



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 21st March, 2023**

Time: **6.30 pm**

Venue: **18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Ruth Bush (Chair)	Nafsika Butler-Thalassis
Paul Fisher	Jason Williams
Mark Shearer	Jim Glen



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 Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Jim Glen was substituting for Councillor Robert Rigby.

To note any further changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. 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.

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. | 28-32 SHELTON STREET, LONDON, WC2H 9JE | (Pages 9 - 90) |
| 2. | 11-15 FARM STREET, LONDON, W1J 5RS | (Pages 91 - 126) |
| 3. | 7 BURLINGTON GARDENS, LONDON, W1S 3QG | (Pages 127 - 170) |
| 4. | 7 NORTHUMBERLAND STREET, LONDON, WC2N 5DA | (Pages 171 - 220) |

Stuart Love
Chief Executive
10 March 2023

Order of Business

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

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) 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.

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 21st March 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<p>RN(s): Application 1 22/02009/FULL Application 2 22/02163/LBC</p> <p>St James's</p>	<p>28 - 32 Shelton Street London WC2H 9JE</p>	<p>Application 1: Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of a single storey roof extension, a rooftop plant enclosure and other external alterations (including shopfront alterations, new rear access to the Yard, and plant) in connection with the use of the building as a restaurant (Class E(b)); at 1 Mercer Walk, the installation of ancillary plant & servicing equipment, external alterations including opening up of blind windows on east elevation and the installation of PV panels at main roof level, all in connection with the use of the building as a microbrewery and visitor attraction with ancillary retail, bar and training space (Sui Generis); at 15A Neal Street (ground floor only), external alterations including installation of full-height glazed rear wall and installation of a new shopfront; at 5 Langley Street (basement, part-ground floor and part-roof only) alterations to north and west facade and installation of new plant, all in connection with the flexible mixed-use of the basement and part-ground floor as entertainment/events/community space with ancillary storage areas (Sui Generis); at the rear of 7 Langley Street, installation of plant at roof level and the use of the former bin store as a bar area servicing the Yard (Sui Generis); at Old Brewer's Yard, the erection of a new high-level glazed canopy structure and semi-permanent external seating, installation of new entrance gates fronting Shelton Street, placement of planters and associated street furniture, for use of the Yard as a flexible entertainment/dining/events/ community outdoor space (Sui Generis). (Site includes Old Brewer's Yard, 28-32 Shelton Street, 15A Neal Street, 5, 6 and 7 Langley Street, 1 and 3 Mercers Walk and 107-115 Long Acre).</p> <p>Application 2: Works to rear-part of 7 Langley Street comprising the part-demolition of external walls and construction of new walls, openings, and associated fixtures including canopy fixtures pertaining to the yard, the complete demolition of internal structures and installation of new internal structures including replacement staircase and new mezzanine level for use as a bar and ancillary storage, and installation of plant at roof level; together with works at 28-32 Shelton Street comprising the installation of entrance gates fronting the under croft shared with listed building 34 Shelton Street. [Site includes 6, 7-8 Langley Street and 34 Shelton Street]</p>	<p>Diageo Great Britain Limited</p>

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 21st March 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Recommendation

Application 1

Grant conditional permission subject to a S106 legal agreement to secure the following:

- i. The relocation of the residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street as part of a separate land use swap. The applicant not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.
- ii. Details of a community strategy for use of the Event Space at 5 Langley Street.
- iii. To secure a Community Liaison Group during construction and during the operation life of the development.
- iv. Walkways Agreement to secure access to Langley Passage and Old Brewer’s Yard.
- v. Monitoring costs.

If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:

- a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers, however, if not
- b) The Director of Town Planning and Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is 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 reason for refusal under Delegated Powers.

Application 2

- 1. Grant conditional listed building consent.
- 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1.

Item No	References	Site Address	Proposal	Applicant
2.	<p>RN(s): 21/04971/FULL</p> <p>West End</p>	<p>11 - 15 Farm Street London W1J 5RS</p>	<p>Demolition of the existing building, and redevelopment to provide a building of basement, ground and five upper storeys with plant enclosure at roof level for use as office (Class E).</p>	<p>Farm Street Property Limited</p>
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) A Financial contribution of £ 15,629 towards the Council's Carbon offset fund (Index linked and payable on commencement of development). ii) Monitoring costs <p>2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers, however, if not 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 21st March 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

b) The Director of Town Planning and Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is 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 reason for refusal under Delegated Powers.

Item No	References	Site Address	Proposal	Applicant
3.	<p>RN(s): 22/02155/FULL 22/02174/LBC</p> <p>West End</p>	7 Burlington Gardens London W1S 3QG	Partial change of use to facilitate the use of the buildings as a retail gallery, restaurant, bar and hospitality services (Class E); replacement roof structure at 7 Burlington Gardens; minor extension to the rear of 2 Old Burlington Street; installation of plant and new external roof terrace and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings.	C/o RH London Gallery Limited
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional planning permission subject to a legal agreement to secure the following: <ol style="list-style-type: none"> a) Contribution of £3,000,000 (three million pounds) towards the City Council's Affordable Housing Fund. b) The cost of monitoring the S106 legal agreement. 2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution, then: <ol style="list-style-type: none"> a) The Director of Place Shaping and Planning 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 Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Place Shaping and Planning 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 Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 3. Grant conditional listed building consent; 4. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter. 				
Item No	References	Site Address	Proposal	Applicant
4.	<p>RN(s) : 22/07843/FULL</p> <p>St James's</p>	7 Northumberland Street London WC2N 5DA	Partial demolition and rebuilding of the front and rear facades, demolition and rebuilding of the third floor level, erection of a part single, part two storey upward extension, rear extensions at ground and first floor level and part rear extensions from second to fifth floors to provide additional office (E(g)) floorspace, plant with enclosure at roof level, roof terrace at 5th floor level, new lift core, internal	Iris London Growth Two Ltd

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 21st March 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			alterations and new street elevation lightwell.	
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Recommendation

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
 - i. Cost of any highway works associated with the development.
 - ii. The cost of monitoring this agreement.

2. If the S106 legal agreement has not been completed within 3 months from the date of the date of the Committee's resolution, then:
 - a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Town Planning and Building Control shall consider whether 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.

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER		
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 21 March 2023	Classification For General Release
Report of Director of Town Planning & Building Control		Ward(s) involved St James's
Subject of Report	28 - 32 SHELTON STREET, LONDON, WC2H 9JE	
Proposal	<p><u>Application 1</u>: Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of a single storey roof extension, a rooftop plant enclosure and other external alterations (including shopfront alterations, new rear access to the Yard, and plant) in connection with the use of the building as a restaurant (Class E(b)); at 1 Mercer Walk, the installation of ancillary plant & servicing equipment, external alterations including opening up of blind windows on east elevation and the installation of PV panels at main roof level, all in connection with the use of the building as a microbrewery and visitor attraction with ancillary retail, bar and training space (Sui Generis); at 15A Neal Street (ground floor only), external alterations including installation of full-height glazed rear wall and installation of a new shopfront; at 5 Langley Street (basement, part-ground floor and part-roof only) alterations to north and west facade and installation of new plant, all in connection with the flexible mixed-use of the basement and part-ground floor as entertainment/events/community space with ancillary storage areas (Sui Generis); at the rear of 7 Langley Street, installation of plant at roof level and the use of the former bin store as a bar area servicing the Yard (Sui Generis); at Old Brewer's Yard, the erection of a new high-level glazed canopy structure and semi-permanent external seating, installation of new entrance gates fronting Shelton Street, placement of planters and associated street furniture, for use of the Yard as a flexible entertainment/dining/events/ community outdoor space (Sui Generis). (Site includes Old Brewer's Yard, 28-32 Shelton Street, 15A Neal Street, 5, 6 and 7 Langley Street, 1 and 3 Mercers Walk and 107-115 Long Acre).</p> <p><u>Application 2</u>: Works to rear-part of 7 Langley Street comprising the part-demolition of external walls and construction of new walls, openings, and associated fixtures including canopy fixtures pertaining to the yard, the complete demolition of internal structures and installation of new internal structures including replacement staircase and new mezzanine level for use as a bar and ancillary storage, and installation of plant at roof level; together with works at 28-32 Shelton Street comprising the installation of entrance gates fronting the undercroft shared with listed building 34 Shelton Street. [Site includes 6, 7-8 Langley Street and 34 Shelton Street]</p>	

Item No.
1

Agent	JLL		
On behalf of	Diageo Great Britain Limited		
Registered Number	22/02009/FULL 22/02163/LBC	Date amended/ completed	18 January 2023
Date Application Received	21 March 2022		
Historic Building Grade	Grade II (6 and 7 Langley Street)		
Conservation Area	Within Covent Garden Adjacent to Seven Dials (within London Borough of Camden)		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

<p><u>Application 1</u></p> <p>Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. The relocation of the residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street as part of a separate land use swap. The applicant not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works. ii. Details of a community strategy for use of the Event Space at 5 Langley Street. iii. To secure a Community Liaison Group during construction and during the operation life of the development. iv. Walkways Agreement to secure access to Langley Passage and Old Brewer’s Yard. v. Monitoring costs. <p>If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers, however, if not b) The Director of Town Planning and Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is 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 reason for refusal under Delegated Powers. <p><u>Application 2</u></p> <ul style="list-style-type: none"> 1. Grant conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1.
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2. SUMMARY & KEY CONSIDERATIONS

The application site comprises 28-32 Shelton Street, 1 Mercer Walk, 15A Neal Street (ground floor only), 5 Langley Street (basement only), the passageway underneath 6 Langley Street, the rear of 7 Langley Street and Old Brewer's Yard (an open cobbled yard) in Covent Garden. The site is located within the Covent Garden Conservation Area and adjacent to the Seven Dials Conservation Area which is within the London Borough of Camden. All the buildings on the site are unlisted except 6 and 7 Langley Street which are listed grade II. There are grade II listed buildings that adjoin the site and that are opposite the site within the LB Camden.

The site is within the Central Activities Zone, the West End Retail and Leisure Special Policy Area (WERLSPA) and partly within the Covent Garden CAZ retail cluster. The borough boundary with the London Borough of Camden runs along Shelton Street to the north. The buildings are mostly vacant and were previously in commercial (Class E) or night club (sui generis) use.

The proposal seeks to create a new leisure and entertainment destination centred around the Guinness brand for the buildings positioned around Old Brewer's Yard, with the yard at the centre of the scheme providing an outdoor food and drink area. A microbrewery and visitor experience is proposed at 1 Mercer Walk and connected to the wider development by the existing passageway underneath 6 Langley Street.

These applications were presented to Planning (Major Applications) Sub-Committee on 9 August 2022 where it was resolved to grant permission subject to the completion of a S106 legal agreement and amendments to conditions and to grant conditional listed building consent. The planning and listed building decision notices have not been issued.

A Judicial Review Pre-Action Protocol Letter for was received by the council on 21 October 2022 on behalf of the Covent Garden Area Trust (CGAT) setting out grounds for a possible legal challenge. These are set out in detail in the main report. Legal advice has recommended that these applications are returned to committee for reconsideration with a revised report which seeks to address in detail the complaints made by CGAT in its Judicial Review Pre-Action Protocol Letter.

The planning application has also been amended, namely a redesign of the extension at 28-32 Shelton Street with a reduction to a single storey extension with plant enclosure above.

The council carried out a full re-consultation on the revised scheme on 18 January 2023 including with Historic England. They welcome the revisions but consider the extension would still be relatively prominent and would distract from, and result in harm to, significance. They consider this harm could be avoided through the development of a more contextual design which better assimilates with the character which makes the conservation areas special. were consulted and they

The revised application principally comprises:

28-32 Shelton Street

Erection of a single storey roof extension (plus external plant room on top) with external terrace at fifth floor level. Use of the entire building as a restaurant within Class E(b).

1 Mercer Walk

Use as a microbrewery with ancillary retail space and bar. (sui generis).

15A Neal Street

Continued use as Class E with new entirely glazed shopfront to the rear to allow access to Old Brewer's Yard and a new shopfront to Neal Street.

5 Langley Street (basement only)

Use for events and cultural uses together with community activities (sui generis).

Rear of 7 Langley Street and Old Brewer's Yard

Use of the former bin store as a bar and servery and use of the yard for outdoor seating / standing area for 150 customers (sui generis). The installation of a new canopy across part of the yard. In addition to the proposed access from 15A Neal Street, public access to the yard will be from Shelton Street (an existing opening) and from an existing passageway underneath 6 Langley Street. A proposed food truck is proposed to be sited within the yard for use by customers of the proposed bar.

The key considerations in this case are:

- The acceptability of the proposed entertainment uses and new visitor attraction in land use terms.
- The opening hours, capacity and dispersal strategy for visitor attraction and the various entertainment uses proposed.
- The impact on the amenity of neighbouring residential properties.
- The relocation of existing residential uses close to the application site as part of a land use swap.
- The impact of the proposed roof extension at 28-32 Shelton Street and the other proposed works upon the appearance of the building and the character and appearance of the Covent Garden Conservation Area and the adjacent Seven Dials Conservation Area and upon other nearby designated and non-designated heritage assets, such as the grade II listed buildings adjoining and opposite the site.
- The servicing requirements of the development.

The Covent Garden Community Association, the Covent Garden Area Trust and the Seven Dials Trust have raised concerns and objections to the scheme on land use, amenity, design and heritage grounds. The associations also continue to object to the revised design of the Shelton Street roof extension on grounds that the proposed roof structure still represents an oversized and over-dominant addition to this important group of buildings within the Covent Garden Conservation Area, and facing directly onto the Seven Dials Conservation Area from where it is most visible.

The London Borough of Camden has raised concerns about the proposal particularly in relation to the design of the roof extension and the effects on the setting of the adjacent listed buildings and Seven Dials Conservation Area. Camden consider the architecture needs to be revisited demonstrating a thorough understanding of the area and the ability to design a structure that benefits the high quality architectural context of this international destination.

The council has received 32 letters of objection to the proposal from local residents and from South Bloomsbury TRA, Bloomsbury Residents Action Group and the Bloomsbury Association who raise similar concerns and objections to the three amenity societies.

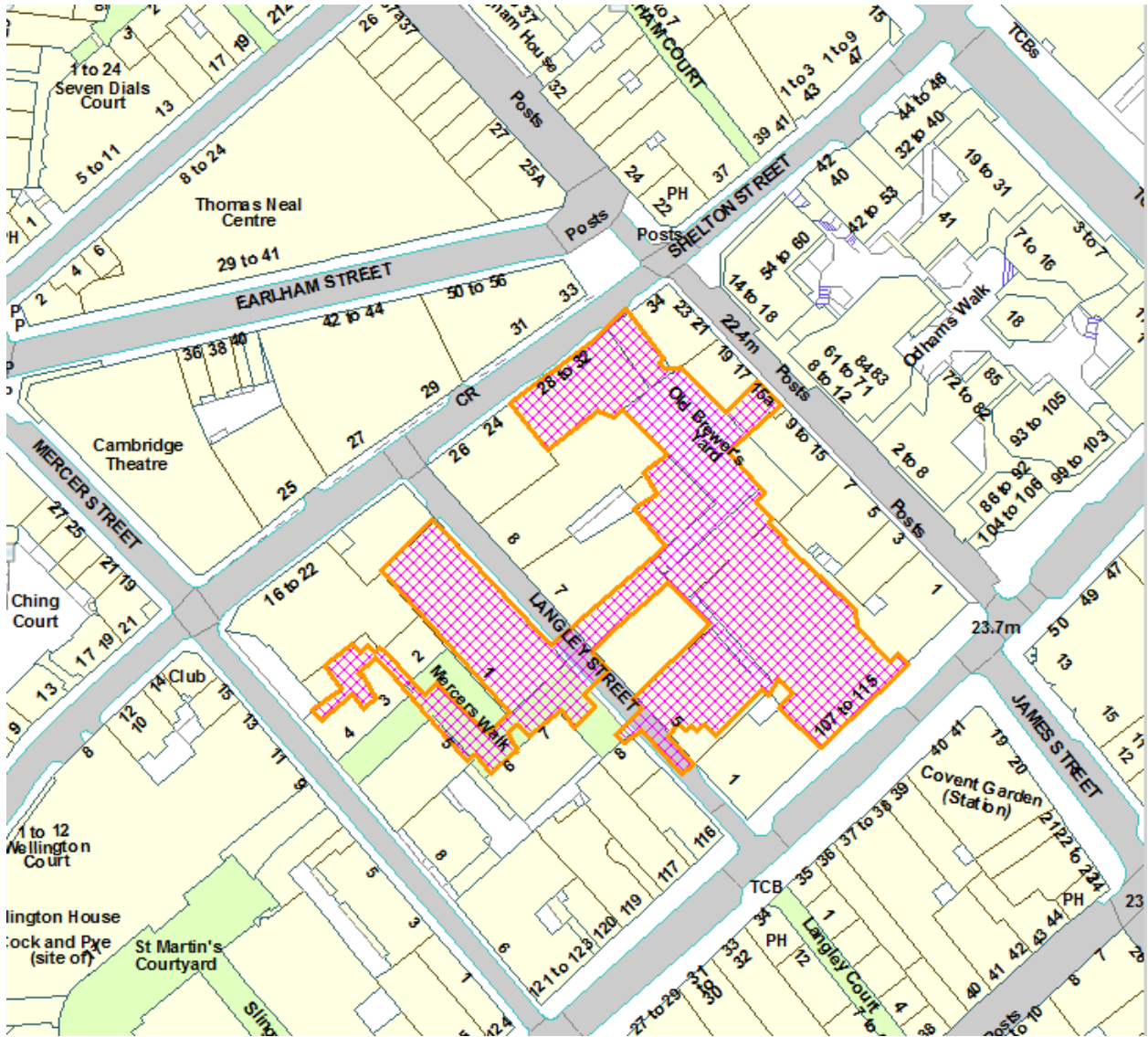
The council has received letters of support from Capco, Long Acre Business Alliance, Stanfords, Hawksmoor, Shaftesbury and The Mercers Company.

The increase in food, entertainment and leisure floorspace in this location is supported by Westminster's spatial strategy (Policy 1), spatial development priorities for the West End Retail and Leisure Special Policy Area (Policy 2) and by policies 14 (Town centres, high streets and the CAZ) and policy 15 (Visitor Economy) of the City Plan. It is considered that with appropriate conditions to secure an Operational Management Plan and to restrict the capacity and opening hours of the venues proposed, the scheme would comply with policy 16 in the City Plan that control food, drink and entertainment uses and would comply with our environmental policies that seek to protect residential amenity and local environmental quality. With measures to mitigate and manage noise impacts for neighbouring residents and to protect local environmental quality, the application proposal would promote good growth by diversifying the entertainment and food and beverage offer for residents, workers and visitors and by supporting the visitor and night-time economy.

The roof extension proposed to 28-32 Shelton Street is considered to cause a low level of less than substantial harm to the character and appearance of both the Covent Garden and Seven Dials Conservation Areas, and to the setting of nearby listed buildings and other non-designated heritage assets. This is largely due to the contemporary design of the roof extension and that it will be visible in key views of the building from within the conservation areas. However, this low level of less than substantial harm is outweighed by the public benefits of the scheme which are detailed in the main report.

The proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan). The planning application is therefore considered acceptable in land use, design, heritage, and amenity terms, and is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter. The listed building consent is also recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photo showing proposed entrance to Old Brewer's Yard and 28-32 Shelton Street (to the right) which is to be extended at roof level.



Old Brewer's Yard and entrance from with yard (looking towards Shelton Street)



Rear of 7 Langley Street showing location of proposed bar facing the yard



1 Mercer Walk, Langley Street



Entrance to Old Brewer's Yard from Langley Street using passageway underneath 6 Langley Street



15a Neal Street (the 'Tea House') which will provide a new through route to Old Brewer's Yard.

5. CONSULTATIONS

5.1 Application Consultations

Fourth consultation: 18 January 2023

The council re-consulted on the following amendments to the scheme:

- Reduction in height and bulk from a two-storey extension to a single-storey extension with plant enclosure above.
- Amendments to the detailed design of the extension.

Cllr Hyams

When the application came to committee last year I had a number of reservations about certain aspects of the application. I asked for the item to be deferred so these issues could be addressed by the applicant. These issues have been addressed and I know that the applicant has widely consulted the residents, businesses and other stakeholders including myself and my ward colleagues. Our main concerns had been around the design of the Shelton Street roof extension, the capacity of the venue and the terminal hours.

I am pleased to hear that the applicant has now agreed to discuss the details of the OMP with the local residents' groups in early March. However, there should be an ongoing dialogue with stakeholders during the construction period and onwards in the format of a formally constituted Community Liaison Group. This should meet regularly and consist of representatives from all the various stakeholders groups and at least one of the ward councillors.

I know that there are still reservations from the local community about the application and understand their concerns but with the amended plans, the reduced hours and capacity that have been agreed by the licensing committee, my ward colleagues and I feel that we can now support the application and hope that the committee will agree and grant it permission.

Historic England

The roof extension has been revised and is now much reduced in scale. This is a positive change which results in it being less prominent in important conservation area views. The level of harm that we had previously identified would therefore be partly reduced and we welcome the efforts to address our concerns. However, the extension would still be relatively prominent and in our view the revised design is not compelling in its context. The extension seeks a deliberate contrast with its surroundings. Given the particular qualities of the area - notably a consistency in form and materials - it would distract from, and result in harm to, significance.

This harm could be avoided through the development of a more contextual design which better assimilates with the character which makes the conservation areas special, in accordance with relevant policy and guidance. The harm would be regrettable, and for the purposes of the NPPF, low in the range of less than substantial harm.

Joint Response from Covent Garden Community Association; Covent Garden Area Trust and Seven Dials Area Trust

Concerns expressed over the consultation process. The very short timeframe between

consultation and intended submission suggested that there would be little if any time for the groups' concerns to be properly addressed and resolved. The groups had hoped to work with the architects and applicants to ensure an appropriate design solution could be identified, but despite their best efforts this did not take place.

The following points, which were made within the groups joint response to the revised proposals prior to their submission, still stand:

1. The revised proposals still represent a substantial addition to the building which will be clearly visible in views of the historic brewery complex from street level and nearby buildings. We strongly believe that the revised proposals do not do enough to mitigate the potential harms set out by Historic England. The proposed roof structure still represents an oversized and over-dominant addition to this important group of buildings within the Covent Garden Conservation Area, and facing directly onto the Seven Dials Conservation Area from where it is most visible.
2. The revised design is still unsympathetic to its important context. There are no other examples of glazed box roof extensions in the area that are so clearly visible from ground level. The glazed-box roof extension on top of 27-33 Shelton Street is far less visible in the streetscape than the current proposal. The proposal would fail to respond to the prevailing character and appearance of the area. An almost entirely glazed, box-like roof-extension and an oversized plant enclosure in this location is inappropriate.
3. Essential information about the proposed glazed roofs above Old Brewers Yard should be included as part of this submission. (e.g. including how they were to be supported structurally; how they were to be drained; and how they were to be lit.
4. We look forward to seeing details of the height and construction of the Shelton Street gate so as to minimise noise breakout and maximise security.

Covent Garden Community Association (Licensing Sub Committee)

- There have been no substantive discussions on the OMP despite the period of almost 6 months that have passed since the last Planning Committee. The only substantive document is one produced by the Amenity Societies themselves containing comments on the original OMP (provided as a Background Paper).
- At the previous Planning Committee on 09/08/22 it was agreed that the grant of permission would be subject to: The operational management plan being developed in consultation with the Covent Garden Community Association, the Covent Garden Area Trust and The Seven Dials Trust before returning to the Sub-Committee for approval. Draft condition 10 needs to reflect this.
- We believe that it remains appropriate that the grant of permission remains subject to the agreement of an OMP, rather than the weaker option that it would have to be agreed before use.

Seven Dials Trust

Reference needs to be made to the Agent of Change principle: The Agent of Change concept is adopted in the London Plan policy D13 and is a key principle in Westminster's City Plan and "Where a proposed development which requires planning permission may impact on noise sensitive land uses, a detailed Acoustic Report prepared by a competent Acoustic Consultant is required."

London Borough of Camden

- Concern remains in relation to the design of the extension and the effects on the setting of the adjacent listed buildings and Seven Dials Conservation Area.
- The architecture needs to be revisited demonstrating a thorough understanding of the area and the ability to design a structure that benefits the high quality architectural context of this international destination.
- The design of the extension does not mitigate the harm caused but exacerbates it. The large amount of glazing and the horizontal proportions created by the glazing bars do not respect the established character of the street and the wider conservation area, and demonstrate a lack of understanding of the architecture and history of the site. In conclusion, the proposed roof extension to 28-32 Shelton Street due to the unsympathetic design, would cause less than substantial harm to the setting of the Seven Dials Warehouse at 27-33 Shelton Street and the Seven Dials Conservation Area.
- Other concerns relate to noise and disturbance from proposed uses and associated activities; noise and disturbance during construction and risks to security of people and property.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 397

No. Responses: 5

1 letter of objection on the following grounds:

- Objection to the proposed additional floor. The surrounding streets are narrow and already have disproportionately high buildings.
- Allowing to build higher would create 'canyons' with little daylight at street level.
- The council should impose acoustic screens and silencers on any additional plant and exhausts.
- There should be no work to take place before 9 am and after 5 pm on weekdays; and no work to take place on weekends.
- There should be no additional bar because of the noise implications. If the council were to grant it, please impose a no deliveries rule from before 8 am and after 6 pm on weekdays, and no deliveries on weekends. Please impose a no refrigeration vehicles rule due to noise.
- There should be no additional plant within thirty yards of the building line between the premises and Neil Street as this would substantially impede daylight for Odhams Walk residential flats.

4 letters of support have been received from Shaftesbury, Stanfords, CAPCO and The Mercers Company on the following grounds:

- The proposed microbrewery and visitor experience will complement the existing uses in the area well, support the commercial and leisure industries locally and would further diversify the entertainment and food and beverage offer Shaftesbury would ask the Council to secure a detailed management and servicing strategy to complement the activity in and around the site.
- The design to a single storey extension provides an appropriate contemporary response to the site addressing previous local concerns and respecting the

character of the Conservation Area. The lightweight structure of the extension, ensures that the original character of the building is retained and adds a complementary addition to the building.

- Visitor footfall will increase, and this will help Stanfords and other neighbouring business who have seen a significant decline in footfall and revenues since the Covid pandemic began in March 2020. As a local retailer Stanfords does have concerns about noise and ensuring that patrons can disperse quietly.
- Stanfords are pleased that the team creating the new experience understand and are sensitive to our concerns and are working actively with us to design proper solutions to any potential problems.
- Stanfords are happy to see the creation of a community collaboration space at 5 Langley Street
- Creating a new microbrewery in the area is an appropriate link to the history of Old Brewers Yard.
- CAPCO has reviewed the revisions to the roofscape which are welcomed and represent a further improvement to the application and so wish to restate our continued support.
- The Mercers' Company is the Freeholder owner and landlord of the Development.
- The Mercers' has actively encouraged discussions with Diageo since early 2019, with the object of delivering a major visitor destination and accelerator of economic growth in Covent Garden. We have consistently supported the project, we are delighted with the proposals they have come up with and the way they intend to execute them, as part of a £73m investment. The new 50,000 sq ft venue will create up to 150 jobs and provide a community space within Covent Garden. We further understand Diageo intend that the site will become the Southern UK hub of their award-winning Learning for Life Bartending and Hospitality Programme, with an ambition for over 100 London based students annually to graduate from the "Guinness at Old Brewer's Yard" programme.
- Through the planning process, there has been an extensive and comprehensive stakeholder engagement programme and much has been learnt from this. Diageo's team has invested massively in time, energy and finances to ensure the designs and solutions for the buildings are consistent with the historical nature of surrounding buildings and reflect resident concerns. This includes the updated approach to the roof extension at 28/32 Shelton Street.

Site and Press Notice

Yes

Third consultation: 16 November 2022

Historic England consulted. No amendments were made to the scheme.

Historic England

The site is not well suited for a roof extension given the views across an open area of it, and the existing consistent scale. The proposed design is not contextual and consequently results in clear harm to the conservation areas. The Art Deco aesthetic is tenuous; it is too over-scaled to be recognised as such and reflects nothing of the qualities of the existing building, or the area, in any case. In its context it is therefore poor quality and in our view falls short of the high standard which policy seeks,

particularly in relation to the historic environment.

Such an important and characterful part of London deserves a more thoughtful design which respects local history and character. Particularly given the strong history of good quality, modern design in the locality which has successfully achieved that. The Covent Garden Area Action Plan provided for a pioneering heritage-led regeneration of the area for its time, including the Odhams Walk housing development. A large roof extension was also added to Nos.27-33 Shelton Street opposite the site and this was clearly designed to have minimal visibility from street level, to preserve the historic roovescape. The Comyn Ching Triangle development at Seven Dials is another celebrated example close by.

Given the consistency in scale and character, and historic efforts to maintain it, the application proposals would represent a notable departure. Harm would be caused to multiple designated heritage assets, and every effort should be made to avoid or minimise such harm in order to comply with the NPPF and the Development Plan (noting Westminster Policies 39 and 40, in particular). We therefore recommend that the design should be reconsidered.

Second Consultation: 6 July 2022

The council consulted all contributors who sent in comments on the first round of consultation on the following amendments to the scheme:

- The public art at 1 Mercer Walk to be retained instead of being replaced by living wall.
- Relocation of main entrance of proposed restaurant 28-32 Shelton Street from Shelton Street to Old Brewer's Yard (the courtyard).
- Opening hours of 15A Neal Street to be reduced to 10:00 to 22:30. (every day)
- Use of previously identified back of house space at 5 Langley Street as events space with a capacity of 350 persons.
- Table plan provided for Old Brewer's Yard (the courtyard).

Covent Garden Area Trust

- The Trust wishes to reinforce our earlier objection. Concerns regarding the noise and management of the site as a whole have still not been adequately addressed, and the Trust is in agreement with the additional detailed comment submitted by CGCA on 12th July. A thorough dispersal plan detailing how the responsibility for the dispersal of customers will be fulfilled has not been provided so far, and the Trust asks that a condition be imposed as part of any Planning Permission for the requirement of an amended Operational Management Plan.
- The Trust also wishes to affirm its earlier objection to the bulk and height of the proposed roof extension to 28-32 Shelton Street. The amendments made to this element of the proposals do not address the Trust's primary concerns.
- The proposed renders submitted with the revised scheme make the heavy visual impact of this overly dominant feature clear. There are no roof additions of a comparable scale anywhere else in the area.
- The sheer, cliff-face effect created by the proposed excessively tall roof extension will be visible in views into and around this important pedestrian crossroads, and will adversely impact the setting of listed buildings and the

character and appearance of the conservation area.

- Please refer back to our earlier objection for our detailed analysis, which still stands.

Two additional letters were received objecting on the following grounds:

- With the exception of the slight reduction in hours of access from Neal St., these modifications do nothing to alleviate the very real issues with this application as set out in the consultations section above.
- The very limited road space for access and egress will cause problems both for deliveries (bar deliveries are not quiet) and for people being collected by cars/taxis and vastly increased presence of pedicabs in the surrounding streets
- The potential for noise nuisance with late opening for events must be more carefully balanced with the residents rights to peacefully occupy their homes.
- The developers also need to propose how they will work to deliver
- community benefit to the residents in the surrounding areas rather than expecting residents to accept any proposals in the name of business growth
- The planning application should only be permitted once amended in line with Soho Housing Association and Covent Garden Community Association

First consultation: 30 May 2022

London Borough Of Camden

Camden has the following concerns in relation to the impact on the borough and its occupiers:

- Loss of outlook for occupiers (particularly to 31 - 33 Shelton Street)
- Loss of light to 31 - 33 Shelton Street
- Noise and disturbance from proposed uses and associated activities
- Noise and disturbance during construction
- Risks to security of people and property
- Harm to setting of neighbouring Listed Buildings and character and appearance of Conservation Area
- Control of hours of use of Old Brewers' Yard by vehicles, as stated in the Transport Statement, by the Operations Management Plan (OMP) / Delivery and Servicing Plan (DSP).
- A Construction Traffic Management Plan.
- A commitment to remedy any construction damage to Shelton Street, with a highways contribution to LB Camden secured by way of a S.106 agreement

Designing Out Crime

No objection to the overall application but serious concerns raised about dispersal which must be limited to the main entry point on Shelton Street. Langley Street is a narrow lane which, out of office hours, has little to no natural surveillance. The gates linking the Yard to Langley Street, via a covered passage way, need to remain closed at all times. The Yard itself has a dogleg which is concealed and may cause issues. .

Covent Garden Area Trust

The Trust is not opposed to the broad principle of the development but there are elements of the proposals which will be clearly and strikingly detrimental to the character

and appearance of the Covent Garden Conservation Area and adjacent and nearby listed buildings, namely the roof extension at 28-32 Shelton Street, glazing over courtyard, branding and commercial dominance and effects on residential amenity (on this issue the Trust supports the comments of the CGCA). The Trust considers any roof extension should have a more moderate scale, the canopy should be a simple, lightweight and transparent structure and questions the suitability of a single brand commercial development of this size.

Covent Garden Community Association

- The proposal is not in accordance with City Plan policies 7 [Managing development for Westminster's people] and 16. [Food, drink and entertainment]
- 1 Mercer Walk opening hours should be reduced (maximum suggested opening hours 8am to 9pm Monday to Thursday; 8am to 10pm on Fridays; 9am to 10pm on Saturdays, and 10am to 9pm on Sundays.) and other conditions attached. Some other elements of this part of the development are positive.
- 5 Langley Street could be reasonably consented with some changes/planning conditions (maximum suggested opening hours 10am to 11.30pm Monday to Thursday; 10am to Midnight on Fridays & Saturdays and 10am to 10.30pm on Sundays)
- Old Brewer's Yard and rear of 7 Langley Street is the most concerning from an amenity perspective, namely noise impact from 200 customers in the Yard. It should be refused outright. If allowed conditions should include maximum suggested hours of 10am to 11pm on any day, max 50 capacity and dispersal via Langley Street after 10pm.
- 15a Neal Street exit from Old Brewer's Yard should be closed at 8pm
- Extension at 28-32 Shelton Street fails to enhance either Covent Garden Conservation Area or setting of the Seven Dials Conservation Area.
- Roof terrace at 28-32 Shelton Street should be refused or heavily conditioned in terms of hours. (max hours 10am to 7pm) The Class E restaurant use should be conditioned including maximum hours of 10am to 11.30pm Monday to Thursday, 10am to Midnight on Fridays & Saturdays and 10am to 10.30pm on Sundays. Other conditions suggested.
- Tables and chairs on Mercer Walk not supported.
- Conditions should be imposed to limit noise outbreak from uses within the buildings and from mechanical plant.
- Delivery hours for the entire development should be restricted.
- Branding and signage should be considered at an early stage.
- The community benefit offered by the applicant should be more specific. The CGCA give examples of community benefits in their letter.
- There is a need for a clear and enforceable dispersal policy as part of the Management Plan. This should be secured by condition and should include points 1 to 7 in the CGCA's letter dated 6 July 2022.

Seven Dials Area Trust

This application sits within a highly residential area with narrow streets and footways and tall buildings where sound is liable to reverberate. Our concerns are:

1. The proposed roof extension at 28-32 Shelton Street to which we object; the proposal is considered to be wholly unacceptable in terms of its impact on heritage assets, because of a. Its height and bulk and b. Its design and use of materials.

2. The potential numbers leaving the premises after core hours. We feel any consent should be based on the licensed areas being seated service only, except possibly the events space at 5 Langley Street as long as this is limited to core hours;
3. Noise breakout from Old Brewers Yard where the applicant's Noise Impact Assessment is based on 50 people, but this could apparently be up to 250;
4. There is no assessment of the noise impact in the streets either in the day or more concerning post-midnight.

The comments made by the CGCA and CGAT are supported. The proposed roof extension would cause substantial harm to the settings of the adjacent listed buildings, especially 34 Shelton Street. It would cause a high degree of less than substantial harm to the Covent Garden Conservation Area and to the setting of the Seven Dials Conservation Area.

Highways Planning Team

Welcomes the opening up of the pedestrian links into the yard. Cycle storage provision is acceptable. Ideally the whole development should be serviced from within the yard. No objection to the capacities requested but queuing on the highway should be avoided. This can be controlled through a management plan. Concern raised about flexibility of Class E and implications for servicing.

Environmental Health

No objection to the application on environmental noise or nuisance grounds provided the recommended conditions and informatives are included on the planning permission.

Waste Project Officer

No objection subject to a condition.

Thames Water

No objection subject to conditions and informatives.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 360
 Total No. of replies: 39
 No. of objections: 35 (from 33 addresses)
 No. in support: 4

31 letters of objection from local residents and other groups including from South Bloomsbury TRA, Bloomsbury Residents Action Group, Bloomsbury Association and Soho Housing Association on some of all of the following grounds:

LAND USE

- Over-intensification / too large. Bringing large numbers of people each week into a small residential enclave for drink led activities.
- Concerned about the number of drinking venues in Covent Garden
- It is not appropriate to have an outdoor space with events with occasional live music in the middle of a residential area.
- Any hospitality element should be significantly smaller than what is currently proposed.
- The proposal would fundamentally alter the character of the area- bustling during

the day when the shops are open but quieter at night once they close.

- There are already more pubs, restaurants, bars and people than this area can accommodate.

AMENITY

- The proposal will bring more people into the area with a resulting increase in noise and disruption to local residents.
- Noise breakout from Old Brewer's Yard and from use of Neal Street as an exit.
- Increase in number of late night revellers and in anti-social behaviour will impact on residents in Shelton Street (a narrow canyon) and Earlham Street (a quiet residential street).
- Roof terrace on Shelton Street building will cause noise over a wide area as well as loss of privacy and overlooking. The roof terrace should be only for daytime hours only.
- The ambient noise in the local area is already above WHO guidelines.
- More thought needs to be given to the opening/closing hours of the eating and drinking establishments. The CGCA's comments on this are endorsed. Old Brewer's Yard should be seated only.
- Consideration needs to be given to the dispersal of the customers. The CGCA's comments on this are endorsed.
- The proposed opening hours and 200 persons capacity of the Yard need to be reduced. The CGCA's comments on this are endorsed.
- The small numbers of people who gather outside the local pubs and bars already cause a lot of disturbance into the night.
- Noise from servicing in the Yard.
- Potential for fumes from the brewery.

CONSERVATION AND DESIGN

- Unsympathetic 2 storey extension to 28-32 Shelton Street.
- The roof extension is unacceptable because of its height and bulk, its design and use of materials. (e.g. highly glazed facades). It is contrary to policies 39 and 40 within the City Plan.
- The roof extension will impact negatively on the surrounding street and roof-scape.
- The metal and glass design is unsympathetic to the host building.
- Roof extension would cause harm to the setting of nearby listed buildings.
- The height of the roof extension should be reduced by one storey. The restaurant plant and terrace should be incorporated into the existing building.

HIGHWAYS

- Impact on traffic congestion.
- The Shelton Street pavement is too narrow to accommodate a restaurant of this size.

OTHER

- Impact of roof extension on sunlight to the open area the junction of Neal Street and Earlham Street.
- There is a large residential population in Covent Garden. Residents and their local communities matter.

- The comments made by the Covent Garden Community Association are endorsed.
- Both the fire strategy and noise assessment need to be looked at again.

4 letters of support have been received:

- Improvements to footfall and street activation which will help businesses in the area.
- Welcome the ‘Learning for Life’ and ‘Raising the Bar’ programmes and the community collaboration space at 5 Langley Street.
- Welcome return of brewing to Covent Garden.
- Improved retail mix, buildings and local streetscape.
- There will be improved servicing and management arrangements in Old Brewer’s Yard.
- Through this development, the community will benefit from improved investment in the public realm, as well as providing community benefits and employment opportunities for residents.
- The proposal will assist in driving footfall to the area and encourage dwell times into the evening supported through the additional security which is applied in the planning application.
- The planning application identifies the ability to link with Guinness to promote community activities and cohesion whilst improving the livelihoods through the increase in employment opportunities.
- Capco is supportive of improving the skills of locals and is in partnership with Westminster to improve the employment levels within the area.

Site and Press Notice
Yes

5.2 Applicant’s Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application between 4 February and 8 March 2022. The applicant’s community engagement was planned ahead of the Council’s published Early Community Engagement strategy (February 2022). The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Consultation letter sent to 940 residents and businesses.	4/2/22	N/A	Directed consultees to consultation website and invited them to two public consultation events.
Public consultation event including with amenity societies.	7/2/22 (in-person) and 14/2/22 (zoom)	26 and 25 persons.	Sentiment was both positive as well as negative with the concerns reiterated around deliveries, people management, noise, security, waste

			management and a need to understand how the project will collaborate with the community. As well as answering the questions in person and via an e-mail documentation, a commitment was made to share updates on the consultation website as well as to have additional in-person meetings
Meeting	15/2/22	WCC councillors	Welcoming and positive towards the project but highlighted overspill and management of the site.
Meeting	16/2/22	Odhams Walk residents	Deliveries, noise, footfall (particularly on Neal Street and overlooking.
Meeting	22/2/22	Universal Consolidated Group.	Footfall, noise, cumulative effect of noise from courtyard, deliveries and management of people.
Meeting	24/2/22	Pineapple Dance Studios	Noise pollution from courtyard and bar at rear of 7 Langley Street on the upper dance studios and construction work. Diageo committed to putting in sound attenuation into the ceiling of the bar at 7 Langley Street and offered secondary glazing to rooms above courtyard if noise was not solved by infrastructure built into the scheme.

The applicant's Statement of Community Involvement advises that 'there were several positive comments about the prospect of a scheme like this which will reinvigorate the space, bringing back the brewing heritage of the area while providing great opportunities to collaborate with other local business and community groups within the area and support community initiatives'. Several respondents highlighted 'traffic, egress of people from the site and servicing as a concern.'

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- Removal of a substantial outside terrace at 7th floor level on the Shelton Street building and its replacement with a small outside terrace at the rear;
- Screening introduced to the terrace to protect privacy of Odhams Walk residents;
- Changes to design of Shelton Street extension [reduction in size of outside terrace; and
- A detailed draft operation management plan has been created which considers

all comments raised in the consultation process and which the applicant advises will ensure proper management and mitigation measures for the site.

Following the resolution of the Planning (Major Applications) Committee on 9th August 2022, the scheme has been revised and further engagement has been carried out by the applicant. The submitted Statement of Community Involvement addendum sets out the following:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Telephone call	23/12/22	CGAT on behalf of CGCA, CGAT and SDAT	To discuss the re-design proposals.
Meeting	05/01/23	CGAT on behalf of CGCA, CGAT and SDAT	RKD presentation and discussion for feedback of presentation shared via Trust. To discuss working redesign proposals.
Meeting	06/01/23	Historic England and WCC officer.	To discuss redesigned proposal.
Meeting	11/01/22	CGAT on behalf of CGCA, CGAT and SDAT	Feedback from all local amenity groups was shared with the project team.
Email	November 22	CHCA, CGAT and SDAT.	Contributions and inputs received by email on the initial draft OMP framework that formed part of the original framework.

The applicant advises that they have since engaged with the CGCA, CGAT and SDAT on the preparation and detail of the Operational Management Plan that will serve the proposed development. However this is disputed by the CGCA who advise that there have, as yet, been no substantive discussions on the OMP, despite the period of almost 6 months that have passed since the last Planning Committee. The only substantive document is one produced by the Amenity Societies themselves containing comments on the original OMP (which is provided as a Background Paper). The applicant advises that as a planning decision has not yet been formally issued by WCC, an operations director has yet to be hired. On this basis, existing operations teams from other Diageo sites will assist and give general support and guidance on the OMP drafting in the interim until a designated operations director is hired formally, pursuant to a planning approval.

The Covent Garden Community Association; Covent Garden Area Trust and Seven Dials Area Trust have expressed a concern over the short amount of consultation time given by the applicant on the revised proposal which was subsequently submitted on 17 January 2023.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

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

6.3 National Policy & Guidance

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

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site comprises a number of properties that back onto Old Brewer's Yard in Covent Garden, namely 28-32 Shelton Street, 15a Neal Street, 5 Langley Street, the passageway underneath 6 Langley Street, the rear of 7 Langley Street and Old Brewer's Yard itself. The site also includes 1 Mercer Walk which sits to the west on Langley Street.

The site lies within the northern corner of the Covent Garden Conservation Area and forms part of the complex of former brewery buildings and warehouses which were established in the area from the mid-eighteenth century. Many of the former warehouses survive which architecturally distinguishes this area from the rest of Covent Garden and are fundamental the character and appearance of this part of the conservation area. The northern part of the site on Shelton Street is adjacent to the Seven Dials Conservation

Area which lies within the London Borough of Camden.

All the buildings on the site are unlisted except 6 and 7 Langley Street which are listed grade II. The site is also surrounded by a number of grade II listed buildings including 24-26 Shelton Street, 8 Langley Street, 34 Shelton Street/21-23 Neal Street, 17-19 Neal Street, the Seven Dials Warehouse, 27-33 Shelton Street / 42-54 Earlham Street, 23 Shelton Street (Cambridge Theatre) and 25-37 (odds) Neal Street.

In terms of other designations the site is within the Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA) and partly within the Covent Garden CAZ retail cluster. The borough boundary with the London Borough of Camden runs along Shelton Street. Odhams Walk is a large residential development (105 residential flats) to the north east of the application site and some of the flats face onto Neal Street.

The individual buildings that make up the application site comprise:

28-32 Shelton Street

A five storey building plus basement on the south side of Shelton Street within Class E use comprising two retail units at ground floor level with offices on the upper floors. The building dates from the 1930s and backs onto Old Brewer's Yard at the rear.

