

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 20 November 2018	<b>Classification</b> For General Release	
<b>Addendum 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>	24 September 2018
<b>Date Application Received</b>	26 April 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Trafalgar Square		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 21 August 2018 with a recommendation of refusal on design grounds. Committee resolved that the application be deferred in order to allow officers and the applicant to discuss design changes that may make the application acceptable.

The main issue is the detailed design of the re-clad building and the impact on the local townscape, including the River Thames frontage; the character and appearance of the Trafalgar Square Conservation Area; the setting of the Savoy Conservation Area and the setting of Victoria Embankment Gardens, which is a Grade II Registered Park and Garden.

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.

The applicants propose to re-clad the building; removing the marble cladding and steel Crittal

windows to the original part of the building, stripping it back to its concrete frame from first to fourth floors. Whilst the re-cladding of the building is considered acceptable in principle, officers considered the previously proposed curtain walling and extensive use of clear glass, the quality of the materials proposed and detailed design were unacceptable.

Further discussions with the architects have resulted in revisions to the scheme, which positively address these concerns introducing higher quality materials and more solidity, richness and depth to the façade.

The revised proposals take a more holistic approach introducing the same materials across the building and extending the use of these materials around the corners to side elevations, to give a greater consistency of treatment. A high quality porcelain tile cladding is now proposed and would be used in the horizontal bands, which adds greater solidity and depth to the façade. This is a higher quality of material than that originally proposed and has natural variation its finish, which along with anodised aluminium trim provide tonal variation and contrast to the facade. Vertical feature fins have also been introduced and these will provide additional interest, depth and shadow to the façade. Concern was previously raised about the potential visibility of clutter within the interiors of the offices; in response, it is now proposed to add horizontal lines to the glazing at low level, above the banding to diminish the potential for visibility of clutter.

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 and details of the alterations to the entrance are reserved by condition.

Overall, the revised scheme incorporates significant improvements to both design detail and materials which is considered sufficient to address previous concerns. Accordingly, the revised scheme is considered acceptable in design terms and will preserve the character and appearance of the conservation area and setting of adjoining conservation areas.

One of the ground floor retail occupiers has expressed concern about the potential impact of the construction works/scaffolding on passing trade and requests that the development is covered by a construction management plan. The proposed works are not of a scale, which is generally covered by the Council's Code of Construction Practice. A highways licence will be required for scaffolding and skips on the highway in the normal way.

Following amendment, the proposals are considered acceptable and comply with national and local policies in relation to design and conservation as set out in the National Planning Policy Framework, Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP). The application is recommended for approval subject to conditions.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### REVISED SCHEME

#### WESTMINSTER SOCIETY:

Any response received to be reported verbally by officers.

#### NORTHBANK BID:

Fully supports planning application.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted - 53

