

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	100-101 St Martin's Lane, London, WC2N 4AZ,		
<b>Proposal</b>	Installation of trellis and "faux buxus" screening, associated refurbishment and restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces in connection with the existing office use. Installation of new door and external staircase from ground to courtyard level.		
<b>Agent</b>	Mr Nick Delaney, GVA		
<b>On behalf of</b>	Bishopsgate Long Term Property Fund Nominees No.1 Limited		
<b>Registered Number</b>	16/10998/FULL	<b>Date amended/ completed</b>	17 November 2016
<b>Date Application Received</b>	17 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Trafalgar Square		

## 1. RECOMMENDATION

Refuse permission - residential amenity.

## 2. SUMMARY

The application site is 100-101 St Martin's Lane, which is an unlisted six storey building located in the Trafalgar Square Conservation Area. The building is in office use and is currently undergoing refurbishment.

Permission is sought for the installation of trellis and "faux buxus" (artificial hedge) screening, and the restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces, and the installation of a new door and external staircase from ground to courtyard level.

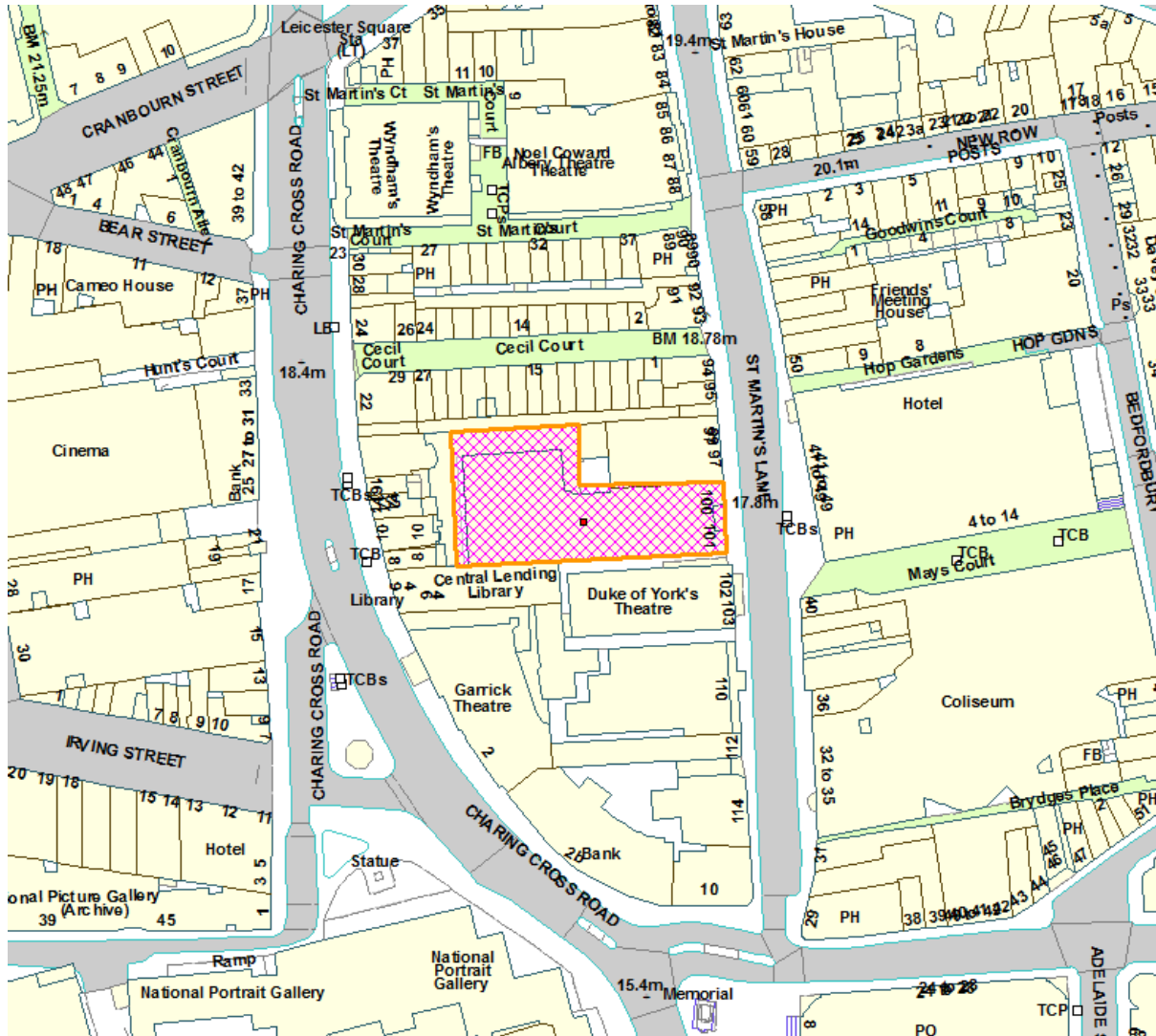
The key issues in the determination of this application are:

- Impact of the proposed alterations on the character and appearance of the building and the Trafalgar Square Conservation Area;

- Impact of the proposed alterations and use on the amenity of existing residents.

Objections have been received from neighbouring residents and the primary concern raised is the harm to residential amenity; including from increased noise disturbance, loss of light, increased sense of enclosure and loss of privacy. The proposals are considered to be unacceptable with regards to an increase in noise disturbance for people in neighbouring residential properties and this would be contrary Policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

### 3. LOCATION PLAN



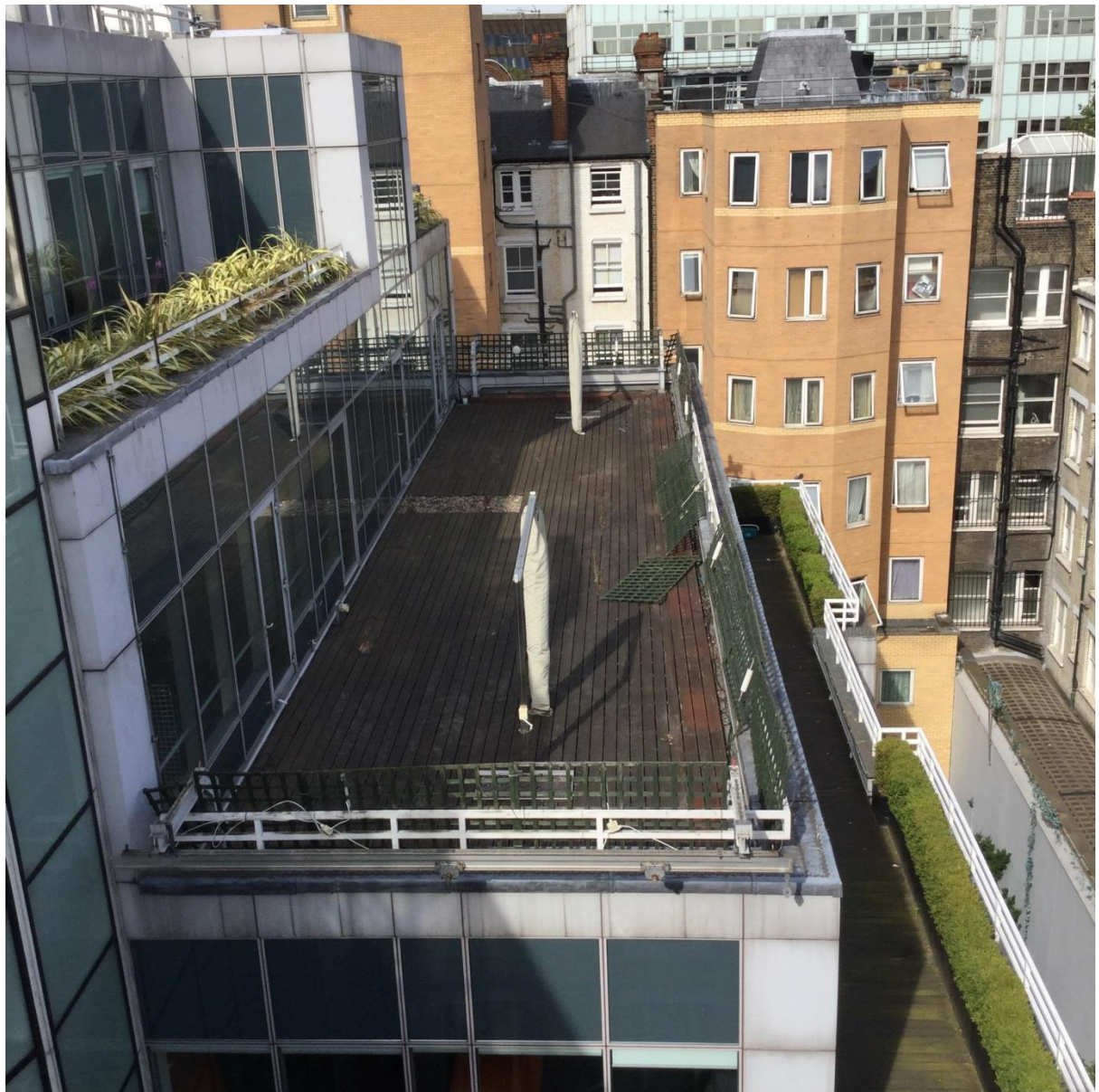
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4. PHOTOGRAPHS



