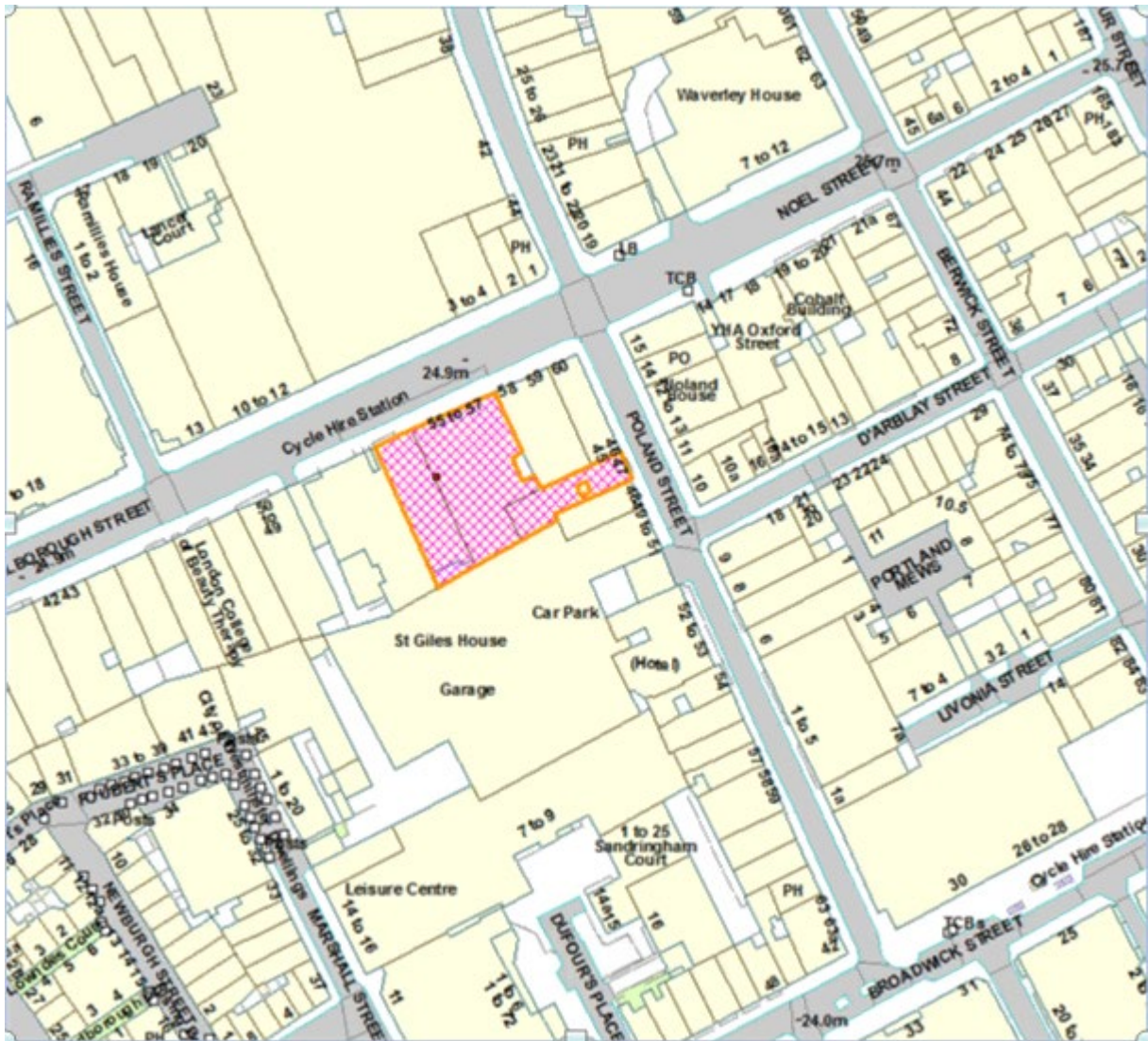
- a separate mezzanine level at basement level 2
- alterations to the layouts at ground and first floors
- elevational alterations
- reconfiguration of the entrances and routes through the ground floor level of the building

The main issues for consideration are:

- The acceptability of the proposed buildings in design terms.
- The acceptability of an additional basement level
- The impact on the amenity of neighbouring residential properties.

The proposals are considered acceptable and comply with City Plan policies in land use terms. It is considered that the proposed amendments to the design of the buildings are acceptable and that the proposal remains a high-quality development which, complies with the City Council's urban design and conservation policies as set out in policies 38, 39 and 40 of the City Plan 2019-2040 and with the Soho Neighbourhood Plan. Approval is recommended subject to a deed of variation to the original legal agreement to secure dedication of the enhanced pavement on Great Marlborough Street as public highway and a walkways agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Great Marlborough Street



Poland Street



5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR LILLEY

Requests the possible provision of public toilets within the scheme.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No comments made

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised

CROSS LONDON RAIL LINKS LTD (1)

No objections subject to conditions.

CROSS LONDON RAIL 2 LINKS LTD

No comments made.

SOHO SOCIETY

No response to date

HIGHWAYS PLANNING

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

BUILDING CONTROL

No objections raised.

WASTE PROJECT OFFICER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125

Total No. of replies: 2

One letter (on behalf of residents from the 16 Marshall Street) in support of the application (subject to closure of the Poland Street/Great Marlborough Street passage between 23:00 and 07:00 and to the insertion of dummy windows at 5th and 6th floors).

One letter of objection received raising the following concerns:

- * Noise from plant
- * Noise from courtyard seating and from bottle recycling
- * There are numerous hotels within Soho

* Streets are too narrow to cope with another licensed premises with people drinking/smoking outside

PRESS NOTICE/ SITE NOTICE:

Yes

Responses to second round of consultation to revised scheme

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 125;

Total No. of replies: 2

One letter (on behalf of residents from the 16 Marshall Street) in support of the application and one letter of objection received raising the following concerns:

- * Noise from plant
- * Object to increase in hotel and bar space
- * Landscaped terraces should be replaced with planting
- * Object to on-street waste storage and cycle parking
- * Air quality

5.2 Applicant's Pre-Application Community Engagement

None undertaken.

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 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 Site

The site lies on both Great Marlborough Street and Poland Street, and comprises five (now demolished) buildings, including 54 Great Marlborough Street, 55-57 Great Marlborough Street, 47 Poland Street, 48 Poland Street and 49-50 Poland Street (excluding the basement and ground floor levels of 50 Poland Street which are currently occupied by Phonica Records and the Vinyl Factory gallery space).

Nos. 54 and 55-57 Great Marlborough Street are located on the south side of Great Marlborough Street. No. 54, known as Europa House, was seven storeys in height, with a recessed plant room whilst 55-57 (Fenton House) was six storeys in height, also with a recessed plant room. No.54 was formerly in use as showroom accommodation at basement and ground floor levels and office accommodation above and No. 55-57 was in retail use at basement and ground floor levels with office and light industrial (sound recording and post-production studio uses) on the upper levels.

At the rear, the Great Marlborough Street buildings back onto 49-50 Poland Street. This is a six-storey office building, access to which is adjacent to a ground and basement retail unit (occupied by Phonica Records) fronting onto Poland Street (which falls outside the application site). Part of this building also lies directly above the entrance to the Soho Car Park at 49-51 Poland Street (which is also not part of the application site).

The site also includes 47 and 48 Poland Street. No. 47 was formerly in use as a restaurant at basement and ground floors with three floors of office accommodation on the upper floors. 48 Poland Street was last in use as a betting shop at basement and ground floor levels with office use also on the upper floors.

The site is within the Core Central Activities Zone and the West End Special Retail Policy Area (WESRPA).

The surrounding area has a mixture of mainly commercial uses, although the rear of the site lies directly adjacent to the recently redeveloped Soho car park, now known as Regents Lofts/the Marshall Street development, a residential redevelopment scheme. There are also other residential properties at 1, 51-53 and 9 Poland Street. In 2014 permission was granted for four flats at 3-4 Great Marlborough Street.

7.2 Recent Relevant History

Planning permission was granted on the February 2020 (RN: 18/10886/FULL) for the demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works.

This permission has been implemented and the buildings on the site, with the exceptions of the facades onto Poland Street, are now demolished.

A non-material amendment to this application was agreed in October 2020 to enable the description of development to be amended to: 'Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed façade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and new basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with new basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage plant rooms at fifth, sixth, seventh floors and roof level, services and associated works.'

8. THE PROPOSAL

The application seeks amendments to the permission granted in 2020. This is achieved through amending Condition 1. The proposed changes include:

- a separate mezzanine level at basement level 2
- alterations to the layouts at ground and first floors
- elevational alterations
- reconfiguration of the entrances and routes at ground floor level

Table: Existing and proposed land uses

Land Use	Previously consented GIA (sqm)	Proposed GIA (sqm)	+/-
Retail	483	548	+65
Restaurant/bar	225	225	0
Hotel	12,347	12,716	+369
Total	13,055	13,489	+434

The application has been amended during the course of the application to reinsert dummy windows at 5th and 6th floor, removal of an additional hotel lobby door on Poland Street and provision of 'maintenance only' terraces at 2nd to 5th floors.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Application Context

The application is submitted under Section 73 of the Town and Country Planning Act (1990) (as amended) as it seeks to develop land without compliance with the conditions previously attached. Section 73(2) of the Act states:

'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application'.

Whilst the consideration of such an application is limited to the conditions that should be imposed, if granted, it will result in a new permission. As such, the City Council cannot ignore the wider consideration of issuing a new permission. The application must be determined in accordance with the development plan (i.e. the London Plan (March 2021) and the City Plan (April 2021) unless material considerations indicate otherwise. The fall-back position of the original planning permission carries great weight in the decision-making process.

9.1.1 Additional mezzanine basement level

The site, prior to the implementation of the 2019 permission included a partial basement to the buildings fronting Great Marlborough Street and Poland Street. The consented scheme involved the creation of an additional basement level. The former basement policy in the 2016 City Plan, under which the original planning application was determined, did not restrict the depth or extent of basement excavation.

The current plan basement policy (Policy 45) is materially different to the basement policy found in the 2016 City Plan. It states:

"A. Basement developments should:

1. incorporate measures recommended in the structural statement or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding;
2. be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area;
3. protect heritage assets, and in the case of listed buildings, not unbalance the

building's original hierarchy of spaces where this contributes to its significance; and
4. conserve the character and appearance of the existing building, garden setting and the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

B. Basement developments will be supported where they:

...3. not comprise more than one storey beneath the lowest original floor level – exceptions may be made on large sites with high levels of accessibility for construction; ... and...

5. not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.”

Regarding part A, the applicant has provided a self-certified Structural Engineering report explaining the likely methodology of excavation, as well as the drainage, groundwater regime and structural stability. A flood risk assessment has also been submitted. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The structural report has been considered by our Building Control officers who advise that the information provided is more than sufficient for the planning stage. The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

With regard to part B, in this case, the site is 0.22ha with two street frontages, and thus the applicant considers this to qualify as a large site. Following demolition of the buildings on site a dedicated access to the construction site for vehicles has been formed from Great Marlborough Street. All plant and machinery for the construction process is accommodated within the site.

The main difference with the consented scheme and that now proposed, is the insertion of a mezzanine basement floor, meaning that the proposals now involve a double storey basement under part of the site. Part B3 of the policy states that basement developments should not comprise more than one storey beneath the lowest original level.

In this case, the proposed additional basement effectively splits the consented basement level 2, providing two floors of relatively modest floor to ceiling height, each measuring 2.4m. The additional depth of excavation required to accommodate the mezzanine floor

results in an additional 1.5m of excavation compared to the consented scheme. An attenuation tank would sit partly below the mezzanine floor, but this does not result in any additional floorspace. During the course of the application further information has been requested regarding the construction timeline involved in the build-out of the mezzanine floor. The applicant has confirmed that the additional basement excavation only incurs an additional 14 days on the construction programme (4 days of excavation, including excavation for additional piling, and 10 days for the additional slab pour of the basement mezzanine level).

The extant permission which has already been implemented is a material consideration. In addition, in a further effort to provide further comfort and mindful of the focus on construction impacts, the applicant's team have developed an alternative construction design to the consented scheme to limit the impacts of their construction programme. Specifically, the consented scheme requires the installation of a temporary substation at street level outside the site on Great Marlborough Street which is currently programmed to be in place for 12-14 months. This results in the blocking of the pavement, with the creation of a temporary diversion for pedestrians. The applicant, as part of this scheme, is now proposing to keep the existing sub-station in place which significantly diminishes local disruption and means there is less construction impact by comparison to the consented scheme.

