



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 22nd August, 2023

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Jason Williams (Chair)
Sara Hassan
Paul Fisher
Elizabeth Hitchcock



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, Katherine Stagg; Committee and Councillor Co-ordinator.

**Email: kstagg@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Paul Fisher was substituting for Councillor. Md Shamsed Chowdhury.

To note that Councillor Elizabeth Hitchcock was substituting for Councillor Jim Glen.

To note any further changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

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

(Pages 5 - 10)

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. | TROCADERO, 13 COVENTRY STREET, LONDON W1D 7DH | (Pages 15 - 32) |
| 2. | TROCADERO, 13 COVENTRY STREET, LONDON, W1D 7DH | (Pages 33 - 60) |
| 3. | 18, 20-24 BROADWICK STREET AND 85 BERWICK STREET, LONDON, W1F 8JB | (Pages 61 - 86) |
| 4. | BEAUMONT BUILDINGS, MARTLETT COURT, LONDON, WC2B 5SF | (Pages 87 - 106) |
| 5. | 58-60 LUPUS STREET, LONDON, SW1V 3EE | (Pages 107 - 132) |
| 6. | 29 SPRING STREET, LONDON, W2 1JA | (Pages 133 - 148) |
| 7. | 64 BOURNE STREET, LONDON, SW1W 8JD | (Pages 149 - 168) |

Stuart Love
Chief Executive
11 August 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.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 27th June, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jason Williams (Chair), Md Shamsed Chowdhury, Sara Hassan and Elizabeth Hitchcock

1 MEMBERSHIP

That Councillor Elizabeth Hitchcock had replaced Councillor Jim Glen on the Planning Applications Sub-Committee (1).

There were no further changes to the membership.

2 DECLARATIONS OF INTEREST

Councillor Jason Williams explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 18 April 2023 be signed by the Chair as a correct record of proceedings subject to both speakers listed on Item 3, 11 Churton

RESOLVED: (Agreed: Councillors Jason Williams and Elizabeth Hitchcock, Refused: Councillors Md Shamsed Chowdhury and Sarah Hassan) Councillor Jason Williams used his casting vote.

1. That conditional permission and the additional condition be granted.
2. That Condition 7 wording be revised in relation to the Operational Management Plan (OMP) and that it specifies in more details the commitments put forward by the Applicant, including an operational manager being made available 24/7. The reworded condition be circulated to the Chair and be agreed under delegated powers.

2 BASEMENT AND GROUND FLOOR, 124-126 ST JOHN'S WOOD HIGH STREET, LONDON, NW8 7SG

Erection of a new 3 storey dwelling to the rear of 124-126 St John's Wood High Street, with terrace (accessed from Charles Lane) including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. Alterations to roof terraces including new lift overrun, fencing and installation of ASHP. Formation of opening in rear of ground floor retail unit. Installation of solar panels at roof level.

Late representations were received from Councillor Robert Rigby (27.06.23), St John's Wood Society (27.06.23), KSR Architects & Interior Designers (27.06.23), resident (27.06.23), resident (27.06.23) and resident (26.06.23).

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted.
2. That additional Conditions be included which secures a Construction Management Plan and to reserve planting on the proposed roof terrace to provide green screening

3 RYDER COURT, 14 RYDER STREET, LONDON, SW1Y 6QB

Replacement of window with door, lowering of windowsills and installation of platform lift at upper ground floor level on Ryder Street; upgrade works to ground floor entrance including new lighting; extension of existing lift overrun at roof level; creation of roof terrace with planting, landscaping and pergola; installation of PVs; and associated works.

Additional representations were received from WCC Place Shaping and Town Planning (16.02.23) and WCC City Highways (09.03.23)

A late representation was received from M&G Real Estate & Oxygen Asset Management (27.06.23)

The presenting officer tabled the following amendment to Conditions 4, 5, 10 and 19

Item 3: Ryder Court, 14 Ryder Street

Delete condition no.4 (samples)

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.~~

Additional/ replacement condition no.4 (Lighting)

4. You must apply to us for approval of details of all lighting to the roof terrace including horizontal illuminance calculations (that meet British Lighting standards suitable for the area intending to be lit), vertical illuminance checks into surrounding properties, technical datasets on chosen lighting units, indication of environmental zone being applied as per 'Institute of Lighting Professional Guidance Note 01 the Reduction of Obtrusive light' and resulting skyglow and luminous intensity calculations. You must then carry out the work according to the approved details.

Amended condition no.5 (Structures on roof terrace)

5. ~~Other than what is shown on the approved drawings,~~ you must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace.

Amended condition no.10 (Rainwater harvesting)

10. You must apply to us for approval of details showing the following alteration to the scheme:

- ~~an increase in green infrastructure features at roof level.~~
- ~~addition of rainwater harvesting at roof level.~~

You must provide, maintain and retain the green infrastructure features before you start to use any part of the roof terrace. You must not remove any of these features

Amended condition no.19 (Terrace use)

19. ~~Notwithstanding the provision 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,~~ the terrace hereby approved may only be used by office occupants

Michelle Anthony addressed the Sub-Committee in support of the Application.

RESOLVED UNANIMOUSLY

That conditional permission as amended be granted.

4 18-19 ST CHRISTOPHER'S PLACE, LONDON, W1U 1NN

Use of the ground (including forecourt) and basement as a mixed-use wine shop/wine bar (sui generis).

Chris Brown addressed the Sub-Committee in support of the Application.

Neil Westwick addressed the Sub-Committee in objection to the Application.

RESOLVED UNANIMOUSLY

That conditional planning permission be granted.

5 34 GROSVENOR SQUARE, LONDON, W1K 2HD

Variation of conditions 2 and 3 of planning permission dated 30th March 2022 (RN 21/07888/FULL) for the variation of conditions 3 and 4 on permission dated 24/11/2020 for alterations in connection with the construction of platform within lightwells fronting South Audley Street to provide space for tables and chairs for use in association with a restaurant (Class E) : NAMELY, to extend the temporary permission for the retention of the decking in the front lightwell with external dining for a further temporary period until May 2024. (Application made under Section 73 of the Act.)

George Jones addressed the Sub-Committee in support of the Application.

RESOLVED (Refused: Councillors Jason Williams, Sara Hassan and Elizabeth Hitchcock Agreed: Councillors Md Shamsed Chowdhury)

That permission be refused and that the draft reason for refusal be amended.

Reason

Design Grounds

The Meeting ended at 9.00 pm

CHAIR: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 22nd August 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 22/06174/FULL St James's	Trocadero 13 Coventry Street London W1D 7DH	New entrance and provision of internal queuing area ancillary to the existing sky-bar (Sui Generis), including installation of new entrance doors and roller shutters onto Rupert Street.	London Trocadero (2015) LLP
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 22/06688/FULL St James's	Trocadero 13 Coventry Street London W1D 7DH	Variation of conditions 22, 23 & 24 of planning permission dated 15th May 2020 (RN:19/08886/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4); NAMELY, to allow the Skybar roof top restaurant/bar (Condition 24) to operate between 07:00 and 03:00 hours the following morning and to enable the roof terrace area (Condition 22) to operate from 10:00 to 03:00 the following morning; and to amend the wording of Condition 23 relating to noise levels on the roof terrace. [S73 application]	London Trocadero (2015) LLP
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 23/00159/FULL West End	18, 20-24 Broadwick Street And 85 Berwick Street London W1F 8JB	Variation of Conditions 8, 22 and 23 of planning permission dated 11th February 2021 (RN: 20/04766/FULL) for Variation of Condition 1 of planning permission dated 20 November 2020 (RN: 19/07554/FULL) for, 'Variation of condition 1 of planning permission dated 20th March 2019 (RN: 18/08538/FULL) "Variation of Condition 1 of planning permission dated 2nd February 2018 (RN 16/09526/FULL) for "Demolition of 20-24 Broadwick Street & 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail	Broadwick Street Holdings Ltd

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 22nd August 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			(Class A1) at part basement and ground and a hotel (Class C1) with up to 69 bedrooms, associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level; NAMELY; to extend the hours of use of the seventh floor seated bar and restaurant until 1.30 am on Thursdays, Fridays and Saturdays and to extend the terminal hour for the access and use of the rear seventh floor terrace from 22:00 until 23:00 daily. (Application under Section 73)	
<p>Recommendation</p> <p>Grant conditional planning permission subject to a S106 legal agreement to secure:</p> <p>i) All highway works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).</p> <p>ii) Dedication of land as public highway prior to occupation where necessary.</p> <p>iii) To adhere to the stipulations of the Operational Management Plan for the lifetime of the development.</p> <p>iv) The costs of monitoring the S106 agreement.</p>				
Item No	References	Site Address	Proposal	Applicant
4.	<p>RN(s) : 22/04567/COFUL</p> <p>St James's</p>	<p>Beaumont Buildings Martlett Court London WC2B 5SF</p>	<p>Installation of replacement timber sash and casement windows and flat entrance doors to flats, as well as new render detailing around windows to gable elevations of Fletcher, Beaumont and Sheridan Buildings.</p>	<p>United Living</p>
<p>Recommendation</p> <p>Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.</p>				
Item No	References	Site Address	Proposal	Applicant
5.	<p>RN(s) : Application 1: 20/07619/FULL Application 2: 21/05098/FULL</p> <p>Pimlico North</p>	<p>58 - 60 Lupus Street London SW1V 3EE</p>	<p>Application 1: Installation of two air conditioning units and associated acoustic enclosures to rear at lower ground floor level.</p> <p>Application 2: Installation of extract fan with associated acoustic enclosure to rear at lower ground floor level.</p>	<p>Mr Jose Cruz</p>

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 22nd August 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<p>Recommendation</p> <p>Application 1 Grant conditional permission.</p> <p>Application 2 Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Applicant
6.	<p>RN(s):</p> <p>Application 1. 23/01684/ADV</p> <p>Application 2. 23/01687/ADV</p> <p>Hyde Park</p>	<p>29 Spring Street London W2 1JA</p>	<p>Application 1. Display of an internally illuminated fascia sign measuring 0.5m x 5.9m and an internally illuminated projecting sign measuring 0.6m x 0.6m.</p> <p>Application 2. Display of an internally illuminated box sign measuring 1.5m x 0.4m on the side elevation facing onto Conduit Place</p>	<p>The Craft Beer Co (The Bear) Ltd</p>
	<p>Recommendation</p> <p>Refuse Advertisement Consent – Harm to the visual amenity and character and appearance of the Bayswater Conservation Area.</p>			
Item No	References	Site Address	Proposal	Applicant
7.	<p>RN(s) :</p> <p>23/00084/FULL</p> <p>Knightsbridge & Belgravia</p>	<p>64 Bourne Street London SW1W 8JD</p>	<p>Erection of a first-floor rear extension and alterations to external elevations, replacement of single glazed windows with double glazed and alteration to front steps to create two secure bicycle spaces.</p>	<p>Ms Magz Doyle</p>
	<p>Recommendation</p> <p>Grant conditional planning permission.</p>			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	Trocadero, 13 Coventry Street, London, W1D 7DH		
Proposal	New entrance and provision of internal queuing area ancillary to the existing Sky-bar (Sui Generis), including installation of new entrance doors and roller shutters onto Rupert Street.		
Agent	Tarun Cheema		
On behalf of	c/o Agent		
Registered Number	22/06174/FULL	Date amended/ completed	13 July 2023
Date Application Received	9 September 2022		
Historic Building Grade	II		
Conservation Area	Soho		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application relates to the Trocadero complex which occupies a prominent site within the West End. A large part of the building was formerly in leisure use, but the majority of the upper floors have been converted to hotel use following a consent originally granted in 2012. That consent also included a roof extension for restaurant and bar use with a dedicated entrance on Shaftesbury Avenue.

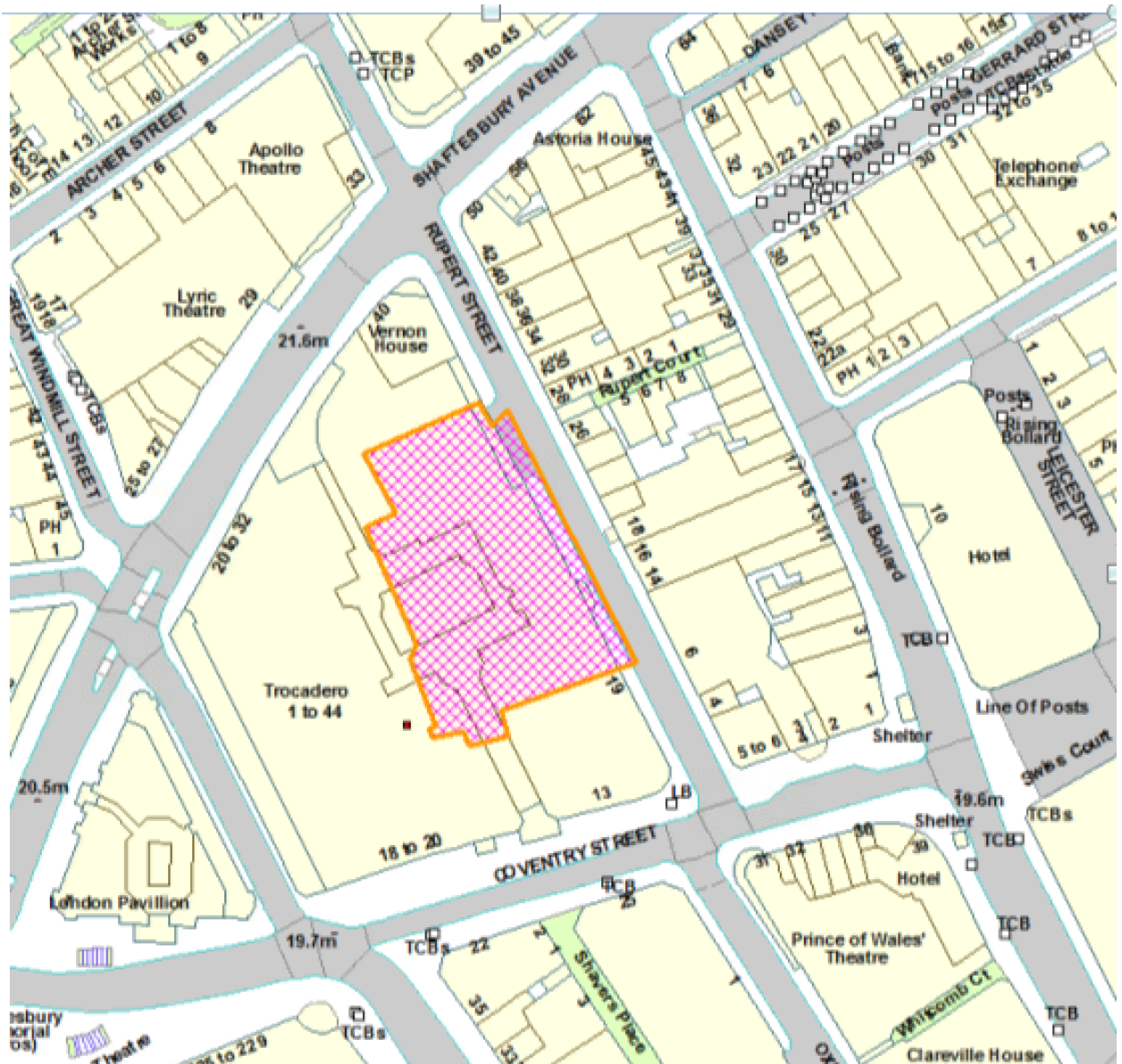
This application seeks to add an additional entrance and internal queuing area by converting part of the loading bay fronting Rupert Street. The existing access point from Shaftesbury Avenue would be retained and would function as an egress for patrons leaving the Sky-bar after midnight. The Rupert Street access point would be used as an entrance and internal queuing area for the Sky-bar, and as an exit before midnight.

The key considerations in this case are:

- The acceptability of the proposed amendments to the building in design terms.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the reduction in size of the loading bay and the impact this would have on the servicing requirements of the Trocadero complex.

The internal queuing area proposed is some 250 sqm in area allowing some 300 customers to queue. This should ensure that customers do not queue or congregate on Rupert Street. The licensing Sub-committee has also recently granted a Premises Licence which requires the provision of this enlarged queuing area. Despite the reduction in size of the loading bay, three servicing bays are still retained, and this should still provide sufficient space for servicing of the wider Trocadero complex. The application is considered acceptable and recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

CROSS LONDON RAIL (1) LINKS LTD
No comment.

CROSS LONDON RAIL (2) LINKS LTD
No comment.

METROPOLITAN POLICE
No objections raised provided the recessed entrance is enclosed by shutters.

SOHO SOCIETY
Raise no objection provided the council is satisfied that the building can continue to be serviced effectively from the reduced loading bay without any loss of amenity and/or additional pressure on loading space outside the premises. Query whether a 24-hour servicing strategy realistic and whether it would lead to increased noise nuisance from vehicles in the early hours. Recommend a condition requiring immediate cleaning by the applicant as necessary after collections.

HIGHWAYS PLANNING MANAGER
No objection subject to the retention of 3 servicing bays.

ENVIRONMENTAL HEALTH
No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 73
Total No. of replies: 0

PRESS NOTICE/ SITE NOTICE:
Yes

5.2 Applicant's Pre-Application Community Engagement

None undertaken.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan

for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

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

6.2 Neighbourhood Planning

The 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 relates to the existing loading bay within the Trocadero complex which fronts Rupert Street. The Trocadero itself occupies the street block bounded by Coventry Street, Rupert Street, Shaftesbury Avenue and Great Windmill Street and comprises four Grade II listed buildings known as Lyons Corner House, Lyons Corner House Extension, Scott's Corner building and Avenue Mansions. The other buildings on the site are unlisted, are modern and of generally little merit, with the exception of Vernon House on the corner of Shaftesbury Avenue and Rupert Street (which falls outside of the application site). The whole of the block falls within the Soho Conservation Area, the Central Activities Zone (CAZ) and the West End Special Retail Policy Area (WESPRA). Part of the site lies within the Strategic Viewing Corridor 2: Primrose Hill to the Palace of Westminster.

The Trocadero complex originally comprised a variety of uses primarily permitted as part of the original mixed-use concept approved by the Greater London Council in 1980.

A large part of the Trocadero complex now houses the Zedwell Piccadilly hotel which has 728 windowless rooms and a large rooftop bar, known as the Sky-bar.

The site is bounded to the south-west by the Regent Street Conservation Area, to the south by the Haymarket Conservation Area, to the south-east by the Leicester Square Conservation Area and to the west by the Chinatown Conservation Area.

The area is characterised by ground floor commercial uses. There are a number of flats on Rupert Street and others on the opposite side of Shaftesbury Avenue including those above the St James Tavern at 45 Great Windmill Street and others on Denman Street.

7.2 Recent Relevant History

The London Trocadero was created in the early 1980s under a Greater London Council permission issued on 22 January 1980. Following this a major scheme of refurbishment works was approved by the City Council on 24 November 1989 which permitted, inter alia, alterations and extensions to allow for an expanded mixed use complex incorporating retail, restaurant, entertainment, cinema and office uses. This scheme was substantially completed by the end of 1992.

Planning permission was granted in September 2018 for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4). This permission has now been implemented.

Planning permission was granted in May 2020 for the variation of condition 1 of planning permission dated 05 September 2018 (RN 17/08541/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4). from RN 17/08541/FULL, NAMELY, to vary the relocation of the hotel entrance to Great Windmill Street, relocation of the dedicated Sky-bar entrance on Shaftesbury Avenue; and retaining the Bar Rumba entrance onto Shaftesbury Avenue.

Licensing position

A premises license was granted in December 2021 (21/06624/LIPN) which requires the holding area, the subject of this application, to be secured as an overflow holding/queuing area for the rooftop Sky-bar after midnight.

8. THE PROPOSAL

The planning permission granted in 2018 introduced a restaurant/bar at the top floors of the building, now known as the Sky-bar. Under this application an entrance was proposed for both the hotel and Sky-bar on Shaftesbury Avenue.

This application seeks to add an additional entrance and internal queuing area by converting part of the loading bay fronting Rupert Street. The existing access point from Shaftesbury Avenue would be retained and would function as an egress for patrons leaving the Sky-bar after midnight. The Rupert Street access point would be used as an entrance and internal queuing area for the Sky-bar, and as an exit before midnight.

To accommodate the new queuing area, minor alterations to the façade at ground floor level are proposed, including new doors, shutters and spandrel panels.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The land use elements of the proposals have already been accepted in the original planning permission for this site. The amenity impacts of the proposed use of the loading bay as an entrance to the Sky-bar are considered in section 9.5 below.

9.2 Environment & Sustainability

The proposal is not considered to raise environmental or sustainability implications.

9.3 Biodiversity & Greening

The proposed changes have no biodiversity or greening implications.

9.4 Townscape, Design & Heritage Impact

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

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

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 a development’s effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that the setting of a conservation area, “...will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.”

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

The site lies in the Soho Conservation Area. There are several grade II listed buildings forming part of the block of which the site is a part; on Shaftesbury Avenue at 20-24 (formerly the Trocadero restaurant), on Coventry Street at 18-20 (formerly Scott’s Restaurant and Oyster Bar - the list entry notes that it is “now completely altered internally as part of the Trocadero complex”), and 7-14 Coventry Street which were the Lyons Corner House & Lyons Corner House Extension.

These listed buildings all make a positive contribution to the character and appearance of the Soho Conservation Area in which they, and the site, are located. Similarly, the unlisted Vernon House, at the corner of Shaftesbury Avenue and Rupert Street, also makes a positive contribution to the character and appearance of the Soho conservation area.

The four corners of the block are historic and the listed buildings were, until recently, mostly unified by the 1980s redevelopment which created the Trocadero Centre. It was arranged around an atrium accessed primarily from Coventry Street and Shaftesbury Avenue, access was also possible via a subway connected to Piccadilly Circus Underground Station. The atrium has been infilled and the layout of all the buildings is now much less interconnected. At street level, public access to the remaining commercial units is from the street rather than from within the building, and the largest uses in the building are now a hotel and cinema. The part of the building affected by the application is set wholly within the 1980s structure that originally united the buildings forming the Trocadero complex, and the loading bay does not have any historic or architectural interest.

The alterations will involve provision of new doors, a new chain-link roller shutter, and refurbishment of the canopy including new lettering. These alterations to the building are insubstantial and remain in character with the street and surrounding area in terms of their detailed design and materials of construction. Therefore, the character and appearance of the Soho Conservation Area will be maintained, and the setting of the neighbouring Chinatown Conservation Area and nearby listed buildings will be preserved.

As such, the proposal is considered acceptable, mindful of policies 38, 39, and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5 Residential Amenity

The nearest residential properties are in Rupert Street immediately opposite the existing loading bay. There are also residential flats on the upper floors of Great Windmill Street and Denman Street. The theatres on the opposite side of Shaftesbury Avenue are also defined within the City Plan as 'noise sensitive receptors'.

The City Council places high priority on protecting residential amenity, with City Plan Policy 33(A) stating that, 'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'.

Impact of new entrance and enhanced queuing area

Under the original planning permission, the entrance for both the hotel and the Sky-bar was on Shaftesbury Avenue. The 2020 permission involved the separation of the hotel and Sky-bar entrances. The hotel entrance was re-located to Great Windmill Street, while the Sky-bar entrance was shifted north-east along Shaftesbury Avenue. The present application seeks to add an additional entrance and internal queuing area

currently used as a part of the loading bay fronting Rupert Street.

Shaftesbury Avenue is an extremely busy frontage at all hours so that any effects from patrons outside when arriving and particularly when leaving are likely to be sufficiently masked by the existing external noise environment. There are also few residents in Shaftesbury Avenue, the closest being above St James Tavern on the corner of Shaftesbury Avenue with Great Windmill Street.

The relocated entrance is however within close proximity of nearby residential properties, namely the flats at 24, 26 and 28 Rupert Street. There are also flats within Rupert Court and 34A and 36-40 Rupert Street within close proximity and further south on Rupert Street at 16A and 22.

If this new entrance were to be used as the sole means of exit/entrance into the Sky-bar, there would be a significant increase in the levels of external noise, particularly when the largest number of patrons would be leaving at closing time around 03:00 hours, thereby likely to result in disturbance to local residents. An appeal has also been dismissed in relation to the proposed relocation of the Bar Rumba entrance/exit from Shaftesbury Avenue to Rupert Street. In that case the inspector concluded that *“the relocation of the night club’s sole entrance and exit onto Rupert Street would result in patrons queuing in the street during the evening and large numbers exiting into it when the nightclub closes at 03:00. Some of these customers may linger as they wait for friends or for transport. They are likely to be in high spirits and ‘boisterous’ having been on nights out that involve loud music and alcohol consumption. Moreover, traffic movements along Rupert Street could increase with taxis waiting to pick up fares. The taxi drivers may wait with engines running while patrons locate and enter their vehicle. The above activities would change the noise environment in Rupert Street and would occur all week. Therefore, the frequency, extent and nature of the noise and disturbance that would occur as a result of relocating the entrance/exit, alongside the fact that the noise events would take place at night and in close proximity to nearby dwellings, would ensure the appeal scheme was very apparent to the residents of Rupert Street. Many of the above activities, and resulting noise and disturbance, already occur and will be a characteristic of the wider area given the long-standing presence of the night club. However, they are largely contained to Shaftesbury Avenue at present given the location of the existing entrance/exit to the nightclub. With the current arrangements there is little need for patrons to enter Rupert Street, particularly as Piccadilly Circus is in the opposite direction and this is where the nearest 24 hour underground and night bus services operate from. The appeal scheme would displace the existing noise and disturbance to a more sensitive location and this would significantly harm the living conditions of the residents of Rupert Street.”*

The applicant, however, proposes to retain the existing access point from Shaftesbury Avenue as an egress for patrons leaving the Sky-bar after midnight. This would be secured by condition. The Rupert Street access point would only be used as an entrance and internal queuing area for the Sky-bar, and as an exit only until midnight.

