

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Turner House, 16 Great Marlborough Street, London, W1F 7HS,		
Proposal	Alterations including 7 th floor roof extension, alterations to office and retail entrances/shopfronts on Great Marlborough Street; reconfiguration of western lightwell elevation, installation of photovoltaic panels, green roofs, new extract ventilation duct and new plant enclosure at roof level and creation of office and residential terraces. Use of lower ground, part ground and part 1st to part 7th floors as offices (Class B1); use of part ground floor for dual/alternative retail (Class A1) or restaurant (Class A3) purposes; reconfiguration of existing flats and provision of one additional flat; use of basement to provide plant, cycle parking/showers waste storage and car parking (site includes 11 Ramillies Place).		
Agent	CBRE		
On behalf of	Lazari Properties 3 Ltd		
Registered Number	18/09167/FULL	Date amended/ completed	20 March 2019
Date Application Received	26 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	-		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is a modern development, dating from the late 1980s, which comprises a ground floor retail/café use (sui generis), offices and light industrial floorspace (Class B1), which is currently occupied by a broadcasting company, and six flats accessed from the rear of the site (11 Ramillies Place). Parts of the building are conditioned for use by the existing tenant and so will have 'nil' planning use once it is vacated by the current occupier.

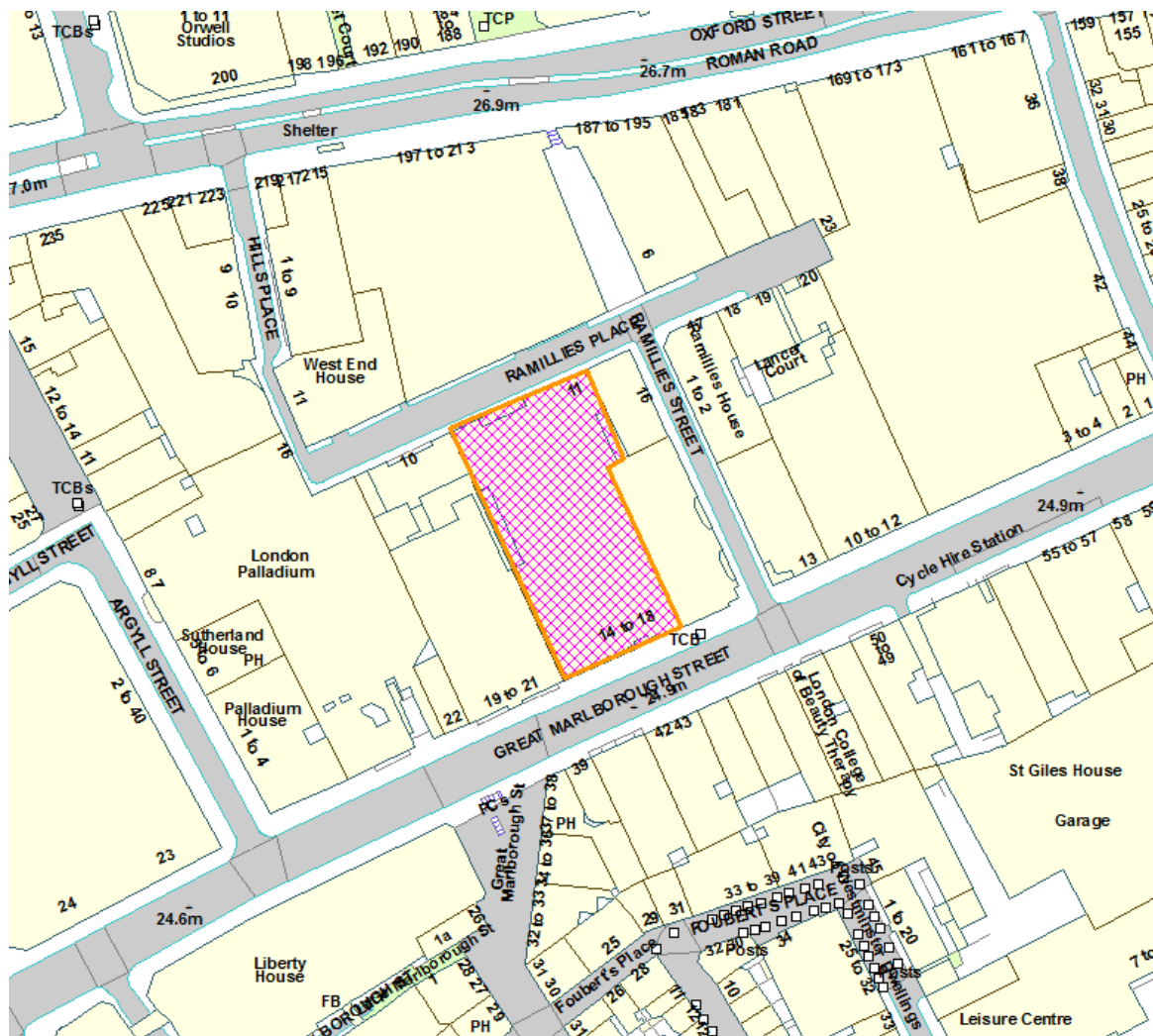
The scheme involves alterations and extensions to the building, including a seventh floor roof addition, in connection with the use of the upper floors as offices. The existing residential accommodation would be reconfigured and an additional flat provided. In addition, the existing mixed

use retail/café unit would be slightly enlarged for use as either a retail shop (Class A1) or a restaurant (Class A3). The key issues are:

- the acceptability of the scheme in land use terms, in particular the potential Class A3 use;
- the impact of the proposals upon the amenity of neighbouring properties;
- the acceptability of the proposals in design terms, their impact on views from neighbouring conservation areas and on the Strategic Viewing Corridor from Primrose Hill to the Palace of Westminster (as it breaches the development plane).

Subject to appropriate conditions, the scheme is considered acceptable in land use, amenity and design terms and the application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

GREATER LONDON AUTHORITY

No objection: negligible impact on the viewing corridor

CROSSRAIL

No objection subject to safeguarding conditions.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally

LONDON BOROUGH OF LAMBETH

Any response to be reported verbally

LONDON BOROUGH OF SOUTHWARK

Any response to be reported verbally

HISTORIC ENGLAND

Do not wish to comment

SOHO SOCIETY

Unspecified objection to proposed Class A3 use, 'would like to see it classed as A1'

HIGHWAYS PLANNING

No objection to revised scheme subject to conditions

CLEANSING

Revised arrangements for storage of refuse and recyclable materials acceptable

ENVIRONMENTAL HEALTH

No objection subject to conditions

THAMES WATER

No objection, request informatives regarding surface water drainage, sewerage, waste water and construction issues.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154;

Total No. of replies: 1

No. of objections: 0

No. in support: 1

Letter of support from the neighbouring Photographers' Gallery

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This is an unlisted building on the north side of Great Marlborough Street, with a rear frontage on Ramillies Place, comprising basement, lower ground, ground and first to sixth floors. The basement comprises parking and plant areas. There is a mixed use café/bakery (sui generis) on part ground floor, six flats on part first to sixth floors (known as 11 Ramillies Place) and a mixture of office (B1a) and light industrial use (B1c) floorspace, including a small broadcasting studio, editing suites and archives (currently occupied by Turner Broadcasting) in the remainder of the building. There is a significant amount of plant and large numbers of satellite dishes on the roof of the building associated with its current occupancy.

