

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>40 Villiers Street, London, WC2N 6NJ</b>		
<b>Proposal</b>	Facade replacement with retention of existing structural frame, replacement of office entrance, creation of a terrace and dry storage room and installation of plant at seventh floor roof level, in connection with continued use as office (Class B1) at first to sixth floor levels and retail (Class A1) at ground floor level.		
<b>Agent</b>	Mr Peter Bovill, Montagu Evans LLP		
<b>On behalf of</b>	IRAF Gordon SARL		
<b>Registered Number</b>	18/03424/FULL	<b>Date amended/ completed</b>	1 May 2018
<b>Date Application Received</b>	26 April 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Trafalgar Square		

## 1. RECOMMENDATION

Refuse permission –design and impact on adjoining heritage assets.

## 2. SUMMARY

No. 40 Villiers Street comprises ground and six upper floors, with retail (Class A1) uses at ground floor level and offices on the upper floors.

An application has been submitted seeking planning permission for the replacement of the façade and the creation of a terrace, storage room and installation of plant at seventh floor roof level, in connection with continued use as office (Class B1) at first to sixth floor levels and retail (Class A1) at ground floor level.

The key issues for consideration are:

\* The detailed design and impact of the proposals on the appearance of the building and on local townscape and heritage assets, including the character and appearance of the Trafalgar Square Conservation Area.

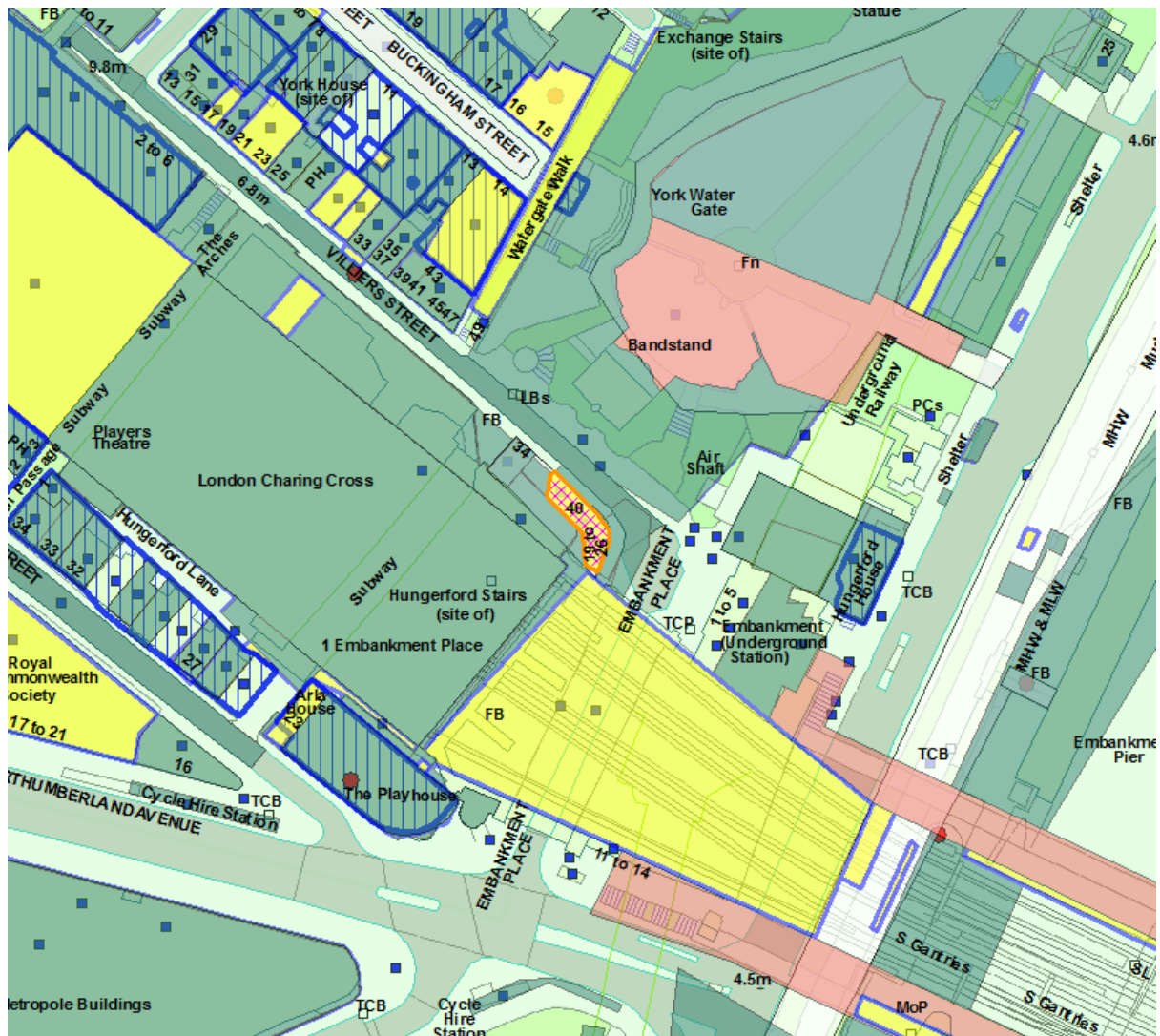
\* The impact of the proposals on the amenity of neighbouring residents.