The internal queuing area proposed is some 250 sqm in area allowing some 300 customers to queue. This should ensure that customers do not queue or congregate on Rupert Street. The Sky-bar has also secured a Premises License based on the access arrangement proposed in this application. The license requires that, after midnight, the

holding area, the subject of this application, to be “secured as an overflow holding area that can be used by management and the door team to increase the available space for customers to queue internally whilst waiting for admission to the 12th and 13th floors.” Whilst the licensing process is separate from the planning process, in this case the License represents a material consideration.

The applicant has also submitted a Dispersal Policy which includes the following measures:

- * Door staff will be deployed outside the premises on Rupert Street to ensure proper and efficient management of any queue which may form outside the premises;
- * Highly visible notices will be displayed at all exits requesting customers to respect the needs of local residents and businesses and leave the area quietly;
- * Door supervisors will direct customers to wait inside the premises if waiting for a taxi and assist taxi's that are summoned;
- * The door supervisors and other staff shall be trained to politely encourage customers to leave gradually to discourage a mass exodus and to remind customers to leave quietly;
- * Customers exiting after midnight shall be directed to leave via the Shaftesbury Avenue exit.

Environmental Health recognise that the application has potential to adversely impact on residential premises in Rupert Street but raise no objection to the application on noise grounds subject to compliance with the submitted dispersal policy and conditions requiring the Shaftesbury Avenue exit to be used after midnight.

9.6 Transportation, Accessibility & Servicing

Highway Impact

In order to provide space for the internal queuing area, the Trocadero loading bay would be reduced from a 4-bay loading capacity to a 3-bay capacity. The Soho Society, whilst not objecting to the application, comment that any reductions to the loading bay need to demonstrate that the building can continue to be serviced effectively from the reduced area without any loss of amenity and/or additional pressure on loading space outside the premises. The application is supported by a Highways Technical Note which includes a survey of the use of the loading bay which was carried out in June 2022. This has been updated during the course of the application to take into account more recent developments that also rely on the loading bay for servicing purposes (including the recent permission for the mosque at 19 Rupert Street and a hostel scheme within The Pavilion). The loading bay area has also been increased in size since the application was originally submitted to retain 3 servicing bays.

The survey shows that some 420 deliveries are typically received by the loading bay each week. However, the hours at which the bay can be used are restricted by condition to the hours of 08:00 and 18:00 on weekdays and 08:00 and 12:00 on Saturdays (ie a 10-hour period on Monday to Fridays). In order to provide a robust assessment of the use of the proposed three loading bays during the consented hours of operation, the applicant estimates that (based on the 420 weekly deliveries) that 84 delivery trips will occur each weekday.

The Highways Manager believes that the predicted 84 delivery trips (per weekday) can be accommodated within the restricted 10-hour period. Additionally, some deliveries and smaller ad-hoc items such as couriers, would operate via motorbikes/ pedal cycles. These smaller types of deliveries would not impact upon the availability of the loading bays. When calculated over a 10-hour period, this would equate to 2.8 delivery trips per hour per bay, and with the dwell times anticipated, the Highways Planning Manager therefore raises no objection to the reduction in size of the loading bay and considers that, with a sensible amount of management taking place, there would be no adverse impact on the servicing requirements of the Trocadero complex.

The comments of the Soho Society regarding a 24-hour servicing strategy and noise nuisance from vehicles in the early hours are noted, and the draft decision notice includes a condition restricting the operation of the loading bay to the previously consented hours of operation (ie daytime hours).

Accessibility

Level access to the Sky-bar is provided. The new entrance provides direct access to the lift lobby which serves the roof level bar.

Servicing and Waste & Recycling Storage

The Highways Technical Note also adds that the refuse collection requirements of the complex would require an additional four service vehicle trips to the loading bay per week. The applicant uses a private refuse collection strategy, which would allow for the flexibility for these trips to be timed around delivery trips. Refuse would be stored within the commercial units before being moved to the loading bay at the specified time.

9.7 Economy including Employment & Skills

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

9.8 Other Considerations

Crime and Security

The two new entrance door sets have been recessed into the building, by some two metres. To mitigate against any risk of anti-social behaviour, the Metropolitan Police recommend that shutters are proposed to the recesses. This is secured by condition.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

As set out in this report and following amendments to the proposal to provide an enlarged retained loading bay area, the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan). The application is therefore considered acceptable in land use, design, highway, and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

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

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

DRAFT DECISION LETTER

Address: Trocadero, 13 Coventry Street, London, W1D 7DH

Proposal: New entrance and provision of internal queuing area ancillary to the existing Sky-bar (Sui Generis), including installation of new entrance doors and roller shutters onto Rupert Street.

Reference: 22/06174/FULL

Plan Nos: CCL-B1-00-DR-A-0804 Rev P4; 2203 CCL-B1-00-DR-A-0805 Rev 02; 2203 CCL-B1-00-DR-A-0806; 2203 CCL-B1-00-DR-A-0807; Trocadero Sky-bar and Restaurant Dispersal Policy.

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 All deliveries and collections to the loading bay can only take place between 08:00 and 18:00 hours on Monday to Fridays and 08:00 and 12:00 on Saturdays. No deliveries or collections to the loading bay shall take place on Sundays or Bank Holidays. Outside of these hours the loading bay door must remain closed.

Reason:

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

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

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)

- 6 The roller shutters must remain closed when the Sky-bar is closed.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets Policy 38 of the City Plan 2019 - 2040 (April 2021). (R07AC)

- 7 After midnight, the access doors on Rupert Street cannot be used as an exit except in an emergency.

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)

- 8 You must carry out the measures included in your Dispersal Policy at all times that the Sky-bar is in use. (C05KA)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Any access doors and/or roller shutters permitting access/exits in Rupert Street must be acoustically designed so as not to cause nuisance when being used.
- 3 All deliveries/waste collections must take place within the loading bay. Any waste left on the pavement after collection should be removed/cleaned as necessary.

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

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	Trocadero, 13 Coventry Street, London, W1D 7DH		
Proposal	Variation of conditions 22, 23 & 24 of planning permission dated 15th May 2020 (RN:19/08886/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4); NAMELY, to allow the Skybar roof top restaurant/bar (Condition 24) to operate between 07:00 and 03:00 hours the following morning and to enable the roof terrace area (Condition 22) to operate from 10:00 to 03:00 the following morning; and to amend the wording of Condition 23 relating to noise levels on the roof terrace. [S73 application]		
Agent	Centro Planning Consultancy		
On behalf of	London Trocadero (2015) LLP		
Registered Number	22/06688/FULL	Date amended/ completed	4 October 2022
Date Application Received	4 October 2022		
Historic Building Grade	II		
Conservation Area	Soho		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

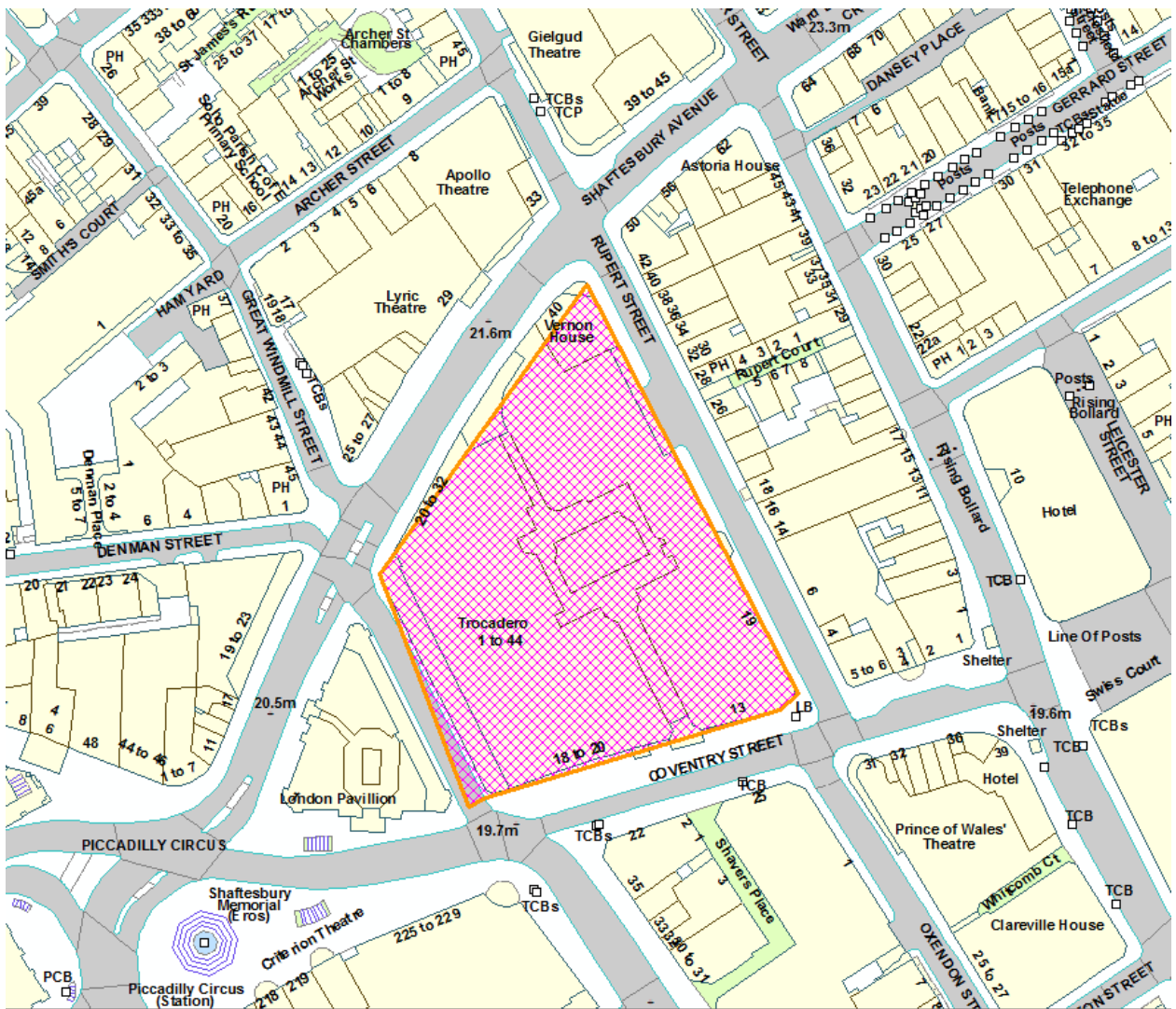
The application relates to the Trocadero complex which occupies a prominent site within the West End. A large part of the building was formerly in leisure use, but the majority of the upper floors have been converted to hotel use following a consent originally granted in 2012. That consent also included a roof extension for restaurant and bar use. This application proposes to extend the

permitted closing times of the restaurant/bar and rooftop terrace at the site until 03:00 daily. In addition, Condition 23 currently prevents any music or amplified sound played on the roof top terrace area from being audible and the application also seeks to vary this condition.

The key consideration in this case is the impact on the amenity of neighbouring residential properties.

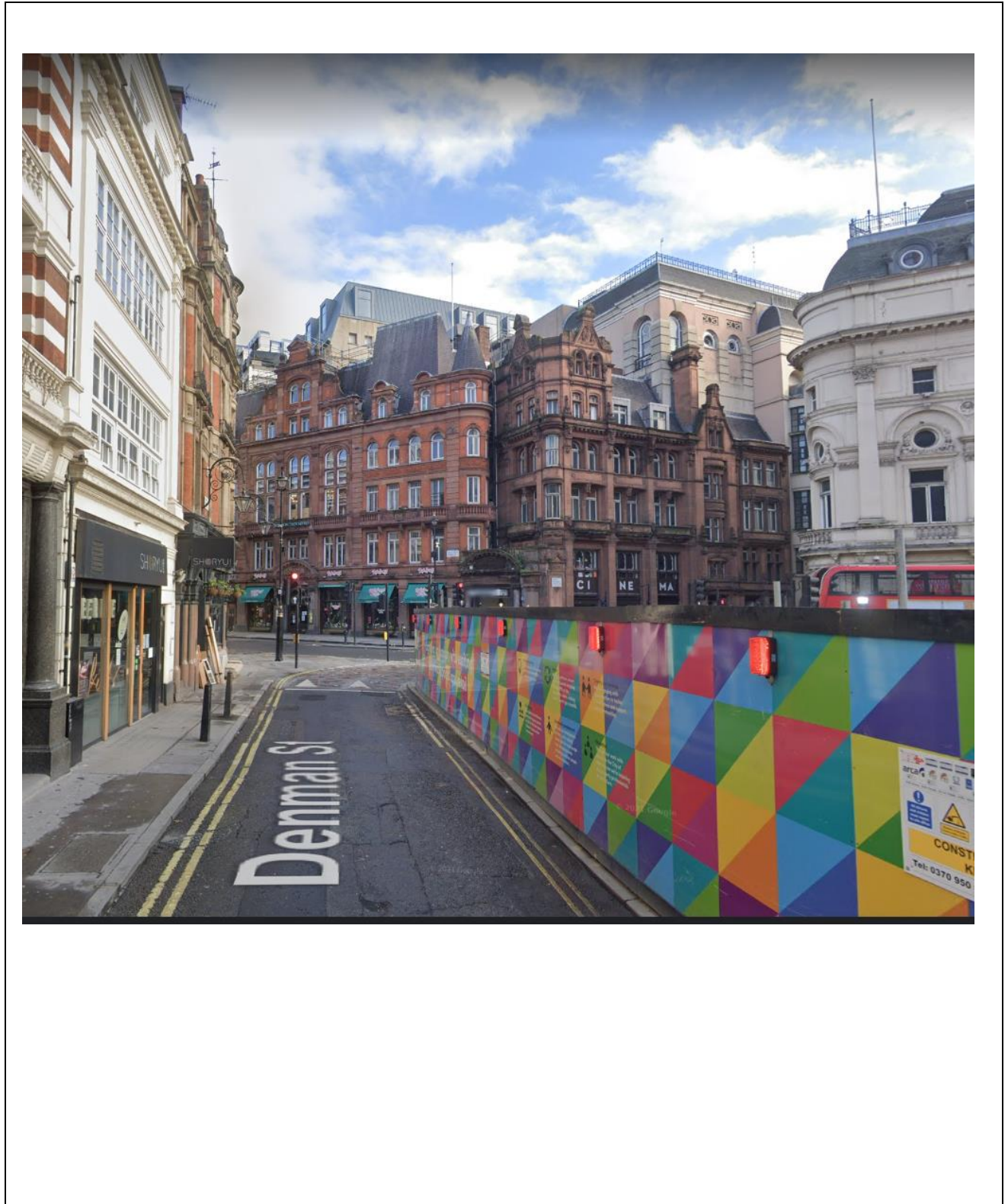
The amended terminal hour of the rooftop restaurant/bar and the later operation of the terrace are of concern in relation to the impact this would have on the amenity of neighbouring residential occupiers. The application is however, supported by acoustic information which demonstrates any noise from music and patrons of the terrace to be within acceptable levels at the nearest residential windows. The licensing Sub-committee has also recently granted a Premises Licence which enables the premises to operate until 03:00 daily. The application is considered acceptable and recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

5.1 Application Consultations

CROSS LONDON RAIL (1) LINKS LTD
No comment.

CROSS LONDON RAIL (2) LINKS LTD
No comment.

SOHO SOCIETY

Objects to any change to Conditions 22 and 23 and are concerned that a decision of a Licensing Committee to overturn conditions imposed by the Planning Committee is a misuse of the system. Sceptical about the usefulness of the acoustic report as noise levels where alcohol is a factor are significantly higher than 'normal conversational levels'. Experience in the West End shows that this sort of 'crowd' noise can be very disturbing, and this would be exacerbated in the early hours. With 500 people, alcohol and music (and depending on wind conditions) there could well be noise nuisance which will affect neighbouring residents. The community consultation does not show that residents are satisfied on this point. Therefore, the use of the outdoor roof terrace after 11pm should not be permitted, and there should be no change to the restriction on music and amplified music on the roof terrace. If, for some reason, the council decided to permit a change to Condition 23, this should include a requirement for a real-life test of the acoustic mitigation (not just installation) to satisfy the council that it is effective in preventing (not minimising) any impact on residential properties before the Skybar can open.

ENVIRONMENTAL SCIENCES
No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 227
Total No. of replies: 1
No. of objections: 1
No. in support: 0

One letter of objection on the grounds of noise generated by the proposed rooftop venue and its entry/queueing system.

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 a leaflet drop on three separate occasions in September 2022 to local residents.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were increased foot traffic throughout the night and the increased noise near residential buildings.

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 Trocadero complex occupies the street block bounded by Coventry Street, Rupert Street, Shaftesbury Avenue and Great Windmill Street and comprises four Grade II listed buildings known as Lyons Corner House, Lyons Corner House Extension, Scott's Corner building and Avenue Mansions. The other buildings on the site are unlisted, are modern and of generally little merit, with the exception of Vernon House on the corner of Shaftesbury Avenue and Rupert Street (which falls outside of the application site). The whole of the block falls within the Soho Conservation Area, the Central Activities Zone (CAZ) and the West End Special Retail Policy Area (WESPRA). Part of the site lies within the Strategic Viewing Corridor 2: Primrose Hill to the Palace of Westminster.

The Trocadero complex originally comprised a variety of uses primarily permitted as part of the original mixed-use concept approved by the Greater London Council in 1980. A large part of the Trocadero complex now houses the Zedwell Piccadilly hotel which has 728 windowless rooms and a large rooftop bar.

The site is bounded to the south-west by the Regent Street Conservation Area, to the south by the Haymarket Conservation Area, to the south-east by the Leicester Square Conservation Area and to the west by the Chinatown Conservation Area.

The area is characterised by ground floor commercial uses. The nearest residential properties are within Coventry House on Coventry Street (18 apartments). There are also a number of residential properties on Rupert Street. There are also residential flats on the upper floors of Great Windmill Street and Denman Street. The theatres on the opposite side of Shaftesbury Avenue are also defined within the City Plan as 'noise sensitive receptors'.

7.2 Recent Relevant History

The London Trocadero was created in the early 1980s under a Greater London Council permission issued on 22 January 1980. Following this a major scheme of refurbishment works was approved by the City Council on 24 November 1989 which permitted, inter alia, alterations and extensions to allow for an expanded mixed use complex incorporating retail, restaurant, entertainment, cinema and office uses. This scheme was substantially completed by the end of 1992.

Planning permission was granted in September 2018 for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4). This permission has now been implemented.

Planning permission was granted in May 2020 for the variation of condition 1 of planning permission dated 05 September 2018 (RN 17/08541/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4). from RN 17/08541/FULL, NAMELY, to vary the relocation of the hotel entrance to Great Windmill Street, relocation of the dedicated Skybar entrance on Shaftesbury Avenue; and retaining the Bar Rumba entrance onto Shaftesbury Avenue.

Licensing position

A premises license was granted in December 2021 (21/06624/LIPN) which enables the premises to operate until 03:00 with a capacity of 1,000.

8. THE PROPOSAL

The permission granted in 2018 introduced a restaurant/bar at the top floors of the building, now known as the Skybar with a dedicated entrance on Shaftesbury Avenue.

Under this application, Condition 22 stipulates that the use of the roof terrace areas is only permitted between 10:00 and 23:00. Condition 23 required that no music or amplified sound is audible from the nearest noise sensitive property at any time. Condition 24 restricted the opening hours of the Skybar to 07:00 to 02:00 the following morning.

Following the grant of planning permission, the applicant secured a premises license for the Skybar which enables the premises to operate between 10:00 to 03:00 the following morning (with hotel residents and guests able to access the Skybar at any time).

The present application is made to vary the conditions of the existing consent, to enable the roof terrace and the Skybar to operate until 03:00 (Conditions 22 and 24). The applicant has also suggested the following wording for Condition 23:

“Prior to first occupation of the Skybar, the mitigation package set out in Section 5 of Sustainable Acoustics Ltd report 20-0007-0 R01v2, dated 6th April 2020 would be implemented, in order to mitigate the noise impact from people using the roof terrace on the closest noise sensitive receivers.”

The intended operator of the Skybar is Tao Group Hospitality who currently operate Hakkasan in Mayfair and Hanway Place and Yauatcha in Soho.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Application Context

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

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

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

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

Land Use Overview

The land use elements of the proposals have already been accepted in the original consent which is being varied. The amenity impacts of the proposed change to the operation of the hours of use are considered in section 9.5 below.

9.2 Environment & Sustainability

The proposed changes to conditions have no environmental or sustainability implications.

9.3 Biodiversity & Greening

The proposed changes to the conditions have no biodiversity or greening implications.

9.4 Townscape, Design & Heritage Impact

The proposed changes to the conditions have no townscape, design or heritage implications.

9.5 Residential Amenity

The nearest residential properties are within Coventry House on Coventry Street (18 apartments). There are also a number of residential properties on Rupert Street (to the east). There are also residential flats on the upper floors of Great Windmill Street and Denman Street. The theatres on the opposite side of Shaftesbury Avenue are also defined within the City Plan as 'noise sensitive receptors'.

The City Council places high priority on protecting residential amenity, with City Plan Policy 33(A) stating that, 'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'. Part (C) of 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'. In assessing the impact of development proposals, the Council will apply the 'Agent of change' principle which places the burden on the applicant to mitigate negative environmental impacts and ensures development does not cause existing nearby uses from having to curtail their activities.

Licensing position

The proposal lies within the West End Cumulative Impact Zone, as set out within the City Council's Cumulative Impact Assessment which has been produced as an approach to licence applications. In cumulative impact areas, there is a presumption that the licensing authority will refuse or impose limitations on applications which are likely to add to the cumulative impact unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives. However, Planning and Licensing are distinct and separate regulatory regimes, each with its own specific statutory considerations and policy considerations.

Impact of Extended Opening Hours

The proposed variation of Condition 22 and 24 will allow an additional hour of operation, to 03:00 for the approved restaurant for each day and an additional 4 hours for the roof terrace, until 03:00 hours each day. The hours for the roof terrace are significantly later than the extant planning permission which has a terminal hour of 23:00. The licensing sub-committee has however granted a Premises Licence under the Licensing Act 2003 which enables the premises, including the roof terrace, to operate until 03:00 daily with a total capacity, for the combined restaurant and terrace of 1,000 people, with 250 at 13th floor and 750 at 12th floor level.

There are a number of other licensed establishments in the vicinity including Bar Rumba which has licensed opening hours of 09:00 till 06:00 Monday to Saturday and 09:00 till 03:30 on Sundays; The Windmill nightclub to the north at 17-19 Great Windmill Street has licensing opening hours of 09:00 till 05:30 Monday to Saturday and 09:00 till 03:00 on Sunday; and The Piccadilly Institute operates with licensed opening hours of 07:00 till 03:00 Monday to Saturday and 07:00 till 01:00 on Sundays.

Shaftesbury Avenue is an extremely busy frontage at all hours so that any effects from patrons outside, particularly when leaving, are likely to be sufficiently masked by the existing external noise environment. There are also few residents in Shaftesbury Avenue, the closest being above St James Tavern on the corner of Shaftesbury Avenue with Great Windmill Street. Given the commercial nature of this part of Shaftesbury Avenue, it is not considered the extension of the terminal hour of an additional hour would result in a materially adverse impact upon residential amenity in the area.

The original permission for the rooftop restaurant/bar is also subject to a condition requiring the submission of a management plan to ensure that customers do not cause noise nuisance when leaving the restaurant/bar. A fully worked up operational management plan, to secure these measures, is once again secured by condition.

Noise from terrace

The License also allows the 12th floor terrace to operate until 03:00, with live music until 22:00 hours and recorded music permitted until 00:00 hours, provided that a noise limiter is fitted to the musical amplification system, set at a level determined by Environmental Health. There are two openable doors which will allow access onto the 12th floor terrace, which the License requires to be kept closed after 23:00 hours, except for immediate access and egress purposes.

The License does set out that live music, (including percussion) and recorded music may be permitted beyond these times and until 03:00 hours if the external terrace is enclosed with a retractable roof to the satisfaction of Environmental Health Service.

Objections to the application have been received from both the Soho Society and Nimax Theatres on the grounds of noise disturbance, both from operational noise, and noise from queuing. The Soho Society object to the application and believe that there could well be noise nuisance which will affect neighbouring residents. They also query the usefulness of the acoustic report and argue that noise levels where alcohol is a factor are significantly higher than 'normal conversational levels' and that experience in the

West End shows that this sort of 'crowd' noise can be very disturbing and with 500 people, alcohol and music (and depending on wind conditions) there could well be noise nuisance which will affect neighbouring residents. They believe that the use of the outdoor roof terrace after 11pm should not be permitted, and that any change to the restriction on music and amplified music on the roof terrace should only be subject to a requirement for a real life test of the acoustic mitigation (not just installation) to satisfy the council that it is effective in preventing (not minimising) any impact on residential properties before the Skybar can open.

With regard to noise from the roof level terrace, this area is set back some 60m from Shaftesbury Avenue, and approximately some 80m from the Lyric, the nearest theatre, which is also fully screened from Shaftesbury Avenue by the recently completed roof extensions. The closest residential properties are the flats on the upper floors of Coventry House directly opposite the application site on the south side of Coventry Street. These residents are some 30m from the proposed terrace. There are also residential properties within Rupert Street to the east of the site, some 35m from the terrace. The roof terrace is, however, some three floors above the nearest residential flats on Coventry Street.

During the course of the application further acoustic information has been submitted in relation to proposed noise levels from the terrace use and existing background noise levels. Policy 33 of the City Plan states that development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds. The adopted Environmental Supplementary Planning Document requires noise from both amplified/unamplified music and from human voices to be at least 10db below existing background noise levels at surrounding receptors.