By keeping the existing sub-station, it removes the need to introduce the temporary sub-station and the disruption that brings on the highway and therefore lessens the construction impact and avoids potential disruption to power supplies with the sub-station changeover. This amendment is being secured by a Site Environmental Management Plan (SEMP), which is being dealt with by the Environmental Inspectorate.

The supporting text to Policy 45 states that "in some cases, an exception could be made for large sites when they are able to accommodate plant and machinery and include appropriate access (e.g. rear or side access) to enable construction without an adverse impact on neighbouring uses or occupiers". As set out above, a dedicated access to the construction site for vehicles has been formed from Great Marlborough Street. There is also limited residential within the vicinity of the site, the closest of which is within Regents Lofts at the rear of the site and no objections to the additional mezzanine floor have been received. Given the extent of additional basement excavation, the amendment this makes to the duration of the construction programme and the proposed amendment to the construction design to limit the impact of the works to the highway, it is not considered that the addition of a mezzanine basement floor could reasonably be refused in this instance.

9.1.2 **Additional commercial floorspace**

The approved development is for a hotel led development. There is some minor reconfiguration to the consented retail and restaurant floorspace, but the amount of restaurant floorspace (225sqm) remains the same as in the consented scheme. There is a 65 sqm increase in retail floorspace (548sqm in total). Policy 14 supports the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses, and therefore this increase is welcomed. One of the retail units is to be relocated from the internal courtyard to the Poland Street frontage, giving a greater retail presence at street level. This is also welcomed.

There is some slight increase in hotel floorspace (369sqm) as a result of the proposed new mezzanine basement which provides additional back-of-house facilities. This is a relatively small increase in floorspace terms compared to the extant scheme. As the proposed variation to condition 1 will result in the reconfiguration of and slight increase in hotel floorspace, this hotel increase is assessed against current City Plan policies.

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040 (adopted April 2021). City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre uses, which includes hotel and conference facilities (as defined within the NPPF and London Plan).

City Plan Policy 15(G) states that, 'New hotels and conference facilities will be directed to:

1. commercial areas of the CAZ; and
2. town centres that are District Centres or higher in the town centre hierarchy'.

Policy 20 provides specific guidance for Soho and states that "Development in the Soho Special Policy Area will reflect its unique character and function and demonstrate how it respects, protects and enhances the existing scale and grain of the built environment and the unique mixture of uses present there." It states that "although hotels are generally considered acceptable within the CAZ, within Soho, smaller scale or 'boutique' hotels are more appropriate due to Soho's existing character. Large-scale hotel facilities will not generally be considered acceptable within the SPA, as their larger floorplate requirements are likely to erode local character through the loss of smaller scale existing units, which will also displace other commercial uses, as well as having potential amenity and environmental impacts. Larger floorplate units are generally at odds with Soho's existing scale and grain. We consider small-scale hotels, in a Soho context, to be those of fewer than 100 rooms."

The Soho Neighbourhood Plan (SNP) does not have a specific hotel policy, but chapter 4 "Visiting, Shopping and Leisure in Soho" does state that Soho is "becoming home to an increasing number of hotels, which although they support the visitor economy and provide jobs tend to displace some of the very mixed uses which give the neighbourhood area its character."

The former 2016 City Plan, under which the original planning application was determined, did not contain a specific policy for Soho, and it is recognised that the proposal, which results in a 194-bedroom hotel, would not be small-scale contrary to the aims of Policy 20. One objection to the principle of a hotel here has also been received. However, in this case the extant permission is a significant material consideration which carries great weight. In addition, there are no large facilities proposed such as a spa or conference facilities, and the consented hotel will already provide 194 bedspaces, and would operate above the threshold set out in policy 20. Given that the additional floorspace proposed by way of this application would only provide back of house facilities, and no additional rooms, it is not considered that the proposal could reasonably be refused in land use terms.

The original application was supported by an Operational Management Statement which includes measures designed to ameliorate the impact of the hotel and entertainment

uses on residents' amenities and local environment quality and this again is secured by condition.

9.1.3 Public toilets

City Plan Policy 15 requires safe, secure and publicly accessible toilets in proposals that generate large numbers of visitors including large retail, leisure and entertainment developments, tourist attractions and transport interchanges. Paragraph 15.17 states that 'large retail developments' are those having 1,000 sqm of gross floorspace or more. Large entertainment uses are those having 500 sqm of gross floorspace or more.

Policy 13 of the Soho Neighbourhood Plan also states that "development proposals which incorporate additional public toilet provision within the Soho Neighbourhood Area will be supported in order to ensure that adequate facilities are available for users of new developments, particularly those in the food, drink and entertainment sectors."

Councillor Lilley, on behalf of a local resident, has requested that provision is made for publicly accessible toilets. In response, the applicant, whilst arguing that it would not be possible to incorporate a separate public toilet at this late stage, has agreed to provide public access to the accessible WC's at ground floor level. Given the definition of 'large retail' and 'large entertainment uses' set out above under Policy 15, there is no reasonable basis for requesting that publicly accessible toilets be provided within the development at this stage. It is considered that the applicant's offer more than satisfies Policy 13 of the Soho Neighbourhood Plan.

9.2 Environment & Sustainability

Sustainable Design

The adoption of the City Council's City Plan 2019-2040 and London Plan 2021 introduced a greater emphasis on energy, sustainability and biodiversity, when compared to the City Plan 2016, UDP and earlier London Plan, which were all relevant at the time of the assessment of the original planning permission. (For example, the 2016 City Plan required a 35% reduction in carbon emissions, whilst the now adopted City Plan 2019- 2040 promotes net zero carbon emissions).

City Plan policy 38 requires developments to "enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design". The policy requires the possibility of sensitively refurbishing or retrofitting buildings to be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building.

As already stated with regards to other policies, the extant permission is a significant material consideration which carries great weight. Given that the buildings have already been demolished, the principle of demolition and redevelopment of part of the site is not therefore revisited.

Policy 36 of the adopted City Plan 2019-2040 is also relevant. This promotes zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved (following the principles of the Mayor of London's energy hierarchy). Only where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment.

The Energy Statement submitted as part of the original scheme application provides details of the proposed sustainability measures and confirms that the development will be designed to achieve a BREEAM Excellent Rating. The report details various passive design measures including the construction of new-build elements with thermally efficient building fabric, energy efficient services, as well as air source and heat pumps and PV panels. These measures will reduce the regulated emissions of the proposed development by 32% and on the basis that this was the maximum level of carbon savings that could be achieved, the previous legal agreement secured a carbon offset payment of £44,586 in accordance with the formula set down in the London Plan. The applicant has confirmed that the payment has been paid.

As part of this application, the applicant has submitted an Energy and Sustainability Addendum Note which assesses the amendments proposed and concludes that the scheme will not change the carbon emissions savings from the approved development. The façade updates maintain the same u-values used in the original Energy modelling and are of the same areas. The increased basement area accommodates Back of House areas and storage which have no significant loads. The main loads emanating from the plant and retail areas have already been accounted for in the Energy Statement for the original scheme.

It is acknowledged that the development would not achieve the net Zero targets set out in the London Plan and Policy 36, but having regard to the fallback position which provides a reduction in carbon emissions, and as the off-set payment has already been secured, it is considered unreasonable to require further reductions of on-site energy demand and/or a payment in lieu for any shortfall.

Air Quality

One objection on air quality grounds has been received. The site is located with the designated Westminster Air Quality Management Area. As part of the 2020 permission, the applicant submitted an Air Quality Assessment which included measures to ensure that the proposal is air quality neutral. These measures are secured by condition and a further condition is imposed that requires details of the Combined Heat and Power (CHP) and gas boilers to demonstrate that this meets air quality neutral benchmarks.

9.3 Biodiversity & Greening

As in the consented scheme, the proposals involve a living wall within the internal courtyard. These measures are welcome as they contribute to the greening of the City in line with the objectives of Policy 34.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

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.

The Proposals

The current proposals raise the same urban design and conservation issues as the approved planning permission scheme. The main changes to the scheme affect the elevations to Poland Street and Great Marlborough Street and it is these that need to be assessed. The other urban design and conservation aspects of the scheme are unchanged and the assessment of these elements remains as set out in previous committee reports. In terms of the new City Plan policies it is considered that these aspects are compliant with the urban design and conservation policies 38, 39 and 40.

Poland Street

On the Poland Street facade there are changes at Nos. 47 and 48 at street level where the detailed design of the shop fronts has been amended to better reflect the detailed design of the facades above. At No. 50 brickwork is now proposed instead of the approved metal cladding, which better matches its context and this is a significant design improvement particularly when seen from D’Arblay Street. At number 49 some spandrel panels have been omitted to better suit the retained structure behind, and at roof level there are minor changes to the windows at Nos. 48 and 50. These alterations to this part of the development are acceptable in heritage asset terms and accord with City Plan policies 38, 39 and 40 and with the Soho Neighbourhood Plan.

Internal courtyard

Within the development, the courtyard area known as Brickmakers Yard will change as a

result of minor changes to the position of some windows, the omission of glazed brickwork in favour of standard brickwork. These alterations are acceptable in design and heritage asset terms.

In the car park lightwell which is on the southernmost part of the site there are significant changes to the approved elevation as a result of largely retaining the existing structure and setting back the new facade behind it to provide external terraces. The resulting design is not particularly attractive, and is not of the same character or quality as that of the approved design, however giving the highly constrained nature of this part of the site and its extremely limited visibility, the alteration is neutral in design and heritage asset terms and would not on its own constitute sufficient reason to refuse permission.

Great Marlborough Street

On Great Marlborough Street, the changes to the approved elevation are minor and relate mainly to ensuring safe access for maintenance purposes, found to comply with more rigorous environmental performance and fire safety standards that have been introduced since the development was first approved. There is no objection in design or heritage asset terms to these alterations equally the minor changes to the street frontage at ground floor level are also acceptable.

Conclusion – Urban design and conservation issues

It is concluded that the proposal remains a high-quality development which, complies with the City Council's urban design and conservation policies as set out in policies 38, 39 and 40 of the City Plan 2019-2040 and with the Soho Neighbourhood Plan.

9.5 Residential Amenity

Policy 7 of the City Plan relates to managing development for Westminster's people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Daylight & Sunlight and Sense of Enclosure

There is no change to the bulk and massing of the current proposals and therefore the impact of the proposals on daylight, sunlight and sense of enclosure remains as in the consented scheme.

Privacy & Noise

There are windows within the existing office building at 49-50 Poland Street that currently lie perpendicular to fourth floor windows in the east elevation of Regents Loft. In the consented scheme, these windows were to be recessed from the façade to ensure that any overlooking would be from an oblique angle. The proposals now seek to retain the existing façade here and the proposed hotel rooms are set back from the façade behind proposed terraces at second to fifth floors. A condition is proposed to ensure that these terraces are for maintenance purposes only.

At the rear of 50 Poland Street, the proposals also now seek to retain the existing façade here. Existing windows are to be replaced. The consented scheme was for an entirely

blank façade and so a further condition is proposed to ensure that the replaced windows are obscure glazed.

The proposals initially sought to replace dummy windows with obscure glazed windows at fifth and sixth floor within the extended rear projecting wing. The application has been amended during the course of the application to retain these dummy windows and on this basis, it is not considered that the proposal would result in any harmful impact on overlooking to neighbouring properties.

With regard to the concerns raised to noise from the courtyard seating area, this remains unchanged from the consented scheme. As before, conditions are in place to mitigate against any potential noise from this area, including a condition requiring full details of an acoustic report demonstrating how the noise from the courtyard area will meet the council's standard noise condition.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The amendments seek alterations to the entrances/façades on both Poland Street and Great Marlborough Street and to the internal walkway. Alterations to the location of the cycle parking provision are also proposed.

The main change onto Great Marlborough Street relates to the provision of a splayed entrance which results in a wider and more open entrance into the new public access route through the site. The internal passageway is to be altered, removing the former kinks within the passageway and providing a wider route through the site. On Poland Street existing pavement grills are to be removed which will result in a consistent footway surface. All these amendments are all considered an improvement in highway terms.

Servicing, Cycle and Waste & Recycling Storage

The consented scheme provided an off-street holding area for goods, but all servicing was proposed on-street. There are slight alterations to the configuration of this holding area, but the Highways Planning Manager accepts that this space does provide for goods to be moved off the highway and not left on the footway and cause an obstruction to pedestrians.