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The proposals are considered to be of poor design and cause harm to adjoining heritage assets (while bringing no public benefits) and as such would conflict with National and local policies in relation to design and conservation, as set out in the National Planning Policy Framework (2018), Westminster's City Plan November 2016 (City Plan) and the Unitary Development Plan (UDP). The application is therefore recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### COUNCILLOR TIM MITCHELL:

Requests that the application is presented to committee.

### NETWORK RAIL:

Any response to be reported verbally.

### LONDON UNDERGROUND:

Request condition to secure detailed method statements in relation to tall plant and scaffolding and location of existing London Underground Structures and tunnels.

### WESTMINSTER SOCIETY:

No objection.

### NORTHBANK BID:

Supports planning application in terms of proposals improving a tired and uninviting street frontage and thereby complimenting ongoing improvement works to the public realm. (However, suggestions made by the Northbank BID to upgrade entrance area of raised footway from Hungerford Bridge to Charing Cross forecourt and for the flat roof of the building to incorporate greening such as a sedum roof are not proposed by the current planning application).

### ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

### CLEANSING MANAGER:

Revised details of waste storage should be secured by condition.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted - 53

Total No. of replies - 1

One objection received from operator of a ground floor retail unit within the application property on the grounds of the duration of the construction works and disruption to trade.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application building is unlisted. It is located within the Trafalgar Square Conservation Area and adjacent to the Savoy Conservation Area and Victoria Embankment Gardens, which is a Grade II Registered Park and Garden. The site is also within the Core Central Activities Zone and in the Lundenwic and Strand Area of Special Archaeological Priority.

## 6.2 Recent Relevant History

There is no recent relevant planning history.

## 7. THE PROPOSAL

Planning permission is sought for the replacement of the façade whilst retaining the existing structural frame and the creation of a terrace and dry storage room and installation of plant at seventh floor roof level, in connection with continued use as office (Class B1) at first to sixth floor levels and retail (Class A1) at ground floor level.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The application proposes a new plant room to be incorporated behind the existing at main roof/seventh floor level along with an external roof terrace, which is considered acceptable in land use policy terms.

### 8.2 Townscape and Design

The main design/ townscape issues raised are the detailed design of proposals and the impact on the local townscape, including the River Thames frontage, the impact on the character and appearance of the Trafalgar Square Conservation Area, on the setting of the Savoy Conservation Area and on the setting of Victoria Embankment Gardens, which is a Grade II Registered Park and Garden.

