

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And, Shelton Street, London, ,		
Proposal	Demolition and redevelopment of site, including facade retention of 30-35 Drury Lane, 2 Dryden Street and 4-10 Dryden Street, for mixed use development comprising retail, restaurant and cafe uses at ground and basement level (Classes A1/A3), office floorspace (class B1) at part ground, first to fifth floor level, rooftop plant, basement cycle parking and associated works.		
Agent	Mr James McAllister-Jones		
On behalf of	Helical Bar (Drury Lane) Limited		
Registered Number	16/12200/FULL	Date amended/ completed	22 December 2016
Date Application Received	22 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Do Members consider that the proposed amendments to the scheme are sufficient to overcome their previous concerns in relation to design (scale, bulk and design) and highways (servicing)?

2. SUMMARY

The application was reported to the Planning Applications Committee on 25 April 2017 where the presenting officer informed the Committee that the applicant had submitted an amended scheme that offered to reduce the bulk of the development and provide an off-street servicing bay. Members resolved to defer the decision, to enable full public consultation on the amended scheme.

The amendments made to the scheme can be summarised as follows:

- Reduction in the overall height of the building by 1.25m.
- Pulling back of the top floor extension on the corner of Drury lane and Shelton Street frontages by 800mm.
- Increase in the green roof provision by a further 250sqm.
- The ground floor unit on Dryden Street changed from retail (Class A1/A3) to office (Class B1); and;
- The provision of an off-street servicing bay at ground floor level.

Historic England, The Victorian Society, Covent Garden Area Trust, Covent Garden Community Association and Seven Dials Trust (verbally) maintain their objections to the scheme.

Design and Conservation

The changes submitted to the original proposal are not considered to make a meaningful difference to the overall harm which the development would cause to the local townscape, and in particular to the character and appearance of the Covent Garden Conservation Area, and the setting of the Seven Dials Conservation Area (within the London Borough of Camden).

Whilst the reduction in height and the setting back of the top storey theoretically reduces the size of the building, those floors remain evident and very present in views as identified in the previous report. The same architectural awkwardness and excessive singular scale and bulk of the 'ziggurat'-like roof over an otherwise regular fine-grain street façade would be visible from street level, and also from high levels when viewing the roofscape of Covent Garden.

Highways

An off-street servicing area has been provided at ground floor level accessed from Arne Street. The applicant has submitted a Servicing Management Plan in support of their application and the Council's Highways Planning Manager is satisfied that the off-street servicing area/loading bay is sufficient for the proposed development, consistent with policy S42 of the City Plan and TRANS20 of the UDP. Were the application to be considered favourably, a condition would be recommended preventing the retail use from being used as a supermarket to ensure that the servicing provision is adequate.

Land use

There are currently no Council policies which protect small/medium scale office uses, however, in response to the concerns raised about the loss of medium scale office floorspace which is characteristic of the Covent Garden area, the applicant has amended the application to include a self-contained office unit (Class B1) of 320sqm at ground floor level on the corner of Dryden Street and Arne Street, where retail/restaurant use was previously proposed. The applicant has also shown that the office floorplates are capable of being divided into smaller spaces of between 300-500sqm suitable for small/medium size businesses.

Amenity

The reduced height of the proposed building has resulted in a minor improvement to the daylight and sunlight levels to the surrounding residential and commercial units. The proposal is considered acceptable in amenity terms as set out in the previous committee report (attached).

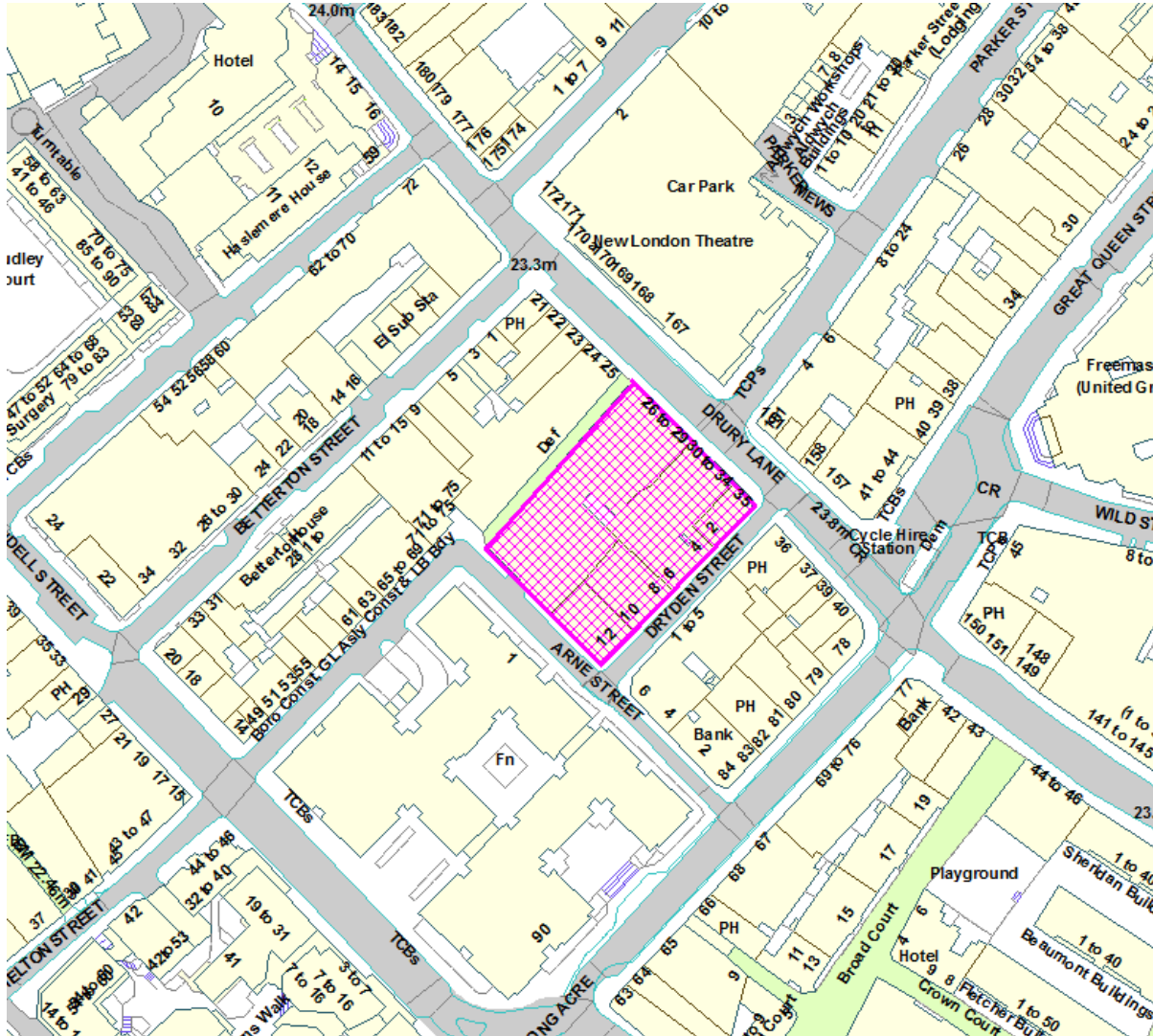
The proposal would provide high quality office accommodation and new retail frontage, however, other policy objectives are challenged. The proposed building would significantly alter the

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contribution which this city block makes to the character of the area, the Covent Garden Conservation Area, and to the setting of Seven Dials. The application is therefore reported back to members to decide whether the public benefits of the revised scheme would adequately mitigate or compensate for the design and conservation issues outlined above.

3. LOCATION PLAN



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4. PHOTOGRAPHS



26-29 Drury Lane (above) & 2-12 Dryden Street (below)





26-29 Drury Lane (above) & 12 Dryden Street (below)



5. CONSULTATIONS

AMENDED SCHEME

HISTORIC ENGLAND

Previous concerns raised in relation to the proposed scale and massing of the additional storeys remain. The amended proposals still include two-tiered attic storeys. Whilst changes have been made to accommodate a minor stepping back and lowering of these storeys, the impact is qualitatively very similar and still imparts a top-heavy ziggurat-like appearance. The harm to the special character and appearance of the conservation area remains a concern. In line with paragraph 132 of the NPPF, the Council will need to weigh up any harm identified with the wider public benefits of the proposals.

COVENT GARDEN AREA TRUST, COVENT GARDEN COMMUNITY ASSOCIATION AND SEVEN DIALS TRUST

Verbally confirmed that their objections to the original scheme remain. Any further response to be reported verbally.

THE VICTORIAN SOCIETY

The alterations to the scheme are comparatively minor and fail to address the serious concerns laid out in their original objection. Implementation of the proposals, in particular the total loss of 26-29 Drury Lane and the excessive roof extensions, would cause serious and unjustified harm to the character, appearance and setting of the Covent Garden Conservation Area and should be refused.

HIGHWAYS PLANNING MANAGER

The provision of an off-street servicing area maintains the highway environment for pedestrians and other highway users, similar to the existing building. The revised scheme is consistent with policy S42 of the City Plan and TRANS20 of the UDP and is considered acceptable subject to conditions.

CLEANSING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 139

Total No. of replies: 3

Three letters of objection have been received maintaining their original objections to the scheme on land use, design and amenity grounds.