To the east, the site abuts offices at 14-15 Great Marlborough Street – which formed part of the original development with the application site - and the Photographers' Gallery at 16-18 Ramillies Street. To the west of the site is The Courthouse Hotel (19-21 Great Marlborough Street/10 Ramillies Place). Buildings in the area are largely in commercial use although records indicate that, in addition to the six flats on the upper floors of the application building, there are flats above the public house at 37-38 Great Marlborough Street and ten flats on the upper floors of No.39. There is also permission for a top floor flat within a new restaurant/office development at 47 Great Marlborough Street (under construction).

The site is within the core Central Activities Zone, the Soho Stress Area and the West End Special Retail Policy Area. It is not within a conservation area but lies adjacent to the Regent Street conservation area (to the west) and the Soho conservation area (to the south and east). It is also within the Strategic Viewing Corridor from Primrose Hill to the Palace of Westminster and falls within the safeguarding area for Crossrail 1. The building is located immediately adjacent to a grade II listed building at 19- 21 Great Marlborough Street

6.2 Recent Relevant History

The property was erected pursuant to a 1997 permission (97/00006/FULL) for the redevelopment of 14-18 Great Marlborough Street to provide a new building on basement, lower ground, ground and six upper floors for office, light industrial, dual alternative retail/restaurant and residential uses, incorporating basement parking and roof level plant.

Further permission was granted on 25 June 1998 (98/02611/FULL) for amendments to the approved scheme, including alterations to the basement, fourth to sixth floors and rooftop plant. The scheme provided 955 sqm of light industrial floorspace on the lower ground floor and 230 sqm on the ground floor of the application site. Condition 3 of the permission prevented the use of this light industrial floorspace for any other purpose.

17 October 2001 Separate permissions granted for the installation of a balustrade at sixth floor level and for the installation of 2 no, 2.4m diameter satellite dishes at roof level.

On 22 January 2002, personal permission was granted to Turner Broadcasting Services Europe Ltd to vary Condition 3 of the 1998 permission to reconfigure and increase the light industrial floorspace within the building to approximately 1248 sqm. The scheme replaced 788 sqm of first floor office accommodation with light industrial floorspace, to provide a television studio, and reduced the amount of light industrial floorspace on the lower ground and ground floors, replacing this with general office accommodation. The retained light industrial

floorspace at lower ground (245 sqm) and ground floor levels (215 sqm), was to be used as editing and programme production suites.

Condition 18 of the 1998 permission, which prevented access between the light industrial and office accommodation, to stop the encroachment of the general office use, was also removed on the basis that the building was occupied by the same user and that this restriction was impractical in terms of day-to day operation of the applicant's business.

A further condition was imposed to protect the retained light industrial floorspace on lower ground, ground and first floor levels (01/07998/FULL).

By early 2004, part of the lower ground floor was used for general office purposes (713sqm) and part (245 sqm) for light industrial purposes. A separate area (320sqm) provided ancillary storage accommodation for the ground floor retail unit.

On 1 April 2004, personal permission was granted to Turner Broadcasting Services for the use of the lower ground floor for light industrial purposes (04/00547/FULL). This permission was subject to a condition to prevent the use of this accommodation for any other purpose.

This 2004 proposal necessitated the relocation of general office floorspace (120 sqm) to the rear part of the western ground floor retail unit, leaving a retail unit of 240 sqm at part ground floor level. Consequently, also on 1 April 2004, personal permission was granted to Turner Broadcasting Services the use of this space for unrestricted Class B1 purposes (04/00548/FULL).

A condition was also imposed on the latter permission (04/00548/FULL) to limit the use of this space for light industrial purpose. In pre-application discussions, the applicant's view was that this condition has no effect as the permission 'did not permit any B1c light industrial floorspace'. However, although the condition was evidently imposed in error, officers consider that it does 'bite' and effectively limits the use of that floorspace to Class B1c.

The lower ground floor uses permitted by the 2004 approval (04/00547/FULL) necessitated the installation of additional generators in the basement car park. Consequently, permission was granted on 8 September 2004 (04/05896/FULL) for the use of seven basement car parking spaces for the storage of generator equipment. This permission was also personal to Turner Broadcasting. The officer's report states that six residential car parking spaces were to be retained for the existing flats

None of the personal permissions detailed above included reversion conditions. Consequently, upon vacation of the premises by Turner Broadcasting, the areas which were the subject of these personal permissions, whether for general office use for light industrial purposes or as plant storage areas, would have 'nil' planning use.

In May 2006 further permission was granted for the use of the retained ground floor retail floorspace as a mixed retail/café use (sui generis) comprising an organic bakery and cafe for the consumption of bread-based products both on and off the premises ('Le Pain Quotidien') (05/10433/FULL). Permission was granted on the basis that the unit could lawfully be occupied as a restaurant (Class A3), as the permission for the original redevelopment was for either a Class A1 or Class A3 retail use. There was evidence that the unit had been occupied for both Class A1 and Class A3 use prior to becoming vacant for approximately two years.

10 March 2015 Permission granted for the installation of four satellite antenna on the rear roof.

7. THE PROPOSAL

The current occupants of the office/light industrial floorspace propose to vacate the building. The application is for various alterations including:

- the erection of a seventh floor roof extension;
- alterations to the Great Marlborough Street façade including modifications to office and retail entrances/shopfronts and to fenestration on the upper floors;
- the reconfiguration of the western courtyard/lightwell to introduce a sloping glass wall at first to sixth floor levels;
- the installation of photovoltaic panels, green roofs, a new extract ventilation duct and new plant enclosure at roof level;
- the creation of office and residential terraces at sixth and seventh floor level;
- the use of the lower ground, part ground, part first to part seventh floors as offices (Class B1), including the use of those areas currently occupied for light industrial purposes and office purposes under personal planning permissions;
- the use of part ground floor for dual/alternative retail (Class A1) or restaurant (Class A3) purposes;
- the reconfiguration of existing flats and provision of an additional (seventh) flat;
- the use of basement to provide plant, cycle parking/showers waste storage and seven parking spacing for occupants of the retained and new flats.

The existing and proposed floorspace figures are as follows:

	Existing (GIA) sqm	Proposed GIA (sqm)	+/-
B1(a) Office	9843*	12729	+ 2886
B1 (c) Light industrial	2297**	0	-2297
Retail/café (sui generis)	230	0	-230
A1 retail or A3 restaurant	0	249	+249
C3 Residential	928	966	+ 38
Total	13298	13944	+646

The figures * and ** include those areas which are subject to personal permission and which would benefit from 'nil' planning use once the building is vacated by the present occupier.