In considering the above, national policy as set out in the NPPF stresses the importance of high quality design, including the conservation and enhancement of the historic environment. Further, the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Local policies set out in the City Plan and Unitary Development Plan also seek the highest standards of sustainable design and architectural quality, including the use of high quality durable materials, appropriate to the building and its setting. Of particular relevance are saved policies within the Unitary Development Plan, especially DES 1 (Principles of Urban Design and Conservation), DES 5 (Alterations and Extensions), DES 9 (Conservation Areas), DES 12 (Parks, Gardens and Squares) RIV 1 (Design), and RIV 2 (Views) as well as City Plan policies S25 (Heritage), S28 (Design) and S37 (Blue Ribbon Network) .

Hempson's House is unlisted but is located within a designated conservation area. It dates from 1958 by Seymour Harris and occupies a prominent corner site at the entrance to Villiers Street, immediately adjacent to Sir Terry Farrell's landmark Charing Cross Station. It is visible from the river frontage, from Hungerford Bridge and from within Victoria Embankment Gardens. As such, this is a prominent and important site.

The existing building is not of significant architectural quality but is simply detailed and has a low-key appearance, which is appropriate within its context. It was originally

constructed using high quality materials, being clad in marble and with steel Crittal windows. Two later, fully glazed storeys were added in the 1990s and these relate poorly to the architecture and detail of the original building.

The proposals would remove all marble cladding and the steel Crittal windows to the original part of the building, stripping it back to its concrete frame from first to fourth floors. Clear glass floor to ceiling height curtain wall glazing would be introduced across most of the façade, with floor plates hidden by a thin section of coloured glass panels - the supporting documentation notes these will be 'white back-painted glass'. Areas of new metal cladding, noted as being 'spray painted to Portland stone colour' would replace the Carrara marble to the sides of the full height glazing at first to fourth floor.

At fifth and sixth floors, the existing full height glass windows and existing silver metal cladding would be retained unaltered, with sections of new metal cladding clipped over the existing to hide fixings in locations where the brise-soleil is being removed.

The result would be a highly glazed façade, which would appear more prominent and assertive in views from the Embankment Gardens and river and is not typical of other buildings in the conservation area, which, while of varied character, generally use a more traditional palette of materials. The floor to ceiling height glazing would also allow un-obstructed views into the office interiors from the street, river and Gardens (the latter, particularly in winter). Further, while limited information has been provided in relation to exact choice of materials, externally, there is an incoherent mix of retained metal cladding and new spray painted metal cladding, of slightly different colours.

The applicants have pointed to the poor quality of the existing building as justification for their proposals, noting that the existing building is identified within the Trafalgar Square Conservation Area Audit as a 'negative' and therefore detracting from the character and appearance of the conservation area.

As set out above, it is accepted that the existing building is of limited architectural quality and has a tired appearance and as such does not contribute positively to the character and appearance of the conservation area. However, the designations within this audit were last reviewed over 15 years ago and officers are of the view that the building, while not making a positive contribution, has a relatively unassuming character therefore is considered to have a neutral rather than negative impact on the conservation area, although the later extensions (retained as part of these proposals) do detract.

Further, regardless of whether the building is considered neutral or negative, officers consider that the proposals would worsen the existing situation and would devalue any architectural merit the existing building has. As such, the proposals would fail in the statutory duty to preserve or enhance the character and appearance of the conservation area and would lead to (less than substantial) harm to the conservation area.

At paragraph 196, the NPPF notes that *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

In this context, it is noted that the applicants presented the proposals to the Northbank BID. The BID subsequently wrote a letter of support noting that the proposals could bring benefits in cleaning up the raised footway from the Hungerford Bridge, incorporating a sedum roof and incorporating building mounted lighting. However, these elements do not form part of the current application. The roof incorporates a terrace but no sedum roof, and no building mounted lighting or works within the raised footway are proposed as part of this application. There are therefore no public benefits to outweigh the less than substantial harm caused by these proposals.

Works are also proposed at roof level, with a small, set-back extension to the existing roof top plant area and terrace. These works will have limited visual impact and are acceptable in design terms. The existing shopfronts at ground floor level are retained.

