

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>222 Strand, London, WC2R 1BA</b>		
<b>Proposal</b>	Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, new plant equipment at roof level; and associated internal and external alterations.		
<b>Agent</b>	K D Paine & Associates Ltd		
<b>On behalf of</b>	J D Wetherspoon Plc		
<b>Registered Number</b>	18/01260/FULL and 18/01261/LBC	<b>Date amended/ completed</b>	17 January 2019
<b>Date Application Received</b>	<b>13 February 2018</b>		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Strand		

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

222 Strand is a grade II listed building located within the Strand Conservation Area, opposite the Royal Courts of Justice. The sub-basement to mezzanine floor levels are a vacant bank (Class A2) and the floors above are in use as barrister chambers (Class B1). The site is within the Core Central Activities Zone.

The applicant seeks permission and consent for the use of the sub-basement to mezzanine floor levels as a public house (Class A4), installation of a new ventilation system and new air conditioning equipment at roof level and associated internal and external alterations.

These applications were on the published agenda for the Planning Applications Sub-Committee meeting on 11 June 2019 but were withdrawn from the agenda to allow the applicant to correct

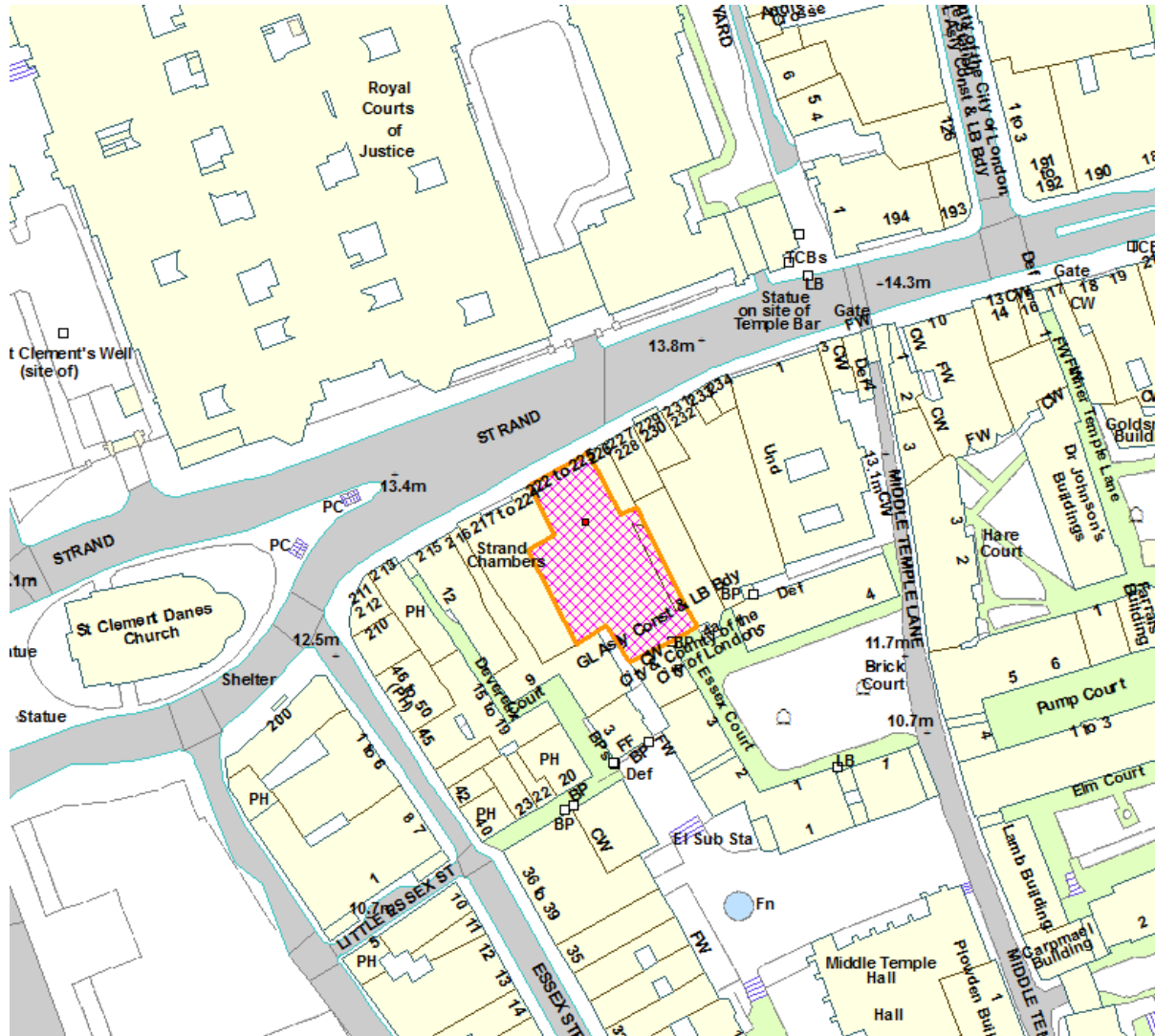
inconsistencies on the submitted drawings. This has now been done and the applications are reported to committee for decision.