View of third, fourth and fifth floor terraces from Cecil Court





**View from 97-99 St Martin's Lane (from Talbot House, looking west towards Charing Cross Rd)**



**Courtyard area (rear of Cecil Court to the left of the picture)**

## 5. CONSULTATIONS

### COVENT GARDEN AREA TRUST

Any response to be reported verbally.

### COVENT GARDEN COMMUNITY ASSOCIATION

Objection: harm to neighbouring residential amenity, including noise disturbance and loss of privacy/overlooking. The mitigation measures and management plan are not considered sufficient to control the harm

### ENVIRONMENTAL HEALTH:

No objection.

### ADJOINING OWNERS / OCCUPIERS:

No.of original consultees: 161

No.of replies: 23; (Objections: 22; Neutral: 1)

N.B. figures include three residents who have each commented twice.

Objections from neighbouring residents on the following summarised grounds:

#### Residential Amenity:

- Noise disturbance generated as a result of increased social activity;
- Increased sense of enclosure as a result of the screening;
- Loss of light as a result of the screening;
- Loss of privacy (the screening would not be sufficient to prevent overlooking);

#### Design/ Townscape:

- Visual harm to the character and appearance of the building and area;

#### Other:

- Noise and disturbance generated from building work;
- Vermin could be attracted to litter generated from the use;
- Smoking could harm the health of neighbouring residents;
- The security of Faraday House could be comprised by office workers using a fire escape through the building as a short cut to Charing Cross Road;
- The benefits of the scheme to the applicant, and to the officer workers who will use the outdoors areas, do not outweigh the harm to the amenity enjoyed by existing residential neighbours. Other existing public outside spaces are located nearby and could be used instead;
- The permission for the application building prevented the use of the roofs as amenity spaces in order to protect the amenity of neighbours, and this is still required today;
- The supporting documents submitted by the applicant are inaccurate, misrepresentative and/ or deceptive;
- The outdoor areas have been used in breach of planning control in the past and this may/ is likely/ is more likely to continue to occur as a result of the proposals;
- Work on parts of the proposal have commenced without the benefit of planning permission;
- The applicant's consultation process with neighbours was unsatisfactory. One objector has set out pathways to move forward with the applicant in order to protect the

amenity of residents and improve the application building, including suggestions on what form alternative proposals may take.

One comment has been received from a neighbour stating neither objection nor support, but has raised concern regarding works to the building and the impact on light.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is 100-101 St Martin's Lane, which is an unlisted six storey building located in the Trafalgar Square Conservation Area. The building is located in the Core Central Activities Zone. The building is in office use and is currently undergoing refurbishment.

The relevant part of the application site is bounded by 8-16 Charing Cross Road (including Faraday House and Garrick Mansions) to the west, properties along Cecil Court (including Burleigh Mansions) to the north and 97-99 St. Martins Lane (includes Talbot House) to the east. The rear of these buildings look toward the relevant part of the application site. The upper floors of these properties are in residential use.

### **6.2 Recent Relevant History**

Planning permission dated 30 March 1988 granted consent for the redevelopment of the site to provide the office building. Condition 3 of this permission prohibits the roofs of the building being used as amenity spaces.

Planning permission dated 30 March 1993 allowed for the variation of this condition for a temporary period to allow the use of the fourth floor flat roof as a terrace by Carlton Television between 0800 to 2200.

A planning application for the restricted use of part of the roofs and part of courtyard as amenity spaces, and associated screening and other alterations, was withdrawn 28 July 2016.

A planning enforcement investigation is under way regarding work to roof decking and the courtyard.

## **7. THE PROPOSAL**

Permission is sought for the installation of trellis and faux buxus screening, associated refurbishment and restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces, and the installation of new door and external staircase from ground to courtyard level.

The applicants propose various restrictions on the terraces and a management plan to include the following measures:



- Use only between 0800 to 1800 Monday to Friday (no use at all at the weekend).
- Cumulative capacity limited to 28 people.
- No smoking
- No music or events.
- Out of hours phone number for residents should problems arise.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The outdoor amenity spaces and associated alterations are proposed in connection with the existing office use. This would have no land use implications.

### **8.2 Townscape and Design**

The relevant part of the application building is set around a courtyard, is highly glazed, and it rises up to six stories in a staggered form creating flat roof areas at third, fourth and fifth floor levels.

Objectors have raised concern on the grounds that the proposed alterations to the building would harm its appearance and the appearance of the Trafalgar Square Conversation Area.

Polices DES 1, DES 5, DES 6 and DES 9 of the Unitary Development Plan (UDP) and S25 and S28 of the City Plan seek to ensure high design standards across the city and that the character and appearance (visual amenity) of the city's conservation areas are maintained and enhanced.

The proposed boundary treatments/ screening at the third, fourth and fifth floors to form the roof terrace enclosures would not be visible from locations in the public realm and would be set in from the edge to reduce their visibility from surrounding properties. Although the edge treatments are more traditional in design (more in keeping with the surrounding buildings than the host building, which is quite modern), on balance it is considered that the proposals would result in a neutral impact on the appearance of the host building and the conservation area and therefore are not opposed.

The proposed external doors and staircases at lower ground floor level are also considered acceptable in design terms.

### **8.3 Residential Amenity**

The relevant part of the application site is bounded by 8-16 Charing Cross Road, Cecil Court and 97-99 St. Martins Lane. The application building and these largely residential neighbouring buildings are in close proximity. The application building has been designed to step away from the properties along Cecil Court. When the building was granted consent in 1988 it was considered necessary to prevent, by condition, the use of these roofs as amenity spaces in order to protect neighbouring residents from harm.

*Noise:*

Objectors have raised concern on the grounds that noise disturbance generated from the use of the outdoor amenity spaces would harm residential amenity.

Policy ENV13 of the UDP and S29 of the City Plan seek to protect and improve residential amenity within the City. Policy ENV 6 of the UDP and Policy S32 of the City Plan relate to noise specifically, and require design and operational measures minimise and contain noise from developments.

The applicant proposes to use part of the flat roofs at third, fourth and fifth floors, and part of the lower ground courtyard, for use as outdoor amenity spaces. It would amount to 206sqm. The applicant stated in their original submission that there would be a restriction of 50 people (total) imposed for these areas, but has reduced this to 28 people during the course of the planning application. The proximity of these proposed amenity spaces to residential windows vary between approx. 8 to 18 metres. Within the submitted acoustic report, the applicant has identified these areas as those within the site with the least potential to harm to neighbouring residents in terms of noise. This report measures the existing background noise level and predicts noise levels if the proposals are implemented.

The report notes measurements of the existing background noise levels recorded at various locations on the site. These are high, at 53 - 55 dB LAeq,10h, which suggests the existing background noise level is either at or slightly below the World Health Organisation Guideline's limit (55 dB - daytime).

In seeking to prevent harm in terms of additional noise disturbance, the applicant has proposed mitigation measures. These are included in an operational management plan which sets hours of use (08:00hrs to 18:00hrs), restricts music and smoking, limits users to new tenants and limits the capacity. During the course of the planning application additional measures have been proposed to the operational management plan, and include the applicant licensing the right to use the amenity spaces to tenants (rather than allowing their use through leases) which would allow the applicant to revoke the right to use the spaces without evicting tenants from the building; would install an access door control lock system to limit access to the spaces to the hours proposed; and the installation of CCTV monitoring of the terraces by an on-site management team. The applicant also notes the screening would lessen the negative acoustic implications of the proposals.