6. BACKGROUND PAPERS

1. Application form
2. Response from Covent Garden Area Trust, Covent Garden Community Association, and Seven Dials Trust dated 15 February 2017
3. Response from Historic England dated 25 January 2017 and 23 June 2017.
4. Response from Historic England (Archaeology) dated 8 February 2017
5. Letter from Victorian Society dated 16 March 2017 and 9 June 2017.
6. Memorandum from Highways Planning Manager dated 11 April 2017 and 23 June 2017.
7. Memorandum from Cleansing dated 24 January 2017, 20 March 2017 and 14 June 2017.
8. Memorandum from Environmental Health dated 7 April 2017.
9. Memorandum from Arboricultural Officer dated 3 March 2017.
10. E-mail from Crime Prevention Design Advisor dated 7 February 2017.
11. Letter from occupier of 3 Dryden Street, Covent Garden, dated 7 February 2017
12. Letter from occupier of 26/28 Neal Street, Covent Garden, dated 9 February 2017 and 12 June 2017.
13. Letter from occupier of 41 Floral street, Covent Garden, dated 20 March 2017
14. Letter from occupier of Flat 3, 80 Long Acre, dated 5 February 2017 and 8 June 2017.
15. Letter from occupier of Pemberton Griffin Munroe Ltd, on behalf of 5 Betterton Street, dated 15 June 2017.

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

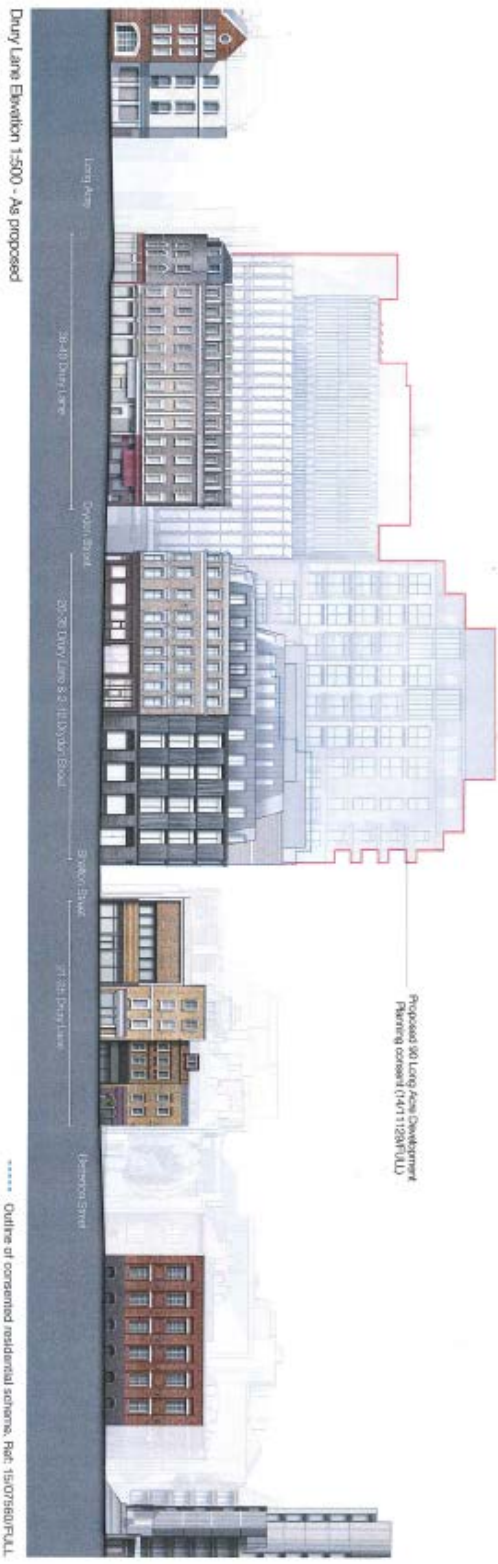
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **MATTHEW MASON** BY EMAIL AT **MMASON@WESTMINSTER.GOV.UK**.

Drury Lane - Existing Elevation



Drury Lane Elevation 1:500 - As existing

Drury Lane - Proposed Elevation



Drury Lane Elevation 1:500 - As proposed

Dryden Street - Existing Elevation



Dryden Street - Proposed Elevation



Arne Street - Existing Elevation



Arne Street - Proposed Elevation

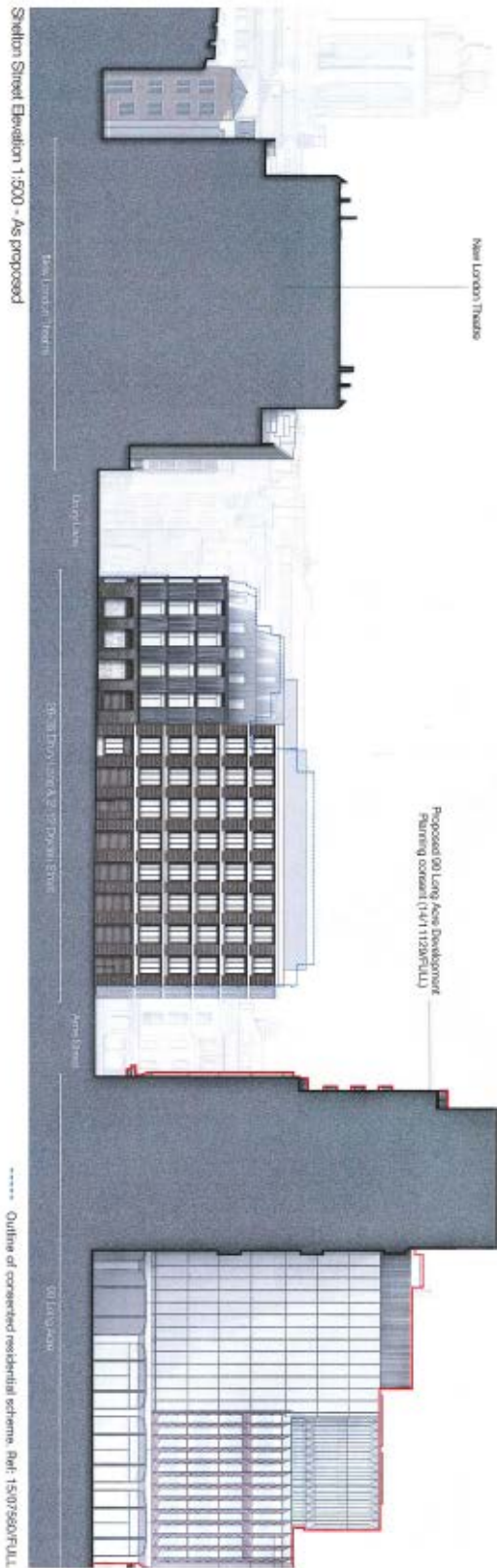


Shelton Street - Existing Elevation



Shelton Street - Proposed Elevation

26-35 Drury Lane & 2-12 Dryden Street
 Design and Access Statement Addendum
 REF: 16/12/20/01/FULL Page 69



DRAFT DECISION LETTER

Address: Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And, Shelton Street, London, ,

Proposal: Demolition and redevelopment of site, including facade retention of 30-35 Drury Lane, 2 Dryden Street and 4-10 Dryden Street, for mixed use development comprising retail, restaurant and cafe uses at ground and basement level (Classes A1/A3), office floorspace (class B1) at first to fifth floor level, rooftop plant, basement cycle parking and associated works.

Reference: 16/12200/FULL

Plan Nos: 13465-AR-L00-P00-010; 13465-AR-L00-P00-020; 13465-AR-L-1-P00-099; 13465-AR-L00-P00-100; 13465-AR-L01-P00-101; 13465-AR-L02-P00-102; 13465-AR-L03-P00-103; 13465-AR-L04-P00-104; 13465-AR-L05-P00-105; 13465-AR-LXX-P00-120; 13465-AR-LXX-P00-121; 13465-AR-LXX-P00-122; 13465-AR-LXX-P00-123; 13465-AR-L-1-P01-099; 13465-AR-L00-P01-100; 13465-AR-L01-P01-101; 13465-AR-L02-P01-102; 13465-AR-L03-P01-103; 13465-AR-L04-P01-104; 13465-AR-L05-P01-105; 13465-AR-LXX-P01-120/A; 13465-AR-LXX-P01-121/A; 13465-AR-LXX-P01-122/A; 13465-AR-LXX-P01-123/A; 13465-AR-S-01-130; 13465-AR-S-02-131; 13465-AR-S-03-132; 13465-AR-S-04-133; 13465-AR-L-1-P02-099/A; 13465-AR-L00-P02-100/A; 13465-AR-L01-P02-101/A; 13465-AR-L02-P02-102/A; 13465-AR-L03-P02-103/A; 13465-AR-L04-P02-104/A; 13465-AR-L05-P02-105/A; 13465-AR-L06-P02-106/A; 13465-AR-LXX-P02-120; 13465-AR-LXX-P02-121; 13465-AR-LXX-P02-122; 13465-AR-LXX-P02-123; 13465-AR-L07-P02-130/A; 13465-AR-L07-P02-131/A; 13465-AR-L07-P02-132/A; 13465-AR-L07-P02-133/A; 13465-AR-L07-P02-134/A and 13465-AR-L07-P02-135/A; Documents for information only: Design and Access Statement dated 21.12.16 and Addendum dated May 2017; Planning Statement dated February 2017; Built Heritage Statement dated December 2016 and addendum dated May 2017; Air Quality Assessment dated February 2017; Preliminary Ecological Appraisal dated December 2016; Historic Environment Desk Based Assessment dated February 2017; Daylight, Sunlight and Overshadowing Study dated December 2016 and May 2017; Noise Impact Assessment dated 15 December 2016; Transport Assessment dated 14 February 2017 and Addendum dated 19 May 2017; Preliminary Environmental Risk Assessment dated December 2016; Energy and Sustainability Assessment dated December 2016; Ventilation and Extraction Statement dated December 2016; Office Marketing Report dated 21 December 2016; Construction Management Plan dated December 2016; Structural Methodology Statement dated December 2016 and Addendum dated May 2017; and BREEAM 2014 New Construction: Landuse and Ecology Assessment dated May 2017.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641 2518

Recommended Condition(s) and Reason(s)



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 25th April, 2017**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Richard Beddoe (Chairman), Susie Burbridge, Tim Mitchell and Ruth Bush

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Richard Beddoe explained that a week before the meeting, all four Members of the 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 e-mails containing objections or giving support. Members of the 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 Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Tim Mitchell declared that in his capacity as a Councillor for St James's Ward, and as Cabinet Member for Finance, Property & Corporate Services responsible for the City Council's property portfolio, he regularly met with members of the property industry and their representatives to discuss schemes across the Council and particularly in his Ward.
- 2.3 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That the application was in his Ward; and that he had received representations from the applicants and objectors. He had also sat on the Committee that had considered a previous application.