The key issues are:

- The impact of the proposed public house upon neighbours' amenity and local environmental quality; and
- The impact of the alterations upon the special interest of the listed building and the character and appearance of the Strand Conservation Area.

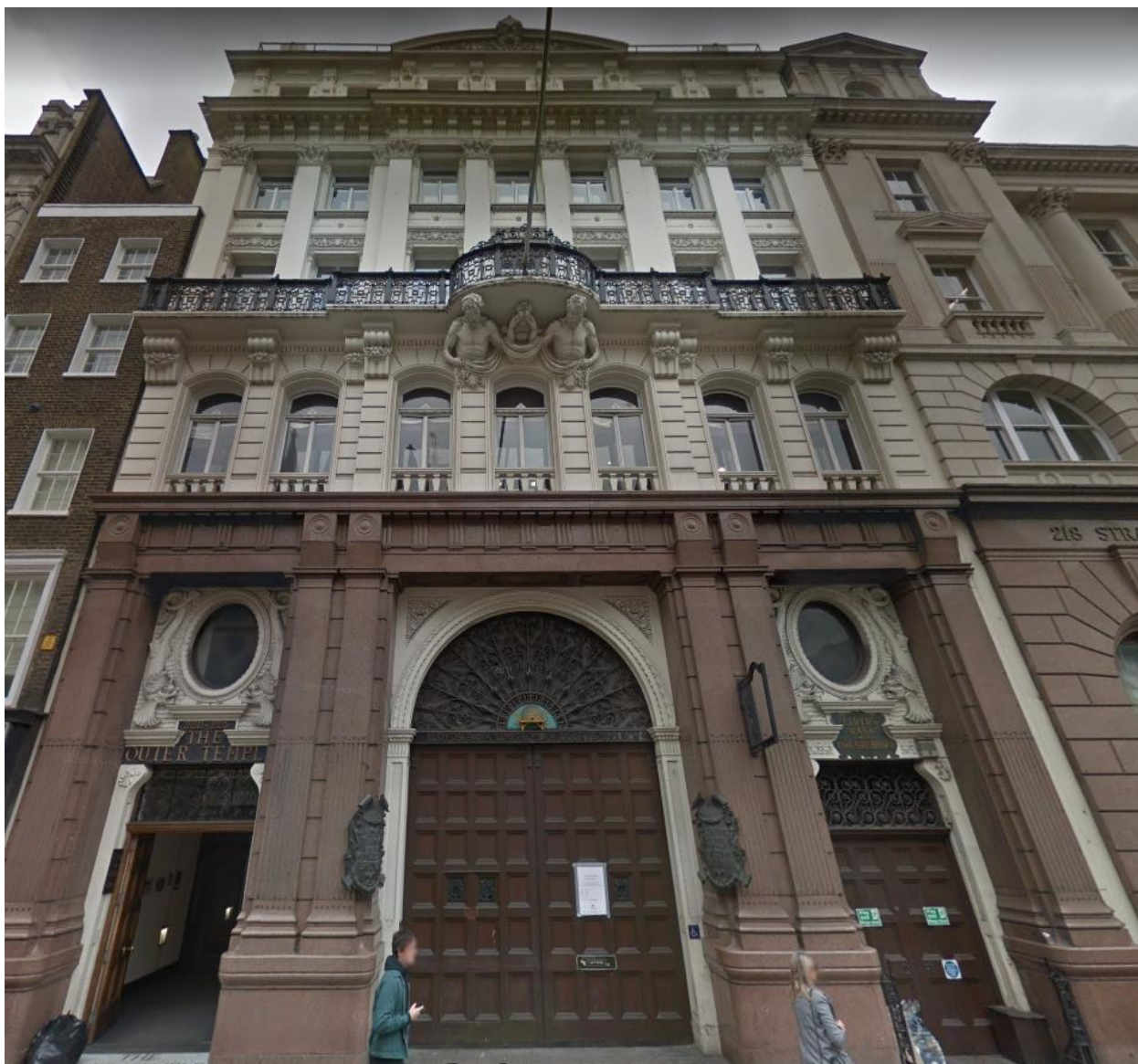
As set out in this report, the proposed development accords with the relevant policies in the Unitary Development Plan (UDP), Westminster's City Plan (the City Plan), the London Plan, the New Draft London Plan and the guidance set out in the Mayor's draft Culture and the Night Time Economy SPG. The application is therefore acceptable in land use, design, heritage and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letters.