1 Mercer Walk

A four-storey plus basement building on the west side of Langley Street. The building forms part of a wider mixed-use redevelopment scheme that was granted planning permission in March 2014 and included the provision of a new pedestrian and servicing piazza 'Mercer Walk' connecting Langley Street to Mercer Street. The building is vacant having previously been occupied for Class E retail purposes as an H&M store. Langley Street is a pedestrianised street but which is open to deliveries Monday to Saturday from 07.00 to 11.00 hours.

15A Neal Street (ground floor only)

A four-storey building within Class E use located on the west side of Neal Street. The rear of the building faces onto Old Brewer's Yard. The building comprises a retail unit at ground floor level ('The Tea House') with offices on the upper floor levels.

5 Langley Street (basement only)

A four-storey building plus basement located on the east side of Langley Street. The basement entrance is on Langley Street. It is in use as a restaurant at ground floor level (currently occupied by 'Café Pacifico'), with a vacant nightclub in the basement (formerly known as 'Bar Langley') and offices on the upper levels). The rear of the building backs onto Old Brewer's Yard.

Ground floor passageway underneath 6 Langley Street

The application site includes an existing passageway that extends underneath this Grade II listed building running from Langley Street to Old Brewer's Yard.

Rear of 7 Langley Street

A five-storey grade II listed building plus basement occupied by Pineapple Dance Studios and offices. The site relates to a single-storey bin store at the rear of this

building, fronting Old Brewer's Yard at ground floor level.

Old Brewer's Yard

The yard is approximately 500sqm in size and is bordered at all sides by Neal Street to the east, Langley Street to the west, Long Acre to the south and Shelton Street to the north. The yard is accessible on-foot and by vehicle from Shelton Street, although it is not accessible to the public. The yard is used as a servicing space for buildings surrounding the Yard, including commercial properties on Neal Street and Long Acre.

7.2 Recent Relevant History

Judicial Review Pre-Action Protocol Letter

The council received a Judicial Review Pre-Action Protocol letter dated 21 October 2022. This sets out the claimants (the Covent Garden Community Trust's) grounds of challenge to the City Council's decision which are:

Ground 1: the voting process by which the resolution to grant planning permission was purportedly passed was improper.

Ground 2: the Council failed to assess the potential impacts of the proposed development on the significance of the following designated heritage assets: 23-33 Shelton Street, 28-32 Shelton Street, 6 Langley Street and the Seven Dials Conservation Area.

Ground 3: the Council failed to assess the impact of the proposed canopy on adjacent designated and non-designated heritage assets.

Ground 4: the Council failed to assess the extent of less than substantial harm.

Ground 5: the Council failed to consult with Historic England, failed to give weight to Historic England views or failed to await Historic England consultation response.

Legal advice has recommended that this application is returned to committee for re-consideration with a revised report which seeks to address in detail the complaints made by CGAT in its Judicial Review Pre-Action Protocol Letter.

The matters that form the basis of the legal challenge relating to Ground 2, Ground 3, and Ground 4 are dealt with (principally) in Section 9.4 (Townscape, Design & Heritage Impact) of this report.

In terms of Ground 5, the council acknowledges that Historic England are a statutory consultee for this application. The council consulted with Historic England on 16 November 2023 after it received the Judicial Review Pre-Protocol letter and the relevant consultation legislation was checked. Historic England was then consulted on the revised scheme on 18 January 2023. The observations of Historic England are provided as Background Papers and their comments have been fully addressed in Section 9.4 (Townscape, Design & Heritage Impact).

The application has also been amended, namely a redesign of the extension at 28-32

Shelton Street with a reduction to a single storey extension with plant enclosure above. The council carried out a full re-consultation on the revised scheme on 18 January 2023.

Planning (Major Applications) Sub-Committee

The applications the subject of this report were presented to Planning (Major Applications) Sub-Committee on 9th August 2022. The committee resolved:

1) That conditional permission, as amended, be granted subject to:

a) A S106 legal agreement to secure the following:

- i. The residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street to have been relocated as part of a land use swap with the City Council. The applicant not to commence development until planning applications had been submitted for the land use swap and not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.
- ii. Details of a community strategy.
- iii. Walkways Agreement to secure access to Langley Passage and Old Brewer's Yard.
- iv. Monitoring costs.

b) The operational management plan being developed in consultation with the Covent Garden Community Association, the Covent Garden Area Trust and The Seven Dials Trust before returning to the Sub-Committee for approval.

c) The opening hours of the external terrace located on Shelton Street be reduced to between 10:00 to 21:00 hours.

d) The opening hours for Old Brewers Yard be reduced to between 10:00 to 23:00 hours Monday to Saturday and 10:00 to 22:30 hours on Sundays.

e) The opening hours for 1 Mercer Walk be reduced to between 10:00 and 22:30 hours Monday to Sunday.

f) Egress from Old Brewers Yard via Shelton Street be restricted after 22:30 hours.

g) The capacity for the Old Brewers Yard be reduced to a maximum of 100 customers seated and 50 standing.

In addition the committee resolved that listed building consent be granted.

A copy of the previous committee report and minutes are provided as background papers.

The planning and listed building decision notices have not been issued.

There is no other significant planning history for the buildings that make up the site.

Other relevant history

17-19 Neal Street

Permission granted with a legal agreement on 23 December 2022 for 'Use of the third floor as office (Class E) (Part of Land Use Swap with 40 Drury Lane, 23 Neal Street, 79 Long Acre and 116 Long Acre) with replacement of existing rooflight with double-glazing and plant at roof level.' (22/05323/FULL) Listed building consent for works granted under 22/05324/LBC.

21-23 Neal Street / 34 Shelton Street

Permission granted with a legal agreement on 23 December 2022 for 'Use of second and third floor levels as office (Class E) (Part of Land Use Swap with 17-19 Neal Street, 40 Drury Lane, 79 Long Acre and 116 Long Acre) with new heat pumps at roof level.' (22/03950/FULL). Listed building consent for works granted under 22/03951/LBC.

Mercers Development

Part Of Block C , Mercer's Covent Garden Estate, Mercer Street, London, WC2.
Retention and refurbishment of 13-14 Langley Street for retail (Class A1) use.
Demolition of 6, 10-14 Mercer Street, the one/two storey warehouse-type buildings and the later rear addition of 116 Long Acre and redevelopment to provide 24 residential flats (Class C3), retail (Class A1) and restaurant (Class A3) units with associated plant and ancillary space. Creation of new pedestrian and servicing piazza and street, works of hard landscaping, alterations to existing vehicular and pedestrian access together with associated enabling works. (13/06028/FULL) Condition 4 allows customers to use the roof terrace between the hours of 08.00 and 22.00 hours Monday to Saturday and between the hours of 10:00 and 20:00 hours on Sundays, bank holidays and public holidays. Condition 5 restricts the number of customers on the roof terrace to 100.

6- 7 Langley Street

Permission granted 10.03.2022 for 'Alterations to the roof of no.7 Langley Street including the installation of decking, pergolas, timber banquette seating, planters, and screening for use of the roof as a roof terrace; associated works including alterations to no.6 Langley Street, in connection with the Class E use of no.6 Langley Street.' (21/08184/FULL). Condition 4 restricts the use of the terrace to between the hours of 08.00 and 22.00 hours Monday to Saturday and between the hours of 10:00 and 20:00 hours on Sundays, bank holidays and public holidays. Condition 6 restricts the capacity of the terrace to 100 customers at any one time.

8. THE PROPOSAL

The proposal seeks to create a new leisure and entertainment destination centred around the Guinness brand for the buildings positioned around Old Brewer's Yard, with the yard at the centre of the scheme providing an outdoor food and drink area. The applicant advises that the repurposing of Old Brewer's Yard is to contribute to the Mercers' Company's overarching strategy to improve the permeability of Covent Garden by creating a new pedestrian link and open space forming part of the public realm. The scheme also includes a micro-brewery visitor attraction at 1 Mercer Walk connected to the wider scheme by the existing passage underneath 6 Langley Street.

The scheme as revised in January 2023 can be broken down as follows:

28-32 Shelton Street

Erection of a new single storey extension (with external plant room on top) with external terrace at fifth floor level for use of the building as a restaurant within Class E(b). The terrace at sixth floor level to have 16 covers. The entrance to the restaurant to be from the rear at Old Brewer’s Yard. The proposals will result in a six-storey building (plus basement). A new shopfront to Shelton Street and new rear opening to the yard are proposed. Photovoltaics are proposed at main roof level.

1 Mercer Walk

Use of the building as a microbrewery visitor attraction with ancillary retail space and bar. (sui generis) with guided tours. At second floor level, there will be a teaching and learning space to facilitate the applicant’s outreach programme ‘Learning for Life’. External alterations are largely restricted to the opening up of some blind windows facing Langley Street, alterations to roof plant vents and the installation of roof top photovoltaics. As originally submitted, the application included a proposal for 6 tables and 24 chairs outside the premises at 7 Mercers Walk (Stanfords) to be used by visitors of the microbrewery. However these tables and chairs have been removed from the proposed scheme by the applicant.

15A Neal Street (Ground floor only)

Continued use of premises as retail within Class E(a), new shopfront and demolition of the rear wall and replacement with an entirely glazed openable shopfront (to allow access to Old Brewer’s Yard from Neal Street).

5 Langley Street (Basement and part ground floor only)

Use of the basement for events and cultural uses together with community activities (sui generis). Alterations include provision of a new entrance within Old Brewer’s Yard, with access to the basement achieved via a new lift and staircase. This will be the main access into the basement and will be used to access storage space to store courtyard furniture and to provide toilet facilities for the outdoor bar in the yard.

Rear of 7 Langley Street (Part of ground floor only)

Alterations and conversion of former bin store to a bar and servery (sui generis)

Old Brewer’s Yard

Use of the open yard to provide an area of semi-permanent tables and chairs, a standing area and food truck in connection with the bar at the rear of 7 Langley Street (sui generis). The capacity of the yard is to be 150 (excluding staff) with seating provided for at least 100 patrons and no more than 50 standing at any time. The furniture will be removed after operating hours and taken down to the designated storage space in the basement of 5 Langley overnight and whilst delivery and servicing takes place in the morning.

The part of the proposal includes a high-level glazed canopy (covering approximately 60% of the yard and rising approximately 7m in height) and new gates facing Shelton Street (these are to be a set of black vertically sheeted timber gates that correspond to the historic black ‘Guinness Gates’ synonymous with the origins of the Guinness brewery at St James’s Gate in Dublin.). Access to the yard from the existing entrance on

Shelton Street, via the pedestrian passageway from Langley Street and via the shop unit at 15a Neal Street.

Table: Existing and proposed land uses. (Information provided by applicant.)

Building	Existing use	Proposed use	Existing GIA (sqm)	Proposed GIA (sqm)	+/- GIA (sqm)
28-32 Shelton Street	Class E	Class E(b)	1525	1667	+142
1 Mercer Walk	Class E	Sui Generis	2318	2318	0
15A Neal Street	Class E	Class E(a)	50	50	0
5 Langley Street	Sui Generis	Sui Generis	907	907	0
Rear of 7 Langley Street and Old Brewer's Yard.	Servicing/Back of House	Sui Generis	136	136	0
TOTAL			4936	5078	+142

9. DETAILED CONSIDERATIONS

9.1 Land Use

Land Use Overview

The site lies within the Central Activities Zone and the West End Retail and Leisure Special Policy Area.

City Plan policy 1.A (*Westminster's spatial strategy*) seeks to ensure that Westminster will continue to 'grow, thrive and inspire at the heart of London as a World City'. Policy 1 acknowledges the need to balance the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre and home to residential neighbourhoods; and seeks to support the evolution of town centres, including the WERLSPA, as multifunctional commercial areas to shop, work, and socialise.

City Plan policy 2 (*Spatial Development Priorities: West End Retail and Leisure Special (WERLSPA)*) states that the intensification of the WERLSPA (the West End location providing a range of commercial activity including internationally renowned shopping destinations and retail and leisure destinations, including Covent Garden, and numerous tourist attractions), over the Plan period will deliver a number of priorities including: (A) Significant jobs growth through a range of commercial-led development including retail, leisure, offices and hotel use; (B) An improved retail and leisure experience that responds to innovation and change in the sector; (C) A diverse evening and night-time economy and enhanced cultural offer and (F) Protection of the unique character of central London's distinct and iconic places and heritage assets.

The supporting text ,paragraph 2.7, anticipates that the WERLPA will absorb much of Westminster's future commercial growth through investment in a range of commercial development including retail, food and drink uses and entertainment uses will protect and support the arts, culture and entertainment offer for residents, workers, and visitors and diversify the food and beverage offer, to complement the retail environment whilst,

at the same time, minimising negative impacts on residential neighbourhoods.

Policy 14 (*Town centres, high streets and the CAZ*) supports the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses in principle, subject to impact on townscape and heritage.” Paragraphs 14.16 and 14.17, recognise that within the WERLSPA, away from the main shopping streets, “ the land use is highly diverse, containing a mix of commercial activity, including retail, pubs, bars, restaurants, theatres, cinemas and other entertainment venues. Together, these provide a wealth of attractions that draw in visitors and make a major contribution to London’s world city status..... Alongside retail growth, a balanced mix of complementary leisure, entertainment, food and drink and cultural and employment offers are welcomed to help the West End to grow, not only as a global shopping destination, but also as an enhanced leisure and employment destination”.

Policy 15 (*Visitor economy*) states that the Council will maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities

Policy 16 (*Food and drink*) requires proposals for food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of those 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. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Related residential amenity policies

City Plan Policy 7(B) (*Managing development for Westminster’s people*) requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality.

City Plan Policy 33 (C) (*Local environmental impacts*) relates to noise and states development should prevent adverse effects of noise, with particular attention to:

- i. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
- ii. minimising noise from plant machinery and internal activities;
- iii. minimising noise from servicing and deliveries; and
- i. protecting the relative tranquillity in and around open spaces.

City Plan Policy 33 City Plan Policy 33 (D) (*Local environmental impacts*) relates to odour, and states development will effectively address the adverse impact of odour through the incorporation of appropriate mitigation measures using a precautionary approach.

Environmental Supplementary Planning Document (Adopted 2022)

This Supplementary Planning Document (SPD) provides guidance for developers on how they can meet the environmental policies within Westminster’s City Plan 2019 – 2040. The ESPD covers seven environmental topics of which local environmental impacts (e.g. noise and vibration and odour), energy and waste management are the most relevant to this application.

Legislation

Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health, or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. The consequence of this is that planning permission is not needed for changes of use within Class E, subject to the provisions of the Use Classes Order.

Proposed Restaurant (Class E), Bar (Sui Generis) , Microbrewery (Sui Generis) and Event Space (Sui Generis)

The designation of Covent Garden within the West End Retail and Leisure Special Policy Area reflects the highly diverse land uses within the area in what is predominantly a commercial neighbourhood. The application site itself has a commercial character, however, there are multiple residential uses nearby including to the west in Mercer’s Walk, to the east as part of the Odhams Estate (105 residential flats) and to the north along Neal Street.

Covent Garden provides a wealth of attractions that draw in visitors and make a major contribution to London’s world city status. With appropriate safeguards to protect residential amenity, the application proposal would promote good growth by diversifying the entertainment and food and beverage offer for residents, workers and visitors and by supporting the visitor and night-time economy. The use of the application site to provide entertainment, retail and visitor attraction uses is considered to support the aims of City Plan spatial policies 1 and 2.

The application comprises a mix of uses in the form of a restaurant, bar, microbrewery visitor attraction and event space. These uses offer a balanced mix of complementary leisure, entertainment, food and drink and visitor attraction offerings that will not only help the West End to grow as an enhanced leisure and employment destination but also maintain and enhance the attractiveness of Westminster as a visitor destination in line with Policies 14 and 15.

Given the recent changes in the Use Classes Order, the council cannot control growth of cafes and restaurants that are now in a new Class E. Paragraph 16.1 of the City Plan sets out that the focus of policy 16 ‘will therefore be on other uses such as takeaways, shisha smoking bars and other drinking establishments that are sui generis uses.....Proposals for the provision of these mix of uses within the WERLSPA will be supported provided they do not lead to over-concentration owing to the impacts on servicing and amenity.’

The application proposal provides entertainment uses in the form of a restaurant (Class E), an event space (sui generis) and a bar with a substantial area of outdoor seating (sui generis). This part of Covent Garden along Shelton Street, Neal Street and Langley Street has a strong commercial feel with a mix of office, retail, food and drink and other

commercial uses, particularly at ground floor level. Further to the west is the Mercer's Yards development which provides a number of food and drink uses at ground floor level in addition to some retail uses. Despite this it is recognised that there are also a number of residential flats in close proximity to the site including at Odhams Walk.

Taking into account the largely commercial character of the area, the fact that 28-32 Shelton Street is already in Class E use and the basement of 5 Langley Street was formerly in use as a nightclub, the proposed food and drink and entertainment uses are considered to be of a type and size appropriate to their location. Given the broad mix of commercial uses in the vicinity of the site, it is not considered that the proposal would result in an over-concentration of food and drink and entertainment uses which could harm residential amenity or the vitality and character of the local area. In fact the proposal would be likely to enhance the vitality and character of the area given the place shaping benefits from the opening up of Old Brewer's Yard to public use. Measures within the scheme to protect residential amenity are set out below and issues relating to the servicing of the development are set out in paragraph 9.5.

Letters of support to the proposal have been received from local businesses Stanfords and Hawksmoor and from the Long Acre Business alliance, CAPCO and Shaftesbury.

Impact on Residential Amenity

Food, drink, and entertainment uses need to be carefully managed to prevent harmful impacts on residential amenity and local environmental quality. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. Although, it is recognised that there can be considerable variation between the effects of different types of food / drink / entertainment uses.

A key issue with the proposal is the impact on nearby residential occupiers in terms of noise and disturbance from the uses proposed and the mitigation measures that are proposed to safeguard residential amenity. In this regard, the City Plan 2019-2040 sets out that the council will utilise the Agent of Change principle, which places the burden on the applicant to ensure mitigation measures are included to safeguard future local amenity.

Noise

The Covent Garden Community Association, the Covent Garden Area Trust and Seven Dials Area Trust have raised noise concerns, particularly in relation to the proposed bar and outdoor drinking area within Old Brewer's Yard and from the roof terrace that forms part of the restaurant at 28-32 Shelton Street. Furthermore detailed comments have been made from the CGCA about the opening hours of the yard, its capacity, the dispersal strategy of customers from the bar late at night and appropriate controls that should form part of a detailed operational management plan. Local residents have also raised similar objections and concerns and consider that the scheme would be harmful to residential amenity. Concerns to this part of the scheme have also been raised by the London Borough of Camden.

The distribution of residential units within close proximity to the site is shown on the plan below and marked as letters A to S. (information provided by the applicant)



The residential properties that are closest to the application site can be summarised as:

- A: 25 Shelton Street (13 flats)
- B: 23 Neal Street (6 flats)*
- C: 17-19 Neal Street (1 flat)*
- E: 22 Neal Street (maisonette above Crown and Anchor PH)
- F: 24 Neal Street (1 flat)
- G: 26-28 Neal Street (1 flat)
- H: Multiple residential flats at Mercers development.
- S: Multiple residential flats (105) at Odhams Walk.

*With regard to 23 Neal Street and 17-19 Neal Street the applicant advises that works in connection with changing the use of these residential units to Class E commercial use (see section 7.2) has commenced and are due to complete in June 2023.

It is the outdoor spaces which have the greatest potential to cause noise and disturbance to neighbouring residential occupiers. The scheme features two outdoor spaces, namely the fifth floor terrace at 28-32 Shelton Street and the external drinking

area at Old Brewer’s Yard. In accordance with our Environmental SPD the applicant has provided a Noise Impact Assessment with the application for the outdoor areas.

Environmental Health advise that although this type of assessment will provide an indication of the noise experienced by nearby sensitive receptors, it can only be used as guidance. Actual impacts may be greater or less than what is predicted depending on many factors. In this instance Environmental Health consider that the proposed reduced operating hours of the yard and fifth floor terrace and reduced capacity, would reduce the number of potential noise sources compared to the originally submitted scheme. Noise associated with the use will be audible at nearby sensitive receptors. However, any impacts can be mitigated and reduced, using control measures such as limiting the numbers of patrons able to access the area and conditioning the operational hours to daytime only (0700 -23.00hrs).

Licensing position

The Westminster Licensing Sub-Committee determined applications for a New Premises Licence under the Licensing Act 2003 for the various sites that form part of this application on 30 June 2022 and again on 24 November 2022 for Old Brewer’s Yard and 5 Langley Street. A summary of the licensing position for each property and any key licensing conditions is included in the assessment of opening hours for each part of the site.

The hours of use and capacity for each venue is set out in the table below.

Table: Occupancy Schedule and Hours of Use

Site Address	Proposed Customer Capacity	Proposed Staff Occupancy	Opening Hours
28-32 Shelton Street (Restaurant)	319 (including 16 covers on external roof terrace)	81*	Monday-Thursday 10:00-23:30 Friday and Saturday 10:00-00:00 Sunday 10:00-22:30 The external roof terrace to open 10:00 to 21:00 each day.
1 Mercer Walk (Micro-brewery)	220	50	Monday-Sunday 10:00-22:30
15A Neal Street (Shop)	15	2	Monday to Sunday: 10:00 to 22:30
Basement of 5 Langley Street (Event Space)	350	1	Monday-Thursday 10:00-23:30 Friday and Saturday 10:00-00:00

			Sunday 12:00-22:30
Rear of 7 Langley Street & Old Brewer's Yard (Bar and Outdoor drinking area)	150 (with at least 100 people seated and a maximum of 50 standing)	0	Monday-Saturday 10:00-23:00 Sunday 10:00-22:30 The access gate to Old Brewer's Yard from Shelton Street shall be closed at 22.00 and there shall be no new entry to Old Brewer's Yard or egress via the Shelton Street gates after that time save for emergency or for patrons leaving any of the premises abutting Old Brewer's Yard in order to use the Langley street exit.
Total	1054	134	

* There is capacity calculated in 28-32 Shelton Street to deal with the other spaces as necessary, so this is the utmost capacity required. A proportion of this staff count would be used for serving OBY/7 Langley and 5 Langley Street.

28-32 Shelton Street

The opening hours sought for this Class E are acceptable within the CAZ and align with those agreed by licensing. The property already has lawful Class E use and the existing floorspace could be used for restaurant purposes without needing planning permission. It is accepted that the current scheme proposes an additional 142sqm of Class E floorspace, however, this is not considered so significant as to warrant a reduction in opening hours sought by the applicant. The CGCA recommends the same opening hours as those sought by the applicant.

Outside Terrace:

The opening hours sought for the external terrace at fifth floor level have been revised to 10:00 to 21.00 hours. The CGCA consider the terminal hour should be reduced to 19.00 hours and have provided officers with examples of nearby terraces which have conditions preventing the use of the terrace after 19.00 hours. The terrace has a glass balustrade but because it is at high level it has the potential to cause noise and disturbance. The submitted Noise Impact Assessment identifies the residential property above the Crown and Anchor PH (approx. 36m away from the centre of the roof terrace) as being the most affected noise sensitive property. The report predicts that noise from the terrace will exceed the noise limits applied by the City Council at night (23.00 -07.00 hours) but is within acceptable limits during the day. Given that the terrace will cease operating at 21.00 hours, it is not considered reasonable to restrict its use until 19.00 hours as requested by the CGCA.

1 Mercer Walk

In addition to the microbrewery, this building will have a retail area and bar with a total capacity of 220 persons. There are residential flats in close proximity at 7 Mercer Walk fronting onto Langley Street. The CGCA are however seeking a terminal hour of 21.00 hours Monday to Thursday and Sundays and 22.00 hours on Fridays and Saturdays. The opening hours agreed by licensing are Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours and Sunday 12:00 to 22:30 hours. The opening hours sought for this property, namely Monday-Sunday 10:00-22:30 are considered acceptable within the CAZ. A condition is recommended that from 22:00 hours on Sunday no patrons shall use the West door onto Mercer's Walk except in case of an emergency.

15A Neal Street

Whilst it is not considered appropriate to restrict the opening hours of the proposed retail use, as it already has lawful Class E use, it is considered appropriate to ensure the use of the retail shop as a through route between Neal Street and Old Brewers Yard ends at 21:00 hours (and not the 22.00 hours sought by the applicant or 20.00 hours sought by the CGCA). The reason for this restriction is to reduce noise and disturbance to residents in Odhams Walk. As with the micro-brewery, the applicant has advised that refrigeration is to be taken out of the retail shop for the purposes of alcohol sales to discourage drinking in the immediate vicinity. The licensing position with regards to opening hours and sale of alcohol for this property is Monday to Sunday 09:00 to 21:00 hours.

5 Langley Street

This premises was previously used as a nightclub (the Langley). Given the planning history of the site, the hours of use sought by the applicant for this property are considered acceptable. The CGCA recommends the same opening hours as those sought by the applicant. Licensing has granted opening hours to the public 10:00 to 23:00 hours Monday to Saturday and 12:00 to 22.30 hours on Sunday with extended non-standard timings of 23.30 Monday to Thursday and 00:00 Friday and Saturday for a specific area with the basement.

Rear of 7 Langley Street and Old Brewer's Yard

The opening hours sought by the applicant for the bar and external drinking area align with those agreed by the Planning (Major Applications) Sub Committee on 9 August 2022 and are considered acceptable. The terminal hour of 23:00 for Old Brewer's Yard (Monday to Saturday) will have the benefit of allowing a staggered dispersal of customers from the yard rather than an earlier sudden cut off whereby customers all leave the premises at the same time. It is also considered that noise can be mitigated through appropriate management controls at the yard (e.g. the dispersal strategy) through an Operational Management Plan.

The CGCA consider the external drinking/dining element of the development should be refused outright but if allowed then the capacity should be reduced to 50 persons. (see 'Capacity' paragraph below).

In accordance with the licensing position it is recommended that the access gate to Old Brewer's Yard from Shelton Street be closed at 22.00 and there shall be no new entry to Old Brewer's Yard after that time save for emergency or for patrons leaving any of the

premises abutting Old Brewer's Yard in order to use the Langley street exit. The licensing position with regards to the yard is as follows: opening hours Monday to Saturday 10:00 to 23:00 hours, Sunday 12:00 to 22:30 hours. The terminal hour for the supply of alcohol in Old Brewer's Yard is 22.30.

Land Use Swap

Old Brewer's Yard is mostly surrounded by commercial properties, which include the Pineapple Dance Studios which has upper level windows that overlook both the yard and Langley Passage but there are also residential uses that overlook the yard, namely 23 Neal Street (6 flats) and 17-19 Neal Street (1 flat). These residential uses are located outside the application site. The submitted Noise Assessment Report identifies that these are the most affected noise sensitive properties and that the proposed external seating area will exceed noise limits applied by the council.

To overcome this issue, the owner of these properties (The Mercers Company) intends to convert the residential use to Class E commercial use as part of a separate land use swap with other properties in the vicinity of the site on Long Acre and Drury Lane. Planning applications for the change of use of the residential units within 23 Neal Street and 17-19 Neal Street to Class E (office) uses have already been submitted and permission obtained for the land use swap subject to a S106 legal agreement. (see Section 7.2 'Other relevant history').

It is recommended that the conversion of the residential units at 23 Neal Street (6 flats) and 17-19 Neal Street (1 flat) to commercial use happens prior to the commencement of the uses around Old Brewer's Yard and is secured by S106 legal agreement with the requirement not to occupy the development until the land use swap has been physically completed. The applicant advised that in accordance with the planning permission and listed building consents obtained, work has already commenced to convert these properties to commercial use.

Management Controls

Capacity

The capacities sought by the applicant for the various uses proposed are set out in the above table. The capacity of Old Brewer's Yard has been reduced to 150 people (with at least 100 people seated and a maximum of 50 standing). The concerns of the CGCA with regard to the capacity of the yard are understood. They consider the external drinking element of the scheme should be refused outright but if allowed then conditions should limit capacity to 50. It is considered that with appropriate management measures in place through a robust operational management plan and with reduced operating hours until 23:00 Monday to Saturday, the capacity of 150 persons is acceptable.

Dispersal of customers from Old Brewer's Yard

A number of objections and comments have been raised by local amenity societies, local residents and the Metropolitan Police's Designing Out Crime Officer in relation to the dispersal strategy proposed for the yard. The application proposes that after 22.00 all patrons shall exit Old Brewer's Yard via the Langley Street exit save for emergency exit via Shelton Street. The Metropolitan Police's Designing Out Crime Officer takes the view

that due to the quiet nature of Langley Street, it would be preferable and safer for dispersal in the evening to take place from the main gates on Shelton Street. The view of the Designing Out Crime Officer is noted but the above approach is considered to be the preferred option in terms of protecting the amenity of neighbouring residential occupiers.

Operational Management Plan

A key aspect of the proposal will be appropriate management controls in order to minimise any negative impacts from the uses, and in particular from the yard, on local environmental quality and residential amenity. The applicant submitted a draft Operations Management Plan (OMP) with the application and has confirmed that they will continue to consult with the local amenity societies prior to the final version being drafted. The applicant sets out that the principal objectives of the plan will be to maintain the buildings, open space and streetscape to the highest standards for the benefit of occupiers, the public, and the local community; maintain security for occupiers and members of the public; and maintain public safety. The key features of the draft OMP are:

- Diageo will have a security team who will be responsible for the overall 'Guinness buildings at Old Brewers Yard' scheme and will have an office located within the scheme itself. This will be in addition to Mercer's own security within its Covent Garden estate.
- At night-time, the patrolling security officer will be located within Mercer Walk between the hours of 9.00pm and midnight to encourage diners to exit the area quietly and via Langley Street if possible.
- The Shelton Street gates and passageway from Langley Street will be closed overnight.
- The applicant will install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team
- Buskers and street performers shall not be permitted to operate within the site
- Smoking is to be permitted within Mercer Walk and in designated areas within the yard.

Officers consider that a much more comprehensive and robust OMP should be secured by condition including more detail on how the dispersal of the yard will be managed, full details of how many security staff will be employed and where they will be located on site, full details of a direct telephone number at the premises to be made available for residents and businesses, the policy on takeaway alcohol sales, full details of CCTV, details of staff training and use of virtual queuing through smart phone apps. The council expects the OMP to be developed in consultation with the Covent Garden Community Association, the Covent Garden Area Trust and the Seven Dials Trust prior to its submission to the City Council for approval.

The Covent Garden Community Association consider that the OMP should be secured and approved by the City Council prior to any part of the development being implemented (i.e. a pre-commencement condition). This is because the CGCA consider that once the development is constructed, it would be more difficult for the City Council as the Local Planning Authority to refuse to agree the OMP. These concerns are noted, however, in this instance the applicant advises that whilst the existing operations teams from other Diageo sites will assist and give general support and guidance on the OMP, negotiations on its specific content would commence once permission has been granted

and when a designated operations director is hired formally by the applicant. Given that an OMP is related to the use of the proposed development rather than building works, it is not necessary for this condition to be pre-commencement and as such imposing a pre-commencement condition would be unreasonable.

Odours

An odour assessment report has been submitted with the application. This has been revised following the redesign of the roof extension at Shelton Street.

The Class E restaurant use at 28-32 Shelton Street includes multiple kitchens serving food to customers both inside the restaurant and within Old Brewer's Yard. The proposed kitchen extract duct will terminate at roof level from within the proposed external roof plant.

For the micro-brewery at 1 Mercer Walk, emissions are proposed to be exhausted at roof level. The potential for odours from the proposed microbrewery, such as fermented malt, hobs and barley odours, yeasty odours and alcohol odours. has been assessed in the odour assessment. Mitigation measures to prevent odour release have been detailed within the report. Environmental Health do not object and recommend that a pre commencement condition is applied to the development requiring the odour abatement measures to be installed and maintained prior to first use of the brewery and thereafter retained.

The odour assessment confirms that there will be no primary cooking within the proposed bar at the rear of 7 Langley Street and within the basement of 5 Langley Street.

The odour report sets out that from time to time within Old Brewer's Yard, there may be additional food odours within the courtyard, such as the Guinness Food truck to support events. A condition is recommended to require an updated odour assessment to deal with odours from the food truck.

The applicant is advised by informative that they must register a food business with the council, where under environmental health legislation, the food business must meet our standards on ventilation and other equipment so it does not cause noise, smells, or other types of nuisance.

Social & Community Use

Policy 16 of the City Plan states that 'Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate'

The applicant is proposing to provide a community space in the basement of 5 Langley Street in the form of an events space which will be a multi-purpose room able to host local community events. The applicant has provided details of how it intends to serve the community in its document entitled 'Diageo Executive Summary on serving the community at Old Brewers' Yard' which is provided as a background paper. In summary the applicant advises that the event space could be used for meetings by local amenity the societies, by local residents or by community groups in the wider area.

Officers welcome the proposal by the applicant to allow the use of part of the space within the basement at 5 Langley Street. It is recommended that full details of a community strategy are secured as part of a legal agreement. The strategy will need to set out who will be eligible to use the space and the proposed minimum no of hours for the space to be made available. Details of monitoring arrangements to include annual reports on usage, no of local residents who have used it, any requests by local residents which were declined but unable to be fulfilled etc. will also be required

Land use conclusion

The application site is located within a predominately commercial part of the CAZ, typical of the WERLSPA. However, multiple residential units can be found to the west on Mercer’s Walk and Shelton Street, to the north on Neal Street and to the east at Odhams Walk. Despite this, measures will be in place to mitigate and manage noise impacts for neighbouring residents and to protect local environmental quality. Taking into account the Agent of Change principle these measures include controlled hours of use and capacity, method of customer dispersal after 22:00 hours, a requirement for the applicant to submit a robust operational management plan and an updated delivery and servicing management an (see para 9.5) for the council’s approval and a S106 Agreement to secure the land use swap.

This planning application also provides an element of community use at 5 Langley Street (basement) and an opportunity through the recommended conditions to gain greater control over the use of 28-32 Shelton Street, which would not otherwise have been possible if the existing building without an extension is converted into a restaurant and over the use of the basement of 5 Langley Street which appears to be an unrestricted nightclub use in planning terms. In these circumstances, the proposed scheme to provide a number of hospitality and entertainment uses and a visitor attraction is considered acceptable.

9.2 Environment & Sustainability

Sustainable Design

Policy 38(D) (Design Principles) of the City Plan seeks to ensure that development will 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 proposal is largely for the repurposing and refurbishment of existing buildings with the aim to limit heat losses and gains through improvements to the building fabric. Other measures include the use of low carbon energy in the form air source heat pumps at 1 Mercer Walk and 28-32 Shelton Street and energy efficiency measures such as low lighting power and advanced lighting controls and high efficiency mechanical plant. Photo voltaic panels are provided at roof level on the Mercer Walk(133sqm) and Shelton Street (100 sqm) buildings. A BREEAM pre-assessment has been submitted which shows a score of 70.22% with the potential of targeting credits to bring the score up to 96%. The lower threshold of EXCELLENT equates to a score of 70%. This is welcome in policy terms.

Energy Performance

Policy 36 (Energy) of the City Plan 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.

The applicant has provided an Energy Statement with their application. This follows the principles of the Mayor of London's energy hierarchy. The table below shows there will be a 56% reduction in regulated carbon dioxide savings. This is welcome in policy terms. As the application is not a major development the scheme does not have to achieve net zero in terms of Policy 36 (B).

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	63.9	25
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	79.4	31
Cumulative on-site savings	143.6	56

Air Quality

Policy 32 (Air quality) states that the council is committed to improving air quality in the city and expects development to reduce exposure to poor air quality and maximise opportunities to improve it locally without detriment of air quality in other areas.

The proposed development is not expected to lead to a significant change in vehicle traffic on the local roads or generate any significant on site emissions related to combustion. The impacts of the proposed development in the applicant's air quality assessment have been found to be negligible. The development is considered to be air quality neutral and adopts an air quality positive approach. Environmental Health has raised no concerns with regard to the development of the air quality assessment carried out.

Flood Risk & Sustainable Drainage

The application is located within a surface water flood risk hotspot and has submitted a flood risk assessment and drainage strategy as part of the application in accordance with policy 35(B) of the City Plan. This concludes that it is not feasible to provide surface water attenuation within the scheme and that the existing drainage network would be retained. However, rainwater harvesting from the canopy will be incorporated into the scheme with a new rainwater harvesting tank located in the basement of 28-32 Shelton Street and used for toilet flushing. Details of this are recommended to be secured by condition.

Light Pollution

It is recommended that details for the lighting of the courtyard are secured by condition. This will be to minimise the detrimental impact of glare and light spill on local amenity as required by Policy 33(B) of the City Plan.

9.3 Biodiversity & Greening

As originally submitted the scheme included a living wall to be sited on the west side of 1 Mercer Walk facing the public piazza. Whilst the provision of a living wall was welcome in policy terms, it was proposed to replace an existing piece of public art that was provided as part of the Mercer development which was considered unacceptable. The applicant was asked to find an alternative location for the living wall but has advised that there are no other suitable sites within the development. This is regretted but is considered acceptable given the nature of the site.

9.4 Townscape, Design & Heritage Impact

TOWNSCAPE AND DESIGN:

Old Brewers Yard lies to the north of Long Acre, bound by Shelton Street to the north, Neal Street to the east and Langley Street to the west. Currently the yard is accessed via Shelton Street, between nos. 28-32 and 34, and a passageway through 6 Langley Street. The proposals relate to 28-32 Shelton Street, 1 Mercer Walk, 15A Neal Street, 5, 6 and 7 Langley Street.

The site lies within the northern corner of the Covent Garden Conservation Area and forms part of the complex of former brewery buildings and warehouses which were established in the area from the mid-eighteenth century. Many of the former warehouses survive which architecturally distinguishes this area from the rest of Covent Garden and are fundamental the character and appearance of this part of the conservation area.

Heritage Assets

Covent Garden Conservation Area:

The Covent Garden Conservation Area covers an area to the north of Strand, centred around the market building (IISTAR) and piazza originally developed in the 1630's and designed by Inigo Jones. The market was established in the area in the 1670s, with the current building being constructed in the 1830s. Other notable landmarks in the area include St Pauls Church, sited on the western side of the piazza, as well as the Royal Opera House and former Floral Hall, sited on Bow Street. The area is also characterised by its 18th century street pattern, with notable buildings of that period surviving along King's Street and Henrietta Street. The area also includes numerous listed theatres, which form part of the wider West End theatre district. To the north of the market and piazza and Long Acre, the character consists of a mix of Victorian warehouses and commercial buildings.

Many of the buildings within the vicinity of Covent Garden Market, were historically used as storage for the market as well as merchant's offices, such as 21-23 Neal Street/34

Shelton Street. The application site itself lies partially on the site of the Woodyard Brewery which was established in the area in 1740. The brewery expanded between Long Acre and Shelton Street, with many of the warehouse buildings linked at high level by cast iron bridges creating a very distinct townscape character. The brewery ceased operating in 1940, and the area was also affected by bombing in the Second World War, particularly along Neal Street, nevertheless many of the warehouses survive giving the area its distinct character and appearance.

Seven Dials Conservation Area:

The site also borders the Seven Dials Conservation Area, which lies to the north within the London Borough of Camden. The Seven Dials Conservation Area has three sub areas, the site lies directly to the south of sub-area 1: Seven Dials, and includes the distinctive layout of Seven Dials, devised by Thomas Neal at the end of the 17th century. The buildings which line the northern side of Shelton Street, immediately opposite the site, include nos. 27-33 Shelton Street (the Seven Dials Warehouse), a typical warehouse building with a contemporary glass roof extension which is grade II listed.

The Seven Dials Conservation Area Statement describes the area and it states that, *'the special character of the area is found in the range and mix of building types and uses and the street layout. The character is not dominated by one period or style of building but rather it is their combination that is of special interest'*. In relation to Shelton Street, the statement describes the area as, *'dominated by the former Woodyard Brewery buildings which line both sides of this narrow street. Evidence of the high-level linking iron bridges remain on some of the buildings and these form part of the distinctive industrial character of this part of the conservation area. At the junction of Shelton Street with Neal Street and Earlham Street is the Seven Dials Warehouse.'*

Listed Buildings:

Whilst 28-32 Shelton Street, 1 Mercer Walk and 15A Neal Street are all unlisted, the site accommodates, and is surrounded by, a number of listed buildings. These are listed for architectural and historic interest and all make a significant contribution the character and appearance of the conservation area. They are

- 24-26 Shelton Street – a grade II listed former warehouse, early nineteenth century, originally part of brewery complex. This building adjoins the application site.
- 6 Langley Street - a grade II listed former warehouse, early nineteenth century, originally part of brewery complex. The passageway underneath this building forms part of the application site.
- 7 and 8 Langley Street - a grade II listed former warehouse, early nineteenth century, originally part of brewery complex. 7 Langley Street forms part of the application site.
- 34 Shelton Street (also known as 21 Neal Street) - a grade II listed former warehouse, early nineteenth century, originally part of brewery complex. Located adjacent to the application site.
- 17 and 19 Neal Street – a grade II listed former warehouse, early nineteenth century, originally part of brewery complex. Located adjacent to the application site.
- Seven Dials Warehouse, 27-33 Shelton Street / 42-54 Earlham Street) – a grade II listed former brewery building, mid-nineteenth century. Located opposite the

- application site.
- Cambridge Theatre, Earham Street – grade II listed with return to Shelton Street (No. 23) located to the west of the application site.
 - 25-37 (odd) Neal Street – grade II listed terrace of properties located to the north of the application site.

28-32 Shelton Street

This is a ground plus 4-storey brick built former warehouse that was part of the 19th century Combe & Co Brewery. Whilst unlisted, the building is not without merit and makes a positive contribution to the character and appearance of the Covent Garden Conservation Area and to the setting of the Seven Dials Conservation Area. Unembellished, its brick facade is articulated by a uniform arrangement of large multi-paned Crittall windows. At its base, the ground floor features modern shopfronts replicating a traditional retail aesthetic, but which falls short of reinforcing the warehouse character of the building and streetscape. The top of the building features a late twentieth century saw tooth pitched roof incorporating patent glazing along the two northern pitches. The roof is largely concealed by the building's parapet and only visible from high-level private views.

The Covent Garden Area Trust, Covent Garden Community Association, Seven Dials Area Trust and Historic England all raised concerns with the original initial proposals which sought a two-storey extension to the building. The proposals have subsequently been revised to address concerns of height, bulk, and detailed design. Whereas the previous scheme sought a brick vertical extension at fifth floor level with a metal framed glass extension at sixth floor level, the revised proposal seeks a one-storey upward extension at fifth floor level with a plant enclosure above. The largely glazed extension will be set back from the parapet of the host building and the party wall of the grade II listed 24-26 Shelton Street. On the east elevation the extension would feature a solid metal panelled facade. The extension will feature a partially solid roof with the glazing of the facade continuing at 90 degrees to run along the parameter of the roof plane. The façade treatment of the fifth floor is an intentional departure from the robust solidity of the host building and is distinctly contemporary. That said, its set back position from the Shelton Street facade, and solidity exhibited to the eastern façade and roof, to some extent, moderates the glazing. The internal soffit beam, which will be glimpsed through the glazing, provides an appreciable horizontal plane and defined termination to the roof.

Whereas the plant room in the original scheme was internalised and contained within the previously proposed brick extension at fifth floor level, the revised scheme proposes plant at roof level, enabling the height and bulk of the scheme to be significantly reduced. Set back from Shelton Street, and positioned towards the western end of the roof, the plant will be screened within a metal louvered enclosure. Whilst the plant will present some additional height and bulk to the roofscape, it has been positioned to avoid appearing in key views of the building. It also avoids impairing the gable end and roof profile of no. 24-26 Shelton Street, which is grade II listed. The placement of the plant to roof level has enabled the height and bulk of the scheme to be significantly reduced compared to the previous scheme. Roof top plant is not unusual within this part of Covent Garden with many neighbouring buildings exhibiting similarly design roof plant.

The local amenity societies and Historic England had objections to the height of the

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original scheme and its resulting overbearing relationship with the neighbouring listed buildings. The revised development is significantly lower in height, allowing a gradual step-up in height from 34 Shelton Street to 24-26 Shelton Street, successfully mediating between the buildings without appearing overbearing. The revised scheme sits more comfortably in its context, and notably below the ridge of no. 24-26, allowing much of its roof profile to be perceived.

It is felt that the height and bulk of the scheme has been successfully reduced to an acceptable level. However, it is recognised that due to its contemporary design, the proposed roof extension will be a noticeable addition to the townscape. The proposal will be apparent in only a small number of townscape views, but most notably, directly opposite the site at the junction of Neal Street, Shelton Street and Earlham Street, within the Seven Dials Conservation Area. Here the building's increased height and the glazed nature of the extension will be most apparent. However, when viewed a short distance north along Neal Street, the extension becomes completely concealed by the opposing building. When viewed from the west along Shelton Street and from the east at the junction with Endel Street, the extension and the additional height proposed would be read in the context of an undulating roof line and the comparable scale of the warehouse buildings opposite the site along Shelton Street.

The additional height and contemporary design of the roof extension will have an impact upon the character and appearance of the building and wider area, including both conservation areas. This impact is for the most part considered to be benign due to the modest scale of the extension and the restricted number of views from which it can be seen. In terms of the impact on 28-32 Shelton Street, the reduced size of the extension and its lightweight design ensures that it does not overly dominate or erode the industrial character of the building, which is a key component of its positive contribution to the conservation areas. That the roof extension is appreciably different in architectural style will draw some attention and will be visible in key views of the building from within the conservation areas and this element of discordancy is the reason why a low level of less than substantial harm is identified. This 'low level' attribution is identified because the host building will remain a strong and positive contributor to the character of the Covent Garden Conservation Area and to the setting of the Seven Dials Conservation Area; and because the visual impacts of the roof extension are restricted.

