

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	9-12 Bell Yard, London, WC2A 2JR		
Proposal	Use of building as 12 residential units (Class C3), demolition of fourth floor mansard roof and front façade, replacement fourth floor extension and new fifth floor mansard roof extension above, new front façade, associated alterations to elevations and works to a listed party wall.		
Agent	Montagu Evans LLP		
On behalf of	GFZ Properties Limited		
Registered Number	17/09583/FULL and 17/09584/LBC	Date amended/ completed	27 October 2017
Date Application Received	27 October 2017		
Historic Building Grade			
Conservation Area	Strand		

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
 - i. A payment of £328,624 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked).
2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution then:
 - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

9 – 12 Bell Yard is an unlisted building located on the east side of Bell Yard within the Strand Conservation Area. The building comprises of basement, ground, three upper storeys and is completed by a single storey mansard. The existing building is in use as offices and is within the Central Activities Zone (CAZ).

The proposed development is for the use of the building as 12 residential units (Class C3); the demolition of the fourth floor mansard roof and front façade; a replacement fourth floor extension and new fifth floor mansard roof extension and new front façade; together with associated alterations to the elevations and works to the adjacent listed party wall at no.13 Bell Yard.

The key issues with this application are:

- The acceptability of the proposals in land use terms with particular regard to the City Plan Mixed Use Revision Policy and the affordable housing offer;
- The impact on the character and appearance of the building and the Strand Conservation Area and the setting of the adjacent listed building;
- The impact of the proposal on the amenity of neighbouring occupiers;
- The impact of the proposals on the surrounding highway network.

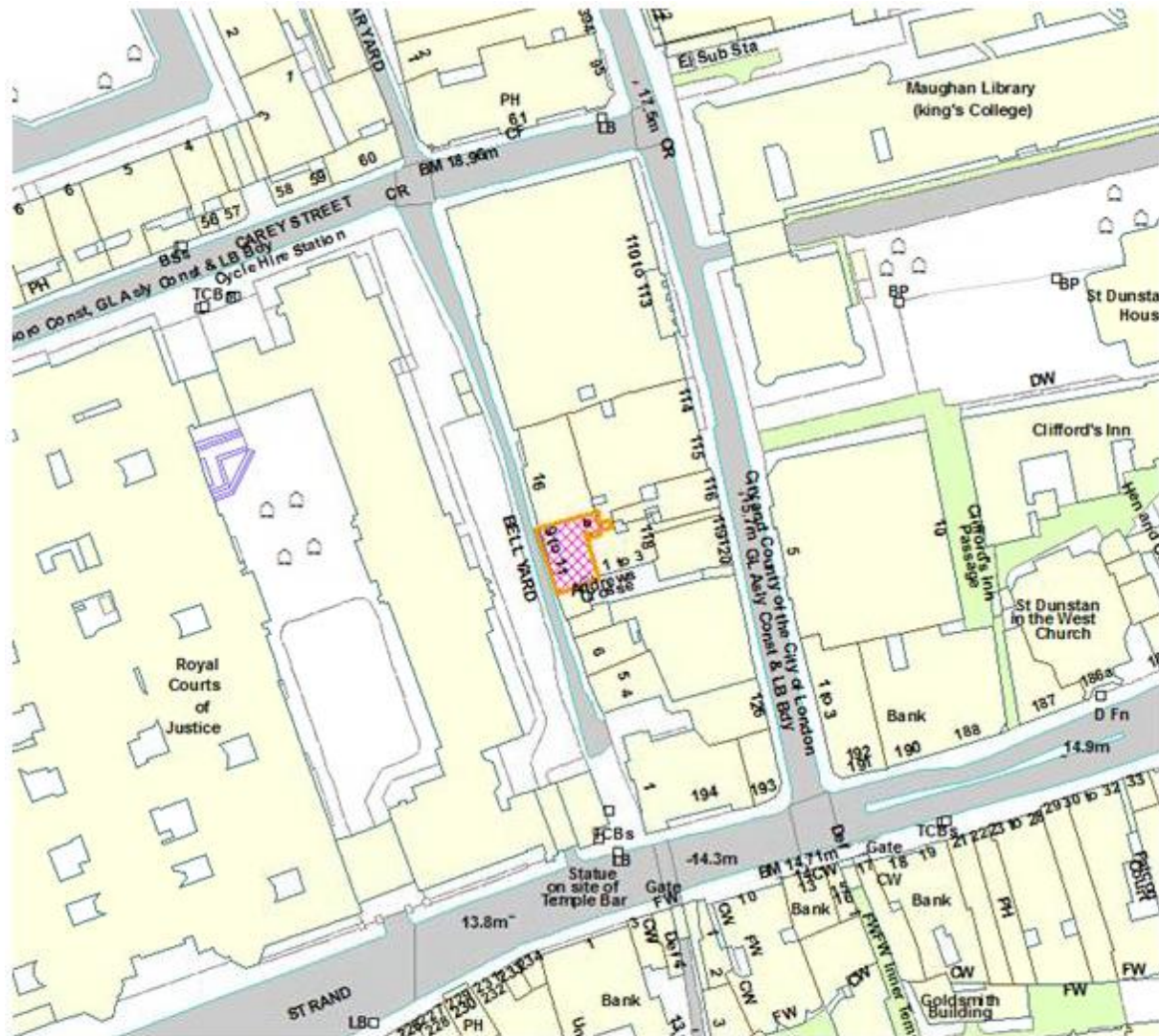
The site has an extant planning permission for a residential conversion to provide 9 residential units (15/07175/FULL). The change of use from office to residential within the CAZ is not strictly in accordance with the new Mixed Use Revision policy in the City Plan. Given the extant planning permission (15/07175/FULL), which could still be implemented until 30 September 2018, the change of use could be considered acceptable in this instance subject to a condition to restrict the time limit of the application to that of the extant permission.

The amended proposal would result in an increase in residential floorspace on the site, which would trigger a requirement to provide affordable housing under Policy S16 of the City Plan and H4 of the UDP. The applicant has offered a policy compliant payment in lieu of £328,624 towards the provision of affordable housing elsewhere in the City

There is an objection to the proposals on grounds of loss of light and adverse impact to occupiers of the offices at 119 Chancery Lane, which has windows facing Andrews Crosse. The enlarged building would be sufficiently set back from these neighbouring windows and would not have a significant impact in terms of loss of light or sense of enclosure to occupiers of these offices.

The proposal is considered acceptable in land use, design, amenity, and transportation terms and would comply with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies, subject to necessary conditions and the completion of a S106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Recommend the number of cycle parking spaces be increased to 21 in line with London Plan standards.