### 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



Front Elevation



**Main Hall**



**Images of Entrance Vestibule (top) and Basement Vault (bottom)**

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

Insufficient information on servicing, opening hours and ventilation.

### HIGHWAYS PLANNING MANAGER:

The applicant will need to submit to the City Council a robust servicing management plan and cycle parking provision should be provided, which should be secured by conditions. No concerns are raised regarding car parking, trip generation and travel arrangements.

### ENVIRONMENTAL HEALTH:

Recommend conditions requiring the proposed air re-circulatory system to comply with WCC guidance document on Kitchen Extracts, and for the proposed plant to comply with WCC standard noise conditions.

### PROJECT OFFICER (WASTE):

The waste and recycling arrangements are acceptable subject to the provision of an on-site waste holding area on the ground floor to avoid bins being left on the public highway before and after waste collections.

### METROPOLITAN POLICE:

Any response received to be report verbally.

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

No. Consulted: 40

No. of replies: 3 letters on behalf of occupiers of upper floors.

Objections received on behalf of Outer Temple Chambers, 222 Strand, summarised as follows:

#### Land use:

- The public house use would be contrary to the development plan which states entertainment uses of this size should only be allowed in exceptional circumstances, and the applicant has not demonstrated these exist in this case.
- The use conflicts with the other uses in the area such as residential, tourism, artistic and cultural uses.
- The letter from a marketing agent to support the applicant's contention the property has been difficult to let contains insufficient evidence and the marketing was not long enough.

#### Amenity:

- The proposal would result in noise disturbance, nuisance and other environmental impacts harmful to residents and other commercial uses, and the applicant has not overcome the Environmental Health Officers Concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

222 Strand is a grade II listed building located within the Strand Conservation Area. This late nineteenth century building is six storeys high, plus two basement levels. The application relates to the sub-basement to mezzanine floor levels, which are a vacant bank (Class A2). The premises were originally built as a restaurant for the Royal Courts of Justice, which are located opposite, but this use was short lived, and the premises have been in use as a bank since 1895. Whilst the exterior is of architectural interest, it is the building's majolica-tiled vestibule by Doulton and the painted tile friezes within the banking hall that are of particular historic interest as well as artistic and aesthetic value.

The building is within the Core Central Activities Zone (Core CAZ). This part of the City is characterised by a mixture of uses including offices, residential, retail, educational and uses associated with the legal profession. The upper floors of the application building are barrister chambers, the building adjacent to the west is retail on ground floor with offices above and the building adjacent to the east is retail on ground floor with four residential flats above. To the rear of the site is 4 Essex Court, within the City of London, which is in use as barrister chambers.

### 6.2 Recent Relevant History

None relevant.

## 7. THE PROPOSAL

The applicant seeks planning permission and listed building consent for the use of the sub-basement to mezzanine floor levels as a public house (Class A4), the installation of a new ventilation system, new air conditioning equipment at roof level and associated internal and external alterations.

Patrons would drink and eat on the ground and mezzanine floor levels, the basements would primarily be back of house areas. The internal alterations include the extension of the mezzanine level over part of the double height main ground floor space, the creation of bars, toilets, a kitchen and other ancillary areas.

Since submission, the applicant has submitted further details including an acoustic assessment and ventilation details and has amended the scheme to provide an air recirculation system for the kitchen.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Bank (Class A2)	2,490	0	- 2,490
Public House (Class A4)	0	2,490	+ 2,490
Total	2,490	2,490	



## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of a bank

Banks provide important services for residents, workers and visitors to the City. However, throughout the country branches have been closing due to an increase in online banking services. Policy SS 5 of the Unitary Development Plan (UDP) relates to the management of shopping and other services within the Core CAZ, it seeks to encourage a balanced mix of appropriate street-level activities and seeks to protect and enhance the attraction of the Core CAZ as a shopping and entertainment destination. It affords no specific protection to banks or other A2 uses. It states that proposals for non-A1 uses must not lead to, or add to, a concentration of non-A1 uses, or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Between Essex Street and Middle Temple Lane there are 16 ground floor units, nine of which are retail shops (Class A1), three are professional services (Class A2), three are restaurants (Class A3) and one is a public house (Class A4). The loss of the bank would not affect the number of non-A1 uses on the street, but the proposed public house would increase the number of entertainment uses. The policy application section of policy SS 5 states an over-concentration of entertainment uses occurs when the number and size of these uses dominate a street or area and the consequential effects of their operations have a detrimental effect on residential amenity and local environmental quality. Therefore, the loss of bank would be acceptable subject to the acceptability of providing a new public house.