Environmental Services have assessed the report and advise they have no objections. They advise that the assessment indicates that noise levels emanating from the use of the terrace from 250 people (ie. half of the assumed capacity) all talking at once on the roof terrace are significantly below background noise levels at receptors, indicating that people noise will be well below the target levels, and likely to be inaudible at normal speech levels at sensitive facades. The noise report (following the concerns raised both by the Soho Society and the Environmental Sciences Officer) also makes a more onerous assessment of both combined people noise of up to 200 people speaking with raised vocal effort (which is likely given the impact of alcohol on voice levels) together with a PA system operating with noise levels up to 75dB(A) for ambient background music. This assessment also predicts that noise targets would not be exceeded and would remain within the noise criteria.

The Soho Society believe that the applicant is attempting to use a decision of a Licensing Committee to overturn conditions which have been imposed after consideration by a Planning Committee. However, as set out above, Planning and Licensing are two separate statutory systems with their own statutory rules, criteria, policies and guidance. In this case, the proposal is considered to comply with the noise policies set out in the Development Plan and Environmental SPD.

With regard to the revised wording for Condition 23, relating to noise levels from the terrace, it is recommended that, rather than the wording suggested by the applicant (which refers to the potential for noise levels to be higher than 75dB(A)), that the terrace

is operated in accordance with an approved noise management plan. The noise management plan should include measures that manage behaviour on the terrace, limit the number of people on the roof terrace, and restricts any event that may cause patrons to raise their voices, for example, the showing of sporting events, karaoke/singalong events, comedy nights etc, with music levels enforced by a limiter device. The revised Condition 23 is much more precise than the original condition which only prevents music and amplified sound played from being audible from the nearest noise sensitive premises. It also places more controls on activity on the terrace than was secured originally. Subject to these operational restrictions the extended hours of the 12th floor terrace is considered to be acceptable.

Noise from queuing

As set out above, concerns have been raised from Nimax Theatres on the grounds that noise from the Skybar's entry/queueing system remains one of their primary concerns. However, access to the roof bar is now being proposed via a new dedicated entrance on Rupert Street which also has a substantial lobby area to enable queuing to take place off-street. The planning application to relocate the existing entrance on Shaftesbury Avenue to Rupert Street is the subject of a separate planning application which is considered elsewhere on this agenda (Item 1). In the event that the planning committee is minded to approve that application, then this could be secured as part of this application (and a draft condition to that effect has been included on the draft decision notice.)

9.6 Transportation, Accessibility & Servicing

The proposed changes to conditions have no transportation implications.

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 fit out phase through the generation of increased opportunities for local employment, procurement and spending.

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 an already permitted use to operate slightly longer. The occupation of the unit will also provide employment opportunities, leading to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application. The Crossrail payment, employment and training strategy, highway works required by the original legal agreement have been completed/paid.

10. Conclusion

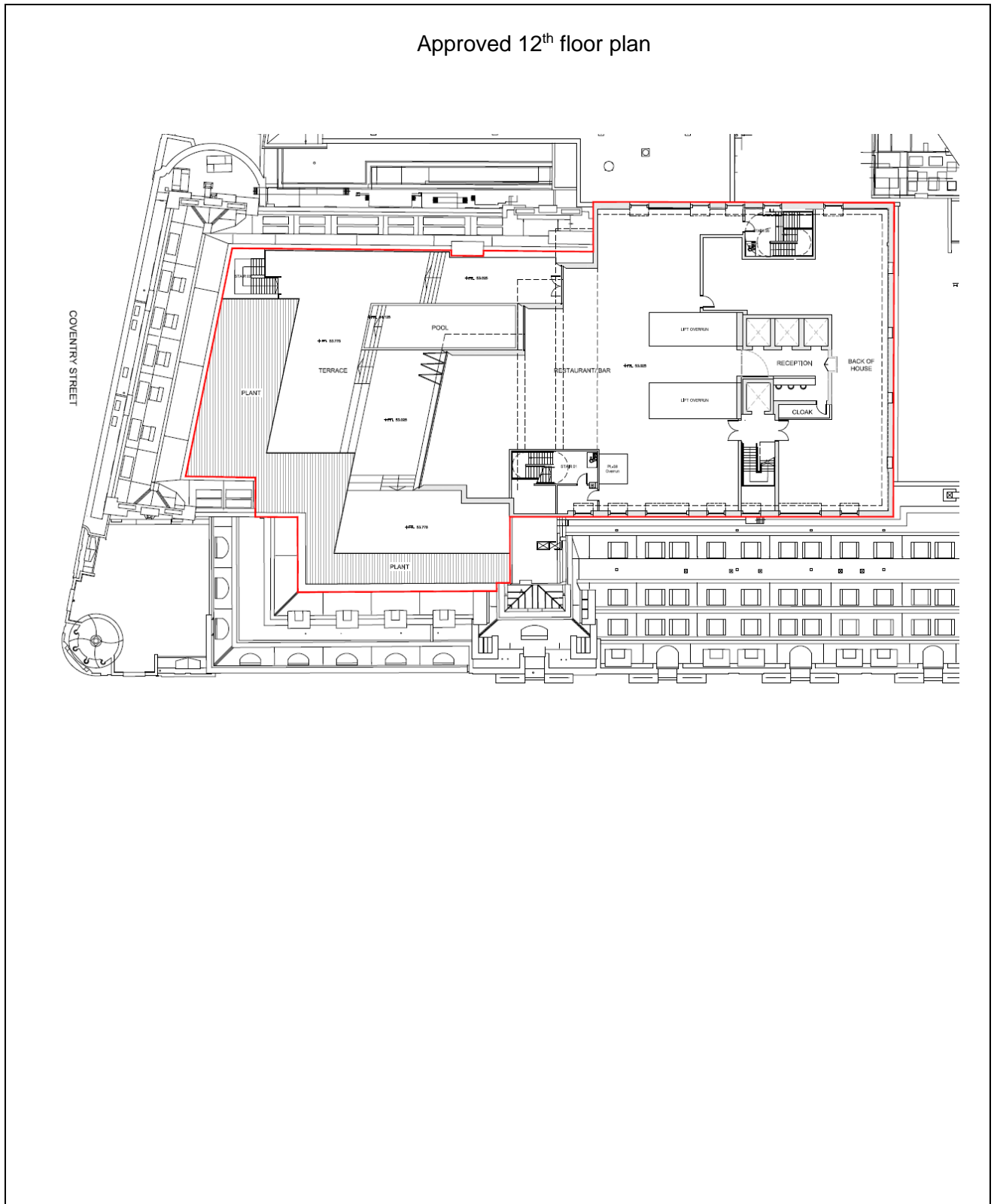
The proposed variations of Conditions 22, 23 and 24 are considered acceptable.

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

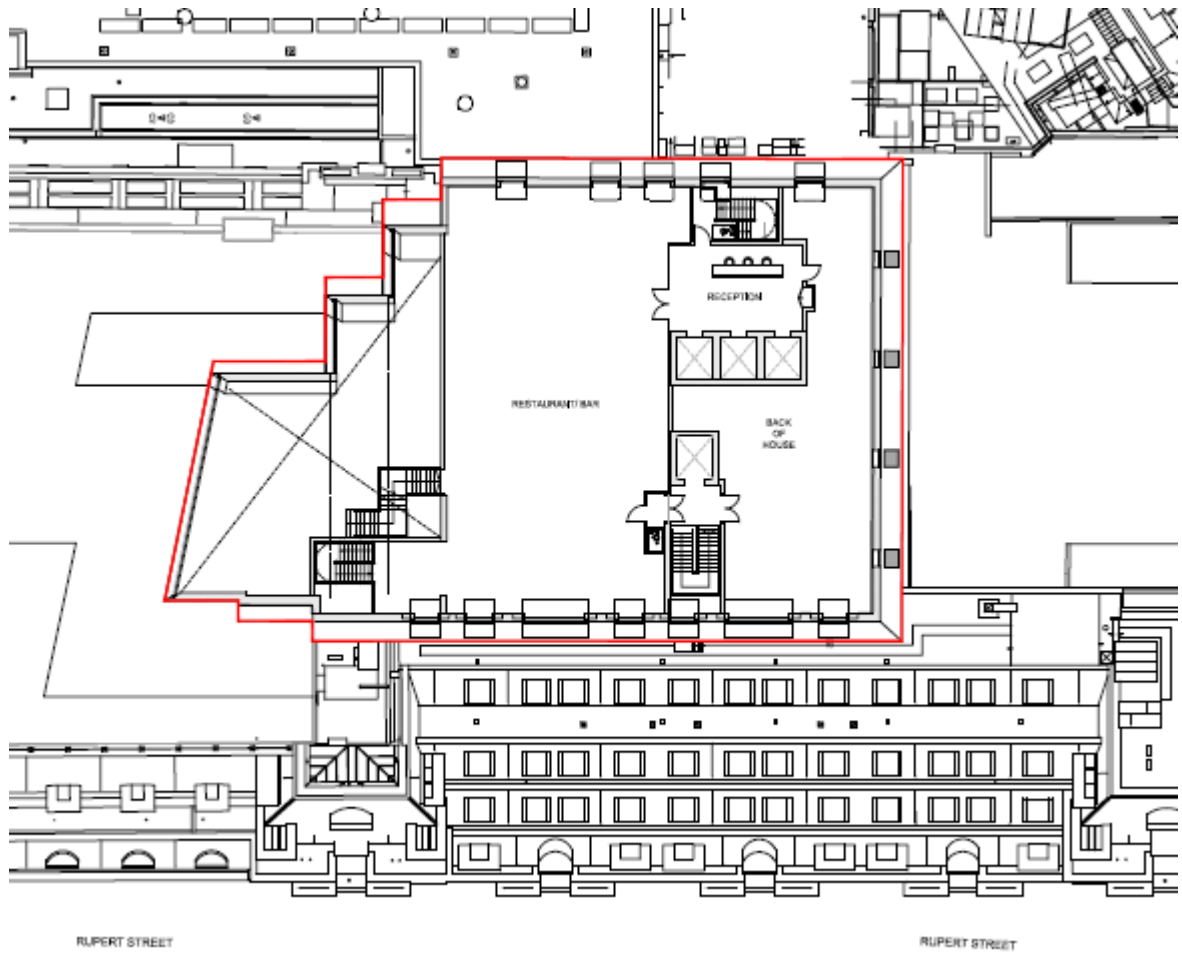
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

11. KEY DRAWINGS

Approved 12th floor plan



Approved 13th floor plan



DRAFT DECISION LETTER

Address: Trocadero, 13 Coventry Street, London, W1D 7DH

Proposal: Variation of condition 22, 23 & 24 of planning permission dated 15th May 2020 (RN:19/08886/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4); NAMELY, to allow the Skybar roof top restaurant/bar (Condition 24) to operate between 07:00 and 03:00 hours the following morning and to enable the roof terrace area (Condition 22) to operate from 10:00 to 03:00 the following morning; and to amend the wording of Condition 23 relating to noise levels on the roof terrace.

Reference: 22/06688/FULL

Plan Nos: 19/08886/FULL
TROC-P-1906 Rev C, TROC-P-62-GF-2-2 Rev C0

17/08541/FULL
TROC-P-1400 Rev 1; TROC-P-1401 Rev 1; TROC-P-1402 Rev 1; TROC-P-1403 Rev 1; TROC-P-1404 Rev 1; TROC-P-1405 Rev 1; TROC-P-1406 Rev 1; TROC-P-1407 Rev 1; TROC-P-1408 Rev 1; TROC-P-1409 Rev 1; TROC-P-1410 Rev 1; TROC-P-1411 Rev 1; TROC-P-1412 Rev 1; TROC-P-1413 Rev 1; TROC-P-1414 Rev 1; TROC-P-1415 Rev 1; 17278- TP(11)201 Rev 6; 17278- TP(11)202 Rev 6; 17278- TP(11)203 Rev 6; 17278- TP(11)204 Rev 6; 17278- TP(11)205 Rev 6; TROC-S-11-20; TROC-S-11-22; 16-352-103 Rev D

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

- 4 1. You must carry out the development in accordance with the plant screen, window and door details and decorative screen details approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with alternative detailed drawings of all new windows and external doors, plant screen and decorative screen details to be submitted to and approved by the City Council. You must then carry out the work in accordance with the approved details.

2. You must apply to us for approval of detailed drawings (at scales 1:10) of the following parts of the development, i. The new canopy on the Shaftesbury Avenue façade - including its height and distance from Shaftesbury Avenue;
ii. Each new external door type on the south facade of the roof extension (with 1:1 details of a typical example of each).

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

Reason:

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

- 5 You must carry out the development in accordance with the samples approved 29.01.2021 (RN 20/06272/ADFULL), or in accordance with alternative samples of the facing materials, to be submitted to and approved by the City Council. You must then carry out the work using the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

- 7 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)

- 8 The hotel and restaurant/bar use allowed by this permission must not begin until you have completed the alterations to the loading bay as set out in the approved drawings. Thereafter you must use the parking, access, loading, unloading and manoeuvring areas shown on the approved drawings only for those purposes.

Reason:

To ensure the loading bay is provided as set out on the approved drawings and to make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021).

- 9 You must provide the waste and recycleable material stores shown on drawing no 16-352-103 Rev D before you use the building for hotel or restaurant/bar use. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

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

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the

intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

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

- 12 You must carry out the development of the site in accordance with the details approved by the City Council as Local Planning Authority on 15 April 2020 under reference RN/20/02051/ADFULL or in accordance with an alternative supplementary noise report demonstrating compliance with Condition 12 as submitted to and approved by the City Council.

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)

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

mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the internal activity within the restaurant/bar will comply with the Council's noise criteria as set out in Condition 13 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 15 1. You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the rooftop restaurant/bar from causing nuisance for people in

the area, including people who live in nearby buildings. You must not start the rooftop restaurant/bar use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant/bar is in use.

2. You must carry out the hotel use in accordance with the management strategy approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with an alternative operational management strategy, to be submitted to and approved by the City Council. You must then carry out the hotel use in accordance with the approved strategy.

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)

- 16 You must provide each bicycle space shown on the approved drawings prior to the use of the building for either hotel or restaurant/bar use and these spaces shall only be used for the parking of bicycles of people visiting, living or working at the development.,

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)

- 17 You must provide the environmental sustainability features (environmentally friendly features) as set out in your Energy Statement dated July 2017 before you start to use any part of the development.

You must not remove any of these features, unless we have given you our permission in writing.

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)

- 18 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods (other than collection of compacted waste) only if they are unloaded or loaded within the loading bay area.

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)

- 19 All deliveries and collections to the loading bay can only take place between 08:00 and 18:00 hours on Monday to Fridays and 08:00 and 12:00 on Saturdays. No deliveries or collections to the loading bay shall take place on Sundays or Bank Holidays. Outside of

these hours the loading bay door must remain closed.

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)

- 20 You must carry out the development in accordance with the servicing management strategy approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with an alternative servicing management strategy, to be submitted to and approved by the City Council. You must then carry out the work in accordance with the approved strategy.

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)

- 21 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)

- 22 The use of the roof terrace areas hereby approved can only take place between 10:00 and 03:00 the following morning daily.

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)

- 23 You must apply to us for approval of a noise management plan to show how the 12th floor terrace will be used. You must not use the terrace until we have approved what you have sent us. You must then carry out the measures included in the noise management plan at all times that the 12th floor terrace is in use.

Reason:

To protect neighbouring residents and theatres from noise nuisance as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 24 Customers shall not be permitted within the roof top restaurant/bar before 07:00 or after 03:00 hours the following morning.

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)

- 25 All doors and windows within the restaurant/bar shall be remain closed between the hours of 23:00 and 10:00 except for immediate access and egress purposes.

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)

- 26 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the rooftop restaurant use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

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)

- 27 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) 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 by an emergency loss of power.
(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.

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)

- 28 You must carry out the development in accordance with the air quality neutral benchmarks approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with alternative air quality neutral benchmarks, to be submitted to and approved by the City Council. You must then carry out the work in accordance with the approved strategy.

Reason:

To make sure that the development provides the air quality mitigation measures included in your application as set out in Policy 32 of the City Plan 2019 - 2040 (April 2021).

- 29 You must not cook raw or fresh food in the area marked 'grab and go' at basement level. (C05DA)

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)

- 30 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the number, size, species and position of trees and shrubs on the roof terrace. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 31 You must carry out the development in accordance with the management plan approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with an alternative management plan to ensure that coaches do not wait outside the premises, to be submitted to and approved by the City Council. You must then carry out the work in accordance with the approved management plan.

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 The entrance onto Rupert Street shown on Drawing TROC-P-1906 Rev C can only be used by staff and/or means of escape only.

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)

- 33 The extended hours of operation allowed by this application, cannot commence until you have installed the new entrance and queueing area on Rupert Street (RN: 22/06174/FULL approved on xx/xx/2023). Thereafter, after midnight, the access doors on Rupert Street cannot be used as an exit except in an emergency.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set

out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

Informative(s):

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

2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an [Assumption of Liability Form](#) immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a [Commencement Form](#)

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

{Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms}.

3 Conditions 10-11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

- 5 Details to discharge Condition 23 should include measures to manage behaviour on the terrace, limit capacity and restricts any event that may cause patrons to raise their voices, such as, any competitive sporting events, karaoke/singalong events, comedy nights etc with music levels enforced by a limiter device to be set at a level determined by Environmental Health.
- 6 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (161AB)
- 7 Under condition 29 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

The hot food operation as described in the approved documents shall not be altered in any way with regards to cooking methods, cookline equipment or hot food types sold.

Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation). For further information please contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email to ehconsultationteam@westminster.gov.uk.

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

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	18, 20-24 Broadwick Street And 85 Berwick Street, London, W1F 8JB		
Proposal	Variation of Conditions 8, 22 and 23 of planning permission dated 11th February 2021 (RN: 20/04766/FULL) for Variation of Condition 1 of planning permission dated 20 November 2020 (RN: 19/07554/FULL) for, 'Variation of condition 1 of planning permission dated 20th March 2019 (RN: 18/08538/FULL) "Variation of Condition 1 of planning permission dated 2nd February 2018 (RN 16/09526/FULL) for "Demolition of 20-24 Broadwick Street & 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with up to 69 bedrooms, associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level; NAMELY; to extend the hours of use of the seventh floor seated bar and restaurant until 1.30 am on Thursdays, Fridays and Saturdays and to extend the terminal hour for the access and use of the rear seventh floor terrace from 22:00 until 23:00 daily. (Application under Section 73)		
Agent	Gerald Eve		
On behalf of	Broadwick Street Holdings Ltd		
Registered Number	23/00159/FULL	Date amended/ completed	11 January 2023
Date Application Received	11 January 2023		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning permission subject to a S106 legal agreement to secure:

- i) All highway works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).
- ii) Dedication of land as public highway prior to occupation where necessary.
- iii) To adhere to the stipulations of the Operational Management Plan for the lifetime of the development.
- iv) The costs of monitoring the S106 agreement.

2. SUMMARY & KEY CONSIDERATIONS

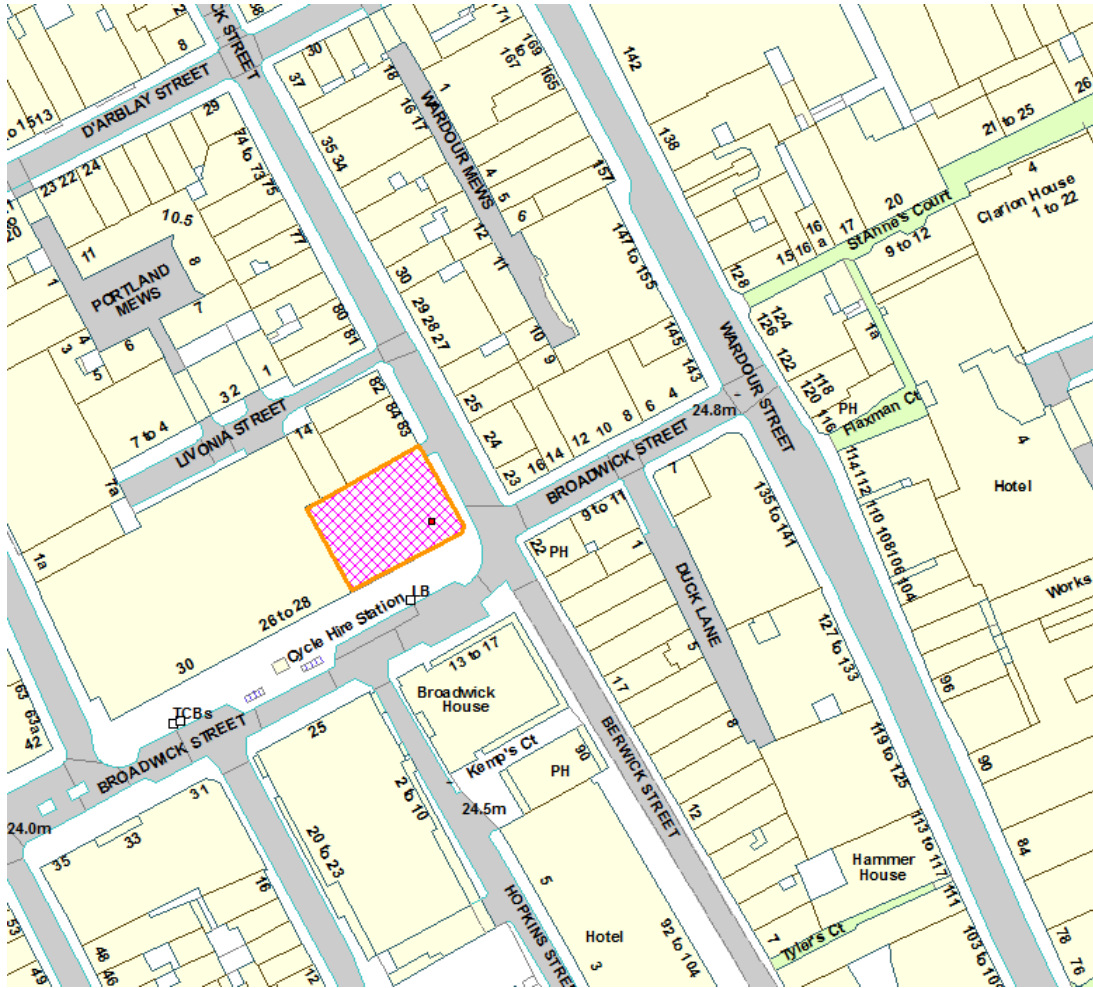
18, 20-24 Broadwick Street And 85 Berwick Street are unlisted buildings in the Soho Conservation Area and West End Retail and Leisure Special Policy Area. The entire premises are currently being redeveloped for use as a hotel and construction is nearing completion. The hotel has a number of restaurant / bar spaces and terraces at various levels.

The 2021 planning permission allowed the use of the rear seventh floor terrace from 07:00 until 22:00 daily, and consent is now sought to extend the terminal hour of that terrace until 23:00. A condition also restricted the hours of the seventh-floor restaurant for customers who are not residents of the hotel, to the following; 07:00 till 00:00 (midnight) Sunday to Thursday, and 07:00 till 00:30 (the following morning) Friday and Saturday. Consent is sought to vary this condition to enable non-hotel residents / guests to remain within the seventh-floor restaurant until 01:30 (the following morning) on Thursdays, Fridays and Saturdays.

The key issue is the impact on residential amenity in terms of potential noise nuisance arising from the extended hours of use of the terrace and for the restaurant space.

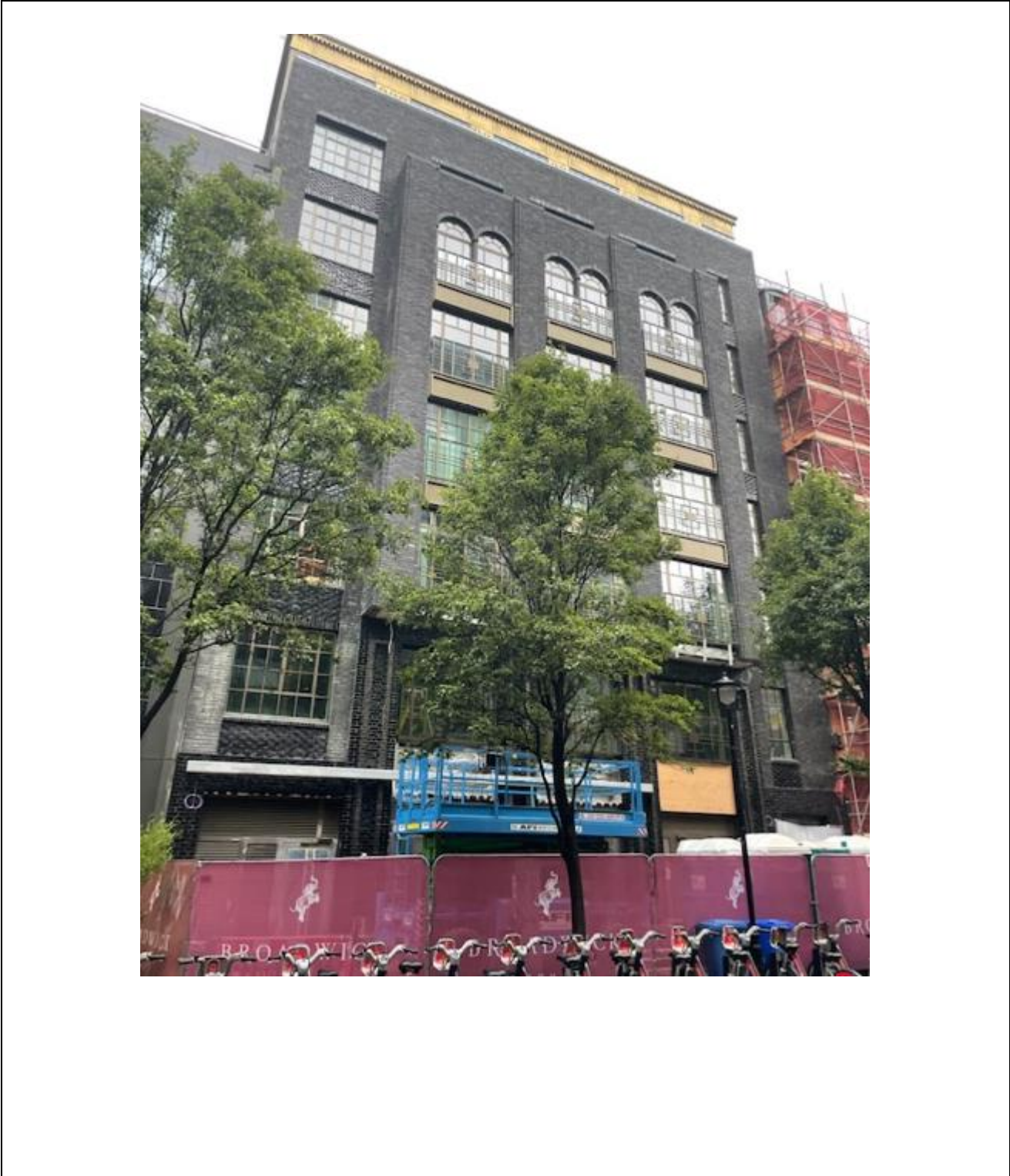
Taking into account the existing and proposed terminal hours of the terrace and restaurant, it is considered the proposal complies with relevant adopted City Plan 2019-2040 policies and the application is therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

SOHO SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection.