However, overall as proposed, works would introduce materials and detail of poor quality and not typical of other buildings in the conservation area, and would cause harm in views from the river and Victoria Embankment Gardens and as such would fail to preserve the character and appearance of the conservation area and setting of adjoining conservation areas.

### **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 the City Plan aims to protect the amenity of residents from any unacceptable effects of development.

Given the relationship of the site with the adjoining commercial buildings and as the proposals will replace existing facades it is not considered that the proposals would give rise to significant amenity issues for neighbouring residents in terms of sense of enclosure, outlook or privacy sufficient to merit a refusal of the application on these grounds.

### **8.4 Transportation/Parking**

No changes are proposed to the servicing/loading arrangements, which will remain as existing arrangements with servicing taking place on street.

### **8.5 Economic Considerations**

If the development were considered acceptable, any economic benefits would be welcomed.

### **8.6 Access**

Access to the office building remains unchanged through a single entrance door with ramp access retained. Inclusive access is provided from the ground to upper office accommodation via the lift core.



**8.7 Other UDP/Westminster Policy Considerations**

None.

**8.8 London Plan**

This application raises no strategic issues.

**8.9 National Policy/Guidance Considerations**

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

**8.10 Planning Obligations**

The proposals are of insufficient scale to generate a requirement for any planning obligations.

**8.11 Environmental Impact Assessment**

The proposals are of an insufficient scale to require an environmental impact assessment.

**8.12 Other Issues**

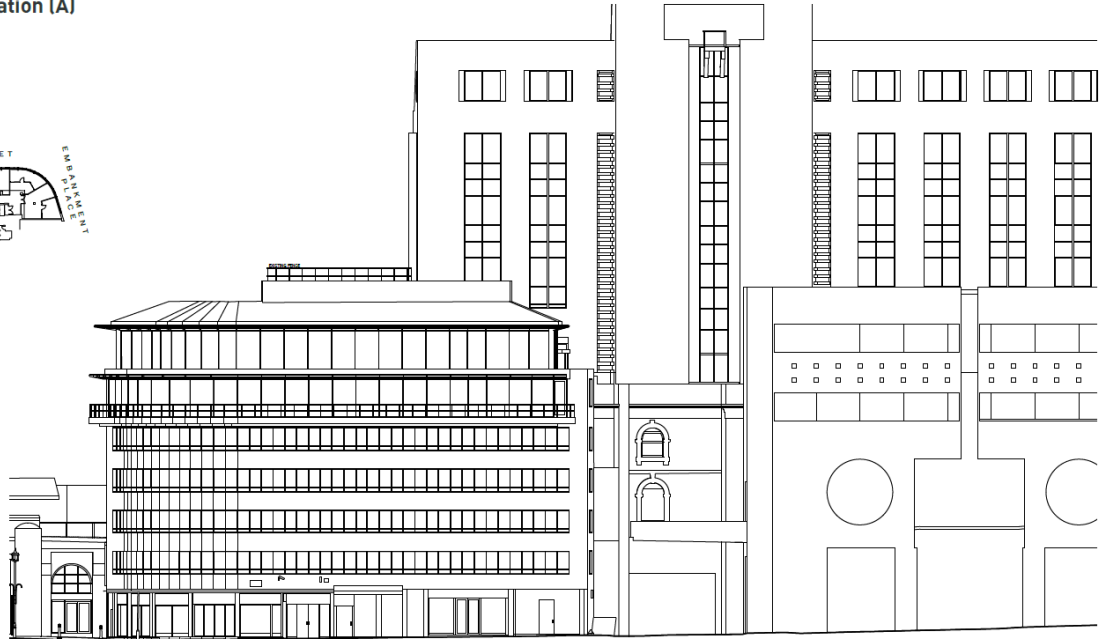
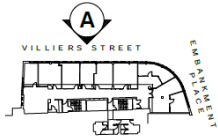
One objection has been raised on the grounds of disruption to an existing business and the potential length of construction works. These are not matters on which it would be reasonable to refuse a planning application.