The acoustic report notes there are no set methodologies to predict noise levels from amenity spaces, and therefore have made assumptions in an effort to predict noise levels. The report concludes that as a result of the proposed design features and operational controls the proposal would lead to either no noticeable effect or at most, the lowest noticeable effect level, whereby there may be a 'slight effect on the acoustic character of an area'. The applicant has also provided an addendum to the acoustic report to take into account the limit of 28 people. It states the reduced limit will led to a corresponding reduction in the level of noise disturbance.

Officers note the difficulty in predicting noise from social activity. Nevertheless, the areas proposed as outdoor amenity spaces in this instance are both large and numerous, so would allow relatively large groups of office workers to socialise on them - and this would be controlled to be a maximum of 6 people each on the lower ground, third and fifth floor

areas and 10 at fourth floor. The current acoustic environment is one in which the background noise level is high. The enclosed nature of the site and close of proximity of neighbours results in a susceptibility to harm in terms of noise for residents who live here. Whilst officers note the operational management plan could prevent some harmful instances of noise disturbance (such as late in the evening for example) it is not considered that these measures would be sufficient to prevent a noise nuisance to neighbours.

The implication of the applicant's acoustic report is that it would be possible for several groups of people to congregate on roofs, and at courtyard level, at distances between approx. 8 and 18 metres from habitable rooms of residential neighbours without being noticeable, or only slightly noticeable, in terms of the noise they would create. This is considered implausible, particularly given the anecdotal evidence in the many objections received. The proposal would allow for social activity during the day which would be perceptible to neighbours, and would be harmful to the enjoyment/ peace of neighbouring residential properties. Objectors have noted that some of these properties solely face the application building, and others impacted also suffer the noise generated on the busy commercial streets of Charing Cross Road, Cecil Court or St Martin's Lane.

As noted in paragraph 6.2, the original 1988 planning permission contained a condition prohibiting the use of the flat roofs as terraces due to the potential amenity impact on nearby residents. The residential properties surrounding the site generally pre date the office building. In this respect, the situation has not changed and it is not considered that there is any justification for introducing terraces in close proximity to residential windows, many of which serve single aspect flats.

The worsening in terms of noise that would occur is considered contrary to policy ENV 6 and ENV 13 of the UDP and S29 and S32 of the City Plan, and the application is recommended for refusal on this basis.

*Privacy, Sense of Enclosure and Light:*

Objectors have raised concern on the grounds of loss of privacy, increased sense of enclosure and loss of light.

Policy ENV 13 and of the UDP and S29 of the City Plan seek to protect and improve residential amenity within the City including preventing harmful overlooking, increased sense of enclosure and loss of light.

The roof terraces would be enclosed by screening that would prevent overlooking. Whilst the trellising would not be solid, it would be a dense weave and of a height such that it would obscure views.

The applicant has submitted a daylight and sunlight assessment (in accordance with BRE guidelines) which demonstrates the proposal would not result in a noticeable loss of daylight or sunlight to any window.

Given the screening would be modest in scale, would be set back from the perimeter of the roofs and would be viewed in the context of the rest of the building, it is not considered that the proposal would result in a undue sense of enclosure.

**8.4 Transportation/Parking**

No transportation or parking considerations are applicable for this development.

**8.5 Economic Considerations**

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

**8.6 Access**

No access considerations are applicable for this development.

**8.7 Other UDP/Westminster Policy Considerations**

No other policy considerations are applicable for this development.

**8.8 London Plan**

This application raises no strategic issues.

**8.9 National Policy/Guidance Considerations**

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

**8.10 Planning Obligations**

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

**8.11 Environmental Impact Assessment**

Environmental Impact issues are not relevant to this development.

**8.12 Other Issues**

Objectors have raised other concerns not so far addressed. The noise and disturbance during construction is an unwelcome and well understood consequence of allowing new development; had the proposal be acceptable a condition would ensure work is not carried out at anti-social times. Maintenance, including keeping the property clean, would be the responsibility of the building's operator. The applicant proposes to restrict smoking. The application does not propose to alter fire escapes and this would be a building regulation issue.

The benefits of the scheme identified by the applicant are not disputed. These are not, however, considered to outweigh the harm identified to the amenity of surrounding residents

## 9. BACKGROUND PAPERS

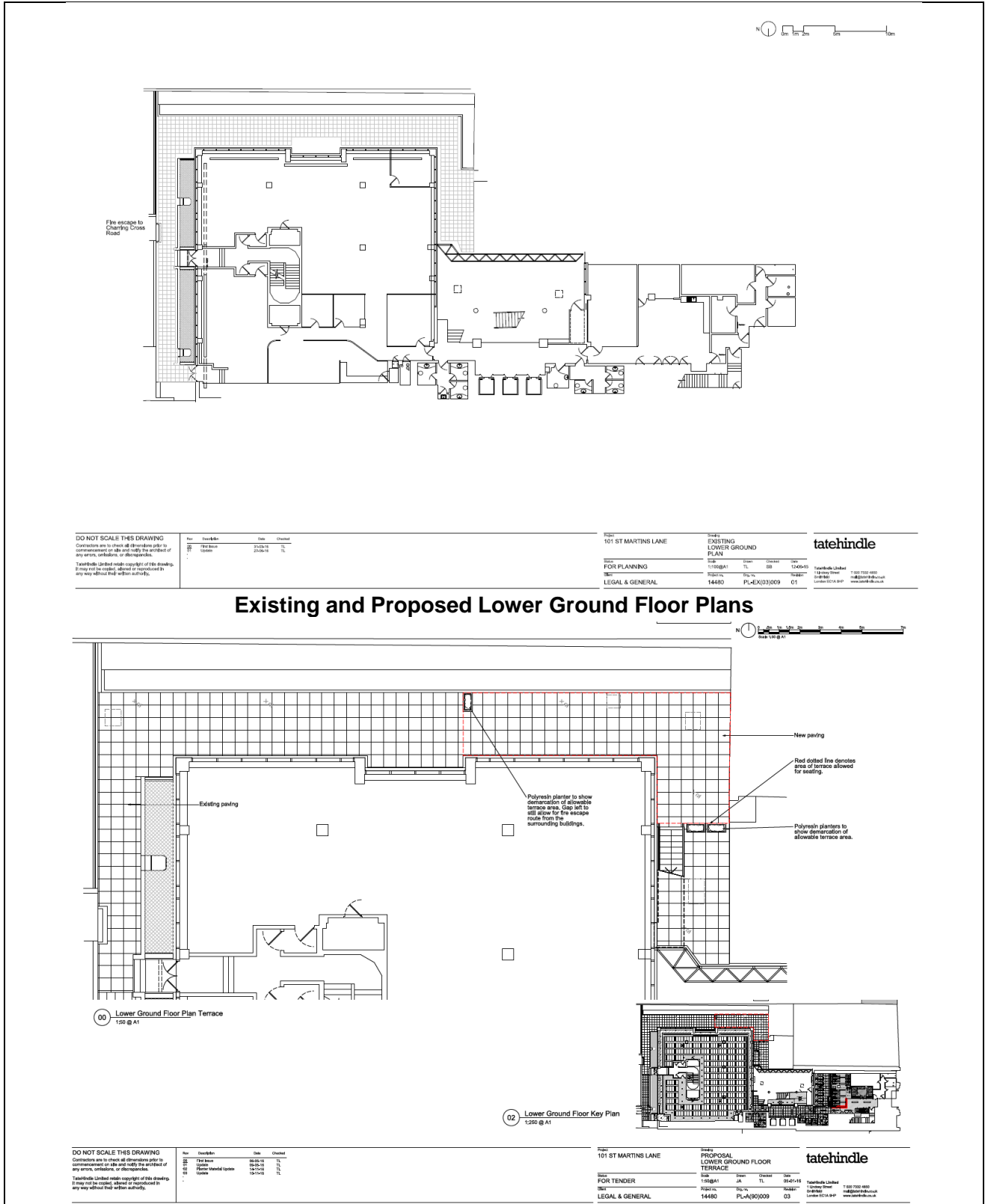
1. Application form
2. Memorandum from Environmental Health, dated 28 November 2016
3. Response from Covent Garden Community Association, dated 9 December 2016
4. Objection from occupier of Flat 19, Faraday House, 18 Charing Cross Road, dated 29 November 2016
5. Objection from occupier of Flat 18, Faraday House, 18 Charing Cross Road, dated 29 November 2016
6. Objection from chairperson of Burleigh Mansions Residents' Association and occupier of Flat 42, Burleigh Mansions, 20 Charing Cross Road, dated 29 November 2016
7. Objections (x2) from occupier of Flat 5, Burleigh Mansions, 20 Charing Cross Road, dated 30 November 2016 and 21 December 2016
8. Objections (x2) from occupier of Flat 9, Burleigh Mansions, 20 Charing Cross Road, both dated 30 November 2016
9. Objection from occupier of Flat 45, Burleigh Mansions, 20 Charing Cross Road, dated 30 November 2016
10. Objection from occupier of Flat 38, Burleigh Mansions, 20 Charing Cross Road, dated 30 November 2016
11. Neutral comment from occupier of Flat 21, Faraday House, 18 Charing Cross Road, dated 4 December 2016
12. Objection from occupier of Flat 47, Burleigh Mansions, 20 Charing Cross Road, dated 8 December 2016
13. Objection from occupier of Flat 7, Talbot House, 98 St Martin's Lane, dated 10 December 2016
14. Objection from occupier of Flat 15, Burleigh Mansions, 20 Charing Cross Road, dated 13 December 2016
15. Objection from occupier of Flat 48, Burleigh Mansions, 20 Charing Cross Road, dated 13 December 2016
16. Objection from occupier of Flat 29, Burleigh Mansions, 20 Charing Cross Road, dated 16 December 2016
17. Objections (x2) from occupier of Flat 9, Faraday House, 18 Charing Cross Road, both dated 21 December 2016
18. Objection from occupier of Suite A & B, Talbot House, 98 St Martin's Lane, dated 21 December 2016
19. Objection from occupier of Flat 3, Talbot House, 98 St Martin's Lane, dated 22 December 2016
20. Objection from occupier of unspecified flat, Burleigh Mansions, 20 Charing Cross Road, dated 23 December 2016
21. Objection from occupier of Flat 6, Garrick Mansions, 12-16 Charing Cross Road, dated 23 December 2016
22. Objection from Peabody Asset Management (Freeholder of Faraday House), 45 Westminster Bridge Road, dated 18 January 2017