SOHO BUSINESS ALLIANCE

Support on the following grounds:

Consider the hotel a benefit to the area with increased employment and the proposal will 'cement Soho's position as a culinary and cultural capital'.

ADJOINING OWNERS AND OCCUPIERS

No Consulted: 127

No Replied: 2

Objections on the following grounds:

*Noise nuisance from dispersing customers later into the evening will impact neighbouring residents.

*Noise and traffic disruption from vehicles picking up customers.

*Noise disruption from the use of the external terrace later into the evening.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. The applicant advises that recent discussions have taken place with a number of local stakeholders and residents including the objector at 16 Broadwick Street, members of the Soho Society, Soho Business Alliance, other local residents and business owners.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

parts of the city (see further details in Section 6.2).

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

6.2 Neighbourhood Planning

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

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

6.3 National Policy & Guidance

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

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site comprises 20-24 Broadwick Street and 85 Berwick Street. The site was granted planning permission for redevelopment to a hotel and the building works are nearing completion. The buildings are unlisted and located in the Soho Conservation Area, the Central Activities Zone and the West End Retail and Leisure Special Policy Area. The hotel will have 57 rooms and feature a lobby bar and restaurant over part ground and lower ground and with a seventh floor restaurant with eighth floor dining room.

Residential units are located north of the application site at 14 Livonia Street and 81 Berwick Street, the east of the application site on the upper floors of 16 and 25 Berwick Street and on the upper floors of a block to the south west with frontages to Broadwick Street, Ingestre Place and Hopkins Street.

7.2 Recent Relevant History

20/04766/FULL

Variation of Condition 1 of planning permission dated 20 November 2020 (RN: 19/07554/FULL) for, 'Variation of condition 1 of planning permission dated 20th March

2019 (RN: 18/08538/FULL) "Variation of Condition 1 of planning permission dated 2nd February 2018 (RN 16/09526/FULL) for "Demolition of 20-24 Broadwick Street & 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with up to 69 bedrooms, associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level" NAMELY, to allow relocation of ground floor temporary waste holding area, construction of party wall at high levels from brick rather than glass, provision of retractable awnings above the 7th floor terrace; and inclusion of bronze framing of glass balustrades.

Application permitted on the 11 February 2021

21/08143/ADFULL

Details pursuant to condition 24 of planning permission dated 11 February 2021 (RN:20/04766); Namely detailed drawings to show the exact use and layout of the entertainment spaces at lower ground, ground, seventh and eighth floor levels to include any bars areas, seating, kitchens.

Application permitted on the 6th December 2021

8. THE PROPOSAL

Consent is sought to vary three conditions on the above planning permission being Conditions 8, 22 and condition 23:

Condition 8 requires:

Customers who are not residents of the hotel, or their guests, shall not be allowed access to or remain within the seventh-floor restaurant premises except between the following hours:

*07:00 till 00:00 (midnight) Sunday to Thursday, and;
07:00 till 00:30 (the following morning) Friday and Saturday.*

Consent is sought to vary this condition to enable non hotel residents / guests to remain within the seventh-floor restaurant until 01:30 (the following morning) on Thursdays, Fridays and Saturdays.

Condition 23 requires:

The terrace area hereby approved at seventh floor level associated with the hotel use can only be used between the hours of 07:00 and 22:00. You can not use the terrace area outside of these hours other than in the case of an emergency.

Consent is sought to vary this condition to allow the use of the rear seventh-floor terrace until 23:00 daily. (The hours of operation of the larger terrace facing Broadwick Street is unaffected by the current proposals.)

Condition 22 of the permission required the following:

The openable elements at seventh and eighth floor levels including all external windows, rooflights and doors shall be fixed shut between 22:00 and 07:00 every day.

This would need to be varied to:

The openable elements at seventh and eighth floor levels including all external windows, rooflights and doors shall be fixed shut between 22:00 and 07:00 every day, with the exception of the door to the rear seventh floor terrace which could be used between the hours of 07:00 and 23:00 daily.

The application as originally submitted sought to vary Condition 23 to allow the use of the seventh floor smoking terrace until 01:00 daily and to vary Condition 22 to allow the seventh floor access doors to open until this time. The proposal was amended during the course of the application to now seek a terminal hour for the use of the rear terrace until 23:00.

The application as originally submitted also sought to reduce the capacity of the seventh and eighth floor entertainment areas but during the course of the application the applicant removed this request.

This variation of hours relates only to the seventh floor restaurant, the bar at eighth floor and the lobby bar and restaurant at ground and lower ground floor levels are unaffected by the current proposals and Condition 9 requires these areas to close at midnight on Sunday to Thursdays and 00:30 on Fridays and Saturdays.

9. DETAILED CONSIDERATIONS

Application Context

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

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

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

Whilst the consideration of such an application is limited to the conditions that should be imposed, if granted, it will result in a new permission. As such, the City Council cannot ignore the wider consideration of issuing a new permission. The application must be determined in accordance with the development plan (i.e. the London Plan (March 2021)

and the City Plan (April 2021) unless material considerations indicate otherwise. The fall-back position of the original planning permission carries great weight in the decision-making process.

9.1 Land Use Overview

The land use elements of the proposals have already been accepted in the original consent which is being varied. The amenity impacts of the proposed change to the operation of the hours of use are considered in section 9.5 below.

9.2 Environment & Sustainability

The proposed changes to conditions have no environmental or sustainability implications.

9.3 Biodiversity & Greening

The proposed changes to the conditions have no biodiversity or greening implications.

9.4 Townscape, Design & Heritage Impact

The proposed changes to the conditions have no townscape, design or heritage implications.

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.

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'. In assessing the impact of development proposals, the Council will apply the 'Agent of change' principle which places the burden on the applicant to mitigate negative environmental impacts and ensures development does not cause existing nearby uses from having to curtail their activities.

The Soho Neighbourhood Plan includes Policy 12 which requires, 'proposals for new food uses (Class E), public houses, drinking establishments, take-aways and music venues (Sui Generis) uses which require planning permission and are contiguous to residential use must comply with the 'agent of change' principle and demonstrate that they will not have unacceptable amenity impacts (including in relation to noise, vibration and odours).' The justification for the policy states that, 'the plan recognises the demand

for food and beverage and entertainment uses but proposals which are located above below or immediately adjacent to existing residential space can cause particular and localised problems. Proposals in close proximity to residential will need to take particular account of the potential for adverse impacts and ensure that suitable and effective mitigation is in place if they are to be supported. Some examples of potential adverse impacts are structure borne noise, noise from patrons and staff, collections and deliveries at unsocial hours, odours and obstruction of residential entrances and passageways. In bringing forward their proposals applicants must show how such adverse impacts will be avoided and mitigated.'

Extended Hours of the terrace

The proposal would extend the permitted hours of use of a small terrace at rear seventh floor level from the currently permitted 22:00 until 23:00 daily. Policy 7 of the City Plan 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:

1. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
2. minimising noise from plant machinery and internal activities;
3. minimising noise from servicing and deliveries; and
4. protecting the relative tranquillity in and around open spaces.'

The terrace measures 11sqm and would only be able to accommodate a small number of people. The nearest residential properties are located to the north of the terrace at 14 Livonia Street where there is a maisonette at third and fourth floor levels and on the first to third floor levels of 81 Berwick Street. These residential units are at a much lower level than the rear terrace. Objections have been received to the application from two residential occupiers, one to the east on the other side of Broadwick Street and the other on the junction of Broadwick Street and Duck Lane to the east of the site. These two properties are a significant distance from the terrace and much lower floor levels, the built form of the hotel means that there is no direct line of sight to these residents and given this, it is considered that allowing the use of the terrace until 23:00 would not have any adverse impact on residential amenity.

The Operational Management Plan states that an SIA accredited security staff member will manage the seventh-floor terrace daily between 22:00 and 23:00 to ensure noise is minimised and also to ensure patrons do not take drinks out with them in order to minimise their time on the terrace. Given the distance of the terrace from any nearby residential properties, and the operational management measures in place, it is not considered that allowing the rear terrace to operate until 23:00 would be harmful in amenity terms.

Seventh floor restaurant hours

The proposed variation of condition 8 would allow customers who are not residents of the hotel, or their guests to remain on the premises from beyond the current terminal hour of 00:00 (midnight) on Thursdays and 00:30 on Fridays and Saturdays until 01:30 on these days.

The two residential objectors are concerned that allowing non-guests to stay within the seventh floor restaurant later into the evening will mean increased noise and disturbance later into the evening both in relation to patrons leaving the premises and from any vehicles / taxis collecting people, contrary to the agent of change principle.

There are a number of licensed premises in the vicinity with a similar late terminal hour including the following:

- Yauatcha in the building opposite (15 - 17 Broadwick Street) which has licensed opening hours of Monday to Sunday; 08:00 - 01:00.
- Basement Sate - basement club located 29m to the east of the application site (8 Broadwick Street) which has opening hours of; Monday and Sunday 18:00 - 00:00 and Tuesday to Saturday 18:00 until 01:30.
- Violet's - restaurant / bar at 19 Berwick Street located 30m to the south of the application site which has licensed opening hours of; Monday to Saturday 10:00 - 01:00 and Sunday 12:00 - 00:00.
- Planning permission (21/03136/FULL) granted 5th January 2023 in relation to 72 Broadwick Street for the 'Flexible alternative use of basement and part ground floor for retail (Class Ea) or restaurant/cafe (Class Eb) purposes or as a live music venue (Sui Generis).' Approved opening hours of the live music venue of 9.00-00:00 (midnight) Monday and Tuesday; 9.00-01:00 the following morning on Wednesday and Thursday; 9.00-02:00 the following morning on Friday and Saturday (and Sundays before Bank Holidays) and 9.00-23:00 on Sundays and Bank Holidays.

Concerns have also been raised on the grounds that noise levels in the immediate vicinity start to become quieter around 00:00 when the last customers of the Blue Posts public house disperse. The objector is concerned that allowing the hotel restaurant to close later will result in noise nuisance later into the evening than currently. They do not agree with the assertions the applicant makes that people leaving the premises can be controlled by hotel staff, that the hotel will manage disturbance as they have guests sleeping within the premises, and that the 'type of guests' means they will be inherently quieter than at other entertainment type uses.

Given the location of the hotel in the centre of Soho and the late opening hour of a number of licensed premises within the immediate vicinity it is not considered the extension of the terminal hour of the seventh floor restaurant by 90 minutes on a Thursday and 60 minutes on a Friday and Saturday would result in a materially adverse impact upon residential amenity in the area. Furthermore, given the location of hotel bedrooms directly below, it will be in the interests of the hotel to ensure that the restaurant, and other entertainment areas, are properly managed.

In addition, the seventh floor restaurant is a relatively small part of the entertainment space within the hotel, measuring some 150sqm. The larger bar at eighth floor level, and the lobby bar and restaurant at ground and lower ground floors will still close in accordance with the approved terminal hours of midnight on Sunday to Thursday and 00:30 on Friday and Saturdays.

The updated Operational Management plan (OMP) sets out how the seventh floor restaurant would operate, namely as a seated restaurant with a total capacity of 175. The Agent of Change principle, referred to by the objector, places the burden on the applicant to mitigate negative environmental impacts, and the OMP also sets out that, in order to ensure a gradual dispersal of people from the entertainment areas, the hotel will employ certain measures; slowly and gradually increasing the light levels; slowly lowering the music levels so patrons naturally become quieter; multiple reminders that the areas are about to close so patrons will gradually be leaving of their own accord. The Operational Management Plan also states that door employees will be in attendance at the main entrance at all times to manage people entering or leaving the building. Anyone seeking a taxi will be aided by the door staff and if no taxi is immediately available customers will wait inside the hotel whilst the door staff call a taxi for them.

The updated OMP also includes a contact number to the duty manager which will be made publicly available. Whilst it is envisaged that people staying at the hotel will ordinarily use public transport anyone wishing to use a taxi will either be guided to a licensed cab or will be asked to wait inside the hotel until one is found.

The comments with regard noise from taxis collecting guests later into the evening is also noted. However, Broadwick Street will have a general level of noise throughout the night and taxis collecting patrons from many of the licensed premises may stop in the vicinity to collect passengers. Also, given the close proximity of public transport including the underground and buses it is considered a large number of people leaving the premises will be walking to public transport interchanges.

The objector also comments that it would have been better had the application been made 12 months after the hotel had opened so that neighbours would have had a chance to understand how the hotel operates. These comments are understood, however, it is not possible to delay considering this application for 12 months as requested by the objector. The objector has also commented on a number of City Plan and Soho Neighbourhood Plan policies but the majority of these are in relation to new entertainment uses and this application is for the extension of hours to an approved restaurant.

For the reasons set out above, it is not considered that the objections to the impact of the additional hour of opening on Friday and Saturdays and 90 minutes on Thursdays can be upheld and so approval is recommended that Condition 8 can be varied.

9.6 Transportation, Accessibility & Servicing

Not relevant

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 small contribution to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan

2019-2040 by allowing the use of the terraces for two additional hours into the evening as part of a private members club with an emphasis on business.

The applicant advises that given the 5* nature of the hotel 200 full time jobs will be created once it opens and should the current application be approved a further eight jobs will be created.

9.8 Other Considerations

All the same conditions are imposed as were included on the previous consent. A number of these had been previously discharged and the February 2021 permission had updated conditions which just required compliance with the approved details. It is noted that a further two conditions which required discharging have now also been discharged. These were conditions 14 and 24 of the permission which required the submission of detailed drawings to show the exact use and layout of the entertainment spaces at lower ground, ground, seventh and eighth floor levels; and a Servicing Management Plan. The wording of these conditions has therefore been updated to require the development to take place in accordance with these approved details. The wording of conditions / reasons has also been amended where necessary to ensure the correct policies are referred to as the Westminster City Plan has been formally adopted in the interim period.

A number of the appendices to an objection include news articles relating to ex-Councillor Davis, a Westminster City Council investigation report on the conduct of ex-Councillor Davis and his register of interests. These documents are not considered relevant to the current application.

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

Given the highways works have not been completed the Highways Planning Manager has confirmed these works again need to be secured via legal agreement as previously.

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

- i) All highway works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).
- ii) Dedication of land as public highway prior to occupation where necessary.
- iii) To adhere to the stipulations of the Operational Management Plan for the lifetime of the development.
- iv) The costs of monitoring the S106 agreement.

10 Conclusion

It is considered the extension of the hours of use of the terrace until 23:00 from the consented 22:00 and the extension of hours for the use of the seventh-floor restaurant

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premises by non-residents of 90 minutes on Thursday and 60 minutes on Friday and Saturday would be acceptable given the controls in the Operational Management Plan and given that the hotel would operate to similar hours to a number of licensed premises in the vicinity.

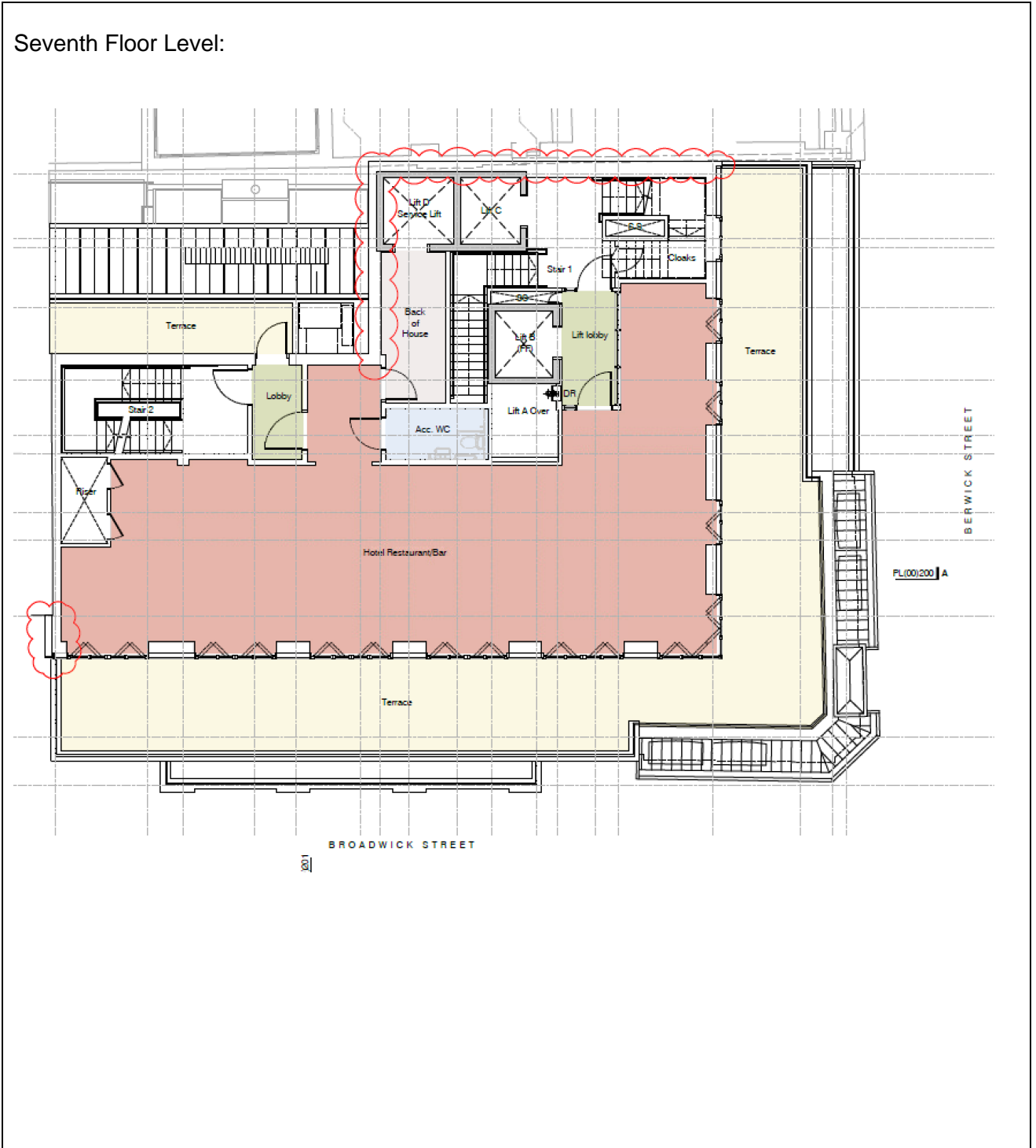
With these measures in place the proposal is considered acceptable, mindful of policies 7,16 and 33 of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

11 KEY DRAWINGS

Seventh Floor Level:



DRAFT DECISION LETTER

- Address:** 18, 20-24 Broadwick Street And 85 Berwick Street, London, W1F 8JB
- Proposal:** Variation of Conditions 8, 22 and 23 of planning permission dated 11th February 2021 (RN: 20/04766/FULL) Variation of Condition 1 of planning permission dated 20 November 2020 (RN: 19/07554/FULL) for, 'Variation of condition 1 of planning permission dated 20th March 2019 (RN: 18/08538/FULL) "Variation of Condition 1 of planning permission dated 2nd February 2018 (RN 16/09526/FULL) for "Demolition of 20-24 Broadwick Street & 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with up to 69 bedrooms, associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level from RN:20/04766/FULL. NAMELY; to extend the hours of use of the seventh floor seated bar and restaurant until 1.30 am on Thursdays, Fridays and Saturdays and to extend the terminal hour for the access and use of the rear seventh floor terrace from 22:00 until 23:00 daily. (Application under Section 73)
- Reference:** 23/00159/FULL
- Plan Nos:** 21/08143/ADFULL - PL(00)102 REV B, PL(00)103 REV B, PL(00)110 REV C, PL(00)111 REV F.
- 21/08142/NMA - Covering Letter dated 25 November 2021.
- 21/04006/ADFULL - 20-24 BROADWICK STREET Servicing Management Plan dated June 2021.
- 21/00852/ADFULL - AA[21]001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012; AL[21] 001, 002, 003, 004, 005, 006
- 20/04766/FULL - , PL(00)103 RevC, PL(00)110 RevC, PL(00)111 RevE, PL(00)200 RevH, PL(00)201 RevF, PL(00)300 RevE, PL(00)301 RevG, PL(00)302 RevF, PL(00)303 RevG.
- 19/07554/FULL - , PL(00)100 A, PL(00)101 A, PL(00)102 A, PL(00)103 A, PL(00)104, PL(00)105, PL(00)106, PL(00)107, PL(00)108, PL(00)109 A, PL(00)110 A, PL(00)111 C, PL(00)112 E, PL(00)200 F, PL(00)201 E, PL(00)300 C, PL(00)301 C, PL(00)302 D, PL(00)303 E.
- 18/08538/FULL - , PL110 RevA, PL111 RevA, PL112 RevA, PL113 RevA, PL210, PL300, Structural Methodology Statement Addendum.
- 16/09526/FULL - , Structural Methodology Statement (1512 - 27th September 2016)), Construction Management Plan (September 2016), Hotel Operational Management Plan, Servicing Management Plan (September 2016), Energy Strategy

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Report (September 2016), Acoustic Report (16360-R01-B), Transport Statement (September 2016), BREEAM Pre-Assessment (September 2016), Drawings: A-HW-525-03 Rev02, A-HW-505-01 Rev02, A-HW-501-01 Rev02, A-HW-504-01 Rev02, A-HW-500-01 Rev02, A-HW-525-02 Rev02, A-HW-5B1-01 Rev02, A-HW-502-01 Rev02, A-HW-507-01 Rev02, A-HW-506-01 Rev02, A-HW-525-01 Rev02, A-HW-503-01 Rev02, A-HW-525-04 Rev02, A-HW-200-01 Rev06, A-HW-200-02 Rev05, A-HW-250-03 Rev08, A-HW-109-01 Rev09, A-HW-250-01 Rev08, A-HW-250-04 Rev02, A-HW-250-02 Rev07, A-HW-250-03 Rev08, A-HW-1B3-01 Rev11, A-HW-1B2-01 Rev12, A-HW-1B1-01 Rev11, A-HW-101-01 Rev10, A-HW-106-01 Rev10, A-HW-102-01 Rev05, A-HW-103-01 Rev05, A-HW-104-01 Rev10, A-HW-105-01 Rev10, A-HW-107-01 Rev10, A-HW-108-01 Rev11, A-HW-109-01 Rev09, A-HW-100-01 Rev12.

Case Officer: Matthew Giles

Direct Tel. No. 07866040155

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 You must carry out the development in accordance with the samples of the facing materials, details of which were approved by the City Council as Local Planning Authority on 16th October 2020 under reference 20/05066/ADFULL or in accordance with any other details as submitted to and approved by the City Council.

Reason:

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

- 3 You must carry out the development in accordance with the detailed drawings of the typical façade details which were approved by the City Council as Local Planning Authority on 3rd March 2021 under reference 21/00852/ADFULL or in accordance with any other details as submitted to and approved by the City Council.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set

out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must carry out the development in accordance with the details approved by the City Council as Local Planning Authority on 24th May 2018 under reference 18/02922/ADFULL or in accordance with any other details to ensure that demolition on the site will only occur immediately prior to development of the new building as submitted to and approved by the City Council.

Reason:
To maintain the character of the Soho Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 5 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:
To maintain the character of the Soho Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 6 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)

- 7 You must not allow more than 370 customers within the seventh and eighth floor restaurant, bar and terraces areas at any one time.

Reason:
We cannot grant planning permission for unrestricted use in this case because it would

not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 8 Customers who are not residents of the hotel, or their guests, shall not be allowed access to or remain within the seventh floor restaurant premises except between the following hours:

07:00 till 00:00 (midnight) Sunday to Wednesday, and, 07:00 till 01:30 (the following morning) Thursday, Friday and Saturday.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 9 Customers who are not residents of the hotel, or their guests, shall not be allowed access to or remain within the entertainment areas at lower ground, ground and eighth floor levels except between the following hours:

08:00 till 00:00 (midnight) Sunday to Thursday, and
08:00 till 00:30 (the following morning) Friday and Saturday.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

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

Reason:

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

- 11 You must provide each cycle parking space as approved by the City Council as Local Planning Authority on 16th October 2020 under reference 20/05066/ADFULL or in accordance with any other details as submitted to and approved by the City Council.