CLEANSING MANAGER:

No objection subject to condition requiring details of waste and recycling stores.

ENVIRONMENTAL HEALTH:

No response to date.

HISTORIC ENGLAND:

The application should be determined in accordance with national and local policy guidance.

ADJOINING OWNERS/ OCCUPIERS:

No. Consulted: 24

No. of replies: 1

One objection received on grounds of loss of lights to offices in Andrews Crosse, which would adversely affect the office working area and staff.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

9 – 12 Bell Yard is located on the east side of Bell Yard within the Strand Conservation Area. The building is identified within the Strand Conservation Area Audit as being an unlisted building of merit, which makes a positive contribution to the area. The building comprises of basement, ground, three upper storeys and is completed by a single storey mansard. The building has been vacant since 27 June 2017 but was last occupied as offices. The site is within the Central Activities Zone (CAZ).

Bell Yard is a narrow street with a dead end at the southern point, which is predominantly used by pedestrians with limited vehicle access. The site is opposite the Royal Courts of Justice and to the rear backs on to buildings in Chancery Lane. To the eastern side of the site is Andrew's Crosse, a small pedestrian courtyard with access from Chancery Lane. The majority of surrounding buildings are in office use although planning permission has been granted for the residential conversion of some nearby buildings (nos.8 Bell Yard and 122 – 126 Chancery Lane).

6.2 Recent Relevant History

30 September 2015:

Permission granted for 'Change of use of the existing building from office use (B1) to residential use (C3) to provide 9 residential units' (15/07175/FULL).

7. THE PROPOSAL

Planning permission is sought for the use of the building as 12 residential units (Class C3); the demolition of the fourth floor mansard roof and front façade; a replacement fourth floor extension, new fifth floor mansard roof extension and new front façade; together with associated alterations to the elevations.

The proposal is accompanied by an application for listed building consent as it involves works to the adjacent listed party wall shared with no.13 Bell Yard.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses are summarised below:

Table 1. Existing and Proposed Land Uses

	Existing (sqm)	Proposed (sqm)
Offices	822	0
Residential	0	1067

8.1.1 Loss of office use

The scheme involves the loss of 822sqm of office floorspace within the CAZ.

Since the recent permission for the change of use to residential, the City Council has adopted the Mixed Use Revision Policy in the City Plan, which seeks to resist the loss of office floorspace to residential use within core commercial areas.

The background to this shift in policy emphasis is clarified within the reasoned justification to Policy S20 in the City Plan (July 2016). In this case, the office floorspace could make a valuable contribution towards retaining existing employment levels and meeting employment targets as set out in Policy S20. The proposed change of use to residential would run counter to the aim of meeting Westminster's business and employment needs, in terms of increasing the capacity for additional jobs in the Core Central Activities Zone. Whilst the Council seeks to promote bringing forward new housing across the City under Policy S14, the recent revision to the City Plan has clearly identified the core commercial areas as locations where employment generation is the priority. As such, the benefits of the proposal in terms of housing provision do not outweigh the loss of the existing commercial use.

Although the proposals are now not strictly in accordance with Policy S20, given the extant planning permission for a residential conversion to provide 9 residential units

(15/07175/FULL), which can be implemented until 30 September 2018, the change of use to residential is only considered acceptable in this instance subject to a condition to restrict the time limit to that of the extant permission.

8.1.2 Residential use

The use of this building for residential purposes is supported by policies H3 of the Unitary Development Plan (UDP) and S14 of Westminster's City Plan.

The proposal would provide 1067sqm of residential floorspace in the form of 12 flats. This would make an important contribution to new housing provision.

8.1.3 Residential mix and standard of accommodation

The proposal would create 12 residential units in the following housing mix:

Table 2. Summary of Proposed Units and Mix

Unit	Unit Type (Bed/Person)	London Plan Requirement (sqm)	Unit Size (sqm)
Flat 1	1B1P	39	42
Flat 2 (Maisonette)	1B2P	58	61
Flat 3 (Maisonette)	3B4P	84	87
Flat 4	2B3P	61	61
Flat 5	2B3P	61	61
Flat 6	2B3P	61	61
Flat 7	2B3P	61	61
Flat 8	2B3P	61	61
Flat 9	2B3P	61	61
Flat 10 (Maisonette)	3B4P	84	89
Flat 11 (Maisonette)	1B2P	58	58
Flat 12 (Maisonette)	3B4P	84	84

All units (ranging between 42sqm and 89sqm) meet the Mayor's dwelling space standards set out in London Plan Policy 3.5 and meet the Lifetime Homes Standards.

The residential mix is heavily weighted towards one and two bed units and fails to meet the Council's Policy H5 in the UDP, which normally requires 33% of units to be family sized (three or more bedrooms). Only three of the 12 units (25%) would have at least three bedrooms. The City Council may accept a smaller proportion of family sized accommodation having regard to the nature of the development and the character of the environment. It is considered that a lower amount of family housing is acceptable in this instance given this central location and the site's restrictions, which make it difficult to provide outdoor amenity space for the flats.

Policy ENV13 of the UDP states the City Council will ensure that new accommodation, particularly residential, receives adequate daylight and sunlight.

Policy S29 of the City Plan states that all new housing will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.

An assessment was undertaken on the proposed habitable units within the scheme, which is known as the 'self-test' to ensure that they have been designed in accordance with the BRE guidance for Daylight and Sunlight. It is generally unrealistic to achieve good daylight levels to all rooms with large surrounding buildings/ obstructions. The habitable rooms and their uses have been configured to achieve as far as practically possible maximum daylight and sunlight levels in accordance with the BRE criteria. Two bedrooms on the lower ground floor that rely on light from clerestory windows do not meet the BRE criteria. Although this is not ideal, this is accepted on the basis that the flats are laid out as maisonettes with another floor level of accommodation above. As a whole, these units are considered to have enough rooms with adequate light.

It is accepted that the background noise levels in this area of the City are high. Policy ENV 6 covers noise pollution issues (other than noise from plant, which is covered by ENV 7). Policy ENV 6 (4), states that the City Council will require residential developments to provide adequate protection from existing background noise. A noise report has been submitted with the application, which indicates that internal noise levels within the development are capable of complying with the relevant British Standard.

Overall, given site constraints, the quality and quantity of the accommodation is considered acceptable.

8.1.4 Affordable housing

Proposals for housing developments of either 10 or more additional units or over 1000 sqm additional residential floorspace generate a requirement for affordable housing as set out in policies S16 in Westminster's City Plan, H4 in the UDP, and the 'Interim Note on Affordable Housing Policy' dated February 2011. The latest proposals generate a requirement for affordable housing.