The application has been revised to correct the site address (to include 11 Ramillies Place; to amend the profile and materials of the proposed roof addition and details of fenestration to the front elevation, to create an additional seventh floor office terrace to the western lightwell; to show the location /number of roof level photovoltaic panels; to provide a basement parking space for all of the retained and new flats (7 spaces), to increase the level of cycle parking provision and to provide revised detailed of refuse storage provision. In

addition, the ground floor plan has been revised to show tables and chairs on the private forecourt to the front of the building and a revised draft Operational Management Plan has recently been provided in support of the proposed restaurant use.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office use

City Plan policy S20 encourages the provision of new office floorspace on sites within the Core CAZ. In these circumstances, any increase in Class B1a floorspace is considered acceptable in principle.

The scheme would result in the provision of an additional 2,886 sqm of office floorspace on the site, including those areas currently in personal office and light industrial use which would have 'nil' planning use. City Plan policy S1 encourages mixed use development in the CAZ. Where, in specified locations, including within the core CAZ, there is a net increase in B1 office floorspace, if the net additional floorspace (of all uses) is less than 30% of the existing floorspace, or less than 400sqm (whichever is the greater) or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required. Policy S1 does not apply to changes of use.

In this case, the net additional floorspace of all uses (646 sqm) is less than 30% of the existing building floorspace (13,298 sqm) and no residential floorspace is therefore required.

Light industrial use

Saved UDP policy COM 8 seeks to protect light industrial uses within the Creative Industries Special Policy Area (SPA). The site is located within the SPA as designated with the UDP. However, the City Plan no longer designates a Creative Industries SPA, acknowledging the overlap between, light industrial and general office uses and the fact that many creative industries can operate from general office premises. Consequently, the City Plan, whilst recognises that protecting and enhancing the Creative Industries is a priority – no longer protects light industrial floorspace. In these circumstances, the loss of the former light industrial floorspace on lower ground, part ground and part first floors, which will have a 'nil' planning use once the current tenant vacates the building, is considered acceptable in principle.

Residential use

The building current provides six residential units on part first to part sixth floors comprising four flats and 2 duplex apartments (5 x 1 bed and 1 x 2 bed) measuring between 55 and 110 sqm. The application seeks to retaining three of the flats, to reconfigure the reminder and to provide one additional unit, providing six flats and 1 duplex apartment (6 x 1 bed and 1 x 2 bed) measuring between 55 and 115 sqm. The majority of the existing residential floorspace at sixth floor level would be relocated to the new seventh floor extension. The two seventh floor flats would benefit from small terraces.

The scheme would provide an additional 38 sqm of residential floorspace which complies with policy H3 of the UDP and City Plan policy S14. The new accommodation is considered to provide an acceptable standard of accommodation and the creation of new private amenity space is welcomed.

UDP policy H5 seeks a range of unit sizes within new residential developments and normally requires 33% of new units to be family sized i.e. with three or more bedrooms. However, in built up central areas, a lesser proportion of family units may be considered appropriate. City Plan policy S15 also requires new developments to include a range of unit sizes. There are currently no family sized units on the site. The scheme would result in the provision of one additional 1 bed unit. In these circumstances, and given the site's central location, the proposed residential mix is considered acceptable.

Given the modest increase in residential floorspace proposed (38 sqm), this aspect of the scheme does not trigger a requirement to provide affordable housing.

Retail use

The building currently provides a mixed café/bakery use at ground floor level (sui generis). The unit, which measures approximately 230 sqm occupies three window bays. It has 90 covers inside and 12 outside. The retail element, including the bakery counter, occupies the front part of one of the three window bays.

Increase in retail floorspace

The proposal involves the reconfiguration of the existing shop unit, involving a slight increase in floorspace (19 sqm) and seeks approval for either retail or restaurant uses. The Soho Society consider that the unit should be in Class A1 retail use, rather than restaurant use. The potential use of this unit to provide a Class A1 retail shop would result in a welcome increase in Class A1 floorspace. This accords with the aims of the UDP to enhance retailing within the West End and with City Plan policies S21 and S7, which direct new retail floorspace to designated shopping areas and welcome the creation of improved retail space within the WESRPA.

It is noted that there is a slight reduction in the width of the ground floor retail resulting from the creation of an enhanced office entrance but it is not considered that this small change would have a material impact upon the attractiveness of the retail unit.

Potential loss of retail floorspace

The proposals would potentially result in the loss of an element of retail floorspace within the existing bakery/café if the reconfigured ground floor unit is converted to Class A3 use. The Soho Society has objected to the proposed restaurant use on unspecified grounds, but welcome the potential Class A1 use.

UDP policy SS5 seeks an appropriate balance of town centre uses within the CAZ, outside of the primary shopping frontages and Class A1 uses at basement, ground and first floor level are protected. Permission will only be granted for the introduction of a non-A1 town centre use on these floors where the use would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality. Additionally, proposals for non-A1 uses must not lead to, or add to, a concentration of three or more consecutive non-A1 uses or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area. City Plan policy S21 protects existing A1 retail floorspace except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let. Policy S7 seeks to maintain and enhance the unique status and offer of the West End Special Retail Policy Area.

Whilst these policies would normally seek to protect existing retail floorspace, given the nature of the existing use, the small amount of retail floor area currently occupied by the retail function, the fact that the unit was originally developed for either retail or café/restaurant use (and has a history of occupation in both uses), and as the general perception of the existing use is likely to be as a café, it is not considered that the loss of the existing retail function would have an adverse impact upon the character and function of the area. In these circumstances, the loss of the existing retail floorspace is considered acceptable.

Restaurant/cafe use

The approved plans for the existing use show seating for 90 customers – occupying approximately two-thirds of the main trading area - with an additional 12 customers on the pavement at the front of the building. The customer capacity is controlled by condition. The approved hours of use are between 07.00 and 22.00 hours on Monday to Friday and 08.00 to 22.00 hours at the weekend. This permission is subject to conditions to maintain the proposed layout, to prevent primary cooking, on the basis that no kitchen extract duct was proposed.

The current scheme could potentially result in the introduction of a Class A3 restaurant measuring 249 sqm. An internal kitchen extract duct is proposed, discharging at roof level, to facilitate primary cooking. The Soho Society has objected to the proposed Class A3 use on unspecified grounds.

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core Central Activities Zone. However, as the site is located within the West End Stress Area, the introduction of new entertainment uses is considered more sensitive and policy S6 states that “new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses”.

Given the size of the proposed restaurant and its location within the West End Stress Area, UDP TACE 9 applies. Permission will only be granted for the proposed use where the Council is satisfied that it would have no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively 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 or function of the area. The Council will have particular regard to premises capacity, opening hours, arrangements to safeguard amenity and prevent disturbance from smells, noise and vibration disturbance (including that from the use of extract/ventilation and air conditioning plant), servicing arrangements (including for the storage, handling and disposal of waste and recyclable materials) and the positioning of any tables and chairs in open areas within the curtilage of the premises. Where necessary and appropriate, conditions will be imposed to ameliorate the potential effects of the use.

City Plan policy S24 requires that proposals for new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

This part of Great Marlborough Street is characterised by commercial uses including a mixture of restaurant and office uses at ground floor level, with some isolated shop units. On

the north side of the street there are various entertainment uses including a public house, the application premises and further restaurant at No. 22 and on the corner with Argyll Street. On the southern side of the street, the frontage between the public house at 37/38 Great Marlborough Street and Poland Street, contains restaurants at Nos. 39, 42, 44 and 59. There are also several cafés on the return frontage (32-36 Great Marlborough Street), which form the gateway to Carnaby Street. There is also extant permission for the redevelopment of 47 Great Marlborough Street behind the retained front facades. The approved schemes includes a dual Class A1/A3 units.