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

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

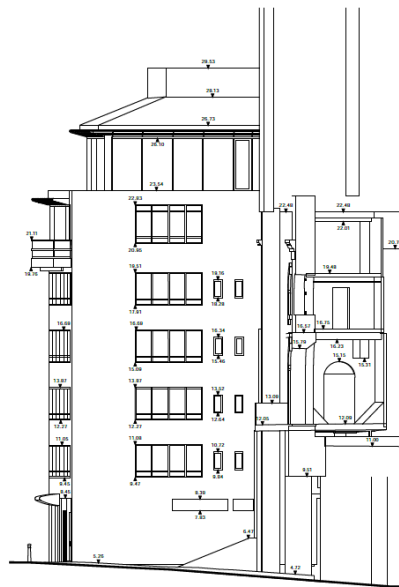
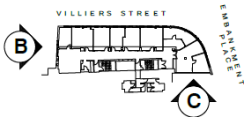
9. KEY DRAWINGS

Existing elevation (A)

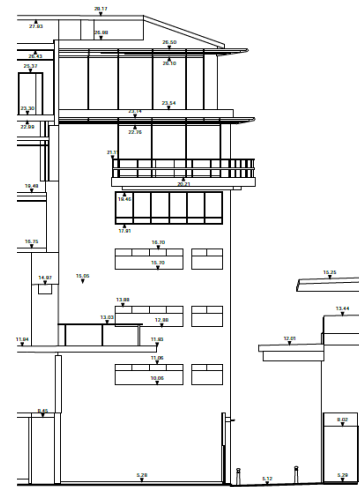


EXISTING ELEVATION (A) scale 1:100@A1

Existing elevations (B & C)

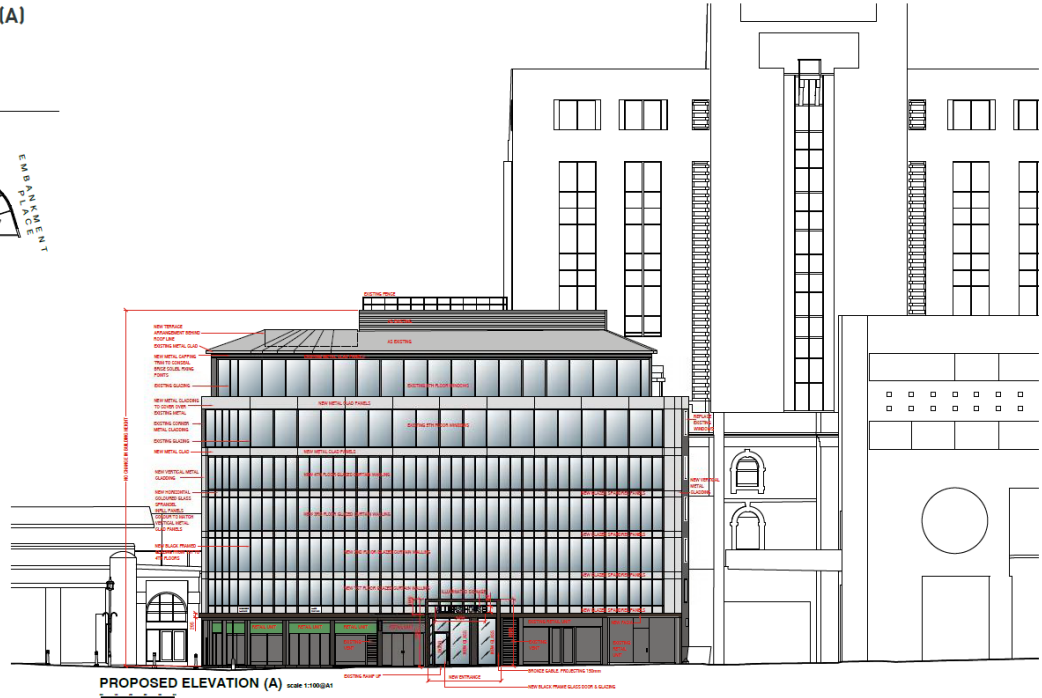
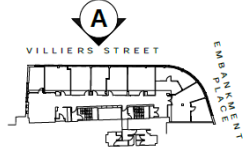