It is expected that the affordable housing will be provided on site, unless it can be demonstrated that the provision of affordable housing on site is not feasible or practical, then it should be provided off-site in the vicinity. Where affordable housing cannot be provided on-site or in the vicinity, a financial contribution in lieu may be accepted.

Our 'Interim Note on Affordable Housing Policy' dated February 2011 sets out that a development of this size would require 80sqm of affordable housing i.e. one unit. The applicant does not consider that the provision of a single on-site affordable housing unit would be appropriate, as it would be difficult to provide independent of the market units. A separate entrance for the affordable unit is not practical, and the management of a single unit by an affordable housing provider is considered impractical. The applicant is not a large landowner and does not hold any other sites within the close vicinity of the development or within Westminster. It is therefore accepted that a payment in lieu of provision is appropriate in this case and the agent has confirmed that they would be willing to make a full policy compliant contribution of £328,624 towards the provision of affordable housing elsewhere in the City. This would be secured by S106 legal agreement.

8.2 Townscape and Design

The existing building is noted by the Strand Conservation Area Audit as being an unlisted building of merit. However, its façade is effectively a modern (post-war) pastiche of a very simple, almost vernacular, late Victorian façade and can only be described as positive in terms of its overall form and traditional character. Its façade close-up is flawed in terms of the quality of its masonry and detailing. The ground floor 'shopfronts' are also poorly designed and non-representative of historic shopfronts. The building's scale and general form is however, a comfortable element of the area, and its replacement should only be accepted if a proposed new building / façade would contribute to the conservation area equally or better.

Due to the limitations of the façade, there is substantial scope for architectural improvement. Given the character of the area, this could reasonably include some uplift in the architectural styling of the building, to allow for a more 'designed' building. This should however be carefully balanced against the desire to preserve the pre-eminence of the existing grander buildings on the street, in particular the listed buildings.

When determining applications affecting listed buildings or within conservation areas, the Local Planning Authority is required by Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the preservation of a listed building or its setting, and to the preservation or enhancement of the character or appearance of conservation areas. The Development Plan (in this case Policies DES 1, DES 5, DES 9 and DES 10 of the UDP and Policies S25 and S28 of the City Plan) and the National Planning Policy Framework provide us the framework for considering such proposals, particularly if any harm is proposed. Overall, this means a presumption against the approval of harmful proposals, unless they would be significantly and demonstrably outweighed by public benefits (including architectural) which would be secured by the relevant development proposals.

The proposed new façade, including the additional storey, would represent a contemporary addition to the street, whilst providing a continuity of materiality, scale and proportion alongside the existing very varied historic street scene. The proposal is bold, but remains subservient to the adjacent listed building and the Royal Courts of Justice opposite. The quality of detailing implied (which can be secured through the recommended conditions below) would be high and appropriate to the local context. The manner in which the proposed façade would be articulated to the street line would enable reference to be given to the historically narrower frontages seen on this street.

At roof level, the building would be raised by an additional storey. Design developments during the course of the application have responded well to the relationship with the rooflines of the adjoining buildings including the listed building next door. This has included angling back the topmost mansard roof on all sides so that it pulls away from the adjoining roofs and avoids the necessity of an excessively dominant party wall upstand. Overall, the proposal is considered to be of a scale and bulk that sits comfortably with its neighbours.

In summary, whilst the proposals would result in the loss of a façade noted by the CA Audit as being of merit, this loss is not in fact significant and the proposed replacement façade and rear alterations, whilst taller at the upper levels, would preserve the character

and appearance of the conservation area, and would also preserve the settings of the adjacent and nearby listed buildings. No harm would be caused to these heritage assets, and the proposals would in themselves be of a high quality of architectural design. As such all relevant local and national policies, as discussed above, would be satisfied and permission may be granted on design, heritage and townscape grounds.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

The majority of neighbouring properties are in commercial use although a number have been converted or have permission to be converted to residential use.

The application is supported by a Daylight and Sunlight Report. In accordance with the BRE guide, the report assesses the impact of the development in terms of daylight and sunlight amenity to the neighbouring and adjoining residential buildings. The following buildings that have been or have permission to be converted to residential use have been identified as requiring assessment:

- 8 Bell Yard;
- 115 Chancery Lane;
- 122 – 126 Chancery Lane.

The report outlines that all windows tested will continue to meet target values as set out in the BRE guidelines, meaning that the development will not adversely affect daylight or sunlight of neighbouring residential properties.

There is an objection to the proposals on grounds of loss of light and the consequent adverse impact to the occupiers of the offices at 119 Chancery Lane. This property has windows facing Andrews Crosse but these were excluded from the Daylight and Sunlight assessment on the basis that the property is in commercial use. The additional height and bulk created by the proposal is at roof level, through the creation of the new fifth floor mansard roof level. This would be visible from some windows, which face into Andrews Crosse; however, given the distance between these and the application site, it is not considered that they would be significantly affected in terms of loss of light or sense of enclosure.

It is considered that the resulting relationship between the application building and neighbouring buildings would not result in a material loss of light or increased sense of enclosure. The residential windows will be sufficiently distant from neighbouring residential occupiers to ensure there would not be an unacceptable loss of privacy or increase in noise.

8.4 Transportation/Parking

8.4.1 Car Parking

Policy TRANS 23 requires, where appropriate and practical, the provision of off-street parking for new residential developments. Given the site constraints, including the lack of vehicular access into the application site, car parking is not provided as part of the proposals.

TRANS23 states that the Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking spaces. The evidence of the Council's most recent parking survey in 2011 indicates that parking occupancy of legal parking spaces within a 200m radius of the site is 42.9% during the day. Although these figures are well below the 80% threshold, given that there are only seven Westminster residents parking bays in the area, it would only take the addition of three more vehicles on the street during the day to break the 80% threshold.

Overnight the pressure on Resident's and Shared Use bays reduces to zero, and residents can also park free of charge on metered parking bays or single yellow lines in the area.

Given that the site is highly accessible by public transport and that there is no option to provide off-street parking, it is considered that a reason for refusal on parking grounds would be difficult to sustain.

8.4.2 Cycle Parking

In terms of cycle parking, provision for 12 cycles is proposed, which complies with the Council's UDP standards. However, Further Alterations to the London Plan (FALP) standards would require 21 cycle. It is recommended to secure cycle parking to these standards by condition.

8.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated by the proposed residential units are welcomed.