Apart from the flats at the rear of the site, the closest residential properties to the proposed restaurant are at 37-39 Great Marlborough Street (above an existing public house and restaurant) and the existing and proposed flats on the top floor of the building and a new flat at 47 Great Marlborough Street, above an approved restaurant. However, given the largely commercial character of this busy area, and the nature of the existing use, which includes a significant café component, it is not considered that the proposed Class A3 use would, if adequately controlled, have a material impact on the character and function of this part of the Soho conservation area.

As the scheme includes a new flat and refurbished/extended offices and flats, the applicant has every incentive to ensure that the restaurant can operate without adversely affecting the amenity of future occupiers or the environmental quality of the area. To ensure this, conditions could be imposed to control the opening times, premises capacity, the nature of the use and the size of any ancillary bar (which would be used only by diners before and after meals).

This is a speculative application which is supported by a draft Operational Management Plan (OMP). The OMP sets out a number of guiding principles for the proposed restaurant operation and acknowledges that, given its location within the Stress Area, the premises would require careful management to safeguard local amenities. The OMP includes various measures designed to ameliorate the impact of the proposed use including:

- Restaurant opening between 08.00 and 23.30 on Monday to Saturday and from 09.00 to 22.00 on Sundays;
- Customer capacity of 110 within the building. The submitted plans also show tables and chairs for 15 customers at the front of the building. The Highways Engineer has advised that this space is public highway. As the application does not include tables and chairs on the highway, an informative is recommending reminding the applicant of the need to obtain separate planning permission;
- Entrance doors to remain shut except for access and egress. (The restaurant windows are fixed shut);
- Table bookings will be undertaken on a staggered basis to prevent large groups of people entering/leaving the premises at the same time and to prevent queuing;
- undertakings to encourage customers to leave the restaurant quickly and quietly, with signage displayed at the exits requesting patrons to respect the needs of local residents and businesses;
- for the operator to make arrangements with a hackney carriage and/or private carriage firm to provide transport for customers. Contact numbers will be made readily available to customers who will be encouraged to use such services and to wait inside the premises until their taxi has arrived. Customers will be discouraged from using Ramillies

Street (where the residential entrance is located) and guests using pre-booked taxis will be encouraged to ask the driver to collect them from Great Marlborough Street;

- to ensure that the future operator to implement robust management structure to ensure compliance with statutory regulations and public safety requirements. Experienced and professional staff will be employed. It is considered that any finalised OMP should include a protocols dealing within any complaints received and to appropriate measures in place to address any concerns raised;
- to ensure that all restaurant servicing takes place from the kerbside on Ramillies Place
- the operator will install a glass grinder to ensure silent disposal of bottles;
- to encourage customer smoking to take place outside the premises on Great Marlborough Street (where an ash tray will be provided) and to ensure that cigarette butts are regularly swept up throughout the day. Staff will be discouraged from smoking on Ramillies Street.

These commitments are welcome. However, it is considered appropriate to require a finalised OMP to be submitted and approved, once a tenant has been identified and before the use commences, to ensure that adequate safeguards are in place.

This proposed internal capacity (110 customers, not counting potential outside seating) is not significantly different from that approved for the existing use (90 internally and 12 outside) and reflects the increase in total floor area and the loss of the existing retail floorspace. The proposed operating hours are consistent with advice in the UDP where for entertainment uses in predominantly residential areas, conditions will be imposed to prevent customers remaining on the premises after midnight on Sundays to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights (with some permitted extensions on days preceding Bank Holidays). As this is not a predominantly residential area, the proposed opening hours are considered reasonable. They are the same as the approved hours for the restaurant at 42 Great Marlborough Street, opposite the site (capacity 225), and are less than those more recently approved for a new restaurant use at 47 Great Marlborough Street (07.00 to 24.00 hours) and are not significantly later than those already permitted for the site (until 22.00 hours) and reflect the nature of the proposed use.

Given the nature of the existing use, subject to conditions to control the proposed operation, including a restriction on capacity and the hours of operation, conditions to prevent hot food takeaway sales and the operation or servicing of a food delivery service, and a requirement for the submission of a finalised OMP which includes measures to protect residents' amenity, it is not considered that the proposed use would have an adverse impact in the amenity or environmental quality of the area and the use is considered acceptable in land use and amenity terms. The impact of the use in highways terms is detailed in section 8.4 below.

8.2 Townscape and Design

Turner House is a 1990s unlisted building located outside of a conservation area. The boundary of the Soho Conservation Area runs immediately to the south and west of the site and there are several listed buildings located in close proximity, including the neighbouring grade II listed building at 19- 21 Great Marlborough Street. The building is also located within the protected strategic view 4A.2 from Primrose Hill to the Palace of Westminster. The building is located in a sensitive location in heritage asset terms and forms an important part of the setting of the neighbouring conservation area as well as the adjacent listed building.

The existing development exceeds the height of the development plane of the strategic view 4A.2 by approximately 1.6m, although this amount is variable in different locations across the site. UDP policy DES 14 (Strategic Views) seeks to protect and enhance strategic views of St Paul's Cathedral and the Palace of Westminster. The policy resists development where the height of the development plane is exceeded by the proposed development and the strategic views are interrupted. The proposal involves the removal of an existing plant area at rear roof level, associated with the existing occupier, and the erection of an additional storey with lift overruns projecting above. The existing plant enclosure to the front of the roof is retained. The proposed development would result in an overall increase of a further 1.8m above the development plane, to the lift overruns, and 0.9m to the proposed parapet. In addition to the existing breach, the building would exceed the height of the development plane by a maximum of 3.4m, although this amount varies across the site. Given this breach above the development plane, the proposal is contrary to DES 14.

Notwithstanding this breach, when viewed from Primrose Hill (which is 3.1km from the proposal site), the impact of the proposed increase in development height on views of the Palace of Westminster would be imperceptible. The proposed development results in a marginal breach which does not obscure the Palace of Westminster and does not interrupt the strategic view towards this point. The proposal for areas of green roof will soften the appearance of the development from high level and in long views. On balance therefore, the proposal is recommended for approval due to the particular circumstances of this case and the limited impact of this proposed development on the protected views of the Palace of Westminster. Conditions to limit additional plant and clutter on the roof are recommended. The Greater London Authority have raised no objection to this increase in height above the development plane.

The proposed roof extension will also be visible from street level, particularly from the Great Marlborough Street/ Carnaby Street junction. Negotiations with the applicant have secured amendments to the original design in order to reduce the visual impact of the proposed roof extension from street level. The pitching of the lightwell infill and stair core have reduced the bulk at this level and improved the overall form of the new roof storey, which now relates more successfully to its context and reduces the impact on the setting of the adjacent listed building. Original proposals for glazed lift overruns were considered unacceptable, being incongruous in the context of the palette of the roofscape and materials in this area. The revised proposals now show zinc cladding to the overruns, which is considered acceptable. The revised design is considered acceptable from street level views at the Great Marlborough Street/ Carnaby Street junction and will preserve the setting of the adjacent listed building and conservation. Given the limited width of Ramillies Place, visibility from the rear will be very limited and the proposed development is considered acceptable.