In terms of the impact on the setting of neighbouring listed buildings, the revised scheme would no longer obstruct long views of the distinctive roof profile of no. 24-26 Shelton Street and would no longer appear discordant with the prevailing height and scale of the area, including the neighbouring listed buildings identified. The setting of the grade II listed Seven Dials Warehouse directly opposite the site and the return elevation of the Cambridge Theatre on Shelton Street is complimented by buildings of similar age, scale and character. Whilst the roof extension will be visible within the visual setting of those buildings, it's scale is sufficiently sub-ordinate to have a minimal impact on their setting. Whilst the design of the extension is contemporary and to some extent at variance with its context, except that is for the (largely unnoticeable from street level) glass roof top extension on the Seven Dials Warehouse directly opposite the application site, this is not however considered to detract from the setting or appreciation of neighbouring listed buildings. Any adverse impact is at the low end of less than substantial harm, as has been identified for the Seven Dials Conservation Area as a whole.

Old Brewers' Yard

Located to the south of Shelton Street and currently accessed through 34 Shelton Street and 6 Langley Street, Old Brewer's Yard is presently used as a service yard for many premises fronting Neal Street, Shelton Street and Langley Street. Whilst the traditional and historic facades of nos. 7- 8 Langley Street and 34 Shelton Street/21-23 Neal Street, and to some extent the application site, contribute to the aesthetic quality and character of the space, the historic character of the yard has been significantly diluted by post war extensions and alterations, which have not been sympathetic.

The reinvigoration of the yard would be hugely beneficial in conservation and design and place shaping terms, not only by enhancing the aesthetic of the yard through the removal of clutter but by permitting public access to a currently private space that also links with the Mercer's Yards development to the west. It is important that the openness of the yard is not entirely lost with the introduction of the canopy.

The canopy will exhibit a saw tooth profile with glass roof, supported by industrial rafters which would span the courtyard. The raised height of canopy is fitting for the scale of the adjacent warehouse buildings which front the yard and allows a degree of openness to be retained. Its industrial appearance is also fitting for the space. The canopy will be attached directly to the rear of no. 7 Langley Street. Whilst listed, the rear of no.7 is entirely modern, of no historic interest and of low architectural and aesthetic value and could be considered to detract from the significance of the host building. Fixing the canopy to the modern facade of no. 7 is therefore not considered contentious from a listed building perspective.

The canopies relationship with the buildings at 8 Langley Street, 34 Shelton Street and 17-19 Neal Street is of more importance. As grade II listed buildings (though no.8 was rebuilt following fire damage), their facades are of significance from a heritage asset perspective, and they make a considerable contribution to the character and appearance of the yard. Subsequently, the canopy has been designed to be set back from these facades to avoid physically impacting upon them. Also, the transparent quality of the canopy will allow the upper levels of these buildings to be viewed from within the yard. Whilst the canopy will be an addition to their setting it is not considered to adversely affect it or diminish their appreciation within the space.

The rear elevations of 5 and 7 Langley Street are later rear extensions and lack the architectural or historic interest of their host buildings. Modifying and repurposing their modern openings onto the yard strikes the right balance between retaining some of the informal industrial feel of the space whilst improving their aesthetic. For the same reason above, the introduction of a short glass canopy over the existing passageway between no.7 and no.5 Langley Street will have a negligible impact on the significance of these listed buildings. This area is also very discrete from the main area, and not readily viewed from within the yard itself.

There are no alterations proposed to the grade II listed 6 Langley Street. The alterations proposed to the neighbouring buildings at nos. 5 and 7 Langley Street set out above are not considered to have any significant impact on the setting and significance of 6 Langley Street. The passageway underneath the building will, however, form part of the site providing an exit and entrance via Langley Street.

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As part of the proposals, it is intended to install a new gate to the coach way under the grade II listed no. 34 Shelton Street. Modern metal gates are currently in place within the existing double height opening and their removal raises no concerns from a listed building or townscape perspective. The new gates, which will be traditionally detailed hard wood double gates, are considered more in keeping with the character of the area.

15A Neal Street

An unlisted building, no. 15A Neal Street has a characterful shopfront, but overall, the building makes a neutral contribution to the conservation area. The removal of the existing shopfront and installation of a contemporary, largely glassed frontage is not felt to detract from the character and appearance of the Covent Garden Conservation Area and therefore is not opposed. Similarly, and for the same reason, the alterations to the rear of the building to allow for the provision of an additional pedestrian route through to Old Brewers' Yard from Neal Street are not opposed in design terms. The modern shopfront to the rear will not harm the setting of the adjacent grade II listed building at 17-19 Neal Street.

1 Mercer Walk

1 Mercer Walk is a former warehouse building and an unlisted Building of Merit. The proposal intends to use the building as a microbrewery, resulting in some external alterations such as modifications to the roof top plant area and the addition of external openings on its eastern side. Generally, the proposals will maintain the building's architectural character resulting in a negligible impact on the character and appearance of the Covent Garden Conservation Area.

Balance of Harm

The extension proposed to 28 -32 Shelton Street is considered to cause a low level of less than substantial harm to the character and appearance of the Covent Garden Conservation Area, the Seven Dials Conservation Areas and to the setting of nearby listed buildings and other non-designated heritage assets. This is largely due to the contemporary design of the roof extension and that it will be visible in key views of the building from within the conservation areas. Historic England, whilst noting the acceptability of the height and bulk of the proposals, has expressed reservations with the contemporary design of the extension, and they also conclude that the proposal will cause a low level of less than substantial harm.

In accordance with para 202 of the NPPF, the wider scheme provides a number of substantial public benefits which are considered to adequately outweigh this low level of less than substantial harm, notably the revitalisation of Old Brewer's Yard and historic buildings, providing public access to the yard and place shaping benefits through increased connectivity in this part of Covent Garden. These public benefits are set out in more detail in paragraph 10 of this report.

Representations

The Covent Garden Area Trust, Covent Garden Community Association and Seven

Dials Trust have jointly responded to the revised proposals. Whilst they acknowledge that the height of the Shelton Street extension has been reduced, they feel it still represents a substantial addition which is oversized and over dominant and inconsistent with the character of the area. They also feel that the proposals do not go far enough to mitigate the harm proposed.

In terms of its design, the Trusts and the Association do not feel that the glazed design is appropriate for this location and that a more restrained approach should be taken with more solidity introduced. They also highlight policy SD25C of the Seven Dials Conservation Area Statement that states “All external works should be carried out in materials that match as closely as possible in colour, texture and type those of the original building or are common in the area.”

As discussed above, the height and bulk of the scheme has been meaningfully reduced to lessen the impact on townscape views. Whilst acknowledging that the extension will change the appearance of the roofscape, the extension mediates successfully between the varying heights exhibited by the neighbouring buildings. The overall reduction in height and bulk is a marked improvement on the original scheme resulting in a much-reduced level of harm.

In terms of its design, its glazed appearance is a striking addition to the building. For the most part, in wider views, the extension will be obscured by neighbouring buildings, with it being most noticeable within the immediate setting of the site. Given that the positive attributes of the existing building will be maintained and the impact on townscape and conservation areas is limited in terms of the townscape views the impact on the designated heritage assets is assessed to be at a low level of less than substantial harm. It is acknowledged that the difference in the materials does not comply with policy SD25C of the Seven Dials Conservation Area Statement and that this contributes to the harm to the Seven Dials Conservation Area but that the harm is nonetheless considered to be less than substantial.

The London Borough of Camden have also responded to the revised scheme, they welcome the reduction in height of the roof extension to 28-32 Shelton Street and its set back position but maintain that the revised design is unsympathetic and causes less than substantial harm the setting of neighbouring listed buildings and the Seven Dials Conservation Area.

The LB Camden’s concerns with the design approach of the extension are not entirely shared. The City Council does not consider that the proposals will cause a significant level of harm to the setting of neighbouring listed buildings, and any adverse impact is at the low end of less than substantial harm. Likewise, the impact on the Seven Dials Conservation Area is considered restricted to a small number of views, causing a low level of less than substantial harm to the appreciation of the conservation area and its setting.

Archaeology

The site is located within an Archaeological Priority Area. The following ground works are proposed:

- Two new lift pits will be inserted into the basement of 28–32 Shelton Street;
- A new lift pit will be inserted into the basement of 5 Langley Street;
- A new lift pit will be inserted into the basement of 1 Mercer’s Walk;
- The columns in the Yard will require the excavating of foundations approximately 0.45m deep.

Historic England (Archaeology) has no objections subject to a pre-commencement condition to secure a written scheme of investigation.

9.5 Residential Amenity

Daylight & Sunlight

Policy 7. Managing development for Westminster’s people seeks to promote neighbourly development by ‘Protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.’ under part A and ‘Protecting and where appropriate enhancing local environmental quality’ under Part B.

The only part of the proposed development where there will be an increase in massing is at 28-32 Shelton Street, where a single storey extension (with external plant room) is proposed at roof level. Therefore, this is the only part of the development which has the potential to affect neighbouring properties with respect to daylight.

The applicant has provided a daylight and sunlight report that identifies the nearest residential properties that could be affected by the proposal, namely second and third floor windows at 22 Neal Street and windows facing the proposed development at 14-18 Neal Street. The daylight and sunlight report concludes that the proposal is fully compliant with the BRE’s publication ‘Site layout planning for daylight and sunlight’ (second edition) in terms of the vertical sky component (VSC), Daylight Distribution and Annual Probably Sunlight Hours (APSH) analysis.

Following the submission of the current application, the BRE published a new edition of its daylight and sunlight guidance ’ (third edition 2022). However the applicant’s daylight consultant has advised that no update to the assessment is required. This is because the main changes in the new BRE guide relate to daylight and sunlight within new developments. The analysis methodology and assessment criteria for daylight and sunlight to existing neighbouring buildings remains the same. As such, the applicant confirms that the VSC and APSH analysis performed remains valid and no changes are required.

The CGCA has raised a concern that the open area at the junction of Neal Street and Earham Street will lose some of its sunlight at 12pm and 2pm in March and in the morning in June. In general streets are not analysed in detail and are not considered to have a special requirement for sunlight. The daylight and sunlight report did include shadow analysis of the “Existing” and “Proposed” scenarios and the results show negligible differences on sunlight to neighbouring streets.

Sense of Enclosure

The LB Camden has raised concerns about the impact of the proposal on 31-33 Shelton Street (also known as 39-51 Earlham Street) in daylight terms but the analysis provided by the applicant confirms that whilst there will be some breaches of the BRE guidance to windows in the elevation facing the application site this will not be significant and will not prejudice the use of the building for commercial purposes (retail and offices). Similarly given the commercial use of the building it is not considered that there will be any significant impact in terms of loss of outlook from this property.

Privacy

Given the commercial use of 31-33 Shelton Street (also known as 39-51 Earlham Street) it is not considered there will be any significant harm arising from any overlooking from the proposed roof extension. The fifth floor roof terrace at the rear of the proposed roof extension to the Shelton Street building would have a obscured glazed balustrade. This will mitigate overlooking from the terrace to residential properties to the east, such as Odhams Walk, located approximately 24m away.

Noise & Vibration

The application includes mechanical plant equipment at roof level on 1 Mercer Walk, 28-32 Shelton Street and on the roof of 7 Langley Street with pipework running on the roof of 8 Langley Street. Environmental Health has no objection in terms of noise and vibration subject to the standard noise conditions and a condition to secure a supplementary noise report. A condition is also recommended to prevent the transmission of noise and vibration to residential units adjoining 1 Mercer Walk. The application therefore complies with Policy 33(D) Local environmental impacts.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager welcomes the promotion of sustainable transport by prioritising walking by the opening up of the pedestrian link into the Yard. It is recommended that this new route is secured through a walkways agreement. It is acknowledged that the new pedestrian link will have to be closed when the development is not open to the public which is considered sensible. The proposal is considered to support the aims of Policy 25 of the City Plan.

Servicing and Waste & Recycling Storage

Policy 29 (B) states that 'Servicing, collection and delivery needs should be fully met within a development site and applicants will produce Delivery and Servicing Plans which encourage provision for low-emission, consolidation and last mile delivery modes.'

The draft Delivery and Servicing Management Plan (DSMP) submitted with the application sets out that up to 30 deliveries could be generated by the proposed land uses at the outset per day and that this is similar to the current site uses in full occupation.

The DSMP envisages that the buildings that form part of Old Brewer's Yard would be serviced off-street from within the yard itself between 07.00 to 10.00 hours (to allow use of the yard by the public after this time.) This is welcome in policy terms and will reduce the impact of servicing the development on neighbouring occupiers, particularly residents in Odhams Walk. The servicing arrangements for the microbrewery at 1 Mercer Walk are slightly different in that it is intended that some servicing takes place from Langley Street (subject to the hours restrictions on that street) which is not supported by policy 29. The Highways Planning Manager is disappointed with this arrangement and would like as much servicing as possible for the microbrewery at 1 Mercer Walk to take place from within the yard itself and then wheeled across the road by trolley. Given the enclosed nature of the yard, this would also be preferable in amenity terms.

It is therefore recommended that a condition secures a revised DSMP that sets out the level of servicing for 1 Mercer Walk that will take place from the yard, and includes full justification for any on-street servicing. The plan would also need to set out how the servicing in the yard will be managed and the measures which will encourage low-emission, consolidation and last mile delivery modes.

Cycling & Cycle Storage

The long stay cycle parking provision is acceptable in policy terms. Whilst 20 short stay spaces is not fully policy compliant with London Plan standards, the existing development has no short-stay cycle parking and the overall uplift in floorspace is only 531 sq. m, and what is proposed is considered enough to serve that amount of floorspace. It is recommended that the cycle parking is secured 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 by providing new employment and job opportunities through operation and construction and will provide new upskilling and training programmes that will benefit the local community.

The applicant has advised that

- The scheme will secure investment of £73m
- The applicant (Diageo) will create up to 150 jobs to support the microbrewery operation and restaurants split between permanent, hospitality and supply positions. 20 will be full time hospitality and supply, the rest will be hourly hospitality, operations, and management.
- The site will become the Southern UK hub of Diageo's award-winning Learning for Life Bartending and Hospitality Programme. The programme has provided skills and improved the employability and livelihoods of over 5,500 people across the UK to date. The ambition is for over 100 London based students to graduate from the 'Guinness at Old Brewer's Yard' programme each year, with a proportion of the employment opportunities to be ring-fenced for Learning for Life graduates

9.8 Other Considerations

Code of Construction

Given the character of the surrounding area which has narrow streets which are busy with pedestrians (and in the case of Shelton Street) also with vehicles, it is recommended that the council's standard condition requiring the applicant to demonstrate that any implementation of the scheme, by the applicant or any other party, will be bound by the council's Code of Construction Practice. This is to protect the environment of neighbouring occupiers and those who work and visit the area as set out in Policies 7 and 33 of the City Plan.

Community Liaison

To ensure that an on-going dialogue with stakeholders during construction and during the operational life of the development, it is recommended that a Community Liaison Group is established (as recommended by Cllr Hyams in her representation). This could be secured through the S106 legal agreement.

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 draft 'Heads' of agreement are proposed to cover the following issues:

- i. The relocation of the residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street as part of a separate land use swap. The applicant not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.
- ii. Details of a community strategy for use of the Event Space at 5 Langley Street.
- iii. To secure a Community Liaison Group during construction and during the operation life of the development.
- iv. Walkways Agreement to secure access to Langley Passage and Old Brewer's Yard.
- v. Monitoring costs.

The estimated CIL payment is: £33,040 Mayoral CIL and £82,600 Westminster CIL.

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

10. Conclusion

The proposed scheme will add to the highly diverse mix of uses within this part of

Covent Garden which is located within the CAZ and the West End Retail and Leisure Special Policy Area. The retail and leisure experience will provide a more diverse evening economy for those who work, visit and live in Covent Garden. The concerns of the amenity societies and local residents about noise and disturbance are understood but as set out in this report, measures will be put in place to mitigate and manage noise impacts for neighbouring residents and to protect local environmental quality.

Section 9.4 of this report identifies that the roof extension to 28-32 Shelton Street will cause a low level of less than substantial harm to the character and appearance of the Covent Garden and Seven Dials Conservation Areas and the setting of neighbouring listed buildings. This is largely due to the contemporary design of the roof extension and that it will be visible in key views of the building from within the conservation areas. However, this low level of less than substantial harm is outweighed by the public benefits of the scheme. These public benefits are considered to be:

- The provision of a new £73 million retail and leisure destination and micro-brewery visitor attraction within Covent Garden and the economic benefits the increased footfall will bring to the area. This will positively contribute to the function of Covent Garden and the West End;
- The proposals intend to provide a unique experience which will complement the current visitor experience and encourage footfall to spread beyond the historic market area; .
- Economic benefits from new employment and job opportunities through operation and construction;
- Community benefits from the use of the basement of 5 Langley Street as a community space in accordance with details secured as part of a s106 agreement;
- Public access to Old Brewer's Yard;
- Place shaping benefits from the proposed through routes that will increase permeability in this part of Covent Garden and improve connectivity to existing public spaces and public routes at Mercer Walk and St Martin's Courtyard;
- Heritage benefits through the reinvigoration of existing historic buildings that face onto Old Brewers Yard and the revealing of the historic yard to the public through its use as a social space.

A condition is recommended to ensure that the extension at 28-32 Shelton Street is not occupied until the public route through Old Brewer's Yard, the community space in the basement of 5 Langley Street and the micro-brewery have been provided in accordance with the terms of the planning permission and the S106 legal agreement.

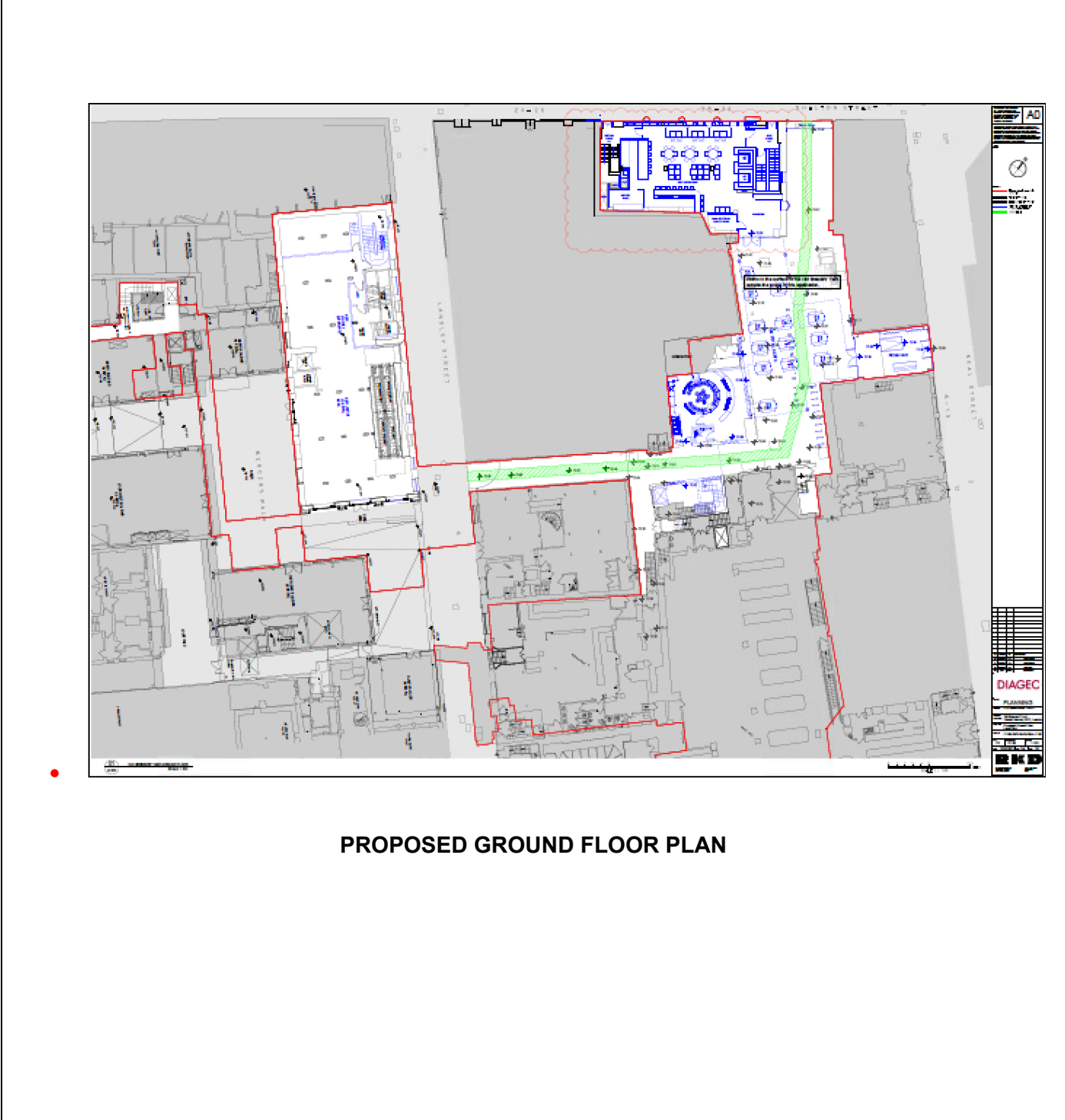
As such, whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, which are set above, the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional permission and consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Item No.
1

(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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

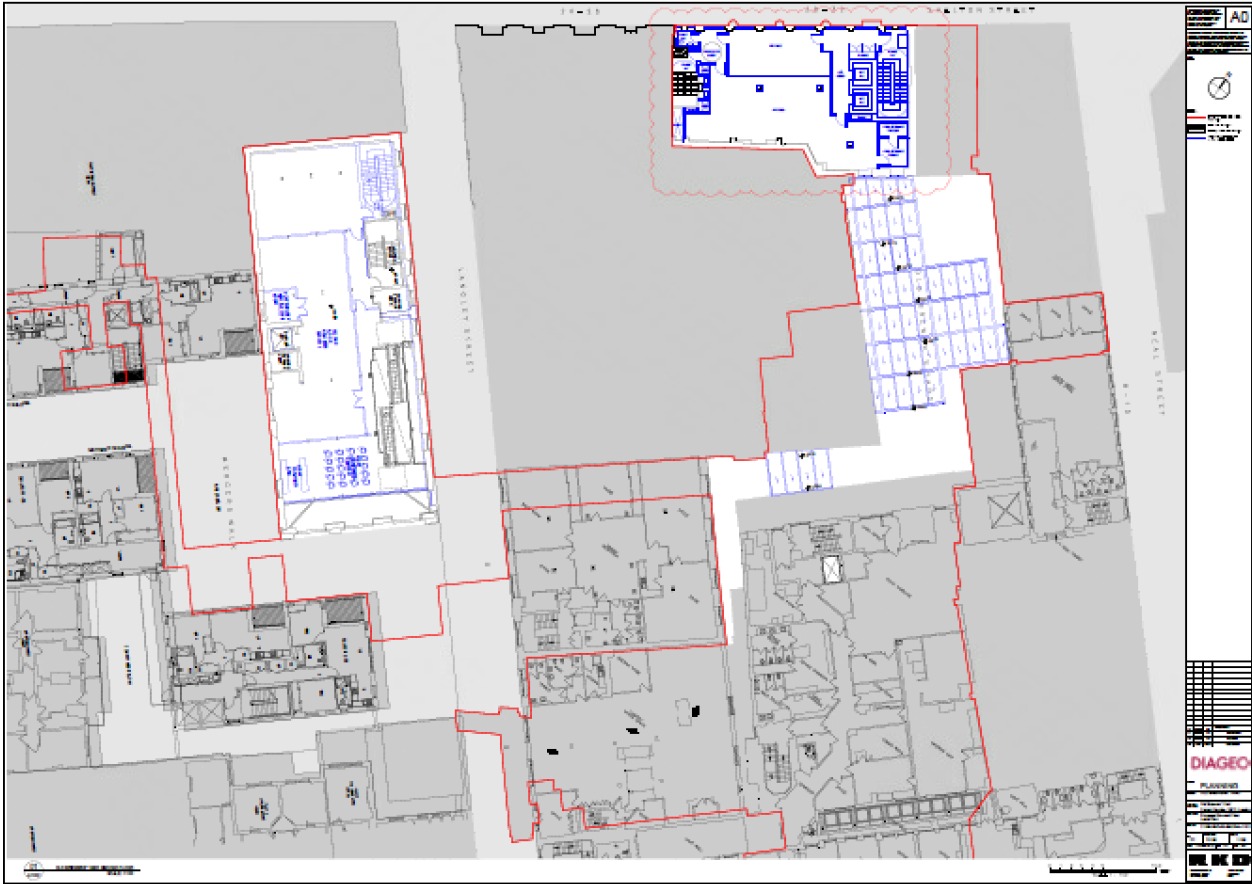
11. KEY DRAWINGS



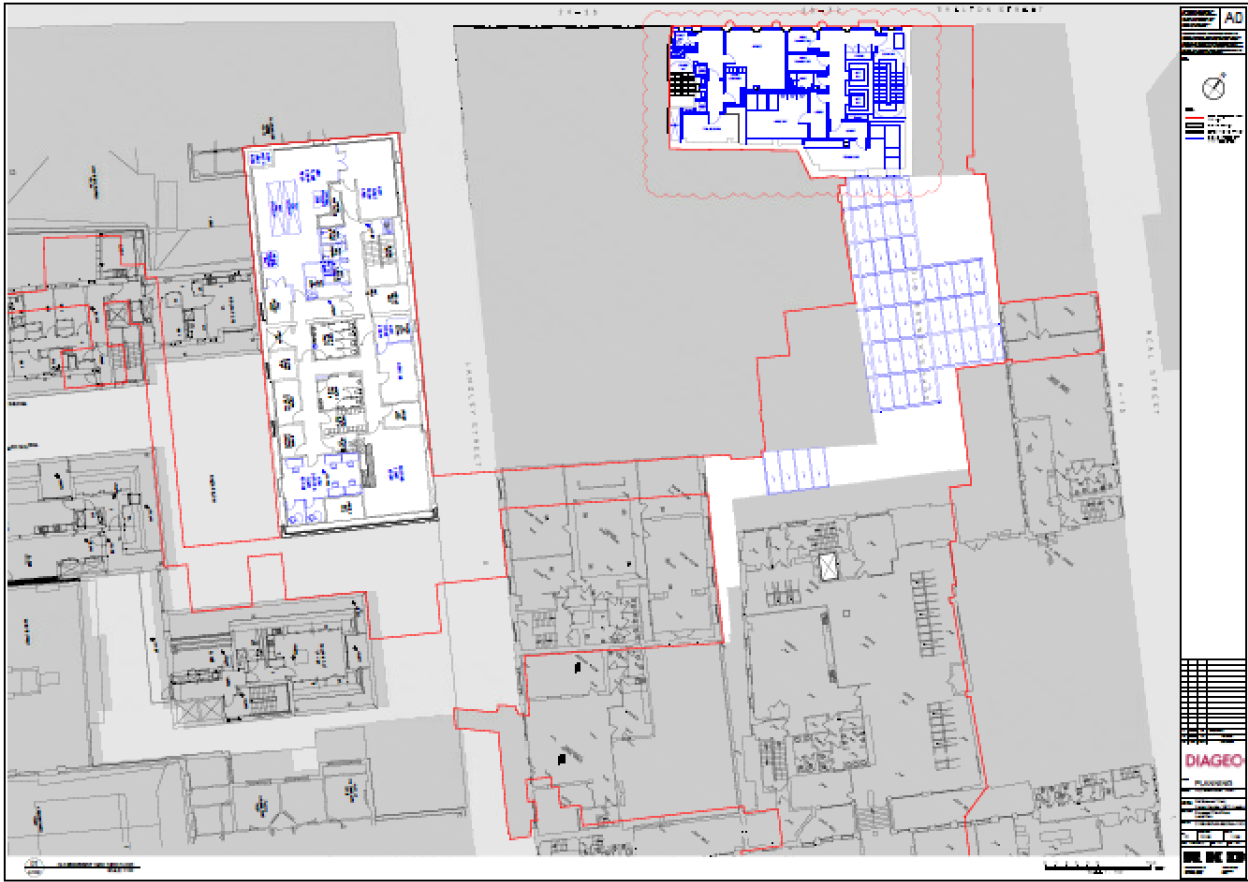
PROPOSED GROUND FLOOR PLAN



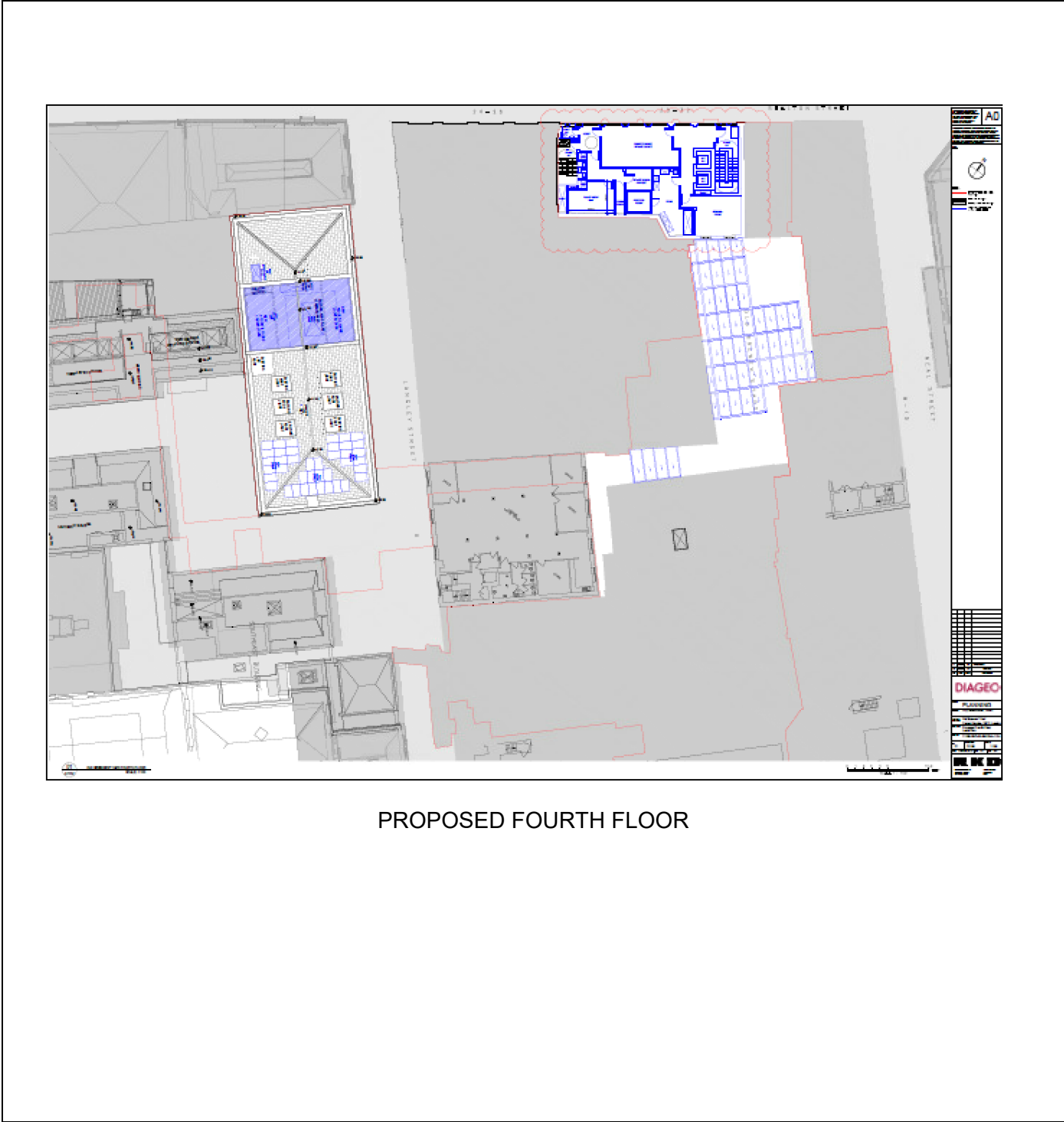
PROPOSED FIRST FLOOR PLAN



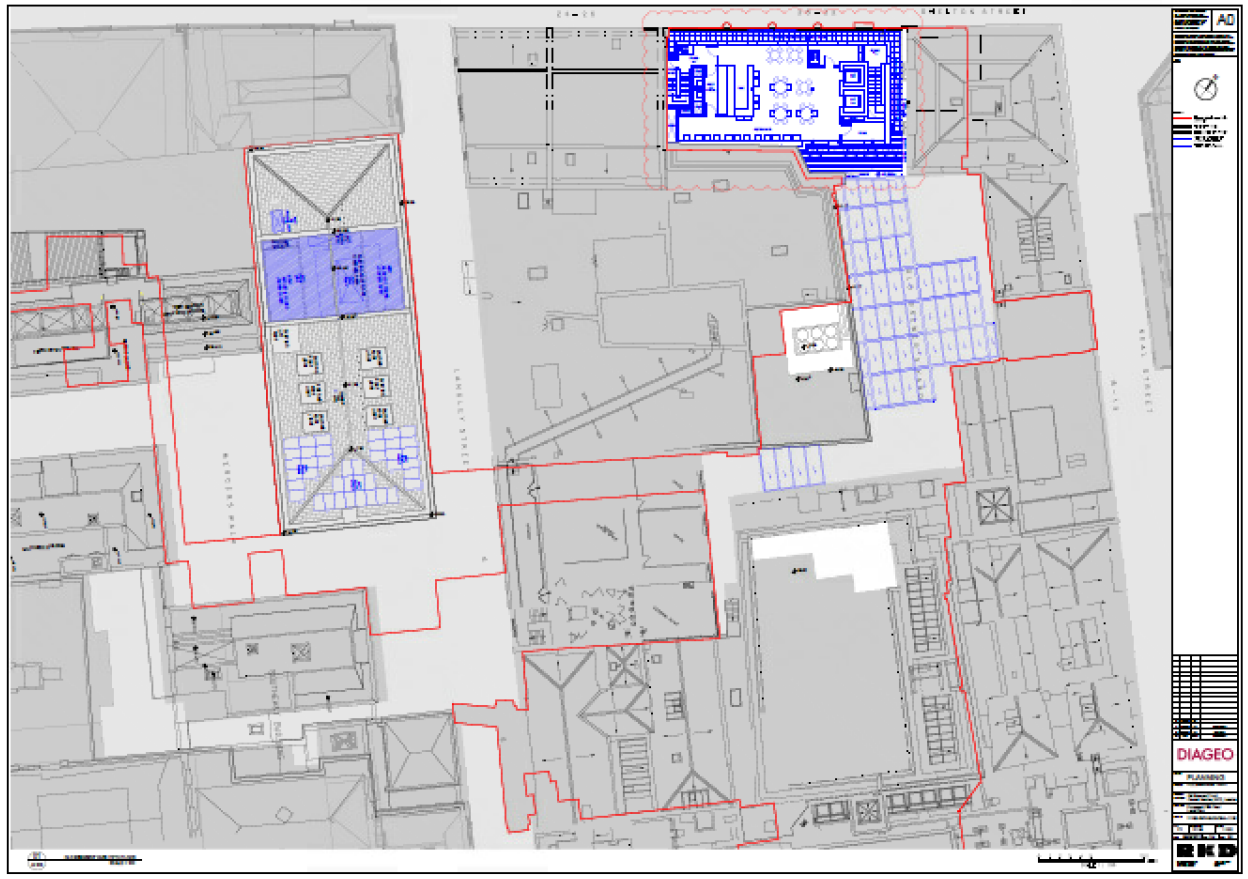
PROPOSED SECOND FLOOR



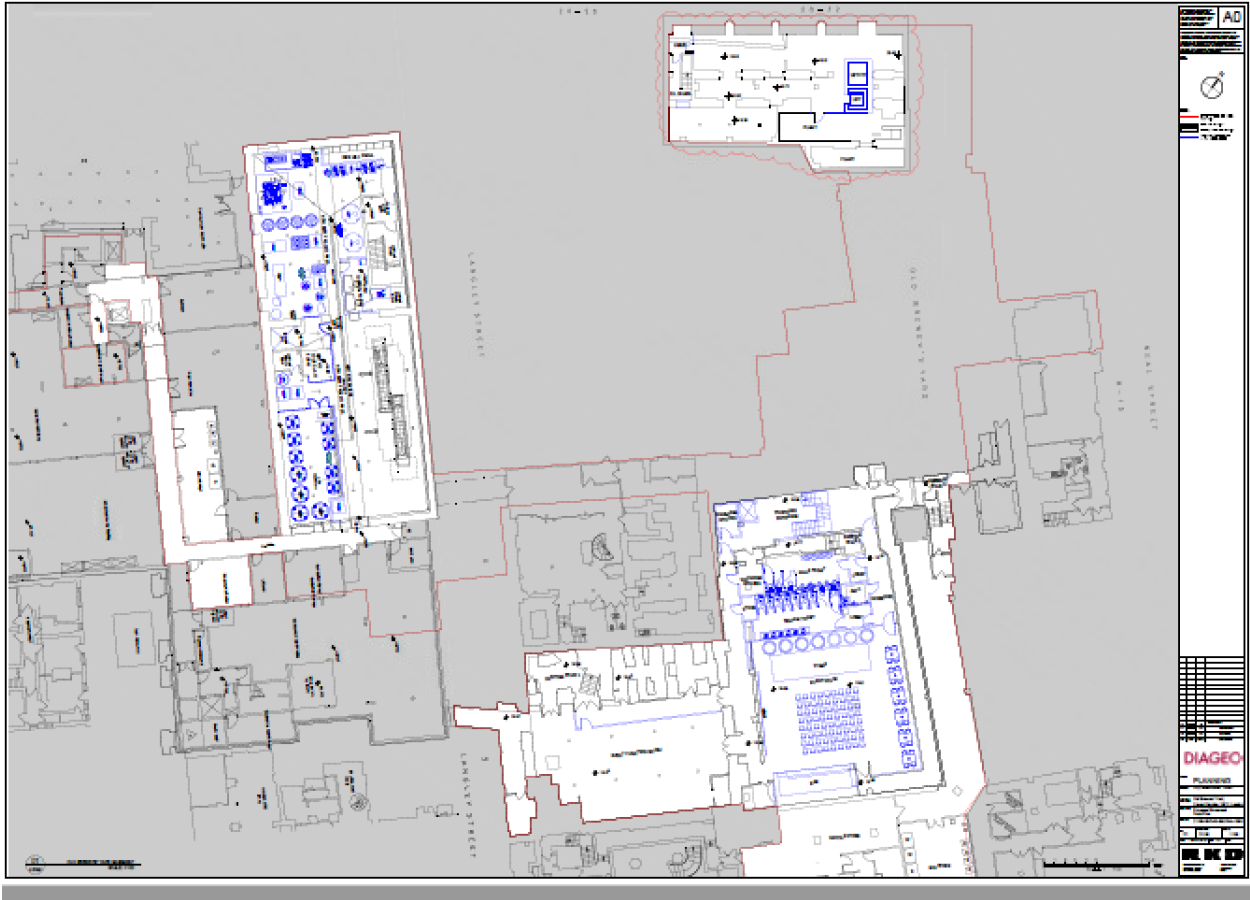
PROPOSED THIRD FLOOR



PROPOSED FOURTH FLOOR



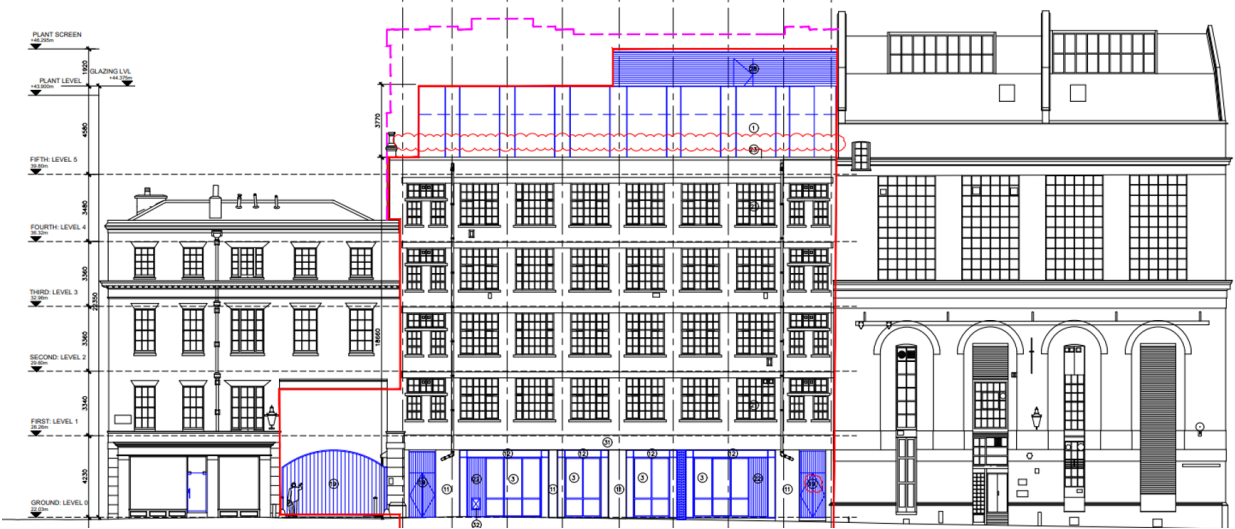
PROPOSED FIFTH FLOOR



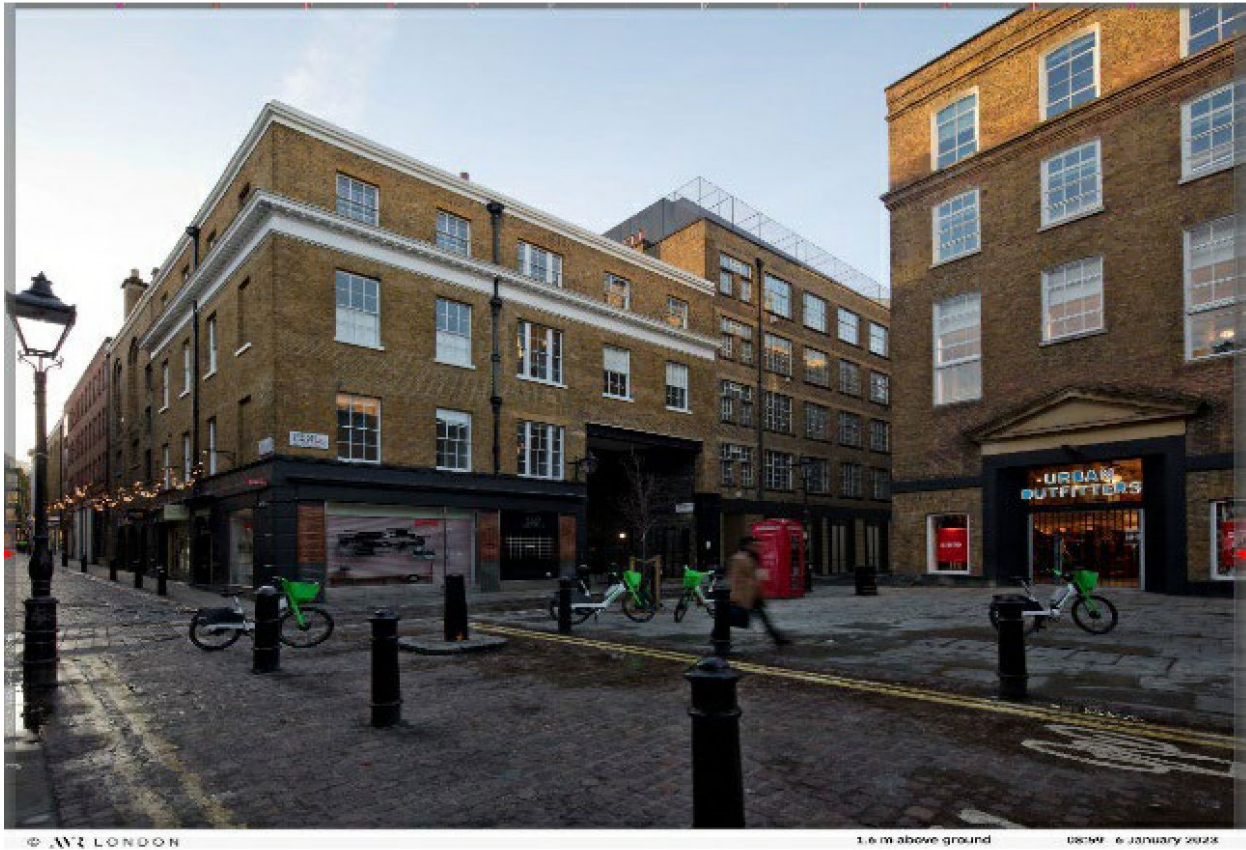
PROPOSED BASEMENT



EXISTING SHELTON STREET ELEVATION



PROPOSED SHELTON STREET ELEVATION



SHELTON STREET VISUAL



15A, Neal Street – Existing West Façade



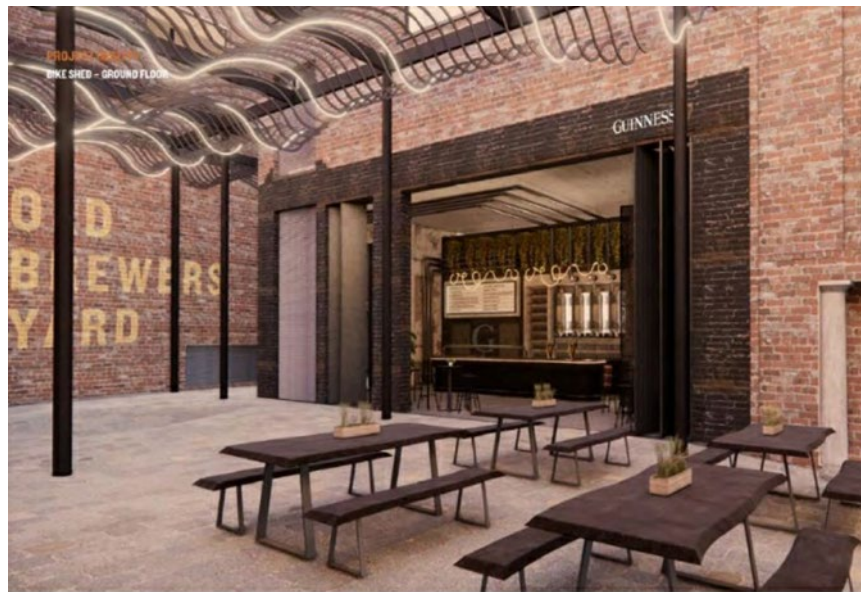
15A, Neal Street – Proposed West Façade



PROPOSED 1 MERCER WALK VISUAL



REAR OF 7 LANGLEY STREET (EXISTING)



PROPOSED VISUAL OF NEW BAR AT REAR OF 7 LANGLEY STREET

Item No.
1

DRAFT DECISION LETTER

Address: 28 - 32 Shelton Street, London, WC2H 9JE

Proposal: Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of a single storey roof extension, a rooftop plant enclosure and other external alterations (including shopfront alterations, new rear access to the Yard, and plant) in connection with the use of the building as a restaurant (Class E(b)); at 1 Mercer Walk, the installation of ancillary plant & servicing equipment, external alterations including opening up of blind windows on east elevation and the installation of PV panels at main roof level, all in connection with the use of the building as a microbrewery and visitor attraction with ancillary retail, bar and training space (Sui Generis); at 15A Neal Street (ground floor only), external alterations including installation of full-height glazed rear wall and installation of a new shopfront; at 5 Langley Street (basement, part-ground floor and part-roof only) alterations to north and west facade and installation of new plant, all in connection with the flexible mixed-use of the basement and part-ground floor as entertainment/events/community space with ancillary storage areas (Sui Generis); at the rear of 7 Langley Street, installation of plant at roof level and the use of the former bin store as a bar area servicing the Yard (Sui Generis); at Old Brewer's Yard, the erection of a new high-level glazed canopy structure and semi-permanent external seating, installation of new entrance gates fronting Shelton Street, placement of planters and associated street furniture, for use of the Yard as a flexible entertainment/dining/events/ community outdoor space (Sui Generis). (Site includes Old Brewer's Yard, 28-32 Shelton Street, 15A Neal Street, 5 and 7 Langley Street, 1 and 3 Mercers Walk and 107-115 Long Acre).