Item 3: That he had sat on the Committee that had considered a previous application.

Item 4: That the application was in his Ward; and that as he was Cabinet Member for Finance, Property & Corporate Services, he would withdraw from the meeting during consideration of this item and take no part in the discussion or decision.

Item 6: That the application was in his Ward; and that he had received representations from the objectors.

2.4 Councillor Susie Burbridge declared that any Members of the Majority Party and Minority Party who had or would make representations on the applications on the agenda were her friends. She also declared that she was the Deputy Cabinet Member for Housing.

2.6 Councillor Burbridge then made the following declarations as they related to the specific applications on the agenda:

Item 2: The application was in her Ward.

Item 3: That she had sat on the Committee that had considered the application previously.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 4 April 2017 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT LAND BOUNDED BY DRURY LANE, DRYDEN STREET, ARNE STREET AND SHELTON STREET, LONDON

Demolition and redevelopment of site, including facade retention of 30-35 Drury Lane, 2 Dryden Street and 4-10 Dryden Street, for mixed use development comprising retail, restaurant and cafe uses at ground and basement level (Classes A1/A3), office floorspace (class B1) at first to fifth floor level, rooftop plant, basement cycle parking and associated works

Late representations were received from Pemberton Griffin Munroe Ltd (25.04.17), and Helical Bar PLC (25.04.17).

The presenting officer informed the Committee that the applicant had submitted an amended scheme that offered to reduce the bulk of the development.

RESOLVED: That consideration be deferred, to enable full public consultation on the amended scheme.

2 18 ST PETERSBURGH PLACE, LONDON, W2 4LB

Demolition of existing mews building at 32 St Petersburg Mews and construction of new mews building with link extension to 18 St Petersburg Place. Excavation of basement beneath 18 St Petersburg Place and part of

Agenda Item 1

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 25 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And, Shelton Street, London, WC2		
Proposal	Demolition and redevelopment of site, including facade retention of 30-35 Drury Lane, 2 Dryden Street and 4-10 Dryden Street, for mixed use development comprising retail, restaurant and cafe uses at ground and basement level (Classes A1/A3), office (class B1) at first to fifth floor level, rooftop plant, basement cycle parking and associated works.		
Agent	Mr James McAllister-Jones		
On behalf of	Helical Bar (Drury Lane) Limited		
Registered Number	16/12200/FULL	Date amended/ completed	22 December 2016
Date Application Received	22 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	No's. 30-35 Drury Lane and 2-10 Dryden Street - Covent Garden Conservation Area No's. 26-29 Drury Lane outside conservation area.		

1. RECOMMENDATION

Refuse permission – design (scale, bulk and massing) and highways (lack of off-street servicing).

2. SUMMARY

The application relates to a complete city block bounded by Drury Lane, Dryden Street, Arne Street and Shelton Street (a pedestrian alleyway), located on the border with the London Borough of Camden. Permission is sought for the redevelopment of the site behind the retained facades of 30-35 Drury Lane and 2-10 Dryden Street, for office use (class B1) with flexible retail, restaurant and cafe uses at ground floor level.

The key issues for consideration are:

- The impact of the proposals on the character and appearance of the buildings and the conservation area.
- The landuse implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

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The proposal would provide high quality office accommodation and new retail frontage , however, other policy objectives are challenged. The proposed building would significantly alter the contribution which this city block makes to the character of the area, the Covent Garden Conservation Area, and to the setting of Seven Dials. The public benefits of the scheme would not adequately mitigate or compensate for the more significant issues of scale, bulk and massing of the proposed building.

No replacement off-street servicing is provided which would have an adverse impact on the surrounding highway network and the safety of pedestrians. Accordingly it is recommended that the application be refused on design and highway grounds.

5. CONSULTATIONS

HISTORIC ENGLAND

Previous concerns raised in relation to the residential scheme with regards to the proposed scale and massing of the additional storeys remain.

A key change with the latest proposals is the alteration of the floor plates and massing of the development in association with the change to office use. The additional height and massing proposed causes concern due to the visual impact in wider townscape views. The proposal will have a top heavy appearance detracting from the proportions and hierarchy of the street frontages. This additional bulk and dominance would conflict with the traditional scale and grain currently characterising the site. These proposals would result in some harm being caused to the special character and appearance of the conservation area. In line with paragraph 132 of the NPPF, the Council will need to weigh up any harm identified with the wider public benefits of the proposals.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

COVENT GARDEN AREA TRUST, COVENT GARDEN COMMUNITY ASSOCIATION AND SEVEN DIALS TRUST

This is the second time the three organisations have jointly objected to planning proposals for this site. Welcome the continued use of the site as office (B1) and the subsequent retention of employment uses, however, the height and bulk of the scheme has increased, which further compounds the impact of the proposed development on the character and setting of the conservation area. The consented scheme should not be seen as a precedent.

The current proposals for extensive demolition behind "retained facades" achieve only a minimal increase in square footage. A conservation-based scheme with additional mansard storeys could achieve equal or greater square footage and thus comply with the growth agenda set in the NPPF and accommodate small- and medium-sized businesses, typical of Covent Garden. Covent Garden is a successful example of economic regeneration through active conservation of the built environment precisely because developments such as the one proposed in this application have not been permitted.

In accordance with the NPPF the Council must weigh the harm to the conservation area against any wider public benefits that would result from the scheme. The applicant has not identified any public benefits and the character and appearance of the area must prevail.

The proposals are highly unsympathetic to the character, including architectural design, scale and materials, of the area and fail to improve or maintain (enhance or preserve) the conservation area.

The modern design and materials of 26-29 Drury Lane clashes with the surrounding buildings and the proposed additional storey makes the building stand out. The proposed Shelton Street frontage with louvre panels at ground level creates a fortress feel and does not result in a connection with the streetscape.

Whilst the applicant proposes retaining elements of the historic façades of the remaining buildings, they will be substantially altered and dwarfed by additional storeys that undermine the traditional proportions and historic elevations that typify this part of the conservation area. The additions above the "retained façades" are not in keeping with the character and appearance of the streetscape and fail to relate to the scale, height, detailing and materials of the existing buildings. The excessive scale and design would seriously harm the particular architectural and historic interest and significance of the surviving, original street-elevations, their contribution to the character, appearance and significance of the Covent Garden Conservation Area itself.

The proposed additional floors at 30-35 Drury Lane-2 Dryden Street are more in keeping with the existing façades, however, will result in a building with much more bulk and is not discreet, or a subservient addition to the original building. Additional storeys at 4-10 Dryden Street add substantial height and bulk to the existing and consented schemes.

The height massing and bulk remain incongruent with the character and heritage of the setting, and looks alien to its surroundings.

Such a large mixed use development will have significant servicing and delivery needs. Servicing the development will result in an even greater impact on local narrow streets, particularly Arne, Shelton and Dryden streets.

THE VICTORIAN SOCIETY

Raise an objection. The proposal would cause serious harm to the character and appearance of the Covent Garden Conservation Area and the setting of neighbouring conservation areas. 30-35 Drury Lane, 4-10 and 12 Dryden St and 26-29 Drury Lane, with its four-bay return along Shelton Street, all possess character and make a positive contribution to the area's architectural richness. The total demolition of 26-29 Drury Lane would harm the setting of the various conservation areas and should at least have its façade retained as part of any redevelopment.

Object to the excessive roof extensions, which would so starkly and harmfully betray the block, transforming it into a single superblock. The 'new' block would be entirely and damagingly at odds with the prevailing character of the area. The roof extensions would be visually prominent and would contrast unhappily with the typology of the street frontages and domestic scale and character of the Conservation Area. The proposed scheme pays insufficient regard to the significance of the buildings and the special interest of the Conservation Area. Contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

ENVIRONMENT AGENCY

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Any response to be reported verbally.

CRIME PREVENTION DESIGN ADVISOR

No objection.

BUILDING CONTROL

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Clarification required as to whether a combined heat and power plant will be installed. The air quality assessment concludes the development proposals are air quality neutral.

The Council's standard noise conditions are recommended to control noise from plant. Two commercial kitchen areas are proposed with dedicated riser route for the kitchen extract system up to roof level. Details should be secured by condition.

The development is a level 1 development under the Code of Construction Practice (COCP) and the appropriate condition should be applied. The submitted construction management plan does not provide sufficient information to fulfil the requirements of a Site Environmental Management Plan. Therefore a revised document will be required. A condition requiring contaminated land remediation is also recommended.

HIGHWAYS PLANNING MANAGER

No car parking is proposed which is consistent with UDP policies TRANS21 and TRANS22. Cycling provision is acceptable.

No off street servicing is provided and the existing off street servicing bay is removed, contrary to adopted policy. Inadequate information to demonstrate that on street servicing is capable of occurring without significant impact on other highway users. Reliance on the extant permission at 90 Long Acre (with off street servicing) being implemented to free up on-street space on Arne Street to cope with servicing.