The quantum of cycle parking and waste storage is consistent with the approved scheme. Whilst objections have been received to the provision of on-street waste storage and cycle parking, however, these are all within dedicated storage areas within the development.

Other Highway matters

The revised ground floor drawing introduces a hatch on Great Marlborough Street. It is noted the hatch does not appear on cross-sections or correspond to an area marked for use within the basement. The introduction of a hatch in this location cannot be supported given the pedestrian volumes in the area. This is dealt with by condition.

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. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040.

9.8 Other Considerations

Plant

External plant is proposed both at roof level and at seventh floor with additional equipment enclosed at basement and fifth and sixth floor levels. Due to the early stage of the project, outline plant selections only have been made. As such, plant noise limits have been developed to be achieved at the most exposed noise sensitive receptor location. Adherence to these limits will be secured through the imposition of conditions, including the requirement for the submission of a supplementary acoustic report for the City Council's approval that demonstrates compliance with the relevant criterion within Policy 33 of the City Plan. On this basis Environmental Health raise no objections to the application and, despite the concerns raised, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

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

The original permission (dated 6 February 2020) application was subject to a S106 legal agreement. A deed of variation is required in respect to this permission to secure the obligations as listed in the recommendation.

The estimated CIL payment is:

Mayoral CIL £36,270
Borough CIL £1,192,419

10. Conclusion

It is concluded that the proposal remains a high-quality development which, complies with the City Council's urban design and conservation policies as set out in policies 38, 39 and 40 of the City Plan 2019-2040 and with the Soho Neighbourhood Plan.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

11. KEY DRAWINGS

Consented Poland Street Verified View



Proposed Poland Street CGI



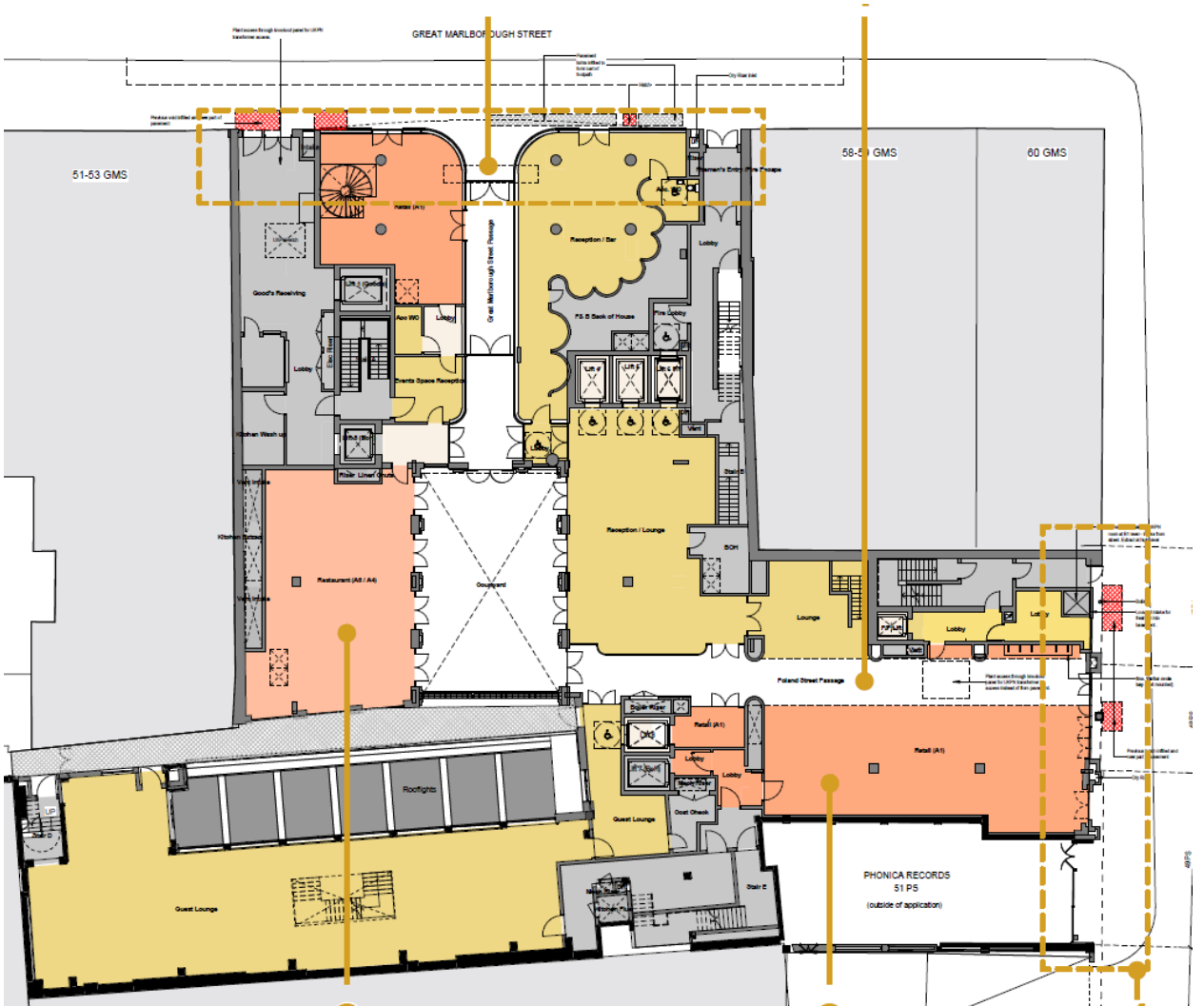
Consented Great Marlborough Street Elevation



Proposed Great Marlborough Street Elevation

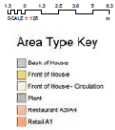
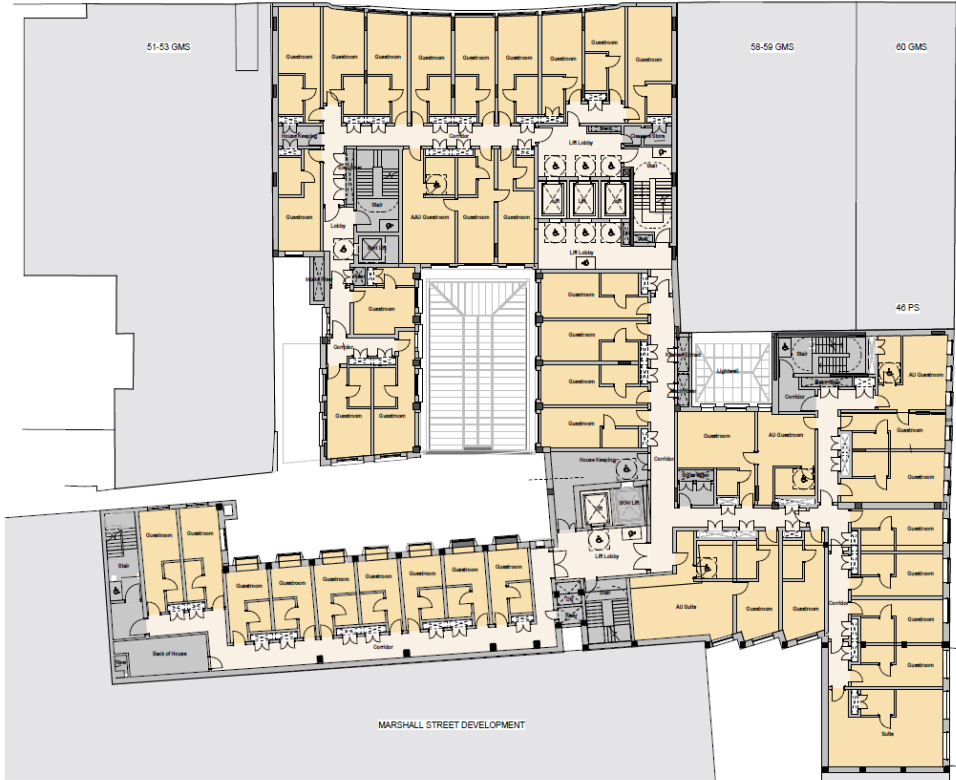


Proposed ground floor



Consented Third Floor Plan

GREAT MARLBOROUGH STREET



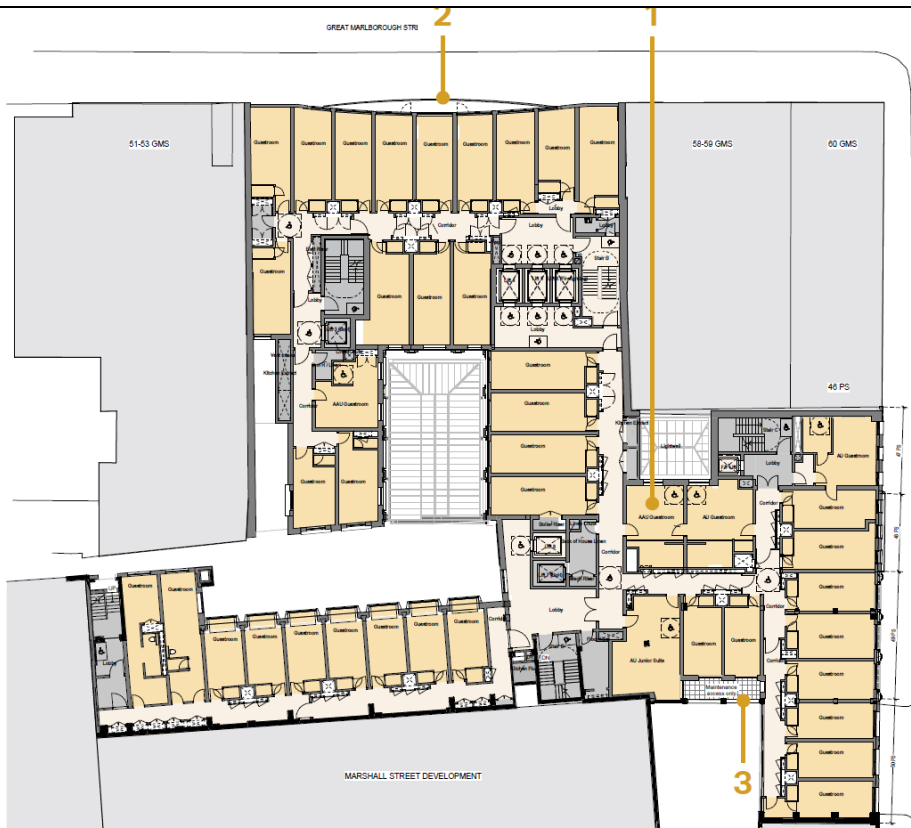
Proposed Third Floor Plan

Proposals

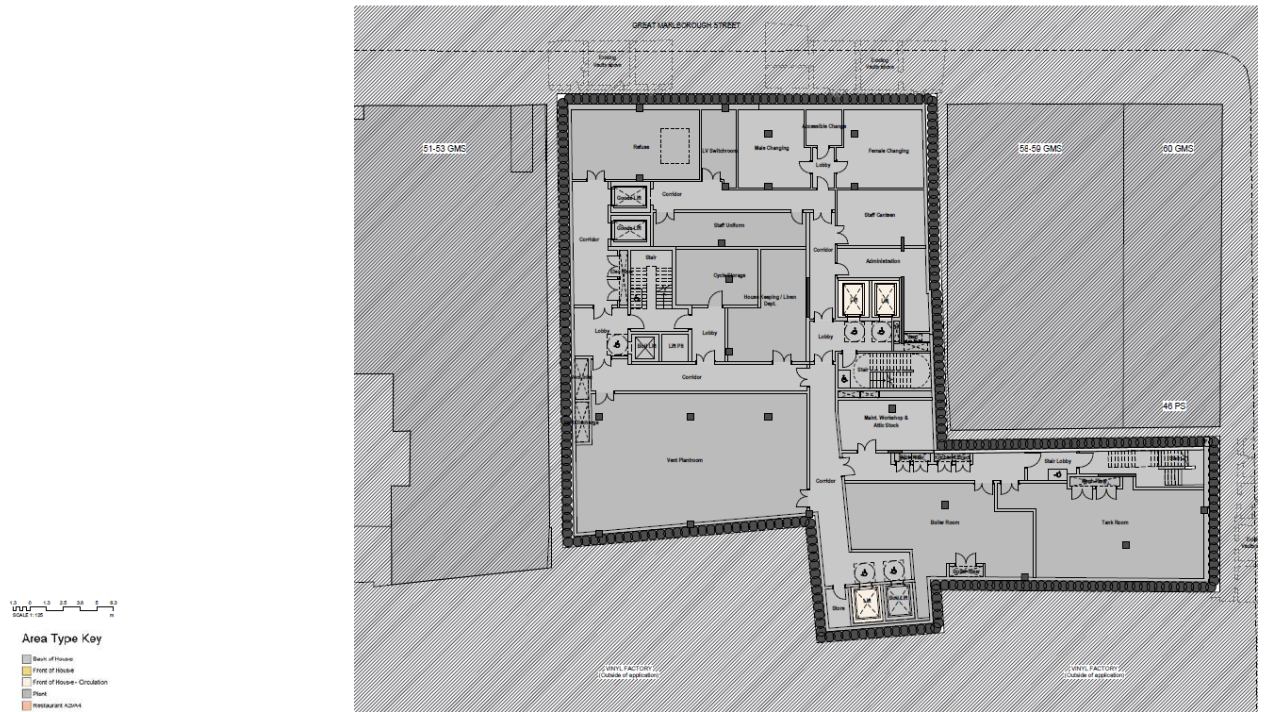
1 Guestroom Layout Updated while still achieving accessible/ adaptable rooms 10% of total number.