(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: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)



10. KEY DRAWINGS

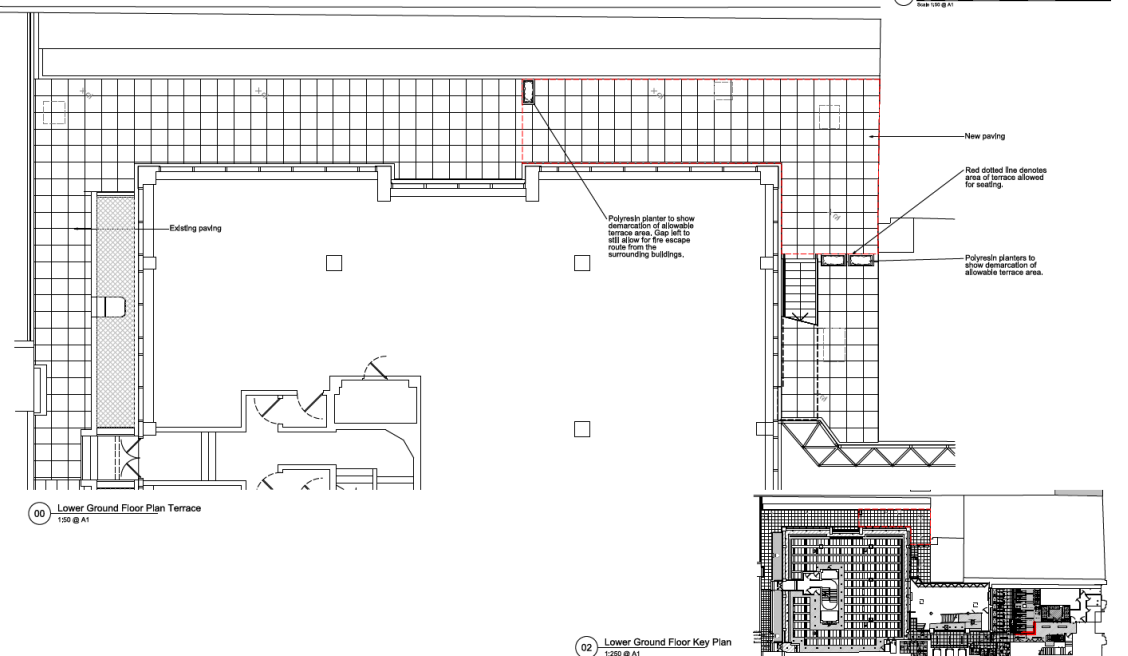


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Rev	Description	Date	Checked
00	Final Issue	21/04/15	TL
01	Revised	20/06/15	TL

101 ST MARTINS LANE		EXISTING LOWER GROUND FLOOR PLAN				tatehindle	
Scale	1:100	Drawn	Checked	Date	Tatehindle Limited 11 Upper Street London EC2A 4DP Tel: 020 7322 4800 www.tatehindle.co.uk		
Project	FOR PLANNING	Discipline	TL	000	13/06/15		
Discipline	LEGAL & GENERAL	Project No.	14480	PL-EX(03)009	01		

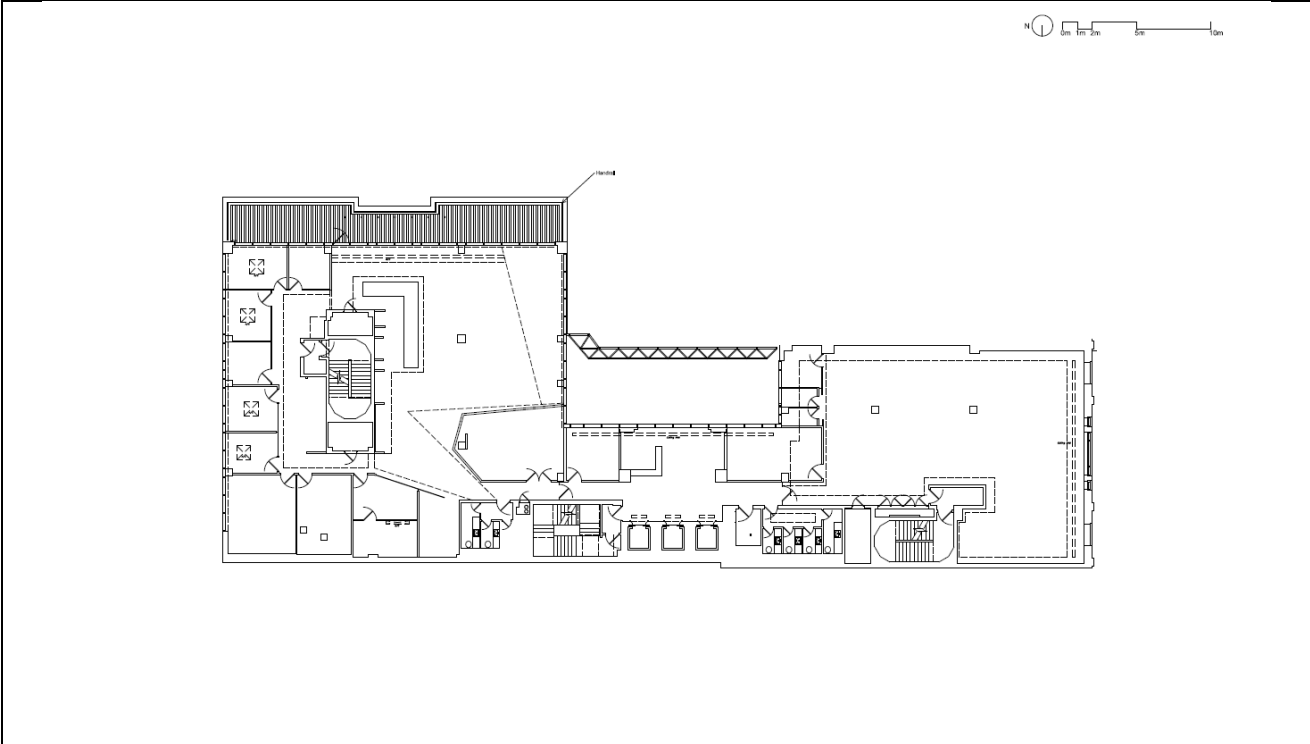
Existing and Proposed Lower Ground Floor Plans