CLEANSING

A waste store at ground floor level is large enough to accommodate the waste expected from the development. The proposed redevelopment should be redesigned to accommodate off-street servicing or the waste store relocated so that waste can be loaded directly from the waste store onto the waiting refuse vehicle in order to reduce the amount of time it will be obstructing the public highway.

ARBORICULTURAL MANAGER

There are no trees affected or proposed to be planted as part of the application.

A green roof is proposed at fifth floor level which includes troughs around the parapet and a sedum style roof covering. There is insufficient soil on the structure for more biodiverse roof landscaping like a brown roof or a roof meadow. The green roof substrate and structure is inadequate to provide the biodiversity and environmental benefits in terms of species and rainwater attenuation suggested. The absence of sustainable irrigation sources is contrary to Council policy which encourages the

provision of green infrastructure and biodiversity. More substantial, biodiverse and sustainable roof planting could be achieved.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 133

Total No. of replies: 4

No. of objections: 3

No. in support: 1

One letter of support has been received from a resident in Floral Street on the grounds that the development will enhance Covent Garden for residents and workers.

Objections have been received from 2 residents and the Donmar Warehouse Theatre on the following grounds:

Design

- Deplore the unnecessary destruction of fine Victorian buildings which are in keeping with those nearby. The demolition of so much character is unjustified.
- Making the assumption that retaining facades makes wholesale demolition of the rest of any historic building justifiable is wrong and not supported by any Conservation and planning policy.
- The buildings are all full of character, inside and out, and were built for light industrial and retail purposes and are of particular townscape value.
- The proposal is to drop a bulky contemporary "City" office building into a Conservation Area in the middle of Covent Garden. The new building pays scant homage to its surroundings except for retaining building facades in Dryden Street and Drury Lane.
- The height of the proposed new facade is too great for the size of the streets.
- The proposed building is of an excessive scale, too high and bulky for the surrounding townscape and will dominate the immediate area.
- Excavating 2.2 metres below the existing basement level is excessive and cannot be justified.

Landuse

- There is nothing wrong with the existing collection of buildings, almost all of the space is currently occupied offering character Victorian space or loft style warehouse accommodation typical throughout Covent Garden. A fabulous working environment that has generous floor to ceiling heights, robust cast iron columns, exposed brickwork, traditional timber floors and excellent natural light.
- It is likely that the small retailers currently present which serve the local community (e.g. the newsagents) will be priced out.
- Covent Garden does not need any more restaurants and cafes, the servicing of which causes noise, traffic problems and pollution.
- Dryden Street is very narrow and a flexible retail, restaurant or café unit is likely to shatter the peace of the street from the use and servicing. Long occupational hours of use seem more appropriate for the Drury Lane frontages.
- The introduction of large retail, restaurants and café premises into Dryden Street and Arne Street is inappropriate for a quiet peaceful backwater.

- One of the Donmar's most critical operations within Dryden is the rehearsal studio, designed specifically to prevent standard street noise from entering. It is important for studios to be protected from excessive noise and vibration.

Amenity

- The daylight, sunlight and overshadowing study confirms a large number of rooms in the Donmar Warehouse will be affected by the development beyond BRE guidance.

Highways

- Traffic and congestion from servicing vehicles.
- Proposed A3 uses will bring servicing traffic into narrow back streets.

Other

- Noise and disturbance during construction. Construction traffic should be banned from entering the site from Arne Street or Dryden Street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a complete city block bounded by Drury Lane to the east, Dryden Street to the south, Arne Street to the west and Shelton Street to the north (a pedestrian alleyway connecting Drury Lane to Arne Street). It is located on the border with the London Borough of Camden which runs along the middle of Shelton Street and Drury Lane.

Only the southern part of the site is located within the Covent Garden Conservation Area (No's. 30-35 Drury Lane and the Dryden Street properties). Nos. 26-29 Drury Lane are not within the conservation area boundary. The Seven Dials Conservation Area, in the London Borough of Camden, wraps around the north and east of the site. The site lies within the Core Central Activities Zone, West End Special Retail Policy Area; and the West End Stress Area.

The site comprises three existing buildings which are in a mix of office and retail uses:

30-35 Drury Lane and 2-6 Dryden Street

Constructed in the mid- nineteenth century, the buildings comprise four retail units (class A1) at ground floor level along Drury Lane (561sqm GIA), with offices (class B1) on the upper floors accessed from Dryden Street (1,842 sqm GIA).

26-29 Drury Lane

Built in 1915, following extensive bomb damage in World War II the building was subject to substantial repair and extensions. The building is currently in office use (class B1) occupied by King's College (4,690 sqm GIA) providing back of house administration functions. It is understood that the facilities provided are to be relocated to the Kings College, Aldwych campus.

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4-10 & 12 Dryden Street

A mid nineteenth century building substantially altered externally and internally, used for light industrial and then office use. The building is currently occupied by a mix of multi-let employment spaces (1,901 sqm GIA).

An existing servicing entrance is located on Arne Street.

6.2 Recent Relevant History

There was a resolution to grant planning permission at Committee in April 2016 for the demolition and redevelopment of the site in buildings ranging from 5 to 7 storeys (plus roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking, basement car park and associated landscaping works.

This application is subject to a S.106 agreement which has not been signed to date and the planning permission has not therefore been issued.

7. THE PROPOSAL

Planning permission is sought for the demolition and redevelopment of the site, including the facade retention of 30-35 Drury Lane and 2-12 Dryden Street, to provide a building of basement, ground and five upper floors with a rooftop plant enclosure.

Flexible retail, restaurant and cafe uses (Class A1/A3) are proposed at part basement and ground floor level with retail frontage to all street elevations, and office use (class B1) at first to fifth floor level. The main office entrance is located mid-way along Dryden Street.

The existing basement level is proposed to be deepened by approximately 2.2 metres to enable the provision of plant rooms and basement cycle parking, shower/changing room and locker facilities.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The buildings are currently occupied and in office use (class B1) with retail at ground floor level. The existing, consented and proposed land uses can be summarised as follows:

Use	Existing (Sqm GIA)	Consented (Sqm GIA)	Proposed (Sqm GIA)
Office	8,162	0	9,515 (+1,353)

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Retail/restaurant (class A1/A3)	833 (retail/A1 only)	1,770	1492 (+659)
Residential	0	9,413	0
Total	8,995	11,183	11,007 (+2,012)

(Applicant's calculations)

Office use

The site is located in the Core Central Activities Zone (CAZ). Policy S1 of Westminster's City Plan adopted November 2016 relates to mixed uses in the CAZ and encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports it's living, working and visiting populations. The policy goes onto state that developments in the core CAZ where the net additional floorspace (of all uses) is less than 30% of the existing building floorspace, no residential floorspace will be required.

Policy S20 relates to offices and states that the Council will seek to exceed its target for additional B1 office floorspace capacity. This policy has introduced a new office protection approach and seeks to restrict the loss of office space to housing within the CAZ.

The proposal will result in an increase in office floorspace of approximately 1,353sqm. The provision of additional office floorspace is considered acceptable in landuse terms and it will not trigger the requirement for new residential floorspace.

Concern has been raised that the proposal will result in the loss of medium scale office floorspace which is characteristic of the kind of businesses in Covent Garden and a similar uplift in office floorspace (which the applicant confirms is 7.2%) could be achieved through extension and refurbishment of the existing buildings. There are currently no council policies which protect small/medium scale office uses and a refusal on these grounds could not therefore be sustained.

It should be noted that the applicant has made a late informal offer in response to the comments raised by CGAT, CGCA and SDT about the loss of 'Covent Garden style office space', whereby they would use the proposed ground floor retail unit on the corner of Arne Street and Dryden Street to provide a self-contained B1 unit of 320sqm; and that the upper floors be marketed in units of around 500sqm in order to attract small/medium office occupiers. No details or plans have been submitted to indicate how this could be achieved within the office layouts proposed, or how it could be secured. This would not overcome other fundamental objections to the scheme (see section 8.2 below), and on the basis that no formal submission of this nature has been received or consulted on, it is not considered further in this report.

Retail/Restaurant uses

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There are four existing retail units (class A1) along the Drury Lane frontage. The proposed development includes the provision of three retail units (1492sqm), one unit behind the retained façade at the corner of Drury Lane and Dryden Street over ground and basement level (776 sq. m GIA), with two further units proposed to have flexible retail/restaurant/café (class A1/A3) use, one on the corner of Dryden Street and Arne (320 sq. m GIA) and the other on the corner of Drury Lane and Shelton Street (396 sq. m GIA).

The site falls within the West End Special Retail Policy Area. Policy S7 of Westminster's City Plan (November 2016) relates to the West End Special Retail Policy Area and seeks to prioritise improved retail space; appropriate retail growth; improved pedestrian environment; development of oasis areas of rest, including seating areas and A3 café and restaurant uses where appropriate; and improved linkages to and from surrounding retail areas and visitor attractions.

Policy S6 of the City Plan and SS4 of the UDP encourage new retail floorspace in the CAZ. Policy SS4 states that development schemes in areas that would benefit from more shops or services must include an appropriate number of shop type premises at street level. Policy SS5 of the UDP relates to non-A1 town centre uses at basement, ground and first floor level within the CAZ and states that they will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Policy TACE 9 of the UDP relates to restaurant/café uses within the CAZ and West End Stress Area with a gross floorspace of between 150m2 and 500m2 respectively. This policy aims to ensure that restaurant and bar uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area.

The use of 1492sqm as retail is in accordance with policy S6 and S7 of the City Plan and SS4 of the UDP. The retail frontage on the site is proposed to be increased from 66m to 128m with active street frontage/shopfronts introduced to all street elevations. The increase in retail floorspace (659sqm) and frontage will enhance the character and vitality of the area.

Objections have been received on the grounds that the small retailers currently present will be lost. It is regrettable that the applicant has not made provision for the units to be divided into smaller units should the need arise, however, it is not considered that the application could be refused on this basis.