2 Access to the GMS balcony has been provided for maintenance purposes.

3 Retention of existing elevations. New external terrace for maintenance access only



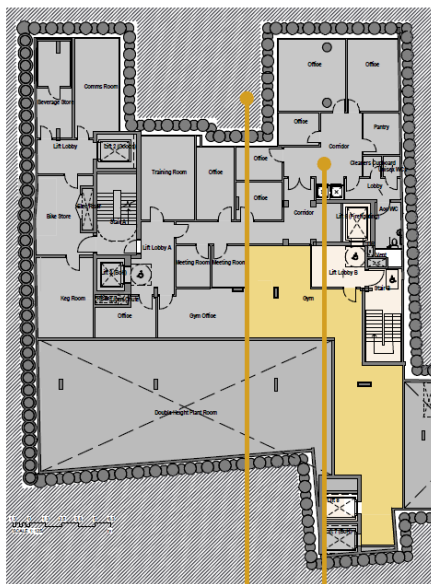
Consented Basement 2 Floor Plan



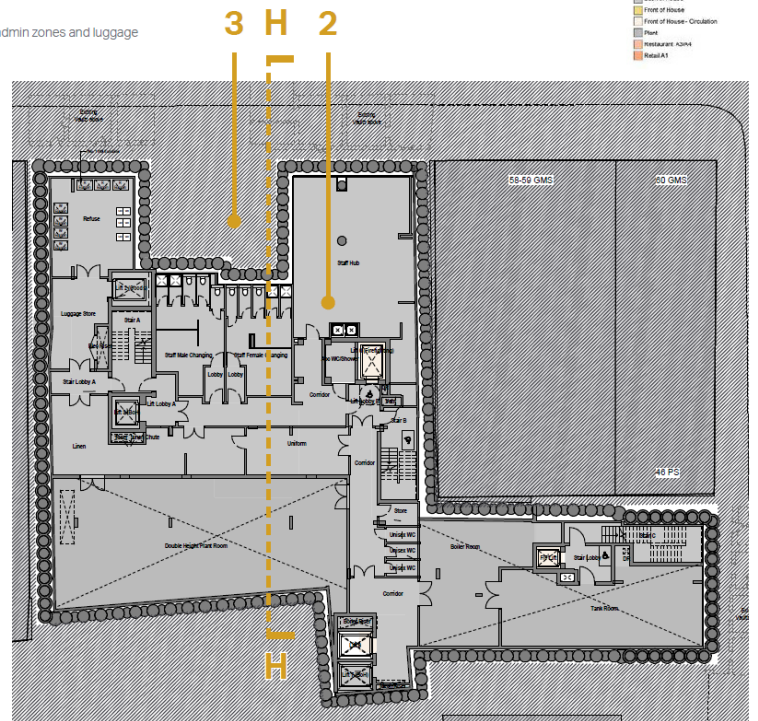
Proposed Basement 2 Floor Plan

Proposals

- 1 Introduction of a mezzanine floor within B2 staff zone to account for staff office and admin zones and luggage stores, (refer to sections for more detail).
- 2 Improvements to B2 layout allowing open plan area for staff, canteen, staff hub, and changing rooms.
- 3 Retention of UKPN substation reduces the extent of the basement floor plan



Proposed Basement 2 Mezzanine Plan



Proposed Basement 2 Plan

DRAFT DECISION LETTER

- Address:** Development Site At 47-50 Poland Street And 54-57, Great Marlborough Street, London,
- Proposal:** Variation of condition 1 of planning permission dated 06 February 2020 (RN:18/10886/FULL) for Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works; NAMELY, to enable design amendments including alterations to the detailed design of the new facades; reconfiguration of the entrances and routes through the ground floor level of the building; the introduction of a mezzanine level at basement level 02 and internal alterations to introduce additional firefighting cores. (Application under Section 73 of the Act),
- Reference:** 22/04419/FULL
- Plan Nos:** 18/10886/FULL:
 10853-EPR-01-B1-TP-A-01-0099 Rev3, 0100 Rev3, 0101 Rev3, 0102 Rev3, 0103 Rev3, 0104 Rev3, 0105 Rev3, 0106 Rev3, 0107 Rev3, 0108 Rev3; 10853-EPR-01-B1-TP-A-02-0098 Rev7, 0099 Rev9, 0100 Rev9, 0101 Rev7, 0102 Rev7, 0103 Rev7, 0104 Rev7, 0105 Rev7, 0106 Rev9, 0107 Rev9, 0108 Rev10; 10853-EPR-01-ZZ-TP-A-01-0304 Rev3, 0305 Rev3, 0306 Rev3, 0307 Rev3; 10853-EPR-01-ZZ-TP-A-02-0301 Rev6, 0302 Rev6, 0303 Rev7, 0304 Rev8, 0304 Rev6, 0305 Rev6, 0306 Rev6, 0307 Rev6; 10853-EPR-01-ZZ-TP-A-01-0401 Rev3, 0402 Rev3; 10853-EPR-01-ZZ-TP-A-02-0401 Rev7, 0402 Rev6, 0403 Rev6, 0404 Rev6, 0405 Rev6, 0406 Rev6; 10853-EPR-01-ZZ-TP-A-02-0501 Rev6, 0502 Rev5, 0503 Rev5, 0504 Rev5
- EPR-01—B1-DR-A- SK-0030 Rev4, 0031 Rev4,
- Structural Methodology Statement by WSP dated December 2018 (INFORMATION ONLY)
- 22/04419/FULL:
 10853-EPR-01-B1-TP-A-02-0098 Rev 15, B1-TP-A-02-0099 Rev 16, GF-TP-A-02-0100 Rev 19, 01-TP-A-02-0101 Rev 14, 02-TP-A-02-0102 Rev 13, 03-TP-A-02-0103 Rev 13, 04-TP-A-02-0104 Rev 13, 05-TP-A-02-0105 Rev 14, 06-TP-A-02-0106 Rev 16, 07-TP-A-02-0107 Rev 15, 08-TP-A-02-0108 Rev 15; 10853-EPR-01-ZZ-TP-A-02-0300 Rev 9, 0301 Rev 9, 0302 Rev 11, 0303 Rev 11, 0304 Rev 10, 0305 Rev 10, 0306 Rev 10, 0307 Rev 11, 0401 Rev 10, 0402 Rev 8, 0403 Rev 10, 0404 Rev 9, 0405 Rev 11, 0406 Rev 9, 0506 Rev 7, 0502 Rev 6, 0503 Rev 6, 0504 Rev 7, 0505 Rev 7

Basement Impact Statement by WSP dated June 2022 (FOR INFORMATION ONLY).

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	<p>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:</p> <ul style="list-style-type: none"> 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. <p>You must carry out piling, excavation and demolition work only:</p> <ul style="list-style-type: none"> o between 08.00 and 18.00 Monday to Friday; and o not at all on Saturdays, Sundays, bank holidays and public holidays. <p>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)</p>
	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	No development shall take place other than in accordance with the design and construction method statements approved under 20/01333/ADFULL dated 25 August 2020.
	Reason: To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41

	and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)
4	No development shall take place other than in accordance with the detailed method statement approved under 20/05543/ADFULL dated 18 September 2020.
	Reason: To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)
5	Non-residents hotel guests shall not be permitted to access, or remain within the hotel restaurants, bars, lobby and lounge areas except between 06.30 to 00.00
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
6	You must apply to us for approval of an operational management plan to show how you will prevent customers of the hotel, restaurant and bar from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the hotel, restaurant or bar use until we have approved what you have sent us. You must then carry out the measures included in the operational management plan at all times that the hotel is in use. (C05JB)
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
7	The courtyard area shall not be occupied by any person between the hours of 23:00 to 07:00 except in an emergency. Any doors and windows opening into this courtyard space must also remain closed between the hours of 23:00 and 07:00 except for emergency escape purposes.
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
8	No music, amplified or unamplified, including buskers, shall be played in the courtyard area at any time.
	Reason:

	To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)
9	You must apply to us for approval of the extent of space to be used for tables and chairs in the courtyard area. You must not use this space for tables and chairs until we have approved what you have sent us. You must then not put the tables and chairs in any other position than that approved by the City Council.
	Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)
10	(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f)

	above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.
	Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)
11	No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.
	Reason: To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)
12	The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.
	Reason: To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)
13	You must provide the waste store shown on drawings 10853-EPR-01-B1-TP-A-02-0098 Revision 15 and 10853-EPR-01-B1-TP-A-02-0099 Revision 16 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)
	Reason: To protect the environment and provide suitable storage for waste and materials for

	recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)
14	You must apply to us for approval of details of secure cycle storage for the hotel, retail and restaurant use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.
	Reason: To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)
15	You must apply to us for approval of details of a servicing management plan for the hotel/retail use identifying the process, storage locations, scheduling of deliveries and staffing for servicing purposes as well as a clear process for managing coach party arrivals and departures as well as taxis. The servicing management strategy must also include an assessment of delivery noise combined with mechanical services, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.
	Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)
16	Servicing must only take place between 07:00 and 19:00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
17	You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)
	Reason: To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)
18	You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 10 and 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

	<p>Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)</p>
19	<p>You must carry out the work in accordance with the remediation strategy approved under 20/01871/ADFULL dated 2 June 2020.</p> <p>You must apply to us for approval of a Contaminated Lane Validation report (to summarise the action you have taken during the development and what action you will take in the future, if appropriate) when the development has been completed but before it is occupied.</p>
	<p>Reason: To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)</p>
20	<p>(1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel, courtyard, restaurants and bars use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel, courtyard, restaurants and bars use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre</p>

	outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.
	Reason: Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)
21	You must apply to us for the details of an acoustic report demonstrating how the noise from the courtyard area will meet the requirements of condition C47 AB. The assessment must provide the following information: , - An assessment of predicted source noise, to include information on any proposed acoustic absorption materials within the space;; - An assessment of the likely impact at the nearest noise sensitive receptor and at the nearest residential receptor;; - Detailed information on the glazing specification; , - Detailed information on the attenuation for the ventilation systems;; - Detailed information on any other mitigation measures to be installed which are necessary to meet the required noise criteria; and, - An assessment of the potential impact on the operation of the restaurants, with mitigation measures recommended where necessary to ensure the operation of the restaurants are not unduly affected by noise from the use of the courtyard. , , The mitigation measures recommended by this report must be installed prior to occupation of this space and be permanently retained thereafter.
	Reason: Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)
22	The design and structure of the development shall be of such a standard, that it will protect noise sensitive dwellings within the development and adjoining residential dwellings from groundborne noise from the transmission of underground train operations, so that they are not exposed to levels indoors of more than 35 dB LASMax within habitable rooms during the day and night.
	Reason:

	In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining residents of the development from the intrusion of external noise.
23	You must carry out the works in accordance with the vibration assessment approved under 22/08453/ADFULL dated 6 January 2023.
	Reason: In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining occupiers of the development from the intrusion of external noise.
24	You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., PV panels, You must not remove any of these features. (C44AA)
	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)
25	You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)
	Reason: To maintain the character of the Soho Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)
26	You must carry out the demolition and development in accordance with the construction contract approved under 22/04416/ADFULL dated 4 November 2022.
	Reason: To maintain the character of the Soho Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)
27	You must apply to us for approval of samples of the facing materials you will use, including glazing and the cast glass, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the

	work using the approved materials. (C26BC)
	Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
28	The air quality mitigation measures as specified in the air quality assessment by WKC dated 12th December 2018 must be installed before you start to use any part of the development and permanently retained thereafter.
	Reason: To make sure that the development provides the air quality mitigation measures included in your application as set out in Policy 32 of the City Plan 2019 - 2040 (April 2021).
29	You must apply to us for approval of details to demonstrate how the CHP and gas boilers will meet the required air quality neutral benchmarks of the Greater London Authority SPG on Sustainable Design and Construction. You must not install the CHP until we have approved what you have sent us. You must then carry out the work according to these details.
	Reason: To make sure that the development provides the air quality mitigation measures included in your application as set out in Policy 32 of the City Plan 2019 - 2040 (April 2021).
30	You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development – <ol style="list-style-type: none"> 1. Typical bays - all elevations, 2. Windows, 3. Entrance doors, 4. Shopfronts, 5. Roof storeys, 6. Roof level plant, 7. Public art, 8. Atrium, <p>You must not start any work on these parts of the development until we have approved what you have sent us.</p> <p>You must then carry out the work according to these details (C26DB)</p>
	Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

31	<p>You must apply to us for approval of sample panels of: , ,</p> <ol style="list-style-type: none"> 1. Cladding for the Great Marlborough Street façade, 2. Rebuilt Georgian façade at 48 Poland Street (to replicate the existing), 3. Cladding for new Poland Street facades, , <p>You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample panels. (C27DB)</p>
	<p>Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)</p>
32	<p>You must carry out the construction work according to the details approved on 21 October 2020 (20/06293/ADFULL) or in accordance with the submission of alternative evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice.</p>
	<p>Reason: To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)</p>
33	<p>At least 10% of all guest bedrooms must be DDA accessible or adaptable.</p>
	<p>Reason: To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)</p>
34	<p>You must install the high level extract duct, and CHP flues, as shown on the approved drawings before the restaurant operations hereby approved can begin.</p>
	<p>Reason: To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)</p>
35	<p>You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)</p>
	<p>Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)</p>

36	The Poland Street and Great Marlborough entrance gates can only be opened between 07:00-23:00. Outside these times the gates shall only be opened in case of emergency access.
	Reason: In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)
37	You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)
	Reason: In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)
38	Notwithstanding the details shown on drawing no. 10853-EPR-01-TP-A-02-0100 Rev 19, no hatch shall be installed within the pavement onto Great Marlborough Street
	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)
39	The flat roof at sixth floor level and the terraces at second, third, fourth and fifth floors shall only be used for maintenance or means of escape purposes only.
	Reason: To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)
40	The glass that you put in the windows in the west facing elevation of the 50 Poland Street building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)
	Reason: To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, Forms can be submitted to CIL@Westminster.gov.uk, **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 5 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific

conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 6 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.
- 7 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.
- 8 It is anticipated that the assessment of Condition 22 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the following points relating to standard deviation taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 22 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation may be deployed. Measurement assessment of Condition 22 may require that third parties allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 22 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the adjacent properties. It is possible that existing background, ambient and maximum levels within the adjacent properties could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment.
- 9 Please ensure that the accessible WCs at ground floor level are available to members of the public on request.

Item No.
5

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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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Pimlico North	
Subject of Report	Basement And Ground Floor, 79 Wilton Road, London, SW1V 1DL		
Proposal	Use of basement and ground floors as restaurant/hot food takeaway (Sui generis) with installation of extraction flue system to rear.		
Agent	Mr T AY		
On behalf of	MR SAYED		
Registered Number	22/06456/FULL	Date amended/ completed	21 February 2023
Date Application Received	23 September 2022		
Historic Building Grade	Unlisted building of merit		
Conservation Area	Pimlico		
Neighbourhood Plan	Pimlico Neighbourhood Plan 2021-2040		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY & KEY CONSIDERATIONS

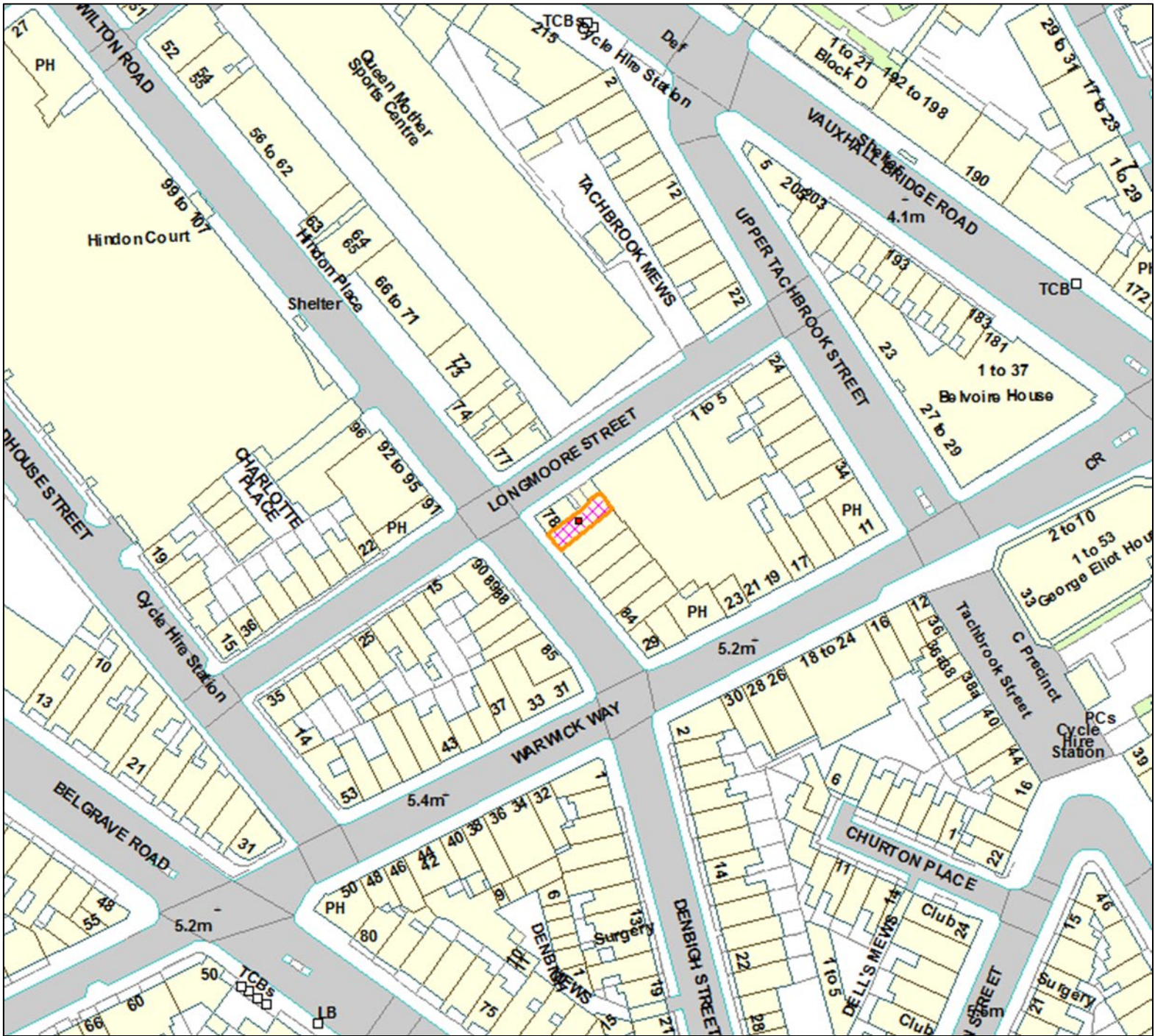
79 Wilton Road comprises a vacant shop on ground and basement floors and a residential flat on the first floor. The building is identified as an unlisted building of merit in the Pimlico Conservation Area Audit and is located within a terrace of similar two storey buildings. The current application is for use of the ground and basement floors as a restaurant/hot food takeaway (Sui generis) and the installation of a kitchen extract flue on the rear elevation of the building. Objections have been received from the Pimlico Neighbourhood Forum and two residents on land use and amenity grounds.

The key issues in this case are:

- The impact on residential amenity and local environmental quality
- The impact on the character and function of the Warwick Way/Tachbrook Street CAZ Retail Cluster
- The impact on the character and appearance of the building and the Pimlico Conservation Area.

For the reasons set out in the report the application is considered acceptable and complies with the relevant policies of the City Plan and Pimlico Neighbourhood Plan subject to conditions to ensure that any harmful impact on residential amenity and local environmental quality is mitigated.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

WESTMINSTER SOCIETY

Any response received to be reported verbally by officers.

PIMLICO FREDA

Any response received to be reported verbally by officers.

PIMLICO NEIGHBOURHOOD FORUM

There is an over concentration of hot food takeaways in Pimlico which has a harmful impact on the character and function of the area and on residential amenity as result of late-night noise and activity and nuisance from cooking fumes. Object to any further increase in hot food takeaways. The external alterations will have a harmful impact on the appearance of the building and on the conservation area. There are no details of waste storage or deliveries.

ENVIRONMENTAL HEALTH

No objection subject to conditions mitigating the impacts of the external plant noise, internal noise generated from restaurant use and odour generated by extract ventilation equipment

HIGHWAYS PLANNING MANAGER

Whilst no details of servicing have been provided, it is accepted that the proposed use will be serviced in a similar manner to the existing use and nearby properties. Request conditions are attached restricting the use to a restaurant and no delivery service to operate from the premises.

PROJECTS OFFICER (WASTE)

No objection subject to a condition to ensure that the storage for waste and recyclables is provided and made permanently available.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Three objections from two neighbours on the following grounds:

LAND USE

- Excessive number of pizza/fast food restaurants in the area
- Within 200m of a prep school and within meters of the Queen Mother Sports Centre – used by school children
- Should be retained for retail use

AMENITY

- Light pollution.

PRESS NOTICE/ SITE NOTICE:

Yes

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 Pimlico Neighbourhood Plan was formally adopted by the City Council on 7 December 2022 and is therefore now part of the statutory Development Plan for Westminster and is used alongside Westminster's City Plan 2019-2040 and the London Plan 2021 when determining planning applications within the Pimlico Neighbourhood Area.

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 relates to the ground and basement floors of 79 Wilton Road, a two-storey plus basement building located on the east side of Wilton Road. The ground and basement floor levels are currently vacant but were previously occupied as a shop; the first floor is an independently accessed self-contained residential flat. The building is identified as an unlisted building of merit in the Pimlico Conservation Area Audit and forms part of a terrace of similar two-storey buildings. The site is located within the Warwick Way/Tachbrook Street CAZ Retail Cluster, Flood Zone 3 and the Pimlico North & Victoria Surface Water Flood Risk Hotspot.

7.2 Recent Relevant History

Advertisement consent was refused for the retention of the internally illuminated fascia sign and the internally illuminated projecting sign on 8 December 2022 (22/06457/ADV). The applicant was advised that halo illuminated lettering or externally illuminated signage would be considered more favourably.

The applicant has reapplied for advertisement consent (22/08591/ADV) but whilst the projecting sign is now proposed to be externally illuminated the fascia sign has internally illuminated lettering rather than halo illuminated lettering and is therefore unacceptable.

8. THE PROPOSAL

Planning permission is sought for a change of use of the ground and basement floors from retail Class E use to a mixed restaurant/hot food takeaway (Sui generis) use and the installation of a kitchen extract flue on the rear elevation of the building.

A sales counter, pizza oven and food preparation area are proposed at rear ground floor level with seating for 11 customers at the front of the premises; seating for a further 22 customers and customer toilets are provided in the basement. The applicant anticipates that 20-30% of sales will be for takeaway.

Except for the kitchen extract flue at the rear, there are no external alterations proposed to the building. The shopfront, shutter and shutter box are retained as existing. The display of new signage (fascia and projecting signs) is the subject of a separate application under control of advertisements legislation.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class E)	126.65	0	-126.65
Restaurant and Hot Food Takeaway (Sui Generis)	0	126.65	+126.65
Total	126.65	126.65	0

9. DETAILED CONSIDERATIONS

9.1 Land Use

City Plan Policy 14 'Town Centres, high streets and the CAZ', at Part A, requires proposals in existing town centres and high streets to enhance and diversify their offer as places to shop work and spend leisure time. At Part C, Policy 14 requires development be of a scale, type and format that reflects and enhances the function of the centre within which it is proposed. CAZ Retail Clusters, such as the Warwick Way/Tachbrook Street CAZ Retail Cluster are expected to provide large format retail and complementary town centre uses to meet the needs of residents, workers and visitors.