The partial infill of the existing lightwell is also considered acceptable in design terms, given the amended design which incorporates a pitch at roof level to reduce its impact from street level. The proposed alterations to the front (south) façade have also been amended. An original proposal to remove the central bay of windows and replace them with frameless glazing was considered to disrupt the consistency of fenestration on this large façade. The central bay of windows will now be retained as existing, in keeping with the fenestration pattern of the south façade. The proposed alterations at ground and first floor level are considered uncontentious in design terms.

In conclusion, whilst the proposal is contrary to DES 14, the application is recommended for approval due to its imperceptible impact on the strategic view 4A.2. The proposal is compliant with DES 6 and will preserve the setting of nearby listed buildings and the adjacent conservation area, in compliance with DES 9 and DES 10. The application is therefore recommended for approval in design terms.

8.3 Residential Amenity

The application site is located in a primarily commercial area. Records indicate that the nearest residential premises are on the upper floors of the building and opposite, at 39 Great Marlborough Street.

Sunlight and Daylight

The scheme proposes an increase in height and bulk at seventh floor level, towards the rear of the site. The application is accompanied by a detailed daylight and sunlight assessment which demonstrates that, given the relationship of the proposed extensions to neighbouring sites, there would be no material loss of light to neighbouring flats. Any reductions in daylight levels would be under 1%, well below the 20% threshold set down in the BRE guidance. Additionally there would be no reduction in annual or winter sunlight to any of the properties tested.

Similarly, it is not considered that the proposals would have a material impact on the levels of light received to neighbouring commercial premises, including the neighbouring Photographers' Gallery, which does not have any windows facing the application site.

Sense of Enclosure

Given the relationship of the proposed extension to neighbouring properties, it is not considered that the proposed roof extension would result in any material increase in the sense of enclosure to neighbouring windows.

Privacy

The existing development includes office terraces at fourth and fifth floor level, in the western lightwell adjacent to the neighbouring hotel, and a 'wrap around' terrace to the front and west side of the building together with a smaller terrace on the east side of the building overlooking the rear of the Photographers' Gallery – both at sixth floor level.

The proposal removes the fourth and fifth floor western terraces, enclosing these behind the new sloping wall within the lightwell, and also encloses the sixth floor terrace on the east side of the building. A new office terrace, fronting Ramillies Place, a sixth floor office terrace to the western lightwell and two new seventh floor residential terraces overlooking the blank western facade of the Photographers' Gallery, will be provided.

Given the relationship of the proposed terraces to neighbouring properties, and the use of these buildings, it is not considered that the creation of the new terraces would adversely affect the amenity or operation of neighbouring commercial buildings or would affect the amenity of other flats within the development. Similarly, it is not considered that the new windows within the proposed extensions would result in any material loss of privacy to neighbouring properties.

In view of the above, it is not considered that the proposed development would result in a loss of amenity to neighbouring properties and the scheme is therefore considered to comply with UDP policy ENV 13 and S29 of the City Plan.

8.4 Transportation/Parking

Parking/cycle parking

The 2008 permission approved the use of 7 basement parking spaces to provide broadcasting equipment required by the applicant, and was approved on the basis that six parking spaces for the existing flats would be retained. On the basis that this permission was personal to Turner Broadcasting, this space would have 'nil' planning use.

The original application showed the provision of five basement level parking spaces for the development, three of which were designated for residents' parking. The Highways Planning Manager expressed concern about the absence of parking for the additional flat proposed but suggested that the shortfall could be addressed through a requirement for the developer to provide car club membership for occupants of the new flat. However, given the planning history, it was considered that that parking should be re-provided for the existing flats, with an additional parking space for the new unit. The application has since been revised to show the provision of seven residential parking spaces. This complies with policy TRANS 25 of the UDP and would be secured by condition

The site is centrally located and close to good public transport links. It is considered that the level of parking demand associated with the proposed office and Class A uses would be similar to the existing. The site is in a Controlled Parking Zone and anyone accessing the site by car will be subject to local parking controls.

Cycle parking

There are currently 16 cycle spaces within the basement. London Plan policy 6.9 would require 1 cycle space to be provided per 90 m² of office floorspace, one space per 175 m² for Class A uses, 1 space per residential dwelling, with 2 spaces for each dwelling comprising two or more bedrooms. Based on the floorspace within the development, the policy requirement would be for a minimum of 2 cycle spaces for the Class A use and 142 spaces for the Class B1 use, and 8 spaces for the flats.

The plans have been revised to show 140 parking spaces (increased from 120) in the basement. These spaces would be accessed via a dedicated cycle lift at the rear of the site. (There is also a cycle stair rail for use in the event of an emergency). This increased level of cycle parking is welcomed and is considered sufficient to meet the needs of the development. The cycle parking would be secured by condition. The provision of staff showers and lockers is welcomed

Servicing

The servicing demands of the proposed development are likely to be similar to those of the existing uses. There are yellow lines in the vicinity of the site where loading and off-loading can take place. The draft Operational Management Plan confirms that all servicing will take place from the highway on Ramillies Place. This is considered acceptable. However, given the servicing demands associated with a food retail use (supermarket) a condition is recommended to prevent such use in the event that the unit is occupied for Class A1 purposes.

Crossrail

The site falls within the Crossrail safeguarding line. Crossrail raised no objection to the revised proposals subject to conditions.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed

8.6 Access

Access arrangements remain unchanged

8.7 Other UDP/Westminster Policy Considerations**Plant**

The scheme provides replacement plant at roof level, and within the basement. The application is accompanied by an acoustic report. The Council's Environmental Health Officer has raised no objection to the plant proposals subject standard conditions relating to noise and vibration. The proposal is therefore considered to comply with UDP policy ENV7 and S32 of the City Plan

Dispersal of cooking smells

The application drawings include proposals for a full height kitchen extract duct which runs through the building and discharges at roof level. The Environmental Health Officer has confirmed that the proposed arrangements for the dispersal of cooking smells are acceptable and would safeguard the amenity of flats within the application building and occupants of neighbouring property. Subject to a condition requiring the extract duct to be provided prior to the commencement of a restaurant use, this aspect of the scheme is considered acceptable and complies with UDP policy ENV5 and S31 of the City Plan.

Refuse /Recycling

The application has been revised to provide amended details of storage for refuse and recyclable materials, which were considered inadequate. The amended plans show separate office and residential storage waste stores at basement level, and a waste store for the retail/restaurant unit at rear ground floor level.

The Project Officer (Waste) has confirmed that the revised details are now acceptable. These arrangements will be secured by condition. It is noted that there is internal access link between the proposed Class A1/A3 unit and the rear refuse/recycling store. However, this replicates the existing situation.

Biodiversity

The scheme includes new areas of green/living roofs on the building. This would increase the site's contribution to the biodiversity of the area and is welcomed, complying with policy S38 of the City Plan. A condition is recommended requiring full details of the construction and planting of these areas.