The proposed flexible retail units (retail, restaurant or café use) are below 500 sqm and therefore the scale of the units are considered appropriate for restaurant/café use. The applicant has made provision for a full height kitchen extract duct from the flexible retail units up to the roof of the building.

Objections have been received to the introduction of a restaurant use on the corner of Dryden Street and Arne Street on the grounds of noise disturbance to the Donmar Theatre and nearby residential accommodation. The 2016 residential scheme contained a flexible retail/restaurant unit in the same location as that proposed and it is

not considered that the application could be reasonably be refused on this basis. Were the application to have been considered acceptable in other respects, conditions would have been recommended to limit the hours of opening of any A3 uses to between 08.00 and midnight; to secure a management plan for the restaurant uses to protect the amenity of surrounding residents; and to control internal noise to prevent noise outbreak from the units.

8.2 Townscape and Design

The Site / Assessment of Significance

The southern half of the site is within the Covent Garden Conservation Area, whilst the northern half of the site is outside of it. The Seven Dials Conservation Area in the London Borough of Camden adjoins the city boundary on the northern / eastern boundaries of the site.

None of the buildings on the site are listed, nor are they considered to be of a listable degree of architectural or historic significance. All of those within the conservation area make a positive contribution to it and are therefore, despite the absence of a Conservation Area Audit, considered to be 'unlisted buildings of merit'. Behind their facades they are significantly altered and of no real merit. The buildings outside of the conservation area are considered to have some, but quite limited architectural merit, and a very small degree of historic significance. They are not considered to be worthy of inclusion within the Conservation Area.

Opposite the site, to the south across Dryden Street is a Grade II listed building, nos. 36 to 40 Drury Lane (formerly The Marlborough Public House). The site falls within its townscape setting in terms of the building's primary significance as a London public house surrounded by development of a similar scale and type.

The site currently consists of four buildings or groups of buildings, all of which are attached in a continuous block with two shared lightwells and no private or public amenity spaces.

- **26-29 Drury Lane.** Architecturally two buildings dating from 1915 but now conjoined internally as one. The property fronts onto Drury Lane and a short stretch of Shelton Street, but with a more utilitarian 20th century warehouse character forming the larger part onto Shelton Street and Arne Street. Originally warehouses and showrooms for seed merchants, now offices used by Kings College. Outside of the conservation area, and with a low level of individual architectural and historic significance. Proposed for complete demolition and redevelopment.
- **30-35 Drury Lane and 2 Dryden Street.** Fronting Drury Lane and Dryden Street, these are the main public face of the application site, are within the conservation area (CA) and date from the 1890s. Originally showrooms, warehousing and offices, and now offices. Of a medium but not special level of individual architectural or historic significance, and

makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.

- **4-10 Dryden Street.** Fronting Dryden Street, these former houses / shops also of the 1890s, are now offices and are within the conservation area. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.
- **12 Dryden Street.** Fronting Dryden Street and forming its corner with Arne Street. A former chapel dating from 1841, converted to a warehouse in the late 19th century, now offices and within the conservation area. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.

Legislation, policy and guidance

When determining applications affecting the setting of a listed building, or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area.

Sections 7 and 12 of the NPPF require that great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits; 'less than substantial' should not be confused with 'acceptable' harm.

Together the above statutory and national policy basis equates to a strong presumption against harm, which may only be permitted if the harm caused would be significantly and demonstrably outweighed by public benefits which could only be achieved through allowing that harm.

Locally, UDP Policies DES 1 (urban design / conservation principles), DES 4 (infill development), DES 5 (alterations and extensions), DES 6 (roof alterations / extensions), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, whilst S26 and S28 of the City Plan provide the strategic basis for the application. Relevant London Plan (2016) Policies include 7.4 (Local Character), 7.6 (Architecture), 7.7 (Location and design of tall and large buildings), and 7.8 (Heritage assets and archaeology).

No Conservation Area Audit has been carried out for Covent Garden. Relevant local guidance exists within the council's 'Design Matters in Westminster' Supplementary

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Planning Guidance (SPG) (2001), and 'Development and Demolition in Conservation Areas' SPG (1996).

The Covent Garden Area Trust has published their own 'Environmental Study' which is given material weight by the council in determining relevant applications. The current version is mostly related to public realm measures and is generally focused upon the core piazza and surrounding streets. It does not give guidance of any real relevance to this scheme. Similarly the Seven Dials Trust has published and is currently reviewing their own 'Renaissance Study' although the current version does not include the assessment of buildings within the City of Westminster's area. Whilst the merits of this document are noted, it is not a statutory planning document and has not been adopted by either the City Council or the London Borough of Camden, and should be given no weight with regards to this current scheme.

The 2016 Residential Proposal

As stated in section 6.2 above, in April 2016, the Council resolved to grant planning permission for the redevelopment of the site for a mixed residential and retail scheme. The current scheme's design is an evolution of that scheme's design, by the same architects and developer. The main design changes can be summarized as follows:

Design element	2016 residential-led scheme	Current office-led scheme	Effect of change
Overall site plan	Three separate cores, set around central open courtyard	Single central core, infilled block.	Merges five separate roof-forms into one large roofscape
Roof form	Varies according to each of 5 'building designs'. Maximum height: Tallest section contained to north-eastern corner of site only.	Maximum height: More unified range of roof heights, spread over two-thirds of site. Tallest section spans whole site.	Notably greater high level bulk and unified built form above retained and new facades. Visible from Drury Lane and Parker Street. Also visible across wide area from high level private views of Covent Garden roofscape.
Storey heights	Lower floor-to-ceiling heights; seven storeys overall.	Taller floor-to-ceiling heights, maximum six storeys	Subtle changes to building proportions and vertical rhythm.
Floorplates	Multiply divided	Large open plan from first floor upwards	Some visibility externally through windows of large singular internal spaces.
Permeability	Gated entrance to central courtyard onto Dryden Street	Glazed entrance to triple-height office reception onto Dryden	Removes locally characteristic view of central courtyard.

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Design element	2016 residential-led scheme	Current office-led scheme	Effect of change
		Street	Displays evidence at street level of single office entity behind retained facades.
Retained facades	All within CA retained and extended upwards.	All within CA retained, and extended upwards.	Very minor increases in heights.
Shopfronts	Design improvements to shopfronts of 30-35 Drury Lane retained facades required by amending condition	Design improvements to shopfronts not included.	Limits regeneration benefits of scheme. If minded to approve, amending condition required again.

The Proposal

Nos. 26-29 Drury Lane (outside of the conservation area) would be demolished completely, and replaced with two new buildings.

The new building forming the corner of Drury Lane and Shelton Street, an adaptation of the previous 2016 proposal, would be a bold modern design faced with a black artificial stone cladding moulded to mimic the folds of theatre curtains up to 3rd floor level (above ground). Above this, two further storeys would be contained within tiered mansard roofs, with a further set-back plant storey terminating the building. This is an increase of one storey plus plant storey when compared with the 2016 residential scheme.

The new building towards the rear, forming the corner of Arne Street and Shelton Street, would rise to six storeys (23.5m high from pavement) and would be built of a dark brown brick arranged in vertical piers, with inset warehouse style windows. It would have a modern design, reminiscent of Covent Garden warehouses. The design of this block has been adapted from the 2016 scheme with fewer but taller storeys, so producing an equal overall height. Its elevation facing Arne Street has also been broadened, to omit the spandrel linking section which formerly separated it from 12 Dryden Street. This has caused some loss of vertical proportionality, which degrades the success of the design.

Nos. 30 to 35 Drury Lane and 2 Dryden Street would be extended upwards with a new attic storey, similar to that which exists historically to the adjacent listed building to the south of the site, with a new mansard storey above. Above this would extend the site-wide upper mansard and set-back plant storey. This is an increase of one storey plus plant over the residential scheme. The attic storey would be generally consistent with the architectural character of the existing elevation, being built of brick with stone details. The new lower mansard would have a generally traditional character, and would include dormers behind a parapet. The upper mansard would be taller, and

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contiguous with that extending over the rest of the site. No other alterations are proposed to this façade.

Nos. 4 to 10 Dryden Street would be extended upwards with a new traditionally designed mansard behind the existing parapet, concealing a high level roofline. Above this, set behind the mansard, would be two additional set back sheer storeys above which would be the site-wide upper mansard and plant storeys. This is a change from the residential scheme, which included a central courtyard where the upper sheer storeys would now sit, which benefited the scheme by separating this frontage from the taller parts of the site.

No. 12 Dryden Street, the former chapel / warehouse, would be extended upwards in brick by two-storeys, sheer apart from a set-back on both the Dryden Street and Arne Street elevations at the upper level. The lower of the two new storeys would build upon the architecture of the retained façade below, whilst the upper most storey would be a modern design built of reconstituted stone piers dividing narrow windows. On top of that again, as with other elevations, would be a plant storey, set slightly back from the roof edge.

Heritage impacts and design merit overall

Objections have been received regarding the loss of the existing buildings, including from the local amenity groups who consider that they are of good architectural and historic merit, including internally. Historic England has raised concerns, however, considers the principle of demolition and redevelopment behind retained facades to be acceptable.

The buildings which are proposed for demolition are all outside of the conservation area and their exclusion from it is considered to remain reasonable. They are not harmful to the character of the area but they only have a low level of individual architectural or historical merit which has been diminished by modern alterations and substantial post-war rebuilds. It must also be noted that demolition outside of a conservation area does not in itself require planning permission. For these reasons the extent of complete demolition proposed is considered to be acceptable in principle, subject to the comparative architectural merits and townscape impacts of their proposed replacements.