Reference: 22/02009/FULL

Plan Nos: , Existing , 21166-RKD-SI-00-DR-A-1000, 21166-RKD-SI-00-DR-A-1010, 21166-RKD-SI-00-DR-A-0099, 21166-RKD-SI-00-DR-A-0100, 21166-RKD-SI-00-DR-A-0101, 21166-RKD-SI-00-DR-A-0102, 21166-RKD-SI-00-DR-A-0103, 21166-RKD-SI-00-DR-A-0104, 21166-RKD-SI-00-DR-A-0105, 21166-RKD-SI-00-DR-A-0106., , 21166-RKD-ME-00-DR-A-1200, 21166-RKD-SH-00-DR-A-2200, 21166-RKD-SH-00-DR-A-2201, 21166-RKD-NE-00-DR-A-3200, 21166-RKD-LA-00-DR-A-5200., , 21166-RKD-ME-00-DR-A-1300, 21166-RKD-SH-00-DR-A-2300, 21166-RKD-SH-00-DR-A-2301, 21166-RKD-SH-00-DR-A-2302, 21166-RKD-NE-00-DR-A-3300, 21166-RKD-OB-00-DR-A-4300, 21166-RKD-OB-00-DR-A-4301, 21166-RKD-OB-00-DR-A-4302, 21166-RKD-LA-00-DR-A-5300., , , , Proposed, - To be confirmed

Case Officer: Matthew Mason

Direct Tel. No. 020 7641
07866037944

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

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

- 3 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and , A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works , B. Where appropriate, details of a programme for delivering related positive public benefits, C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason:
To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

- 4 The opening hours for the uses hereby approved shall be: , (i) 28-32 Shelton Street - customers shall not be permitted within the restaurant premises (Class E) before 10:00 or after 23.30 Monday to Thursday, before 10:00 or after 00:00 (midnight) Friday and Saturday and before 10:00 or after 22:30 on Sundays., (ii) 1 Mercer Walk, - customers shall not be permitted within the micro-brewery premises (sui generis) before 10:00 or after 22.30 on any day. , (iii) 5 Langley Street (basement) - customers shall not be

permitted within the event space premises (sui generis) before 10:00 or after 23.30 Monday to Thursday, before 10:00 or after 00:00 (midnight) Friday and Saturday and before 10:00 or after 22:30 on Sundays., (iv) Rear of 7 Langley Street - customers shall not be permitted within the bar premises (sui generis) before 10:00 or after 23.00 Monday to Saturday and before 10:00 or after 22:30 on Sundays., (v) Old Brewer's Yard - customers shall not be permitted within the external seating area (sui generis) before 10:00 or after 23.00 Monday to Saturday and before 10:00 or after 22:30 on Sundays.

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)

- 5 The access gate to Old Brewer's Yard from Shelton Street shall be closed at 22.00 and there shall be no new entry to Old Brewer's Yard or egress via the Shelton Street gates after that time save for emergency or for patrons leaving any of the premises abutting Old Brewer's Yard in order to use the Langley Street exit.

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 only allow customers to use the external terrace area on the fifth floor at 28-32 Shelton Street between 10:00 to 21.00 hours on any day. The external terrace shall be vacated by 21.00 hours each day.

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 capacity for the uses hereby approved, excluding staff, shall be: , (i) 28-32 Shelton Street - 303 customers within the restaurant premises at any one time. (excluding the roof terrace at fifth floor level) , (ii) 1 Mercer Walk - 220 customers at any one time., (iii) 5 Langley Street (basement) - 350 customers at any one time., (iv) Rear of 7 Langley Street and Old Brewer's Yard - 150 customers at any one time (with at least 100 people seated and a maximum of 50 standing at any one time).

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 You must not allow more than 16 customers (excluding staff) onto the fifth floor roof terrace at 28-32 Shelton Street at any one time. Apart from movement to access or leave tables before, during or after a meal, you must ensure customers are seated at all times while on the roof terrace.

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)

- 9 You must not allow access by members of the public from 15a Neal Street into Old Brewers Yard or from Old Brewer's Yard into 15a Neal Street before 10.00 and after 21.00 hours each day.

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)

- 10 Notwithstanding the submitted information, you must apply to us for approval of an operational management plan for each of the permitted uses within the development hereby approved. The plan should be developed in consultation with the Covent Garden, Community Association, the Covent Garden Area Trust and The Seven Dials Trust. You must not use any part of the development until we have approved what you have sent us. Thereafter you must manage the development in accordance with the details approved. (see informative 2)

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)

- 11 No alcoholic drink shall be sold in connection with the development except for consumption upon the premises with the exception of 1 Mercer Walk and 15A Neal Street where alcoholic drink can be sold from the retail shop.

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 No amplified sound shall be played in the entrance and exit of any of the premises hereby approved or within the fifth floor terrace at 28-32 Shelton Street.

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)

- 13 You must not play any recorded or live music which is audible outside the site premises (which for the avoidance of doubt includes Old Brewer's Yard).

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)

- 14 You can only use the ground floor of 15A Neal Street for (i) Display or retail sale of goods, other than hot food (Class E(a)); (ii) Provision of Financial, Professional and other appropriate services (Class E(C) and (iii) Offices to carry out any operational or administrative functions and research and development of products or processes (Class E(g)). You must not use it for any other purpose, 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). (C05AB), , ,

Reason:

The application does not include sufficient information to assess alternative uses within Class E and for this reason we cannot agree to unrestricted use as restaurant, indoor sport, provision of medical or health services, creche, day nursery or day centre. This is to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 7, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 15 You must use 28-32 Shelton Street only for (i) Display or retail sale of goods, other than hot food (Class E(a)); (ii) Sale of food and drink for consumption (mostly) on the premises (Class E(b)); (iii) Provision of Financial, Professional and other appropriate services (Class E(C); and (iv) Offices to carry out any operational or administrative functions and research and development of products or processes (Class E(g)). You must not use it for any other purpose, 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). (C05AB)

Reason:

The application does not include sufficient information to assess alternative uses within Class E and for this reason we cannot agree to unrestricted use as indoor sport, provision of medical or health services, creche, day nursery or day centre. This is to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 7, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 16 You must apply to us for approval of details of all external lighting for the terrace at fifth floor level at 28-32 Shelton Street and for Old Brewer's Yard. You must not start work on this part of the development until we have approved what you have sent us. Thereafter you must carry out the lighting in accordance with the details approved. You must ensure that all lighting is switched off when the terrace is not in use.

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 Covent Garden Conservation Area and to protect neighbouring occupiers from light pollution, as set out in Policies 7 , 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 17 The design and construction of the separating building fabric within 1 Mercer Walk should be such that the received noise value in any neighbouring residential

dwelling(s), with music/entertainment occurring, should achieve a value of 10 dB below that measured/assessed without music/entertainment events taking place, at the quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LfMax in 63 Hz & 125 Hz octave bands. , , Maximum noise levels generated by the proposed development should be demonstrated not to exceed NR30 Leq / NR35 LfMax (day) and NR25 Leq / NR30 Leq (night) inside residential dwellings with the music/entertainment occurring. This includes noise from all sources (including music noise, impact noise from patrons, moving tables/chairs etc).

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)

- 18 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole kitchen extract ventilation system(s) and any associated equipment for the development. You must not start on these parts of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BC)

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)

- 19 You must install the odour abatement measures set out in the Odour assessment: Old Brewers Yard Covent Garden document dated 8th April 2022 (as varied by the Odour Addendum dated 12 January 2023) prior to the uses commencing. Thereafter you must retain and maintain these odour abatement measures for as long as approved premises remain in use.

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)

- 20 (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)

21 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)

- 22 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) 20 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

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)

- 23 You must apply to us for approval of a sample panel of brick for the ground floor courtyard of 28-32 Shelton Street. The sample panel of brick to be provided on site, showing brick, brick bond and type of mortar. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved samples. (C26DB)

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

- 24 You must apply to us for approval of a sample of the following parts of the development - ventilation louvre to Shelton Street. 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 sample(s). (C26DB)

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

- 25 You must apply to us for approval of details of the metal panels to the eastern flank of the fifth floor extension, showing any seem details. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings. (C26DB)

Reason:
To make sure that the appearance of the building is suitable and that it contributes to

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

- 26 You must apply to us for approval of details of the following parts of the development: , ,
 i. Canopy details: including fixings to no. 7 and 8 Langley Street and 28-32 Shelton Street and column/supports and beam details.(see informative 8), ii. Details of the new shopfronts and entrance doors to Shelton Street (scaled 1:10); , iii. Details of the new frontage to 15A Neal Street (scaled 1:10); , iv. Details of all new external doors and windows to 1 Mercer Walk; and , , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings. (C26DB),

Reason:

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

- 27 Unless otherwise set out in the Servicing Management Plan approved under condition 258of this decision, all servicing of the development, which includes deliveries and refuse collection, must be from within Old Brewer's Yard and take place between 07.00 to 10.00 hours on any day.

Reason:

To avoid blocking the surrounding streets, to protect the environment of people in neighbouring properties and to ensure the full benefits of the scheme are realised by ensuring that after 10.00 hours the public are able to access freely the Langley Street Passage and Old Brewer's Yard as public realm. This is as set out in Policies 25, 29 and 39 of the City Plan 2019-2040 (April 2021).T

- 28 Notwithstanding the submitted information, you must apply to us for approval of an Servicing Management Plan for the development hereby approved. You must not occupy any part of the development until we have approved what you have sent us. Thereafter you must manage the development in accordance with the details approved. (see informative 6)

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)

- 29 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Item No.
1

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)

- 30 The provision for the storage of waste and recyclable materials for the development, as shown on drawing number 21166-RKD-SI-00-DR-A-1099 Rev P2 is to be made permanently available and used for no other purpose. All occupants within the development must have access to the two bin stores located at the basement. Waste servicing must be carried out within the site demise as stated in the Transport Statement dated March 2022. No waste should be left on the public highway., , ,

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)

- 31 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)

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

- 33 The glass that you put in the side (east) elevation of the roof extension and east facing glass balustrade to 28-32 Shelton Street 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, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 34 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., , - Photovoltaic panels to the roof of 1 Mercer Walk and 28-32 Shelton Street., - Recovery of waste heat from ventilation systems, , , 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)

35 You must apply to us for approval of details of the rainwater harvesting system. You must not start work on this part of the development until we have approved what you have sent us. Thereafter you must carry out the rainwater harvesting in accordance with the details approved and prior to occupation of the Yard and bar at rear of 7 Langley Street. Thereafter you must retain and maintain the rainwater harvesting system in accordance with the details approved.

Reason:
In accordance with policy 35(B) of the City Plan 2019 - 2040 (April 2021) as the site is located within a surface water hotspot.

36 The development hereby permitted shall be carried out so as to have a minimum target rating of 'Excellent' under the BREEAM Refurbishment and Fit Out category. Upon certification by the Building Research Establishment (or equivalent) a copy of the certificate detailing the awarded score for each building will be submitted to the local planning authority within 6 months of completion for our approval. ,

Reason:
To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

37 You must apply to us for approval of detailed drawings of a soft landscaping scheme for Old Brewer's Yard. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 2 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:
To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Covent Garden Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

38 You must apply to us for approval of details of the food truck within Old Brewer's Yard.

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You must not start work on this part of the development until we have approved what you have sent us. Thereafter you must install the food truck in accordance with the details approved.

Reason:

To make sure that the footprint and appearance and of the food truck is suitable to allow sufficient pedestrian movement within the yard and to ensure that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 25, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 39 Notwithstanding the approved plans, you must apply to us for approval of details of an updated odour report that includes an assessment of the odour from the food truck and details any mitigation measures. You must not use the food truck until we have approved what , you have sent us. Thereafter you must carry out development in accordance with the details approved and thereafter retain them.

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)

- 40 Customers shall not use the West door within 1 Mercer Walk building onto Mercer's Walk from 22:00 hours on Sunday except in case of an emergency.

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)

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 You are advised that the Operational Management Plan should include, but not be restricted to, matters including: how the dispersal of the yard will be managed, full details of how many security staff will be employed and where they will be located on site, full details of a direct

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telephone number at the premises to be made available for residents and businesses, the policy on takeaway alcohol sales, full details of CCTV, details of staff training and use of virtual queuing through smart phone apps. The OMP should include the restrictions/conditions imposed by licensing.

- 3 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.
- 4 You are advised that advertisement consent will be required for any external signage on the building.
- 5 You are advised that painting the flank wall of 23 Neal Street may require listed building consent - a visually contrasting paint scheme, or murals are likely to be considered harmful and unacceptable.
- 6 The revised Delivery and Servicing Management Plan will need to include a full justification for any on-street servicing for 1 Mercer Walk together with details of how the servicing in the Yard will be managed to ensure there is no conflict between servicing vehicles arriving at the same time and vehicles being able to fully turn around within the site. The Plan will also need to set out the measures which will encourage low-emission, consolidation and last mile delivery modes.
- 7 The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 8 With regard to condition 26(i) you are advised that fixings to no. 7 and 8 Langley Street, which is grade II listed, must be limited and avoid compromising architectural details.
- 9 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to;
 - i. The relocation of the residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street as part of a separate land use swap. The applicant not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.
 - ii. Details of a community strategy for use of the Event Space at 5 Langley Street.
 - iii. To secure a Community Liaison Group during construction and during the operation life of the development.

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- iv. Walkways Agreement to secure access to Langley Passage and Old Brewer's Yard.
- v. Monitoring costs.

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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DRAFT DECISION LETTER

Address: 28 - 32 Shelton Street, London, WC2H 9JE

Proposal: Works to rear-part of 7 Langley Street comprising the part-demolition of external walls and construction of new walls, openings, and associated fixtures including canopy fixtures pertaining to Old Brewer's Yard, the complete demolition of internal structures and installation of new internal structures including replacement staircase and new mezzanine level for use as a bar and ancillary storage, and installation of plant at roof level; together with works at 28-32 Shelton Street comprising the installation of entrance gates fronting the undercroft shared with listed building 34 Shelton Street. [Site includes 6, 7-8 Langley Street and 34 Shelton Street].

Reference: 22/02163/LBC

Plan Nos: 21166-RKD-LA-00-DR-A-5200 Rev P0, 21166-RKD-SI-00-DR-A-0100 Rev P1, 21166-RKD-SH-00-DR-A-2302 Rev P0, 21166-RKD-SH-00-DR-A-2201 Rev P0, 21166-RKD-SI-00-DR-A-1100 Rev P1, 21166-RKD-SI-00-DR-A-1101 Rev P1, 21166-RKD-SI-00-DR-A-1102 Rev P1, 21166-RKD-SI-00-DR-A-1107 Rev P1, 21166-RKD-LA-00-DR-A-5210 Rev P0, 21166-RKD-OB-00-DR-A-4320 Rev P0, 21166-RKD-OB-00-DR-A-4311 Rev P0., , Townscape, Heritage and Visual Impact Assessment (February 2022),

Case Officer: Matthew Mason

Direct Tel. No. 020 7641
07866037944

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in 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. The canopy and details of fixings to 7 and 8 Langley Street and column/supports and beam details. , ii. The new shutters/doors to the rear of 7 Langley Street, , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	11 - 15 Farm Street, London, W1J 5RS		
Proposal	Demolition of the existing building, and redevelopment to provide a building of basement, ground and five upper storeys with plant enclosure at roof level for use as office (Class E).		
Agent	Gerald Eve		
On behalf of	Farm Street Property Limited		
Registered Number	21/04971/FULL	Date amended/ completed	14 February 2023
Date Application Received	19 July 2021		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) A Financial contribution of £15,629 towards the Council's Carbon offset fund (Index linked and payable on commencement of development) ii) Monitoring costs <p>2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not b) The Director of Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if
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so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes demolition of the existing office building which comprises ground and 3 upper floors and redevelopment to provide an enlarged office building of basement ground and five upper floors with rooftop plant.

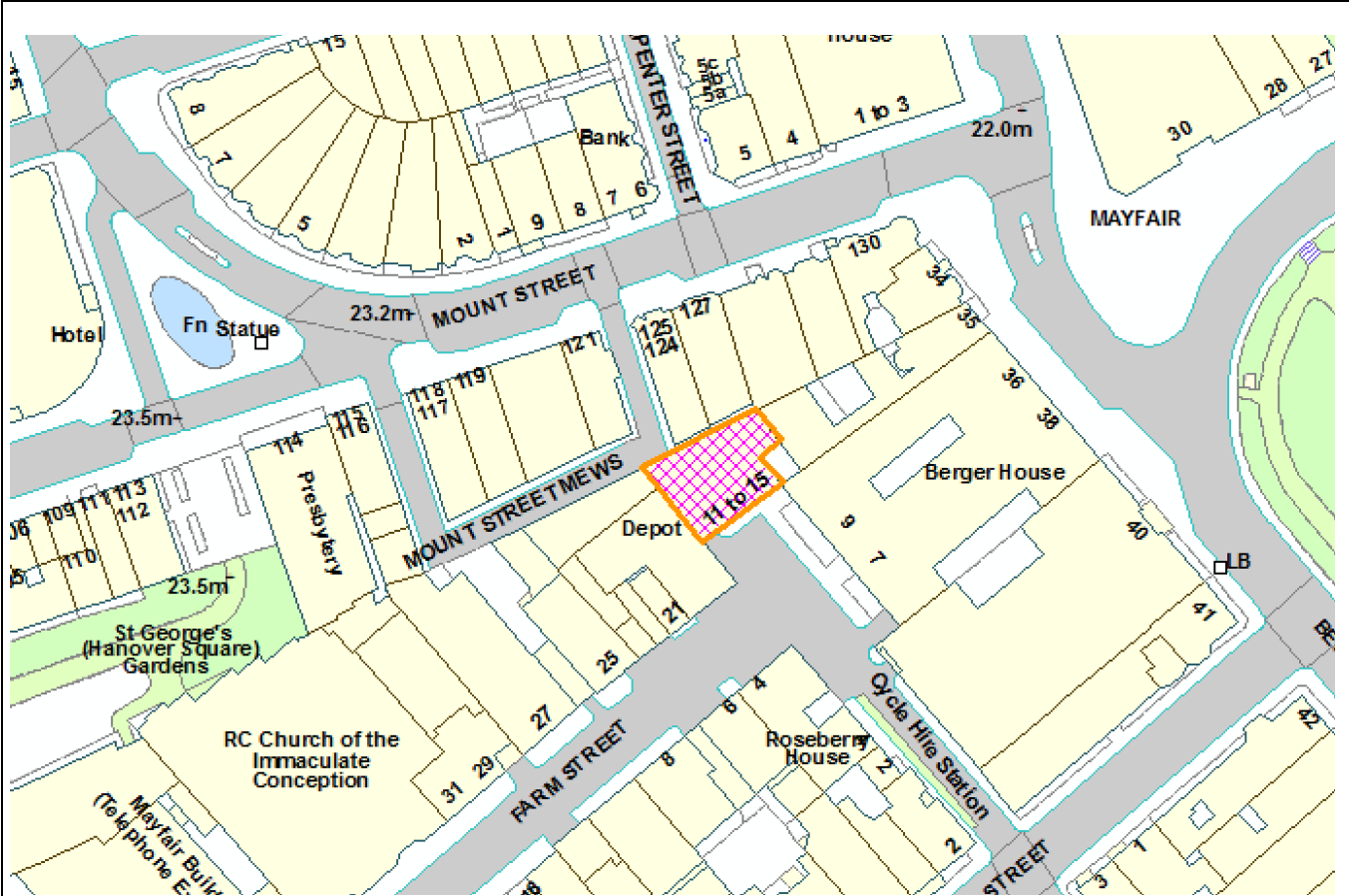
The key considerations in this case are:

- The acceptability in sustainability terms of redeveloping the site and the energy performance of the proposed building.
- The acceptability of the proposed building in design terms, including the impact of the proposed building on the character and appearance of the Mayfair Conservation Area.
- The impact on the amenity of neighbouring residential properties.

The provision of enlarged and improved office accommodation on this site in Mayfair is welcomed. Objections have been received to the height of the new building raising both design and amenity issues. The form of development has been the subject of detailed negotiations and application has been revised reducing the height of the proposed new building by 1 floor and amending the detailed design. As revised the scheme is considered an appropriate building for the site.

This report explains the proposed development would be consistent with relevant development plan policies in the Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). There would be less than substantial harm to heritage assets, but this harm is outweighed by public benefits. As such, the proposals are considered acceptable in heritage, townscape, design, land use, amenity, environmental and highway terms and the application is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter.

3. LOCATION PLAN

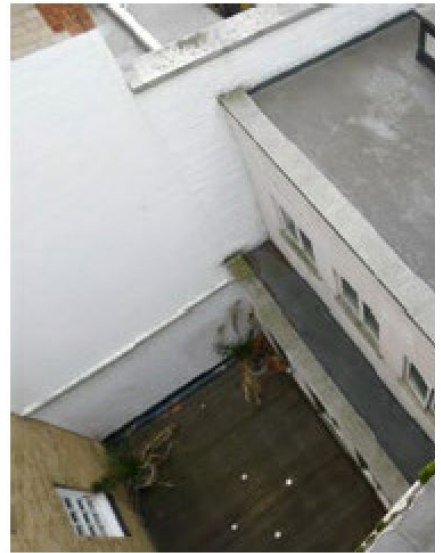


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4. PHOTOGRAPHS



3.10 Front elevation of the building on site



3.11 Stepped elevation to internal lightwell



5. CONSULTATIONS

COUNCILLOR LILLEY

Objection to a loss of amenity to neighbouring residents due to increased sense of enclosure, loss of light, and overlooking and noise nuisance from proposed rear terraces.

Design objection to the increase in height of the new building viewed from Mount Street looking towards Mount Street Mews. The existing building is considered to be subservient to the listed buildings, the new building would be over dominant.

RESIDENTS SOCIETY OF MAYFAIR & St. JAMES'S

No response received.

MAYFAIR RESIDENTS GROUP

Objection to the height of the building, loss of light, and nuisance from the outdoor terraces.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions requiring the provision of cycle parking a servicing management plan and the Council's Code of Construction Practice.

WASTE PROJECT OFFICER:

Condition requested requiring details of refuse and recycling to be approved prior to occupation.

ENVIRONMENTAL SERVICES

No objection

BUILDING CONTROL

No objection, comment that structural method statement is considered to be acceptable

HISTORIC ENGLAND (Archaeology)

No further assessments or conditions required.

THAMES WATER UTILITIES LTD

No Objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 250

Total No. of replies: 18

No. of objections: 18

No. in support: 0

18 Objections received from or on behalf of 17 individual properties on some or all of the following grounds

Amenity

Overdevelopment of the site, height should be reduced by at least 2 stories;

Loss of Daylight;
Increased sense of enclosure;
Overlooking loss of privacy from terraces;
Noise nuisance from terraces

Design

Design is bland and unsuitable for Mayfair

Highways

Increased traffic in Farm Street (in conjunction with Berger House development)

Other issues

Comment that the Daylight and Sunlight report submitted as part of the application is inaccurate.

PRESS NOTICE/ SITE NOTICE:

Yes

5.1 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Community newsletter to 203 addresses	6 th October 2022		
Meeting with Mayfair Neighbourhood Forum	29 th September 2022		Height of the proposed development
Meeting with Residents Society of Mayfair & St James	6 th October 2022		Massing, design
Email to individuals or groups who had participated in the previously consultation,	21 st July 2022		
A series of meetings has also been held with the tenant occupier of	6 th July 2022 and 9 th September 2022		Impact on residential amenity

the second floor of 125 Mount Street.			
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In summary, across the range of engagement undertaken by the applicant the principal issues raised were the massing, height of the development and impact on residential amenity, impact and management of terraces, design, and sustainability in particular whether a carbon assessment justifies demolition.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

The overall height of the development has been reduced through the removal of a floor and incorporating a pitched roof design which includes plant within the roof. Changes have also been made to the facades, amending the detailed design.

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 Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair 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 at the eastern end of Farm Street, situated to the rear of buildings on Mount Street Mews and Berger House on Berkeley Square. The existing building that occupies the site is a 1960's office building comprising ground and 3 upper floors. The upper floors are set in from Mount Street Mews.

The south elevation facing Farm Street is clad in Portland Stone with a slate tiled 3rd floor mansard roof. The north elevation facing Mount Street Mews is redbrick with a mansard above.

Farm Street is mixed use in character with office and residential uses. The immediate locality has been the subject of change. The neighbouring building to the west No 21-23 Farm Street is a recently constructed building comprising the City Council's refuse depot at ground floor level with residential above. To the west of the site is Berger House which fronts onto Berkeley Street with a rear aspect onto Farm Street. Permission was granted in September 2020 for a new ground plus 8 storey office building. Construction work has started on site implementing this permission. To the north of the site is Mount Street Mews. The lower floors of the facing buildings are in commercial use. The upper floors of 124-125 Mount Street are residential flats.

The building is not listed but lies within the Mayfair Conservation Area and the Central Activities Zone (CAZ).

7.2 Recent Relevant History

11-15 Farm Street

On 25 March 2014 permission was granted for the following development:

'Excavation beneath part of footprint of the building to provide new basement floor, removal of roof of single storey rear wing to create ground floor terrace, removal of front part of roof of mansard roof storey in order to create a roof terrace, insertion of bay window in rear elevation at first floor level, alterations to front and rear elevations, and use of resulting building as a dwellinghouse (Class C3)' RN 13/11279/FULL. The permission wasn't implemented.

The existing office building had also previously been proposed for demolition and replacement with a single large residential property. On 5 January 2016, permission was granted for the following development:

'Demolition of existing building, excavation to provide a two-storey basement and erection of a residential dwellinghouse (Class C3) over sub-basement, basement, ground, first, second and third floor levels.' (RN 14/10858/FULL). This permission was also not implemented.

21-23 Farm Street.

Redevelopment of the adjoining site to the west has recently been completed following the granting of permission for a Council street cleansing depot and recycling facility at ground floor with 14 residential flats above (RN 15/11056/FULL).

Berger House 36-38 Berkeley Square

Immediately to the east at Berger House which fronts onto Berkeley Square with a rear elevation fronting onto Farm Street on the 11 September 2020 permission was granted for the following development :

Demolition of the existing building and redevelopment of the site to provide a new office (Class B1) use building, of sub-basement, part basement, part ground and eight upper storeys with a plant enclosure above, with flexible retail and/or office (Class A1 and / or B1) use at part ground, part basement and part sub-basement levels floor and associated works. (RN 19/09409/FULL).

8 THE PROPOSAL

Permission is sought for the redevelopment of the site to provide a new building comprising basement, ground and five upper floors including a plant enclosure at fifth floor level, for use as office (Class E).

The exiting building has no lift access, low floor to ceiling heights, poor building services, no toilet accommodation above 1st floor, no cycle facilities and no dedicated waste storage. The applicants argument that the existing building provides poor office accommodation is accepted. In accordance with sustainability principles and City Council policy which promotes retrofit and refurbishment in the first instance, the applicant has considered options to upgrade the existing building and partial retention and extension. Energy efficient plant couldn't be accommodated within the existing building. Significant structural works would be required to provide a building that is efficient, usable and would meet long term future needs. The applicants argument that the provision of facilities to meet building regulations would not be viable is understood. The option pursued is to redevelop the site.

The scheme has been revised since the initial submission. The revisions include the following changes:

- removing a floor and reducing the height of the development,
- relocation of the majority of plant from roof level to the basement,
- design changes to both the fenestration pattern and roof form.

The current scheme would provide an additional 719 m² of office floorspace. The aim is to provide upgraded modern office. The design includes a small ground floor courtyard on the eastern side of the building and set backs at the rear from 1st floor level and above. Green biodiverse roofs are provided at 1st floor and part main roof levels with the opportunity for additional greening from planters on the other terraces and climbing plants on the rear

elevation. Outdoor terraces are proposed at rear 3rd 4th and 5th floor levels. In addition to plant at new basement level some plant which requires open ventilation will be provided at roof level.

The building is to be faced in red brick with terracotta tones with a zinc clad 5th floor and roof.

9 DETAILED CONSIDERATIONS

9.1 Land Use

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	803	1,522	719
Total	803	1,522	719

Offices

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040. Policy 1 and 13 of the adopted City Plan 2019-2040 are relevant. Policy 1 (Westminster's spatial strategy) states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City. Policy 13 (Supporting economic growth) states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period. The West End, along with the Opportunity Areas at Paddington, Victoria and Tottenham Court Road will provide the main opportunities for significant office growth.

The new office floorspace proposed in this location would be welcomed in respect to the aforementioned policies. The scheme will provide potentially 719m² of office floorspace. The scheme would contribute towards the City Plan target in office-based jobs growth within the City. This also accords with Mayfair Neighbourhood Plan Policies MC1 which encourage new offices in central Mayfair.

The proposal also represents an improvement in terms of quality over the existing office floorspace. The offices would have lift access and toilets on all floors, modern floor to ceiling heights, outdoor amenity space and cycle parking with showers and changing facilities.

Commercial Class E use

Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service.

The applicant has confirmed that the intention is that the building would be used for offices only and not for other uses within Class E which have not been assessed as part of this application. It is therefore recommended that permission is subject to a condition which restricts the use to office use only and no other purpose within Class E of the Use Classes Order. The applicant has confirmed that such a condition would be acceptable.

9.2 Environment & Sustainability

Principle of demolition

City Plan Policy 38, Part D states, 'development will enable the extended lifetime of buildings...'. and paragraph 38.11 of the City Plan states, '...the possibility of sensitively refurbishing or retrofitting buildings should also 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'. The Environmental SPD advises that 'where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition

The existing 1960's building is poor quality. Whilst the building could be refurbished and extended the argument that this is not a viable option as it would not provide the quality or quantum of new office floorspace of a new build scheme is acknowledged.

The proposal is to provide a highly sustainable replacement building from both embodied and operational carbon perspectives. A Sustainable Design Statement has been prepared by Verte Limited, which is submitted in support of this application. The Statement summarises the design approach included BREEAM assessment, whole-life-carbon, circular economy, health and wellbeing, an urban environmental quality.

Sustainable Design

The environmental strategy for the proposed building is centred on passive design that will reduce the demand for energy. This comprises measures such as a high performance building enveloped and efficient equipment which serves the building. Natural ventilation, integrated planting and cycle and recycling facilities enhance the environmental credentials of the scheme as a whole.

A review of the proposed building materials and waste has been undertaken as part of the sustainability appraisal to ensure materials are low volatile organic compounds and are responsibly sourced. Materials with high embodied carbon content have been avoided where possible within the building's design.

The building will be ventilated via the roof mounted air handling unit, which has a heating coil and high efficiency fans. Lighting through the building will be PIR controlled to reduce wastage. The building will be cooled using a refrigeration cycle and air source heat pumps. Based on the proposed fabric and energy efficiency measures, the proposed emissions represent a saving of 16% against the L2A 2021 baseline. It is proposed to install a Variable Refrigerant Flow system which contributes to the reduction of carbon emissions from the building. ASHP are proposed.

Energy Performance

Policy SI 2 of the London Plan requires major developments to be net zero-carbon. The policy also requires that a minimum on-site reduction of at least 35 per cent beyond Building Regulations is met with residential development achieving 10 per cent carbon reductions, and non-residential development achieving 15 per cent carbon reductions through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough's carbon offset fund, or 2) off-site.

Policy 36 of the City Plan states that all development proposals should follow the principles of

the Mayor of London's energy hierarchy. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved. 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 secured by legal agreement.

Overall, the proposed development achieves a 27% improvement over the Building Regulations Part L 2021 Target Emission Rate (TER). A 16% carbon reduction is achieved through energy efficiency measures ('Be Lean'). The inclusion of air source heat pumps would achieve an additional carbon reduction of 11% for the development. The development achieves an embodied carbon value of 627 kgCO₂e/m² which surpasses the GLAs WLC benchmark of 950 kgCO₂e/m² and is close to the GLAs WLC aspirational benchmark for offices of 600 kgCO₂e/m².

The Energy Statement confirms that in accordance with City Plan Policy 36 (C) and based on The London Plan's carbon off-set price of £95 per tonne, the required total contribution to off-set carbon is £15,629 over a 30-year period. The required carbon offset payment will be secured as part of a legal agreement.

Given the above, the proposed development is considered consistent with policies S12 of the London Plan and policy 36 of the City Plan.

Circular Economy

Policies SI7 of the London Plan and 37 of the City Plan seek to reduce waste and support the circular economy. Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste.

A circular economy statement has been submitted which states that a pre-demolition audit of all existing buildings, structures and hard surfaces will be completed to identify and quantify key materials that will be recycled. The audit will set out the following waste targets that must be achieved by the Main Contractor in line with the BREEAM requirements.

- A Resource Efficiency benchmark of ≤ 11.1 tonnes of construction waste per 100m².
- A minimum of 90% (tonnage) diversion from landfill rate.
- Reuse of brick from existing site or other local sources

Air Quality

The NPPF states that development should not contribute to or be put at unacceptable risk of, or be adversely affected by unacceptable levels of pollution, including air pollution

In relation to Air Quality, London Plan Policy SI1 states that development proposals should not lead to further deterioration of existing poor air quality or create new areas that exceed air quality limits. City Plan policy 32 set's out the Council's commitment to improving air quality in the City

Flood Risk & Sustainable Drainage

A drainage strategy report and flood risk assessment have been submitted in support of the application. This concludes that given that the site is located within Flood Zone 1 and is therefore under no risk of flooding as defined by the Environment Agency.

Environment & Sustainability Summary

9.3 Biodiversity & Greening

It is proposed to introduce green roofs to a 1st floor terrace and at main roof level. Additional planting is also proposed on terraces at 3rd 4th and 5th floor levels plus climbing plants on the northern elevation. These measures are welcome as they contribute to the greening of the City in line with the objectives of Policy 34. The provision will therefore be secured by a condition and a maintenance management plan will also be required to ensure that those elements provide long term benefits.

9.4 Townscape, Design & Heritage Impact

Legislative and Policy Context:

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('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.

Consideration:

11-15 Farm Street is an unlisted building in the Mayfair Conservation Area. It is located at the rear of two Grade II listed terraces, 117-121 Mount Street and 125-129 Mount Street, both dating from the late-nineteenth century. A brick boundary estate wall currently separates the site

from Mount Street Mews. The site is seen in views from Mount Street, Mount Street Mews, Farm Street and Hill Street.

The existing building provides a neutral contribution to the character and appearance of the conservation area, forming a three-storey building, with additional attic storey above. It is of an appropriate scale and form which reflects prevailing development along the east branch of Farm Street. The contrast between the Portland stone façade and red brick to the rear reflects the differing contexts of the more formal character of Farm Street and 'back of house' character of Mount Street Mews. The existing building has a simple and perhaps tired appearance in comparison with flanking new development and is of no particular architectural interest.

Planning permission was granted on the 5th of January 2014 for its demolition and replacement with a three-storey neo-Georgian building, plus a two-storey basement beneath (RN. 14/10858/FULL). Permission was granted on the 17th of December 2010 for the retention of two air conditioning units with a green foliage screening wall (RN. 10/09648/FULL).

This application seeks permission to demolish the existing building and replace it with the six-storey building with a basement beneath and integrated plant within a pitched roof form above.

Given the lack of contribution that the existing building makes to the character and appearance of the conservation area and the previous approval for its demolition in 2014, its loss is acceptable in principle in townscape/ design terms.

The proposals are resultant of extensive negotiation. The following changes were made:

- Omission of 6th floor office level and plant screen (decrease of 1.9m in height)
- Incorporation of 6th floor and plant in new pitched roof form
- Omission of projecting bays to the Farm Street façade
- Revised building services strategy and reduction in the area of plant to the roof
- Changes to the composition of the Farm Street façade, including the introduction of a four-storey projection and set back fifth storey
- Changes to the fenestration at the rear, further greening and use of red brick and zinc

Objections, raising for design reasons were received to the initial and revised schemes.

- The impact that the additional upper floors will have a negative and imposing impact on the street-scenes of Farm Street and Mount Street Mews
- The impact that the additional upper floors will have on the setting of the Grade II Listed buildings at Nos.117-121 and 125-129 Mount Street

The following addresses these concerns.

The site is experienced within three differing townscapes:

1. Farm Street comprises an 'L' shaped street. The north side is predominantly characterised by modern development, with the Grade I listed church of the Immaculate Conception forming a prominent focal building. The southern side retains a traditional mews character.

2. The site forms the termination of the view from Hay's Mews. Because of the low height of the existing building an attractive cluster of red brick chimney stacks and gables contribute to a rare view of the roofscape at Mount Street.

3. Mount Street Mews forms a quiet, back route where buildings have restrained detailing.

4. The site is also visible from Mount Street between 121 and 125 Mount Street, both Grade II listed buildings with decorative facades and settings of 117-121 and 125-129. Mount Street is a principal street within the conservation area which contrasts with the character of Mount Street Mews.

Buildings along the east branch of Farm Street are predominantly three to four storeys tall with attics above. This pattern of development is reflected in the design of the recently approved buildings either side of the application site. The former depot building (21 Farm Street) is four storeys with a gable at roof level rather than a further storey, while Berger House steps down considerably in height towards this part of the street, from nine storeys to four storeys where the building interacts with the northernmost corner of Farm Street. Since submission, the height has been reduced by a storey and the plant area integrated in the pitched roof form. The composition of the brick frontage has been visually broken up by the creation of three components; a street facing façade of four storeys, a slightly recessed fifth storey and set back sixth storey finished in zinc with a zinc pitched roof form above. A further sixth storey is set back from the deep parapet and zinc clad. This serves to break up the massing and speak to the surrounding building heights.

The loss of the view towards the gables at Mount Street is regrettable and will cause a low level of less than substantial harm to the character and appearance (significance) of this part of this conservation area, the character of this corner of Farm Street has changed in recent times and the proposals serve to reflect the scale of recent development. However, the proposed height and massing is considered to be the maximum that is appropriate for this site.

The Mount Street Mews façade will step closer to the boundary wall by approximately 1m with the stair core projecting an additional 1m. Given that the shape of the site and the way in which the rear elevations of 25 and 27 each step backwards, the proposed increase of the stepped character of the building line along Mount Street Mews will not appear out of place in townscape terms and is acceptable in this case. Throughout the course of the application process Officers advised the height of the proposed building should be reduced and to ensure the detailed design of the building not compete with the elaborate elevations of the listed buildings to Mount Street. A storey was removed from the overall height. While the proposals will see an increase in height and massing on the site, the height has been reduced and the architecture restraint. The addition of greening, such as climbing plants, planters and biodiverse roofs is welcomed and will further reduce the visual impact of the massing when viewed along Mount Street Mews and between properties on Mount Street.

The proposed building will be visible from Mount Street through a narrow space between two Grade II listed buildings, 121 and 125 Mount Street. The increased height and massing of the building will be conspicuous when compared with the existing building. However, the use of brickwork and terracotta panels serves to reflect the prominent materials within this part of the conservation area, while the restrained palette, simple design and greening will ensure it forms an unassertive addition to the townscape. This will contrast with the grandeur of Mount Street and preserve the hierarchy of streets within this part of the conservation area. As such, the

settings of the listed buildings will be preserved, as well as the character and appearance of the conservation area. The greening is particularly welcomed to visually soften and break up the expanse of the new façade.

Design Summary:

The replacement building will sit more appropriately within the changing context of Farm Street and comprise a better-quality, more operationally sustainable building.

Paragraph 202 of the NPPF states:

'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.'

Overall, given the poor quality of the existing building and neutral contribution that it makes to the character and appearance (significance) of the conservation area, the replacement building is acceptable in this case. However, while this application will provide a better quality building than that on site, given the increased height, there will be a neutral impact on the character and appearance (significance) of the conservation area and settings of nearby listed buildings, rather than an enhancement. The proposed height and massing is considered to be the maximum that is appropriate for this site.

This application will preserve the character and appearance (significance) of the conservation area and is considered to comply with policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and MD1, MD2 and MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019), and the guidance set out within the 'Environmental' SPD.

Due to the restrained details and palette of materials in the design, the success of this building is somewhat reliant on the quality of materials used. A condition is recommended regarding the materials and bricks and bond. It is recommended that the pre-cast concrete panels are terracotta and provide further texture than what is currently shown.

Fire Safety

Policy D12 of the London Plan states that all developments achieve the highest standards of fire safety and ensure that they are constructed in an appropriate way to minimise the risk of fire spread. The application is accompanied by a Fire Safety document.

Archaeology

The application is supported by an Archaeological Desk Based Assessment (DBA). The archaeological impact of the proposal has been carefully assessed, and Historic England (Archaeology) are satisfied that no further information or conditions are required.

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

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2022), whilst recognising that these Guidelines should be applied flexibly.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also recommends that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly, for example in an historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable. In special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing SPG which states that 'guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.' It goes on to state that 'the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.'

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of PSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

Objections have been received from Councillor Lilley (Ward Councillor) ex ward Councillors Glenys Roberts, Lewis Pancho, Jonathan Glaz, the Mayfair Resident's Group, on behalf of the Grosvenor Estate as freehold owners of a number of properties in the vicinity and on behalf of and directly from a number of residents in proximity. All of these objections are made on the grounds that the increase in height would be an overdevelopment of the site that would result in a loss of amenity to residents. The concerns are that given the tight-knit relationship with existing residential the increase in bulk and mass would result in a material sense of enclosure and loss of light that would diminish the existing living environment for residents.

The impact of the development on neighbouring residents is one of the key considerations in assessing the application. The applicant's consultant, GIA Chartered Surveyors, has carried out a daylight and sunlight assessment using the methodology set out in the BRE guidelines. The study assesses the impact on the following properties: 1 Mount Street Mews, 121 Mount Street, 124-125 Mount Street, 127 Mount Street, 128 Mount Street, 129 Mount Street and 21-23 Farm Street.

An objection was received from Delva Patman Redler (DPR) that incorrect information was used to carry out the Daylight and Sunlight Assessment and that the study shows there would be a material adverse impact on both daylight and sunlight levels to No 124-125 Mount Street.

Following the revision to the application removing a floor, a revised daylight and Sunlight Assessment was submitted by GIA in support of the application. In response to the objection from DPR that the survey data is inaccurate GIA have confirmed that access was gained to surrounding properties and accurate survey information was used in the 3dmodel and analysis. Officers have also visited objectors properties to assess the application and confirm that the survey data is correct.

The updated study shows that the impact on 1 Mount Street Mews, 129 Mount Street, 21-23 Farm Street would be fully compliant with BRE guidelines.

The impact on the other properties listed are discussed in further detail below. All the buildings are situated to the north of the site on the northern side of Mount Street Mews.

121 Mount Street

121 Mount Street is mixed use building comprising commercial use at ground floor level with residential above. With regards to daylight, assessing the Vertical Sky Component ('VSC') two bedroom windows would experience losses of 20.1% and 23.3% respectively. This is marginally above the target value of 20%. The retained values are 16.5 % and 21.5 % which are considered to be good for a City location. With regards to sunlight two windows assessed both comply with BRE guidance.

124-125 Mount Street

The property comprises commercial space on the ground floor with residential flats above. Windows serving 6 rooms have been assessed. 4 of the windows assessed would experience a loss above the 20% (ref table below). 3 of the breaches are between 20% and 23% and are very minor transgression of the guidelines. 1 window will experience a 65.1% loss. Whilst looking at the VSC levels to this window in isolation may indicate that this would be significant the window is a secondary window to a bedroom which is dual aspect and windows serving this room facing in a westerly direction are unaffected by the proposed development. These windows ensure that the No Skyline test for the room is not affected by the development

All six rooms assessed within 124-125 Mount Street comply with the APSH. The rooms are not therefore considered to be adversely affected.