8.6 Access

The proposed dwellings would comply with the provisions of Part M of the Building Regulations. All flats would have level thresholds and the main core is fitted with a wheelchair accessible lift that provide flush access to all floors. The main entrance to the site from Bell Yard is on a slope and would not be level.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant

A plant room is proposed at main roof level. Environmental Health officers have confirmed that they have no objection subject to the Council's standard noise conditions and a further condition requiring the submission of a supplementary acoustic report once the plant

selection is finalised. Subject to these conditions, it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity.

8.7.2 Refuse /Recycling

The Cleansing Manager advises that the proposals are not in line with the council recycling and waste storage requirements. A condition is recommended requiring a revised plan to be submitted indicating proposals for the storage of residual waste, food waste and recyclable materials in line with Council standards.

8.7.3 Sustainability

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. Policies S28 and S40 of Westminster's City Plan require development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is supported by an Energy and Sustainability Strategy, which assesses the development against the energy hierarchy and development plan policies. The strategy outlines that the development incorporates numerous sustainability measures including thermal insulation, natural daylighting, low energy light fittings, high-efficiency gas boilers, improved air tightness and smart metres.

The development is also committed to additional sustainable features throughout design and construction, such as locally sourced building materials and timber, reuse of brickwork where possible, minimisation of water usage and the commitment to produce a Site Waste Management Plan (SWMP).

Due to the site's spatial constraints, historic sensitivity and lack of appropriate roof space, it has been concluded that no renewable technologies are viable.

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 consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

For the reasons outlined elsewhere in this report, should the scheme be considered acceptable, a S106 legal agreement would be required to secure the following:

- i. A payment of £328,624 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked).

The application is considered acceptable subject to this obligation.

The Westminster CIL payment based on the floorspace figures in the applicant's CIL form exemptions is estimated at £79,200.

The Mayoral CIL payment, again based on the floorspace figures in the applicant's CIL form is estimated at £7,200.

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an Environmental Statement.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning Manager dated 8 January 2018
3. Response from Environmental Health dated 7 November 2017
4. Response from Cleansing Manager dated 17 November 2017
5. Response from Historic England dated 6 November 2017
6. Response from occupiers of Megarry House, 119 Chancery Lane received 8 November 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: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk



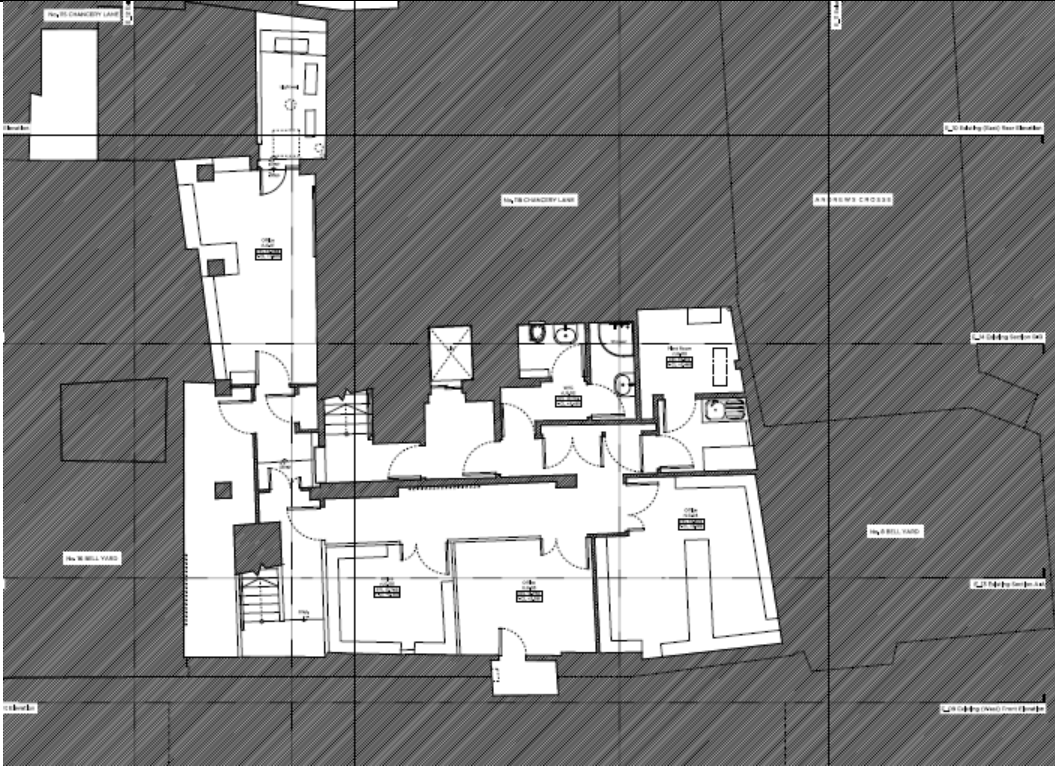
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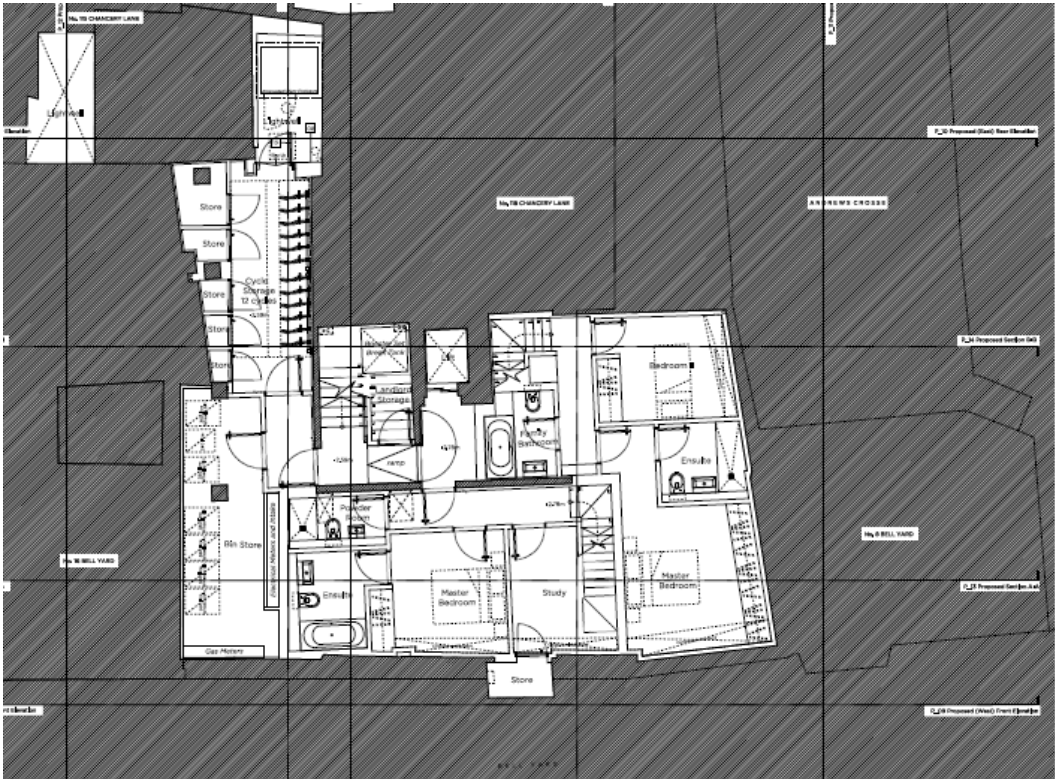
Existing street perspective