#### Provision of a public house

The NPPF supports positive planning for the provision of community facilities including public houses. The London Plan also recognises the important role that public houses can play in the social fabric of communities, meeting local needs, and supporting the night-time economy in the CAZ (London Plan Policies 3.1B and 4.8). The Mayor's Draft New London Plan and draft 'Culture and the Night Time Economy' SPG are also material considerations in planning decisions. These promote the night-time economy, particularly in the CAZ, and state boroughs should support proposals for new public houses, where appropriate (Emerging London Plan Policies HC6 and HC7).

Policy S1 of the City Plan (Mixed Use in the Central Activities Zone) states that within the CAZ the City Council will promote a mix of uses consistent with supporting its vitality, function and character. The justification for policy S1 states mixed use means offices, shopping, entertainment, cultural, social and community and residential uses sharing buildings, streets and localities. The unique and varied use character across the CAZ is fundamental in ensuring the vitality, attraction and continued economic success of Central London.

The objector considers a public house use in this location would conflict with the existing uses in the area. However, a mix of uses, including entertainment uses such as public houses, is appropriate within the CAZ and consistent with the above policy and guidance.

The main land use issue is whether a public house of the scale proposed would accord with requirements of the City Council's entertainment policies.

The proposed public house measures 2,490 sqm (GIA), which constitutes a large entertainment use as defined in Chapter 8 of the UDP. Policy TACE 10 of the UDP states that entertainment uses of this size will only be acceptable in exceptional circumstances. The UDP recognises that larger entertainment uses can have a disproportionate impact on residential amenity and local environmental quality and can contribute to the loss of character, and unacceptably change the function, of an area. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. However, the Plan acknowledges that there can be considerable variation between the effects of different types of entertainment uses.

The objector does not consider that the applicant has demonstrated that there are exceptional circumstances such to justify this large entertainment use. They contend the use would result in noise disturbance, nuisance and other environmental impacts harmful to residents and other commercial uses.

In allowing a previous appeal against the refusal of permission for an extension to an existing restaurant to create a unit measuring nearly 800 sqm (Appeal Ref: APP/X5990/A/12/2183693 – 34 Grosvenor Square), the Planning Inspector concluded that if the use would not result in any material harm, to residents' amenity and local environmental quality, this in its self was sufficient to constitute exceptional circumstances. The City Council has subsequently adopted this approach in considering proposals for large entertainment uses.

#### *Impact of the proposed use*

The public house would open at 07:00 each day and would close at 00:30 on weekdays and 01:30 on Friday and Saturdays. While the public house would measure 2,490 sqm, the area to be used by pub patrons would in fact be much smaller at approximately 670 sqm (or 27% of the floor area). As a result, the applicant states that the premises would have maximum capacity of 591 patrons, 380 covers). The unit does not benefit from an external area, and therefore patrons wishing to smoke would do so outside the front of the building (no drinking or eating would be allowed outside). There would be no amplified music at the premises.

Policies ENV 6 and ENV 7 of the UDP and policy S32 of the City Plan require developments to contain noise and to demonstrate that any noises emitted by plant and machinery and from internal activities, including noise from music (amplified or unamplified), and human voices, complies with relevant standards. Where appropriate, developments should incorporate design features and operational measures to minimise and contain noise and vibration from developments, to protect noise sensitive properties.

Noise issues of potential concern would be the impact of mechanical plant and the impact of patron/ staff activity inside and outside the premises. The applicant has provided an acoustic report to assess the noise impact. The Council's Environmental Health team have confirmed the report demonstrates that noise from patrons, even at peak times, would not disturb the offices above or residents adjacent as the existing floor and wall construction is sufficient in absorbing sound.

The impacts in terms of noise from plant and the kitchen extract system are discussed in section 8.7 of this report, where it is explained that these elements would not harm the amenity of neighbours or local environmental quality.

In terms of the detailed operation and management of the public house, the applicant has not submitted a formal plan, but they have outlined their procedures for managing the premises. This includes policies on dispersal and neighbourhood relations to ensure patrons do not harm neighbouring residents. The applicant would also operate a no music policy, which will help reduce noise associated with the use, and a condition is recommended to ensure this is the case.