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)

- 12 Before occupation of the hotel, you must provide the separate stores for waste and materials for recycling shown on the approved drawings. You must clearly mark them and make them available at all times to everyone using the premises.

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

Reason:

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

- 14 You must carry out all servicing of the development in accordance with the approved Servicing Management Plan which was approved by the City Council as Local Planning Authority on 15th July 2021 under reference 21/04006/ADFULL or in accordance with any other details as submitted to and approved by the City Council.

Reason:

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

- 15 The 'Back of House and Temporary Holding Area' marked on drawing PL(00)103 RevA shall be used for holding deliveries and refuse & recycling bins associated with the hotel use and no other purpose.

Reason:

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

- 16 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)

- 17 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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)

- 18 You must carry out the development in accordance with the details approved by the City Council as Local Planning Authority on 23rd June 2020 under reference 20/03548/ADFULL or in accordance with any other details as submitted to and approved by the City Council to ensure that the noise levels from the plant operation accord with the requirements detailed in condition 17 of this consent.

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)

- 19 You must carry out the development in accordance with the detailed drawings and biodiversity management plan in relation to the green roof, details of which were approved by the City Council as Local Planning Authority on 16th October 2020 under reference 20/05066/ADFULL or in accordance with any other details as submitted to and approved by the City Council.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 20 You must install any required acoustic mitigation measures at the same time as the plant is installed and maintain it in situ for as long as the plant remains in place.

Reason:

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

- 21 You must carry out the development in accordance with the details approved by the City Council as Local Planning Authority on 31st May 2019 under reference 19/03745/ADFULL or in accordance with any other details to ensure that the development is bound by the council's Code of Construction Practice as submitted to and approved by the City Council.

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)

- 22 The openable elements at seventh and eighth floor levels including all external windows, rooflights and doors shall be fixed shut between 22:00 and 07:00 every day, with the exception of the door to the rear seventh floor terrace which can be used between the hours of 07:00 and 23:00 daily.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 23 The rear seventh floor terrace area facing north can only be used between the hours of 07:00 and 23:00. The larger terrace area facing Broadwick Street to the south and Berwick Street to the east can only be used between the hours of 07:00 and 22:00. You can not use the terrace areas outside of these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 24 You must operate the development in accordance with the details approved by the City Council as Local Planning Authority on 6th December 2021 under reference 21/08143/ADFULL or in accordance with any other details showing the exact use and layout of the entertainment spaces at lower ground, ground, seventh and eighth floor levels to include any bars areas, seating, kitchens etc as submitted to and approved by the City Council.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 25 You must not allow more than 130 customers within the lower ground and ground floor areas of the hotel at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

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

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addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 3 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642.
- 7 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.
- 8 Conditions 17 and 18 control noise from the approved machinery. It is very important that you

meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 10 No development should occur between the highway surface and a depth of 900mm. This is to ensure sufficient space remains for utilities and in accordance with TRANS19.

- 11 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	Beaumont Buildings, Martlett Court, London, WC2B 5SF		
Proposal	Installation of replacement timber sash and casement windows and flat entrance doors to flats and new render detailing around windows in gable elevations of Fletcher, Beaumont and Sheridan Buildings.		
Agent	Ms Taraneh Sahban		
On behalf of	Contracts Manager Dave Routley		
Registered Number	22/04567/COFULL	Date amended/ completed	11 July 2022
Date Application Received	11 July 2022		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
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2. SUMMARY & KEY CONSIDERATIONS

<p>The site comprises three tenement blocks - Sheridan, Beaumont and Fletcher Buildings, each of five storeys. While located just outside the boundary of the Covent Garden Conservation Area, they are attractive late Victorian red brick buildings with timber sash windows and galleried walkways overlooking the internal communal gardens.</p> <p>The application proposes the replacement of all original single glazed timber windows,</p>
--

primarily sashes, to all elevations of the three blocks.

The key considerations in this case are:

- The acceptability of the proposed windows in design terms.
- The visual impact of the proposed works on the setting of nearby designated heritage assets, including impact on adjacent listed buildings and the Covent Garden Conservation Area.
- The environmental impact of the works and the energy efficiency benefits of the new windows.

Letters of objection have been received from 8 residents within the application properties raising both design concerns and non-planning matters.

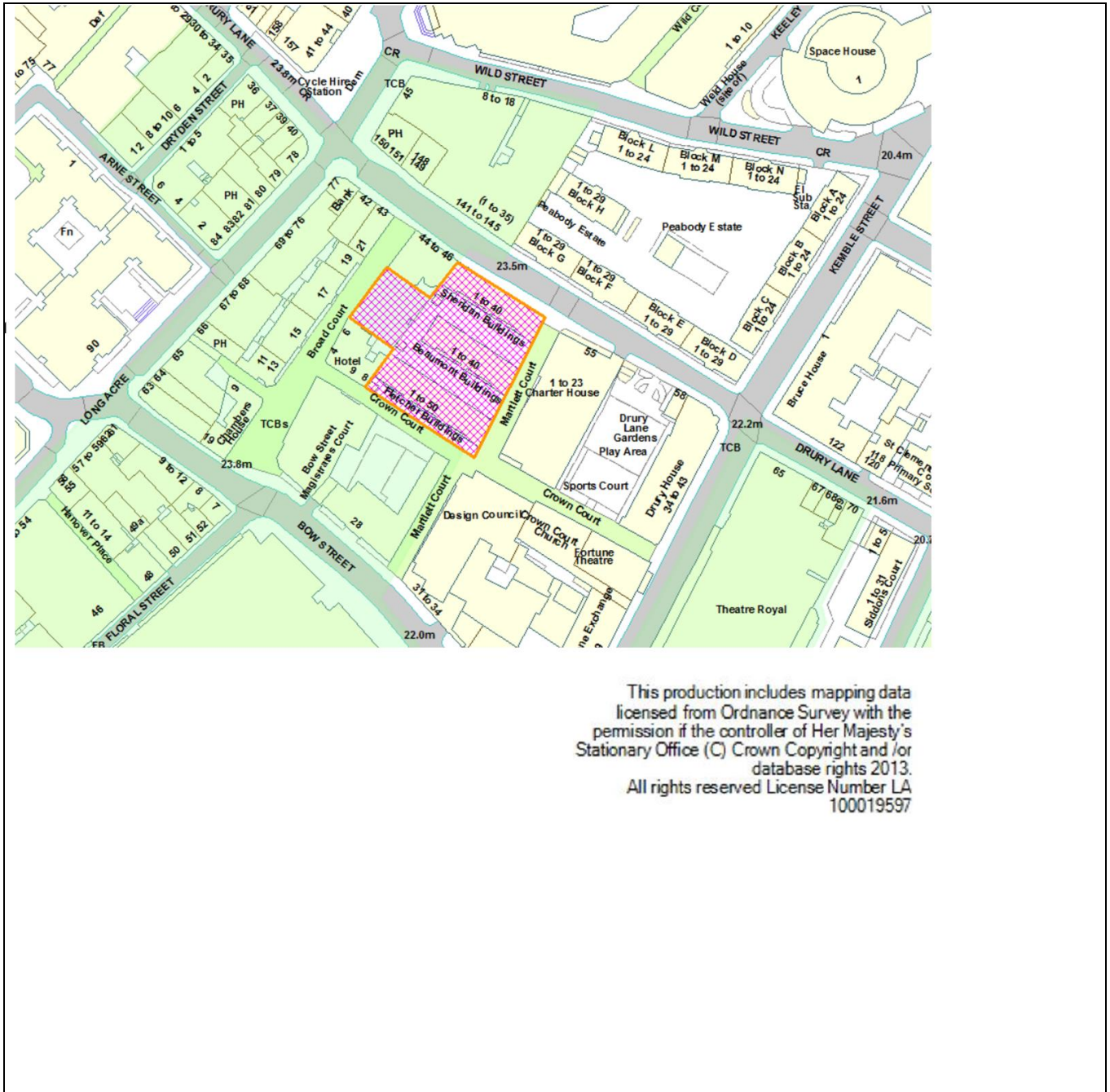
While new timber double glazed sashes can never be exactly the same as the original single glazed examples, the windows would (with the exception of the steel windows to the bathrooms) replicate the material, design, construction and opening profile of the existing windows. The use of timber sashes is highly appropriate to these Victorian blocks, which are considered to be 'undesigned heritage assets'.

There would be public and private benefits in terms of energy efficiency of the building and the consequent impact of lowering the carbon footprint of the blocks, which will help mitigate climate change. There will also be private benefits to the health and well-being of residents, who will have properties that would be easier and cheaper to heat and maintain.

The works will maintain the appearance of these attractive Victorian buildings with timber sash windows and preserve the setting of the nearby listed buildings and the setting of the Covent Garden Conservation Area.

As set out in this report, the development proposed would accord with relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan) and the London Plan. The application is therefore recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



4. PHOTOGRAPHS



Existing windows within the application properties

5. CONSULTATIONS

5.1 Application Consultations

COVENT GARDEN AREA TRUST
Any response to be reported verbally.

COVENT GARDEN COMMUNITY ASSOCIATION
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
RECEIVED

No. Consulted: 223
Total no. replies: 11 (received from 9 residents)
No. objections: 10 (received from 8 residents)
No. support: 0
No. neutral; 1

Ten objections received raising one or all of the following:

- Some of the doors and windows have already been replaced by leaseholders;
- How long will the work take; query what the impact on flat interiors will be, who pays for any damage?
- Will the works affect ventilation to rooms? Shower positions are relevant to windows designs.
- Do not want timber windows, as future maintenance will not be sufficient and will not cater for waterproofing, timber windows difficult to clean.
- Do not want upvc replacement.
- Query whether building is listed or in the conservation area.
- There are already upvc windows installed;
- Cost of new windows; why more expensive wooden ones if building not listed?
- Neighbouring buildings have pvc, want redecoration works to take place, but not with wood.
- Reasoning for the work is vague and works are not necessary.
- Lack of consultation.
- Too many documents and difficult to scrutinise;

1 neutral comment, asking to be kept updated.

PRESS NOTICE/ SITE NOTICE: Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the residents prior to the submission of the planning application.

The engagement undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised below:

As the application is submitted on behalf of City of Westminster for three of its housing blocks a summary document of the engagement was requested, which is available in the background papers.

It advises that a number of meetings have taken place in the form of online residents information sessions in January 2021 and April 2022, face to face sessions in September and November 2022 and correspondence dated February 2023 regarding the case going to Planning Applications Sub-Committee.

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 three tenement blocks - Sheridan, Beaumont and Fletcher Buildings, each of five storeys. While located just outside the boundary of the Covent Garden Conservation Area, they are attractive late Victorian red brick buildings with timber sash windows and galleried walkways overlooking the internal communal gardens.

7.2 Recent Relevant History

None relevant.

8. THE PROPOSAL

Permission is sought to replace all of the windows and front entrance doors in the three blocks and replace the plywood detailing with render to end gable elevations. The new windows would primarily be double glazed timber sash windows with the exception of the steel windows to the bathrooms. The windows would replicate the material, design, construction and opening profile of the existing windows.

There are also internal aspects to these proposals involving the changing of internal doors, riser doors etc, but these do not require planning permission and have been omitted from the original description.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy 12 of the City Plan [Housing quality] encourages the improvement of residential accommodation. These works will improve the acoustic and energy performance of windows in the blocks and therefore accord with the aim of policy 12.

9.2 Environment & Sustainability

The works will improve the energy efficiency of the properties and be in accordance with City Plan policy 36, which aims to reduce on site energy demand.

Whilst the disposal of the existing single glazed 19th century sash windows would

have a negative environmental impact, in the longer term, new timber sash windows will improve the energy efficiency of the building, reduce energy demand and consequently result in benefits to the resident's comfort, wellbeing and lower heating bills.

The reduced energy demand of the building contributes to the City Council's aim to become zero carbon by 2040 and mitigate climate change.

9.3 Biodiversity & Greening

There are no biodiversity or greening implications arising from this application.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

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

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 in the City Plan 2019-2040 relates to heritage and requires that 'development 'must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability, and will: 1. ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance'.

With regard to conservation areas it says 'Development will preserve or enhance the character and appearance of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible'.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be

approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Detailed Design

The new windows are timber sashes designed to replicate the existing designs. A large number of drawings have been submitted and detailed sections were received on 27 March.

The detailed design is acceptable and a condition is recommended to require that the horns on the sashes match the existing ones, as the one currently shown is atypical of the period.

Impact on Heritage Assets.

Dramatic changes of style, architectural quality and or / use of lower quality materials in alterations and extensions to buildings can have a harmful visual impact on the setting of heritage assets, such as listed buildings or a conservation area. These works can lessen the appreciation and views of heritage assets when a marked or striking contrasts are juxtaposed against each other.

Fortunately, in this case, the use of timber sash windows will ensure the visual impact of the works to these period blocks is minimised and that the buildings continue to have a positive contribution to the setting of adjacent listed buildings and the Covent Garden Conservation Area.

This accords with policy 38, which requires an exemplary standard of high-quality design, policy 39 which requires Westminster's heritage context to be respected and policy 40 which requires the use of appropriate materials in alterations and extensions.

9.5 Residential Amenity

The new windows will have a greater noise insulation quality and therefore residential amenity will be improved as a result of the works.

The works will be subject to standard hours of works conditions, as such noise disturbance will be minimised to the set hours.

9.6 Transportation, Accessibility & Servicing

There are no transportation, accessibility & servicing implications arising from this proposal.

9.7 Economy including Employment & Skills

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

9.8 Other considerations

Comments have been made from local residents regarding the cost of the windows, that an alternative form of window would be preferable, that some of the doors and windows have already been replaced by leaseholders and matters relating to bathroom windows and ventilation. These are matters that are either non-planning matters or in the case of bathroom ventilation would be considered under the building regulations.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

The timber sash windows will have a similar appearance to the existing examples and will preserve the significance of these undesignated heritage assets and will benefit the resident's comfort and wellbeing, lowering the building's energy use and contribution to climate change.

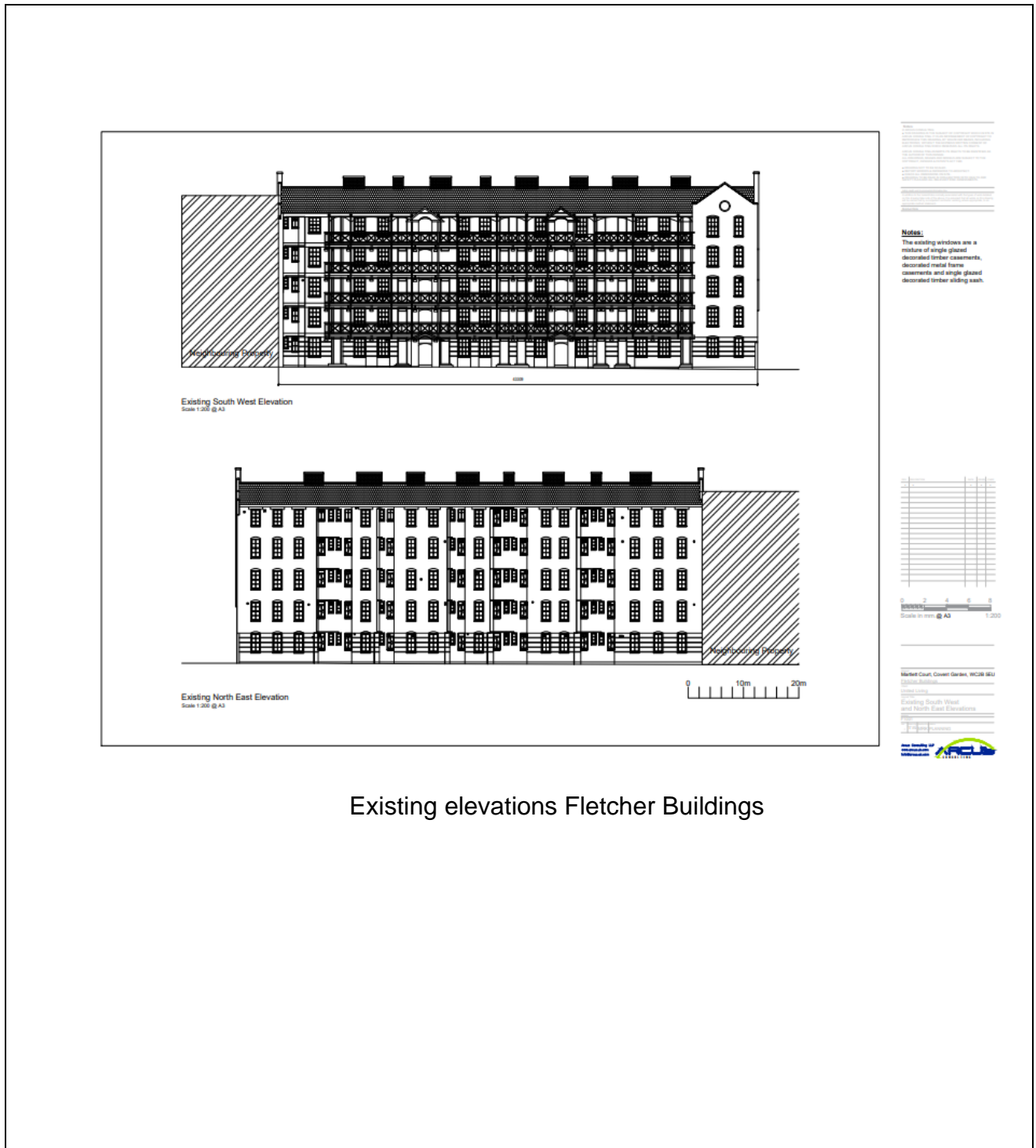
Given the use of timber, the works will have a neutral impact on the appearance of the building and preserve its complementary contribution to the setting the Covent Garden Conservation Area and adjacent listed buildings.

As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission 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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk
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10. KEY DRAWINGS



Existing elevations Fletcher Buildings



Notes:

- The proposed windows will match the existing design and style.
- There will be a mixture of double glazed decorated timber casements and decorated metal frame casements and sliding sash window units.
- The bottom sash of the window units overlooking the highway to the first, second, third and fourth floors will have to be fixed to create a protected canal space in the event of a fire within one of the properties.

Level	Area	Volume
1st Floor		
2nd Floor		
3rd Floor		
4th Floor		
5th Floor		
6th Floor		
7th Floor		
8th Floor		
9th Floor		
10th Floor		
11th Floor		
12th Floor		
13th Floor		
14th Floor		
15th Floor		
16th Floor		
17th Floor		
18th Floor		
19th Floor		
20th Floor		

Scale in mm @ A3 1:200

Market Court, Court Garden, WC2B 9EU
Date: 10/10/2018
Proposed South West and North East Elevations
Architect: [Logo]

Proposed elevations Fletcher Buildings



Notes:
The existing windows are a mixture of single glazed decorated timber casements, decorated metal frame casements and single glazed decorated timber sliding sash.

0 2 4 6 8
Existing
Scale in mm @ A3 1:200

Market Court, Covent Garden, WC2B 6EU
Project Address
Client Name
Drawing Title
Existing South West and North East Elevations
Date
Scale
Author
Checked
Drawn
Project No.

Existing elevations Sheridan Building.



Proposed elevations Sheridan Building.

DRAFT DECISION LETTER

Address: Beaumont Buildings, Martlett Court, London, WC2B 5SF,

Proposal: Installation of replacement timber sash and casement windows and flat entrance doors to flats, as well as new render detailing around windows to gable elevations of Fletcher, Beaumont and Sheridan Buildings.

Reference: 22/04567/COFUL

Plan Nos: 0001_SLP (A4), 1000_Block Plan (A2), F1000, F1001, F1002, F1003, F1004, F1005, F1006, F1007, F1008,, , B1000, B1001, B1002, B1003, B1004, B1005, B1006, B1007, B1008, , , S1000, S1001, S1002, S1003, S1004, S1005, S1006, S1007, S1008, , , MC2001_MC Ex Window Detail 1, MC2002_MC Ex Window Detail 2, MC2003_MC Ex Window Detail 3 (A3), MC2004_MC Pr Window Detail 1, MC2005_MC Pr Window Detail 2, MC2007_MC Pr Door Detail, MC2006_MC Pr Window Detail 3., , HF0-UL-FD30PAS524-FLUSH 001.,

Case Officer: John Wilman **Direct Tel. No.** 020 7641
07866037008

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings of the following parts of the development: , , 1) Sash horn detail to sash window to be amended to reflect the design found on the original sash windows., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry

out the work according to these details. (C26DB)

Reason:

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

- 4 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)

Informative(s):

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

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

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Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Pimlico North	
Subject of Report	58 - 60 Lupus Street, London, SW1V 3EE		
Proposal	Application 1: Installation of two air conditioning units and associated acoustic enclosures to rear at lower ground floor level. Application 2: Installation of extract fan with associated acoustic enclosure to rear at lower ground floor level.		
Agent	Hugo Ribeiro		
On behalf of	Mr Jose Cruz		
Registered Number	Application 1: 20/07619/FULL Application 2: 21/05098/FULL	Date amended/ completed	15 June 2021 (Application 1) 26 July 2021 (Application 2)
Date Application Received	27 November 2020 (Application 1) 26 July 2021 (Application 2)		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		
Neighbourhood Plan	Pimlico Neighbourhood Plan		

1. RECOMMENDATION

<p>Application 1 Grant conditional permission.</p> <p>Application 2 Grant conditional permission.</p>

2. SUMMARY & KEY CONSIDERATIONS

Applications 1 and 2 relate to 58 - 60 Lupus Street which is a ground and basement level commercial unit used as a delicatessen and café (Class E), trading as 'Delicias Pimlico'. Located on the north side of Lupus Street, the unit is within a building known as Neate House which occupies the land between Cambridge Street and St George's Drive and comprises commercial units on the ground and basement levels, with three upper floors comprising residential units. The site is part of the Lupus Street Local Centre and is within the Central Activities Zone (CAZ). The building is unlisted but is located within the Pimlico Conservation Area.

Application 1 proposes the retention of two existing air conditioning units at lower ground floor to the rear of the building and the installation of an acoustic enclosure around them.

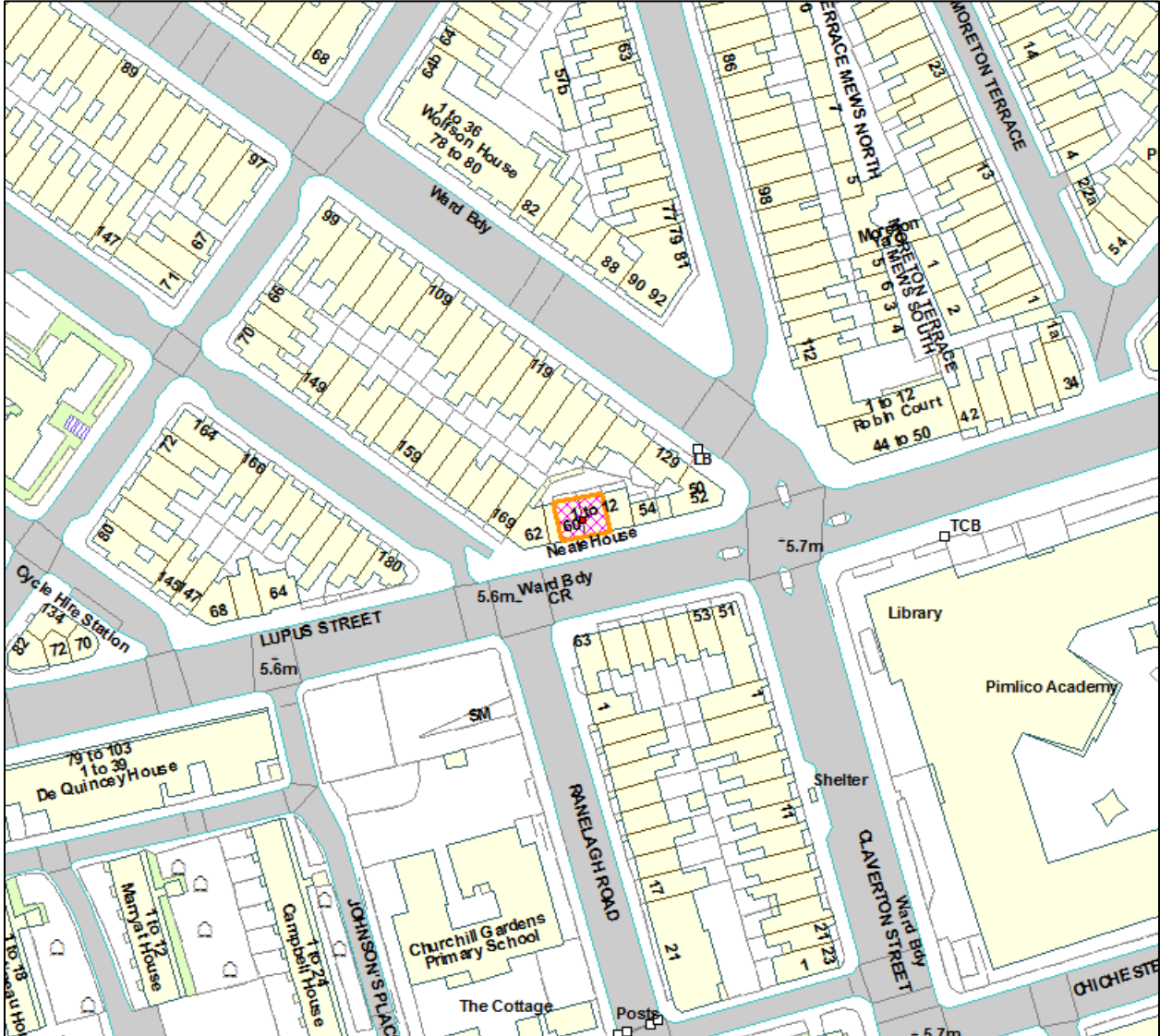
Application 2 proposes the retention of the extract fan in a window at lower ground floor to the rear of the building and the installation of an acoustic enclosure on its outside face.