Proposed street perspective



Existing lower ground



Proposed lower ground



Existing ground



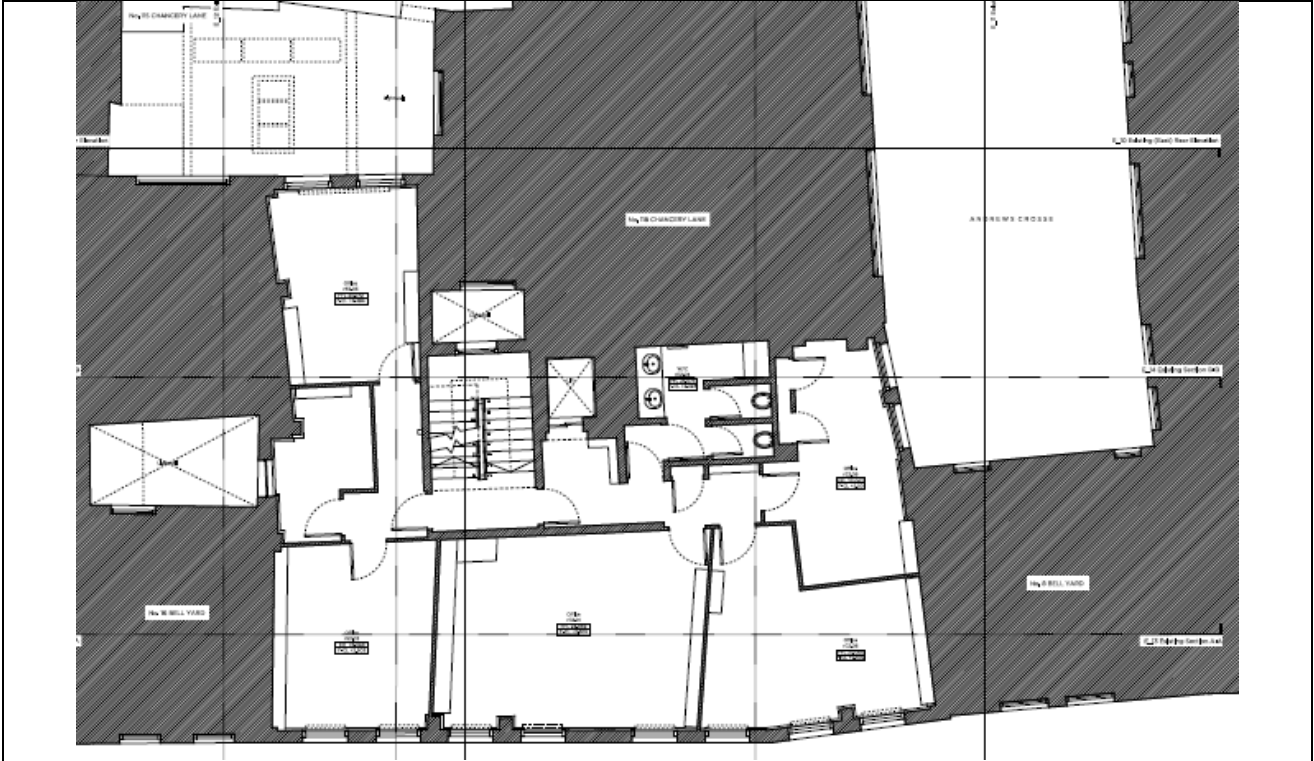
Proposed ground



Existing first



Proposed first



Existing second



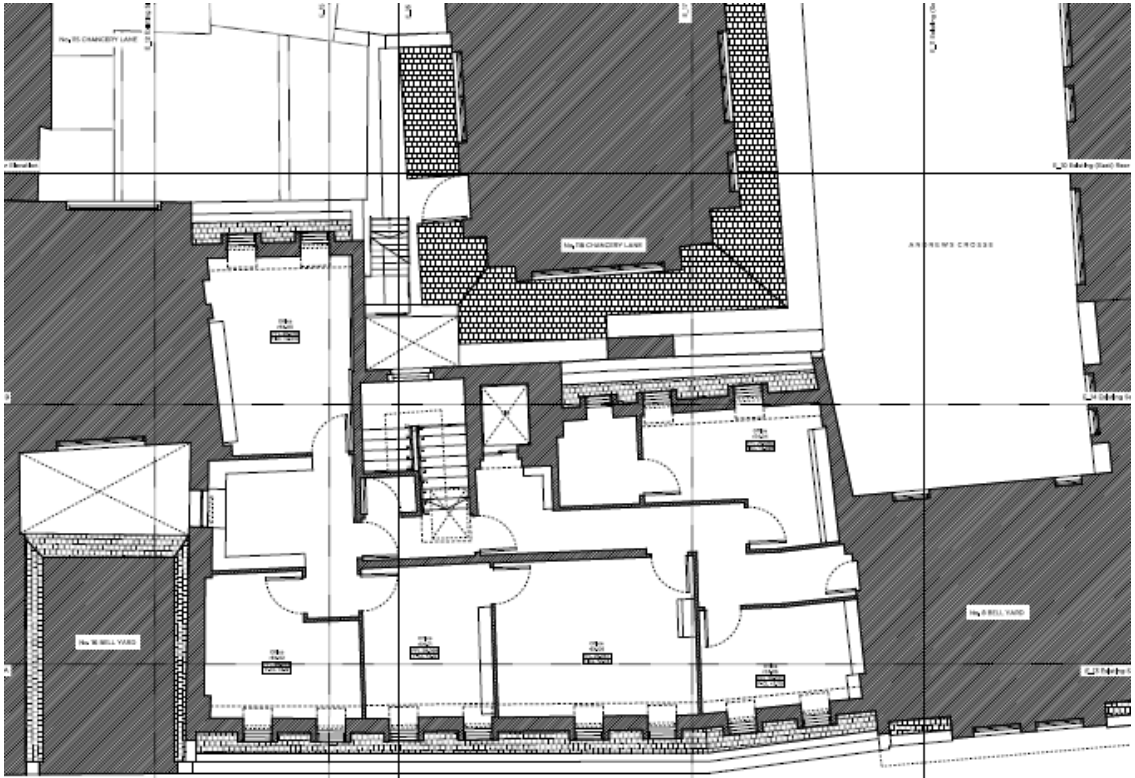
Proposed second



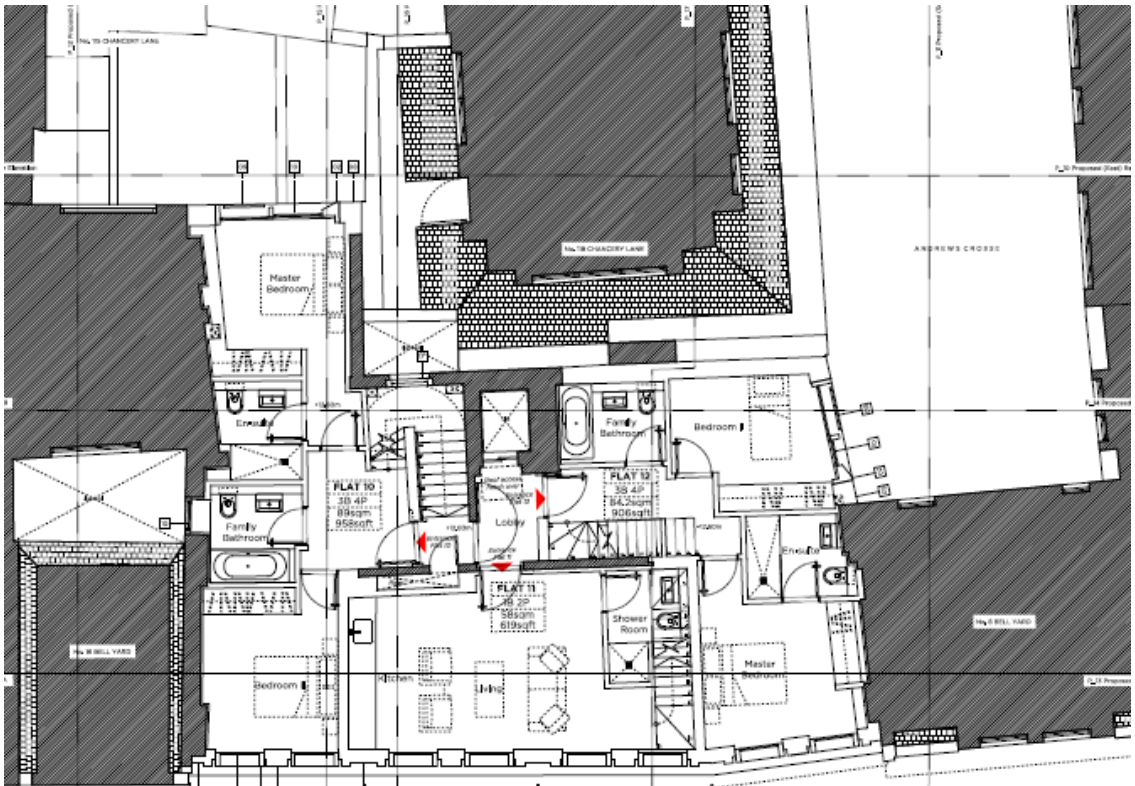
Existing third



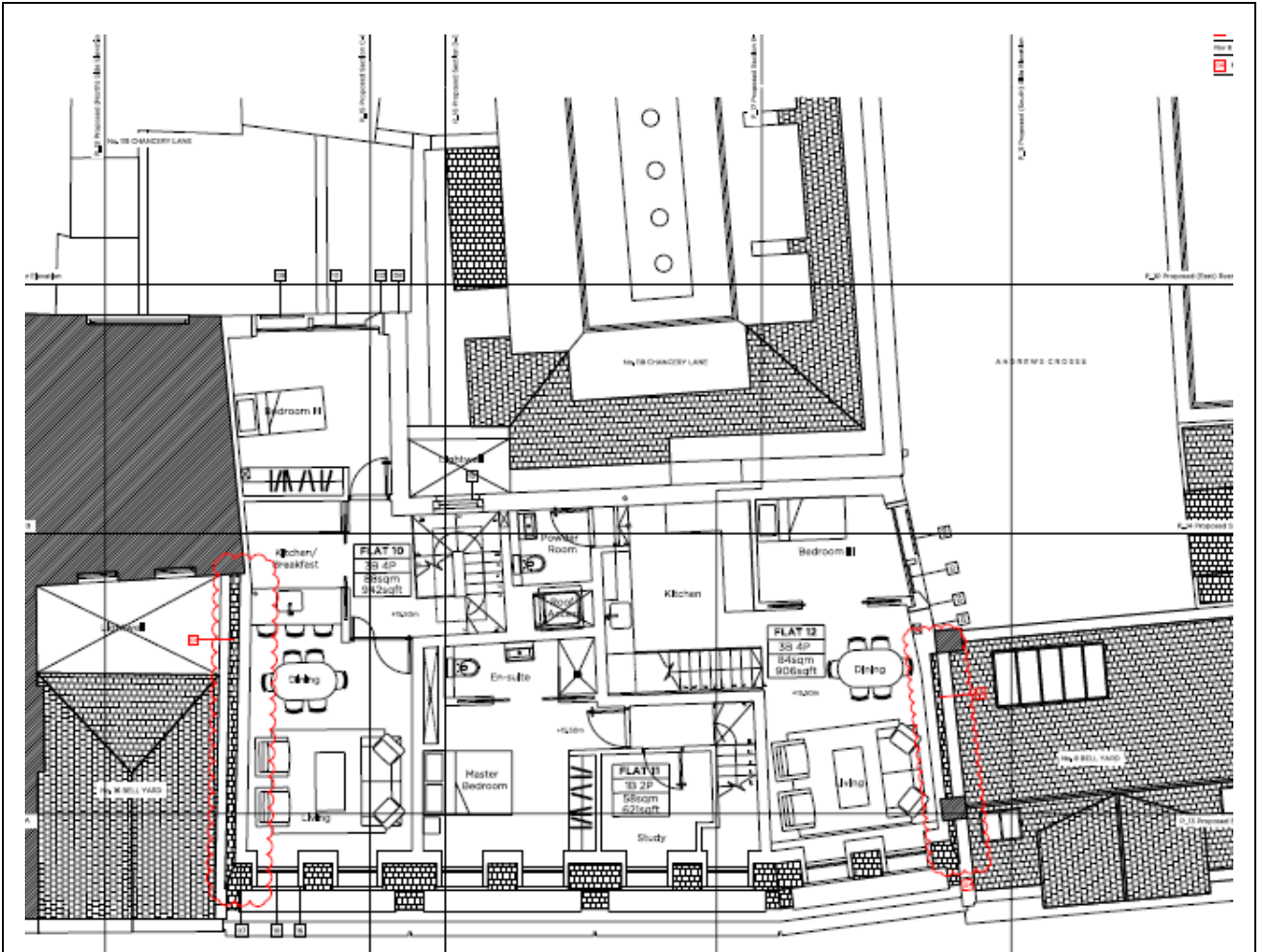
Proposed third



Existing fourth



Proposed fourth



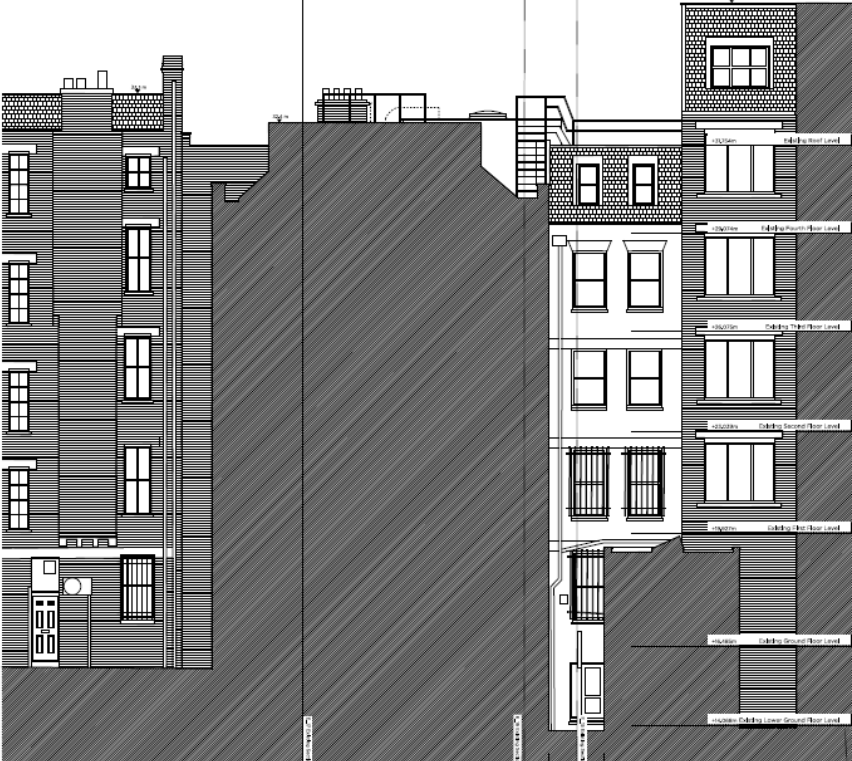
Proposed fifth



Existing front (west) elevation



Proposed front (west) elevation



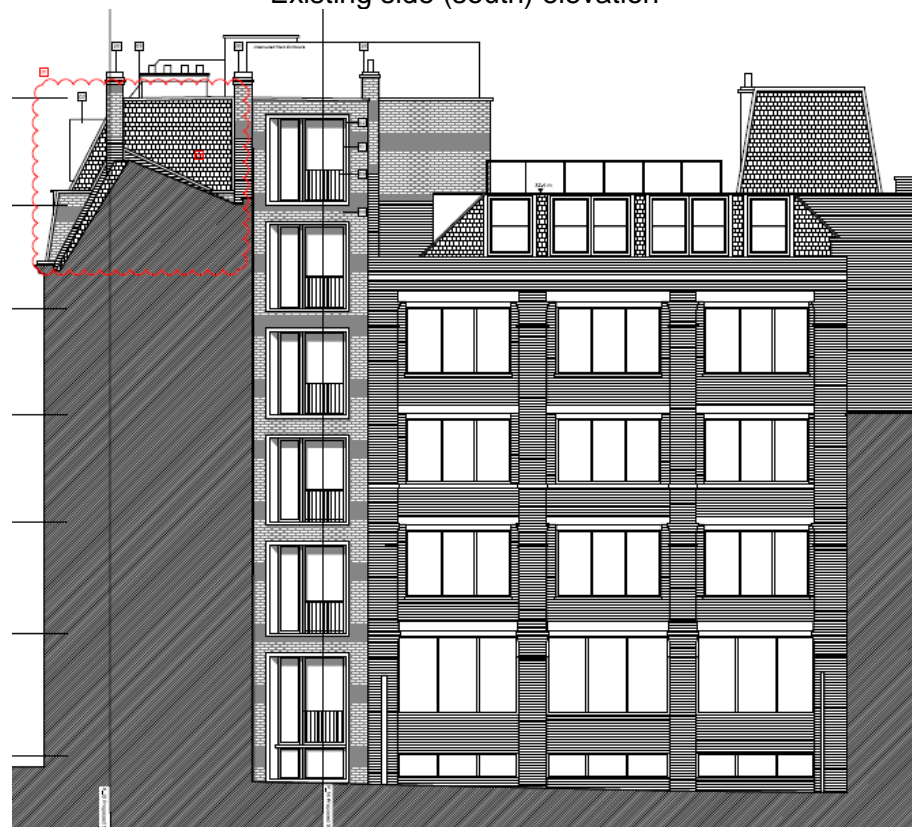
Existing rear (East) elevation



Proposed rear (east) elevation



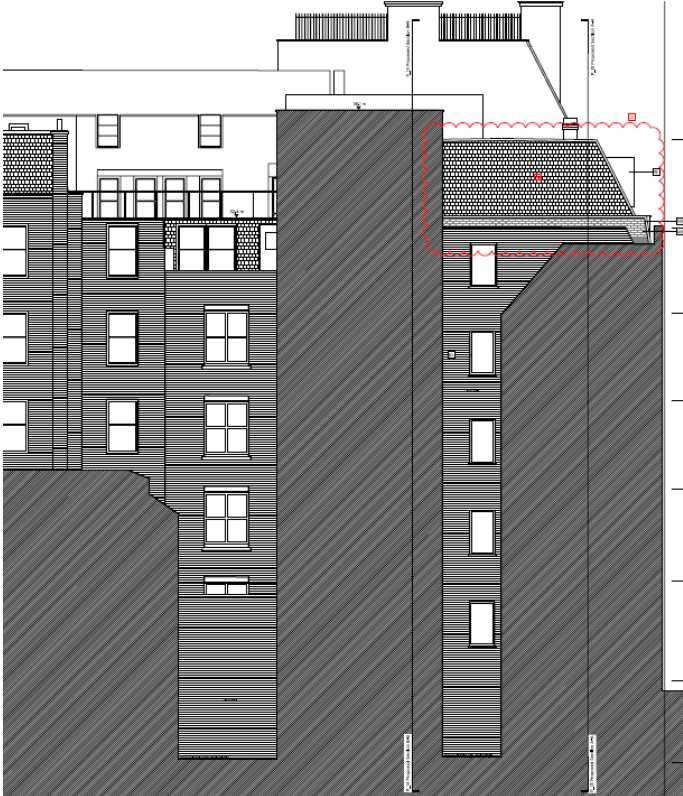
Existing side (south) elevation



Proposed side (south) elevation



Existing side (north) elevation



Proposed side (north) elevation

DRAFT DECISION LETTER

Address: 9-12 Bell Yard, London, WC2A 2JR,

Proposal: Use of building as 12 residential units (Class C3), demolition of fourth floor mansard roof and front façade, replacement fourth floor extension and new fifth floor mansard roof extension above, new front façade, associated alterations to elevations and works to a listed party wall.

Reference: 17/09583/FULL

Plan Nos: P_00, E_01, E_02, E_03, E_04, E_05, E_6, E_7, E_8, E_09, E_10, E_11, E_12, E_13, E_14, E_15, E_16, E_17, D_01, D_02, D_03, D_04, D_05, D_06, D_7, D_8, D_09, D_10, D_11, D_12, D_13, D_14, D_15, D_16, D_17, P_01, P_02, P_03, P_04, P_05, P_06, P_07 