A full Operational Management Plan is recommended to be secured by condition. This plan would have to include acceptable details on, and management of: opening hours and capacity (including peaks of patrons); ingress and egress by patrons; staff arrangements; servicing arrangements; smoking arrangements; maintenance of equipment; and neighbourhood liaison, including details of how complaints would be received and addressed. The operator would then have to adhere to this plan for the lifetime of the public house.

Subject to the above recommended conditions, it is not considered that the development would not have a harmful impact on neighbouring residential and commercial occupiers in the vicinity, and that this constitutes as an exceptional circumstance for the purposes of TACE10.

#### *Impact on the character and function of the area*

The area is characterised by a mixture of uses. Primarily, these are commercial uses including offices and legal uses, as well as retail and entertainment uses such as public houses and restaurants. There are also some residential units in the area. This mixture is characteristic of the Core CAZ, and in this context the proposed public house would not adversely impact on the character and function of the area. The property is located on the busy Strand which is a major thoroughfare in the City, and consequently, the patrons visiting would not result in undue activity in the vicinity. Indeed, it would add to the vibrancy of this part of the City providing a place for workers, visitors and residents alike to drink, eat and socialise.

#### *Other exceptional circumstances*

The applicant has also set out other circumstances which they consider justify the proposals. The applicant notes the property does not benefit from a traditional shopfront which retail operators would normally expect in a retail premise. The building's listed status limits what alterations an owner could realistically make to the building to adapt it to meet the modern needs of retail occupiers. Indeed, the applicant has marketed the property and has received little interest in it, and the marketing agents consider this is due to the lack of an active frontage, restricted layout and limited scope to alter the building.

The applicant notes that these limitations often affect former historic banks, cinemas and theatres which mean it can be difficult to find alternative uses for these buildings. The applicant notes that adapting the space into a public house requires significantly less

alteration than for other uses, and the applicant has experience in adapting historic buildings such as this into public houses. Furthermore, the public house would be a use similar to the premises original intended use as a restaurant.

While the application proposes a large entertainment use, the applicant has demonstrated that there are exceptional circumstances which justify this. The proposal is acceptable in land use terms therefore.

## 8.2 Townscape and Design

As required by Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the determination of this proposal must pay special regard to the preservation of the listed building and conservation area. This is reflected in the NPPF and by the Council's own policies; in particular to this case, S25 and S28 of the City Plan and DES 1, DES 5, DES 8, DES 9 and DES 10 of the UDP. The Council's 'Repairs and Alterations' SPG is also relevant.

Externally, the proposed works are in connection with new air conditioning units to the main roof level and alterations to a lower roof within a lightwell in connection with the air-recirculatory system. The air conditioning units would be within an existing plant enclosure and so would not harm the character and appearance of the building or area. The other works at lower level are minor and within an enclosed lightwell, and so similarly would not harm the building or area.

Internally, the alterations are more extensive. To provide customer facilities, the basement requires the installation of light-weight partitions within the existing vaulted compartments, but generally the internal plan form and architectural details will be preserved and remain exposed. Similarly, the applicant will require some new openings within the sub-basement, but the applicant would accommodate the service largely within the parameters of the existing structure.

The ground and mezzanine floors, particularly the entrance lobby and banking hall, exhibit significant internal details. These include the decorative tile panels which have various themes including plants and scenes illustrating works by Ben Jonson such as his satirical plays 'Every Man in His Humour', 'The Alchemist', and 'Bartholomew Fair'. While the proposals seek to retain to these, some of the tiles would be obscured and/ or altered to allow the new fittings and partitions. A condition is recommended to ensure that the tiles are retained and conserved.

Of note is the removal of what appears to be contemporary double doors, which would not significantly affect the interior. There may also be a requirement to increase the handrail on the stairs to the first floor. If this proves necessary, a subtle intervention maybe permissible if sensitive to the original fabric and interior design of the building. A condition is recommended to secure details of this.

The proposals also include the installation of a new mezzanine floor within the main hall, occupying approximately half of its floor plan. This work, being a substantial structural intervention, it would have a significant impact on the internal character and fabric of the hall, both physically and visually. However, additional floor space is desirable for additional seating thereby increasing the viability of the unit. The hall exhibits original interior features

which the applicant would retain, the mezzanine would sit above the panelling which exists on the walls and columns, with balustrading spanning between the columns. The overdoors within the main hall would be displaced by the mezzanine floor and so details of its relocation are to be secured by condition. Design details of the mezzanine itself are also to be secured by condition, as are details of its attachment to existing fabric, to ensure its impact is minimalised.