	Existing VSC	Proposed VSC	% loss
124-125 Mount Street Window 16/F01 (bedroom)	18.5%	14.5%	22%
124-125 Mount Street Window 17/F01 (bedroom)	10.6%	3.7%	65%

124-125 Mount Street Window 10/F02 (bedroom)	26.6%	20.3%	24%
124-125 Mount Street Window 11/F02 (bedroom)	20.9%	16.7%	20%

127 Mount Street

Again the property is in mixed use with commercial space and residential above. The study assesses 12 windows in 5 rooms. With regards to the VSC method of assessing daylight 9 of the 12 windows are compliant with the guidelines. The three windows that fall below BRE guidance (ref table below) are considered to experience minor VSC alterations ranging between 20.9% to 22.1% (against a BRE target value of 20%). The windows will continue to retain VSC values between 15.9% to 20.1%, which are considered to be good for an urban environment.

	Existing VSC	Proposed VSC	% loss
127 Mount Street Window W3/F02 (bedroom)	23.4%	18.5%	21%
127 Mount Street Window W4/F02 (bedroom)	20.4%	15.9%	22%
127 Mount Street Window W2/F02 (bedroom)	25.4%	20.1%	22%

When assessed against the NSL daylight methodology, all five rooms assessed will achieve BRE Compliance. As such, the daylight amenity of the rooms are not considered to be adversely impacted.

With regards to sunlight there are no breaches to the BRE guidelines to any of the 5 rooms assessed.

128 Mount Street

The building is situated to the north- east of the application premises and is also in commercial use on the ground floor with residential above. In total 18 windows serving 7 rooms have been assessed. When assessed against the VSC methodology for daylight, all 18 windows assessed will achieve BRE compliance.

When assessed against the NSL daylight methodology, 5/7 rooms will meet BRE criteria. The two rooms that fall below BRE guidance will experience NSL alterations above the 20% parameter, however, will retain NSL values of 46.9% and 65.2% respectively, which are considered to be high values. The rooms are bedrooms which are considered to be less sensitive than other habitable rooms.

With regards to sunlight at 128 Mount Street there are 17 windows that face within 90° due south of the development site. When assessed against the sunlight methodology ('APSH'), 16/17 windows demonstrate BRE compliance. All the rooms assessed meet the BRE criteria for this assessment.

Daylight and Sunlight Conclusion

Mount Street Mews is in very close proximity to the application site. There is only one bedroom window in the facing Mews elevation and the room has windows which are the main light source facing away from the site. Other windows in Mount Street mews do not serve residential habitable rooms. Although strong objections have been received from and on behalf of the owner/ occupiers of both No's 124-125 and 127 Mount Street the study as discussed above shows that the impact on both of these properties would be relatively minimal. The windows in question are over 13.5m away from the application site. There are technical breaches to the BRE guidelines to bedroom windows at these properties as referenced in the tables above. It is not however considered that the impact would harm to the living conditions of these or any of the other residential properties in the vicinity. Given that the impact on both daylight and sunlight levels to all the neighbouring properties is minor it is considered that permission could not reasonably be withheld due to a loss of light. This aspect of the application is considered to be acceptable.

Sense of Enclosure

The new building has been designed with a slight setback at rear 1st and 2nd floor levels. The setbacks progressively increase at 3rd floor to roof level. In assessing the application Officer's have gained access to the objector's properties. In all cases the main living rooms to the flats would be unaffected as they face away from the site. In each case it is bedroom windows which face south towards the site. The increase in height from 4th floor level and above would be seen from views the bedroom windows of the Mount Street properties. At this level however the new building is over 14.5m away from the facing bedroom windows in the Mount Street buildings. Given the bulk and mass proposed of the new building and the distance separation to the objector's flats it is considered that the building would not result in a material increased sense of enclosure to any of the neighbouring properties.

Privacy and Noise

The proposal includes outdoor terraces rear 3rd, 4th and 5th floor levels. Post Covid it is acknowledged that the provision of outdoor amenity space is an important facility for the health and wellbeing commercial office occupants. The applicant has confirmed that the external terraces would not be used as entertainment space no music would be played on the terraces and the hours of use would be limited to 8am to 6pm on Mondays to Fridays only.

Strong objections have been received from and on behalf of residents at Mount Street that use of the terraces would result in both overlooking and a loss of privacy and noise nuisance. Although the ground floor of the building abuts Mount Street Mews as explained above the upper floors of the new building are set back from the rear boundary. The proposed terraces at 3rd floor level and above are over 13.5m from the rear of the Mount Street properties. Given this distance separation and orientation of the terraces it is considered that there would be any significant and material overlooking that would result in a loss of privacy.

With regards to potential noise nuisance, all the terraces are relatively small and do not provide the opportunity for large gatherings. Subject to conditions which would prevent music being played on the terraces and restricting their use to between the hours of 08.00 and 19.00 on weekdays only and not at weekends it is considered that neighbouring residents would be unduly impacted and the provision of small terraces as proposed is acceptable.

Noise & Vibration

The majority of plant will be located internally at basement level. Plant which requires external ventilation will be located at roof level within the roof slope. An acoustic report was submitted as part of the application. Environmental Health raise no objection to the application. Conditions are recommended controlling the noise levels of the plant, to ensure the normal parameters are met.

9.6 Transportation, Accessibility & Servicing

Highway Impact

Car parking

In accordance with London Plan Policy T6 and City Plan policy 27 the proposal is car free.

Servicing and Deliveries

The case would result in an increase of 719 m² which would result in an intensification of the office use. A draft servicing delivery plan has been submitted in support of the application. The statement anticipates that the development would generate approximately 6-7 deliveries per day comprising up to 6 to be undertaken by a Transit-type van and 1 HGV. This would result in an additional 2-3 vehicles per day.

A condition is recommended requiring the office use to operate in accordance with an approved servicing management plan (SMP). The SMP should ensure that deliveries are effectively managed to avoid peaking, and to reduce dwell time and ensure delivery efficiency.

Cycle Parking

In terms of on-site cycle parking, the London Plan requires that 1no. long-stay space is provided per 75sqm and 1no. short-stay space is provided per 500sqm. The proposed development will deliver 1,522sqm of office floorspace (GEA), which triggers a requirement for 24no. long-stay parking spaces and 4no. short-stay spaces.

There is currently no cycle parking at the site. It is proposed that 24 long-stay cycle parking will be provided within a cycle store located at basement level. Access to the cycle store will be provided either from the lift, or via the stair core and the associated cycle channel. Showers, changing rooms and lockers will be provided for staff and visitors. It is recommended that the cycle parking is secured by condition. The improved facilities are welcomed.

Accessibility

The existing office has no lift access. The proposed new office will have a lift providing level

access to all floors.

9.7 Economy including Employment & Skills

The proposed development accords with Policies 1 and 13 in the City Plan 2019-2040. The additional jobs created by the development are welcomed.

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.

9.10 Other Considerations

Basement

The application involves a new basement and part sub basement. City Plan Policy 45 relates to basement developments.

Part A of the policy relates to structural stability; surface water and sewerage flooding; requiring developments to minimise the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area. The applicant has provided a Structural Methodology Statement prepared by an appropriately qualified structural engineer. This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be minimal. The scheme is justified structurally and the proposal is considered to be viable and from the preliminary structural information provided at this 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.

Construction matters

It is considered that through appropriate controls and careful management the impact from construction works can be lessened. The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects, including site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison. . This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their

projects.

This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team.
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel.
- pay the charges arising from site inspections and monitoring; and
- ensure that contractors and sub-contractors also comply with the code requirements.

9.11 Environmental Impact Assessment

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

9.12 Planning Obligations & Pre-Commencement Conditions

The draft 'Heads' of agreement are proposed to cover the following :

A Financial contribution of £15,629 towards the Council's Carbon offset fund (Index linked and payable on commencement of development)

The estimated CIL payment is:

Westminster CIL: TBC

Mayoral CIL: TBC

Total CIL = TBC

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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

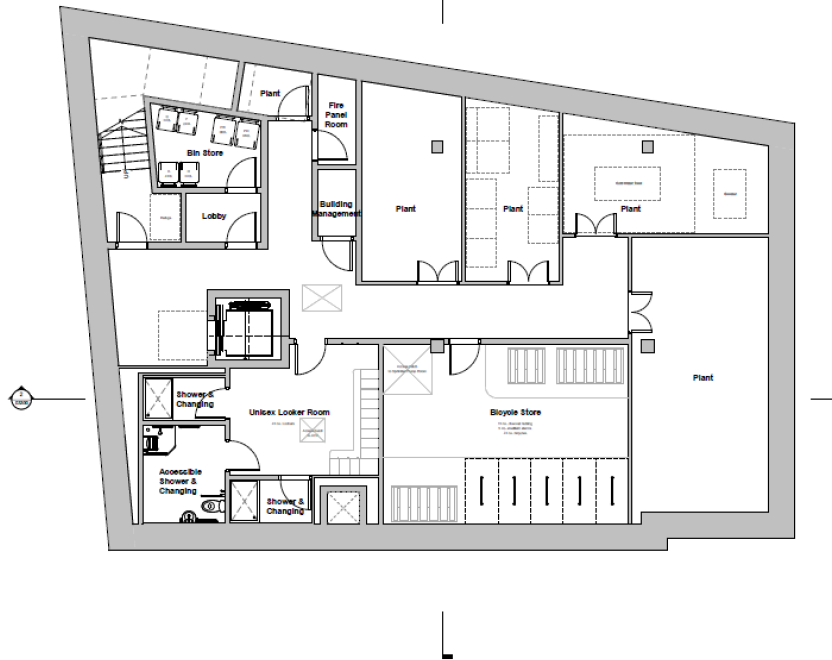
10 Conclusion

As set out above, it is acknowledged that the proposal would result in some less than substantial harm to heritage assets. As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, which include enlarged and improved office floorspace within the west end in accordance with Westminster's spatial strategy, and the provision of a better well resolved building on the site. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

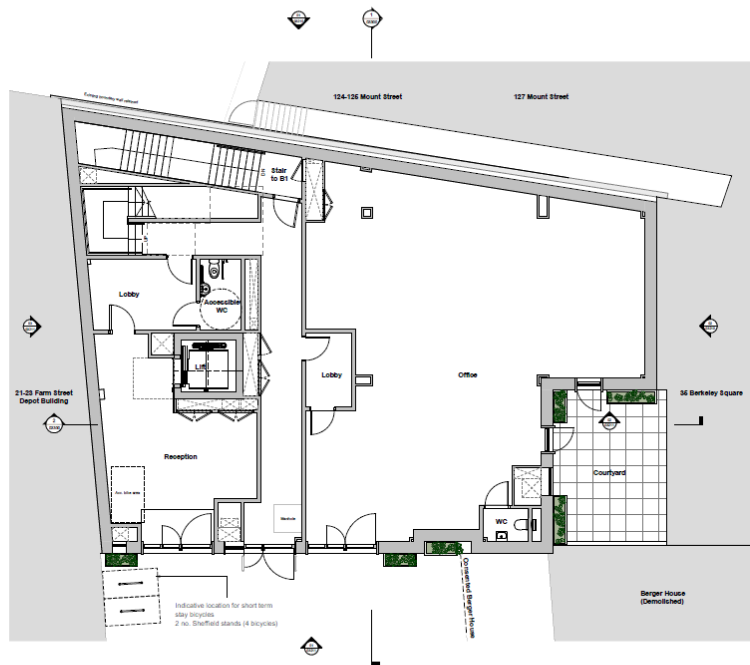
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

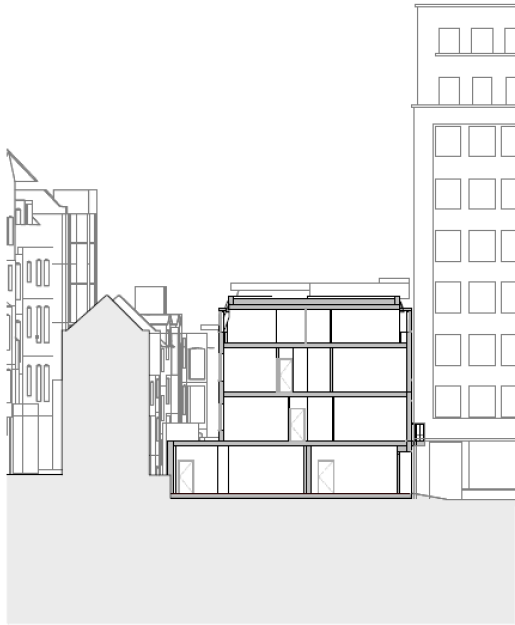
8. KEY DRAWINGS



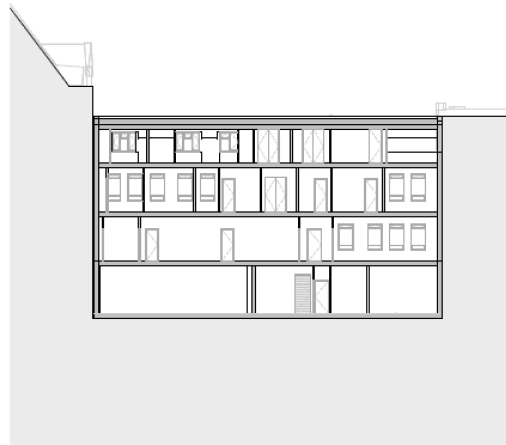
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1:50



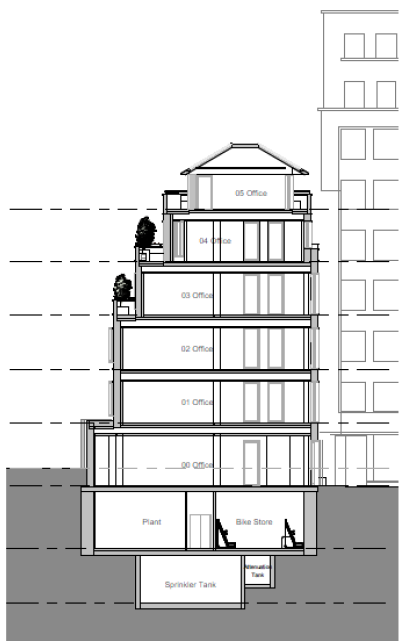
2 Proposed Plan Level 00 - Ground Floor



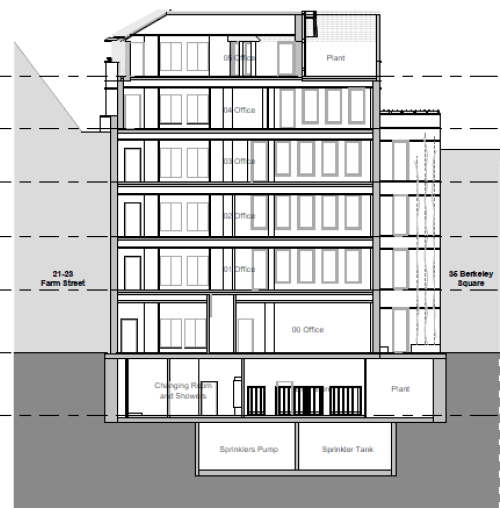
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1:100



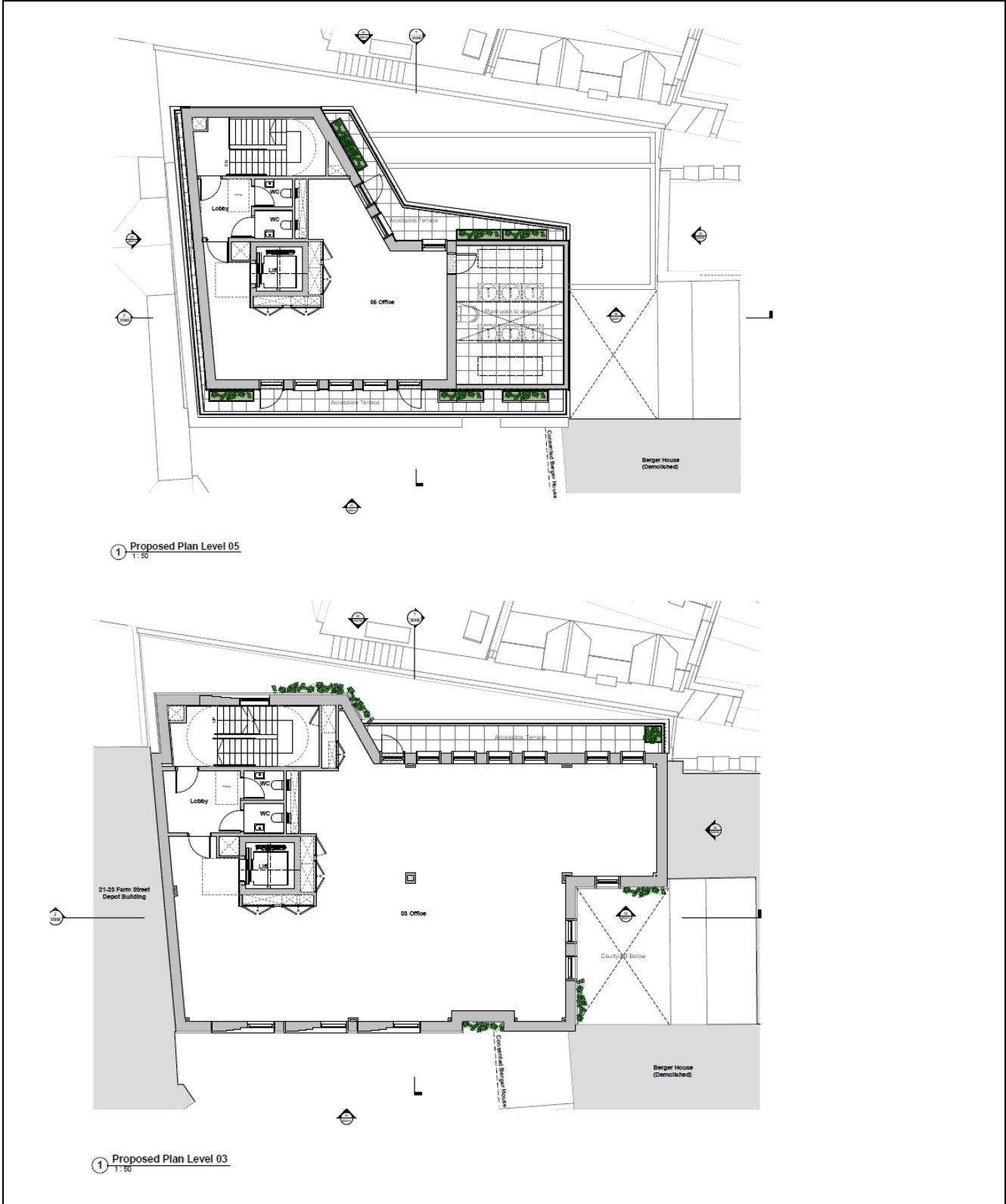
② Existing Section BB
1:100



① Proposed Section AA
1:100



② Proposed Section BB
1:100





view 5 existing



view 5 proposed



view 2 existing



view 2 proposed

DRAFT DECISION LETTER

Address: 11 - 15 Farm Street , London, W1J 5RS

Proposal: Demolition of the existing building, excavation and redevelopment of the site to provide a new building, comprising basement, ground and five upper storeys with plant enclosure at roof level for use as office (Class E) accommodation and associated works.

Reference: 21/04971/FULL

Plan Nos: Demolition drawings :, 1690-PLP-DM-00-DR-A-02100, A-02101,02102,02103,02210,02211,02300. , Plans :, 1690-ZZ-BA-DR-A-03099,1690-ZZ-00-DR-A-03100, 690-ZZ-01-DR-A-03101, 1690-ZZ-02-DR-A-03102,1690-ZZ-03-DR-A-03103,1690-ZZ-04-DR-A-03104,1690-ZZ-05-DR-A-03105,1690-ZZ-BA-DR-A-03099,1690-ZZ-RF-DR-A-03106,1690-ZZ-SP-DR-A-03098,1690-ZZ-ZZ-DR-A-03200,1690-ZZ-ZZ-DR-A-03210,1690-ZZ-ZZ-DR-A-03211,1690-ZZ-ZZ-DR-A-03300,1690-ZZ-ZZ-DR-A-03400,1690-ZZ-ZZ-DR-A-03401,1690-ZZ-ZZ-DR-A-03402,1690-ZZ-ZZ-DR-A-03403.

Case Officer: Mike Walton

Direct Tel. No. 020 7641
07866039922

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	Notwithstanding what is shown on the drawings, the brickwork shall be in Flemish bond.
	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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019).
3	You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

	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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019).
4	You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located., , You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)
	Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019).
5	You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:, , a) New windows, b) New doors, c) Textured terracotta panels, d) Railings, , 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.
	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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019).
6	You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)
	Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019).
7	Metal railings shall be finished and maintained black.
	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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and MD1, MD2,

	MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019).
8	You must use the property only for offices (Class E i). You must not use it for any other purpose, 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). (C05AC)
	Reason: We cannot grant planning permission for unrestricted use in this case because it would not meet Policies 1 and 13 of the City Plan 2019 - 2040 (April 2021). (R05AC)
9	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)
10	Pre Commencement Condition. Prior to the commencement of any: , (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction , , on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)
	Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)
11	(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

	<p>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)</p>
	<p>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)</p>
12	<p>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</p>

	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 building. (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)
13	You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)
	Reason: To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).
14	Prior to occupation of the development you shall submit and have approval in writing by the local planning authority of a detailed Servicing Management Plan (SMP). The plan should identify process, internal storage locations, scheduling of deliveries and staffing. All servicing shall be undertaken in accordance with this strategy unless otherwise agreed in writing by the local planning authority.
	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)
15	Pre Commencement Condition. You must apply to us for approval of details of a biodiversity management plan in relation to green roofs at 1st and main roof level. You must not start any work until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)
	Reason: To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)
16	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., , Air Source heat pumps, , 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)
17	You must not play live or recorded music on terraces hereby approved.
	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)
18	The terraces hereby approved at 3rd 4th and 5th floor levels as shown on drawings numbered 1690-ZZ-03-DR-A-03103, 1690-ZZ-04-DR-A-03104, and 1690-ZZ-05-DR-A-03105 shall only be used between 0800 and 1900 hours on Mondays to Fridays and not at all on Saturdays and Sundays.
	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)

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 email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 3 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/planning-building-and-environmental-regulations/building-control.
- 4 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.

- 5 With reference to condition 10 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.
- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution to the City Council's carbon offsetting fund.

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 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	7 Burlington Gardens, London, W1S 3QG		
Proposal	Partial change of use to facilitate the use of the buildings as a 'retail gallery' and restaurant(s) with ancillary wine and champagne and caviar bar (Class E); replacement roof structure at 7 Burlington Gardens; minor extension to the rear of 2 Old Burlington Street; installation of plant and new external roof terrace and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings.		
Agent	Savills (UK) Limited		
On behalf of	RH London Gallery Limited		
Registered Number	22/02155/FULL & 22/02174/LBC	Date amended/ completed	29 March 2022
Date Application Received	29 March 2022		
Historic Building Grade	Grade II and Grade II* Listed		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional planning permission subject to a legal agreement to secure the following: <ol style="list-style-type: none"> a) Contribution of £3,000,000 (three million pounds) towards the City Council's Affordable Housing Fund. b) The cost of monitoring the S106 legal agreement. 2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then: <ol style="list-style-type: none"> a) The Director of Place Shaping and Planning 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 Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Place Shaping and Planning 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 Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent;
4. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

The site is currently vacant and comprises 7 Burlington Gardens and 1 & 2 Old Burlington Street, both listed buildings lying within the Savile Row Special Policy Area and the West End Retail and Leisure Special Policy Area.

Planning permission and listed building consent are sought for the use of both buildings as a retail gallery, restaurant and ancillary bar offering. The proposal will see associated internal and external alterations to reconfigure and refurbish the fabric of the buildings to accommodate this use. The proposals also include a modest extension to the rear of 2 Old Burlington Street; installation of plant and a new external roof terrace. The applicant is The World of RH which is an American company specialising in luxury furniture and homewares goods, which intends to occupy the building on all floors for the sale and display of its products, with an ancillary bar and restaurant.

There are five floors (basement to fourth floor level) and the buildings were previously collectively occupied in part by the clothing retailer Abercrombie & Fitch, and in part as offices who occupied the remainder of the building as offices with an attached residential flat. As compensation for the loss of the flat the applicant is proposing a contribution of £3m towards the Council's affordable housing fund.

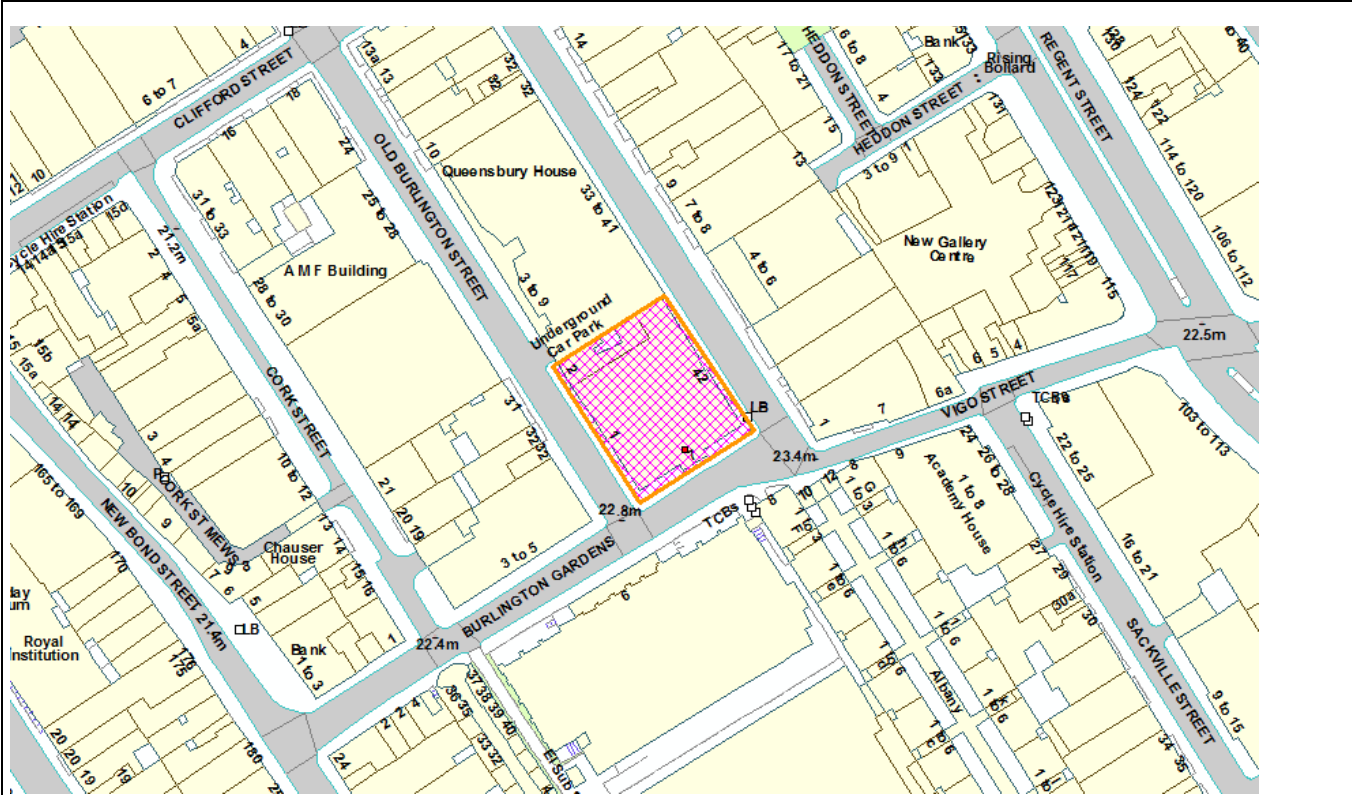
A letter has been received from Savile Row Bespoke Association in support of the application who believe the proposal will support economic production and consumer interest in the West End and support the recovery from the impacts of the Covid-19 Pandemic.

The key considerations in this case are:

- The contribution of the proposed use towards the character and function of its location;
- The acceptability of the loss of residential floorspace and the compensatory payment for affordable housing purposes;
- The impact of the works on the special interest of the listed building the character and appearance of the Mayfair Conservation Area.
- The impact on the amenity of neighbouring residential properties.

Subject to securing the £3m payment for affordable housing, the proposal is considered acceptable in land use, amenity and design terms.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Burlington Gardens – front facade



Banking hall – Savile Row



5. CONSULTATIONS

5.1 Application Consultations

HISTORIC ENGLAND

Authorisation given to the City Council to determine the application.

THE VICTORIAN SOCIETY

Raises concerns relating to the introduction of the roof terrace above the banking hall, and also has concerns relating to the mezzanine within the southern part of the existing banking hall.

SAVILE ROW BESPOKE TAILORING ASSOCIATION

Supports the proposal.

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S:

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Concerns raised regarding cycle parking provision, servicing arrangements and trip generation for non-retail and non-office uses.

CLEANSING:

Acceptable with conditions

ENVIRONMENTAL HEALTH:

No objection subject to standard conditions and additional conditions requiring no hot cooking within the basement level kitchen; and limiting the hours for the use of the terrace to between 08:00 and 22:00.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 106

No. Responses: No responses received.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with West End ward councillors, local community groups, local landowners and the Savile Row Bespoke Association prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. A consultation website (www.7burlingtongardens.com) was launched and the delivery of 596 leaflets to local residents and businesses advising them of the online consultation was undertaken.

Overall 62 people viewed the online consultation website, no comments were received.

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 Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair 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 comprises 7 Burlington Gardens (Grade II* Listed) and 1&2 Old Burlington Street (Grade II* and Grade II Listed), and is within the Mayfair Conservation Area,

Central Activities Zone, the Savile Row Special Policy Area and the West End Retail and Leisure Special Policy Area.

The buildings are currently occupied by a mix of uses including retail and office and residential. The retail parts were occupied for several years by Abercrombie & Fitch, prior to which it was a bank, and are now vacant following the closure of the store in 2021. The offices and associated residential flat are also vacant having been previously occupied as a private family office until 2021.

The site is located within a mainly commercial/cultural area, with a front elevation opposite the Royal Academy on Burlington Gardens and as side elevation to the tailoring street of Savile Row. Although there are few residential properties nearby, there is next door a flatted block of apartments at Queensbury House on Old Burlington Street.

7.2 Recent Relevant History

On 12 December 2000, planning permission (Ref:00/05541/FULL) was granted for use of room adjoining entrance lobby at 1 Old Burlington St for Class B1 office purposes and use of entrance lobby at 1 Old Burlington St in connection with Class A1 retail and/or Class A2 financial / professional and / or Class B1 office use.

On 13 April 2006, planning permission (Ref: 06/01228/FULL) was granted for the change of use of the ground and first floor area offices at 1 Old Burlington Street to retail at first floor level and ancillary offices at ground floor level.

In November 2011 permission was granted for the 'Use of part second, third and fourth floor levels as 1 x five-bedroom flat. (Site includes 1 and 2 Old Burlington Street)' (11/08866/FULL). Prior to this date the unit was in use for office (Class B1) accommodation. Records indicated that this 2011 permission was implemented.

In December 2020 applications for planning permission (21/00039/FULL) and listed building consent (21/00040/LBC) were submitted for a similar proposal to the current scheme. The applicant subsequently withdrew the applications in March 2021 and engaged in further pre-application discussions with the City Council Officers to discuss some design alterations.

On 28 February 2022, an application for listed building consent (Ref: 20/07459/LBC) was approved in respect of internal works to remove modern fabric and fittings within the buildings at 7 Burlington Gardens and 1 and 2 Old Burlington Street.

8. THE PROPOSAL

Permission is for various alterations to the buildings to enable their use throughout wholly as a retail gallery for the luxury furniture and homewares provider The World of RH, which sells a wide range of goods, much of which is large and bulky and which therefore requires substantial space for display purposes. In keeping with changing modern trends in retailing, the intention is to provide an experiential store where, as well as shopping, the offer includes dining and drinking options, so the provision would include a restaurant and a wine and champagne/caviar bar. To accommodate this, the

existing residential apartment would not be retained.

The proposal includes works to replace the roof structure at 7 Burlington Gardens, a modest extension at the rear of 2 Old Burlington Street to infill the lightwell, a new external roof terrace, the installation of plant and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings, the most significant of which are:

- The removal of the mezzanine floor within the existing banking hall and installation of a new mezzanine floor within the footprint of 7 Burlington Gardens;
- Extension of the staircase in 1 Old Burlington Street creating new area at upper level;
- Infilling of the light well at the rear of 2 Old Burlington Street;
- Removal of a series of internal walls across various levels which will have the effect of increasing the amount of usable floorspace.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential Use	598sqm	0sqm	-598sqm
Retail gallery and ancillary uses	3309sqm	4287sqm	+978sqm
Total	3907sqm	4287sqm	+380sqm

The additional floorspace is created from a series of minor internal works which include:

9. DETAILED CONSIDERATIONS

9.1 Land Use

Commercial Uses

The lawful use of most of the existing floorspace within the buildings falls within Class E, which is a wide-ranging category covering most commercial uses as well as several other uses, especially those which are appropriate to a town centre and are for visiting members of the public. The proposed use would continue in this vein, and this supported by Policy 14 of the City Plan which seeks additional commercial floorspace for visiting members of the public throughout the town centre hierarchy to enhance and diversify their offer as places to shop, work and spend leisure time. Part (C) makes clear that, within the West End Retail and Leisure Special Policy Area, where the site is located, the Council will support proposals that provide for a wide mix of commercial uses that support the West End's role as a retail, employment, and cultural hub, and as a centre for the visitor, evening, and night-time economy.

The proposed use would be the first RH gallery outside of North America, providing a flagship shop which would certainly be a significant attraction for this part of the West End, and would therefore be a welcome show of confidence for retailing investment in the current challenging times in this respect.

Policy 23 of the City Plan relates to proposals within the Savile Row Special Policy Area, and states that proposals within this area should complement and enhance Savile Row as an international centre of excellence for bespoke tailoring, supported by complementary Class E (commercial, business and service uses) floorspace that respects townscape and heritage value. It is considered that the proposed use would be complementary to the tailoring use, given that it shares the same luxury retailing characteristics as Savile Row. The Savile Row Bespoke Association supports the application, stating that it would provide a unique attraction complementing the existing function of Savile Row, Bond Street and the wider Mayfair area, and that it will enhance consumer interest in the West End at a particularly important time of recovery following the impact of the Covid pandemic.

Loss of Residential

Under City Plan Policy 8 and Mayfair Neighbourhood Plan Policy MRU2.3 there is a general presumption to resist the loss of residential accommodation.

However, it is considered appropriate to make an exception to these policies in this instance due a combination of material considerations which together form a unique situation at this site. These are set out below.

- a. The residential apartment has existed for a relatively short time (previously being offices for decades) following planning permission granted in 2011, and it has never been used as a permanent home, instead being used effectively as a pied a terre for occasional use by persons associated with businesses occupying the offices to which it is linked. In these circumstances, although it obviously has opportunity value as a potential permanent home, it has not a present ever been strictly part of the housing stock.
- b. At 598sqm, the flat is extremely large and substantially exceeds the current maximum size of flat now permitted by planning policy, which is 200sqm. This excessive size limits the chances of it being acquired, if sold, to local families seeking a permanent home.
- c. Although self-contained in terms of having its own lockable door, it is not completely independent, as it can only be accessed through the commercial floorspace. Whilst this was appropriate when it was associated with the linked offices, this would not work with the proposed retail gallery, which would be a completely separate commercial use.

A further material consideration to be taken into account is the applicant's offer of a financial contribution to the Council's affordable housing fund to compensate for the loss of 598sqm residential accommodate. The formula for this is based on the cost of converting private housing units to social rented units in Council housing schemes, as outlined in the Council's Truly Affordable Housing Statement. This cost averages at £273,000 per unit.

In a hypothetical situation, 598sqm were converted to a mix of residential units including 25% family-sized, it could reasonably be expected to provide 9-11 units in a range of sizes. Assuming the upper end of this were achieved and then these were converted to social rent units in line with the Council's cost figure, this would cost 11x £273,000 = c£3M. The applicant is therefore offering the Council £3M towards its affordable housing fund on this basis.

This financial contribution and each of the points made at a to c above, do not on their own justify the loss of the residential accommodation. However, taken together they could reasonably be considered sufficient to successfully outweigh, in this instance, the normal presumption in favour of protecting residential uses.

9.2 Environment & Sustainability

Policy 36 of the City Plan 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. Policy 38 states that new development will '*...will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods*'.

Policy MES4 of the Mayfair Neighbourhood Plan states that all new developments shall demonstrate that measures will be put in place to manage energy use in operation, ensuring that developments meet their energy performance commitments when in operation.

An Energy and Sustainability Statement has been prepared by Buro Happold and is submitted as part of the application. The statement considers the demolition, construction and operational phases of the proposed development.

The proposed development is considered to deliver a significant improvement in the overall energy efficiency and sustainability of the building at the site with the anticipation that the development will be 35% more carbon efficient per sqm of floor area than the buildings as they exist at present. This accords directly with the strategic aspirations of the adopted development plan and the NPPF which all target improvements to move towards a 'low carbon' future.

9.3 Biodiversity & Greening

The roof terrace at second floor level introduces integrated planting and landscaping to this area which would be a welcome addition to biodiversity and greening.

9.4 Townscape, Design & Heritage Impact

The site comprises 7 Burlington Gardens and 1 Old Burlington Street, which together are listed grade II* and referred to as 'Uxbridge House' in the listing description; and 2 Old Burlington Street, which is separately listed at grade II. The site lies within the Mayfair Conservation Area. There are many other listed buildings within the immediate vicinity of the site notably the former Department of Ethnography for the British Museum (Museum of Mankind), now part of the Royal Academy, which is grade II* and immediately opposite the application site; Bodley House, 8-12 Burlington Gardens (part of The Albany) which is grade I listed and also opposite the application site; 1 Savile Row (grade II); 3 Savile Row (grade II*); 31 Old Burlington Street (grade I); and 32 Old Burlington Street (grade II).

7 Burlington Gardens dates back to 1721-23 when it was built to designs by Giacomo Leoni for the Duke of Queensbury. Originally known as Queensbury House, this grand town mansion presented a 7-bay frontage to Burlington Gardens with a centrally-placed entrance door. The site was acquired by the Earl of Uxbridge in 1785, at which point it became Uxbridge House, and at this time the building was extended. The work was undertaken to designs by John Vardy Junior who extended the house by a further 3 bays to the east, thus creating a 10-bay frontage to Burlington Gardens, whilst maintaining much of Leoni's façade details. Vardy's work also extended the house northward on the Old Burlington Street side and removed Leoni's central door and moved the main entrance to this new extension at 1 Old Burlington Street. Vardy is also likely to have added the third floor accommodation within a potentially modified roof space. At about the time of Vardy's work, no.2 Old Burlington Street was built, although at the time was a separate terraced house.

Following the death of the Marquess of Uxbridge in 1854, the house was sold to the Bank of England and converted for use as its Western Branch. The bank undertook alterations and extensions to the building, carried out by William Cubitt & Co to designs by Philip Charles Hardwick. One of Hardwick's first interventions was to restore a main entrance to the Burlington Gardens façade and the portico that is now in place, dates from this time. A greater intervention took place, again to designs by Hardwick, in the 1870s when a grand columned banking hall was added along the north-eastern side of the site, facing onto Savile Row. The double-height hall has six bays which face the street, but the hall also extended into the Vardy extension removing the ground and first floor rooms that formerly existed. Hardwick's banking hall extension had windows facing Savile Row but was also top-lit with two domed rooflights. It is suggested by the heritage consultant for the application that the likely M-shaped roof of the late eighteenth century house was largely removed and replaced with the flat-topped mansard that is now in place. In 1876 the Bank of England acquired 2 Old Burlington Street, albeit it remained separate from the rest of the site.

In 1933 the property was sold to the Royal Bank of Scotland who undertook further works of alteration, mainly internal changes but also including the addition of two more domed skylights to the banking hall. The works were undertaken to designs by Mewes and Davis.

RBS moved out of the property in 1997 and in the late 90s the property was converted for primarily retail use. In the mid-2000s the buildings were acquired by Abercrombie & Fitch and the current layout is associated with their use of the building.

Thus, over a period of over 300 years the building has been extended and altered, transitioning from a private house to a bank with associated office and residential uses, to finally having a retail use with some residential. The main phases of the change have been outlined above, but of course many internal changes, altering layout and interior refurbishments also took place, leaving a building exhibiting multiple phases of change. That it is a building that has been changed and adapted overtime is part of its significance and the work which exhibits these changes is of both historic and aesthetic value.

The Proposal

The proposal will for the most part utilise the existing layout of the building and refurbish

the historic interiors of the main eighteenth century house to restore something of its original residential character, albeit functioning as a retail gallery. One of the main alterations will be the introduction of two new lifts providing accessibility throughout the building. The lift of greatest prominence will be positioned on axis with the main central entrance and rise through a part of the early eighteenth building which was modified to become part of the banking hall. The lift is to be designed as a distinctly contemporary intervention; the second lift will be towards the rear of no.1 Old Burlington Street and will replace a later nineteenth century staircase.

Another significant intervention will be the introduction of a mezzanine within the former banking hall in the part which was previously the eighteenth-century Vardy extension. In part this reverts some of Hardwick's work of the 1870s and partially reforms the room volumes of Vardy's extension. The floors and walls which are introduced to subdivide this southern end of the banking hall will be of a contemporary design. The new mezzanine floor will have a light touch connection with the perimeter walls and will allow the Hardwick columns to run through and remain exposed. The position of the mezzanine walls will also respond to the retained Hardwick ceiling above.

The remainder of Hardwick's banking hall will retain its full volume and be used as a restaurant/dining space. This will be lit from the banking hall windows along the Savile Row façade as well as utilising the four large ceiling lights, which will be renewed but maintain the original Hardwick ceiling plan. A new kitchen area to serve the restaurant will be positioned to the north of the banking hall and the rear of no.2 Old Burlington Street. It will occupy parts of the basement (prep and support areas) and ground floor (main kitchen) and will include some modifications to partition walls and the infilling of the lightwell space to the rear of no.2 at ground floor level. The infill will be top lit with a large lantern roof.

Another alteration to the banking hall part of the site will be the introduction of a landscaped rooftop terrace above the tall single storey banking hall wing. The roof of the banking hall is a lead-covered roof and features 4-large lanterns (of modern fabric) which provide the top light into the banking hall. At the northern end of the roof is a zone of louvres ventilating plant. The proposed terrace would retain the existing roof covering and will introduce a raised deck above it - this will thus provide level access from second floor of the main building and two door openings replacing windows will connect the main building with the roof terrace. The void space beneath the deck will enable lateral transfer of some services. The modern lanterns will be removed and replaced with modern light funnels which will continue to serve the historic ceiling openings below, maintaining top-lit natural light into the former banking hall. The new raised deck will be set back approx. 1.5m from the rear face of the bottle balustrade parapet which tops the Savile Row façade of the banking wing. A new zone of louvres will still be positioned towards the northern end of the terrace. Against the rear wall of no.1 Old Burlington Street, it is proposed to add an extension to the set back third floor and to introduce a zone of plant above this screened by a metal upstand. The new extension relates to modifications to the staircase within no.1 and will be faced in brick. Parts of this wall and the retained structure of no.1 will face onto the west side of the new roof terrace, and it is proposed that at least part of this wall will accommodate a new green wall. The landscaping of the terrace will be arranged in a relatively formal and geometric layout with planted hedging and trees set out in a gridwork, creating a series of landscaped 'rooms'.

A further significant alteration proposed will be to the main mansard roof level of the main eighteenth century building. The existing roof is the product of several phases of alteration and is for the most part of late nineteenth or more likely twentieth century date - most of the roof is flat-topped with an irregular arrangement of rooflights. The dividing walls at mansard level are likely to date from Vardy's work and it is possible that a section of pitched roof at the north-eastern end of the roof also dates from Vardy's time. The lantern light position is likely to date from Leoni's original house as it provides top light to the main staircase. The proposal is to replace the entire roof with a new double-pitched, M-profile roof. The structure of the new roof will retain the Vardy partition walls and is intended to follow the profile of Vardy's original roof and to be covered in slate with leadwork as appropriate. The design of the roof will depart from a traditional roof form within the central valley between the two parallel ridges, where a contemporary glazed roof structure will run along most of the length of the roof valley and the ridge of the glazed roof will broadly align with the ridge of the slate clad roofs. As part of the new roof, it is proposed to reinstate the chimney stack towards the south-east corner of the roof plan - this was demolished in the second world war and demarcates the position of the Vardy extension. The new roof will extend over the lantern serving the Leoni staircase and internalise this feature.

A number of other smaller-scale alterations are proposed including several internal changes, which will result in some alterations to fabric and changes to plan form. At basement level the alterations will provide gallery space, a champagne bar as well as back-of-house facilities such as prep kitchens, staff facilities and plant space. There will be some new openings formed including within the eighteenth-century part of the house; also, the stair which is located to the rear of no.1 will be brought down to this level. Another stair currently linking the ground and lower ground floor within no.1 is to be removed and replaced with a lift, the existing secondary stair dates from the 1870s and is attributed to Hardwick's work for the Bank of England. On the ground and first floors the changes to the layout of the main house are relatively modest, other than the banking hall changes described above. At second floor level a number of partitions will be removed which all date from the 1870s or from the twentieth century, however, the main Leoni and Vardy partitions of the eighteenth century house will be retained and in one case re-instated.

Impact upon Significance of 7 Burlington Gardens, other Designate Heritage Assets and upon the Surrounding Townscape.