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Rev	Description	Date	Checked
00	Final Issue	06/05/15	TL
01	Revised	16/05/15	TL
02	Revised	16/05/15	TL
03	Revised	16/05/15	TL

101 ST MARTINS LANE		PROPOSED LOWER GROUND FLOOR TERRACE				tatehindle	
Scale	1:100	Drawn	Checked	Date	Tatehindle Limited 11 Upper Street London EC2A 4DP Tel: 020 7322 4800 www.tatehindle.co.uk		
Project	FOR TENDER	Discipline	JA	TL	04/01/15		
Discipline	LEGAL & GENERAL	Project No.	14480	PL-A(00)009	03		



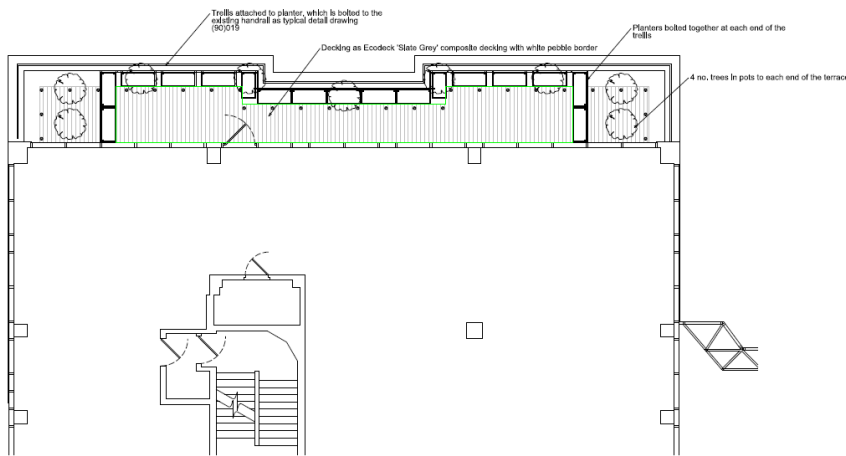
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Rev.	Description	Date	Checked
01	Final Issue	24/04/20	
02	Revised	24/04/20	
03	Revised	24/04/20	
04	Revised	24/04/20	

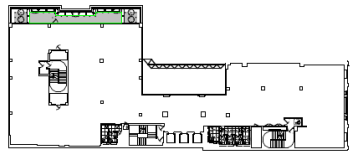
101 ST MARTINS LANE		EXISTING THIRD FLOOR PLAN	
DATE	15/09/21	SCALE	TL 1:246-15
FOR PLANNING		DATE	12/06/15
LEGAL & GENERAL	14480	PL-EX(03)013	03

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**Existing and Proposed Third Floor Plan**



01 Terrace Plan  
1:50 @ A1



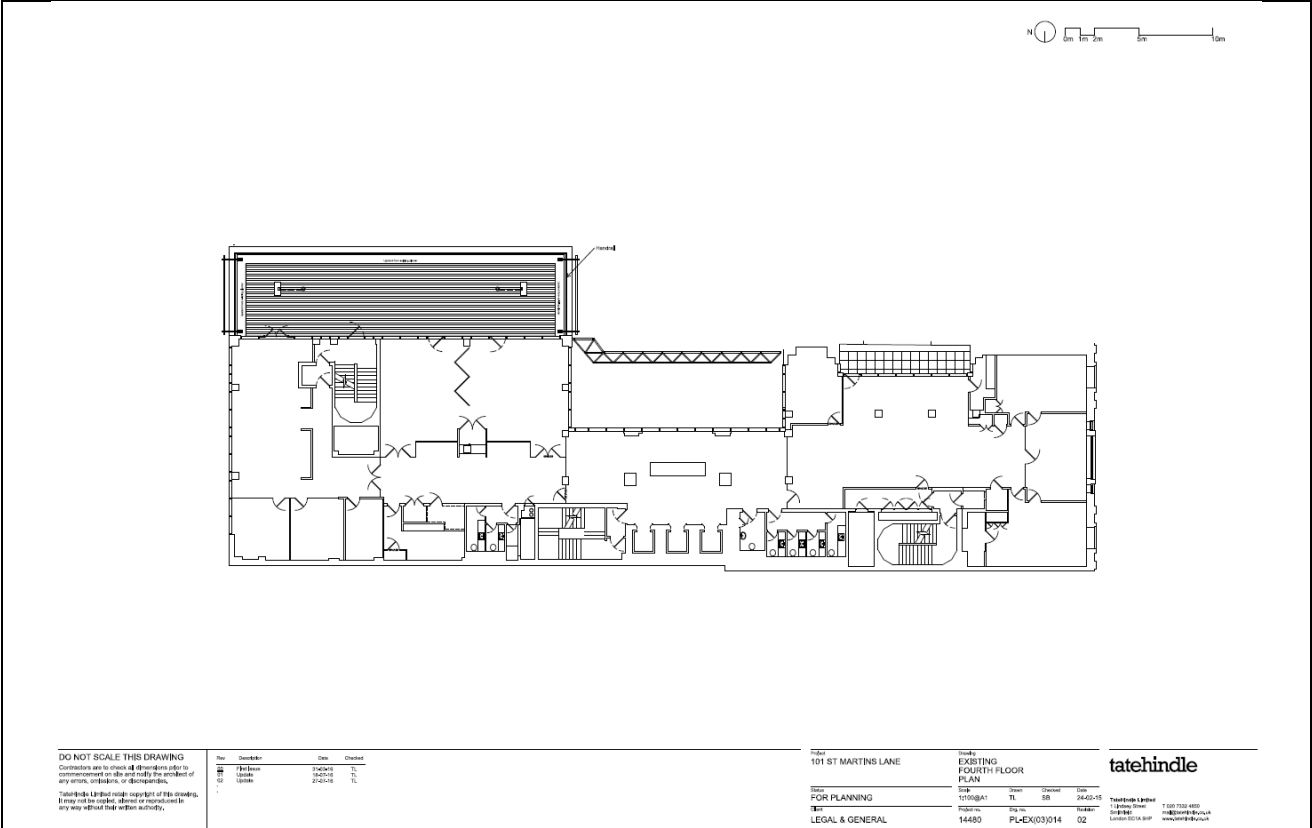
02 Third Floor Key Plan  
1:250 @ A1

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Rev.	Description	Date	Checked
01	Final Issue	24/04/20	
02	Revised	24/04/20	
03	Revised	24/04/20	
04	Revised	24/04/20	
05	Revised	24/04/20	
06	Revised	24/04/20	

101 ST MARTINS LANE		PROPOSAL THIRD FLOOR TERRACE	
DATE	15/09/21	SCALE	TL 1:246-15
FOR PLANNING		DATE	12/06/15
LEGAL & GENERAL	14480	PL-A(03)030	06