The objector states a heritage statement was not submitted with the application, however one was submitted.

### **8.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

The proposed external alterations are limited to air conditioning units within an existing enclosure and minor alterations to a lower level roof. These alterations would not impact on residential neighbours in terms of privacy, overlooking or enclosure. Other impacts, including noise disturbance are discussed in sections 8.1 and 8.7 of this report.

### **8.4 Transportation/Parking/Servicing**

#### **Transportation/Parking**

In terms of visitors and staff arriving and departing the site, the Highways Planning Manager has advised that the levels would likely be similar to the previous A2 use. The site is also within a Control Parking Zone which means anyone who does drive to the site would be subject to those controls. In these circumstances, the impact of the public house on car parking levels would be minimal and consistent with policies TRANS21 and TRANS22 of the UDP.

The Highways Planning Manager notes that many trips associated with the site (excluding servicing activity) would be via public transport or other sustainable modes (such as walking and cycling). The provision of cycle parking would help promote cycling, and while the submitted drawings do not show cycle parking, this is to be secured by condition (in line with the London Plan requirements).

#### **Servicing**

Policy S42 of the City Plan and policy TRANS 20 of the UDP state new developments should provide off-street servicing as deliveries and goods left on the highway can create an obstruction to pedestrians and have an adverse impact on the public realm.

This site does not have an off-street servicing area, nor would it be practical to create one. Therefore, the Highways Planning Manager has recommended that a robust Servicing Management Plan be secured by condition. This would need to demonstrate how the proposed development would minimise the impact of the proposed development on the highway network, so as not to have a significantly detrimental impact on other highway

users. This plan will form part of the Operational Management Strategy which will be secured by condition.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

### **8.6 Access**

The City Plan notes that buildings and spaces must be designed for the needs and convenience of all. There is level access into the building from the street, which allows access into the main hall and bar area. There is also a passenger lift which allows access to the mezzanine floor. Therefore, those with reduced mobility will be able to use the patron areas of the public house which is welcomed.

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

#### **Plant**

There is existing external plant within an enclosure on the main roof of the building, and the proposal seeks to add additional air conditioning units within it. Policy ENV 7 requires the applicant submit an acoustic assessment to demonstrate that the plant operation will comply with noise requirements in relation to the nearest noise sensitive property.

Since submission, the applicant provided an acoustic report which has been assessed by the Council's Environmental Health Officer. Subject to conditions relating to noise and vibration, the new plant would not result in any material loss of amenity.

#### **Kitchen Extract System**

Originally, the applicant proposed the extract system for the new kitchen to discharge at a low level onto Strand through an existing grill. Environmental Health objected to this arrangement. To avoid harmful odours and fumes impacting on neighbours and local environmental quality, the City Council normally requires a full height extract duct to take fumes and odours to a high level. The applicant explored providing this, however they revised the scheme to propose an air-recirculatory system.

Environmental Health advise that subject to certain criteria relating to its operation, this system would ensure that neighbours are not harmed by cooking odours and fumes as it would not discharge odours into the atmosphere. Therefore this is acceptable, subject to conditions to ensure that the operation of this system would be in accordance with the Council's relevant policies and guidance.

#### **Refuse /Recycling**

Refuse would be stored in the basement and transferred to ground level using the lift. The application has been amended to show separate bins for recycling, general waste, food waste and waste cooking oil in accordance with Council protocols.

The waste and recycling arrangements are acceptable subject to the provision of an on-site waste holding area on the ground floor to avoid bins being left on the public highway before and after waste collections.

### **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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time

### **8.9 Neighbourhood Plans**

None relevant

### **8.10 London Plan**

This application raises no strategic issues.