rev B, P_08 rev B, P_09 rev B, P_10, P_11 rev A, P_12 rev A, P_13 rev B, P_14, P_15 rev A, P_16 rev A, P_17 rev A; Design and Access Statement rev B by Marek Wojciechowski Architects; Planning Statement by Montagu Evans dated October 2017; Heritage Statement dated October 2017; Noise Survey dated 25th August 2017; Daylight and Sunlight Report dated 30 October 2017; Construction Management Plan dated October 2017; Energy and Sustainability Statement dated 06 October 2017.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately before anyone moves into the residential units. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential units.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 4 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the residential units. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 6 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 9 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 10 You must apply to us for approval of a detailed written and photographic schedule (including reference to site sample panels as agreed necessary with us) of the facing materials you will use, including brickwork, along with versions of the approved elevations and roof plans annotated to show where each of the materials would be used. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must apply to us for approval of further information (as set out in brackets below) of the following parts of the development:
- (a) Overall building profiles (detailed plans, elevations and sections at 1:20 through each façade type / building element);
 - (b) New windows and doors (detailed elevations and sections at 1:5).
- You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no painting of the front façade, as permitted by Class C of Part 2 of Schedule 2 of the Order, shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 This permission must be commenced no later than 30 September 2018.

Reason:

The proposals are not in accordance with S20 of Westminster's City Plan (July 2016), however given the extant planning permission dated 30 September 2015 (15/07175/FULL), which can be implemented until 30 September 2018, the change of use is acceptable in this instance subject to a condition to restrict the time limit of the application to that of the extant permission.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in 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, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:, , i. A payment of £328,624 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked).

- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 4 In respect of condition 3, you will need to be label the bins on the drawing as "R" and "W" as required within the council waste storage requirements.