City Plan Policy 16 'Food, drink and entertainment', at Part A, requires that food and drink uses be of a type and size appropriate to their location and the over-concentration of such uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. At Part C, Policy 16 states that proposals for hot food takeaways within 200 metres walking distance from the entrance of a primary or secondary school will not be supported.

Pimlico Neighbourhood Plan Policy PIM 1, at Part A, states that the Warwick Way/Tachbrook Street CAZ Retail Cluster (and the Local Centres) are the areas of commercial and mixed-use character to which main town centre uses that both serve visiting members of the public and provide active frontages should be directed within the Pimlico Neighbourhood Area. Part C of PIM1 states that proposals for hot food takeaways within 200m walking distance from the entrance of a primary or secondary school will not be supported and that proposals for new restaurants and hot food takeaways must ensure that local environmental quality is protected by satisfactorily mitigating the detrimental impacts of noise and disturbance, waste, cooking odours and deliveries.

The ground and basement floors of the application premises were previously used as a retail shop. Following the amendments to the Use Classes Order introduced by Government in September 2020, retail shops and premises for the sale of food and drink for consumption (mostly) on the premises i.e. restaurants and cafes, both now fall within Class E which means that planning permission is no longer required for a change of use from retail to restaurant. However, hot food takeaways – for the sale of hot food for consumption mostly undertaken off the premises do not fall within Class E but are a 'Sui generis' use i.e. a use which does not fall within a defined use class. Consequently, the proposed mixed restaurant/hot food takeaway use of the application premises falls outside of Class E and is a Sui generis use requiring planning permission.

Objections have been received from the Neighbourhood Forum and two residents on the grounds that the proposal would result in the over concentration of restaurants/ hot food takeaways causing harm to the character and function of the local area and harm to residential amenity.

The proposal would result in a row of five consecutive restaurants on this section of Wilton Road; about half of all ground floor units along both sides of Wilton Road between Gillingham Street and Warwick Way are currently restaurants, cafes or pubs. The proposed mixed restaurant/hot food takeaway is considered to be a complementary town centre use appropriate to this CAZ Retail Cluster and one which would 'meet the needs of local residents, works and visitors – both contributing the daytime and night-time economy' (para. 20 Chapter 2 of the Pimlico Neighbourhood Plan). Given the relatively small size of the application premises (126.65sqm), the small proportion of takeaway sales (20-30%) proposed and the fact that the premises could be used as a restaurant without the need planning permission, it is considered that the proposed mixed restaurant/hot food takeaway would not have a harmful impact on the vitality and character of this CAZ Retail Cluster.

An objection has been received on the grounds that the application premises are less

than 200 metres from a prep school at the corner of Vauxhall Bridge Road and Francis Street.

The application premises are not within 200 metres walking distance of the entrance of any primary or secondary school. The nearest primary or secondary is the Westminster Cathedral Choir School (WCCS) at 47 Francis Street, which is approximately 270 metres walking distance away.

9.2 Residential Amenity

City Plan Policy 16 'Food, drink and entertainment', at Part A, requires that food and drink uses be of a type and size appropriate to their location and the over-concentration of such uses will be further prevented where this could harm residential amenity.

Policy 7 of the City Plan requires development to protect and where appropriate enhance the quality of the local environment.

Policy 33 of the City Plan seeks to ensure that the quality of life and health of existing and future occupiers and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment. This includes minimising noise and vibration from plant, machinery and internal uses and addressing the adverse impact of odour through the incorporation of appropriate mitigation measures using a precautionary approach.

Policy PIM 1 of the Pimlico Neighbourhood Plan requires proposals for restaurants and hot food takeaways to protect local environmental quality by mitigating the detrimental impacts of staff and customer activity, by providing adequate extraction and air conditioning which does not impact on the amenity of residents living above or close to the unit in terms of noise disturbance or odours and by ensuring that deliveries do not cause noise and obstruction.

The Council's Environmental SPD (adopted 2022) contains guidance on the implementation of the above policies in respect of noise, vibration and odour.

Noise & Vibration

The application is supported by an acoustic report. The City Council's Environmental Sciences Team are satisfied that the proposed kitchen extract flue will not cause a noise nuisance subject to conditions controlling noise emission levels and restricting its use to between the hours of 07.00 and 23.00 hours daily.

Environmental Sciences have also requested that conditions are imposed to control internal noise levels to protect the amenity of adjoining residential occupiers including a requirement to fit a noise limiter on any music amplification system. A condition is also recommended to restrict the hours of opening to between 07:00 and 23:00 hours daily.

Odour

Environmental Sciences have confirmed that the proposed kitchen extract ventilation arrangements are acceptable subject to a condition requiring the equipment to be

installed and maintained in accordance with the submitted Odour Management Plan.

It is considered that these conditions will mitigate any potentially harmful amenity impact in terms of noise and odour nuisance.

An objection has been received raising concerns about potential light pollution. There are no alterations proposed which would cause light pollution.

9.3 Transportation, Accessibility & Servicing

Policy 29 of the City Plan requires servicing collection and delivery needs to be fully met within a development.

Policy 7 of the City Plan requires development to make appropriate and effective waste management arrangements.

Policy 37 of the City Plan requires all development (including changes of use) to provide appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use.

Policy PIM 1 of the Pimlico Neighbourhood Plan requires that hot food takeaways mitigate the detrimental impacts of customer and staff activities in respect of litter, commercial waste and dirty pavements by ensuring adequate waste storage arrangements. This policy also requires that deliveries (both by moped and bicycle) from hot food takeaways ensure that pavements and roadways are not obstructed and that delivery workers do not congregate in a location that creates unacceptable obstruction and noise.

Servicing

There is no provision for off-street servicing. The Highways Planning Manager has however accepted this on the basis that the proposed use is likely to be serviced in a similar manner to the previous use and nearby properties.

Delivery Service

The Highways Planning Manager has no objection to the takeaway element of the proposed use as this will have a similar impact in highways terms to that of individuals purchasing items from a retail shop. However, objection is raised to a delivery service which would cause a highway obstruction, reduce the availability of parking for others and increase noise and nuisance from fumes. It is therefore recommended that a condition is attached prohibiting the restaurant/ hot food takeaway from operating a delivery service from the premises.

Waste & Recycling Storage

The application has been amended to include a waste management plan for the premises and a storage area for waste and recycling at rear ground floor level. The Council's Project Officer (Waste) is satisfied with the revised arrangements subject to a

condition to ensure that the waste storage is provided and retained.

9.4 Townscape, Design & Heritage Impact

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

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.

Policy 39 of the City Plan 2019-2040 (April 2021), at part K, requires development in conservation areas to 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 of the City Plan, at part A, states that development will be sensitively designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape. Part B goes on to state that: 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. Part D requires that alterations and extensions respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and do not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster’s distinctive townscape.

Policy PIM 4 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) requires that development within or affecting the setting of the Pimlico Conservation Area should demonstrate well-detailed, high quality, sustainable and inclusive design and architecture which preserved and enhances the historic character of the conservation area.

79 Wilton Road is an unlisted building of merit located within the Pimlico Conservation Area. There are several existing extract ducts to the rear of the terrace of buildings of which 79 Wilton Road forms a part. The proposed kitchen extract duct emerges at the rear of the building and would be short in length compared to other nearby extract ductwork along the rear of the terrace. This appears to be the best available route for an external duct and would be only moderately visible in private views to the rear. Due to the poor townscape quality (because of existing ducts) to the rear of the building, the installation of this duct would preserve and cause no harm to the character and appearance of the Pimlico Conservation Area. The proposal is therefore considered to be acceptable in design and conservation terms.

Although objections have been raised about a new shopfront and signage, this application does not seek planning permission to alter the shopfront; the shopfront, the shutter and shutter box will all remain as existing. Proposals for new fascia and projecting signs are the subject of a separate advertisement consent application.

9.5 Environment & Sustainability

Flood Risk & Sustainable Drainage

The application site is located within Flood Zone 3 and Pimlico North & Victoria Surface Water Flood Risk Hotspot. The applicant has submitted a site-specific Flood Risk Assessment (FRA) but as the flood risk vulnerability of the proposed use would be the same as the existing use - shops, restaurants and hot food takeaways are all classified as uses that are 'less vulnerable' to flood risk – there is no requirement to consult the Environment Agency. Furthermore, there is no policy requirement to prohibit 'less vulnerable' uses in Flood Zone 3 and no requirement for this type of development to provide any sustainable drainage measures. Hence, the proposal is considered acceptable in terms of flood risk and sustainable drainage

Sustainable Design

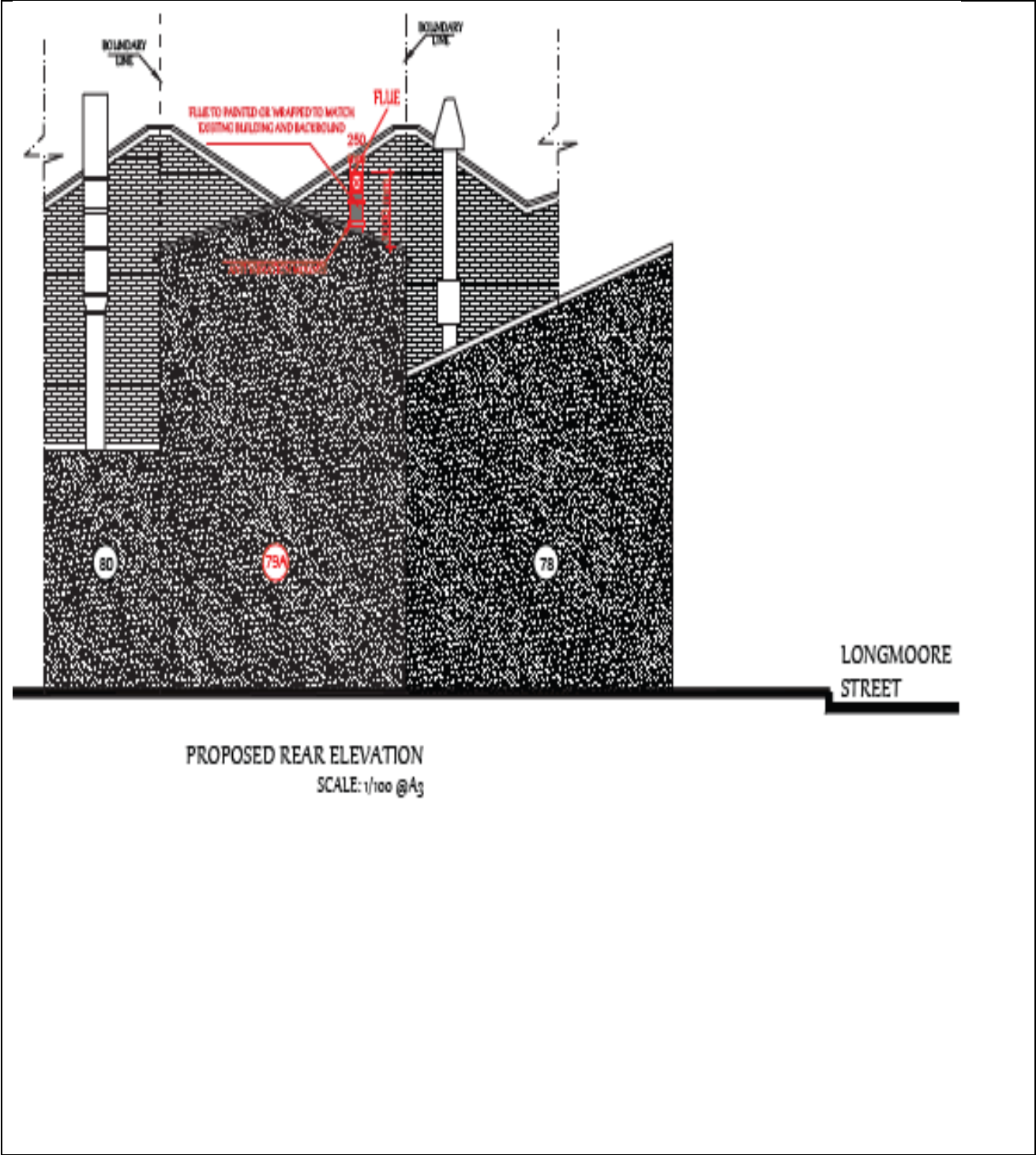
The installation of an external kitchen extract flue does not trigger any policy requirements in terms of sustainability.