The buildings proposed for redevelopment behind their retained facades make a positive contribution to the conservation area, but they are not of a listable quality. What limited internal features which might remain are quite dispersed amongst extensive modern interventions, meaning that there is no cohesive internal architectural character of sufficient significance to be described as 'special', and therefore would not satisfy the very stringent modern criteria for listing. It should also be noted that, being unlisted, internal alterations cannot be controlled through the planning process. Whilst the loss of these rearward parts of the buildings is regrettable, it is considered to be acceptable in principle subject to how the retained facades are treated.

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The proposal to retain long lengths of façade on three sides of the block aids the success of the façade retention by ensuring that all lower public facades within the conservation area would remain historic, rather than exposing modern flanks or rear elevations to public view. The upward extension of retained facades is always contentious, but can be successful on some occasions. This was considered acceptable with the residential scheme.

The received objections also make reference to the proposed new designs, both of the new facades outside of the conservation area, and the alterations / extensions proposed for the retained facades. Historic England has not objected on this basis, other than insofar as it applies to scale, bulk and massing (see below).

The architectural design of the new and altered facades has degraded since the residential scheme as a result of its adaptation to office uses.

Both of the completely new buildings, to the north of the site, have lost some of the elegance of the previous scheme, with poorly defined transitions between apparent facades, and a loss of proportionately or varied storey heights; this is reflective of the proposed singular internal use as one office block. The level of detailing remains apparently good, with high quality brickwork, artificial stone walling and details, and metal windows and roofing.

The proposed extension of the retained facades is generally acceptable, adapting the character of those elevations in an acceptably similar way to the residential scheme. The loss of the open archway from Dryden Street is regrettable however, and the appearance through windows of a large reception characteristic of a large scale office block, and the bulkheads of the new office floors behind the apparently modest scale of Dryden Street would be incongruous and would betray the efforts to conceal what would lie behind the retained façade.

Whilst, in strictly external terms, up to roof parapet level the designs remain acceptable they are not of exceptional quality and certainly do not match up to the elegance of last year's residential scheme.

The principal area of change to the design of the buildings is however in the significant increase in scale, bulk and massing at high level. The loss of the central courtyard has caused the tallest parts of the development, previously contained to the north-east corner, to spread across most of the site, spanning the differing façade treatments below. This betrays the previously commendable efforts to define five separate building groups, displaying above them one singular office roofscape significantly out of character with the fine-grain of Covent Garden, both in terms of elevations and roofscape. The unified storey heights also contribute towards this evidence of internal singularity.

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From various street level viewpoints the high level bulk would be visible, appearing as a discordant office block 'ziggurat' roofline over the traditional frontages below. From the north on Drury Lane the scale would be particularly significant, as too would it be from Parker Street. From the south, the additional upper mansard level would poke above the lower mansard.

It is also important and well established that private views should be considered as a part of an area's character. In this respect, the scheme would be visible from surrounding and longer distance properties, affecting the appreciation of the area's character for those residents. Replacing a fine-grained existing roofscape would be a large and bulky office block roof, apparently alien to the otherwise well set out elevations below. Whilst these views would include the also large forms of 90 Long Acre or the New London Theatre, those are evidently anomalous to the otherwise tight-knit roofscape of Covent Garden. It is an area characterised by small units, both residential and commercial, providing good evidence of the area's historic origins as a central urban area of industrial and commercial activity. It has weathered the introduction of modern office uses well, merging these well into the existing building stock, or into the prevailing fine grained pattern of development.

No harm would be caused to the setting of the adjacent listed building of 36-40 Drury Lane, because the contribution which setting makes to its significance would not be altered as a result of the new development. It would remain a central city context, and the scale, bulk and proportions of the proposals would not detract from the prominence of the listed building in views in which it makes a significant contribution.

Design, Townscape and Heritage conclusion

The received objections have been considered and given weight, both with regards to the loss of the existing buildings (both entirely outside of the CA and behind retained facades within the CA) and with regards to the proposed new designs.

It is considered that the harm caused by the current proposals, whilst not 'substantial' would nevertheless be significant and permanent. They would significantly alter the contribution which this city block makes to the character of Covent Garden, and to the setting of Seven Dials.

The design benefits of the scheme would not adequately mitigate or compensate for the more significant issues of scale, bulk and massing discussed above.

Having regard to Paragraph 134 of the NPPF, and the statutory requirement to pay special regard to the character and appearance of the conservation area, the benefits which the scheme would introduce (see below), would need to be significant, and well demonstrated in order to allow the council to approve the scheme.

Consideration of public benefits/Conclusion

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The key planning benefits put forward by the applicant arising as a result of the proposed development can be summarised as follows:

- The existing office floorspace is tired and inefficient, with uneven floor levels and multiple cores and access points to different offices. The proposal will replace the existing office and retail floorspace with new modern office floorspace with coherent layouts and regular retail units.
- 9,615 sq. m of modern office floorspace in the Covent Garden area, which will contribute towards meeting Westminster's economic targets, bringing new occupiers to the area and providing a home for those looking to expand/upgrade.
- Modern, highly specified office space makes higher occupational densities possible which can lead to lower costs per desk (even if the rent per sq ft is higher).
- The proposed office floorplates provide flexibility to provide space for a variety of office occupiers, with the ability to sub-divide floors to accommodate smaller companies, or larger to encourage expanding businesses to stay within the Covent Garden area.
- Retention of historic facades which contribute to the Conservation area,
- High-quality design which will enhance the setting and appearance of the conservation areas.
- Significant improvements to the ground floor of the site, including increased legibility, new retail frontages and improved pedestrian experiences at street level.
- Energy efficiency measures to minimise carbon emissions and target BREEAM 'excellent' rating.

The buildings are fully occupied and it cannot therefore be argued that the development is required to bring the buildings into use. The 2016 residential scheme established what the council considered to be the maximum scale, bulk and massing permissible for the site. Whilst the proposals will result in a number of public benefits, most notably an increase in office and retail floorspace in accordance with policies S1, S20, and S7 of the City Plan, it is not considered to outweigh the significant and permanent harm caused to the conservation area. The scale, bulk and massing of the proposed building would significantly alter the contribution which this city block makes to the character of Covent Garden, and to the setting of Seven Dials (as discussed in detail above). Accordingly it is recommended that the application be refused on design grounds.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Sunlight and Daylight

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The existing buildings have differing heights between four and five storeys, with some rooftop structures. The proposed buildings will substantially increase the height, mass and bulk across the site. The surrounding streets are narrow with Drury Lane approximately 12m wide, Dryden Street approximately 6m-7m wide, Arne Street approximately 7.5- 8.5m wide, and Shelton Street (passage) approximately 2.2m-3.2m wide.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultants Delva Patman Redler have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties in 158-159 Drury Lane, 36 Drury Lane, 23 Drury Lane, 22 Drury Lane, 1-5 Dryden Street, Betterton House 17-29 Betterton Street (which has external walkways to the entrances to the flats on the rear elevation – overlooking the application site), 1, 3 and 5 Betterton Street. The report also assesses the impact on the consented redevelopment scheme at 90 Long Acre.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with reductions of over 20% of existing daylight (VSC) levels likely to be noticeable. Of the 68 rooms tested, the daylight report shows that 25 rooms within 36 Drury Lane, 1-5 Dryden Street; Betterton House, 3 and 5 Betterton Street will experience some transgressions outside the BRE guidelines. These windows serve living rooms, kitchens and bedrooms and will experience losses of between 24.39% and 52%. The biggest losses are to bedroom windows which are not main habitable rooms and it is not considered that a refusal on the grounds of loss of daylight to these rooms could be sustained. The results of the VSC assessment for each main habitable room (living rooms and kitchens) are shown in the table below (excluding Betterton House, which is considered separately).

Property	Existing VSC	Proposed VSC	% loss VSC
36 Drury Lane			
Third floor living room	33.56	24.45	28.86% (average)
Window 1	33.86	23.51	
Window 2			

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1-5 Dryden Street			
Third floor kitchen			
Window 1	33.31	21.24	36.48% (average)
Window 2	33.28	21.14	
window 3	33.27	21.05	
Third floor living room – contains 8 windows, two unaffected	33.23	20.95	28.26% (average)
	33.19	20.84	
	33.16	20.72	
	33.11	20.59	
	33.05	20.46	
	33.01	20.32	
Third floor living room 6 windows, 2 unaffected	31.93	18.25	28.72% (average)
	31.26	17.53	
	28.92	13.70	
	22.20	17.55	
3 Betterton Street			
First floor Kitchen	18.20	12.10	33.50%
Second floor Kitchen	21.31	14.50	31.96%
Third floor Kitchen	25.35	18.67	26.35%

As can be seen from the table, the proposal will result in a material worsening of daylight standards to these properties. Whilst these daylight losses are regrettable, the retained VSC levels are not uncommon in a close urban environment and it is not considered that a refusal on the grounds of loss of daylight to these properties could be sustained. It is worth noting that the residential scheme on this site considered by Committee in 2016 resulted in similar impacts on daylight.

Betterton House is a residential block to the north west of the site comprising ground and four upper floors, the upper two floors of which rise above the height of the buildings fronting Shelton Street. The front doors to these flats are on the rear elevation of the building facing south-east with walkways/balconies that overhang each floor. Existing VSC levels to the third and fourth floor windows are already low (ranging from 0.38 to 12.55) and the low starting point significantly exacerbates the percentage losses (with remaining VSC levels between 0.10 and 9.58). The BRE guidelines acknowledge that existing windows with balconies above them typically receive less daylight, and that even a modest obstruction opposite may result in a large relative impact on the VSC. The guidance recommends an additional calculation of the VSC without the balcony in place. The applicant has therefore carried out a further test which shows that without balconies in place VSC levels would be fully compliant with the BRE targets. On this basis, it is not considered that the proposal will result in a significant worsening of daylight standards to Betterton House.