- 5 The windows on the boundary facing the light well of no.13 Bell Yard are unlikely to be offered any protection from neighbouring development in order not to prejudice the potential future development of neighbouring sites that share the common boundary.

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

DRAFT DECISION LETTER

Address: 9-12 Bell Yard, London, WC2A 2JR,

Proposal: Use of building as 12 residential units (Class C3), demolition of fourth floor mansard roof and front façade, replacement fourth floor extension and new fifth floor mansard roof extension above, new front façade, and associated alterations to elevations and works to a listed party wall.

Reference: 17/09584/LBC

Plan Nos: P_00, E_01, E_02, E_03, E_04, E_05, E_6, E_7, E_8, E_09, E_10, E_11, E_12, E_13, E_14, E_15, E_16, E_17, D_01, D_02, D_03, D_04, D_05, D_06, D_7, D_8, D_09, D_10, D_11, D_12, D_13, D_14, D_15, D_16, D_17, P_01, P_02, P_03, P_04, P_05, P_06, P_07 rev B, P_08 rev B, P_09 rev B, P_10, P_11 rev A, P_12 rev A, P_13 rev B, P_14, P_15 rev A, P_16 rev A, P_17 rev A; Design and Access Statement rev B by Marek Wojciechowski Architects; Planning Statement by Montagu Evans dated October 2017; Heritage Statement dated October 2017.

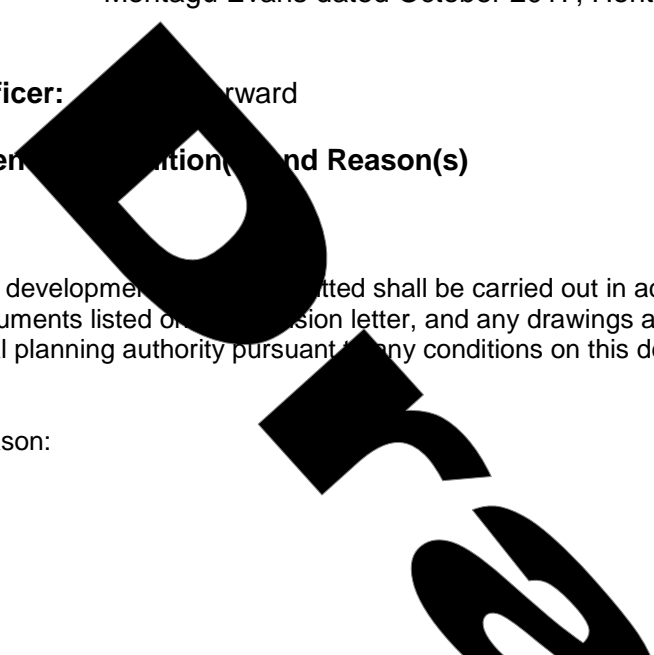
Case Officer: [redacted] forward

Direct Tel. No. 020 7641 2408

Recommendation and Reason(s)

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

Reason:



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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

Item No.

3