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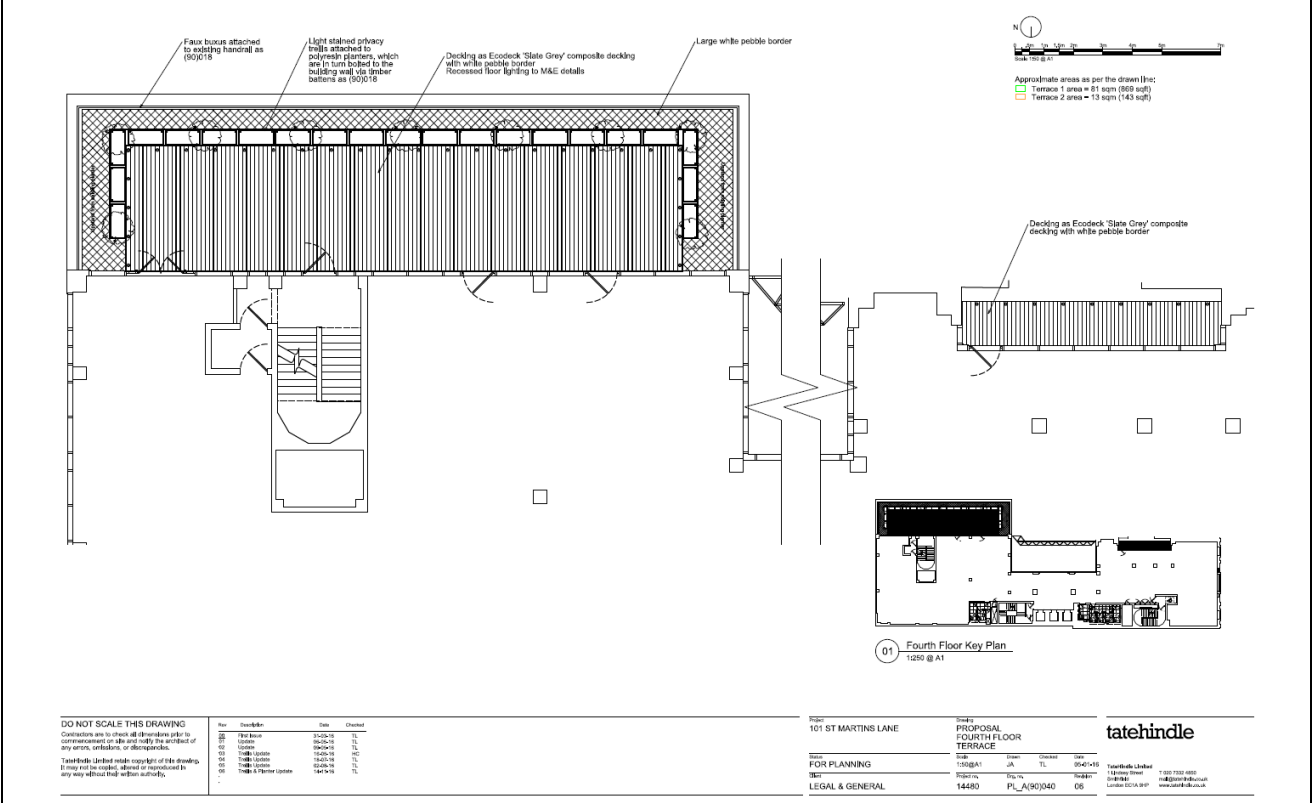


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Rev.	Description	Date	Checked
01	For Issue	24/02/18	TL
02	Update	14/03/18	TL
03	Update	20/03/18	TL

101 ST MARTINS LANE		EXISTING FOURTH FLOOR PLAN		tatehindle	
FOR PLANNING	101/08/A1	Issue	08	24/02/18	
LEGAL & GENERAL	14480	Project No.	PL/EX/03/014	02	

**Existing and Proposed Fourth Floor Plan**



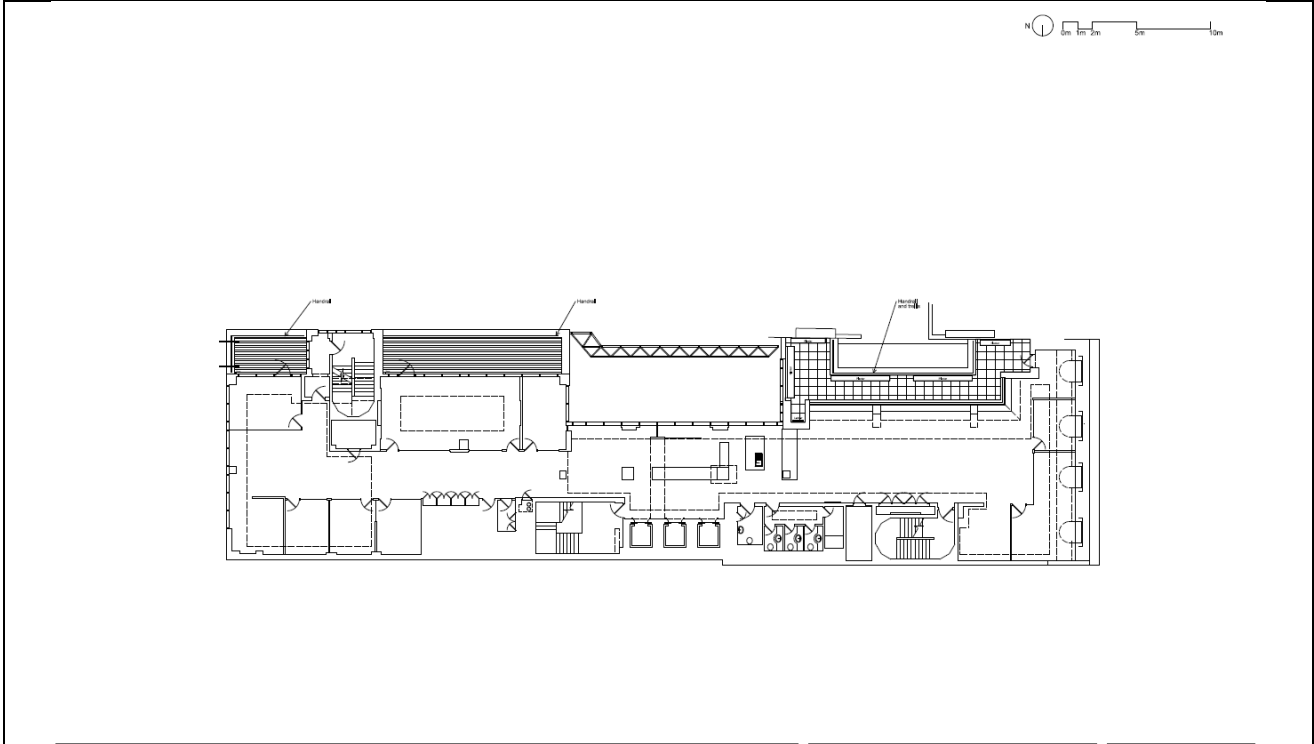
Approximate areas as per the drawn (Brix):  
 ■ Terrace 1 area = 81 sqm (860 sqft)  
 ■ Terrace 2 area = 13 sqm (143 sqft)

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Rev.	Description	Date	Checked
01	For Issue	24/02/18	TL
02	Update	14/03/18	TL
03	Update	14/03/18	TL
04	Update	14/03/18	TL
05	Update	14/03/18	TL
06	Update	14/03/18	TL

101 ST MARTINS LANE		PROPOSAL FOURTH FLOOR TERRACE		tatehindle	
FOR PLANNING	101/08/A1	Issue	08	24/02/18	
LEGAL & GENERAL	14480	Project No.	PL/A/90/040	06	

01 Fourth Floor Key Plan  
1/250 @ A1



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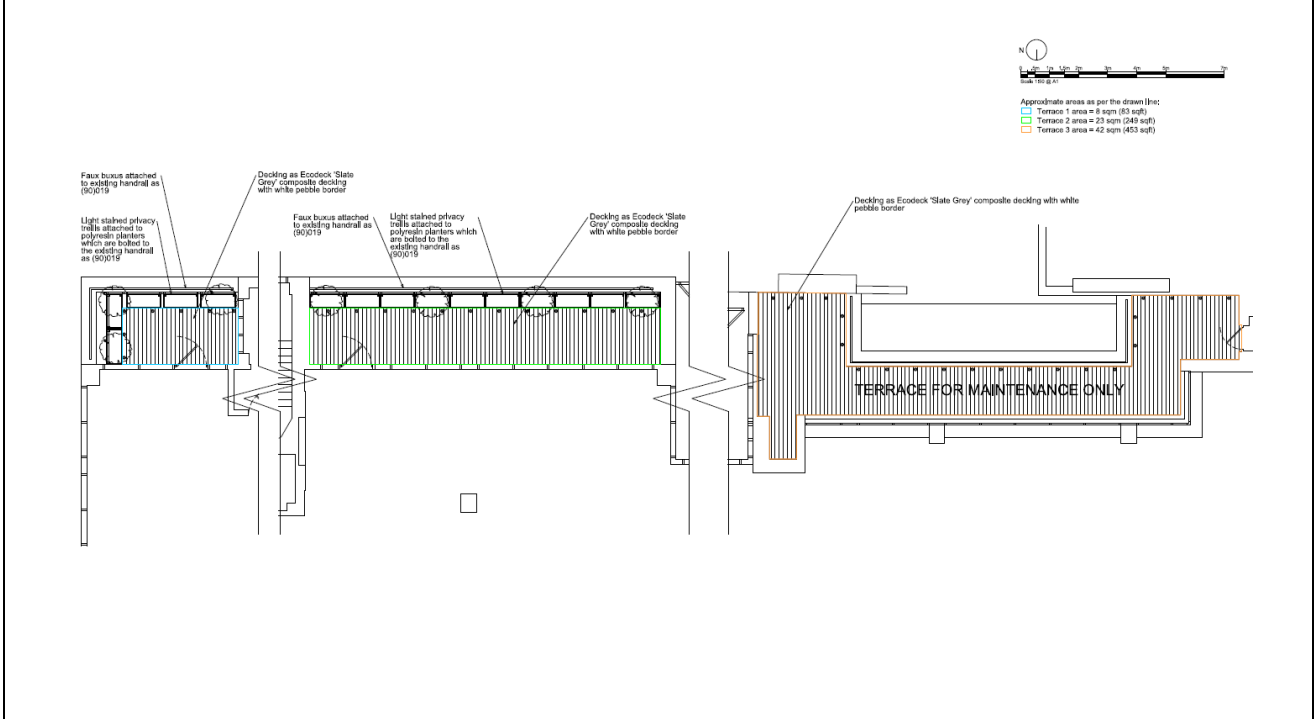
Rev	Description	Date	Checked
01	Final Issue	12/06/19	PL/EX
02	Update	12/06/19	PL/EX
03	Update	12/06/19	PL/EX