Sustainability

City Plan policy S28 states that new development must incorporate exemplary standards of sustainable design which should reduce energy use and emissions that contribute to climate change during the lifecycle of the development and to ensure the reduction, reuse or recycling of resources and materials. An extended life-time of the building itself should be achieved through excellence in design and the use of high quality durable materials and the efficient operation of the building.

The London Plan provides a framework for achieving sustainable development. Policy 5.3 requires that the highest standards of sustainable design and construction to be achieved to improve the environmental performance of new developments.

The application is supported by a sustainability report which details proposed measures to achieve these policy objectives. The development will include photovoltaic panels at roof level and will utilise thermally efficient building materials and include energy efficient heating, lighting and water systems and install energy efficient appliances. A BREEAM Pre-Assessment report has been provided in relation to the refurbishment of the non-domestic parts of the building which estimates that the development will 'achieve a 'very good' rating.

The proposed energy efficiencies are welcomed and comply with relevant local plan and London Plan policies.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

Not relevant

8.10 London Plan

As the proposals breach the development plane within the Strategic Viewing Corridor from Primrose Hill to the Palace of Westminster, the application has been referred to the GLA. They have raised no objection to the application, considering that the proposals would have a negligible impact on the viewing corridor.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence Crossrail safeguarding requirements. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

The development does not trigger any planning obligations.

The estimated Westminster CIL payment is £161,619.19. The mayoral CIL is estimated at £114,030.

8.13 Environmental Impact Assessment

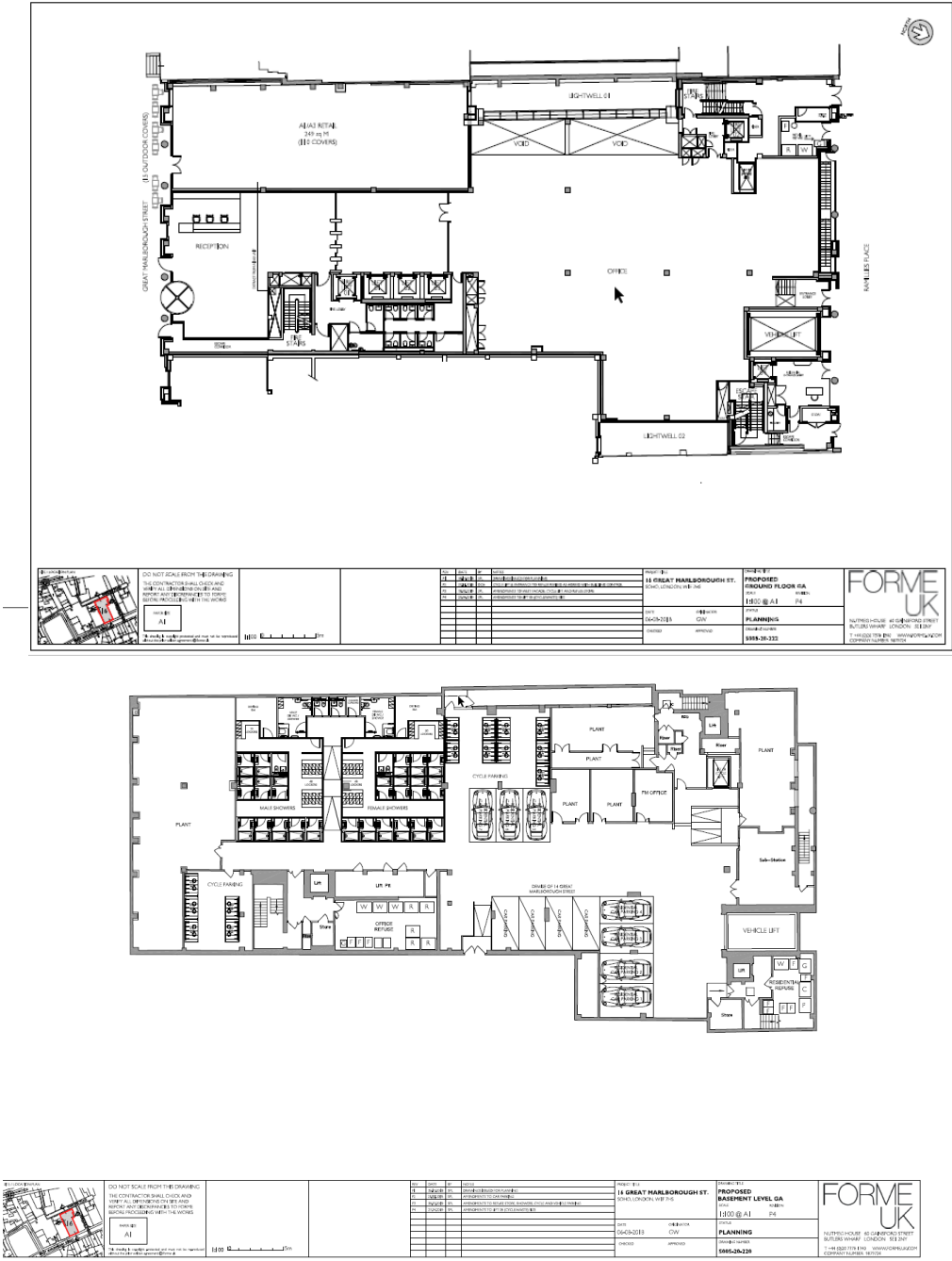
An Environmental Impact Assessment is not required given the nature of the development.