The key considerations in this case are:

- The impact of the proposal on the amenities of the nearby residential occupiers in terms of noise and odours.
- The acceptability of the proposed plant in design terms along with its impact on the character and appearance of the Pimlico Conservation Area.

As set out in this report, the developments in Applications 1 and 2 accord with the relevant policies in the Pimlico Neighbourhood Plan, the Westminster's City Plan 2019 – 2040 (the City Plan) and the London Plan. The applications are therefore considered acceptable in design, heritage and amenity terms, and are recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear view of application site showing two air conditioning units and extract fan in window.



Front view of application site

5. CONSULTATIONS

5.1 Application Consultations

Application 1 – Air conditioning units

PIMLICO FREDA

Objection. Failure of submitted details to consider cumulative impacts of noise and vibration on residential amenity. Harm to residential amenity due to noise and vibration. Applicant has continued to demonstrate disregard for planning policies, perpetually ignores conditions imposed by the City Council and shows reluctance to take necessary mitigation actions.

WESTMINSTER SOCIETY

Any response to be reported verbally.

PIMLICO NEIGHBOURHOOD FORUM

Any response to be reported verbally.

ENVIRONMENTAL HEALTH - PLANT AND EQUIPMENT

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 15

PRESS NOTICE/ SITE NOTICE: Yes

PUBLIC REPRESENTATIONS RECEIVED:

Total No. of replies: 7

No. of objections: 7

No. in support: 0

In summary, seven neighbouring residents object on the following grounds:

Residential amenity:

- Noise and vibration from the equipment will harmfully impact on neighbouring residential occupiers.
- The acoustic report is inaccurate/ irregular. In particular, the data may not have been measured on site and there is a failure to consider the cumulative noise impacts of the development alongside other nearby or concurrent developments.

Other:

- There is a history of planning enforcement issues, as well as licencing and noise control histories of the site and a concern about the character of the applicant with respect to complying with regulations.

Re-consultation 24 March 2022 to advise on receipt of updated acoustic report and drawings of acoustic enclosure.

PIMLICO FREDA

Objection. Inaccurate plans (showing unlawful and now removed condenser units as “existing”). Vibration from internal plant. Inadequate acoustic report, for same reasons as previously. If the City Council is mindful to allow the proposal, a strict timetable should be imposed on completing the development and complying with conditions.

WESTMINSTER SOCIETY

Any response to be reported verbally.

PIMLICO NEIGHBOURHOOD FORUM

Any response to be reported verbally.

ENVIRONMENTAL HEALTH - PLANT AND EQUIPMENT

Failings of submitted acoustic report can be overcome with conditions. (No objection to odour subject to installation of filtration system and limiting hours of operations.)

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 44

PUBLIC REPRESENTATIONS RECEIVED:

Total No. of replies: 8

No. of objections: 8

No. in support: 0

In summary, eight objections were received on the following grounds:

Residential amenity:

- Noise and vibrations from the equipment will harmfully impact on neighbouring residential occupiers.
- The acoustic report is inaccurate/ irregular. In particular, the data may not have been measured on site and there is a failure to consider the cumulative noise impacts of the development alongside other nearby or concurrent developments.

Other:

- There is a history of planning enforcement issues, as well as licencing and noise control histories of the site.
- Odours from kitchen harmfully impacting neighbouring residential occupiers.

Application 2 – kitchen extract fan

PIMLICO FREDA

Objection. Noise report considers aircon units and not extract ventilation proposed under this application. Cumulative noise and vibration must be considered. Low level discharge of kitchen exhaust would have unacceptable odour impacts on nearby residents. The applicant has disregarded both planning and licensing policies and ignored any conditions imposed by the City Council.

WESTMINSTER SOCIETY

Any response to be reported verbally.

PIMLICO NEIGHBOURHOOD FORUM

Any response to be reported verbally.

ENVIRONMENTAL HEALTH - PLANT AND EQUIPMENT

Objection. Applicant has not submitted acoustic report in support of the installed kitchen extraction plant.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 21

PRESS NOTICE/ SITE NOTICE: Yes

PUBLIC REPRESENTATIONS RECEIVED:

Total No. of replies: 12

No. of objections: 12

No. in support: 0

In summary, twelve objections were made on the following grounds:

Residential amenity:

- Odours from kitchen harming amenities of neighbouring residential occupiers.
- Noise and vibrations from equipment harming amenities of neighbouring residential occupiers.
- No acoustic report has been submitted that considered cumulative impacts of extract fan and air conditioning units.

Other:

- There is a history of planning enforcement issues, as well as licencing and noise control histories of the site and a concern about the character of the applicant with respect to complying with regulations.

Re-consultation 25 March 2022 to advise on receipt of acoustic report and amended description.

PIMLICO FREDA

Objection. Vibrations from internal plant. Inadequate acoustic report. Concerns about low level extractor dispersing into courtyard. If the City Council is mindful to allow the proposal, a strict timetable should be imposed on completing the development and complying with conditions.

WESTMINSTER SOCIETY

Any response to be reported verbally.

PIMLICO NEIGHBOURHOOD FORUM

Any response to be reported verbally.

ENVIRONMENTAL HEALTH - PLANT AND EQUIPMENT

Failings of submitted acoustic report can be overcome with conditions. No objection to odour subject to installation of filtration system and limiting hours of operations.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 61

PUBLIC REPRESENTATIONS RECEIVED:

Total No. of replies: 7

No. of objections: 7

No. in support: 0

In summary, seven neighbouring residents object on the following grounds:

Residential amenity:

- Noise and vibrations from equipment harming amenities of neighbouring residential occupiers.
- Odours from kitchen harming amenities of neighbouring residential occupiers.
- The submitted acoustic report does not take in to account vibration, cooking odours or take measurements from nearby properties.

Other:

- There is a history of licencing and noise control histories of the site and a concern about the character of the applicant with respect to complying with regulations.

5.2 Applicant's Pre-Application Community Engagement

The applicant did not engage with neighbouring residential occupiers or other members of the community that might be affected by the proposals before making these applications. The Council's Early Community Engagement Guidance encourages developers to engage with local stakeholders and communities where their proposals will have significant impacts. It is, therefore, disappointing that the applicant did not carry out early community engagement, however not doing so was not contrary to the guidance for development of this scale. The planning applications must be considered on their merits.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

The Pimlico Neighbourhood Plan includes policies on a range of matters including commercial uses, design and heritage, housing and hotels, open spaces, pedestrian and transport facilities and protecting the environment.

It has been through independent examination and was supported by local residents in a referendum held on 22 September 2022. It was adopted on 7 December 2022. It therefore forms part of the development plan for Westminster for development within the Pimlico 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

58 - 60 Lupus Street is a ground and basement level commercial unit used as a delicatessen and café (Class E), trading as 'Delicias Pimlico'. Located on the north side of Lupus Street, the unit is within a building known as Neate House which occupies the land between Cambridge Street and St George's Drive and comprises commercial units on the ground and basement levels, with three upper floors comprising residential units. The site is part of the Lupus Street Local Centre and is within the Central Activities Zone (CAZ). The building is unlisted but is located within the Pimlico Conservation Area.

7.2 Recent Relevant History

The existing air conditioning units and extract fan the subject of this report are subject to an open planning enforcement investigation (RN 21/74545/K).

Use of an area of the public highway measuring 11.2m X 1.93m for the placing of four tables, eight chairs, two parasols and associated barriers in connection with the subject premises. (RN: 21/03747/TCH)

Application pending

54-56 Lupus Street

The Planning Applications Sub Committee approved an application for the installation of two air-conditioning units to the rear in a ground level enclosure on 11 July 2023. (RN 22/06175/FULL dated 14 July 2023).

8. THE PROPOSAL

Application 1 seeks to retain two existing air conditioning units attached to the rear wall and proposes to enclose them externally within an acoustic enclosure.

Application 2 seeks to retain the existing extract fan and proposes to enclose it externally within an acoustic enclosure.

The effects of the development seeking approval under these two separate applications will be cumulative and so they have been assessed together.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Neither of these two applications seek planning permission for any change of use of the premises. The use of the application site as a shop and delicatessen would appear to be the lawful use of the premises within Class E. The proposals do not give rise to any land use implications.

9.2 Environment & Sustainability

Policy 38(D) of the City Plan 2019-2040 (April 2021) sets out 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 policy envisages achieving this in a way which means the need for plant and machinery is reduced. As such, natural ventilation of buildings should be the starting point to avoid the use of mechanical systems.

Policy PIM 22 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) sets out that development proposals should minimise on-site energy demand, maximise energy efficiency and the use of low carbon sources.

In this case because the application relates to a relatively small commercial unit in an existing building, there are limited options to improve the internal temperatures to provide a comfortable environment for workers and customers. Therefore, the air conditioning units are not opposed on sustainability grounds.

9.3 Biodiversity & Greening

Policy 34 of the City Plan 2019-2040 (April 2021) expects developments, wherever possible, to contribute to the greening of Westminster by incorporating trees, green

walls, green roofs, rain gardens and other green features and spaces into the design of the scheme and sets out that developments should achieve biodiversity net gain wherever feasible and appropriate.

The scale and nature of the proposals, namely the installation of plant and equipment to the exterior of an existing building, means that it is not possible or appropriate for the proposal to contribute to the greening of Westminster or to achieve biodiversity net gain.

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.”*

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.

Policy 38 of the City Plan requires that development positively contributes to Westminster’s townscape. Policy 39 of the City Plan requires that development preserve or enhances the character and appearance of Westminster’s conservation areas. Policy 40 of the City Plan requires development to be sensitively designed having regard to the surrounding townscape and that extensions and alterations respect the character of the existing and adjoining buildings.

Policy PIM 4 of the Pimlico Neighbourhood Plan requires development in the Pimlico Conservation Area to demonstrate well-detailed, high quality, sustainable and inclusive design and architecture which preserves and enhances the historic character of the conservation area.

Consideration

The size and location of the air conditioning units and extract fan at the rear of the building would not adversely affect the character and appearance of the conservation area or the application property itself. The proposed size of the enclosures to surround the existing equipment is considered acceptable given the location of the equipment. The detailed design of the acoustic enclosures have not yet been submitted and it is recommended that this is secured by a condition. Subject to this condition, the proposals are considered acceptable in conservation and design terms and would comply with Policies 38, 39 and 40 of the City Plan and PIM 4 of the Pimlico Neighbourhood Plan.

9.5 Residential Amenity

Policy Context

Policy 7 of the City Plan 2019-2040 (April 2021) requires development to be neighbourly by protecting amenity and local environmental quality.

Policy 33 of the City Plan requires that development prevents adverse effects of noise and vibration, including by minimising noise from plant machinery.

Policy PIM 1 of the Pimlico Neighbourhood Plan requires proposals in the Lupus Street Local Centre to protect residential amenity.

Noise & Vibration

Objections have been received from Pimlico FREDA and other neighbouring residents regarding noise from the plant equipment. The applicant has submitted acoustic reports (dated 8 March 2022) to support the applications for the plant equipment that has been installed.

For the air conditioning units, the acoustic report sets out that the units must be enclosed within an acoustic enclosure capable of providing an insertion loss of at least 13 dB in order to not exceed the Council’s Noise Thresholds at the nearest noise sensitive receptors. This acoustic enclosure has not yet been installed nor have details of it been submitted. However, achieving this noise attenuation is realistic and achievable and so, subject to conditions securing the maximum noise level generated by the plant is within the Council’s Noise Thresholds and that the acoustic enclosure is installed and a post-commissioning survey completed, submitted to and approved by the Council, it is considered that the air conditioning units would not have any detrimental effect on neighbouring amenities in terms of noise.

For the extract fan the acoustic report identifies that a silencer and acoustic louvre are necessary to achieve the sound reduction of 30 dB that is required for the fan to comply with the Council’s Noise Thresholds. This noise attenuation is realistic and achievable and so, subject to conditions securing the maximum noise level generated by the plant is within the Council’s Noise Thresholds and a post-commissioning survey is completed, submitted to and approved by the Council, it is considered that the extract fan would not have any detrimental effect on neighbouring amenities in terms of noise. Furthermore, the applicant has confirmed in the acoustic report that the extract fan will only operate from 09:00 hrs to 11:00 hrs, the times of day when there is primary cooking of food sold on the premises through the delicatessen. A condition is recommended to restrict primary cooking and the use of the extract fan to between 09:00 hrs – 11:00 hrs.

The acoustic report considers the cumulative noise impact from both the air conditioning units and the kitchen extract and this cumulative assessment has informed the above conclusion.

Environmental Sciences has raised no objection to the plant equipment proposed subject to the imposition of our standard noise conditions and the conditions discussed above. The impact of possible vibration from the air conditioning units and extract fan

can be secured by a condition setting the maximum vibration that may permitted to be transmitted to any part of a residential or other noise sensitive property.

Odour

Application 2 raises implications in terms of odour for nearby residential occupiers. To secure against possible odour nuisance resulting from the extract fan, the applicant has agreed to install a commercial kitchen odour filtration system inside the premises. Environmental Sciences do not object to the kitchen extract on odour grounds advising that the proposed odour filtration system should control and the restrict the impact of cooking odours. A condition is recommended to require the odour filtration system to be installed within 1 month of any permission being granted. The filtration system, along with the limited permitted hours of use set out above, will ensure that the odour impacts of the proposed extract fan are limited and would be acceptable in accordance with Policies 7 and 33 of the City Plan and Policy PIM 1 of the Pimlico Neighbourhood Plan.

To ensure that the effects of restricting the hours of the extract fan and use of the kitchen odour filtration system are not undermined by the applicant opening windows or doors, it is necessary and reasonable to restrict all preparation of fresh food on the premises to the hours that the kitchen extract will be permitted to operate.

Conclusion on amenity

Subject to the above-mentioned necessary conditions, the proposals are considered acceptable in terms of their impacts on residential amenity and would comply with Policies 7 and 33 of the City Plan and Policy PIM 1 of the Pimlico Neighbourhood Plan.

9.6 Transportation, Accessibility & Servicing

The proposals would not alter how the subject premises are accessed or serviced, nor would they result in any material alteration to the number or manner of trips that might be made to or from the premises. Hence, the proposals do not require any consideration against transport accessibility or servicing policies.

9.7 Economy including Employment & Skills

The proposals do not give rise to any economy, employment or skills considerations.

9.8 Other Considerations

The Pimlico FREDA have expressed that they consider these applications invalid on the basis that not all landowners have been notified of the proposals and yet the applicant has signed ownership Certificate B on both application, which requires that they have notified all parties with an ownership interest in the land. The local planning authority must not entertain any applications without the correct ownership certificate signed on the applications form. When alerted to this issue by the Council, the applicant has served the appropriate Article 13 notice for these applications on all persons with an ownership interest in Neate House and resigned Certificate B accordingly. Officers now consider these applications to be valid.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

Applications 1 and 2, for air conditioning units and an extract fan respectively, have been assessed together due to their overlapping nature. Although both have been installed without planning permission, the above assessment has concluded that they would both be acceptable subject to conditions. The numerous objections to both applications have been factored into this assessment and, in order to overcome the objectors' concerns, it is considered necessary to grant planning permission for both so that the conditions that would be attached to the planning permissions can be enforced where necessary. Hence it is recommended that both applications are granted conditional planning permission.

(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





Notes:
 Air conditioning Units refers to Planning Application No 20/07619/FULL
 Extractor Fan refers to Planning Application No 21/05098/FULL

Air Conditioning units (Acoustic enclosure to be provided to achieve Acoustic Report requirements)
 Extractor Fan incorporated into the existing window. (acoustic louvres and silencer to be provided to achieve Acoustic Report requirements)

Strip Section

Rear Elevation - Existing



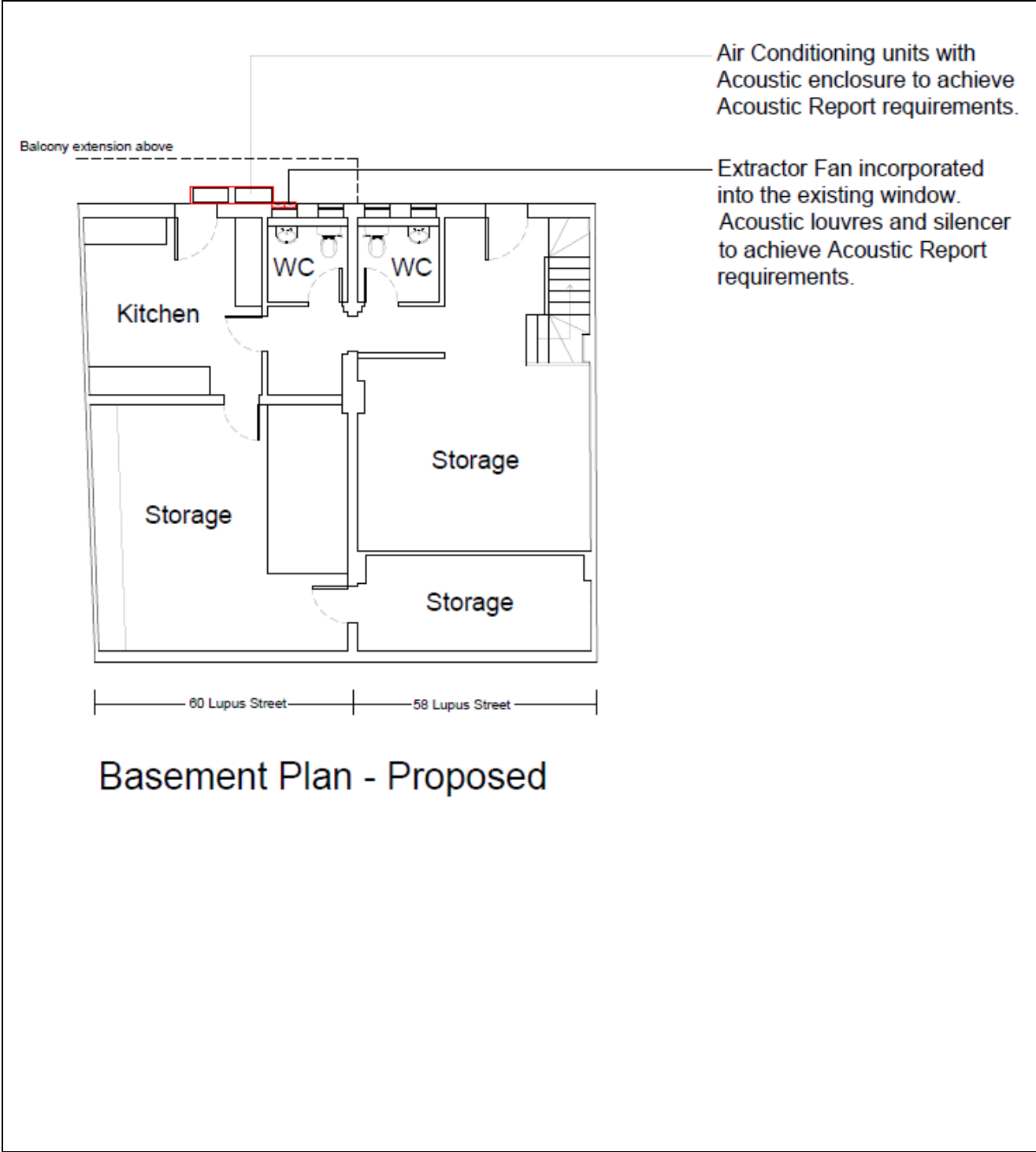
Notes:
 Air conditioning Units refers to Planning Application No 20/07619/FULL
 Extractor Fan refers to Planning Application No 21/05098/FULL

Air Conditioning units with Acoustic enclosure to achieve Acoustic Report requirements.
 Extractor Fan incorporated into the existing window. Acoustic louvres and silencer to achieve Acoustic Report requirements.

Strip Section

Rear Elevation - Proposed

0



Basement Plan - Proposed

DRAFT DECISION LETTER – APPLICATION 1

Address: 58 - 60 Lupus Street, London, SW1V 3EE

Proposal: Installation of two air conditioning units and associated acoustic enclosures to rear at lower ground floor level.

Reference: 20/07619/FULL

Plan Nos: 2305 - 200 P1; 2305 - 210 P1.

Case Officer: Max Leonardo **Direct Tel. No.** 07817095744

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (R11AD)

- 3 You must not operate the plant/machinery we have allowed until (firstly) you have applied to us for approval of detailed drawings of the proposed acoustic enclosure,

(secondly) we have approved the detailed drawings you applied to us for approval of and (thirdly) you have installed the acoustic enclosure in accordance with the detailed drawings we approved.

You must then maintain the enclosure in the form shown on the detailed drawings we approved for as long as the machinery remains in place.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 4 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (R26BF)

- 4 The enclosure shall be finished and maintained grey.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 4 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (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 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 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.
- (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 minutes) 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.
- (C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BC)

- 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), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 7 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 5 of this permission.

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) 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. (R51BC)

Informative(s):

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

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

DRAFT DECISION LETTER – APPLICATION 2

Address: 58 - 60 Lupus Street, London, SW1V 3EE

Proposal: Installation of extract fan with associated acoustic enclosure to rear at lower ground floor level.

Reference: 21/05098/FULL

Plan Nos: 2305 - 200 P1; 2305 - 210 P1.

Case Officer: Max Leonardo **Direct Tel. No.** 07817095744

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (R11AD)

- 3 You must not operate the plant/machinery we have allowed until (firstly) you have applied to us for approval of detailed drawings of the proposed acoustic enclosure,

(secondly) we have approved the detailed drawings you applied to us for approval of and (thirdly) you have installed the acoustic enclosure in accordance with the detailed drawings we approved.

You must then maintain the enclosure in the form shown on the detailed drawings we approved for as long as the machinery remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) . (R13AD)

- 4 The plant/machinery hereby permitted shall not be operated and there shall be no primary cooking on site (such that you must not cook raw or fresh food on the premises) except between 0900 hours and 1100 hours daily.

Reason:

To protect neighbouring residents from noise, vibration and odour nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022).

- 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 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 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.

(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 minutes) 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.
- (C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BC)

- 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), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 7 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 5 of this permission.

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) 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. (R51BC)

- 8 You shall install the ON 100 Odour Neutraliser, as set out in the submitted Technical & Operation Manual we received on 10 May 2022, within one month of the date of this permission. You shall thereafter retain the odour neutraliser and maintain it in accordance with the submitted Technical & Operation Manual for as long as primary cooking takes place on the application premises.

Reason:

To protect neighbouring residents from odour nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022).

Informative(s):

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

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

Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved. Hyde Park	
Subject of Report	29 Spring Street, London, W2 1JA		
Proposal	<p>Application 1. Display of an internally illuminated fascia sign measuring 0.5m x 5.9m and an internally illuminated projecting sign measuring 0.6m x 0.6m.</p> <p>Application 2. Display of an internally illuminated box sign measuring 1.5m x 0.4m on the side elevation facing onto Conduit Place</p>		
Agent	N/A		
On behalf of	The Craft Beer Co (The Bear) Ltd		
Registered Number	Application 1. 23/01684/ADV Application 2. 23/01687/ADV	Date amended/ completed	10 May 2023
Date Application Received	14 March 2023		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Refuse Advertisement Consent – Harm to the visual amenity and character and appearance of the Bayswater Conservation Area.

2. SUMMARY & KEY CONSIDERATIONS

Express advertisement consent is sought for the retention of three internally illuminated advertisements, (fascia, projecting and box signs) at The Bear Public House.

Councillor Dimoldenberg supports the applications, but the South East Bayswater Residents

Association object to the illumination and garishness of the signs which they consider out of keeping with the neighbourhood.

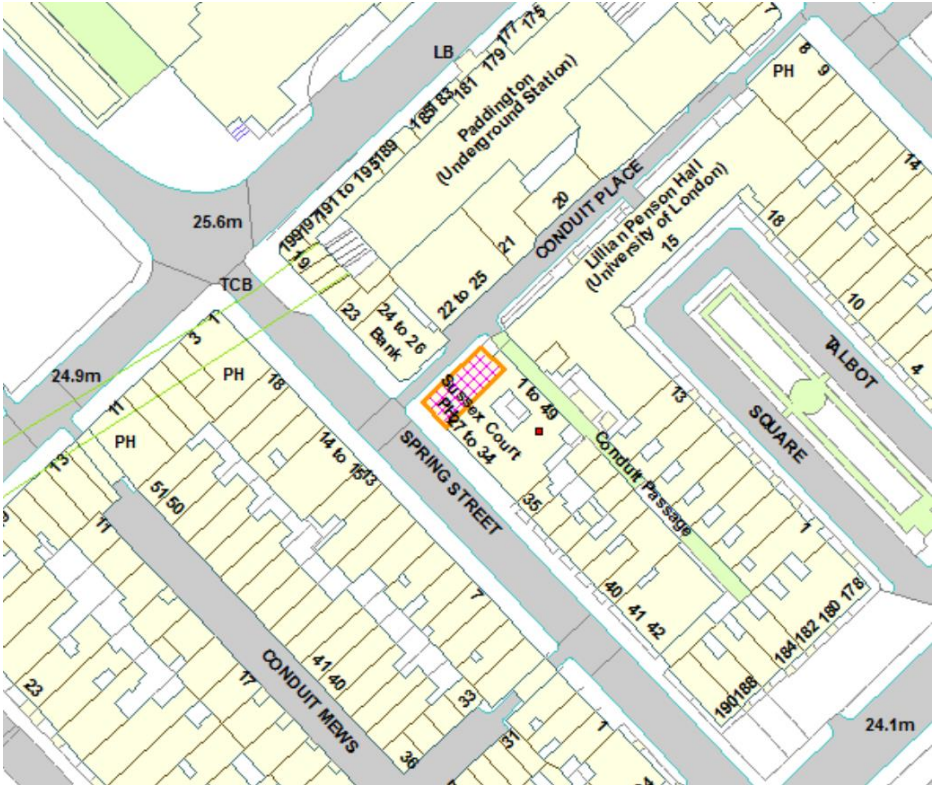
The majority of the advertisements in this locality within the conservation area are located above the shopfront window and comprise of fascia and projecting signs which are either externally illuminated or non-illuminated.