PROJECT	101 ST MARTINS LANE	EXISTING	FIFTH FLOOR PLAN
DATE	12/06/2019	Drawn	SB
SCALE	1:100	Checked	SB
DATE	12/06/19	Drawn	SB
SCALE	1:100	Checked	SB
DATE	12/06/19	Drawn	SB
SCALE	1:100	Checked	SB
DATE	12/06/19	Drawn	SB
SCALE	1:100	Checked	SB

PROJECT	101 ST MARTINS LANE	EXISTING	FIFTH FLOOR PLAN
DATE	12/06/2019	Drawn	SB
SCALE	1:100	Checked	SB
DATE	12/06/19	Drawn	SB
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DATE	12/06/19	Drawn	SB
SCALE	1:100	Checked	SB
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SCALE	1:100	Checked	SB

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**Existing and Proposed Fourth Floor Plan**



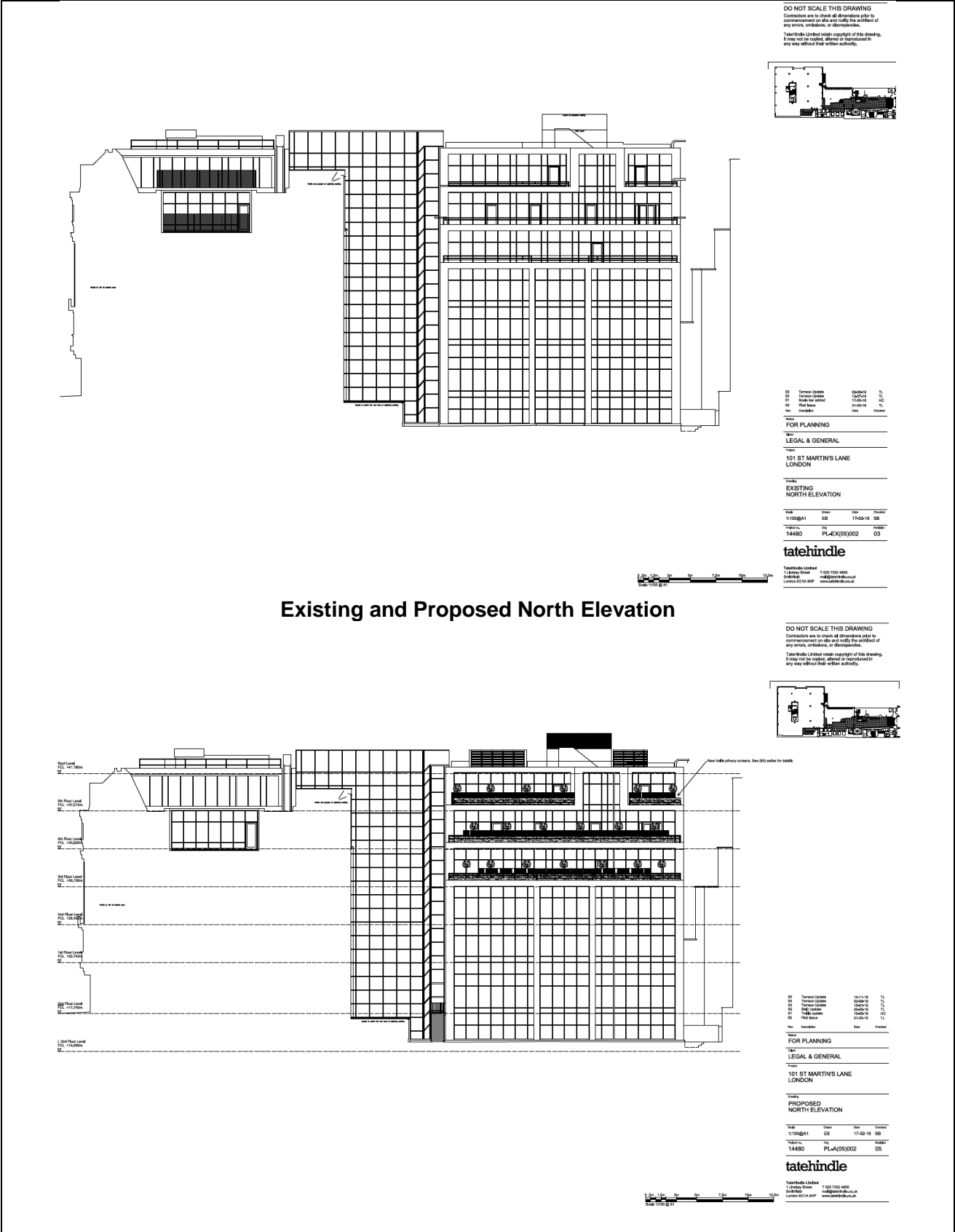
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03	Update	12/06/19	PL/EX
04	Update	12/06/19	PL/EX
05	Update	12/06/19	PL/EX
06	Update	12/06/19	PL/EX
07	Update	12/06/19	PL/EX

PROJECT	101 ST MARTINS LANE	PROPOSED	FIFTH FLOOR TERRACES
DATE	12/06/2019	Drawn	JA
SCALE	1:100	Checked	SB
DATE	12/06/19	Drawn	SB
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PROJECT	101 ST MARTINS LANE	PROPOSED	FIFTH FLOOR TERRACES
DATE	12/06/2019	Drawn	JA
SCALE	1:100	Checked	SB
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01	Technical Update	05/04/16	PL
02	Technical Update	02/07/16	PL
03	Architectural	15/02/17	PL
04	Final Issue	21/05/18	PL
Rev	Description	Date	Checked

**FOR PLANNING**  
**LEGAL & GENERAL**  
 101 ST MARTIN'S LANE  
 LONDON  
**EXISTING**  
**NORTH ELEVATION**

Ref	Issue	Date	Checked
110908A1	03	17/02/18	03
14480	PL-EX/05/002	03	

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**Existing and Proposed North Elevation**

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01	Technical Update	04/11/16	PL
02	Technical Update	02/04/16	PL
03	Technical Update	04/02/16	PL
04	Final Issue	04/02/16	PL
05	Final Issue	14/02/18	PL
Rev	Description	Date	Checked