One letter of objection has been received relating to the impact upon the listed building, which has come from The Victorian Society. They note the significance of the nineteenth century parts of the building and their contribution to its evolution and given their particular interest have restricted their comments to the works to the banking hall, which is the main part of the building by Hardwick which was added in the Victorian era. They consider the roof terrace above the banking hall to be 'highly concerning', altering its character 'as one of the very few very low-rise buildings in the area and detract from its essentially simple and austere design'. They also feel the terrace harms this part of the Mayfair Conservation Area. They conclude that for a building of this size outdoor space is not required. The second aspect of their concern relates to the introduction of the mezzanine floor into the southern end of the banking hall, causing harm to the space and question its necessity. They confirm that they do not 'formally object' to this element of the application but if it is retained within the design the new floor must be a structure

which stands alone from the banking hall columns. In conclusion they reference the NPPF which requires that harmful proposals should be supported by clear and convincing justification and consider that the proposals have not been convincingly justified.

It is the case that the package of works proposed, if approved and undertaken, would represent a significant episode in the evolution of this historic building. Some of the works involve quite substantial interventions, such as the removal and replacement of most of the roof structure to the main house; the installation of the two lifts; the infill extensions to the rear of no.2 Old Burlington Street; the removal or alteration of staircases and the formation of openings and removal of partitions, particularly at second floor level. Other changes, while impactful, are of a lesser order and can be viewed as the addition of a new layer to the existing fabric, such as the introduction of the mezzanine within the southern part of the banking hall and the creation of the roof terrace above the banking hall.

Of the substantial interventions some do have a harmful impact upon the building's significance, resulting in a permanent loss of historic fabric and erosion of plan form - such changes would include the removal of the staircase flight and modifications to the retained staircase within no.1 Old Burlington Street, and the infill extension to the rear of no.2 Old Burlington Street. Other changes, while not in themselves substantially altering or removing fabric of significance, will change the character of the interior and notable in this category would be the contemporary full height lift within the main eighteenth-century house, and the design and open plan nature of the new mansard storey, with its glazed valley section. The impact these latter alterations have on the building's significance are more equivocal. Certainly, the new lift and roof space will appear as eye-catching and prominent new features, but in the case of the roof it replaces areas of low significance and will externally enhance the appearance of the building from a street-level experience; while the new lift will rise through the position of a former staircase of Vardy's design, which itself was removed by Hardwick in creating his banking hall. These alterations will certainly change the appearance of the interiors, but in a building which has witnessed significant previous interventions - perhaps Hardwick's alterations to the eighteenth century house for the southern part of his banking hall being one of the most obvious - the new lift and roof, which have been designed to relate sensitively to the fabric of significance that is retained, can perhaps be viewed as part of the evolutionary continuum, which sees change occur while retaining the best of the past.

Looking specifically at the concerns expressed by The Victorian Society. In respect to the roof terrace, the Society's identification of harm to the banking hall and the Mayfair Conservation Area is not shared. The existing roof of the banking hall is a relatively utilitarian part of the building, with a traditional lead roof, modern lantern lights and areas of plant, the proposal will introduce a useable space which will complement the experiential nature of the use as intended by the applicant. While the new terrace has a built-up floor it remains a low-profile intervention, set back from the bottle balustrade of the Savile Row façade parapet, thus it will remain a visually recessive intervention, which will maintain the 'low-rise' nature of the banking hall wing. That the existing roof is utilitarian and simple is identified by The Victorian Society as complementing its austere design - a characteristic of many bank buildings - however, the restrained and formal nature of the landscaping and its low profile is not considered to be at odds with an austere and simple building. The elements of Hardwick's banking hall which are of

greatest significance are the Savile Row façade, the interior of the banking hall and the way the latter was in part integrated into an eighteenth-century mansion house. These key components remain and while some greenery including trees may be visible above the banking hall roof from street level and will certainly be visible from some upper floor private views, this change is not considered to harm the significance of the listed building or the Mayfair Conservation Area. In the case of the latter, 7 Burlington Gardens will remain largely unaltered as perceived from the exterior and will continue to make the same positive contribution to the character and appearance of the conservation area. Indeed, the changes to the main roof, the re-instatement of a lost chimney stack and the more active way in which the interior and exterior relate are all considered to result in a degree of enhancement to the appearance of the building and character and appearance of the conservation area.

If any harm to significance is caused by the rooftop terrace, it is probably the means of access to it which requires the replacement of two windows in the rear façade with single leaf doors, resulting in an erosion of the fenestration pattern and a loss of some historic fabric.

The Victorian Society's second concern relates to the mezzanine within the southern part of Hardwick's banking hall. In this case the concerns are acknowledged and some harm to the listed building, and the banking hall, do occur because of the proposals. The impact of the proposal on significance is complicated in that the mezzanine would re-introduce a floor level to the eighteenth-century house that was removed by Hardwick and in doing so would re-introduce a cellular form, room volumes and relationship to windows which complements the eighteenth-century work and as such has some positive attributes. In further mitigation the mezzanine floor and any new partition walls within this end of the banking hall have been designed to read as contemporary installations, set within a larger volume. Thus, while the scale and volume of the hall has been reduced and some of the columns have in part been visually truncated, the design allows these changes to be readily appreciated and an awareness of the former scale and design of the banking hall remains.

The applicant's heritage statement sets out in detail all the various interventions and the significance of the areas and fabric affected. Its findings are accepted and its conclusion that the proposals do cause harm to the listed building are shared. It is also accepted that the level of harm identified is firmly in the category of less than substantial and at the low to moderate end of that scale. However, as The Victorian Society rightly point out, harm to designated heritage assets should be avoided and where it does occur requires clear and convincing justification; and for it to be accepted must be outweighed by the public benefits of the scheme.

As a large but intricate and complex building, comprising a variety of room volumes including parts of very high significance and others of lesser significance, it is a building which presents challenges as a single use building and even more so one that is for retail purposes, given its original use as a house and then a bank. Indeed, the previous retail use perhaps demonstrated that a retail fit out can often fail to celebrate the qualities of the interior. The current proposal introduces retail in a very different way, with the building used as a gallery for display, the rooms and spaces, particularly those of high significance are shown to their best effect rather than obscured and covered up; the interiors are celebrated rather than accommodated. But to make this work and allow the

space for this, the lift, the mezzanine and many of the other internal interventions are required to facilitate the experiential approach and to provide a very accessible layout.

The scheme also has several heritage benefits which both seek to re-dress the balance of some of the harms, but also provide further justification for the interventions. These include the re-introduction of a more traditional roof form, as perceived from most viewpoints; the removal of the current smaller mezzanine within the banking hall (part of the last retail fit out); the re-opening of the windows which serve the banking hall to bring life and animation to the façade, its interior and its relationship with the street and the wider area. Other benefits would include the increased accessibility provided by the changes, which will allow greater public access. Thus, the proposal will maintain a retail use for this complex building, but in a way which will celebrates its interiors and delivers several heritage benefits.

In terms of the impact upon the setting of neighbouring listed buildings and upon the Mayfair Conservation Area, the proposals are not considered to be harmful and arguably the main roof alterations; and the reactivation of the windows to the banking hall are all enhancements to the conservation area.

The wider planning balance and other benefits of the scheme will be considered elsewhere but in terms of heritage impacts the proposal is considered acceptable. It would accord with policies 38, 39 and 40 of the City Plan; and with s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of the NPPF, it is considered that there is less than substantial harm to significance caused but that this has been justified and that a number of heritage benefits would also be delivered. If these benefits alongside other public benefits, assessed within the wider planning balance, outweigh the harm identified then the proposal can be considered justified and acceptable, subject to the suggested conditions.

9.5 Residential Amenity

The City Council has planning policies to protect residential amenity. Policy 7 of the City Plan requires that development is neighbourly by; 'protecting and where appropriate enhancing local environmental quality'. Para 7.4 acknowledges that 'development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours.'

Policy 16 considers food, drink and other entertainment premises and recognises that whilst these uses contribute to London's vibrant entertainment sector, they can also have detrimental impacts upon residential amenity if the operation is not managed properly. This is relevant as the proposals include bar and restaurant elements.

Policy 33 states that; 'development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to: minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses'.

Policy MRU1 of the Mayfair Neighbourhood Plan states that '*Proposals for new commercial or entertainment uses in Mayfair must demonstrate how they protect the*

amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.'

No objections have been received from local residents concerned about amenity issues. Nonetheless, as the proposals include the introduction of a restaurant within the rear half of the banking hall, a champagne and caviar bar within the basement level and an outdoor terrace and wine bar at second floor level, all of these uses are considered to require appropriate restrictive conditions to safeguard residential amenity and an Operational Management Plan.

Terrace

This is situated relatively close proximity to neighbouring residential flats within Queensbury House, and the application was therefore supported by a Noise Impact Assessment of potential noise associated with the use of the external terrace. This assessment demonstrated that even when assessing a worst case scenario where customers on the terrace were all talking at the same time, the impact would be 6db lower than the existing ambient sound level.

However, this assessment did not include additional noise related affects, such as live or recorded music, and therefore a condition is proposed to require no music on the terrace.

The applicant has confirmed that the capacity of the terrace will be limited to 64 covers, and the hours of operation of the terrace are proposed to be;

- 08:00 – 22:00 (Monday to Saturday) and
- 09:00 – 22:00 (Sunday).

The Operational Management Plan will confirm how the operation of the terrace will be managed to minimise the potential for disturbance to local residents.

Privacy and lighting

The closest residential dwellings are sufficient distance away from the proposed terrace to ensure adequate privacy and the inclusion provision of planting which will provide an additional sense of privacy.

The applicant confirms that the lighting at the outdoor terraces will be minimal, with lighting discreetly integrated into rooftop elements and directed downward to reduce light spill, and a condition is proposed to require the lighting be switched off outside the operational hours of the terrace.

Daylight & Sunlight

City Plan Policy 7 seeks to ensure development is 'neighbourly' by preventing unacceptable impacts on daylight and sunlight, sense of enclosure, over shadowing, privacy and overlooking.

In support of the application a non-technical Daylight Sunlight Summary has been prepared by GIA and submitted as part of the application.

The assessment demonstrates that the development will not cause any breaches to the BRE Guidelines. All surrounding properties will remain compliant with the relevant Daylight (VSC and NSL) and Sunlight (APSH).

Noise & Vibration

The proposals include the application includes provision of new ventilation and kitchen extraction plant, and an Acoustic Report assessing this has been submitted with the application.

The Council's Environmental Health Officer considers this acceptable and raises no objection on environmental noise or nuisance grounds for the proposed plant, subject to a condition to limit cooking in the basement kitchen, which as lower-level extraction.

The details of the specific plant to be used on site have yet to be clarified, therefore a condition to require a supplementary acoustic report to be submitted for approval is proposed.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager raises concerns regarding trip generations should the building be in use for anything other than retail or office purposes within a Class E use. An Operational Management Plan for any non-retail and non-office use should be secured by condition to minimise the impact upon the surrounding highway network.

In response to this, the applicant has agreed to a condition to restrict the building being used for;

- (i) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- (ii) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner);
- (iii) Creche, day nursery or day centre (not including a residential use)
- (iv) Uses which can be carried out in a residential area without detriment to its amenity:
 - Offices to carry out any operation or administrative functions (except where the use is ancillary to the primary permitted use of the premises);
 - Research and development of products or processes;
 - Industrial processes.

Servicing and Waste & Recycling Storage

Policy 29 requires off-street servicing and freight consolidation. The proposal relies on on-street servicing, including waste collection, as per the existing situation. While relying on on-street servicing, there is no ground floor holding area for deliveries or waste awaiting collection. Deliveries (including those for the restaurant elements) and goods left on the highway create an obstruction to pedestrians and have an adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

A technical Servicing Management Plan has been submitted to support the application but this lacks detail of how servicing would occur on a day to day basis to minimise the impact on other highway users, including pedestrians. A more robust SMP should demonstrate how the proposed development would minimise the impact of the proposed development on the highway network, and a condition is proposed to require revised SMP be provided prior to the occupation of the building.

Cycling & Cycle Storage

Policy 25 of the City Plan 2019-2040 aims to encourage sustainable transport by prioritising walking and cycling in the City.

A condition to require details of cycle parking provision has been included to safeguard cycle parking for the uplift in commercial floorspace.

Accessibility

Access arrangements remain unchanged.

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 would result in a huge contribution to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by supporting growth and supporting the introduction of a new 4,287sqm retail gallery, restaurant(s) with ancillary bars (Class E) floorspace which is likely to generate significant employment opportunities within the West End. Additional employment at this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

Hours of operation

The application seeks provision for the site to be open to visiting members of the public between the following hours:

- 09:00 – 23:00 (Sunday to Wednesday) and
- 09:00 – 00:30 (Thursday to Saturday).

The retail gallery will comply with trading hour limitations on Sunday as may be appropriate.

The external terrace on will be open to visiting members of the public between the following hours:

- 08:00 – 22:00 (Monday to Saturday) and
- 09:00 – 22:00 (Sunday).

Roof skylight illumination

The applicant has provided a lighting statement assessing the implementation of lighting throughout the proposed development. This includes the internal lighting from the roof

skylight which is considered to have a negligible impact on light pollution.

To ensure the interior lighting remains a negligible impact, a condition to require details of the interior lighting at third floor level has been included.

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 applicant's offer of a £3M payment towards the Council's affordable housing fund will be secured by a s106 Agreement, and it therefore has to meet the legal tests applicable to such agreements.

In terms of these three tests:

- The payment is **necessary** to make a development acceptable in planning terms because otherwise the loss of residential accommodation would not be acceptable;
- The payment is **directly related** to the development as it compensates for the loss of residential accommodation from the application site; and
- The payment is **fairly and reasonably related in scale and kind** to the development as it has been calculated to a formula related to the amount of residential floorspace which would be lost from the application site.

10. Conclusion

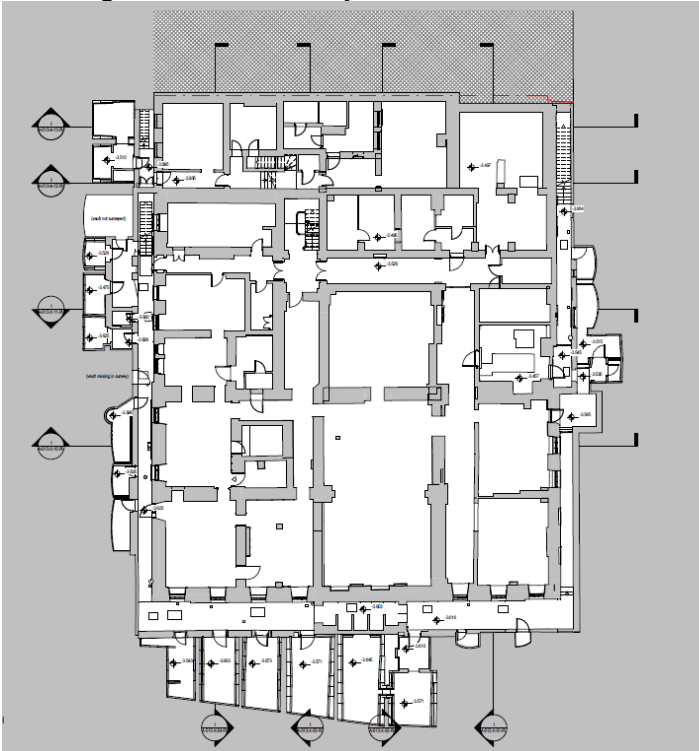
Whilst it is acknowledged that there is a departure from normal planning policy relating to the protection of residential accommodation, there are significant benefits to the scheme together with sufficient justification for the loss of the existing residential apartment which makes the proposals acceptable in this instance.

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

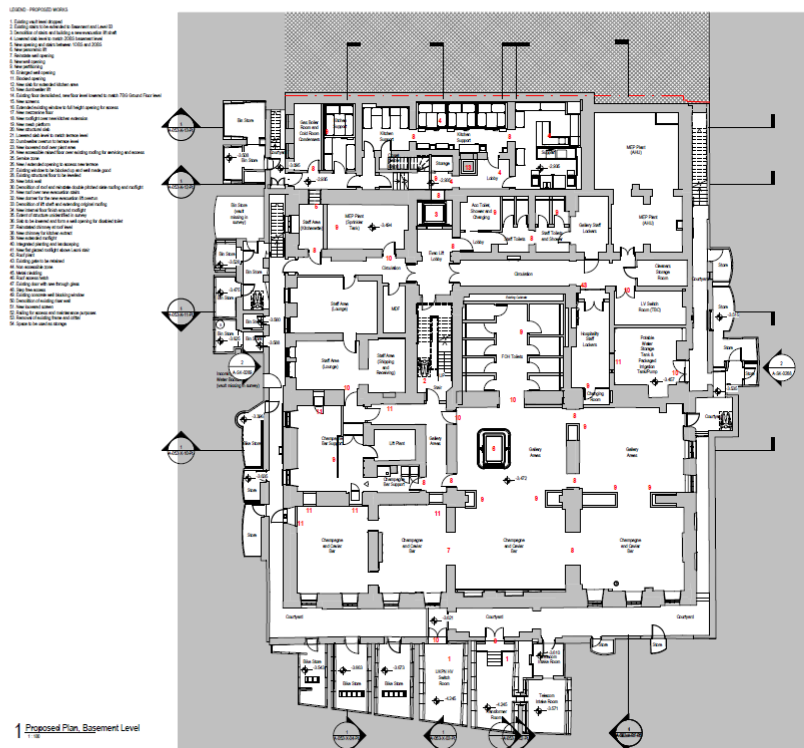
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

11. KEY DRAWINGS

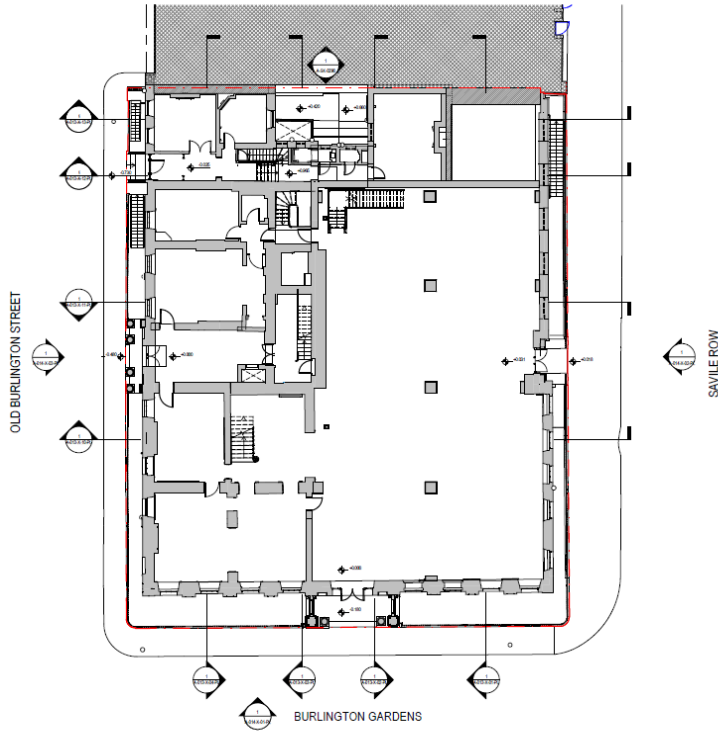
Existing basement level plan



Proposed basement level plan



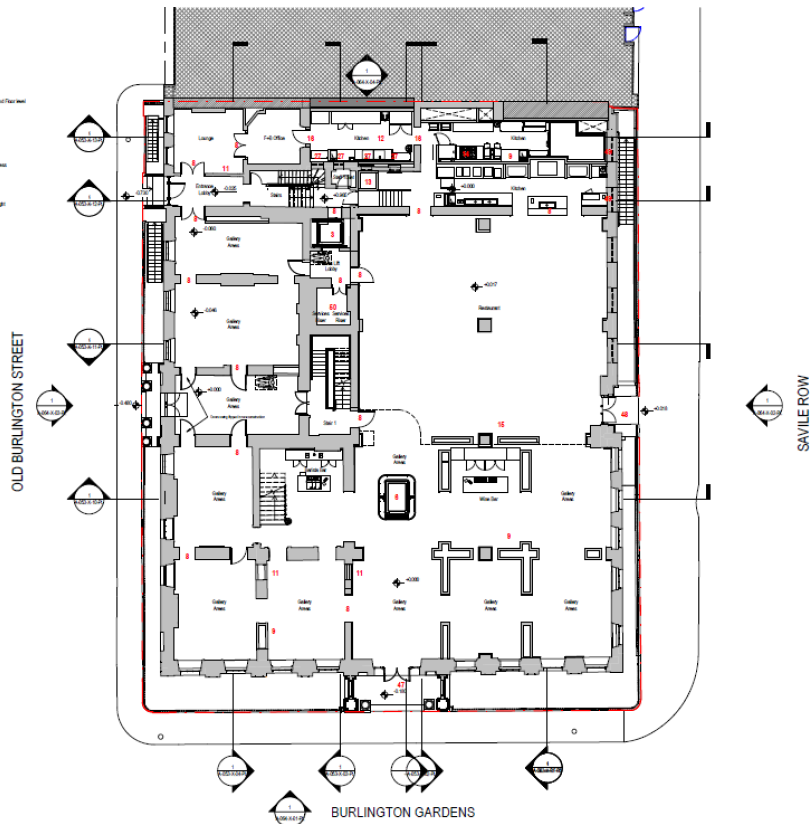
Existing ground floor plan



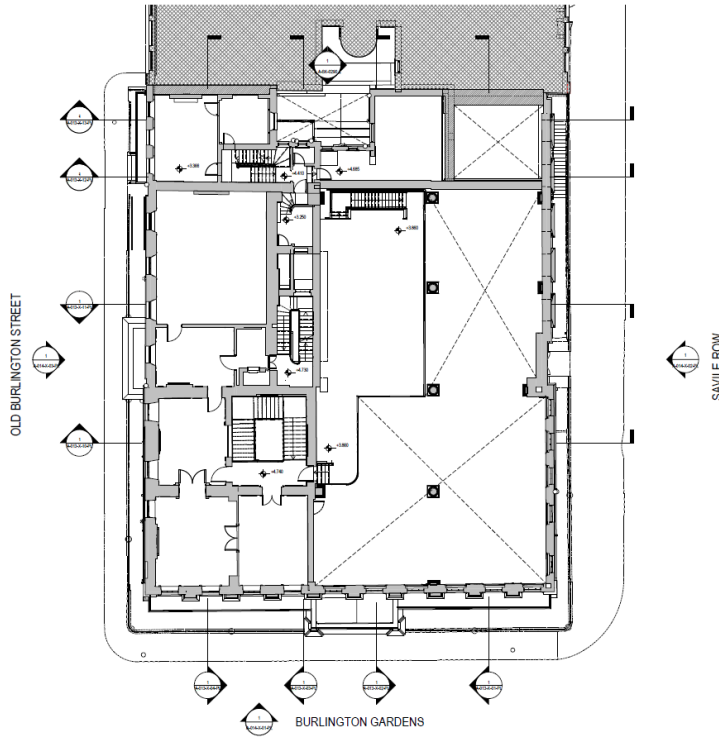
Proposed ground floor plan

LEGEND - PROPOSED WORKS

1. Existing wall to be retained
2. Existing wall to be removed
3. Existing wall to be replaced with new wall
4. New wall to be built (2000) (concrete)
5. New wall to be built (2000) (brick)
6. New wall to be built (2000) (stone)
7. New wall to be built (2000) (timber)
8. New wall to be built (2000) (metal)
9. New wall to be built (2000) (glass)
10. New wall to be built (2000) (other)
11. New wall to be built (2000) (other)
12. New wall to be built (2000) (other)
13. New wall to be built (2000) (other)
14. New wall to be built (2000) (other)
15. New wall to be built (2000) (other)
16. New wall to be built (2000) (other)
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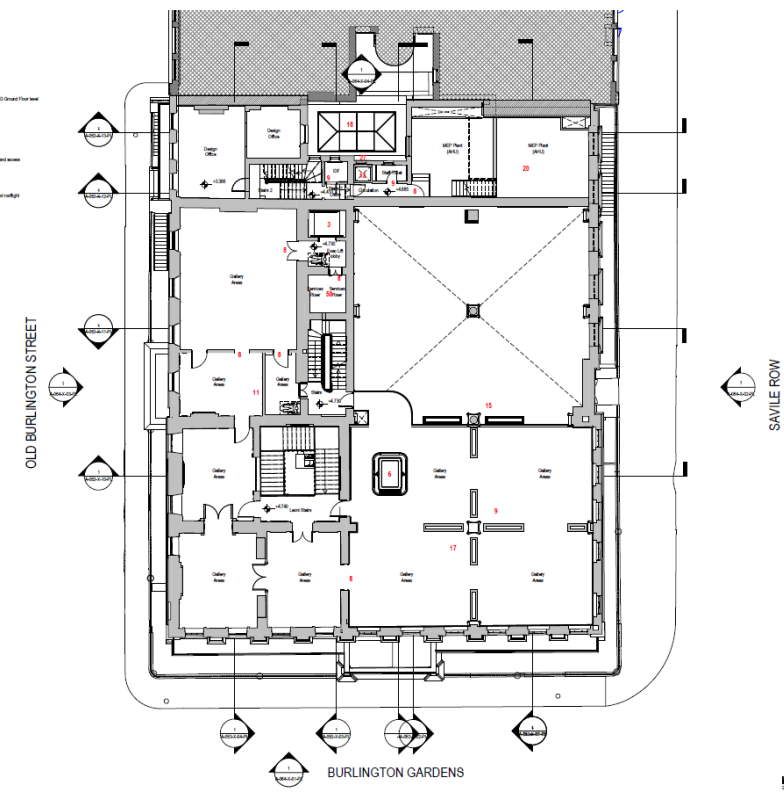
Existing first floor plan



1 Existing Plan, First Floor

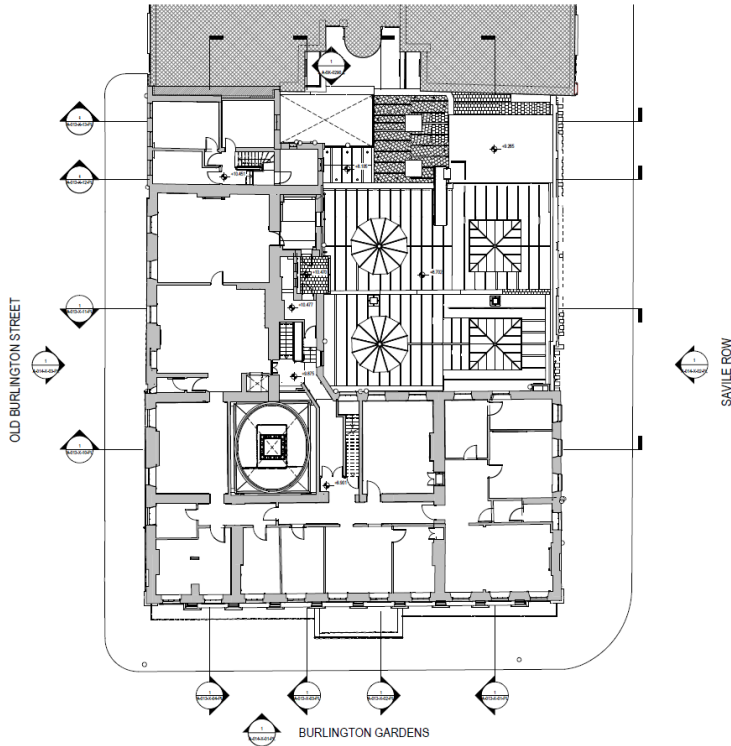
Proposed first floor plan

- LEGEND - PROPOSED WORKS
- 1 Existing wall not proposed
 - 2 Existing walls to be removed (hatched area) and (D)
 - 3 Distribution of walls and loading to new structure (R) walls
 - 4 Existing walls to be removed (Dotted hatched area)
 - 5 New structure (R)
 - 6 New structure (D)
 - 7 Existing wall opening
 - 8 New wall opening
 - 9 New wall opening
 - 10 Existing wall opening
 - 11 New wall opening
 - 12 New wall opening
 - 13 New wall opening
 - 14 Existing floor slab to be removed (see floor level indicated to match 1993 Ground Floor level)
 - 15 New floor slab
 - 16 New floor slab
 - 17 New floor slab
 - 18 New floor slab
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1 Proposed Plan, First Floor

Existing second floor plan

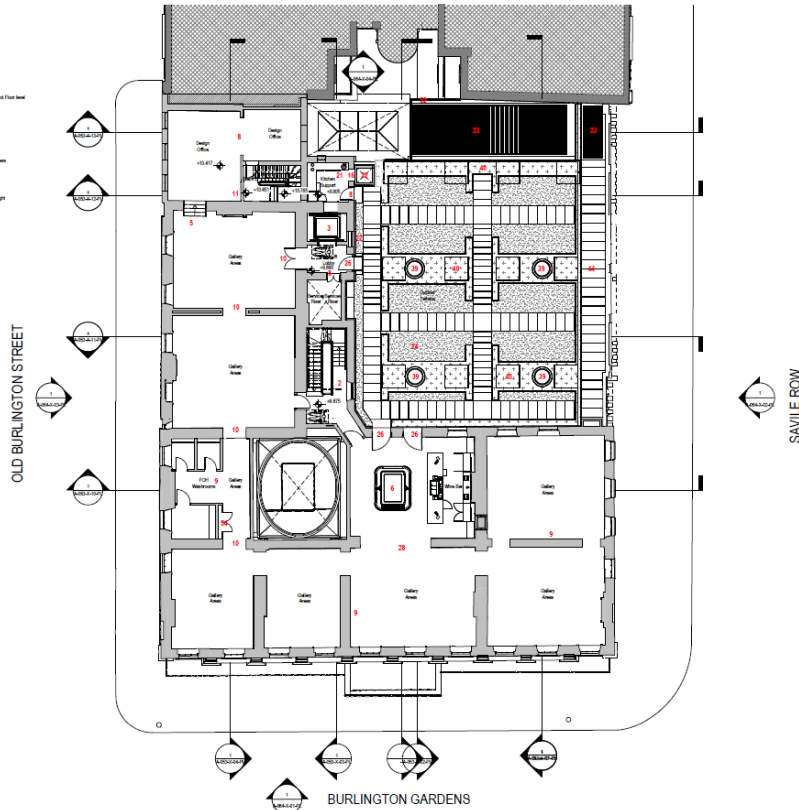


1 Existing Plan, Second Floor

Proposed second floor plan

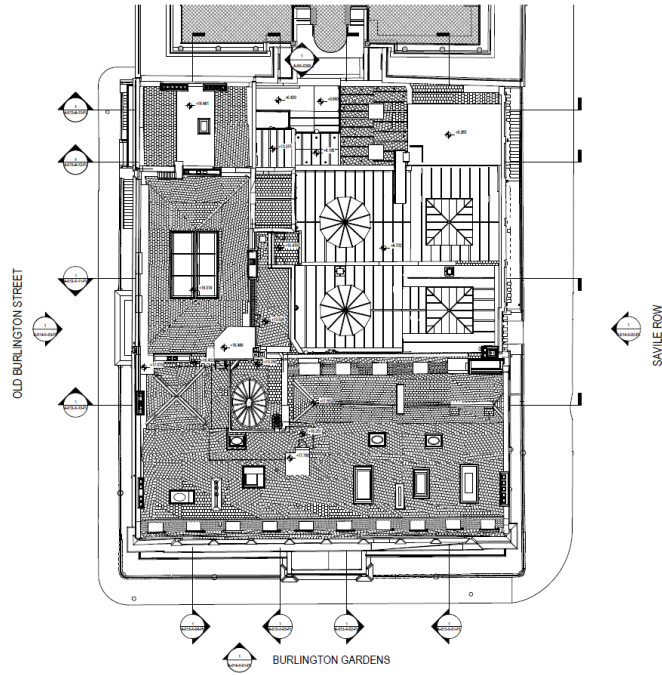
LEGEND - PROPOSED WORKS

- 1 Existing wall to be kept
- 2 Existing wall to be removed (See elevation 2)
- 3 Existing wall to be removed (See elevation 2)
- 4 Existing wall to be removed (See elevation 2)
- 5 New walling and floor between 1001 and 1003
- 6 New walling
- 7 New walling
- 8 New walling
- 9 New walling
- 10 New walling
- 11 New walling
- 12 New walling
- 13 New walling
- 14 Existing floor to be removed and new floor to be laid (See elevation 2)
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1 Proposed Plan, Second Floor

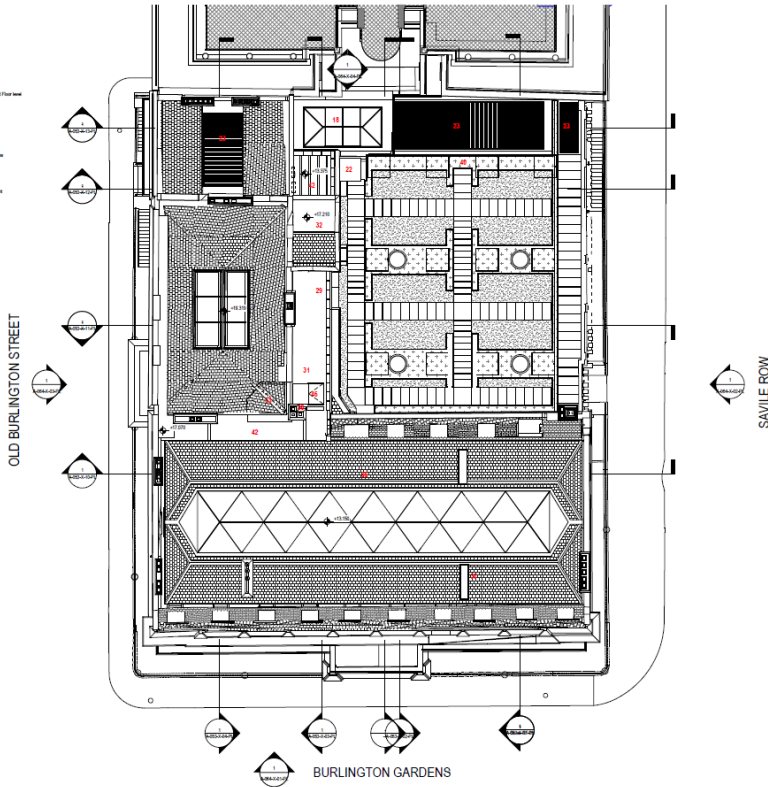
Existing roof plan



1 Existing Plan, Roof Level

Proposed roof plan

- LEGEND - PROPOSED WORKS
- 1. Existing roof level retained
 - 2. Existing roof to be removed to basement roof level
 - 3. Demolition of existing roof structure to new construction of roof
 - 4. New existing roof level (Reference: 1000 and 1005)
 - 5. New existing roof
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1 Proposed Plan, Roof Level

Existing Banking Hall elevation

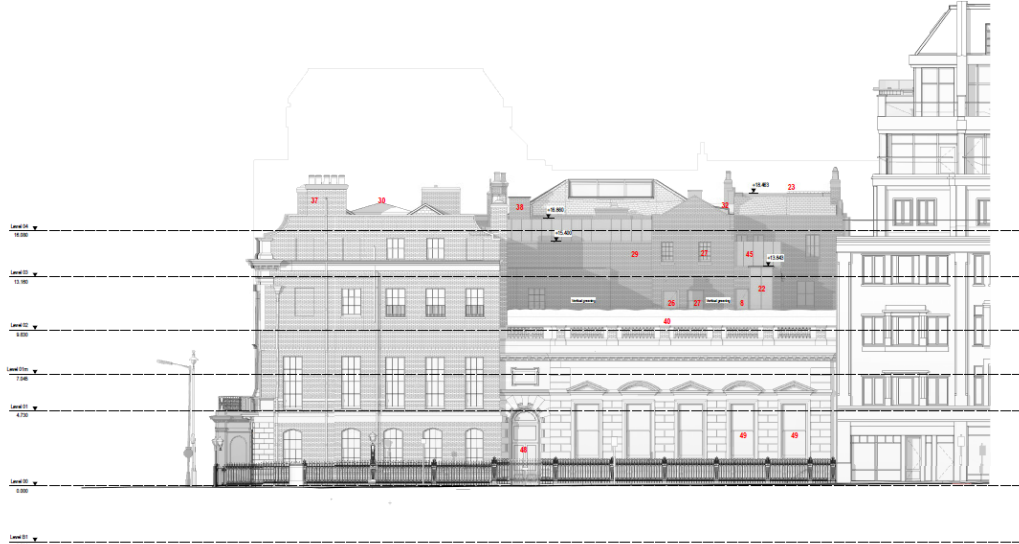


1 Site Elevation, Elevation 02

Proposed Banking Hall elevation

LEGEND - PROPOSED WORKS

- | | |
|---|--|
| 1. Existing wall work to be retained | 25. Existing structural floor to be retained |
| 2. Existing walls to be demolished to basement and Level 02 | 26. Structural wall |
| 3. Demolition of main entrance building to new entrance at Level 02 | 27. Demolition of roof and main structure double pitched steel roofing and rafters |
| 4. Existing wall work to be retained to Level 02 | 28. New concrete floor and main structure double pitched steel roofing |
| 5. New concrete floor to be retained to Level 02 and Level 03 | 29. New concrete floor to be retained to Level 02 and Level 03 |
| 6. Existing wall work to be retained to Level 02 | 30. Existing floor slab to be retained to Level 02 |
| 7. Existing wall work to be retained to Level 02 | 31. Existing floor slab to be retained to Level 02 |
| 8. Existing wall work to be retained to Level 02 | 32. Existing floor slab to be retained to Level 02 |
| 9. Existing wall work to be retained to Level 02 | 33. Existing floor slab to be retained to Level 02 |
| 10. Existing wall work to be retained to Level 02 | 34. Existing floor slab to be retained to Level 02 |
| 11. Existing wall work to be retained to Level 02 | 35. Existing floor slab to be retained to Level 02 |
| 12. Existing wall work to be retained to Level 02 | 36. Existing floor slab to be retained to Level 02 |
| 13. Existing wall work to be retained to Level 02 | 37. Existing floor slab to be retained to Level 02 |
| 14. Existing wall work to be retained to Level 02 | 38. Existing floor slab to be retained to Level 02 |
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| 20. Existing wall work to be retained to Level 02 | 44. Existing floor slab to be retained to Level 02 |
| 21. Existing wall work to be retained to Level 02 | 45. Existing floor slab to be retained to Level 02 |
| 22. Existing wall work to be retained to Level 02 | 46. Existing floor slab to be retained to Level 02 |
| 23. Existing wall work to be retained to Level 02 | 47. Existing floor slab to be retained to Level 02 |
| 24. Existing wall work to be retained to Level 02 | 48. Existing floor slab to be retained to Level 02 |
| 25. Existing wall work to be retained to Level 02 | 49. Existing floor slab to be retained to Level 02 |
| 26. Existing wall work to be retained to Level 02 | 50. Existing floor slab to be retained to Level 02 |
| 27. Existing wall work to be retained to Level 02 | 51. Existing floor slab to be retained to Level 02 |
| 28. Existing wall work to be retained to Level 02 | 52. Existing floor slab to be retained to Level 02 |
| 29. Existing wall work to be retained to Level 02 | 53. Existing floor slab to be retained to Level 02 |
| 30. Existing wall work to be retained to Level 02 | 54. Existing floor slab to be retained to Level 02 |



1 GA Elevation, Elevation 02

DRAFT DECISION LETTER FOR PLANNING PERMISSION

Address: 7 Burlington Gardens, London, W1S 3QG

Proposal: Partial change of use to facilitate the use of the buildings as a 'retail gallery' and restaurant(s) with ancillary wine and champagne and caviar bar (Class E); replacement roof structure at 7 Burlington Gardens; minor extension to the rear of 2 Old Burlington Street; installation of plant and new external roof terrace and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings.

Reference: 22/02155/FULL

Plan Nos: Demolition Plans
A-011-B1-04-PL REV 01, A-011-00-04-PL REV 01, A-011-01-04-PL REV 01, A-011-01M-04-PL REV 01, A-011-02-04-PL REV 01, A-011-03-04-PL REV 01, A-011-RF-04-PL REV 01

Proposed Plans

A-031-B1-01-PL REV 01, A-031-00-01-PL REV 01, A-031-01-01-PL REV 01, A-031-01M-01-PL REV 01, A-031-02-01-PL REV 01, A-031-03-01-PL REV 01, A-031-RF-01-PL REV 01, A-053-X-02-PL REV 01, A-053-X-01-PL REV 01, A-053-X-03-PL REV 01, A-053-X-04-PL REV 01, A-053-X-10-PL REV 01, A-053-X-11-PL REV 01, A-053-X-12-PL REV 01, A-053-X-13-PL REV 01, A-064-X-01-PL REV 01, A-064-X-02-PL REV 01, A-064-X-03-PL REV 01, A-064-X-04-PL REV 01, A-331-X-01-PL REV 01, A-SK-0650 REV 01, Y-RP-000-X-06-PL REV P01, Y-RP-000-X-05-PL REV 04, Y-RP-000-X-03-PL REV P04, ME-RP-000-X-02-PL REV P04, ME-RP-000-X-03-PL REV P05, YE-RP-000-X-00-PL REV P03, Ecological Assessment dated March 2022, Kitchen Planning Report dated 11 March 2022 V1, Outline operational waste management strategy dated March 2022, E-RP-660-X-0-PL REV P06, Y-RP-000-X-07-PL Planning Addendum, Payment in Lieu – Justification Statement

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

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

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 Mayfair 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 full details of the following parts of the development:

- i) The new roof above the main eighteenth century house, including the glazed central section, the rebuilt chimney stack and all interfaces with retained fabric;
- ii) Modifications to existing windows, any new windows or external doors;
- iii) The new lantern to the rear infill of no.2 Old Burlington Street;
- iv) Rooftop access and maintenance interventions including any walkways, platforms or railings;
- v) All new plant screens and their finishes;
- vi) External lighting;
- vii) External CCTV cameras;
- viii) ventilation and other services terminations and routes at façade and roof.
- ix) Internal lighting at third floor level nearby the roof skylight at level 03

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

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 Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must apply to us for approval of full details of the following parts of the development - the landscaped terrace above the former banking hall including all elements fixed structure and modifications to existing fabric, including the raised deck, planters, fixed furniture, the dumbwaiter and alterations to the rooflights/funnels providing top-light to the former banking hall. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

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 Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

Reason:

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

- 7 (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)

- 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 There shall be no primary cooking in the basement kitchen. You must not cook raw or fresh food, reheat food or use cooking equipment used for hot food products within the basement floor level kitchen.

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R05DD)

- 10 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) 7 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

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)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number A-SK-0650 Revision 01 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the property. (C14FC)

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)

- 12 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)

- 13 Prior to occupation, a robust Servicing Management Plan is required to be submitted to and approved by the City Council to identify process, internal storage locations, scheduling of deliveries and staffing.

You must then follow/maintain the requirements as set out in the plan for life of development, unless a revised strategy is approved (in writing) by the Local Planning Authority.

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)

- 14 The retail gallery must only be open to visiting members of the public between the following hours:
- 09:00 - 23:00 (Sunday to Wednesday) and,
 - 09:00 - 00:30 (Thursday to Saturday).

Outside of these hours, visiting members of the public are not permitted to be in the retail gallery.

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)

- 15 The external terrace on L02 will be open to visiting members of the public between the following hours:
- 08:00 - 22:00 (Monday to Saturday) and,
 - 09:00 - 22:00 (Sunday).

Outside of these hours visiting members of the public are not permitted to be on the external terrace and any external lighting must also be switched off.

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)

- 16 You must not allow more than 64 customers onto the external terrace on L02 at any one 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)

- 17 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 18 You must not play live or recorded music on the external terrace on L02.

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)

- 19 Prior to occupation of the external terrace on L02, an Operational Management Plan is required to be submitted to and approved by the City Council to identify how the day-to-day management of the roof terrace will be carried out.

You must then follow/maintain the requirements as set out in the plan for life of development, unless a revised Management Plan is approved (in writing) by the Local Planning Authority.

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)

- 20 You must not use the building for;
- (i) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
 - (ii) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner);
 - (iii) Creche, day nursery or day centre (not including a residential use)
 - (iv) Uses which can be carried out in a residential area without detriment to its amenity:
 - Offices to carry out any operation or administrative functions (except where the use is ancillary to the primary permitted use of the premises);
 - Research and development of products or processes;
 - Industrial processes.

Reason:

The application does not include a transport statement and for this reason we cannot agree to unrestricted use as a creche, day nursery or day centre. This is to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 28 of the City Plan 2019 - 2040.

- 21 The publicly accessible internal floorspace used directly for provision of restaurant, wine bar and champagne and caviar bar purposes within the building should not exceed a cumulative total of more 650 sqm (GIA).

Reason:

We cannot grant planning permission for unrestricted Class E use because it would harm the character and function of the Mayfair and harm the amenity of neighbouring occupiers. This would not meet Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05IA)

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 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 3 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following;
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.

 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

 - * Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

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

- 4 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 5 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:,* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;,* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;,* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;,* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 6 Conditions 7 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 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.
- 8 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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

DRAFT DECISION LETTER FOR LISTED BUILDING CONSENT

Address: 7 Burlington Gardens, London, W1S 3QG

Proposal: Replacement roof structure at 7 Burlington Gardens; minor extension to the rear of 2 Old Burlington Street; new external roof terrace and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings.