The key considerations in this case are:

- The acceptability of the advertisements on visual amenity and highway safety grounds.
- The impact of advertisements on the character and appearance of the Bayswater Conservation Area.

Given their number, method of illumination (internal illumination) and prominent location (advert on side elevation) they are considered unacceptable and harmful to the visual amenity of the area and detrimental impact on the character and appearance of the Bayswater Conservation Area and conflicts with policies 38, 39, 40 in Westminster's City Plan 2019 – 2040 (April 2021) and against the guidance contained within SPG Shopfront, Signs and Blinds (1993). As such, notwithstanding the support of Councillor Dimoldenberg, the applications are recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



29 Spring Street



5. CONSULTATIONS

5.1 Application Consultations

Application 1

COUNCILLOR DIMOLDENBERG

Supports the proposal.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Objection to the illumination and garishness of the sign is out of keeping with the neighbourhood.

PLANNING ENFORCEMENT TEAM

The application is the subject of an open planning enforcement case, where applicant has been advised to remove the signs or regularise with the submission of an advert application, but the existing signs are contentious. Action is held in abeyance pending determination of this case.

PRESS NOTICE/ SITE NOTICE:

Not required.

Application 2

COUNCILLOR DIMOLDENBERG

Supports the proposal.

SOUTH EAST BAYSWATER RESIDENT'S ASSOCIATION

Objection to the illumination and garishness of the sign is out of keeping with the neighbourhood.

PLANNING ENFORCEMENT TEAM

The application is the subject of an open planning enforcement case, where applicant has been advised to remove the signs or regularise with the submission of an ADV application, but the existing signs are contentious. Action is held in abeyance pending determination of this case.

PRESS NOTICE/ SITE NOTICE:

Not required.

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 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

This application is a ground floor commercial unit “The Bear” in the north western corner of a large 1920-30’s residential block known as Sussex Court; the ground floor unit known as 29 Spring Street has a return frontage facing Conduit Place. The building is not listed, but lies in the Bayswater Conservation Area.

7.2 Recent Relevant History

29 Spring Street

On 21.07.2021 advert consent was granted for the display of externally illuminated fascia sign measuring 0.21m X 2.47m, externally illuminated hanging sign measuring 0.6m X 0.6m, internally illuminated other sign measuring 0.55m X 0.37m, non-illuminated other signs measuring 0.08m X 0.655m, 0.1m X 0.6m and 0.161m X 1.019m, 0.71m x 0.65m and 0.15m x 0.1m. Application ref no. 21/04618/ADV.

On 22.08.2017 advert consent was granted for the display of externally illuminated fascia sign measuring 0.40m x 7.00m. Application ref no. 17/06665/ADV.

On 19.04.2017 advert consent was granted for the display of externally illuminated fascia sign measuring 0.40m X 4.50, 0.80m X 0.50m and externally illuminated projecting sign measuring 0.80m X 0.50m X 0.03m. Application ref no. 17/01425/ADV.

24 Conduit Place

On 28/07/2022 advert consent was refused for display of two internally illuminated fascia signs measuring 0.83m x 8.18m and 1.46m x 1.68m and two internally illuminated projecting signs measuring 0.66m x 1.00m. Application ref no. 22/03564/ADV. These adverts are subject to an open enforcement case 22/76027/F.

21 Conduit Place

On 22/3/2012 advert consent was granted for the display of 1 x non-illuminated circular sign and 1 x non-illuminated sign applied to interior of glass above entrance door. Application ref no. 12/02395/ADV.

On 12/11/1990 advert consent was refused for the erection of illuminated static sign. Application ref no. 90/05439/ADV.

8. THE PROPOSAL

Application 1

The regularisation and display of existing 1 fascia sign measuring 5.9m length x 0.12m depth x 0.5m width located above the shopfront window and main entrance. Also, the display of existing 1 projecting sign measuring 0.6m length x 0.6m width x 0.15m depth. Both signs are internally illuminated and comprised of acrylic panels.

Application 2

The regularisation and display of existing 1 box sign measuring 1.5m height x 0.4m width x 0.06m in depth, the side is internally illuminated and comprised of acrylic panels.

9. DETAILED CONSIDERATIONS

9.1 Townscape, Design & Heritage Impact

Under Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 the application for express consent is considered in the interest of amenity and public safety and to take into account the policies in the development plan.

The key legislative requirements in respect to designated heritage assets is Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 of the Westminster City Plan 2019-2040(April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

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. The Framework also says that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The development plan for Westminster consists of:

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

The relevant City Plan policies are:

Policy 38 (Design Principles) states:

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

Policy 39 (Westminster's Heritage) states:

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

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

Part K states that development will preserve or enhance the character and appearance of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Policy 40 (Townscape and architecture) states:

Development will be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape.

Policy 43 (Public Realm) states:

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

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

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

Policy HC 1 Heritage Conservation and Growth in the London Plan April 2021 sets out the strategic aims and the desirability of sustaining and enhancing the significance of London's heritage assets and historic environment, part C relates to development

proposals affecting heritage assets and their settings should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Detailed Design

The application site is a shop unit (occupied by The Bear Public House) located on a prominent corner on the east side of the street at the junction with Conduit Place. The shopfront forms part of the ground floor of a large substantial residential block known as Sussex Court located within the Bayswater Conservation Area.

Sussex Court is an attractive building of 6 storeys, faced in brickwork with stone clad ground floor and first floors, 3 bay wide bays, central window bay flanked by cantered bays, string course at 1st, 2nd and 4th and decorative parapet with taller central feature. The application site has an elegant stone clad shopfront, recessed windows and art deco inspired details to the lintels and pilasters with a deep stone canopy with corbel brackets.

The site is the subject of 3 previous applications for express consent to display fascia and projecting signs, all of which were externally illuminated. Previously a small menu box existed near the corner of the building facing Conduit Place, but this is not comparable to the large internally illuminated box sign in this proposal. The applications have been submitted following planning enforcement investigation.

Spring Street is a one-way street with vehicles entering the road from the south at the junction with Sussex Gardens. The street is commercial in character with a number of ground floor shop units. The advertisements are typically externally illuminated fascia and projecting signs .

In stark contrast, Conduit Place is a quiet, subdued narrow service street comprised of a mixture of mews buildings and the rear elevations of buildings facing Talbot Square. There is limited commercial activity and whilst there are existing internally illuminated adverts at 24 Conduit Place they do not benefit from express consent as they were refused in 2022 and are the subject of enforcement investigation.

The existing unauthorised signs proliferate and clutter the shopfront. The boxy form awkwardly relates to the attractive shop frontage, undermining the architectural features. The internal illuminated boxy signs comprise of acrylic panels and are prominently located. Especially the sign on Conduit Place where there are no other overt advertisements. The impact on Spring Street is at odds with the more subtle externally illuminated adverts in the conservation area. Therefore, given their number, method of illumination (internally illuminated) and prominent location (advert on side elevation) they are considered to harm the visual amenity of the area and the character and appearance of the Bayswater Conservation Area. Therefore, the proposal is contrary to policies 38, 39, 40, 43 of the adopted City Plan April 2021 and is recommended for refusal.

Highway Impact

The location, method of illumination and scale of the advertisements are not considered to cause substantial harm to drivers on this on-way street, entered from Sussex Gardens.

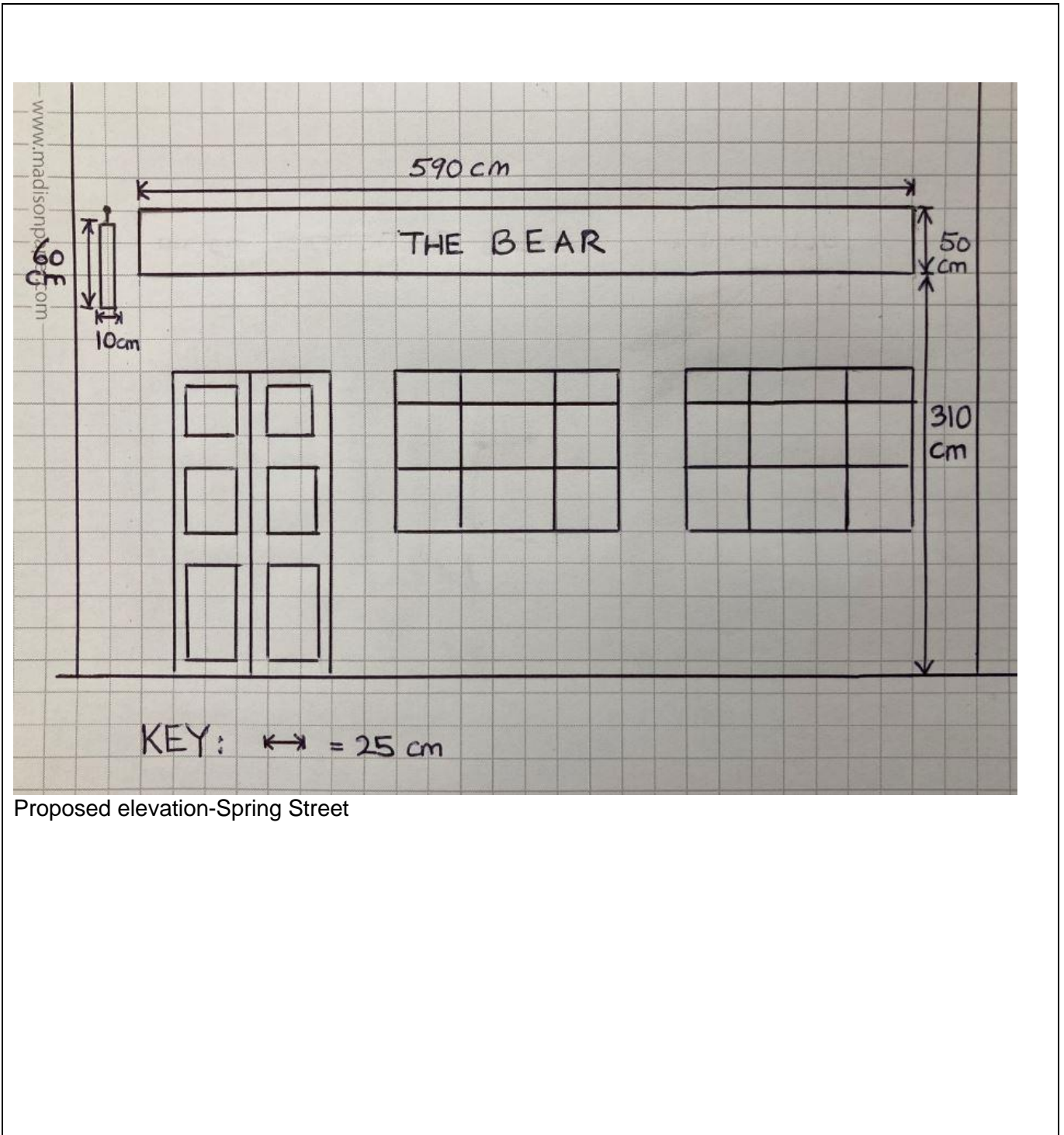
10. Conclusion

The proposals fail to accord with policies 38, 39, 40 and 43 of the City Plan 2019-2040 and are harmful to the visual amenity of the area and harm to the character and appearance of the Bayswater Conservation Area as a designated heritage asset. Therefore, the recommendation to refuse consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

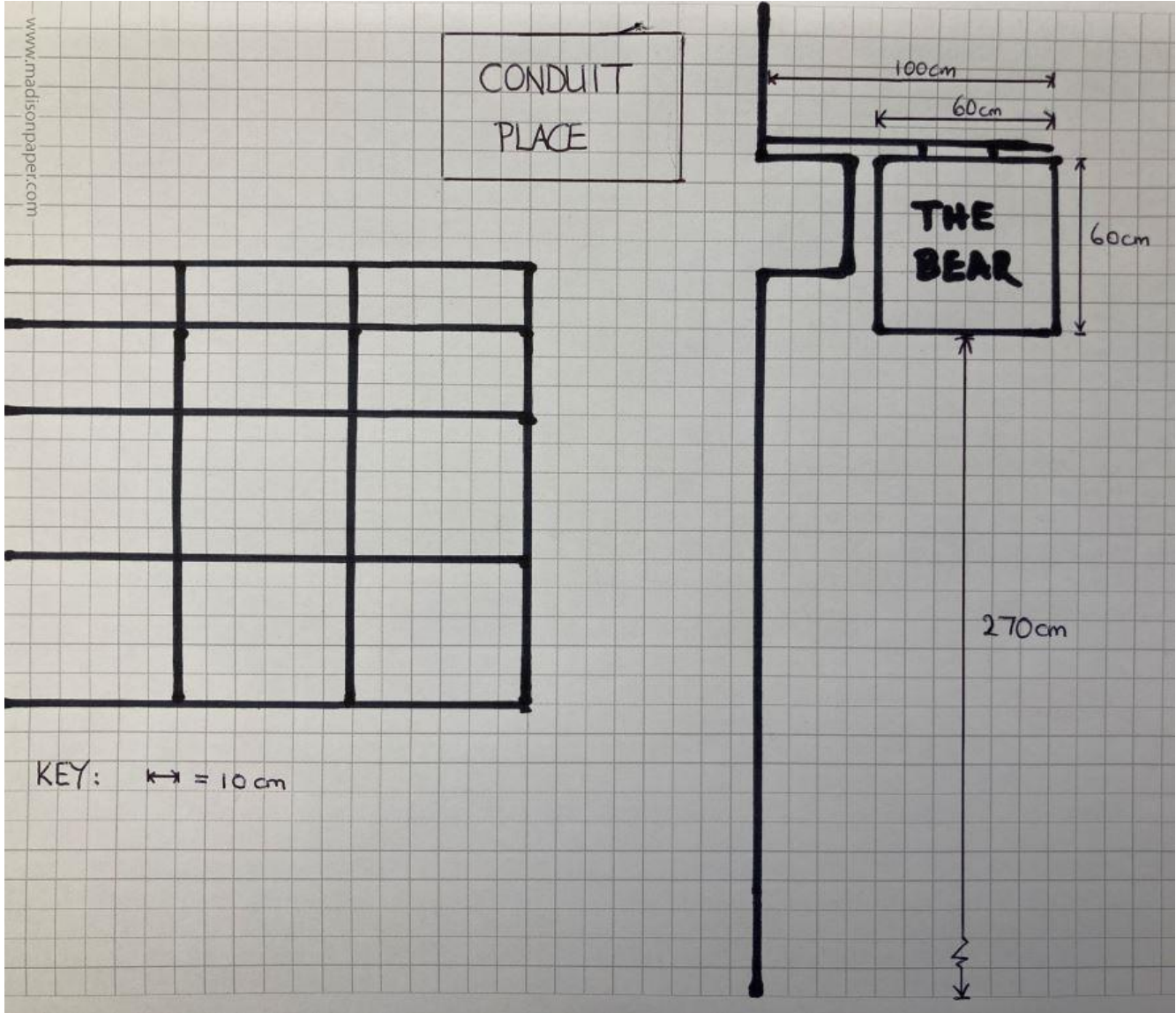
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

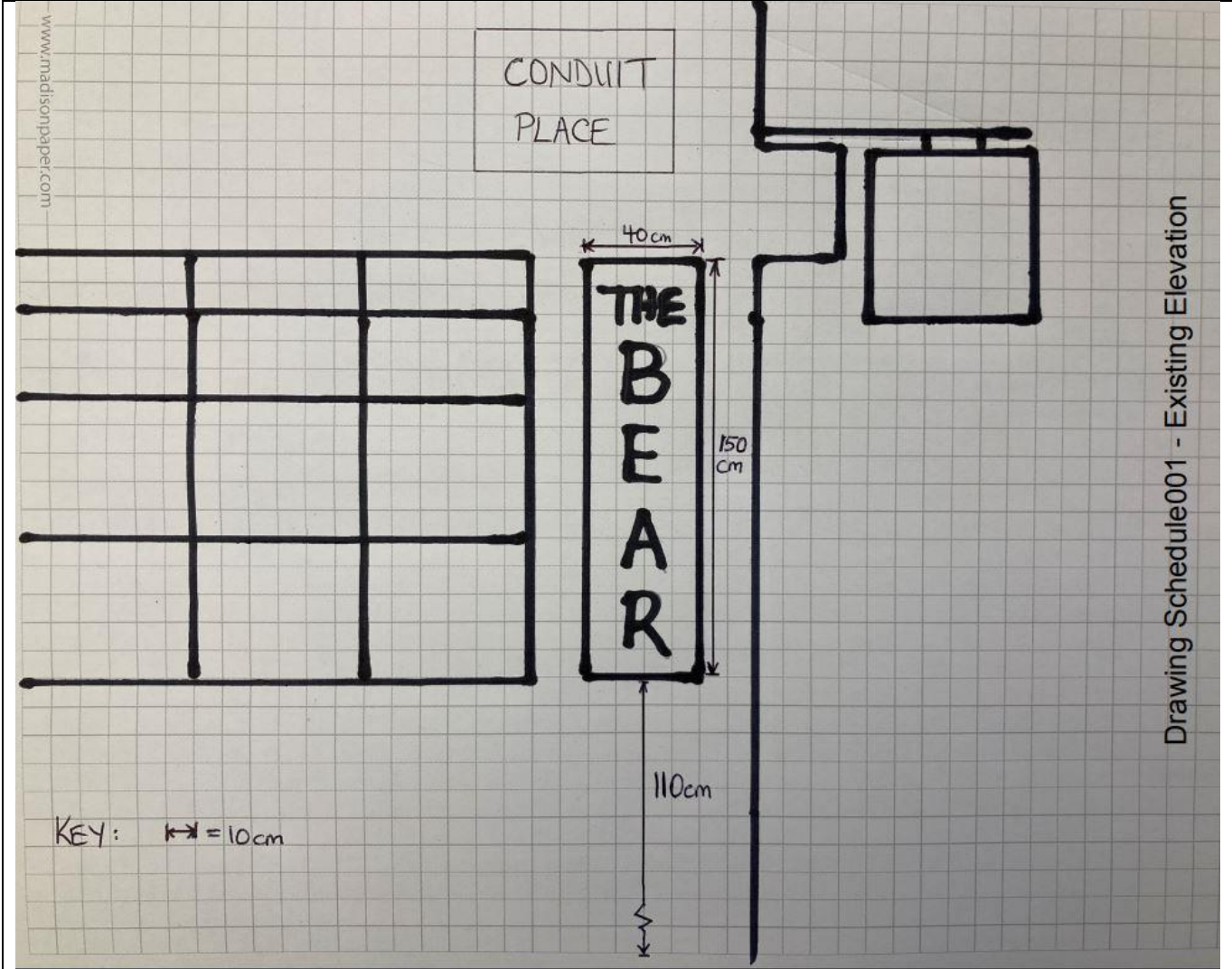
11. KEY DRAWINGS



Proposed elevation-Spring Street



Proposed projecting sign



Proposed elevation Conduit Place

DRAFT DECISION LETTER – 23/01684/ADV

Address: 29 Spring Street, London, W2 1JA

Proposal: Display of an internally illuminated fascia sign measuring 0.5m x 5.9m and an internally illuminated projecting sign measuring 0.6m x 0.6m.

Reference: 23/01684/ADV

Plan Nos: Site Location Plan, Photographs and Photomontages003 -Existing Elevation, Photographs and Photomontages002 -Existing Elevation, Drawing Schedule002- Existing Elevation and Drawing Schedule003 - Existing Elevation.

Case Officer: Shui-Fung Siu

Direct Tel. No. 020 7641
07866036318

Recommended Condition(s) and Reason(s)

- 1 Reason:
Because of the method of illumination and bulky box form, the internally illuminated fascia and projecting signs harm the appearance of the building and the appearance (amenity) of the area. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet Policies 38, 39, 40 and 43(G) of the City Plan 2019 - 2040 (April 2021).

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 – 23/01687/ADV

Address: 29 Spring Street, London, W2 1JA

Proposal: Display of an internally illuminated box sign measuring 1.5m x 0.4m on the side elevation facing onto Conduit Place

Reference: 23/01687/ADV

Plan Nos: Site Location Plan, Photographs and Photomontages001 - Existing Elevation, Drawing Schedule001 - Existing Elevation and Drawing Schedule004 - Light Box Cross Section.

Case Officer: Shui-Fung Siu **Direct Tel. No.** 020 7641
07866036318

Recommended Condition(s) and Reason(s)

1. Reason:
Because of its proliferation, location, method of illumination the internally illuminated advertisement on side elevation facing Conduit Passage has a harmful impact harm the appearance of the building and the appearance (amenity) of the area. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet Policies 38, 39, 40 and 43(G) of the City Plan 2019 - 2040 (April 2021).

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Knightsbridge & Belgravia	
Subject of Report	64 Bourne Street, London, SW1W 8JD		
Proposal	Erection of a first-floor rear extension and alterations to external elevations, replacement of single glazed windows with double glazed and alteration to front steps to create two secure bicycle spaces.		
Agent	Mr Edward Rutherford		
On behalf of	Ms Magz Doyle		
Registered Number	23/00084/FULL	Date amended/ completed	13 February 2023
Date Application Received	6 January 2023		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY & KEY CONSIDERATIONS

<p>The application relates to 64 Bourne Street, which is identified as an unlisted building of merit located within the Belgravia Conservation Area. The building is in use as a single-family dwellinghouse and comprises lower-ground, ground and first floor levels with frontages to Bourne Street and Graham Terrace.</p>
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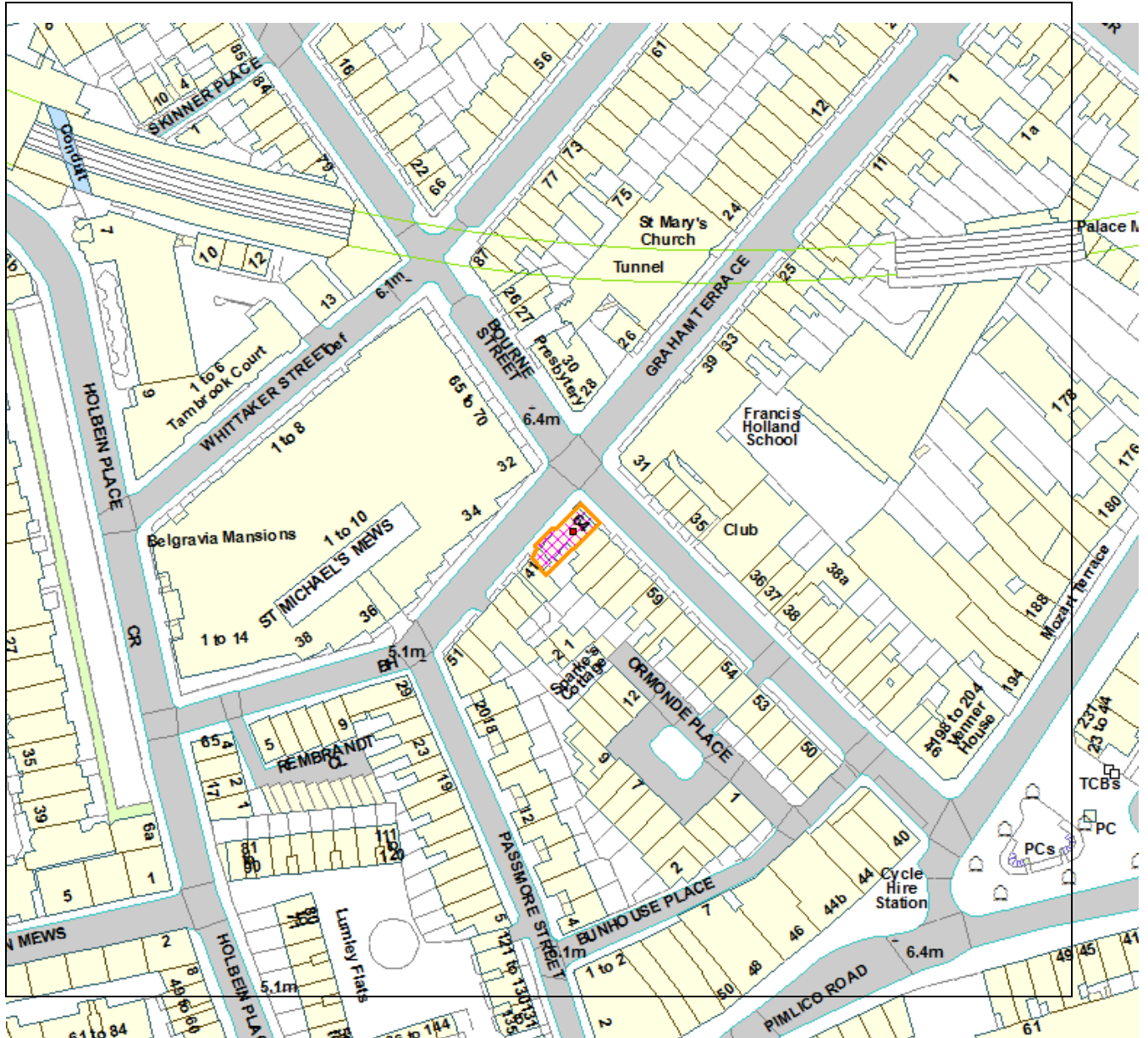
<p>Planning permission is sought for the erection of a first-floor rear extension atop an existing extension and alterations to the external elevations including removal of garage doors and installation of a new window in its place, replacement of single glazed windows with double glazed windows and alteration to the front steps to create two secure bicycle spaces.</p>

The key considerations in this case are:

- The impact of the proposed elevational alterations (removal of garage doors, replacement windows) and the proposed rear first-floor extension upon the character and appearance of the Belgravia Conservation Area.
- The impact of the proposed rear first-floor extension upon the amenity of neighbouring residential properties.