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

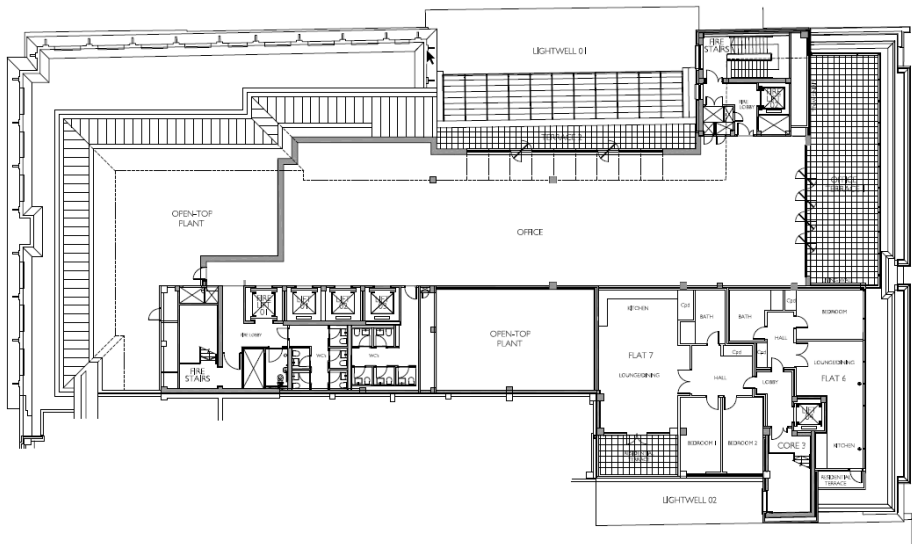
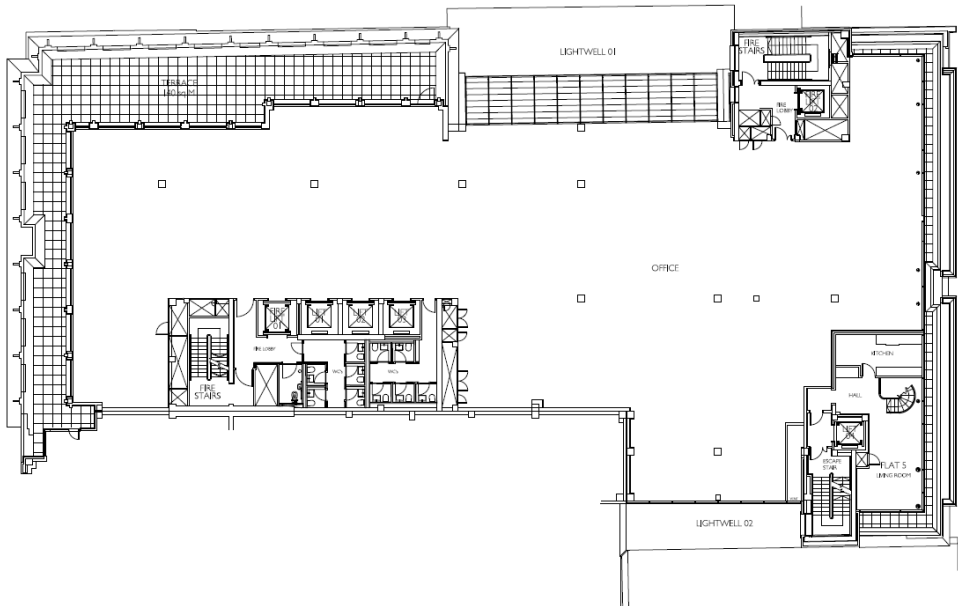
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

Proposed basment and ground floor plans



Proposed sixth and seventh floor plans



DO NOT SCALE FROM THIS DRAWING
THE CONTRACTOR SHALL CHECK AND
VERIFY ALL DIMENSIONS ON SITE AND
REPORT ANY DISCREPANCIES TO FORME
BEFORE PROCEEDING WITH THE WORKS

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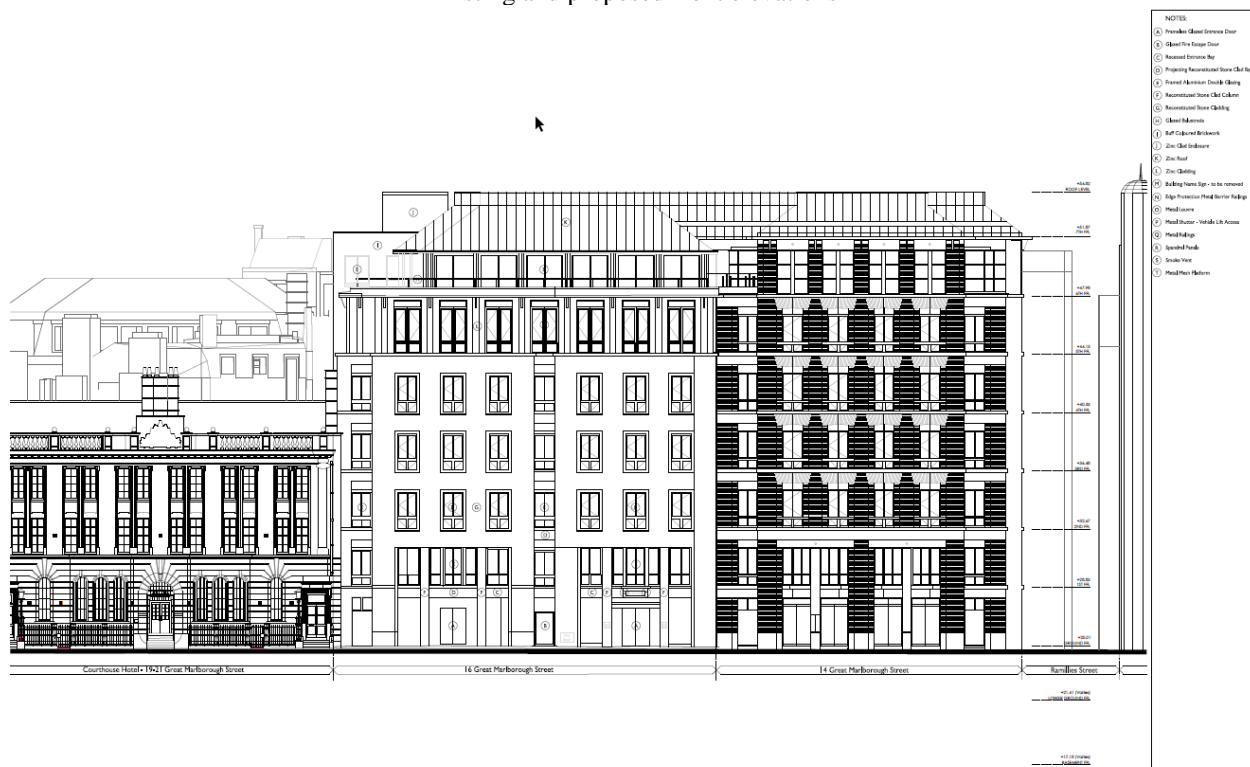
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PROJECT ADDRESS	14 GREAT MARLBOROUGH ST.
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PROJECT CONTACT	FORME
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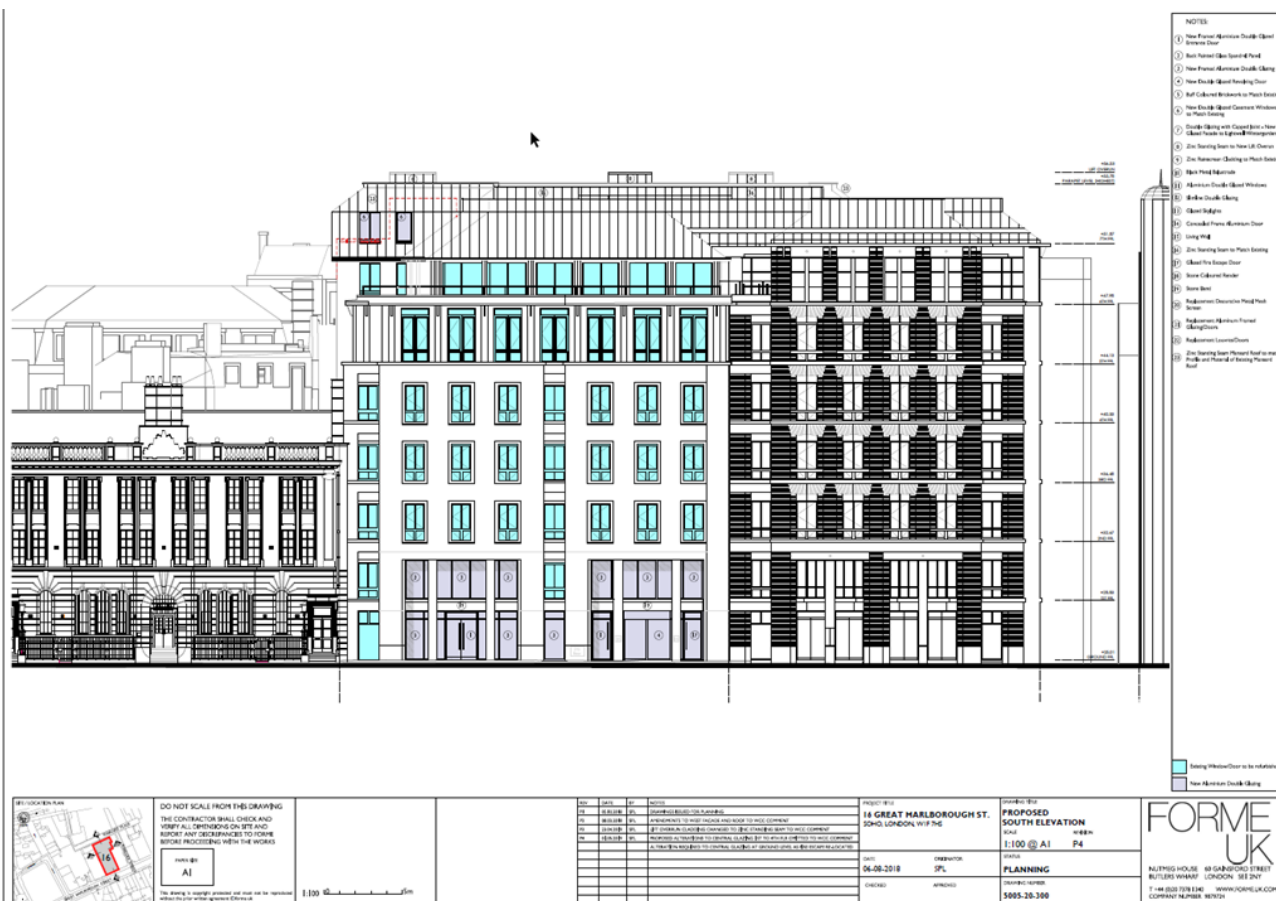
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Existing and proposed front elevations