Total No. of replies - 1

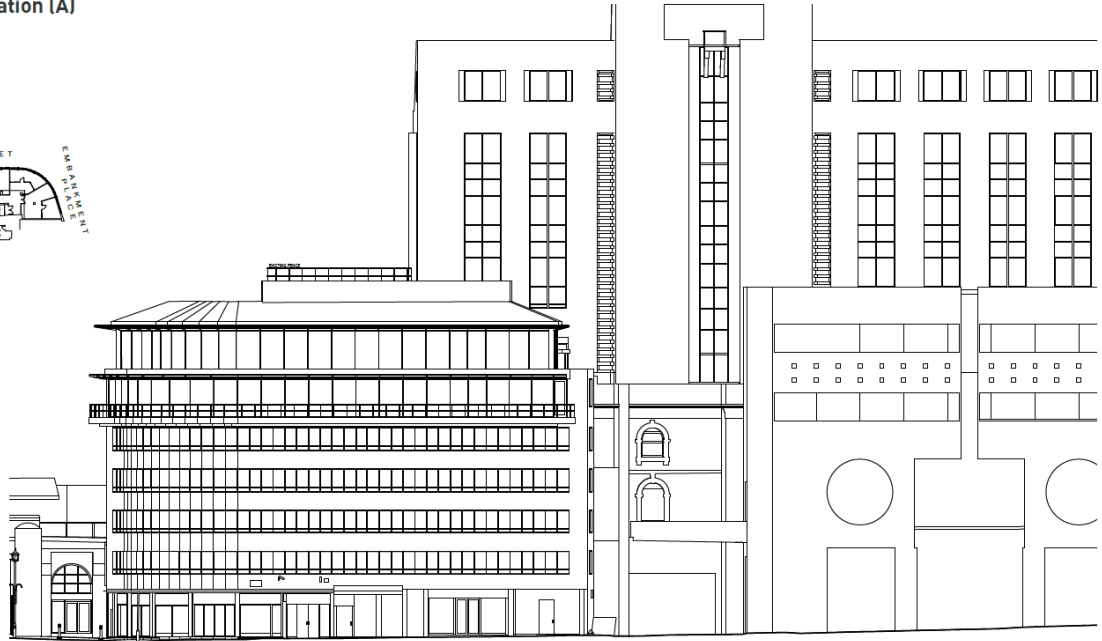
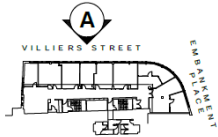
Occupier of one ground floor retail unit within the application property reiterates concerns previously raised regarding duration of the construction works and disruption to trade.

(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: AMANDA JACKSON BY EMAIL AT [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk).

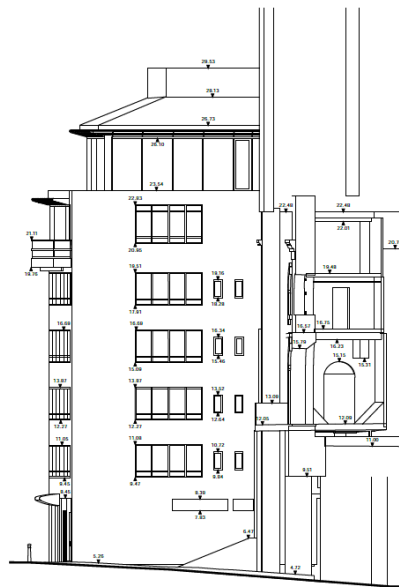
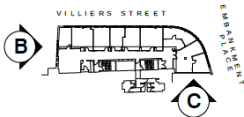
### 6. KEY DRAWINGS

Existing elevation (A)

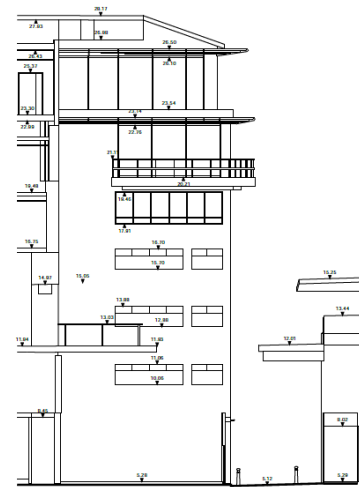


EXISTING ELEVATION (A) scale 1:100@A1

Existing elevations (B & C)