An objection has been received from a neighbouring occupier raising concerns that the proposed rear first-floor extension would result in harm to residential amenity by way of an increased sense of enclosure, loss of light and air circulation whilst the necessity of the extension has been questioned. As set out in this report, the submitted Daylight & Sunlight Assessment demonstrates there would be no unacceptable loss of light and with recommended conditions to secure opaque glazing to maintain privacy, the proposed development is considered acceptable in amenity and design terms and would accord with relevant policies within the adopted Westminster City Plan (April 2021).

3. LOCATION PLAN



4. PHOTOGRAPHS



Approximate position of proposed extension in yellow (viewed from neighbouring property).



**Approximate position of proposed extension highlighted
(viewed from neighbouring garden).**

5. CONSULTATIONS

5.1 Application Consultations

BELGRAVIA NEIGHBOURHOOD FORUM

No response to date.

BELGRAVIA RESIDENTS ASSOCIATION

No response to date.

THE BELGRAVIA SOCIETY

No response to date.

HIGHWAYS PLANNING

No objection, recommends a Grampian condition to require removal of the redundant pavement crossover and making good the pavement, in association with the proposed removal of the garage doors.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

First Consultation 15/03/2023

No. Consulted: 5

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Residential amenity:

- Proposed rear extension will reduce light and air circulation, increasing the sense of being 'boxed in' and enclosed. This will exacerbate the existing level of feeling of enclosure that has already resulted from previously approved extensions at no. 62 Bourne Street.

Other matters:

- Objects to the raising of the boundary wall and questions the necessity of the proposed extension. Notes the importance of retaining the yard area as open space.

Second consultation 14/06/2023 following receipt of Daylight & Sunlight Assessment

No. Consulted: 5

Total No. of replies: 2

No. of objections: 1

No. in support: 1

OBJECTION

Residential amenity:

- Original objection remains unchanged. Considers that regardless of the Daylight & Sunlight Assessment, due to the proximity and relationship of properties and existing surrounding walls of neighbouring properties and the recently constructed extension at No. 62 Bourne Terrace, the proposed extension would result in an increase in feeling 'boxed in' and will restrict light levels.

SUPPORT

- Notes support that the application site has been bought as a permanent residence and that it is understandable that a new owner would want to improve their home.

PRESS NOTICE/ SITE NOTICE:

Yes.

5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. Given the proposals relate to small scale householder development, the applicant did not indicate that they have carried out Early Community Engagement prior to submission of the application.

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 Belgravia Neighbourhood Plan includes policies on a range of matters including character, heritage, monuments and public art, workspaces, late night uses and trees and greening.

The Belgravia Neighbourhood Plan was subject to public consultation between 2nd June 2023 and 24th July 2023 under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012. Paragraph 48 of the NPPF outlines that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree to which emerging policies conform with the NPPF. As the Neighbourhood Plan has only recently gone through Regulation 16 consultation and responses are yet to be fully considered, and it is yet to be considered at Examination, limited weight can be afforded to the 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

64 Bourne Street is a single-family dwellinghouse located within the Belgravia Conservation Area. The building is identified as an unlisted building of merit and comprises lower-ground, ground and first floor with frontages to Bourne Street and Graham Terrace. To the rear, the property has a small rear ground floor extension projecting from the flank elevation of the property. Owing to its corner position at the junction between Graham Terrace and Bourne Street, the property has frontages to both streets.

7.2 Recent Relevant History

On the 4th December 2007 the City Council refused planning permission for the "*Construction of mansard roof extension at rear second floor level (Graham Terrace elevation)*" on the grounds that the extension would have made the occupiers at 63 Bourne Street feel too enclosed, insufficient information provided to demonstrate that the extension would not result in a reduction in daylight, whilst the roof extension was considered unacceptable in design terms due to its impact upon the Belgravia Conservation Area (RN: 07/08122/FULL).

Recently, a similar application was submitted to, and refused by, the City Council on the 18th May 2023 for "*Erection of a single storey mansard extension to existing two storey wing to Graham Terrace*" on the grounds that the roof extension would be harmful to the host building and character and appearance of the Belgravia Conservation Area whilst it would have made the occupiers of 63 Bourne Street feel too enclosed (RN: 23/01247/FULL).

Planning permission was recently approved for "*Installation of air conditioning unit/ heat pump on main roof and installation of three security cameras (one on each of the Bourne Street, Graham Terrace and rear garden elevations)*" on the 18th May 2023 (RN: 23/01069/FULL).

8. THE PROPOSAL

Planning permission is sought for the erection of a first-floor rear extension to create a new bathroom and alterations to external elevations including replacement of single glazed windows with double glazed windows and alteration to front steps to create two secure bicycle spaces within the steps.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policies 8 and 12 of Westminster's City Plan seek to increase residential floorspace, ensure provision of family-sized homes and supports residential extensions that will provide a well-designed, energy efficient and high-quality living environment, both internally and externally.

Currently the application property comprises of 2x bedrooms. The proposed rear-first floor extension would provide an additional bathroom, improving the quality of the living environment. The former garage space is currently used as a utility room. The removal of the garage doors and installation of a window in its place will enable the provision of a third bedroom, resulting in the property being able to be used as a family sized dwelling. The above considered, the proposals accord with the above development plan policies.

9.2 Environment & Sustainability

Sustainable Design & Energy Performance

Policies 36 and 38 of Westminster's City Plan requires developments to be designed to reduce energy demand and to incorporate sustainable design measures. Westminster's 'Environmental Supplementary Planning Document' (February 2022) and 'How to make your windows more energy efficient' retrofit guidance provides support for measures to improve energy efficiency of existing buildings. The proposals involve replacing all the existing single-glazed windows with double-glazed windows, improving the energy efficiency and sustainability of the building, which is supported. The Design & Access Statement also notes that materials will be UK sourced, whilst measures such as draughtproofing and low-energy lighting will be incorporated internally – which is welcomed.

9.3 Biodiversity & Greening

Policy 34 of the City Plan seeks to encourage developments to contribute to the greening of Westminster through the provision of trees, green walls and roofs and other green features where possible. The policy also seeks to increase biodiversity and protect open spaces. Given the proposed extension would be atop an existing extension and within the same footprint, there would be no loss of open space. Whilst it is unfortunate that the proposals do not include greening measures, such as a green roof, in this instance given the scale of the proposed extension the proposals are acceptable.

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

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Given the proposals relate to alterations and extension of a building within the Belgravia Conservation Area the proposals are considered within the context of policies 38, 39 and 40 of Westminster's City Plan (adopted April 2021).

Considerations

To the rear, the proposals comprise of the erection of a single storey extension atop an existing extension to provide an additional bathroom and it is proposed to widen the existing French doors to the garden. To the frontage, the proposals seek to remove the current garage door and install a sash window and make good the front elevation as well as re-cladding the existing entrance steps with stone. Permission is also sought to replace all the existing single-glazed windows with double-glazed windows.

The proposed extension would be within the same footprint as the current ground floor extension and would be constructed of brick to match the existing building's materiality. The proposed window within the return elevation of the extension would be a traditionally detailed sliding sash window to match the window below. Given it would be positioned within a corner position, between the rear elevation and solid brick elevation of no. 41 Graham Terrace and the host building, it is not considered that it would result in harm to the townscape or appearance of the conservation area given its proposed dimensions, detailed design and position.

The proposed replacement windows are designed match the existing windows in terms of being timber framed sash windows with glazing patterns to match existing whilst the replacements would include integral (i.e. truly dividing) glazing bars. The glazing would be of a slimline double-glazing. This considered, the proposed window replacements would preserve the character of the conservation area whilst improving the thermal performance and energy efficiency of the building.

The new sash window in place of the current garage doors would be designed and aligned to match the existing fenestration whilst conditions would require that when making good the elevation, brick must match the existing brick work. The recladding of the front stairway steps with stone steps is considered acceptable.

The above considered the proposals are considered acceptable in design terms and in line with relevant policy and planning guidance and the statutory duties set out in s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5 Residential Amenity

Policy 7 of Westminster's City Plan requires development to be neighbourly and would resist proposals that would result in harm to residential amenity by way of increased sense of enclosure, overlooking or loss of light. Policy 38 of the City Plan states that development will place people at the heart of design...and ensure a good standard of amenity for new and existing occupiers.

An objection comment has been received from a neighbouring occupier with concerns that the proposed extension would create an increased sense of enclosure and feeling of being 'boxed in', and that the extension would result in a loss of light to their external garden space and lower-ground, ground and first floor windows as well as reduce air circulation. The comment also notes that extensions previously approved by the Council at No. 62 Bourne Street have already resulted in an increased sense of enclosure to their property, and the current proposal with further exacerbate this impact.

Daylight & Sunlight

Following the objection received, the applicant submitted a Daylight & Sunlight Assessment, which has been subject to re-consultation. Following this re-consultation further comment has been received to note that their original objection stands, and that irrespective of the submitted report, they consider that the extension would result in a reduction in light to their property.

The Daylight & Sunlight Assessment has applied Building Research Establishment (BRE) methodologies for assessing the impacts of the proposed extension upon the daylight and sunlight of neighbouring properties, including 32, 34 and 41 Graham Terrace and 61, 62 and 63 Bourne Street.

The 'Vertical Sky Component' (VSC) and 'Daylight Distribution (DD) methodologies have been used to assess daylight. Within the VSC assessment, if a window achieves a VSC value of 27% it is well lit, and if because of the extension this figure falls below 27%, or is reduced by 20%, the impact upon daylight will be noticeable. The DD assessment measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss would be noticeable. Finally, the BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period.

The assessment demonstrates that there will be no significant daylight and sunlight breaches to any of the assessed neighbouring properties and windows would continue to meet BRE guidelines. To note, the neighbouring window that would have its daylight most impacted by the extension would be a rear ground floor window of No.63 Bourne Street. The Daylight Distribution results show that this window currently receives a lit area of 44.35% and as a result of the extension this would reduce to 40.86%, a reduction of 3.5%. This would be the largest reduction, which in itself is marginal and would not be discernible and would meet BRE Guidelines.

Sense of Enclosure

The proposed extension would be within the existing footprint of the ground floor extension and would be confined to a corner position, between the rear elevation of the application site and the flank elevation of No. 41 Graham Terrace. Given the proximity of the proposed extension to the boundary between the application site and No. 63 Bourne Street, and that it would be built close to the rear garden of No. 63 Bourne Street, there will be some impact in terms of enclosure. However, currently the rear and flank elevations of the neighbouring properties are solid brick and given the proposed extension would be of the same materiality, seen within the context of these existing solid elevations, and that the extension would not rise taller than the existing building lines, the proposed extension is not considered to result in a significant increase in sense of enclosure when perceived from the rear gardens of neighbouring occupiers to the extent to justify refusal.

Furthermore, given the extension would be a distance of at least 2.6m from the adjacent (rear closet wing) windows of No.63, confined to the corner position, and would be viewed in the context of the existing backdrop of the solid, brick elevations of the adjacent properties. On this basis it is not considered that the proposed extension would result in an unacceptable increase in sense of enclosure to No. 63 Bourne Street to the extent to justify refusal.

The above considered, whilst the proposed extension would have a minor impact upon the sense of enclosure to the rear gardens of No. 63 and No. 41, given the already enclosed context due to the surrounding brick elevations, and with regard that the extension would not result in an unacceptable sense of enclosure when perceived from the windows of neighbouring habitable rooms, on balance it is not considered that the proposed extension would result in significant harm to residential amenity to justify refusal on these grounds.

Privacy

The extension includes a new first floor window which would be adjacent to neighbouring windows, particularly of No. 63. A condition is recommended to require approval of a sample of obscure glazing as well as further details to demonstrate how the window will have a method for restricting the window opening to safeguard privacy, by preventing overlooking. The proposed widening of the French doors at lower-ground level are not considered to result in any increase in overlooking beyond the existing French doors, given the marginal increase in proposed width.

It is also noted that (notwithstanding the first-floor extension) it is not proposed to raise the brick boundary wall and so no amenity concerns are raised in this regard.

9.6 Transportation, Accessibility & Servicing

Policy 25 of the City Plan seeks to promote and prioritise walking and cycling as a sustainable method of transport whilst Policy 27 supports car-free development. The proposals include removal of garage doors and installation of a window in its place to enable the conversion of the former garage space (which is currently used as a utility)

into an additional bedroom, whilst it is proposed to install a secure cycle store below the entrance steps. These elements of the proposals would encourage cycling as a sustainable method of transportation and accord with policies 25 and 27 of the City Plan.

With the removal of the garage doors, the current pavement crossover will become redundant. Therefore, a condition is recommended to require the applicant to make arrangements, at their expense, to remove the crossover and make good the pavement prior to removal of the garage doors.

9.7 Economy including Employment & Skills

Not relevant for the nature and scale of proposed development.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

Not relevant for the nature and scale of proposed development.

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application. The proposed Grampian condition to secure arrangements for removal of the pavement cross-over would not prevent the applicant from implementing the permission and so it is not considered a pre-commencement condition in this instance.

10. Conclusion

The proposed removal of the front garage doors would enable the property to be used as a family-sized dwelling and the proposed window replacements would preserve the character and appearance of the Belgravia Conservation Area, whilst improving the energy efficiency of the building. On balance, with recommended conditions, the proposed rear extension would not result in undue harm to the amenity of surrounding occupiers by way of overlooking, sense of enclosure or loss of light to an extent to justify refusal. Mindful of policies within the development plan, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT: MMASON@WESTMINSTER.GOV.UK

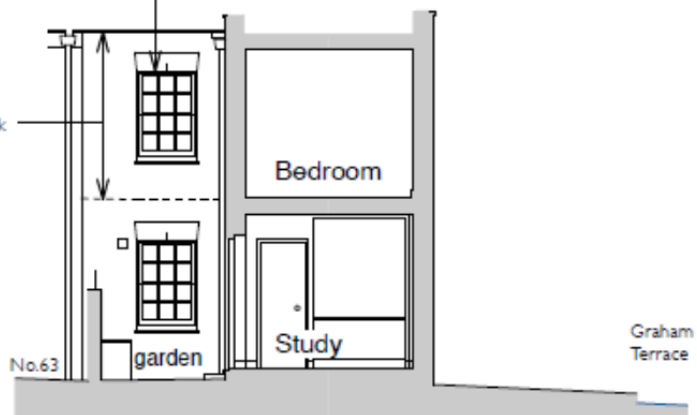
11. KEY DRAWINGS



1 East Elevation As Existing
Scale 1:100

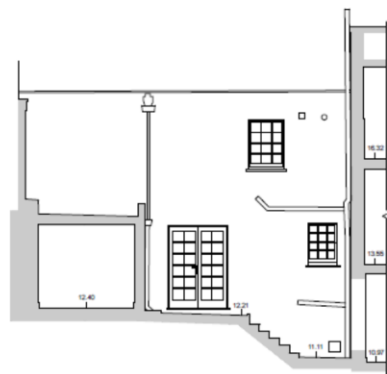
New sliding sash window to match existing with restricted opening and fitted with obscured glass

New bathroom extension in matching brickwork

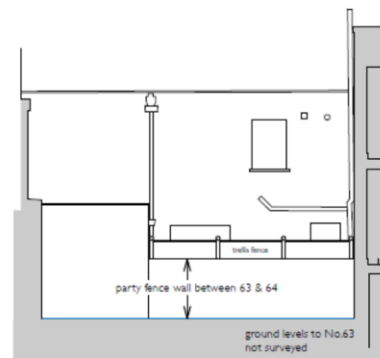


2 East Elevation As Proposed
Scale 1:100

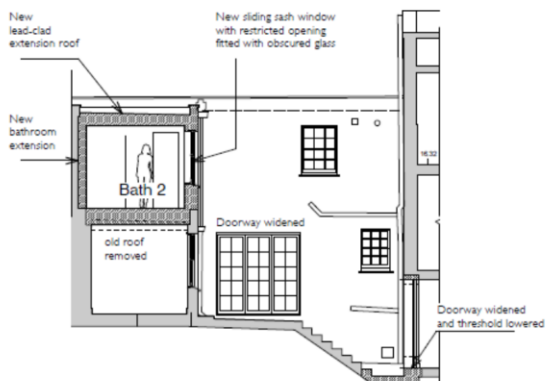
Existing and Proposed East Elevation



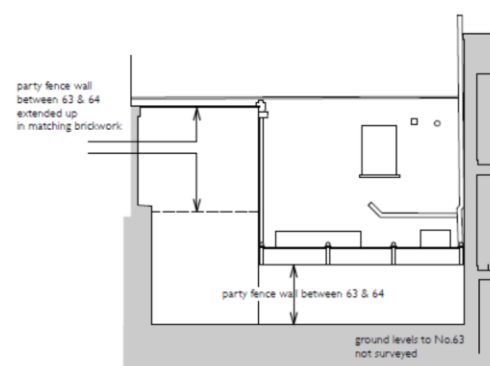
1 South Elevation As Existing
Scale 1:100



3 South Elevation Facing 63 As Existing
Scale 1:100

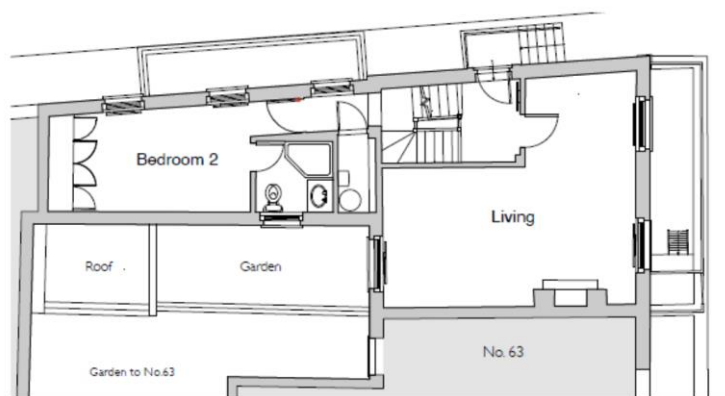


2 South Elevation As Proposed
Scale 1:100

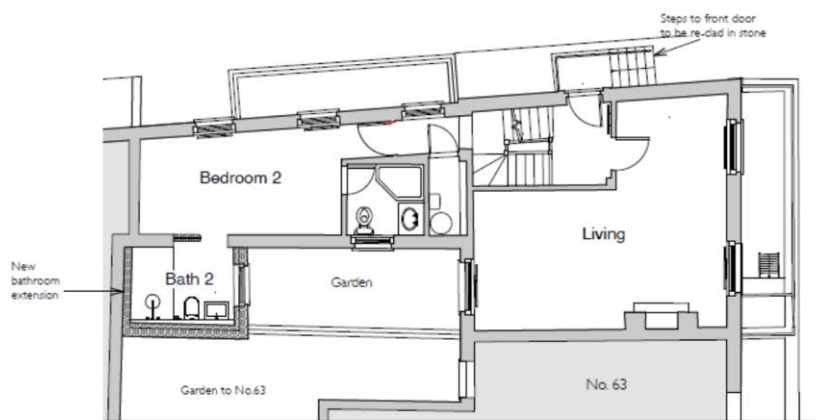


4 South Elevation Facing 63 As Proposed
Scale 1:100

Existing and Proposed Side Elevations & Sections

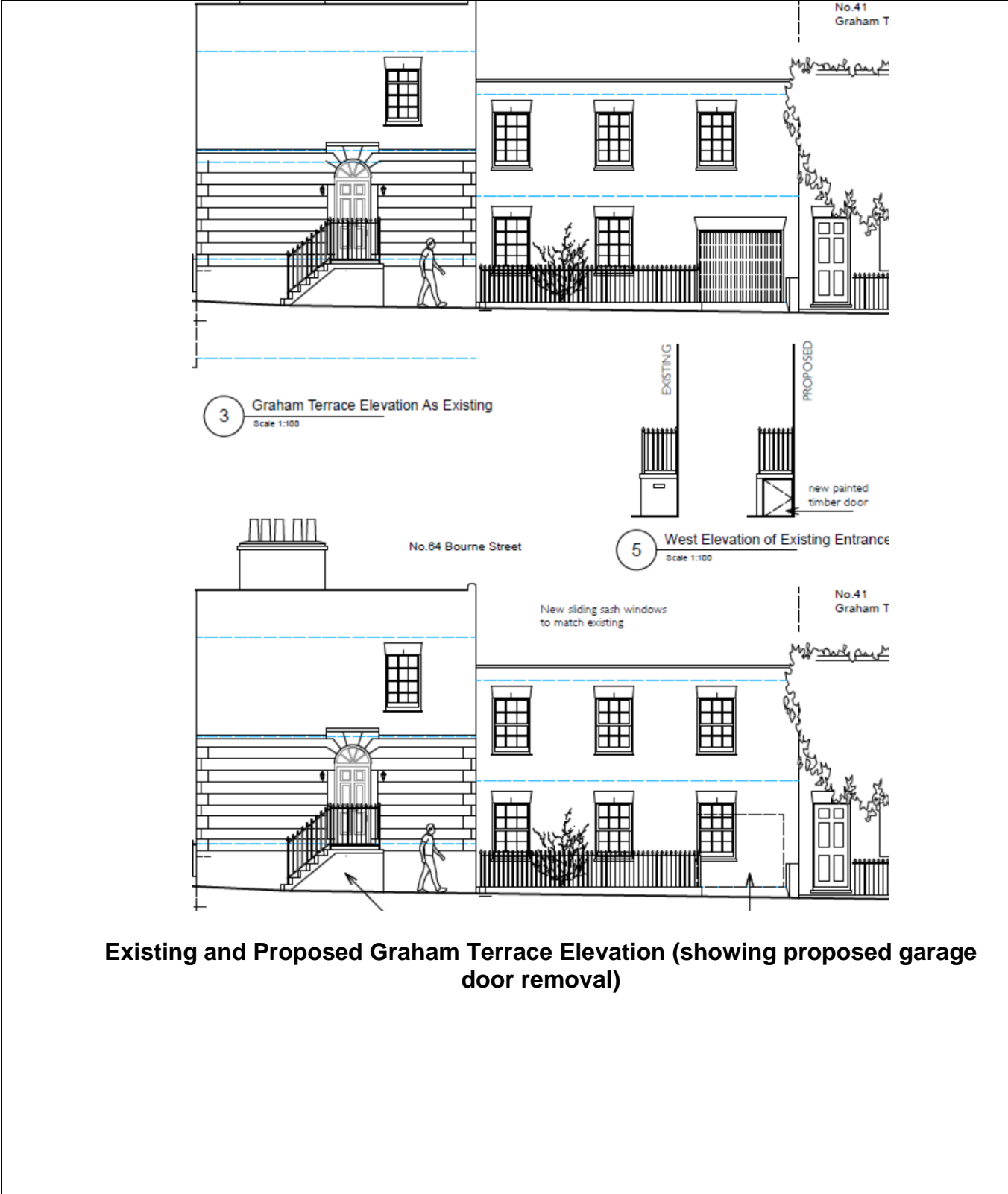


1 Upper Ground Floor Plan As Existing
Scale 1:100



2 Upper Ground Floor Plan As Proposed
Scale 1:100

Existing and Proposed Upper Ground Floor Plans (with proposed first-floor extension)



Existing and Proposed Graham Terrace Elevation (showing proposed garage door removal)

DRAFT DECISION LETTER

Address: 64 Bourne Street, London, SW1W 8JD

Proposal: Erection of a first-floor rear extension and alterations to external elevations, replacement of single glazed windows with double glazed and alteration to front steps to create two secure bicycle spaces.,

Reference: 23/00084/FULL

Plan Nos: 64BS/PL-02; 64BS/PL-03; 64BS/PL-04; 64BS/PL-05; 64BS/PL-06; 64BS/PL-07; 64BS/PL-08; 64BS/PL-09; 64BS/SK-05, , For Futher Information;, Design and Access Statement dated 10.02.2023 Rev.A

Case Officer: Jonathon Metcalfe

Direct Tel. No. 020 7641
07866038118

Recommended Condition(s) and Reason(s)

1	The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
	Reason: For the avoidance of doubt and in the interests of proper planning.
2	Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)
	Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)
3	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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
4	You must not remove the garage doors until we have approved in writing appropriate arrangements to secure the following: , , - Removal of the existing crossover associated with the current garage doors and reinstatement of the footway following its removal. , , In the case of each of the above benefits, you must include in the arrangements and details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.
	Reason: To make sure that the development provides the planning benefits that have been agreed, as set out in Policy 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R19AD)
5	The glass that you put in the window in the flank elevation of the first floor rear extension must not be clear glass and must be designed with a restrained method of opening. You must apply to us for approval of the following; , , (i) A sample of the glass (at least 300mm square), (ii) Detailed drawings (sections, elevations at 1:10) to show the method and extent of restrained window opening. , , You must not start work on the relevant part of the development until we have given our written approval for the sample and detailed drawings. You must then install the type of glass and window that 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)

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 Under Condition 4 we are likely to accept a legal agreement under Section 106 of the Town and County Planning Act to secure works to the reinstate the footway, following removal of the garage doors and associated pavement crossover. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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.