	<p>DO NOT SCALE FROM THIS DRAWING</p> <p>THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO FORME BEFORE PROCEEDING WITH THE WORKS</p> <div><div>1:100 @ A1</div><div>1:100 @ A1</div></div>		<table><thead><tr><th>NO.</th><th>DATE</th><th>BY</th><th>REVISION</th></tr></thead><tbody><tr><td>1</td><td>06-08-2018</td><td>SPL</td><td>ISSUED FOR 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DRAFT DECISION LETTER

Address: Turner House, 16 Great Marlborough Street, London, W1F 7HS,

Proposal: Alterations including 7th floor roof extension, alterations to office and retail entrances/shopfronts on Great Marlborough Street; reconfiguration of western lightwell elevation, installation of photovoltaic panels, green roofs, new extract ventilation duct and new plant enclosure at roof level and creation of office and residential terraces. Use of lower ground, part ground and part 1st to part 7th floors as offices (Class B1); use of part ground floor for dual/alternative retail (Class A1) or restaurant (Class A3) purposes; reconfiguration of existing flats and provision of one additional flat; use of basement to provide plant, cycle parking/showers waste storage and car parking (Site includes 11 Ramillies Place).

Reference: 18/09167/FULL

Plan Nos: 5005-20-/220 Rev P4, 221 Rev P2, 222 Rev P4, 223 Rev P2, 224 Rev P2, 225 Rev P2, 226 Rev P2, 227 Rev P2, 228 Rev P2, 229 Rev P2, 230 Rev P2, 300 Rev P4, 301 Rev P3, 302 Rev P3, 304 Rev P2, 305 Rev P2

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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 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 The railings hereby approved shall be formed, and permanently maintained, in black painted metal

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located.

You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

6 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

Living roof

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

8 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

9 (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)

10 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)

11 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant use 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 permitted hours of use. The activityspecific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant use 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 permitted hours of use. The activityspecific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

(a) The location of most affected noise sensitive receptor location and the most affected window of it;

(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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. (R47AB)

12 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. (R49AA)

13 Customers shall not be permitted within the restaurant premises before 08.00 or after 23.30 hours on Monday to Saturday and before 09.00 or after 22.00 hours on Sundays

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV6 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

14 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

15 Any bar area within the restaurant must be ancillary to the restaurant use and must be used to serve restaurant customers only, before, during or after their meals. You must only use the rest of the premises as a sit-down restaurant with waiter service. You must not use it for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

(C05FB)

Reason

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

16 You must not operate a delivery service or permit a delivery service to be operated from the restaurant premises.

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

17 The capacity of the restaurant hereby approved shall not exceed 90 customers (excluding the use of any outside space)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and of our Unitary Development Plan that we adopted in January 2007. (R05CC)

18 You must provide the waste store shown on drawing 5005-20-220 Rev P4 and 222 Rev P4 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

19 You must apply to us for approval of a management plan which should show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us.

You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

20 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

21 You must provide at least one parking space for each of the residential flats in the development. The parking spaces reserved for residents must be clearly identified. (C22CA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

22 No waste shall be stored on the highway

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

23 The kitchen extract duct to Class A3 use hereby approved shall be fully installed prior to the commencement of any Class A3 use

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

24 In order that Crossrail is satisfied that the surcharge applied on top of its tunnels does not exceed the design envelope of the tunnels, the developer shall submit Category II (independently) checked and certified calculations detailing foundation load reactions, resolved to a distributed equivalent UDL at the depth of the underside of foundations,

1. Details to be submitted prior to commencement of Demolition (Deconstruction works):

A: (pre-existing surcharge loading) Unfactored dead load, superdead load and live load components

B: (minimum surcharge loading during deconstruction) unfactored dead load components

2. Details to be submitted prior to commencement of Construction works: (proposed surcharge loading) Unfactored dead load, superdead load and live load components for the proposed development

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

25 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)

26 Should the Class A3 use hereby permitted be implemented, all restaurant doors (except for access and egress) and all windows shall be kept closed.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

28 Should the Class A1 retail use be implemented, the unit shall not be occupied as a retail food supermarket.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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, neighbourhood plan (where relevant), 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 lease contact Thames Water for advice re sewerage, water pressure etc. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service

Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

- * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.

- * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

- * Lighting - ensure luminaires can be safely accessed for replacement.

- * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

6 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)

7 Manual-handling accidents account for 38% of all reported accidents. Careful consideration at the design stage can eliminate or reduce the need for manual handling within buildings, for example the location of delivery areas in relation to store rooms and access to and the position of plant rooms.

There is more guidance on the Health and Safety Executive website at <http://www.hse.gov.uk/msd/index.htm>. (I80EB)

8 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)

9 You are reminded that further planning permission is required to place tables and chairs on the public highway outside the building.

10 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground floor shop unit can change between the Class A1 retail and Class A3 restaurant/cafe uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

11 You may need separate licensing approval for the restaurant/cafe premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)

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.