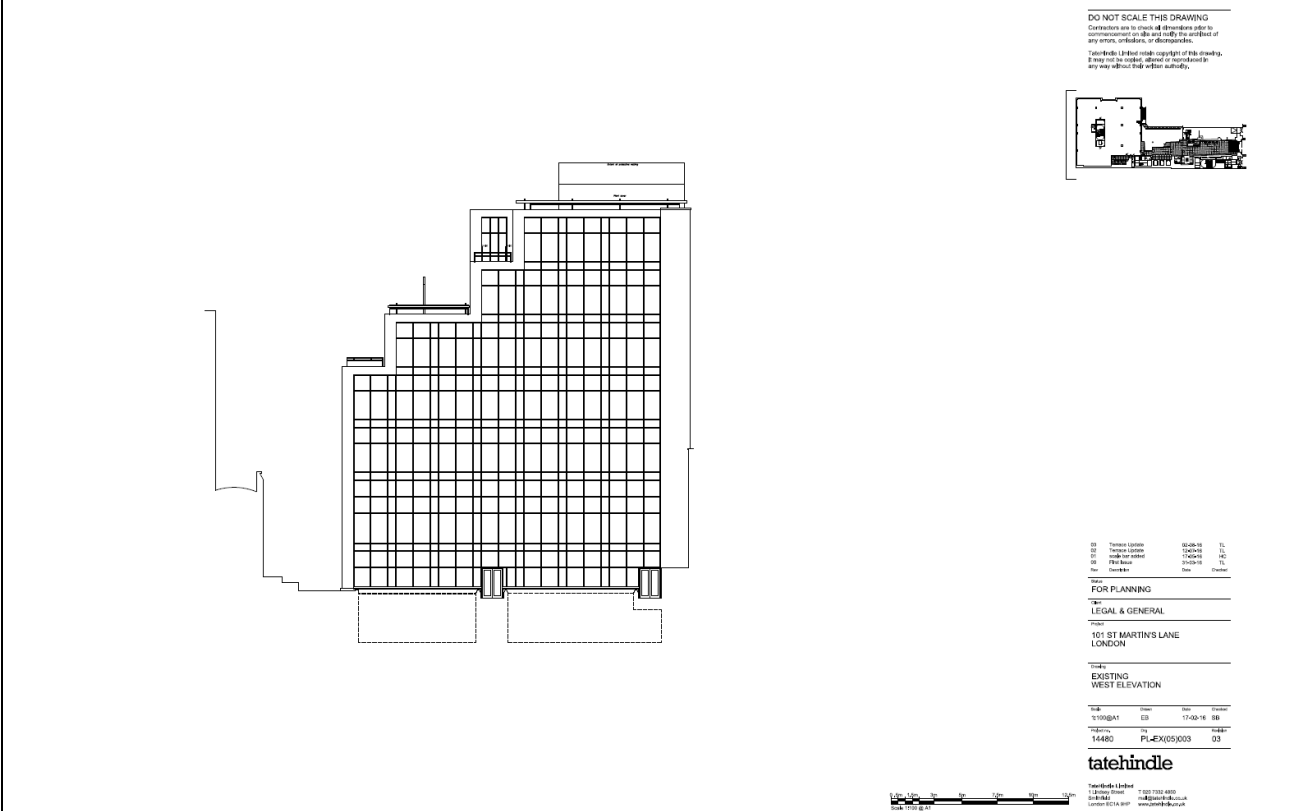
**FOR PLANNING**  
**LEGAL & GENERAL**  
 101 ST MARTIN'S LANE  
 LONDON  
**PROPOSED**  
**NORTH ELEVATION**

Ref	Issue	Date	Checked
110908A1	03	17/02/18	03
14480	PL-PR/05/002	05	

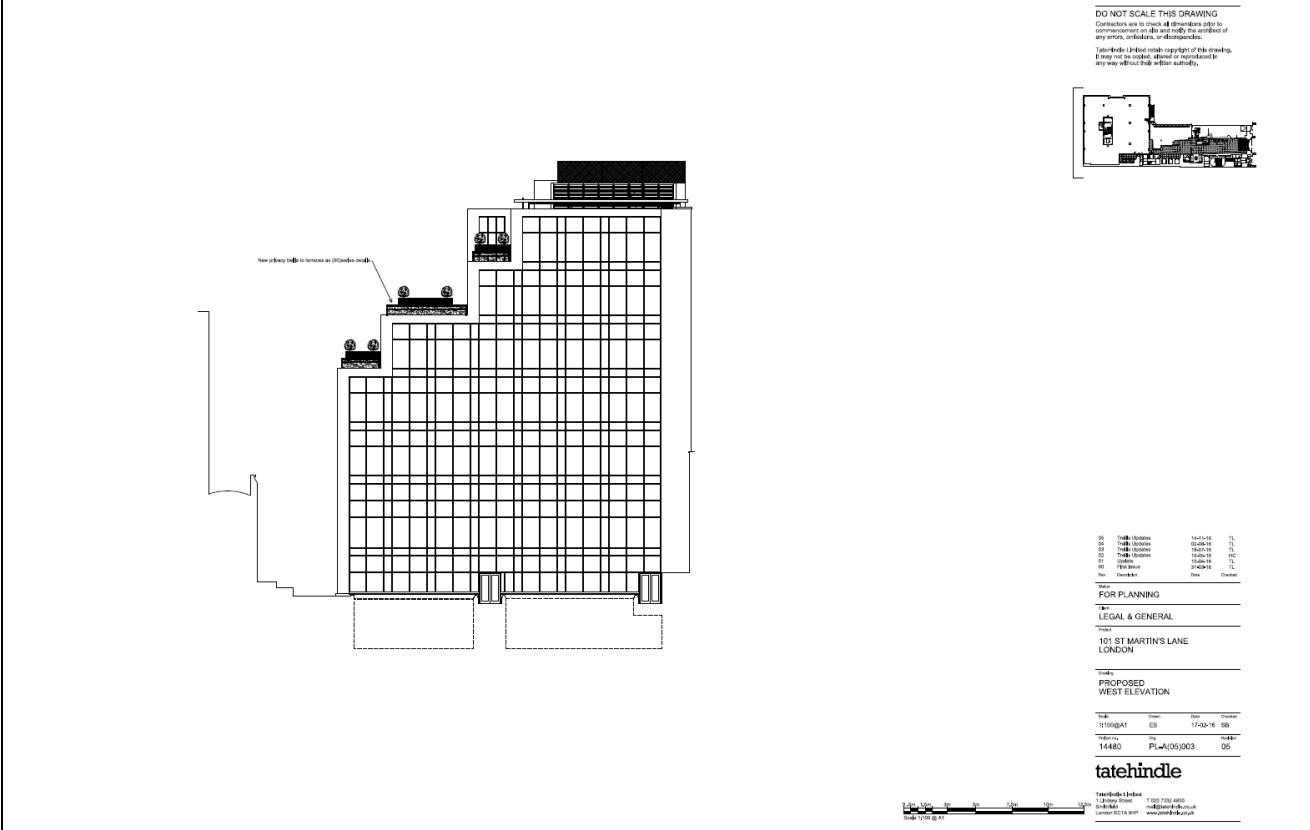
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**Existing and Proposed West Elevation**



**DRAFT DECISION LETTER**

**Address:** 100-101 St Martin's Lane, London, WC2N 4AZ,

**Proposal:** Installation of trellis and “faux buxus” screening, associated refurbishment and restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces in connection with existing office use. Installation of new door and external staircase from ground to courtyard level.

**Reference:** 16/10998/FULL

**Plan Nos:** Location Plan; Site Plan; PL-EX(03)008; PL-EX(03)116 rev 01; PL-EX(05)001; PL-EX(03)015 rev 03; PL-EX(03)011; PL-EX(03)014 rev 02; PL-EX(03)010; PL-EX(03)009 rev 01; PL-EX(05)002 rev 03; PL-EX(03)016 rev 02; PL-EX(03)012; PL-EX(04)010 rev 01; PL-EX(04)020 rev 01; PL-EX(05)004 rev 03; PL-EX(03)013 rev 03; PL-EX(05)003 rev 03; PL-A(03)008; PL-A(05)001 rev 01; PL-A(03)015 rev 03; PL-A(90)050 rev 06; PL-A(03)011; PL-A(03)014 rev 03; PL-A(90)018 rev 03; PL\_A(90)040 rev 06; PL-A(03)010; PL-A(90)011 rev 03; PL-A(03)009 rev 01; PL-A(90)009 rev 03; PL-A(05)002 rev 05; PL-A(03)016 rev 02; PL-A(03)012; PL-A(04)010 rev 01; PL-A(04)020 rev 01; PL-A(05)004 rev 04; PL-A(03)013 rev 03; PL-A(90)030 rev 06; PL-A(90)019 rev 03; PL-A(05)003 rev 05; Design and Access Statement; Management Plan; Daylight and Sunlight Report; Noise Impact Assessment and Addendum; Cover Letter; Statement of Community Involvement.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

The use of part of the flat roofs and courtyard as outdoor amenity spaces would lead to an unacceptable increased in noise disturbance for people in neighbouring residential properties. This would not meet S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.