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The applicant has also assessed the impact of the development on the consented development at 90 Long Acre which includes 119 flats. The proposal will result in a loss of daylight to 16 living rooms at first to fifth floor levels in excess of BRE guidelines. The biggest impacts will be to windows serving balconies set back behind the building line, however, the majority of these rooms (at second floor level and above) are served by a further window to the building frontage which will retain VSC levels between 10.91 and 26.21 which are considered acceptable levels in an urban location. Four flats (two at first, one at second and one at third floor level) have living rooms served by one window and will experience losses up to 60% with retained VSC levels of between 3.78 and 9.76. These levels fall at the extreme of what can reasonably be considered acceptable even for a Central London location. However, on the basis that there is no guarantee that this development will be implemented and the 2016 residential scheme for the site (granted subject to completion of a s.106 agreement) allowed a building of a similar height and bulk to the Arne Street frontage, it is not considered that a refusal on the loss of daylight to 90 Long Acre could be sustained.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

Of the properties assessed (53 rooms in total) eight rooms, all within Betterton House, will experience a loss of sunlight in excess of BRE guidelines. The assessment has also been carried out with the removal of the exiting walkways to these properties, which shows that the proposals would comply with the BRE guidelines. On this basis, it is not considered that the application could reasonably be refused on the grounds of loss of sunlight to these properties.

Sense of Enclosure

The additional bulk of this scheme when compared to the 2016 residential scheme is most significant to the south west side of the site. The additional 5th floor, whilst set back from Drury Lane will be particularly apparent in views from residential properties on Dryden Street and those facing Shelton Passage (i.e. Betterton House) as well as the flats contained in the permitted scheme at 90 Long Acre. Whilst there will be some additional 'enclosure' as a result of the bulk at fifth floor level, given the established pattern of development in this area with narrow, relatively enclosed streets, it is not considered that the proposals would result in a degree of enclosure to existing residential windows sufficient to justify refusing the application on amenity grounds.

Privacy

The building line will remain as existing, albeit with increases in height. The upper floors are in office use and it is not considered that the proposal will result in any significant overlooking/loss of privacy to surrounding buildings. Accordingly the proposal is considered acceptable in amenity terms.

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8.4 Transportation/Parking

The applicant has submitted a Transport Assessment in support of their application.

No car parking is proposed which is consistent with UDP policies TRANS21 and TRANS22.

The London Plan Policy would require 104 cycle parking spaces for the office use and 6 spaces for the retail uses. 120 cycle parking spaces are proposed for the office use and 46 spaces for the retail uses. The cycling provision and ancillary facilities including showers and lockers are welcomed.

S42 and TRANS20 require adequate off-street servicing provision. The existing site has an off-street servicing area, accessed from Arne Street. The proposal removes this and provides no off-street servicing area, with all servicing proposed on-street. No holding areas have been provided at ground level for servicing activity including storage for deliveries or bin holding areas. Whilst a waste store has been provided, it is not directly accessible from the street and would not therefore enable waste to be loaded directly onto the waiting refuse vehicle, thus increasing the time it will be obstructing the public highway.

There would appear to be no physical constraint to re-providing on-site servicing, given the level of proposed demolition. Providing off-street servicing would improve the highway environment for pedestrians and other highway users. Given the proposed demolition of the majority of the site and surrounding highway layout, the lack of off-street servicing provision for the proposed development will have a significantly detrimental impact on highway users and is contrary to S41, S42 of the City plan and TRANS3 and TRANS20 of the UDP.

8.5 Access

Level access is proposed into each of the uses at ground floor level with lift access to basement level and the upper floors. Lift lobbies, corridors and thresholds will comply with the Disability Discrimination Act.

8.6 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement level and within a plant enclosure at main roof level. Were permission to have been considered favourably, conditions would have been recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures available to confirm compliance with the Council's standard noise condition.

Refuse /Recycling

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A central waste store is proposed at ground floor level with separate waste and recycling storage which is large enough to accommodate the waste expected from the development. (See section 8.4 above in relation to refuse collection).

Trees/Biodiversity

There are no existing trees on or surrounding the site and no trees are proposed to be planted.

A landscaping element is proposed where the building steps back at fifth floor level above the Chapel building (12 Dryden Street). The proposed landscaping follows the line of the building and comprises low level trough planters set behind the perimeter parapet wall and a sedum style roof covering of approximately 140 sqm. The applicant states that the planters will contain a native mix of plants to benefit a range of wildlife species. Two bird boxes are also proposed.

The Arboricultural Manager has raised concern that there is insufficient soil on the structure for more biodiverse roof landscaping like a brown roof or a roof meadow and remains unconvinced that the proposed landscaping would support a good wildlife mix. The green roof will also have limited capacity to attenuate storm water and the planters would need to be irrigated. No details of rainwater storage or landscaping irrigation measures have been provided. Had the application been considered acceptable in other respects further details would have been sought in respect of landscaping and landscape maintenance.

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable design and inclusive design and architecture. Policy S39 states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an Energy and Sustainability Statement in support of their application. It is proposed to deliver a 35% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this through passive design features, energy efficient technology and renewable energy in the form of air source heat pumps and photovoltaic panels (3.9%). The development has also been designed to enable future connection to a district heating network should the opportunity arise.

There appears to be space available on the roof to install more photovoltaics and had the scheme been considered acceptable, a condition would have been recommended to secure a revised roof design to maximise the installed capacity of photovoltaics.

The applicant has carried out a BREEAM New Construction (2014) Pre-assessment with a target rating of 'Excellent'. Were permission to have been granted this could have been secured by condition.

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8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

Had the application been considered acceptable in other respects a section 106 legal agreement would have been sought to secure highway works.

The estimated CIL payment is: £473,277.31 (£136,444.84 Mayoral CIL and £336,832.47 Westminster City Council CIL).

8.10 Environmental Impact Assessment

Prior to the submission of the previous planning application for the residential scheme a request for an Environmental Impact Assessment (EIA) Screening Opinion regarding the proposed development was submitted pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2011 (as Amended 2015). The Council determined that the proposed scheme was not a development falling within Schedule 1 or 2 of the EIA Regulations and an EIA would not be required to be submitted to accompany the planning application. As the current proposals reflect the same principles as the residential scheme, this scheme would not require an EIA to accompany it.

Environmental/sustainability issues have been covered in sections 8.7 above.

8.11 Other Issues

Construction impact

Had the application been considered acceptable in other respects a condition would have been recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic

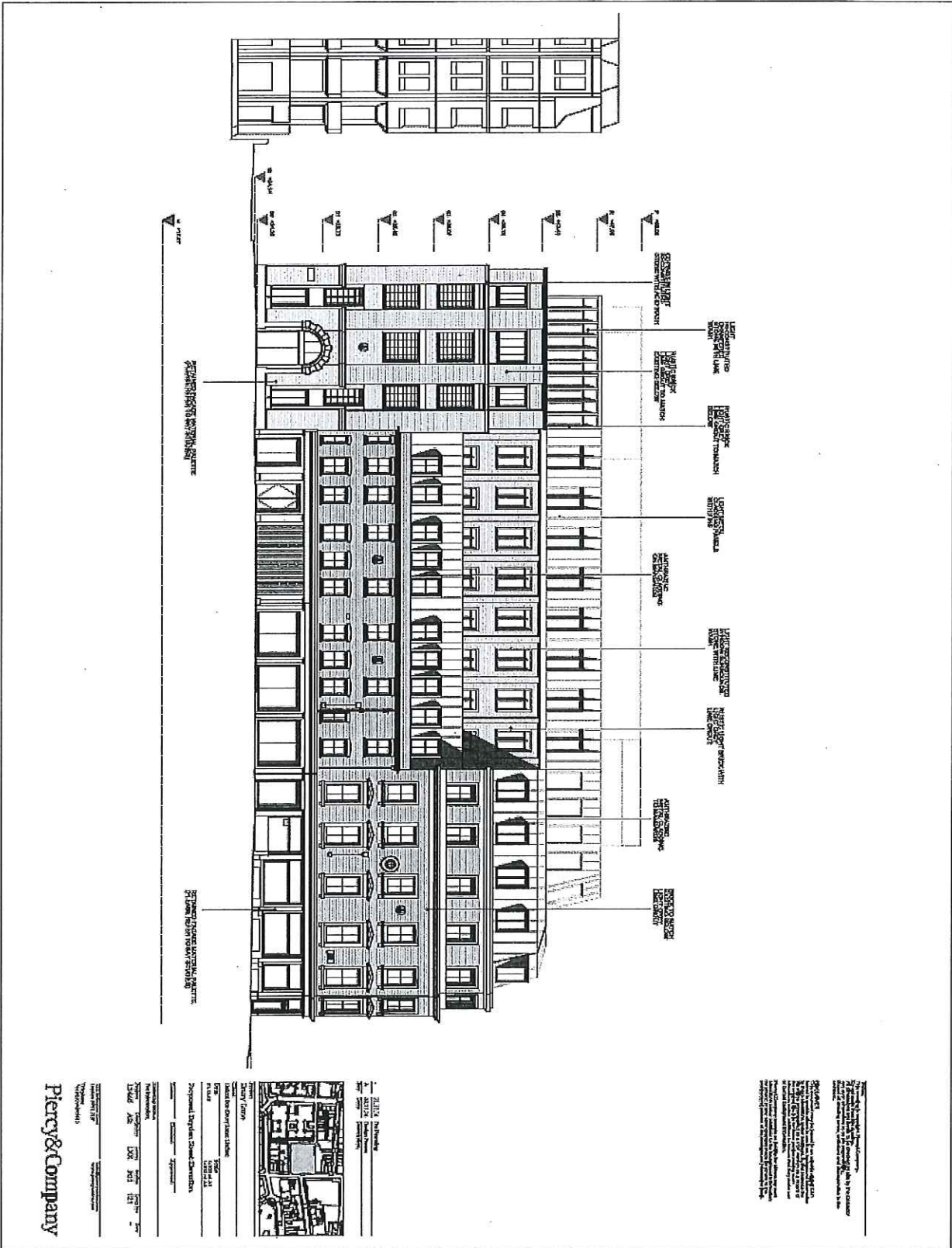
and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