Reference: 22/02174/LBC

Plan Nos: Demolition Plans,
A-011-B1-04-PL REV 01, A-011-00-04-PL REV 01, A-011-01-04-PL REV 01, A-011-01M-04-PL REV 01, A-011-02-04-PL REV 01, A-011-03-04-PL REV 01, A-011-RF-04-PL REV 01

Proposed Plans,
A-031-B1-01-PL REV 01, A-031-00-01-PL REV 01, A-031-01-01-PL REV 01, A-031-01M-01-PL REV 01, A-031-02-01-PL REV 01, A-031-03-01-PL REV 01, A-031-RF-01-PL REV 01, A-053-X-02-PL REV 01, A-053-X-01-PL REV 01, A-053-X-03-PL REV 01, A-053-X-04-PL REV 01, A-053-X-10-PL REV 01, A-053-X-11-PL REV 01, A-053-X-12-PL REV 01, A-053-X-13-PL REV 01, A-064-X-01-PL REV 01, A-064-X-02-PL REV 01, A-064-X-03-PL REV 01, A-064-X-04-PL REV 01, A-331-X-01-PL REV 01, Y-RP-000-X-07-PL Planning Addendum

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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 Mayfair 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 full details of the following parts of the development:
- i) The new roof above the main eighteenth century house, including the glazed central section, the rebuilt chimney stack and all interfaces with retained fabric;
 - ii) Modifications to existing windows, any new windows or doors;
 - iii) The new lantern to the rear infill of no.2 Old Burlington Street;
 - iv) The interior treatment of the new roof space above the main eighteenth century house including the glazed toplight above the Leoni staircase;
 - v) The new feature lift through the main eighteenth century former house;
 - vi) Modifications or restoration works to existing stairs;
 - vii) The new mezzanine fixings, finishes and shadow gap detail to the floor and the new partitions associated with the new mezzanine at ground and first floor;
 - viii) strategy and methodologies for any proposed restoration works to facades;
 - xix) Works to existing interiors: ceilings, cornices, plasterwork, joinery and fireplaces;
 - x) Interior fit-out and finishes to interiors at lower ground, ground and first floors, including fixed joinery;
 - xi) Services routes, associated modifications and their appearance;
 - xii) Fire strategy installations;
 - xiii) Rooftop access and maintenance interventions including any walkways, platforms or railings;
 - xiv) All new plant screens and their finishes;
 - xv) Internal and external lighting;
 - xvi) Secondary glazing;
 - xvii) CCTV cameras
 - xviii) ventilation and other services terminations and routes at façade and roof.

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

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 Mayfair 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 full details of the following parts of the development - the landscaped terrace above the former banking hall including all elements fixed structure and modifications to existing fabric, including the raised deck, planters, fixed furniture, the dumbwaiter and alterations to the rooflights/funnels providing top-light to the former banking hall. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

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 Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must apply to us for approval of full details of the following parts of the development - the means by which retained historic fabric is protected during construction works, notably details of full protection measures to the retained staircases, especially the Leoni staircase; to fireplaces; and to retained bank features. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

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)

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

Reason:

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

- 7 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 Mayfair 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. (I59AA)

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	7 Northumberland Street, London, WC2N 5DA		
Proposal	Partial demolition and rebuilding of the front and rear facades, demolition and rebuilding of the third floor level, erection of a part single, part two storey upward extension, rear extensions at ground and first floor level and part rear extensions from second to fifth floors to provide additional office (E(g)) floorspace, plant with enclosure at roof level, roof terrace at 5th floor level, new lift core, internal alterations and new street elevation lightwell.		
Agent	Saffron Frost		
On behalf of	Iris London Growth Two Ltd		
Registered Number	22/07843/FULL	Date amended/ completed	17 November 2022
Date Application Received	17 November 2022		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		
Neighbourhood Plan			

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. Cost of any highway works associated with the development. ii. The cost of monitoring this agreement. <p>If the S106 legal agreement has not been completed within 3 months from the date of the date Committee's resolution, then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning and Building Control shall consider whether 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

The application proposes the partial demolition of the office building to allow alteration to the front elevation, the extension building to the rear from ground to third floor level and the upward extension with a part 2 and part 1 roof extension with plant on top. The proposed scheme also involves a terrace at fifth floor level and a new street elevation lightwell.

In September 2022 a previous application for partial demolition and erection of part 2 part 3 storey upward extension with plant enclosure on top, rear extensions, new rear fire escape, and amenity terrace on new 6th floor was withdrawn following officer's comments on the overall massing and appearance of plant area at roof level and local residents' objections on amenity grounds. This new application seeks to address the responses received with the following amendments: reduction of the upwards extensions by one storey, reorganisation of plant at rooftop level, omission of rear external staircase and reduction of amount of glazing to rear elevation.

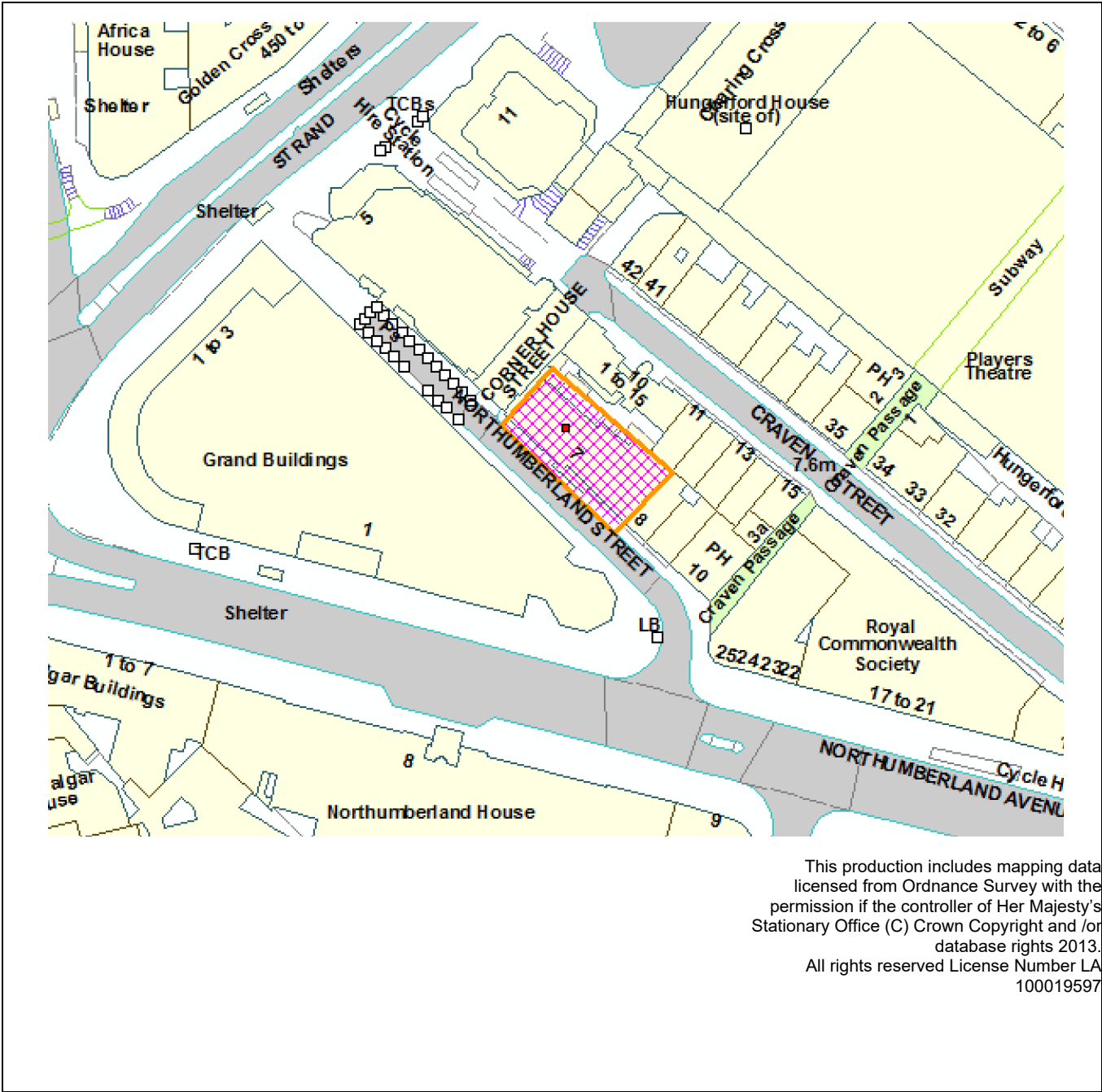
The key considerations in this case are:

- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Trafalgar Square Conservation Area.
- The impact on the amenity of neighbouring residential properties.

Numerous objections have been received from neighbouring residents primarily on the grounds of harm to residential amenity. For the reasons set out in the main report, it is considered that the neighbouring residential occupiers would not be unduly harmed.

The report explains that the proposed development would be consistent with relevant development plan policies in the Westminster's City Plan 2019-2040 (April 2021). As such, the proposals are considered acceptable in heritage, townscape, design, land use, amenity, environmental and highway terms and the applications are recommended for approval subject to a legal agreement relating to the planning application and conditions as set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Front elevation



Rear elevation



Rear elevation



Rear elevation

5. CONSULTATIONS

5.1 Application Consultations

WESTMINSTER SOCIETY:

No objection.

ARBORICULTURAL SECTION:

Recommends condition to secure details of soil volumes and planting.

ENVIRONMENTAL HEALTH:

No objection subject to recommended conditions.

HIGHWAYS PLANNING:

The main issues are with short stay cycle parking and servicing. A solution might be to over-provide the number of long-stay cycle parking spaces. Policy requires off-street servicing; there are issues with providing off-street servicing but also with on-street servicing. A compromise might be to allow to continue the service from the street but rather just replacing the existing crossover with footway to replace it with loading pad. A legal agreement is required to return crossover to footway and a condition is required that goods should not be left on the footway.

WASTE PROJECT OFFICER:

Objection – further details required.

Following reception of additional information – no objection subject to recommended condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 45

Total No. of replies: 6

No. of objections: 6

No. in support: 0

6 letters of objection on the following grounds:

*Design

- need for 2 new floors to achieve a more sustainable facelift of the building is not understood
- taller than surrounding buildings (with the exception of 5 Strand)
- impacts on views - proposal contradicts the conservation policy to protect "locally identified views (which) may be of particular landmarks or listed buildings or of distinctive groupings of buildings and historic skylines".

*Amenity

- reduction in daylight and sunlight upon neighbouring residential windows and outdoor area
- sense of enclosure, extended building will appear overbearing and oppressive
- overlooking and reduced privacy
- potential for noise nuisance from the roof-terrace, its use must be controlled

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- light pollution

*Other matters

- a traffic management system is to be put in place for all development phases to ensure that the Northumberland Street and Craven Street are never blocked
- work times must be restricted and all noise and dust pollutions monitored and restricted
- risks associated with the passage of heavy vehicles
- all Section 106 agreements must focus upon the needs of residents, details of the proposed S106's should be available prior to Committee
- devaluation of flats.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) were mainly carried out in relation to a previous application submitted in May 2022 for the partial demolition and rebuilding of the front and rear façades, demolition and rebuilding of the third floor level, erection of part 2 part 3 storey upward extension, rear extensions at ground and first floor to provide additional office floorspace, plant with enclosure at roof level, amenity terrace on new 6th floor, new lift core, new rear fire escape stairwell, internal alterations, new street elevation lightwell and associated planting (RN: 22/02965/FULL).

The engagement activities included a digital consultation website which has been live since February 2022, a series of virtual and in-person presentations to ward members from Westminster City Council, key local stakeholders (Westminster Society, Northbank BID and Royal Institute of Naval Architects) and local residents and businesses, one in-person exhibition, one site visit to 10 Craven Street and one webinar.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were the loss of daylight and sunlight, overlooking, noise from terrace, servicing, installation of green roof and materials to be used.

This application was withdrawn in September 2022 following objections from local residents primarily on the grounds of loss of daylight and sunlight, sense of enclosure, loss of privacy and noise and officers' comments regarding harm to the townscape due to the prominent appearance of the plant at roof level and the significant impacts on sense of enclosure and daylight and sunlight losses for the residents at 10 Craven Street due to overall massing.

In response a new application has been submitted which seeks to address the residents' objections and officers' comments.

The engagement activities in relation to the current application included the distribution of a brochure to 306 local residents and businesses previously consulted and an update of the

consultation website which is still live.

The comments received on the revised scheme focused on the position of relocated plant, staircase arrangements and net office space figure.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- reduction by one storey of the scheme;
- removing part and reorganising the plant and machinery at rooftop level;
- removal of the rear staircase; and
- reduction of amount of glazing to rear elevation.

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 comprises a four-storey plus basement unlisted building which is located within the Central Activities Zone, the West End Retail and Leisure Special Policy Area, the West End

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Strategic Cultural Area and the Trafalgar Square Conservation Area. The building is in office use and has been vacant since May 2021

Northumberland Street is a quiet one-way street which is partly pedestrianized connecting busy roads Strand and Northumberland Avenue.

The site directly adjoins 5 Strand to the north side, a former 9-storey building that has been partially demolished (up to the 3rd floor level) and will be redeveloped, planning permissions were granted for a 12-storey building with plant on top, to be used as a mix of retail, restaurant, office and residential floorspace in 2017 (RN: 16/10951/FULL) and to be used as a hotel with restaurant in 2020 (RN: 19/04162/FULL). To the south there are two office buildings and a public house. To the rear the building directly faces the rear elevation of the residential buildings at 10 and 11 Craven Street. On the opposite side of Northumberland Street there is an 8-storey office building (with retail and restaurant units facing Strand and Northumberland Avenue).

7.2 Recent Relevant History

A planning application for partial demolition and rebuilding of the front and rear façades, demolition and rebuilding of the third floor level, erection of part 2 part 3 storey upward extension, rear extensions at ground and first floor to provide additional E(g)(i) floorspace, plant with enclosure at roof level, amenity terrace on new 6th floor, new lift core, new rear fire escape stairwell, internal alterations, new street elevation lightwell and associated planting. (RN: 22/02965/FULL) was withdrawn in September 2022.

On 24 April 2013 planning permission was granted for alterations to the front ground floor facade to No. 7 comprising of the removal of the secondary entrance from No. 8 Northumberland Street and conversion to form a new bin store for No. 7. [Site includes 7 Northumberland Street] (RN: 13/01548/FULL).

On 22 January 2008 planning permission was granted for external alterations to front elevation to remove existing roller shutter, installation of a canopy and a new entrance door (RN: 08/08117/FULL).

On 08 October 1991 planning permission was granted for alterations in connection with the use of the existing ground floor covered car parking area to form meeting room storage, ancillary accommodation and smaller carparking area to Nos 3 to 7 (RN: 91/03699/FULL).

8. THE PROPOSAL

As shown in the relevant history and public engagement sections of this report, the application is a revision of a scheme previously withdrawn (RN: 22/02965/FULL). The amended scheme seeks to address the local residents' objections on the grounds of loss of privacy and overlooking, overbearing appearance of the building and impacts in terms of daylight and sunlight and the officers' comments regarding the harm to the townscape due to prominent appearance of the plant at roof level and the significant impacts in terms of sense of enclosure and losses of daylight and sunlight for the residents at 10 Craven Street due to the overall massing of the proposal (additional storeys with plant on top, extra depth of the

building to the rear and fire escape). The main changes are as follows:

- reduction by one-storey the upwards extensions;
- relocation of part of rooftop equipment and plant to reduce bulk at roof level;
- omission of rear fire escape staircase; and
- reduction of amount of glazing to rear elevation.

The proposal seeks to provide additional office floorspace within a more energy efficient building. The scheme involves the partial demolition of the building (front elevation windows and part cladding, third floor level, rear elevation, internal walls and part of the floorplates) to alter the front façade, to infill the rear lightwell at ground and first floor levels, to extend the building to the rear from second to fifth floor levels and to extend upwards with a part-one and part-two storey extensions with plant and associated enclosure on top and a terrace at fifth floor level. The proposal also involves the removal of shutter door at ground floor level and the creation of an enlarged lightwell to the front of the building.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office use (E(g) use class)	1495.8	2054.6	558.8
Total	1495.8	2054.6	558.8

9. DETAILED CONSIDERATIONS

9.1 Land Use

The site is located within the Central Activities Zone as designated by the City Plan 2019-2040. The existing building is lawfully in office use. The scheme will provide 558.8sqm of additional office floorspace, which corresponds to a 37% increase.

The premises have been vacant since May 2021. The building is in need of intensive refurbishment to meet current standards (replacement of heating and cooling systems, replacement of boilers with air source heat pumps, replacement of all single glazed windows, upgrading power and data systems, create level access to the building and improving accessibility throughout the building, upgrade fire protection and provide additional facilities for office users) and that hinders the current use of the building as office.

Policy 1 of Westminster's City Plan 2019-2040 (April 2021) outlines in part A that Westminster will continue to grow, thrive and inspire as a World City by: 3) supporting the growth, modernisation and adaptation of a variety of business space including commercial growth. Part B of the policy also states that growth will primarily be delivered through the: 1. intensification of the CAZ.

Policy 2 requires that developments within the West End Retail and Leisure Special Policy Area (WERLSPA) deliver a number of priorities including, significant jobs growth through a range commercial-led development including retail, leisure, offices and hotel use.

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Policy 13 of the City Plan (2019-2040) supports improved and additional office floorspace within the Central Activities Zone.

Therefore, the principle of increased and upgraded office floorspace at this location is considered to be in line with the Council's policies.

The use of the building falls within the E use class. Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service.

The documentation submitted with the application relates to use of the whole building for office purposes and therefore the City Council's assessment of the application, against relevant City Plan 2019-2040 policies, relates to the building's use in office floorspace rather than other permitted uses within Class E.

In the absence of information on operational details of other Class E uses it is recommended that the use of the building is restricted to office use only in order to ensure that the scheme complies with policies within the City Plan 2019-2040.

9.2 Environment & Sustainability

Sustainable design and energy performance

Policy 38(D) (Design Principles) of the City Plan seeks to ensure that development will enable the extended lifetime of buildings and spaces and that development will respond to the likely risks and consequences of climate change by incorporating principles of sustainable design.

Policy 36 (Energy) of the City Plan 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.

The aims of the scheme are the repurposing and refurbishment of the existing building to limit heat losses and gains through improvements to the building fabric to reduce heating demand and risk of overheating, introducing new energy efficient building services systems and the use of low carbon energy in the form air source heat pumps.

This is achieved through the upgrading of the existing building fabric and optimising the new extension and new façade design, the introduction of new energy efficient building systems and the introduction of low carbon energy technologies: Variable Refrigerant Flow (VRF) system, comprising reverse-cycled Air Source Heat Pumps (ASHPs), which will provide space heating and comfort cooling and separate ASHPs will provide hot water throughout the building.

A BREEAM pre-assessment has been submitted which shows a score of 70.62% with the potential of targeting credits to bring the score up to 79.31%. The lower threshold of EXCELLENT equates to a score of 70%. This is welcome in planning policy and will be secured by condition.

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The applicant has provided an Energy Statement with their application. This follows the principles of the Mayor of London's energy hierarchy. The development will achieve 73% reduction in regulated carbon dioxide savings for the refurbished areas and a 37% on-site reduction for the new build areas. This exceeds to the on-site carbon reduction target set by the London Plan Policy SI2 for major applications. As the application is not a major development the scheme does not have to achieve net zero in terms of Policy 36 (B).

Upon officers' recommendations, revised drawings have been submitted showing allocation of space and kit allowance for future connections with District Heat Network and this will be secured by condition.

Flood Risk & Sustainable Drainage

The proposed development is located in a Flood Zone 1 and within a surface water flood risk hotspot. The applicant has submitted a flood risk assessment and drainage strategy as part of the application in accordance with policy 35 (B) of the City Plan.

The proposed development includes the incorporation of surface water attenuation with a rainwater storage tank at lower ground floor, the introduction of threshold channels at the entrance of the development and devices to limiting the surface water to 2l/s for all storm events including 1 in 100 plus 40% climate change as per Defra, National Standards for Sustainable Drainage Systems. The documents show a total reduction of 48% of the overall flows from the proposed scheme discharging existing trunk sewer. Those measures are considered satisfactory and will be secured by condition.

Light Pollution

Concern about light pollution has been raised by neighbouring residents. The applicant explains internal lighting will be activated with sensors, so it will be limited outside typical office hours. In addition, the amount of clear glazing to the rear elevation has been reduced in comparison to the previously withdrawn scheme. On the external terrace only, low-level soft lighting will be installed and will not operate outside the agreed hours of terrace use (from 0800 to 2000).

It is not considered that the impact of the proposal will be significantly different from when the existing building was occupied. The building is office use, so it is considered reasonable to conclude that activity will ordinarily cease in the evening.

An informative will remind the applicant that the lighting should be designed so that it does not cause any nuisance for neighbours at night.

Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies. The amount demolition of the existing building has been justified in this instance as the new building envelope will allow for a

building of improved energy performance.

9.3 Biodiversity & Greening

The proposed scheme includes the introduction of greenery to the fourth-floor rear flat roofs and the fifth-floor roof terrace and two bird boxes. Limited details have been provided about the soil volumes and planting, but a landscape and ecological maintenance plan has been submitted in support of the application prescribing actions to ensure maintenance in perpetuity of those measures. Those features and additional details will be secured by condition to secure the benefits of the scheme in line with Policy 34 of the City Plan.

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.

Assessment

The proposals involve the partial demolition of the existing building, namely the front and rear facades and much of the third floor level, in order to facilitate the building’s upward extension by predominantly two storeys along with extending the building out to the rear at ground and first floor level. The facades are to be rebuilt, with necessary mechanical plant including louvred enclosure being provided at main roof level and integrated behind louvres into the building at fifth floor level, along with provision of a roof terrace. The street elevation will benefit from the addition of a new lightwell, proposed to the right-hand side of the main entrance.

Objections have been received on the grounds that the building will be taller than adjoining buildings and that it will impact on views.

Overall, the approach is commended in design terms. The retention of much of the structural form of the existing building has clear sustainability benefits and yet has also been handled in a way which provides a modern, contextual building which will both sit comfortably and enhance the street scene and this part of the Trafalgar Square Conservation Area. Both proposed front and rear elevations, with their stronger vertical assertion, exhibit a harmony of proportion and balance which is lacking in the existing horizontally-expressed building and these new elevations will be lifted even further by the design detailing and the intended quality of materials, which it is recommended are secured by condition. The proposed rear elevation particularly is appropriately restrained and contextual, utilising glazed brick alongside a balanced arrangement of modest architectural louvres and fenestration to produce a clearly subservient but pleasing elevation, a certain improvement in appearance when compared against the existing building.

In terms of the proposed upward extension, given the approved 12-storey building currently being implemented at 5 Strand, the additional height is considered acceptable in principle. The visual splitting of the building into two halves, joined by a recessed glazed middle part, allows for a more vertically articulated expression to the front elevation emphasising both the step in the existing plane of the front building line, as well as reflecting the proposed step in height between the two halves. The stepping down in height between these halves, from the taller north half to lower south half additionally assists in mediating the transition in height between 5 Strand and the adjoining unlisted buildings of merit at Nos. 8 and 9, the junction between which is appropriately mediated by a small recessed shadow gap in stone on the street elevation, complimenting a potentially rougher hewn stone cladding finish to the wider gap on the boundary junction with No. 5.

The design of the side elevation wall has also been carefully considered to avoid having an overbearing impact on Nos. 8 and 9 in views looking up Northumberland Street from the junction with Northumberland Avenue. The terrace and plant enclosure and railings at main roof level are all consolidated tidily and set back from the building edges in order not to impinge on the appearance of the roofscape in street views. The ground floor street elevation is considered particularly successful, the design having opened this up in terms of height as much as the retained structural frame would allow, in order to give a sense of gravity to the base of the proposed building – which is completely absent in the existing building. The intentional alternating use of and bronze/metal and slightly wider stone-clad columns to the ground floor street elevation further serves to emphasise this as the base of the building in material terms. A proposed bronze/metal canopy located at ground level would project from the middle glazed section and quietly serves in providing an enhanced street presence for the building entrance.

Given the site's location, the proposed upward extension of the building would not impede or affect any identified metropolitan or local views. Whilst objectors' concerns are noted, the loss of private level views in the conservation area, comprising views over and across the roof of the existing building to the streets and buildings beyond, is unfortunately unavoidable in development proposals such as this where upward extension is proposed and would not constitute a reason on which planning permission could justifiably be refused. In design terms, the assessment thereby turns to whether the proposed development would contribute to the appearance of this part of the city and preserve or enhance the conservation area. To

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this end, for the reasons outlined above, it is considered that the proposals do fully meet these requirements.

Subject to conditions to secure the necessary detailed design and material quality, in terms of its appearance the proposals are considered to result in a visually more interesting and attractive building when compared to the existing building and it is considered that the proposed development would thereby serve to enhance this part of the Trafalgar Square Conservation Area.

9.5 Residential Amenity

Following comments from local residents and officers on the previous scheme, the extension has been reduced by one storey and the rooftop enclosure has been reduced from 1.8m to 0.9m. An external staircase to the rear on top of the existing rear lightwell has also been removed from the scheme.

The most impacted properties are 10 and 11 Craven Street. The ground floor flats at 10 Craven Street are only 4.5m away from the rear boundary wall on the widest part of the courtyard, and some of the windows are only between 2 to 2.5m away from courtyard outbuildings. The upper floors windows are between 6.7m to 7.2m away from the application site rear elevation.

The application involves an upward extension, rising an additional 7.5m (to the top of the roof plant enclosure). The additional massing at fourth and fifth floor levels is partly set back by 1m and 1.2m on either side of the internal stair-core area with shared facilities. The fifth-floor level is set back by 3.5m from the south-east side edge boundary.

The proposal also involves a rear infill extension. The rear lightwell at ground and first floor levels will be infilled and this extension will project by approximately 1.5m above part of the existing rear boundary wall. Currently, approximately half of the rear elevation is set back from the main rear elevation. The new stair-core will infill part of this set back over 4m in the central part of the building.

Strong objections from local residents have been received on the grounds of impact on quality of life, in particular due loss of daylight and sunlight, sense of enclosure and overlooking/ loss of privacy. Some representations acknowledge that some of the concerns have been listened to but the improvements in comparison to the withdrawn planning application are limited.

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

The supporting text of Policy 7 in paragraph 7.1 states "as the city grows, detrimental impacts on existing users of the area must be avoided" and further details that "we will take a balanced approach that considers the specific location and context as well as the merits of each proposal including the wider benefits a scheme can deliver, against impacts on the surrounding area."

Daylight & Sunlight

The applicant has provided a daylight and sunlight report that identifies the nearest residential properties that could be affected by the proposal, namely the windows facing the development at 10, 11, 12, 14, 15, 37, 38, 39, 40, 41 and 42 Craven Street.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight – a Guide to Good Practice' (2022), whilst recognising that these Guidelines should be applied flexibly.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also recommends that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly, for example in an historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable. In special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing Supplementary Planning Guidance which states that 'guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.' It goes on to state that 'the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.'

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of PSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

The sunlight and daylight report shows that windows within 12, 14, 37, 38, 39, 40, 41 and 42 Craven Street will comply with BRE guidelines for daylight and sunlight.

Residential windows within 10, 11 and 15 Craven Street will experience losses in daylight and/or sunlight to kitchenettes and living/kitchen/dining rooms beyond BRE guidelines which are considered in turn below.

10 Craven Street

The rear elevation of this building is facing the rear of the application site, and it is occupied by 15 residential units. All the flats have a similar layout with bedroom and living room

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windows facing Craven Street and bathrooms and kitchenettes facing the rear of the site. The kitchenettes vary between 6 to 6.4sqm. A visit from an officer confirmed that given their size they cannot be considered as principal habitable spaces, and thus they have less importance in terms of the priority they should be given for protection of natural light. It is however noted that some flats (6, 7, 11 and 13) have removed the partitions to create large open plan living/dining/kitchen area that benefit from windows to the front and the rear of the building.

Windows serving Flats 2, 5, 8 and 11 are located under projecting balconies. The BRE guidelines states that care must be taken in applying the guidelines, if for example a building has a balcony or overhang above the window, then greater reduction in sunlight or daylight may be unavoidable. In these circumstances even a modest obstruction opposite may result in a large relative impact on daylight and sunlight received.

*Daylight

The assessment shows that out of 63 windows assessed at 10 Craven Street, 10 windows would not comply with VSC criteria set out in the BRE guidelines and out of 44 rooms assessed 9 would not comply with the NSL criteria.

At fourth floor level, windows serving Flats 13 and 14 would see respectively a loss of 20% and 29% in VSC value but would not experience loss beyond BRE guidelines for the NSL criteria. The retained VSC values of 17.63 and 11.47 are not unusual values in a dense urban environment.

Kitchenette windows serving Flats 1 and 3 at ground floor level, Flat 4 at first floor level, Flat 9 at second floor level, and Flats 10 and 12 at third floor level would experience VSC losses between 38% and 68% and NSL losses between 32% to 78%. Only between 1.5 and 1.8sqm of the existing floorspace in those kitchenettes receive direct light (with the exception of the one serving Flat 10 which has 3.1 sqm). Therefore, high percentage reductions can be explained by existing low values. Still, those losses have the potential to be more noticeable, however kitchenettes should be afforded a lesser protection than principal living areas. The kitchenette window serving Flat 8 at second floor level would see a loss of 100% of its NSL value, the window is located under a balcony so the existing floorspace that receive direct light is only 0.1sqm.

The other failing windows serve Flat 6 at first floor level, Flat 7 at second floor level and Flat 11 at third floor level, they all serve large open plan living/dining/kitchen areas. Flat 11 window will experience a loss of 100% of its VSC value because it is located under a balcony and its current VSC value is only 0.21%. Windows serving Flats 6 and 7 will respectively experience loss of 62% and 54% of their VSC value and 29% and 28% of their NSL value. Those rooms are dual facing as they are also served by two other windows facing Craven Street which would remain unaffected by the proposed scheme.

*Sunlight

The kitchenettes serving Flat 12 on the 3rd floor level and Flat 14 on the 4th floor will experience a reduction of APSH beyond BRE guidelines, however they would retain a good level of sunlight (2 and 4% Winter APSH and 22 and 27% Annual APSH compared to the recommended 5% and 25%).

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APSH losses to the ground, first and second floors to Flats 1, 3, 4, 6 and 7 would be particularly noticeable. Rear rooms in Flats 3, 6, 7 and 9 will lose all winter sunlight. Given the proximity between 10 Craven Street and the application site any form of development at 7 Northumberland Street would inevitably have a great impact on 10 Craven Street rooms.

The windows affected are either kitchenettes, which the BRE Guide notes are less important in terms of access to sunlight, or large open plan living/dining/kitchen areas that benefit from other windows that are not impacted by the scheme.

Objectors pointed out the lack of assessment to the rear courtyard at 10 Craven Street. During site visits the officer noted the presence of a table and two chairs, confirming that the rear courtyard is used as an amenity space by residents. Overshadowing can negatively impact on the use of private open space and it is regrettable that no assessment for the space has been provided. However, it is reasonable to conclude that the level of daylight and sunlight is already quite limited and it is not considered that proposal will worsen significantly the existing situation.

11 Craven Street

The building layout at 11 Craven Street is not known but the property is in use as a single-dwellinghouse which benefits from dual aspects. Out of 14 windows assessed, 2 would see a reduction of 21 and 29% of their current VSC value but all rooms will experience no change in NSL.

In relation to sunlight, a total of 4 out of 16 rooms within the property will experience transgressions in ASPH values with losses ranging between 23% and 35% for the annual sunlight, the rooms will not experience loss with the regards to the absolute winter values.

Overall, it is considered that the impact on daylight levels to this property as a result of the proposed development will be within acceptable tolerances.

15 Craven Street

This building is also a single-dwelling house that benefits from dual aspects. The assessment shows that none of the windows would see a reduction of VSC that would not comply with BRE guidelines. Out of 4 rooms assessed one first floor room would fail the NSL criteria, with a loss of 27% which is slightly above the recommended guidelines. In relation to sunlight, all windows assessed will experience fully BRE compliant alterations in APSH.

Conclusion

In conclusion, it is unfortunate that some rooms will experience significant losses of daylight and sunlight as a result of the proposed development. However, the site is located within densely developed urban location and therefore any form of development on the application site would impact on windows in the residential building to the rear. As noted above, 11 and 15 Craven Street are single-dwelling house benefiting from dual aspects and the residential flats at 10 Craven Street has been laid out so the principal living rooms face Craven Street and kitchenettes and bathrooms are facing the rear of the site. Overall, whilst the proposed

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scheme will harm some rooms at 10 Craven Street, the impact is not considered so severe as to justify a refusal. In addition, on balance the application will support economic growth by providing additional office floorspace in a more energy efficient building.

Sense of Enclosure

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment. Policy 7 aims to prevent unacceptable impacts in terms of sense of enclosure.

The additional bulk to the centre of the building from the second-floor level, allows the maximum retention of the existing core, the accommodation of the electrical services, ducts and pipeworks, the omission of the external staircase previously proposed and the reduction of rooftop plant equipment by creating more internal risers. This infilling will be located only in front of bathroom and communal area windows that are located under balconies and have therefore a limited outlook.

Given the existing views from the rear windows ground, first and second floor levels at 10 Craven Street and all rear windows at 11 Craven Street are already significantly limited. It is not considered that the 1.5 rear extension at first floor level and the upwards extension would significantly worsen the outlook from those windows.

The third and fourth floor level windows at 10 Craven Street would be most impacted by the additional height and bulk and the impact on the outlook from those rear windows will be material. At those levels, the relationship between the buildings will be similar to the relationship with the lower floors. Although the impact to the outlook from the third and fourth flats kitchenettes and living/dining/kitchen rooms will be significant given the dense urban environment in this part of the City and the nature of the room affected the impact is considered minor adverse.

Privacy

Local residents raised a concern about the introduction of large windows on the rear elevation in close proximity, they would feel watched. Overlooking and loss of privacy are key elements in assessing acceptability of a scheme.

They are currently 17 windows on the first and second floor levels and 6 on the third-floor level, there is a mix of clear and opaque glazing.

In comparison to the withdrawn scheme the number of windows on each floors have been reduced from 16 to 10 windows on the second to fourth floor level and to 6 windows on the fifth floor level. The first floor will have 6 windows facing the rear of the site that would be partly behind the existing party wall. The windows serving the stairwell will all be frosted.

With regards to the rear windows at first, second and third floor levels, the overlooking issue is existing given the close proximity between the buildings and the number of openings. The new windows are 1.8m x 1.2m at first floor level and 1.5m x 1.2m in size on all other levels. In

comparison on the existing rear elevation the first-floor windows are 2.1m x 1.3m in size, at second floor levels 1.8mx 1.3m and at third floor levels 1.3m x 1.7m or 1.3 x 1.2m.

Originally the overlooking mitigation measures were limited to planting in front of the rear fourth-floor windows. Officers considered given the amount of works opportunity should be taken to incorporate measures that would ensure adequate levels of privacy and improve the existing overlooking situation. Revised drawings have been provided showing restriction of opening to 100mm to all windows and the installation of a privacy film up to 1.7 from finished floor level to the first to fourth floor levels windows. Those measures will be secured by condition and a sample will be requested to ensure that the privacy film is an integral part of the window.

To the rear of the fifth-floor terrace it is proposed a privacy screen adjoining a planting area. Subject to condition requiring the installation of this screen prior to occupation and its retention, it is not considered that the proposed terrace would any undue additional loss of privacy.

Noise & Vibration

The application includes mechanical plant equipment at roof level. Environmental Health has no objection in terms of noise and vibration subject to the standard noise conditions.

Objections have been received with regards to potential noise disturbance from the terrace. There is no formal requirement for the submission of acoustic report for office roof terraces, and in this case the terrace at fifth floor is relatively limited in size measuring approximately 42sqm. Whilst officers accept that additional noise is likely to be created by the use of the terrace, it is unlikely that the noise levels associated with this proposal would be so significant as to justify refusal. Subject to conditions limiting the hours of the use of the terrace (from 0800 to 2000), preventing amplified music and securing planting and screening to terrace boundaries, it is not considered that their use would materially reduce residential amenity.

9.6 Transportation, Accessibility & Servicing

The Highways Planning Manager has been consulted and raised concerns about cycle parking provision and servicing.

Cycle parking

Long term cycle parking will support active and sustainable travel options for staff. It must be secure, accessible and weather proof. Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1 space per 75 m2 of office use.

The Highways Planning Manager commented that the provision of 31 cycle parking spaces meet the requirements of the extended building but there are currently 35 spaces, so the proposal would cause a reduction of cycle parking provision. In addition, no short-stay cycle parking is proposed

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Upon officers' comments, a revised basement plan has been submitted to show the increasing of the number of cycle parks from 31 to 36. That over-provision of long-stay spaces overcomes the lack of short-stay parking for cyclists on site. The provision will be secured by condition.

Servicing

Policy 29 of the City plan requires off-street servicing, however the proposal relies on on-street servicing as per the existing building operation.

The building has an existing vehicular access at ground floor level served by a crossover. A review of the planning history shows that this space was originally used as a car park, in 1991 planning permission was granted to use that space for meeting room storage, ancillary accommodation and smaller carparking for 3 to 7 Northumberland Street. The Highways Planning Manager queried the use of that space for off-street servicing provision.

The agent explained that the space behind the shutter door was used for a single car-parking space and there is not enough space to accommodate for delivery or servicing. The proposal includes the removal of this shutter door to provide additional office floorspace. When the building was last occupied all delivery and servicing occurred on the highway.

The issues preventing the provision of off-street servicing are understood by the Highways Planning Manager who also pointed out the issues with on-street servicing at this location. Vehicles stopped on-street forces other vehicles to have to use the footway to pass, the footway is likely to be damaged eventually. The Highways Planning Manager suggested as a compromise to allow the on-street service to continue but rather than just replacing the existing crossover with footway to replace it with a loading pad that could take the weight of the servicing vehicles. This has been agreed by the applicant.

A delivery and servicing management plan has been submitted in support of the application, this will be secured by condition and upon recommendation of the Highways Planning Manager an additional condition will reinforce that goods should not be left on the footway.

The Highways Planning Manager requested that the returning of the crossover to footway, the payment for the reinstatement of the footway with the inclusion of a loading pad will be secured by legal agreement as agreed by the applicant.

Waste

The proposed drawings show provision of adequate storage for the different streams of waste. This will be secured by condition.

The Waste project officer noted that how the waste servicing will not prevent bins or waste being left on the public highway before and after collection has not been fully addressed. Upon officer's comments a revised delivery and servicing plan has been submitted. This will be secured by condition.

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.

In addition, the proposal will put back into use a currently vacant building with improved energy and sustainability credentials when compared to the existing building. The new high-quality office space with new amenities in the form of terrace and improved cycle facilities will contribute to the Council's objectives of economic growth. The agent estimates that the occupancy can increase from 93 people to 124 people. The number of jobs supported by this site will increase, this will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

Access

The building has been designed to comply with the Building Regulations Part M providing step-free access to all parts of the office areas of the building, including fifth-floor terrace. The route to the new cycle store is step-free via wide corridors and wheelchair-accessible sanitary facilities are also provided.

Works disturbance

Local residents requested in their representation that works times are restricted, noise and pollution monitored and restricted, a traffic management is put in place and risks associated with the passage with heavy vehicle is assessed.

Policy 33 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice.

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. It is considered that through appropriate controls and careful management the impact from construction works can be lessened.

The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP), which will need to be approved by the City Council's Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

The applicant has confirmed their agreement to the CoCP condition.

A condition is also recommended to protect the amenity of the surrounding area by ensuring the core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on

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Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways' authority or by the local authority under the Control of Pollution Act 1974.

Those conditions are considered sufficient to address the local residents' concerns about nuisance during construction works.

Devaluation of property

The loss value to property is not a material planning consideration and therefore cannot be a sustainable reason to withhold permission.

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 draft 'Heads' of agreement are proposed to cover the following issues:

- i. costs of any highway works associated with the development; and
- ii. the cost of monitoring the agreement.

Representations from local residents mentioned that the S106 agreement focuses on the needs of residents. However, the scheme (other than highway works) does not trigger requirements for S106 payments or benefits.

The estimated CIL payment is £686,893.56 (£295,005 for the mayor of London CIL and £391,888.56 for the Council CIL).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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

10. Conclusion

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The proposed scheme will contribute to the support the growth, modernisation and adaptation of office-based jobs within this part of the Central Activities Zone and the West End Retail and Leisure Special Policy Area.

The concerns of the local residents about loss of daylight/sunlight, sense of enclosure, overlooking and loss of privacy, noise and disturbance are understood but it is considered that with appropriate safeguards through planning conditions, residential amenity can be protected and on balance the losses in terms of daylight and sunlight whilst unfortunate are not considered unacceptable in that densely developed urban location.

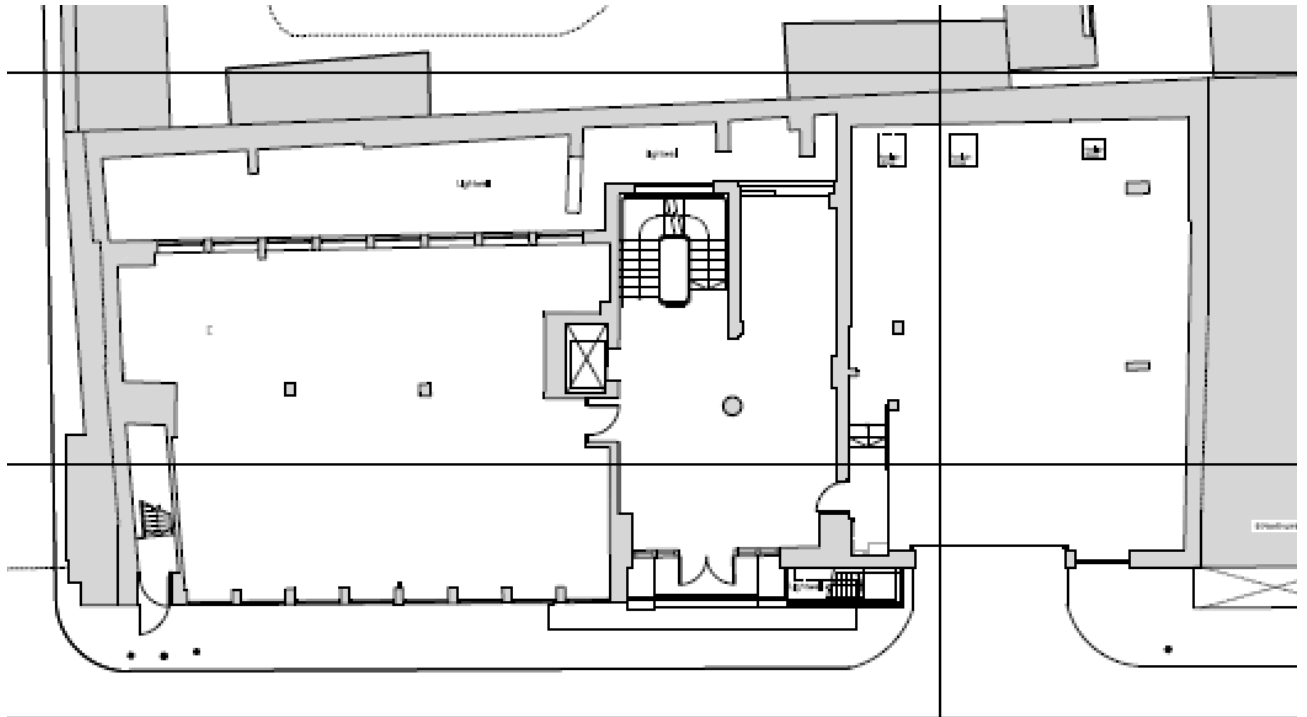
In addition, Section 9.2 of this report identifies the benefits of the scheme in terms of energy efficiency and design measures. Improving environmental performance and creating a durable building are key in contributing to the Council's strong objectives to limit the extent of future climate change.

Finally, the proposed development would contribute to the appearance of this part of the city and preserve or enhance the conservation area.