EXISTING ELEVATION (B) scale 1:100@A1

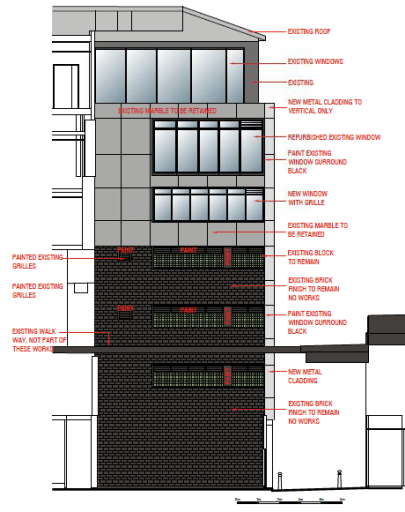
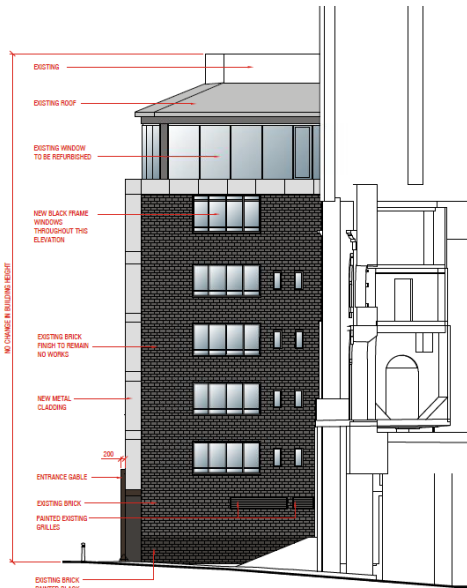
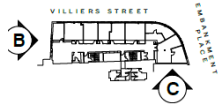


EXISTING ELEVATION (C) scale 1:100@A1

**Proposed elevation (A)**



**Proposed elevations (B & C)**



**DRAFT DECISION LETTER**

**Address:** 40 Villiers Street, London, WC2N 6NJ,

**Proposal:** Facade replacement with retention of existing structural frame, replacement of office entrance, creation of a terrace and dry storage room and installation of plant at seventh floor roof level, in connection with continued use as office (Class B1) at first to sixth floor levels and retail (Class A1) at ground floor level.

**Plan Nos:** ML2651-G-103; ML2651-G-104; ML2651-1-100; ML2651-1-899; ML2651-2-100; ML2651-2-899; ML2651-3-100; ML2651-3-899; ML2651-4-100; ML2651-4-899; ML2651-5-100-A; ML2651-5-899; ML2651-6-100; ML2651-6-899; ML2651-7-899; ML2651-G-110; ML2651-G-605-A; ML2651-G-606; ML2651-G-610; ML2651-G-7-160; ML2651-G-7-161; ML2651-G-7-162; ML2651-G-7-860; ML2651-G-7-861; ML2651-G-7-862; ML2651-G-899; ML2651-G-905; ML2651-G-906; ML2651-G-910; ML2651-G-SK2; ML2651-R-105-A; ML2651-R-108; ML2651-R-901; Planning Compliance Review Report 17444.PCR.01 dated 18 April 2018, prepared by KP Acoustics Ltd.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 Because of the detailed design, materials and extent of glazing, the proposed re-cladding would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Trafalgar Square Conservation Area. It would also cause harm to the setting of the adjacent Savoy Conservation Area and Victoria Embankment Gardens, and to views from the River. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES9, DES12 and DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. It is also contrary to the advice set out in the National Planning Policy Framework Section 16, paragraphs 193 and 196. (X16AD)

**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.