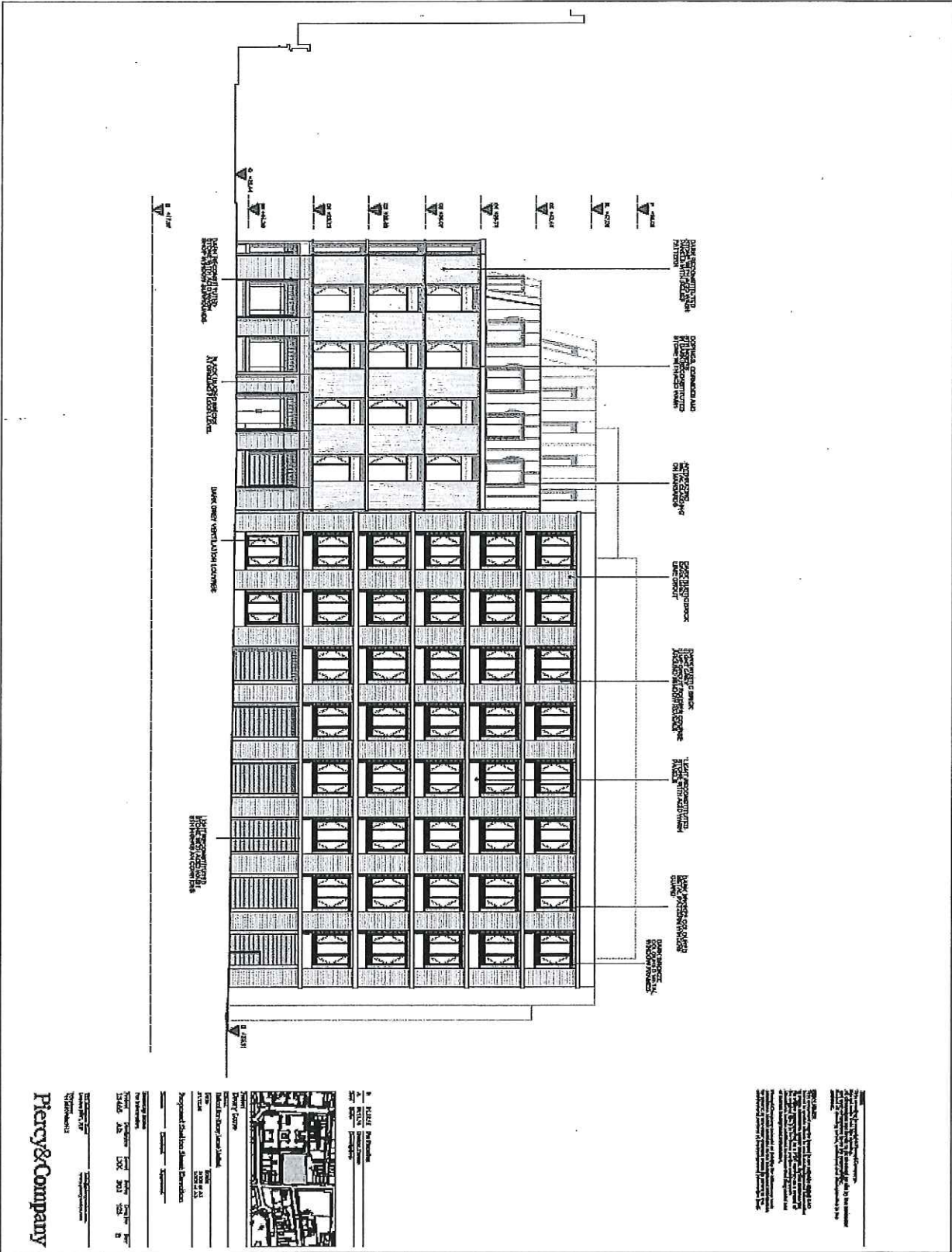
9. BACKGROUND PAPERS

1. Application form
2. Response from Covent Garden Area Trust, dated 15 February 2017
3. Response from Covent Garden Community Association, dated 15 February 2017
4. Response from Historic England dated 25 January 2017
5. Response from Historic England (Archaeology) dated 8 February 2017
6. Letter from Victorian Society dated 16 March 2017
7. Memorandum from Highways Planning Manager dated 11 April 2017.
8. Memorandum from Cleansing dated 24 January 2017 and 20 March 2017.
9. Memorandum from Environmental Health dated 7 April 2017.
10. Memorandum from Arboricultural Officer dated 3 March 2017.
11. E-mail from Crime Prevention Design Advisor dated 7 February 2017.
12. Letter from occupier of 3 Dryden Street, Covent Garden, dated 7 February 2017
13. Letter from occupier of 26/28 Neal Street, Covent Garden, dated 9 February 2017
14. Letter from occupier of 41 Floral street, Covent Garden, dated 20 March 2017
15. Letter from occupier of Flat 3, 80 Long Acre, dated 5 February 2017

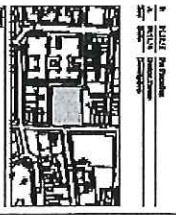
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk.





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DRAFT DECISION LETTER

Address: Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And, Shelton Street, London, ,

Proposal: Demolition and redevelopment of site, including facade retention of 30-35 Drury Lane, 2 Dryden Street and 4-10 Dryden Street, for mixed use development comprising retail, restaurant and cafe uses at ground and basement level (Classes A1/A3), office floorspace at first to fifth floor (Class B1) level, rooftop plant, basement cycle parking and associated works.

Reference: 16/12200/FULL

Plan Nos: 13465-AR-L00-P00-010; 13465-AR-L00-P00-020; 13465-AR-L-1-P00-099; 13465-AR-L00-P00-100; 13465-AR-L01-P00-101; 13465-AR-L02-P00-102; 13465-AR-L03-P00-103; 13465-AR-L04-P00-104; 13465-AR-L05-P00-105; 13465-AR-LXX-P00-120; 13465-AR-LXX-P00-121; 13465-AR-LXX-P00-122; 13465-AR-LXX-P00-123; 13465-AR-L-1-P01-099; 13465-AR-L00-P01-100; 13465-AR-L01-P01-101; 13465-AR-L02-P01-102; 13465-AR-L03-P01-103; 13465-AR-L04-P01-104; 13465-AR-L05-P01-105; 13465-AR-LXX-P01-120; 13465-AR-LXX-P01-121; 13465-AR-LXX-P01-122; 13465-AR-LXX-P01-123; 13465-AR-S-01-130; 13465-AR-S-02-131; 13465-AR-S-03-132; 13465-AR-S-04-133; 13465-AR-L-1-P02-099; 13465-AR-L00-P02-100; 13465-AR-L01-P02-101; 13465-AR-L02-P02-102; 13465-AR-L03-P02-103; 13465-AR-L04-P02-104; 13465-AR-L05-P02-105; 13465-AR-L06-P02-106; 13465-AR-LXX-P02-120; 13465-AR-LXX-P02-121; 13465-AR-LXX-P02-122; 13465-AR-LXX-P02-123; 13465-AR-L07-P02-130; 13465-AR-L07-P02-131; 13465-AR-L07-P02-132; 13465-AR-L07-P02-133; 13465-AR-L07-P02-134 and 13465-AR-L07-P02-135. Documents for information only: Design and Access Statement dated 21.12.16; Planning Statement dated February 2017; Built Heritage Statement dated December 2016; Air Quality Assessment dated February 2017; Preliminary Ecological Appraisal dated December 2016; Historic Environment Desk Based Assessment dated February 2017; Daylight, Sunlight and Overshadowing Study dated December 2016; Noise Impact Assessment dated 15 December 2016; Transport Assessment dated 14 February 2017; Preliminary Environmental Risk Assessment dated December 2016; Energy and Sustainability Assessment dated December 2016; Ventilation and Extraction Statement dated December 2016; Office Marketing Report dated 21 December 2016; Construction Management Plan dated December 2016; and Structural Methodology Statement dated December 2016.

Case Officer: Julia Asghar **Direct Tel. No.** 020 7641 2518

Recommended Condition(s) and Reason(s)

- Reason:**
- 1 Because of its scale, bulk and massing, the proposed redevelopment behind and above the retained and new facades would harm the appearance of these buildings and fail to maintain or improve (preserve or

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enhance) the character and appearance of the Covent Garden Conservation Area. For the same reasons it would also fail to maintain or improve (preserve or enhance) the setting of the neighbouring Seven Dials Conservation Area (London Borough of Camden). This would not meet S25 and S28 of Westminster's City Plan (November 2016) and Policies DES 1, DES 4, and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. The public benefits which the proposals would secure would not significantly or demonstrably outweigh the harm which it would cause and therefore the proposals would also be contrary to Paragraph 134 of the National Planning Policy Framework. (X16AD)

Reason:

- 2 The proposal involves the loss of an existing off-street servicing area and provides no replacement off-street servicing provision. In this location, the stopping of service vehicles on the highway is likely to have an adverse impact on traffic flows and cause an unacceptable obstruction on the surrounding highway network to the prejudice of the safety and free flow of others including pedestrians. This would not meet S41 and S42 of Westminster's City Plan (November 2016) and TRANS 3 and TRANS20 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.