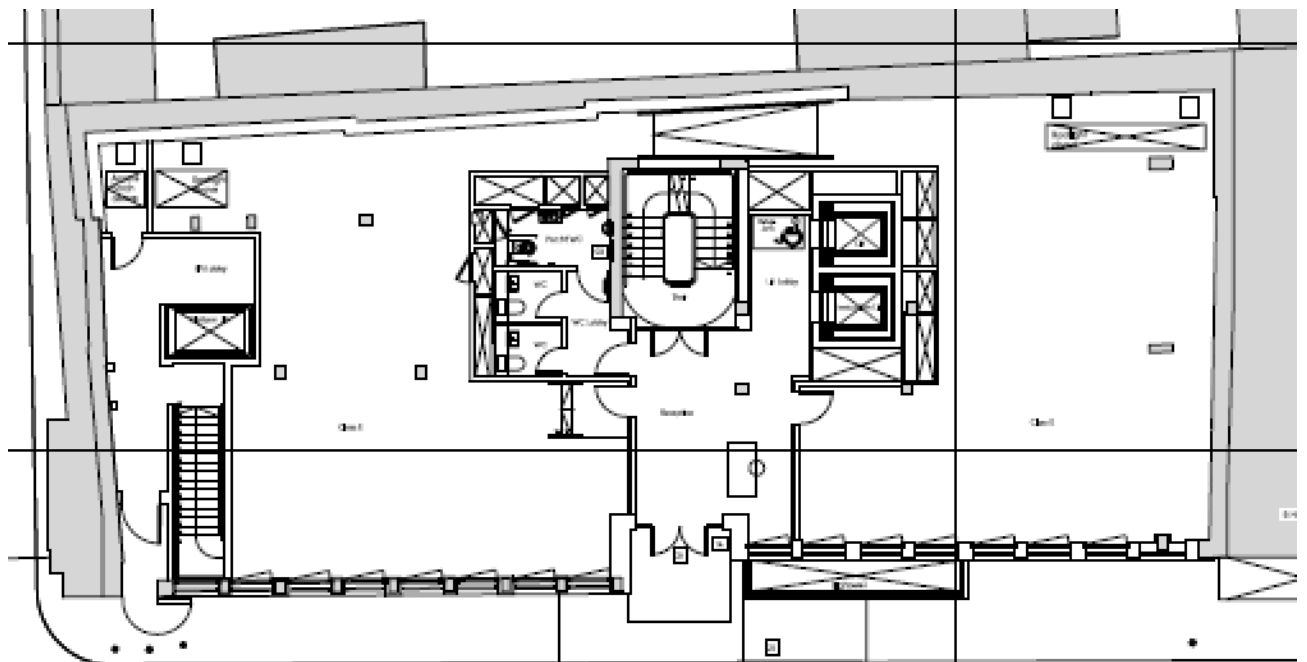
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AURORE MANCEAU BY EMAIL AT amanceau@westminster.gov.uk .
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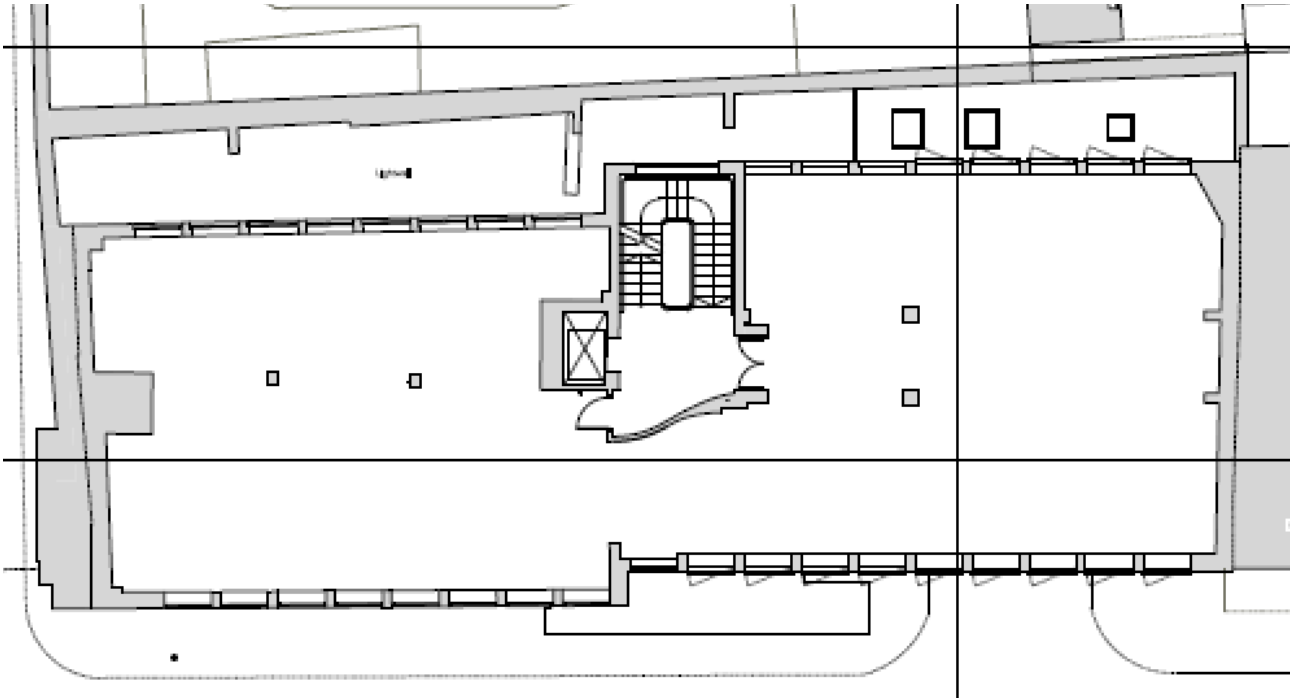
11. KEY DRAWINGS



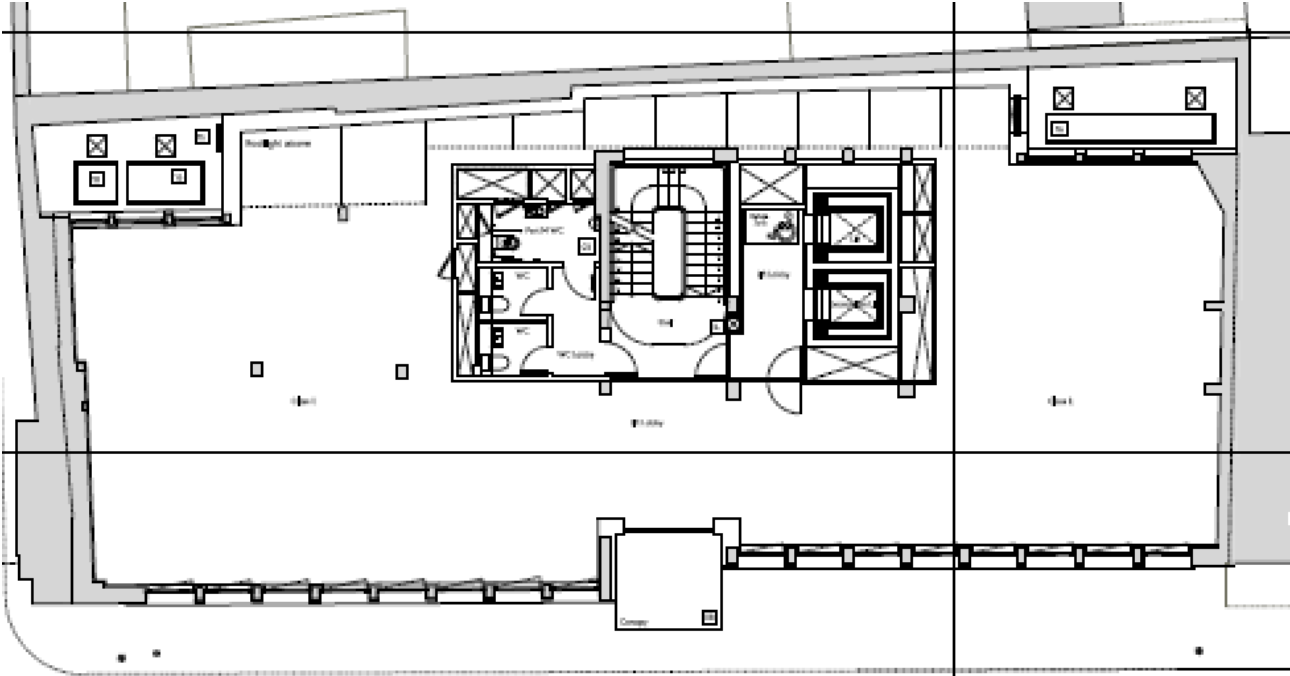
Existing ground floor plan



Proposed ground floor plan

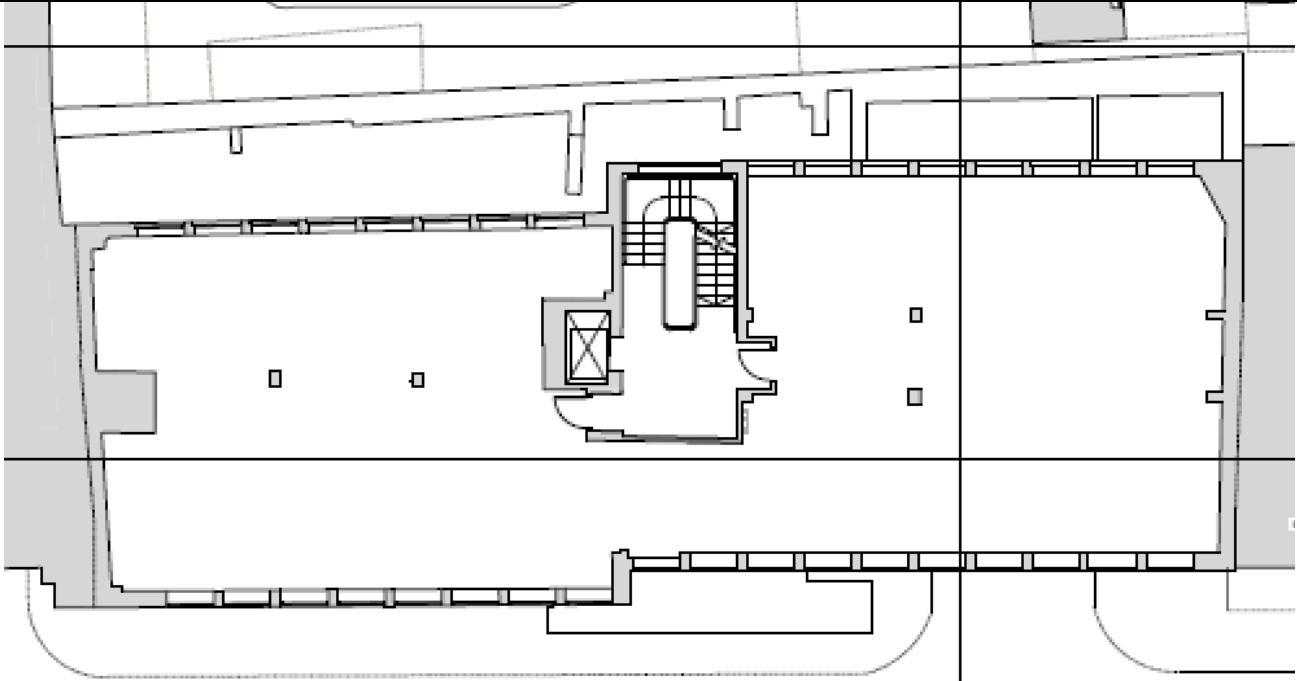


Existing first floor plan

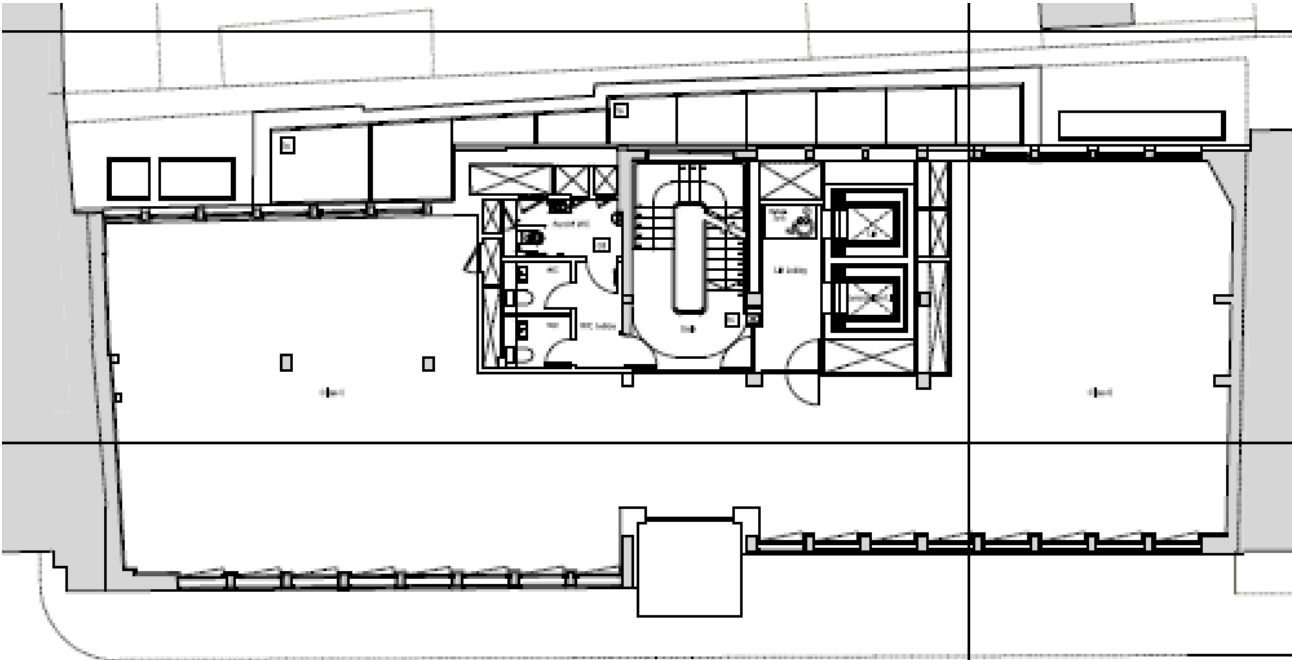


Proposed first floor plan

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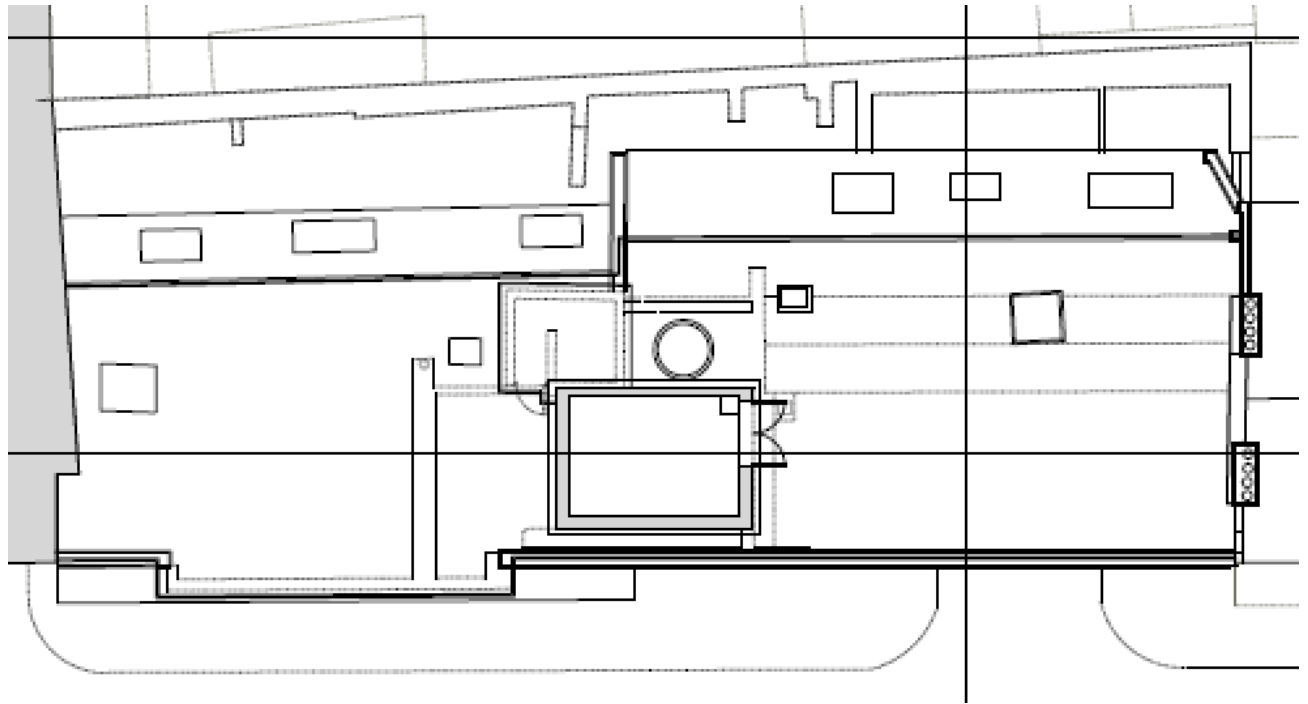


Existing second floor plan

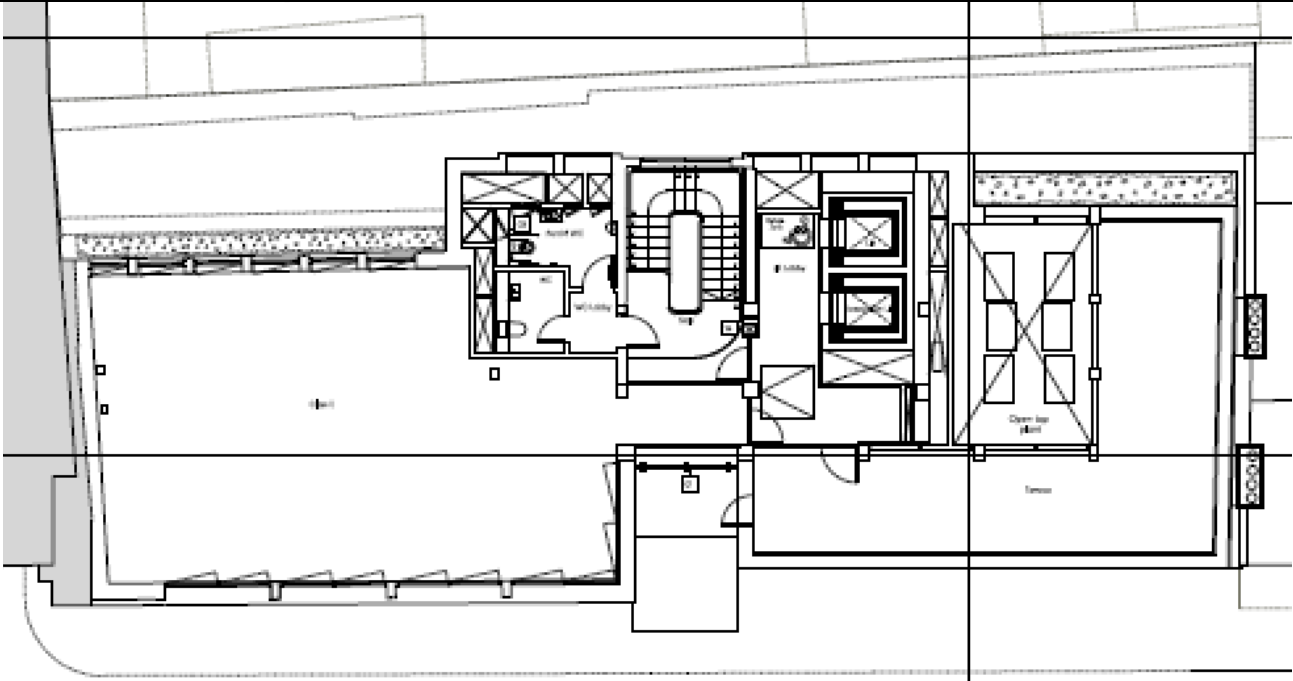


Proposed second floor plan

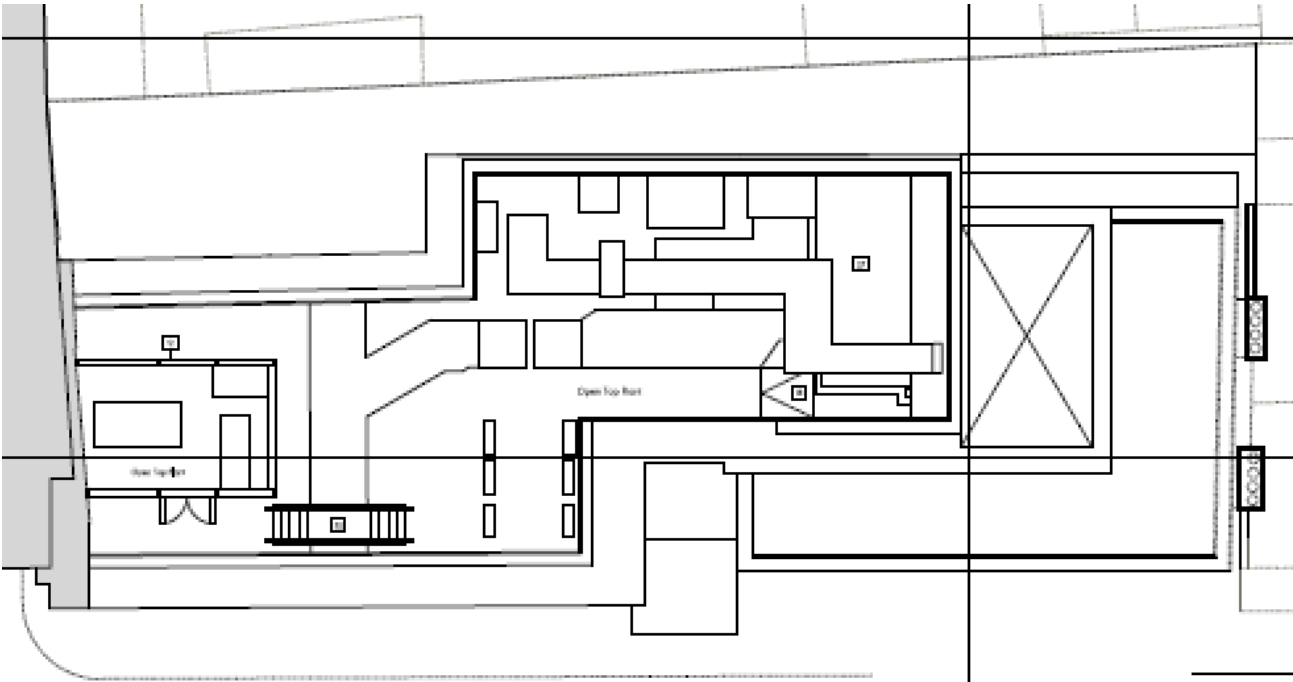
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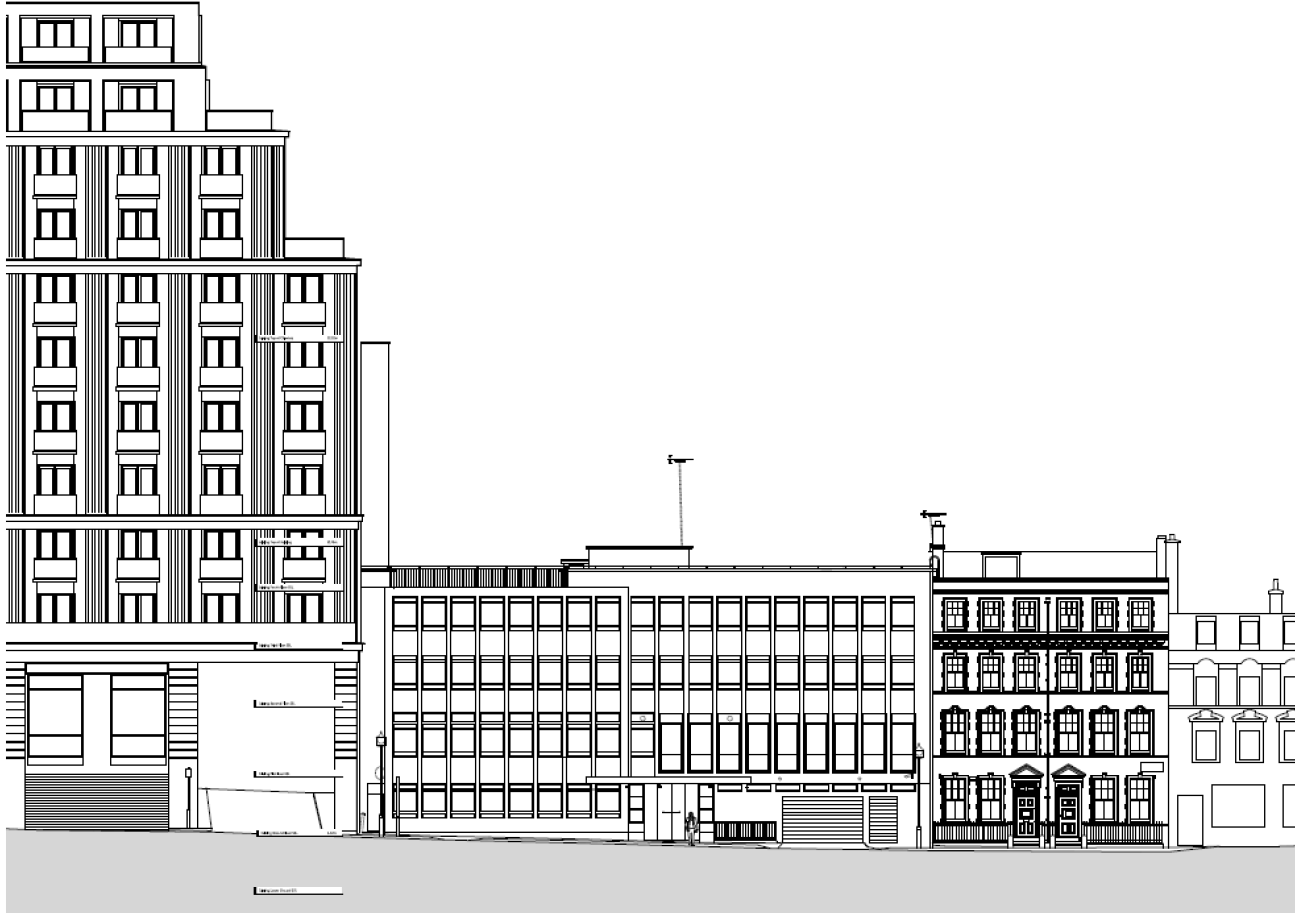
Existing roof plan



Proposed fifth floor plan



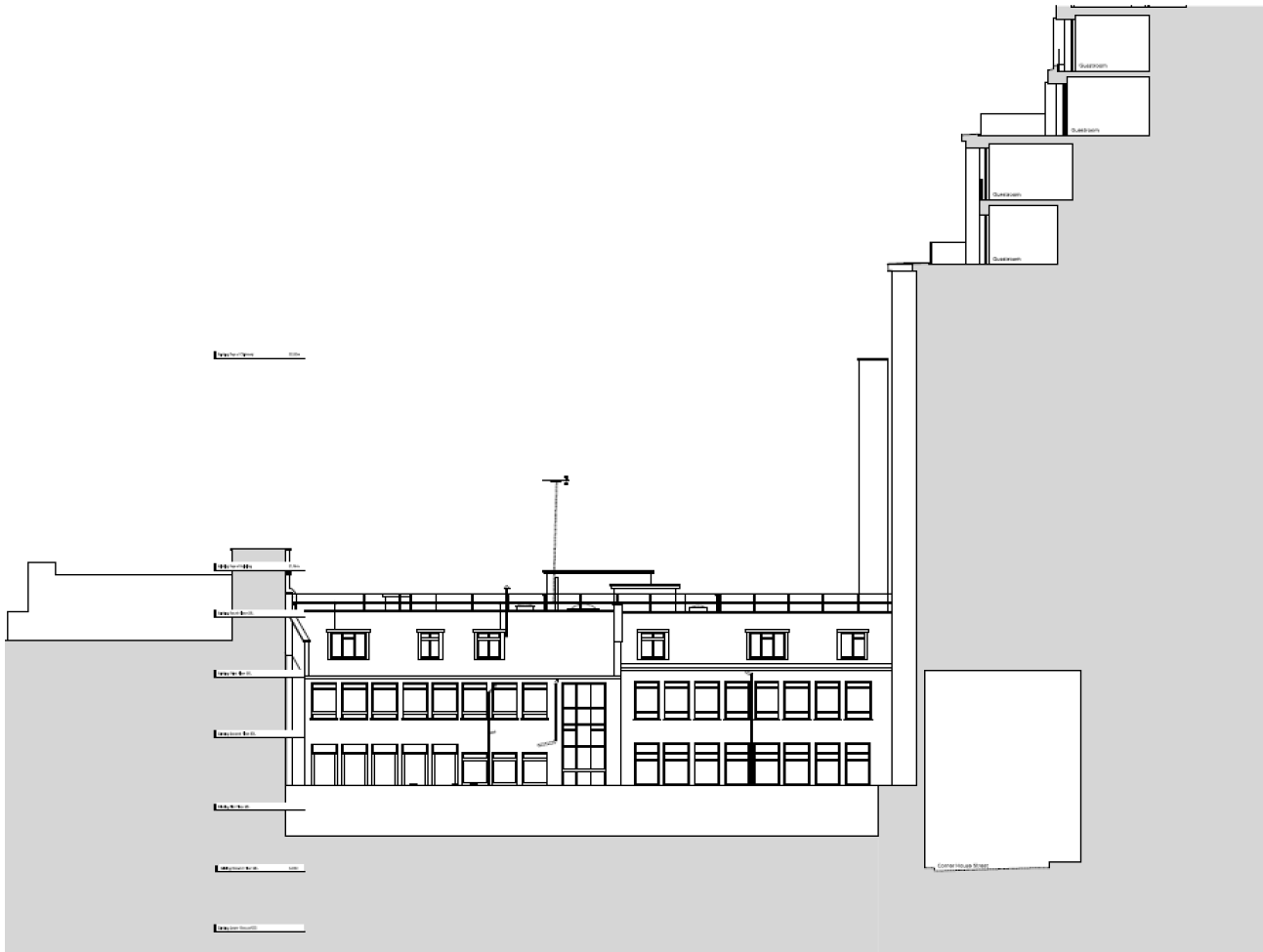
Proposed roof plan



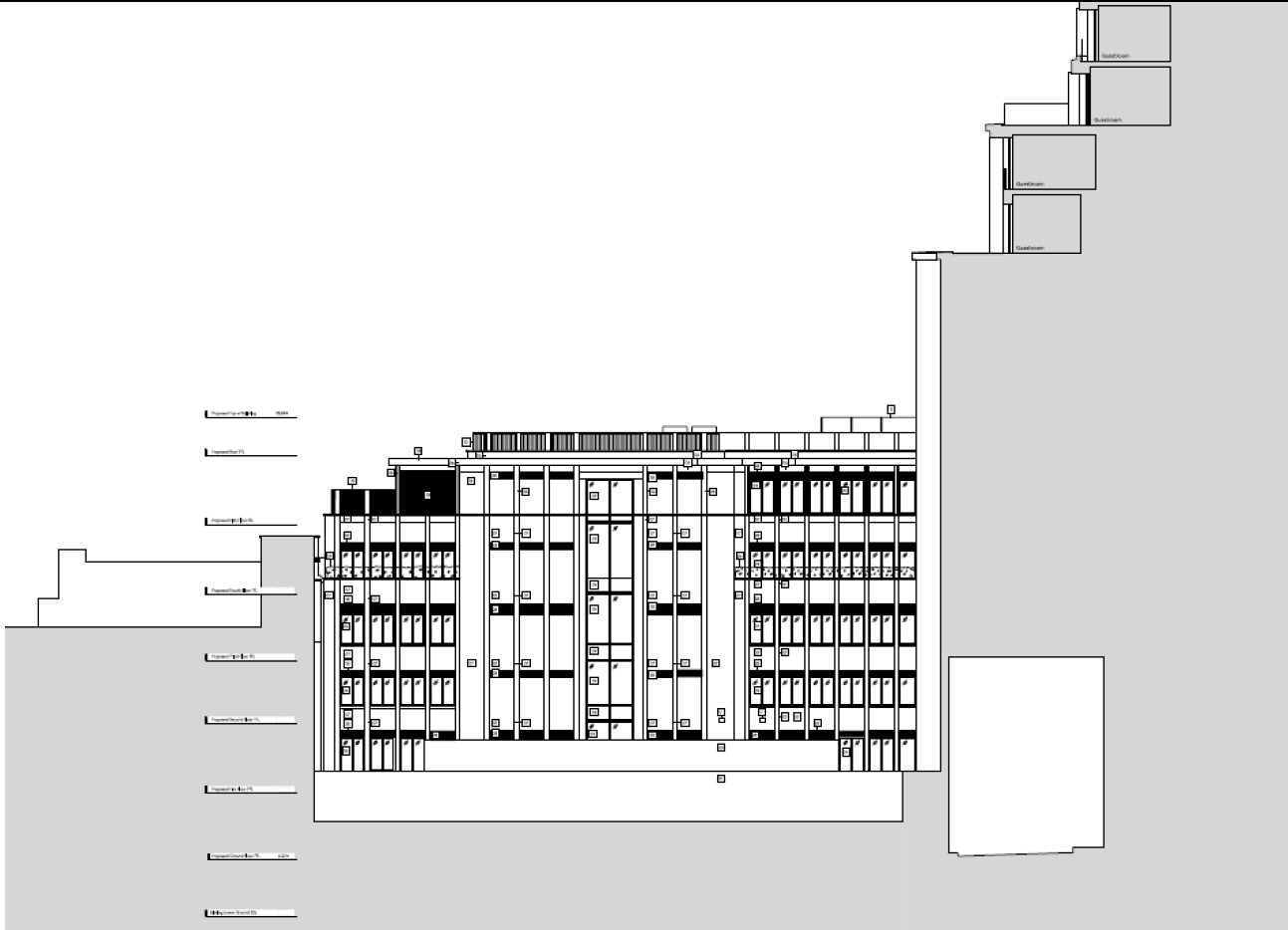
Existing front elevation



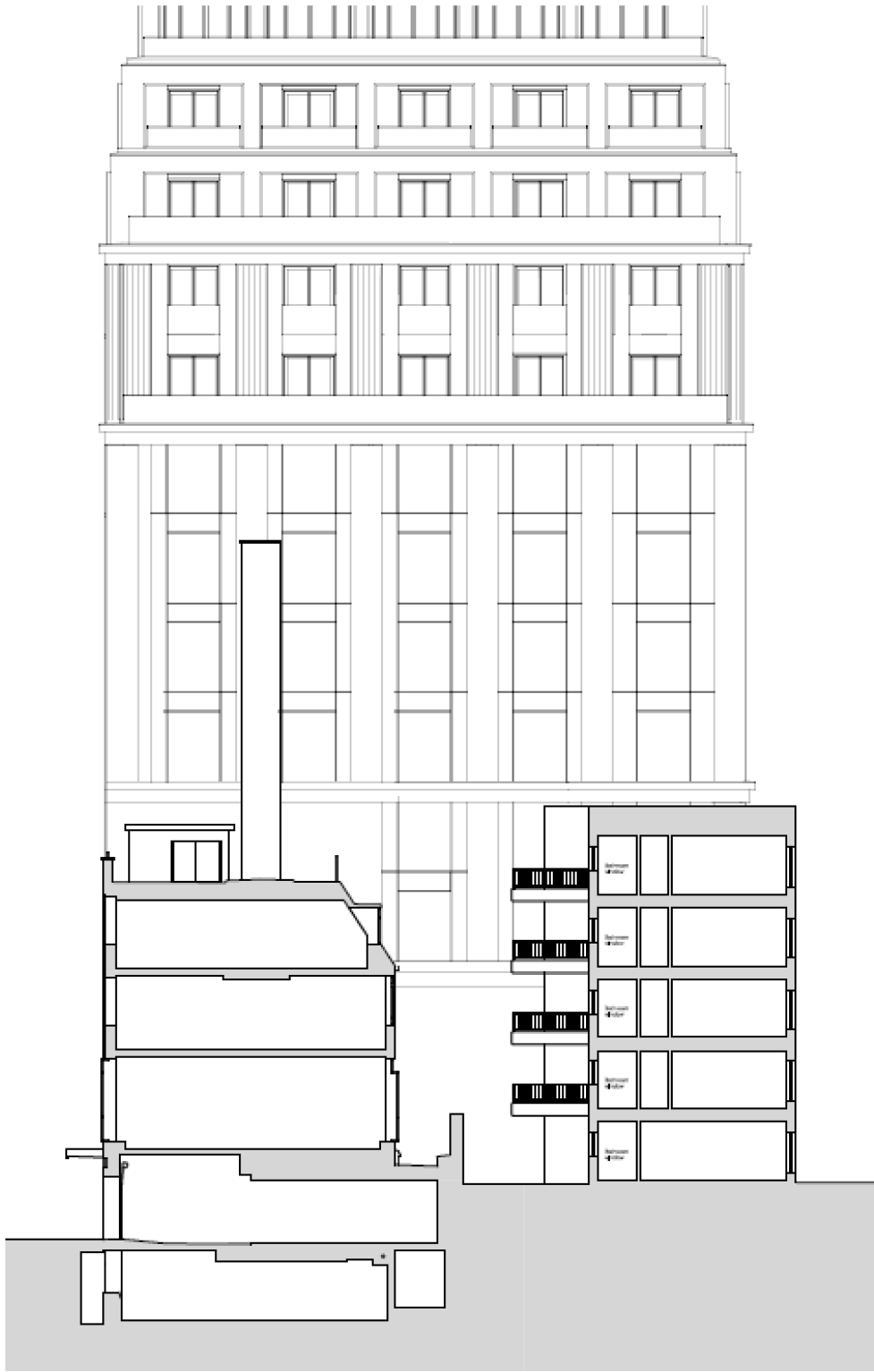
Proposed front elevation



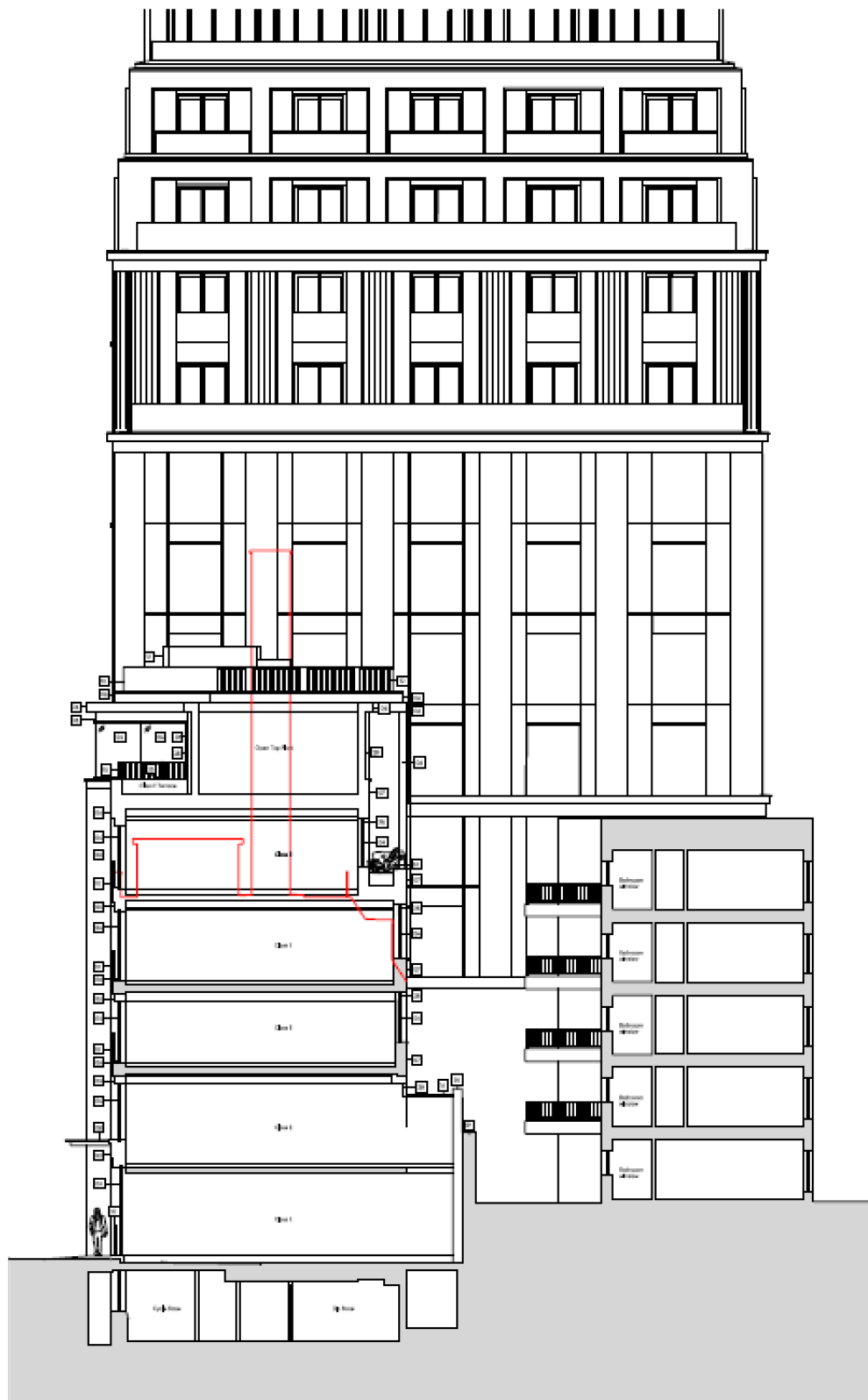
Existing rear elevation



Proposed rear elevation



Existing section through showing relationship with 10 Craven Street



Proposed section through showing relationship with 10 Craven Street

DRAFT DECISION LETTER

- Address:** 7 Northumberland Street, London, WC2N 5DA
- Proposal:** Partial demolition and rebuilding of the front and rear facades, demolition and rebuilding of the third floor level, erection of a part single, part two storey upward extension, rear extensions at ground and first floor level and part rear extensions from second to fifth floors to provide additional E(g)(i) floorspace, plant with enclosure at roof level, amenity terrace at 5th floor level, new lift core, internal alterations and new street elevation lightwell.
- Reference:** 22/07843/FULL
- Plan Nos:** P0200; P0599; P0600; P0601; P0602; P0603; P0604; P0700; P0701; P0702; P0800; P0801; P1399; P1400; P1401; P1402; P1403; P1404; P1500; P1501 P1502; P1600; P1601; P1999 showing sleeves for future LTHW and CHW; P1999 rev. A; P2000; P2000 showing notional plantroom, riser and network for future district network; P2001; P2002; P2003; P2004; P2005; P2006; P2100 rev. A; P2101 rev. ; P2102; P2200; P2201; Delivery and Servicing Management Plan dated January 2023 prepared by Caneparo Associates Ltd; Landscape & Ecological Management Plan rev.04 dated 14/11/22 prepared by Eight Versa; Environmental Noise Survey and Plant Noise Assessment Report Ref: 29498/PNA1 Rev 4 dated 10 November 2022.

For information only :

Design and access statement dated 11/11/22; BREEAM-0094-3076; Planning Fire Safety Strategy rev. 02 dated October 2022 prepared by Bespoke Fire Safety Design Ltd; Outline Construction Management Plan dated November 2022 prepared by Caneparo Associates Ltd; Stage 2 report for vertical extension and internal alterations Rev. C dated 07 November 2022 prepared by PJCE; ST29048-1; 112667-100/16/BSC/JoS; L2668-REP-C-003-FRA; Energy & Sustainability Statement rev.08 Ref: P22-002 dated February 2023 and associated spreadsheets; Ecological Impact Assessment rev.03 14/11/22 prepared by Eight Versa; Planning statement dated November 2022; Statement of Community Involvement dated November 2022; Transport Statement dated November 2022 prepared by Caneparo Associates Ltd; Framework Workplace Travel Plan dated November 2022 prepared by Caneparo Associates Ltd; L2668-REP-SUDs-003; Daylight and sunlight report Ref: 112667-100/16/BSC/JoS dated 07 February 2023; Overheating Assessment P22-002 dated January 2023; Elemental Level Life Cycle Cost P21-133 dated February 2022; Refurbishment audit ST29048-1 dated 21.03.22.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and

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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)

- 3 **Pre Commencement Condition** Prior to the commencement of any:

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

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

Reason:

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

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

- 5 (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

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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)

- 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 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 in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

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)

- 8 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)

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

- 9 The fifth-floor terrace shall only be used between the hours of 0800 and 2000 hours Monday to Friday other than in the case of an emergency .

Reason:

To protect the 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).

- 10 No amplified or other music shall be played on the roof terrace.

Reason:

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

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P1999 rev. A prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

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)

- 12 The development shall be carried out in accordance with the approved Servicing and Delivery Management Plan at all times.

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 should be left on 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)

- 14 A post construction BREEAM assessment demonstrating that a minimum target rating of Excellent has been achieved for the commercial use and ideally should be targeting

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'Outstanding ' shall be submitted to and approved by the local planning authority within six months of first occupation The details submitted in the BREEAM assessment shall thereafter be retained .

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 15 The mitigation measures identified in the Flood Risk Assessment /SUD's Strategy report must be provided prior to occupation, and these shall include below ground attenuation. These features must be provided and maintained for the lifetime of the development.

Reason:

To minimise the impact of the proposed development of surface water flooding and to ensure that the SUD's are provided in accordance with policy 35 in the adopted City Plan and the adopted Environmental Supplementary Planning Document 2022.

- 16 Details of bird boxes and planting with associated soil volumes shall be submitted to and approved by the City Council. The approved boxes and planting areas must be installed prior to occupation and you must not remove these features. The planting must be maintained in accordance with the submitted landscape and ecological maintenance plan dated 14 November 2022.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 17 The privacy screen to the rear of the fifth-floor terrace must be installed prior to occupation of the roof as terrace. You must then retain it.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 18 The glass that you put in the communal staircore in the rear elevation 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, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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

- 20 You must apply to us for approval of a full annotated photographic schedule of samples of all of the facing materials you will use (with actual samples available to view on site), including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

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

- 21 You must apply to us for approval of detailed drawings (including sections, and specifying finished appearance) of the following parts of the development:

- i) windows and rooflights at a scale of 1:10;
- ii) external doors and gates at a scale of 1:10;
- iii) metal balustrades to window reveals at a scale of 1:10;
- iv) front light well railings at a scale of 1:10;
- v) railings at main roof level at a scale of 1:10 (including piers and relationship to parapet);
- vi) railings and privacy screen to fifth floor terrace at a scale of 1:10 (including piers and relationship to parapet);
- vii) entrance canopy and spandrel panel at a scale of 1:10;
- viii) architectural louvres and louvered plant enclosure at a scale of 1:10;
- ix) details of any external lighting;
- x) details of planting.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved 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 Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

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

- 23 You need to provide the following site-specific measure:
- a 4 x 5.5m plantroom and associated equipment allowance including sleeves shown in drawings P1999 and P2000 for the future connection with the District Heat Network.

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)

- 24 You must use the property only for office. You must not use it for any other purpose, 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). (C05AC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policies 7, 25, 29, 33 and 37 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 25 The rear elevation windows must have restrictors as set out in drawing P2101 rev.A prior to occupation of the building. You must permanently retain those features.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 26 The glass that you put in the first, second third and fourth floor levels windows in the rear elevation must not be clear glass up to 1.7m from floor level. You must apply to us for approval of a sample of the glass (at least 300mm square) with integrated privacy film. 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.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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

- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the reinstatement the footway and insertion of a loading pad. (I55AA)

- 4 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

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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.**

- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 6 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.
- 7 With reference to condition please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

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- 8 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.

- 9 With regards to condition 26, you need to demonstrate the privacy film will be integral part of the windows and cannot be removed.

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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