10. Conclusion

The proposal is considered acceptable subject to appropriate conditions to mitigate any potentially harmful impact on residential amenity and local environmental quality.

(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: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk



DRAFT DECISION LETTER

- Address:** Basement And Ground Floor, 79 Wilton Road, London, SW1V 1DL
- Proposal:** Use of basement and ground floors as restaurant and hot food takeaway (sui generis) with installation of extraction flue system to rear.
- Reference:** 22/06456/FULL
- Plan Nos:** Plans:
WLT79/22/01 Existing Site, Basement & Ground Floor Plans; WLT79/22/02 Existing Roof Plan & Front & Rear Elevations; WLT79/22/03 Existing Side Elevations; WLT79/22/04 Location Plan; WLT79/22/05 Rev A Proposed Site, Basement & Ground Floor Plans; WLT79/22/06 Rev B Proposed Roof Plan & Rear Elevation; WLT79/22/07 Rev B Proposed Side Elevations.
- Supporting Documents:
Noise Impact Assessment Issue 02 compiled by Deane Austin Ltd (DAA) dated 15 June 2022; Odour Management Plan prepared by Delta Tech Ltd dated February 2023; Waste Management Plan Rev A Dec 2022 prepared by Delta Tech Ltd; Flood Risk Assessment January 2023 produced by Delta Tech Ltd.
- Case Officer:** Max Leonardo **Direct Tel. No.** 07817095744

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 this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;

- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.
(C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 5 The plant/machinery hereby permitted shall not be operated except between 0700 hours and 2300 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 7 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens.

Noise from music and entertainment from the restaurant and hot food takeaway use shall be 10 dB below the measured/assessed background in adjoining residential habitable space measured in the parameters Leq & LFmax of 63 Hz and 125 Hz octave bands OR fixed criteria of Day: NR30 Leq, NR35 FLmax and Night: NR25 Leq, NR30 LF max.

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 8 A noise limiter device must be fitted to any musical amplification system to ensure that the Sound Source levels meet the design criteria and/or mitigation specified in Condition 7. The operational panel of the noise limiter shall then be secured by key or password which shall be inaccessible to staff.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 9 Prior to first occupation of the premises as a restaurant/hot food takeaway you must provide the separate stores for waste and recyclable material storage as shown on drawing no. WLT79/22/05 Rev A of the submitted Waste Management Plan and thereafter maintain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the restaurant and hot food takeaway. You shall not leave any waste on the highway other than immediately before collection.

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)

- 10 You shall maintain the extract ventilation system in accordance with the recommendations in the submitted Odour Management Plan prepared by Delta Tech Ltd dated February 2023.

Reason:

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

- 11 Customers shall not be permitted within the restaurant/hot food takeaway premises before 0700 or after 2300 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 12 You shall not operate a delivery service from the premises.

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 This permission does not allow any alterations or advertisements to the front elevation of the building.
- 3 Conditions 4 & 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 You are advised to permanently mark the plant/machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 5 The operating timings for the mechanical plant for the kitchen ventilation system should be controlled by an automated system rather than relying on staff manually switching the system

off at closing time.

6 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

7 The term 'clearly mark' in condition 9 means marked by a permanent wall notice or floor markings, or both. (188AA)

8 Kitchen Extract Ventilation Informative:

i. The best solution to prevent odour nuisance for any food operation is a scheme consisting of 'full height' discharge - see guidance at;

o <https://www.westminster.gov.uk/media/document/westminster-guidelines-for-kitchen-extract-ventilation-systems-mar-2021>

In this case the 'low' discharging scheme submitted with the application is considered to be acceptable as it complies with 'Best Practicable Means' standards if implemented and maintained in accordance with Section 2.6 of the Odour Management Plan from Delta Tech Ltd.

As food operations and intensity of use are always difficult to precisely define at the outset final acceptance of the scheme as being sufficient to prevent odour nuisance may therefore require further mitigation works to be carried out if nuisance is being caused post-installation. In addition if in the future the food operation changes significantly you must assess if the scheme is still adequate to prevent nuisance - see the guidance above.

ii. Any installed scheme should also contain the following elements:

o All fume producing cookline equipment must be placed under the extraction canopy

o The kitchen extract ducting should be designed to discharge vertically

o The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of 25 centigrade and provide sufficient air changes within the workspace in compliance with Building & Engineering Services Association (BESA) guidance DW172 -2018 or as updated

o The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or be in compliance with the BESA document TR19 for cleaning and maintenance

o Any cladding must be made of non-flammable materials (approved by Building Control and/or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches

o Access to the ducting must comply with the Health & Safety safe access standards

9 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

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

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.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Regent's Park	
Subject of Report	Dorset House, Gloucester Place, London, NW1 5AH		
Proposal	Installation of replacement double-glazed windows and doors.		
Agent	Mr Anthony Ferguson Peacock + Smith Limited		
On behalf of	Mr Timothy Burr		
Registered Number	19/05968/FULL & 19/05969/LBC	Date amended/ completed	31 July 2019
Date Application Received	30 July 2019		
Historic Building Grade	II		
Conservation Area	Dorset Square and setting of Portman Estate.		
Neighbourhood Plan	Not applicable.		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1) Grant conditional permission 2) Grant conditional listed building consent 3) Agree the reason for granting conditional listed building consent, as set out in the informative 1 of the draft decision letters.

2. SUMMARY & KEY CONSIDERATIONS

<p>Dorset House is a grade II listed 1930s mansion block of ground and 9 upper storeys within the Dorset Square Conservation Area.</p> <p>The application proposes the replacement of single glazed steel framed windows to 200+ flats and common parts, with a total of around 1,700 apertures across the four elevations of Dorset House. The new windows will match the appearance and frame material of the existing steel windows, while being double glazed with applied aluminium metal glazing bars.</p> <p>Letters of objection and support have been received from 10 flat owners and the Dorset House</p>
--

Tenants Association raising design and listed building concerns, as well as non-planning matters.

The key considerations in this case are:

- The impact of the removal of the original windows and replacement with new double-glazed windows on the special architectural and historic interest of the grade II listed building.
- The visual impact of the new windows on the character and appearance the Dorset Square Conservation Area and the setting of Portman Estate Conservation Area.
- The environmental impact of the works and the energy efficiency benefits of the new windows.

The application requires removal of significant volumes of historic window fabric and replacement with a matching design of window. While the new designs do not exactly replicate the construction of the existing windows, there would be public and private benefits in terms of energy efficiency of the building and its carbon footprint, climate change mitigation and the health and well-being of residents, who would have properties which are easier and cheaper to heat and maintain.

The works are considered to preserve the special interest of the building and preserve the character and appearance of the building's contribution to the Dorset Square Conservation Area and Portman Estate Conservation Areas.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of corner of Marylebone Road and Glenworth Street.



View of corner of Melcombe Place and Gloucester Place.



View from Marylebone Road of corner garage.



Existing windows – close ups.



4.1 Application Consultations

Ward Councillors for Regent's Park:

Any response to be reported verbally.

The St Marylebone Society:

No objection, subject to all windows should be required to be done as a single project and not replaced piecemeal over years.

Adjoining Owners/Occupiers And Other Representations Received:

No. Consulted: 387

Total no. of replies: 12 (across the planning application and listed building consent application)

No. of objections: 9 (3 of which are duplicated responses on the planning application and listed building consent application, 1 of which is from the Dorset House Tenant's Association and 1 of which is anonymous letter).

Objections raise some or all of the following comments:

Design and Heritage:

- large numbers already have secondary glazing and have maintained their windows,
- question whether repairs have been considered,
- non-metal solution would be preferred.

Other:

- do not understand proposal,
- lack of information and consultation from freeholder for a costly window replacement,
- likelihood most leaseholders will retain current windows,
- excessive cost of replacement.

No. of Support: 2

Letters of support have been received from 2 flat owners raising the following issues:

- The windows are in bad shape, they're large part of the buildings appearance and the poor condition is damaging visually. The works will enhance this significant art deco building.

One anonymous, 'neutral' letter received from raising the following issues:

- Difficulty in assessing the two originally submitted applications. Greater explanation by owner needed.
- New windows should be as efficient as possible while maintaining appearance
- Freeholder doesn't have the right to enforce replacement and many owners do not wish to, as they have maintained their windows and installed secondary glazing.

Press Notice/ Site Notice:

Yes

4.2 Applicant's Pre-Application Community Engagement

These applications predate the City Council's published advice on public engagement.

However, there has been consultation and discussion between the freeholders and flat owners over an extended period of time.

The agent has confirmed the following took place:

The evolution and formulation of the proposed fenestration has been informed by an extensive programme of consultation during both the pre-application and determination periods. It commenced at the pre-application stage in April 2019 and has continued through the determination period including -

Pre-Application Stage

In Spring 2019, four different prototypes of the proposed 'double-glazed' window units which sought to replicate the design, appearance, and configuration of the existing fenestration were presented to –

- a. *the Moving Forward Group committee members - residents association.*
- b. *Rebecca Mason (Westminster City Council) at Dorset House on 30 April 2019.*

Public Exhibition (31 March 2022 and 28 September 2022)

The purpose of the public exhibition was to provide local stakeholders with the opportunity to better understand all aspects of the revised design that had incorporated the amendments sought by the council.

The new prototypes showing the revised design were displayed in the foyer between 31 March 2022 and 28 September 2022; together with a range of explanatory exhibition boards, a replica of the existing 1930's-era single pane window, and the 'heritage' double-glazed prototype of the original design for Proposal A (19/05968/FULL & 19/05969/LBC), which has now been superseded. The exhibition was very well-received and attended.

5. WESTMINSTER'S DEVELOPMENT PLAN

5.1 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.

5.2 Neighbourhood Planning

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

5.3 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.

6. BACKGROUND INFORMATION

6.1 The Application Site

Dorset House was listed at grade II in 1998 and is located with the Dorset Square Conservation Area. Due to its size and having elevations to four streets including Marylebone Road, its appearance also affects the setting of the Portman Estate Conservation Area on the opposite side of Marylebone Road.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

These applications relate to the replacement of the existing single glazed multi paned steel framed windows and doors to the 200+ flats and common parts, totalling of around 1,700 apertures across the four elevations of Dorset House, with double glazed 8mm units within steel framed windows, with applied aluminium metal glazing bars.

8. DETAILED CONSIDERATIONS

8.1 Environment & Sustainability

The new windows will allow for greater energy efficiency within the building. Heating systems will be likely to be used less in those flats which do not have well maintained windows and secondary glazing, when they are double glazed. This in turn, will lower the building's carbon footprint.

8.2 Circular Economy

The steel from the windows will amount to several tonnes, which has an intrinsic value as scrap metal. The scrap steel will be recycled into new steel, in which a percentage of scrap iron is necessary to make new steel.

Environment & Sustainability Summary

The environmental benefit of the double glazing would be the reduced energy demand of the resident's flats and consequently, a reduced energy demand on the both electricity and gas use, with a small contribution to climate change mitigation.

8.3 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 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."*

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

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.

Consultation responses have been received, including objections from occupiers of the flats and the Dorset House Tenants Association raising the following:

- Works not necessary, as many flats have secondary glazing and have kept their windows in good repair.
- Works cannot be enforced by the freeholder, so a mismatch of appearance will result.
- Lack of consultation by freeholder.
- Not enough consideration of repair option, many of the windows are in good condition.

- Excessive cost of works.
- Partial replacement of communal windows should be allowed.

Impact on Heritage Assets.

Dorset House is a grade II listed 1930s mansion block of ground and 9 upper storeys within the Dorset Square Conservation Area. Both Dorset House and the conservation area are designated heritage assets.

Dorset House can be described as 'restrained art deco' with simple, but elegant 1930's features. The building has four street frontages Marylebone Road, Gloucester Place, (where the main entrance is located), Glenworth Street and Melcombe Place. The ground floor features retail and restaurant units to all elevations, while the upper floors comprise residential apartments, with a total of 214 flats.

Over the last 10 years or so, the building has been undergone to a concerted restoration, with many non-original shopfronts and signs being replaced with art deco styled designs. In addition, the restoration of architectural features, notably the reopening of the corner garage and car park entrance, as well as the residential entrance to Gloucester Place with its art deco porch and carved Eric Gill reliefs has been undertaken. The internal common parts of the building have also been restored, the communal heating system was replaced in around 2008 and further works are planned.