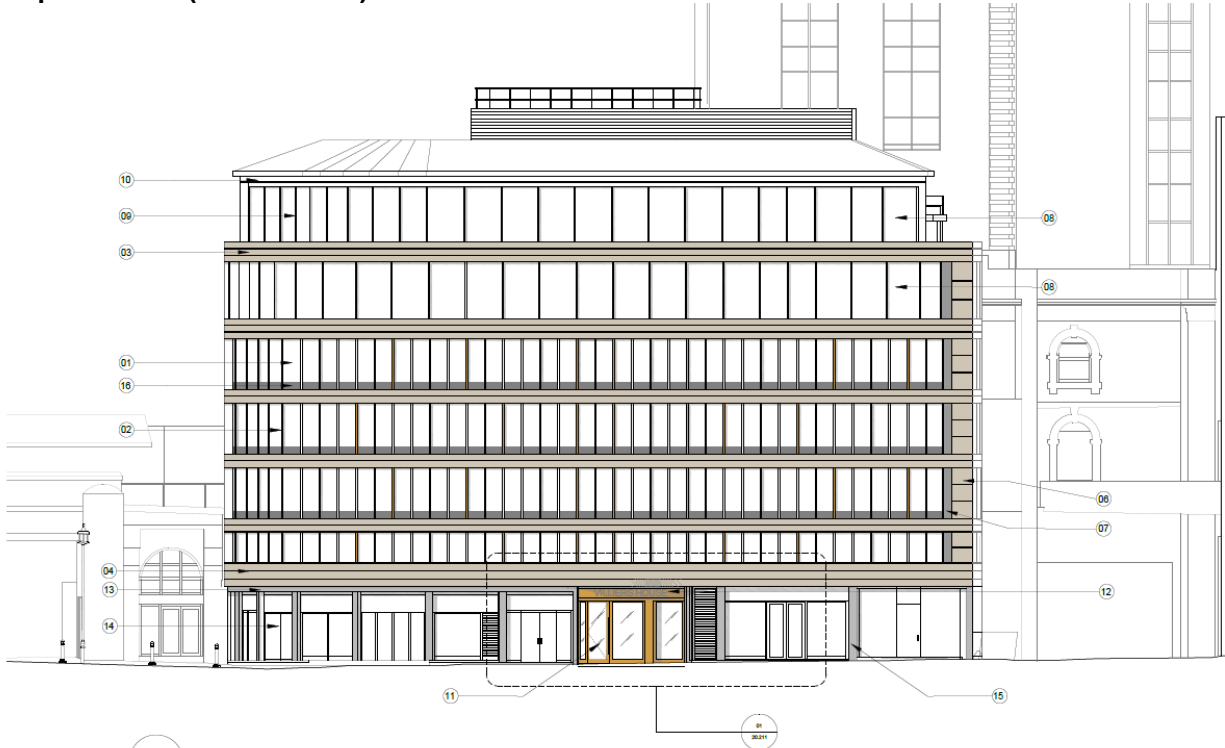


EXISTING ELEVATION (B) scale 1:100@A1



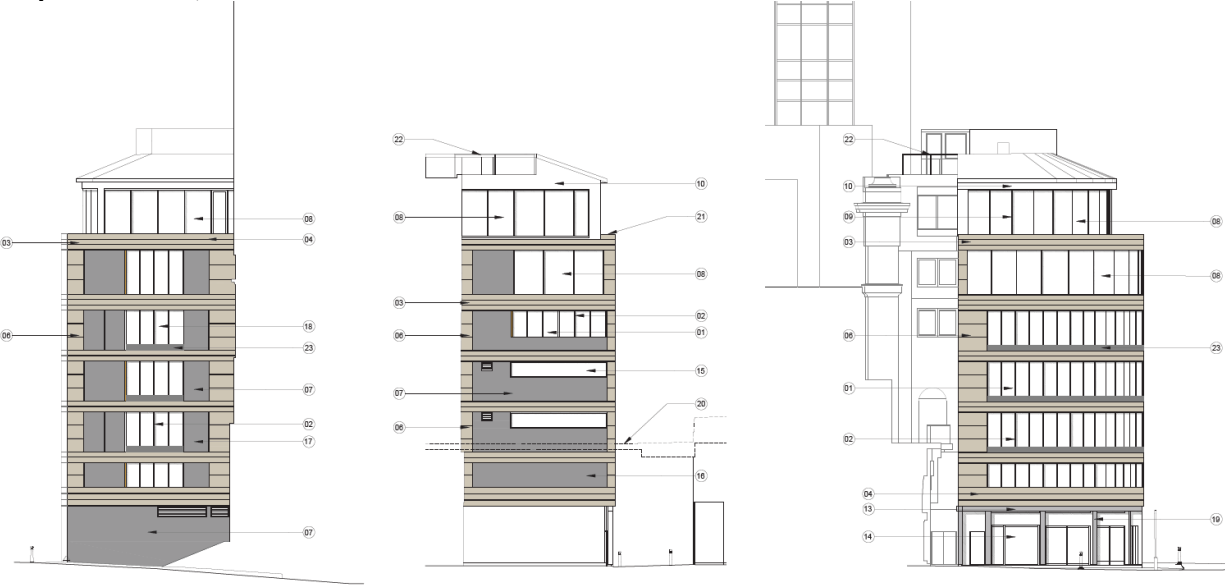
EXISTING ELEVATION (C) scale 1:100@A1

**Proposed East (Villers Street) Elevation**



01 Proposed East Elevation  
20.201  
1:100@A1, 1:200@A3

**Proposed North, West and South Elevations**



01 Proposed North Elevation  
20.201  
1:100@A1, 1:200@A3

02 Proposed West Elevation  
20.201  
1:100@A1, 1:200@A3

03 Proposed South Elevation  
20.201  
1:100@A1, 1:200@A3

**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-C; ML2651-G-104-A; ML2651-G-901; ML2651-G-899; ML2651-1-899; ML2651-2-899; ML2651-3-899; ML2651-4-899; ML2651-5-899; ML2651-6-899; ML2651-7-899; ML2651-R-901; ML2651-G-7-860; ML2651-G-7-861; ML2651-G-862; ML2651-G-905; ML2651-G-906; 1840-BG-ZZ-00-DR-A-20.201 P1; 1840-BG-ZZ-01-DR-A-20.202 P1; 1840-BG-ZZ-02-DR-A-20.203 P1; 1840-BG-ZZ-03-DR-A-20.204 P1; 1840-BG-ZZ-04-DR-A-20.205 P1; 1840-BG-ZZ-05-DR-A-20.206 P1; 1840-BG-ZZ-06-DR-A-20.207 P1; 1840-BG-ZZ-07-DR-A-20.208 P1; 1840-BG-ZZ-00-DR-A-20.210 P1; 1840-BG-ZZ-00-DR-A-20.251 P1; 1840-BG-ZZ-00-DR-A-20.252 P1; 1840-BG-ZZ-00-DR-A-20.253 P1; 1840-BG-ZZ-00-DR-A-20.270 P1; 1840-BG-ZZ-00-DR-A-20.271 P1; 1840-BG-ZZ-00-DR-A-20.211 P1; Planning Compliance Review Report 17444.PCR.01 dated 18 April 2018, prepared by KP Acoustics Ltd; Email from Montagu Evans dated 4 October 2018 and attachments; VENIS 100202103 MIRAGE WHITE sample; UA Anolok 545 sample.

**Case Officer:** Sebastian Knox

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

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

- 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square 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)

- 4 You must apply to us for approval of details of the following parts of the development: -
- i) Detailed drawings at 1:10 and sections at 1:5, specifying materials, of the main entrance door and canopy;
  - ii) Details of window manifestation treatment, including appearance, manufacturer's specification and applied sample to be viewed on site;
  - ii) Specification and material sample(s), to be viewed on site, of materials to be used to clad the roof-level structure.

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 drawings. (C26DB)

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 Trafalgar Square 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)

- 5 You must carry out the works in accordance with the facing material samples approved by the City Council as listed in the above decision notice or in accordance with other facing material samples subsequently submitted to and approved by the City Council.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square 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)

- 6 (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 LA90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

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. (R46AB)

- 7 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 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. (R48AA)

- 9 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)

- 10 **Pre Commencement Condition.** The development hereby permitted shall not be commenced until detailed design and method statements have been submitted to and approved in writing by the City Council in consultation with London Underground. These statements must:
- provide details on the use of tall plant and scaffolding
  - accommodate the location of the existing London Underground structures and tunnels

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

**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 Conditions 6, 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

**CONSIDERATE CONSTRUCTORS:**

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>