### **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.

### **8.12 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The development is not liable to pay CIL.

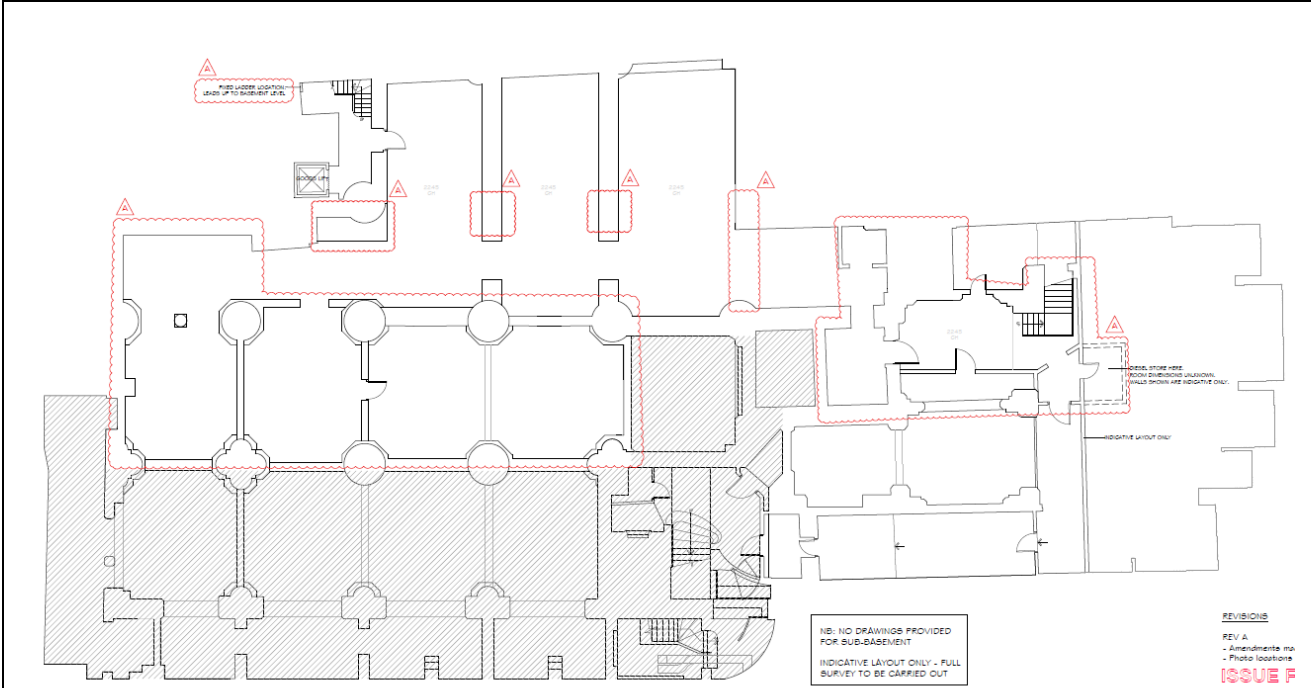
### **8.13 Environmental Impact Assessment**

The application is of insufficient scale to trigger the requirement of an EIA.

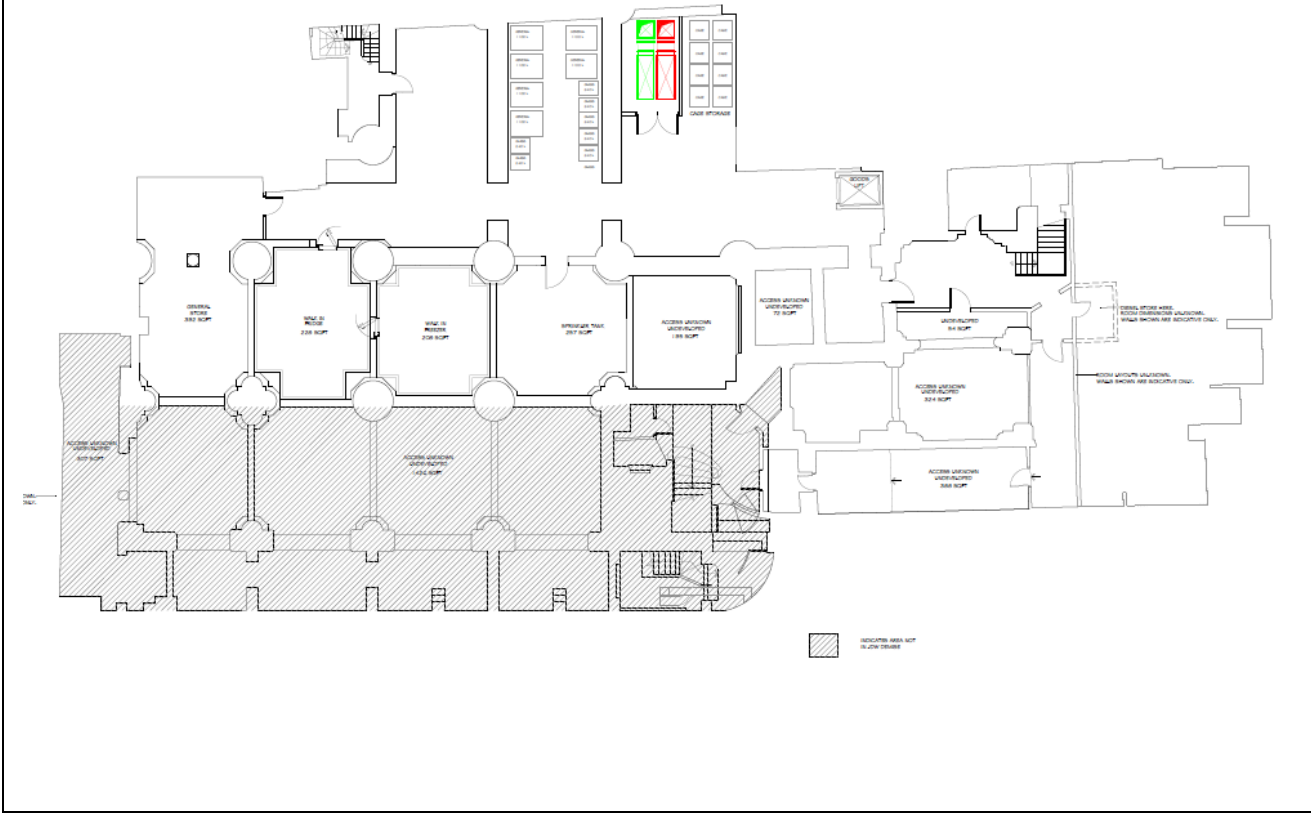
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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)