Pre-application advice was given in April 2019 that the replacement of the windows with double glazed steel windows could be acceptable subject to the use of integral glazing bars to the new windows. Integral glazing bars as opposed to applied or 'stick on' glazing bars, which adhere to the surface of the glass, means only one double glazed unit is required per window.

This advice was given in order to replicate the detailed design of the original 1930s windows. The present design is characterised by horizontal multiple panes and for example a typical bay window, which most flats have at least one example, has a total of 48 panes.

Installing double glazed windows would necessitate the removal of around 1700 windows, representing a significant volume of historic fabric.

The repair option is normally favoured and indeed there are range of actions which could improve the condition and energy efficiency of the existing windows. Such works could include secondary glazing, combined with stripping of paint to ease hinges and fitting of brushes and seals to reduce drafts. The narrow vacuum units proposed are only 8 mm thick and could be easily accommodated within the existing steel frames, once the existing glazing had been removed.

Undertaking repair works on a scale of this building would present practical problems and therefore the application to replace all the windows was submitted.

While loss of a listed building's original fabric of this scale might not ordinarily be acceptable, volume of fabric is not the only consideration. The significance and therefore

impact of the loss of any given element/s of fabric need to be assessed, in line with para 195 of the NPPF.

In this case, steel windows were industrially mass produced in the Crittall factory on a scale of millions in the interwar period. While the refined profiles of the glazing bars are characteristic of the period and attractive in their own right, the windows do not illustrate craftsmanship in the same way as a handmade timber sash or earlier metal framed or leaded window might.

The existing windows do have significance as original designs dating to the original construction, but of greater significance is their contribution to the overall appearance of TP Bennet's original compositional design.

The building's 'cruise liner' like appearance is composed of factory-made windows with a limited range of glazing arrangements, replicated to each floor and elevation, creating a uniform appearance to the imposing edifices.

It is this contribution, which in this instance, is considered to be a more important characteristic, than their individual status as original windows. However, it's important to note that a different significance may ascribed to the fenestration of other buildings, even those dating to the same period of construction as Dorset House, subject to their significance.

Occasional flats have already been permitted/consented 'like for like' single glazed replacements, with integral glazing bars, in line with this consideration. Many flats have been granted consent for the more cost effective and less disruptive solution of secondary glazing, which improves energy efficiency while retaining fabric.

On the scale of harm, the harm is considered to be 'less than substantial, but in the mid-range of that scale.

The NPPF says that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In terms of public benefits to mitigate this harm, the new windows would be made of steel and have matching multiple paned designs the originals. Using the very narrow vacuum unit with a 1mm gap, ensures the impact of double glazing on the frame sizes are minimised. While there would be a variation in the construction of the new windows, due to the applied aluminium glazing bar, that variation in design would be minor to most observers.

The glazing bar, while made of a differing material (aluminium) is designed to replicate the appearance of an original 'T' shaped glazing bar with putty on either side. In addition to having an adhesive holding it to the 8mm double-glazed panel, the bar would be mechanically fixed to the steel frame.

So, in addition to the new design matching, (largely due to the high quality 8mm unit) in so far as possible with a double-glazed panel with applied bars can, there would also be the public and private benefits in terms of energy efficiency to the building, lowering its carbon footprint. This benefit is ultimately to mitigate climate change, while also enhance the health and well-being of residents, who would have properties which are easier and cheaper to heat and maintain.

The proposed new windows will maintain the building's uniformity of appearance, while reducing the flat's heating requirements, therefore increasing the energy efficiency of the building. This increased energy efficiency ties into the City Council's planning agenda of sustainable development, the declaration of Climate Emergency and 'Fairer Westminster'.

It's noted that several of the objections raise the likelihood of the works not being implemented, or only being partially implemented. They state the freeholder does not have the authority to undertake works or to enforce the participation of all of the flats. While partial implementation is not envisaged, such an approach, would be problematic as the new windows, while very similar will look different to the existing as new examples. It's unclear exactly what powers the freeholder has in this regard.

A condition is recommended, in line with normal practice, and in addressing the comments made by the St Marylebone Society, that all windows are replaced at the same time, to avoid losing the uniformity of appearance, given this is one of the principal aspects of the building's significance.

In terms of other conditions, the communal windows are a large element of the building's design and further details of how these 9 storey windows are to be dealt with are to be secured by condition..

Due to the similarity of the windows when seen at a distance, due to using these 8mm units, Dorset House's contribution to the Dorset Square Conservation Area's will remain largely unaltered by the works. As such, these works will preserve the character and appearance of the conservation area in line with policy 39 and Section 72 of the act.

The applications accord with the aims of policies 38, 39 and 40 of the City Plan and are recommended for conditional permission and listed building consent.

8.4 Other Considerations

A number of the objections received raise a number of non-planning issues relating to the freeholder's consultation process, service charges, cost of works and obligations between the freeholder and flat owners.

While these are important issues to the flat owners, they cannot be taken as material planning considerations in the determination of these applications.

8.5 Planning Obligations & Pre-Commencement Conditions

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

9 Conclusion

The works will result in the loss of all original windows and replacement with a visually similar design. There will be small variations in detailing from the original examples, These variations result from the use of double glazing with applied glazing bars. The use of high quality 8mm glazing is the reason why these units would closely resemble the existing and the change would only be perceptible at close quarters, due to the use of the 8mm glazing.

Given this loss of fabric and small change to appearance, there is harm to the appearance and integrity of the heritage asset. Measured on a scale, the harm is 'less than substantial', but considered to sit at the midpoint of that range, given the extent of works.

As such, mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the public benefits of maintaining the overall appearance of this landmark listed building with multiple paned windows, while improving both the residents living conditions and the building's energy efficiency credentials, (and consequently climate change mitigation), the proposal is acceptable in terms of its impact on the designated heritage asset(s).

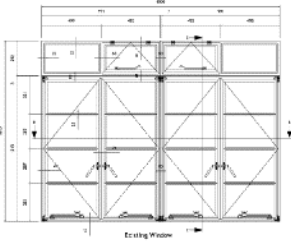
Therefore, the recommendation to grant conditional permission and listed building consent complies with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990."

(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: ADD PRESENTING OFFICERS NAME BY EMAIL AT Allison Borden aborden@westminster.gov.uk

Existing Section & Detail:

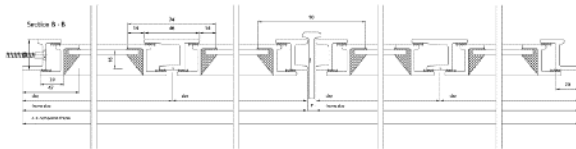
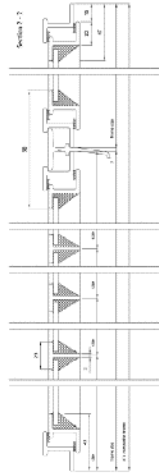
ELEVATIONS VIEWED FROM OUTSIDE



4mm Tn or single glass
Center panel of window: 5.5 W/1200
Adjacent casement: 20.40 W

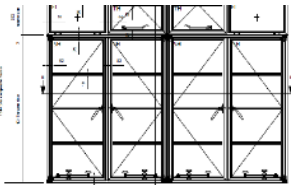
TOP HINGE VIBR FITTINGS
Top: 10mm x 10mm
Top: 10mm x 10mm
Top: 10mm x 10mm

TOP HINGE VIBR FITTINGS
Top: 10mm x 10mm
Top: 10mm x 10mm
Top: 10mm x 10mm



Technical drawing information block for the existing section, including a legend, revision table, and project details.

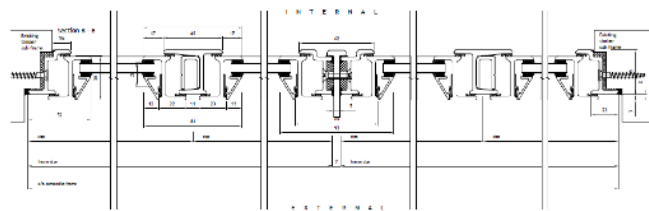
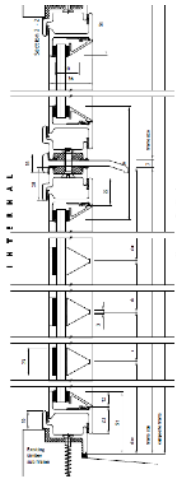
Proposed Section & Detail:



WINDOW REPLACEMENT DETAILS FOR DOCKET HOUSE
WINDOW REPLACEMENT DETAILS FOR DOCKET HOUSE

4mm Tn or single glass
Center panel of window: 5.5 W/1200
Adjacent casement: 20.40 W

TOP HINGE VIBR FITTINGS
Top: 10mm x 10mm
Top: 10mm x 10mm
Top: 10mm x 10mm



Technical drawing information block for the proposed section, including a legend, revision table, and project details.

DRAFT DECISION LETTER: 19/05968/FULL

Address: Dorset House, Gloucester Place, London, NW1 5AH

Proposal: Installation of replacement double-glazed windows and doors (Proposal A) (Linked to 19/05969/LBC)

Reference: 19/05968/FULL

Plan Nos: 19.020.00 (P) 001, 19.020.00 (P) 005, 19.020.00 (P) 006, 19.020.00 (P) 007, 19.020.00 (P) 008, 19.020.00 (P) 009, 19.020.00 (P) 015, 19.020.00 (P) 016, 19.020.00 (P) 017, 19.020.00 (P) 020, 19.020.00 (P) 021, 19.020.00 (P) 022, 19.020.00 (P) 023, 19.020.00 (P) 024, 19.020.00 (P) 025, 19.020.00 (P) 026, 19.020.00 (P) 027, 19.020.00 (P) 030, 19.020.00 (P) 031, 19.020.00 (P) 032, 19.020.00 (P) 033, 19.020.00 (P) 034, 19.020.00 (P) 040, 19.020.00 (P) 041, 19.020.00 (P) 042, DORHS E1, DORHS-PA2, Planning Heritage, Design and Access Statement dated July 2019.,

Case Officer: John Wilman

Direct Tel. No. 020 7641
07866037008

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of the following parts of the development:
 - Detailed drawings and specifications of the communal windows, including the full height stairwells (scale 1:1, 1:10, 1:20, as appropriate).

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 The replacement of windows and doors must be completed in their entirety as one continuous programme of works without interruption and in a timely manner.

Reason:

To make sure that the appearance of the listed building remains uniform, in order to preserve its significance and special architectural or historic interest, as well as its contribution to the character and appearance of the Dorset Square Conservation Area, as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

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

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

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

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

Reason:

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

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 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures., , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information, please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

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

DRAFT DECISION LETTER: 19/05969/LBC

Address: Dorset House, Gloucester Place, London, NW1 5AH

Proposal: Installation of replacement double-glazed windows and doors (Proposal A) (Linked to 19/05968/FULL)

Reference: 19/05969/LBC

Plan Nos: 19.020.00 (P) 001, 19.020.00 (P) 005, 19.020.00 (P) 006, 19.020.00 (P) 007, 19.020.00 (P) 008, 19.020.00 (P) 009, 19.020.00 (P) 015, 19.020.00 (P) 016, 19.020.00 (P) 017, 19.020.00 (P) 020, 19.020.00 (P) 021, 19.020.00 (P) 022, 19.020.00 (P) 023, 19.020.00 (P) 024, 19.020.00 (P) 025, 19.020.00 (P) 026, 19.020.00 (P) 027, 19.020.00 (P) 030, 19.020.00 (P) 031, 19.020.00 (P) 032, 19.020.00 (P) 033, 19.020.00 (P) 034, 19.020.00 (P) 040, 19.020.00 (P) 041, 19.020.00 (P) 042, DORHS E1, DORHS-PA2, Planning Heritage, Design and Access Statement dated July 2019.,

Case Officer: John Wilman

Direct Tel. No. 020 7641
07866037008

Recommended Condition(s) and Reason(s)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

2. All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

3. You must apply to us for approval of the following parts of the development:
 - Detailed drawings and specifications of the communal windows, including the full height stairwells (scale 1:1, 1:10, 1:20, as appropriate);

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

4. The replacement of windows and doors must be completed in their entirety as one continuous programme of works without interruption and in a timely manner.

Reason:

To make sure that the appearance of the listed building remains uniform, in order to preserve its significance and special architectural or historic interest, as well as its contribution to the character and appearance of the Dorset Square Conservation Area, as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

Informative(s):

1. SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance: Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2. You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

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

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)