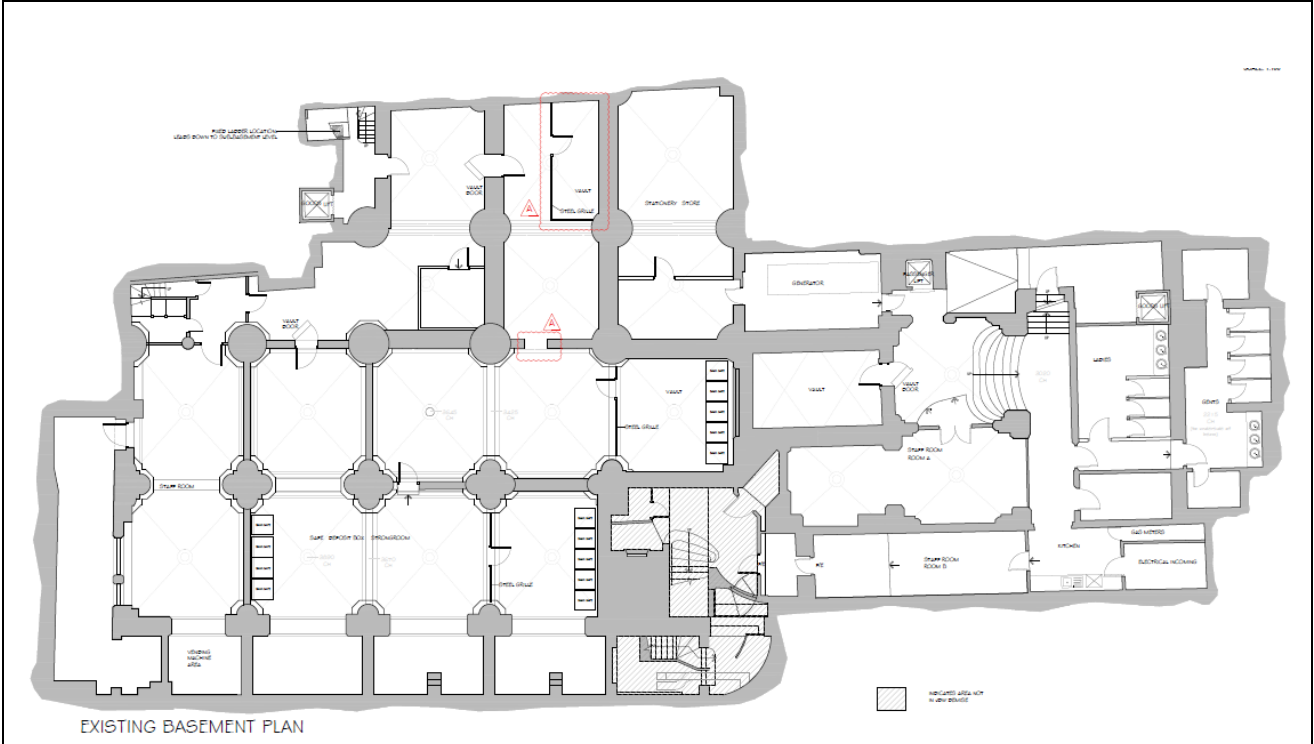
9. KEY DRAWINGS



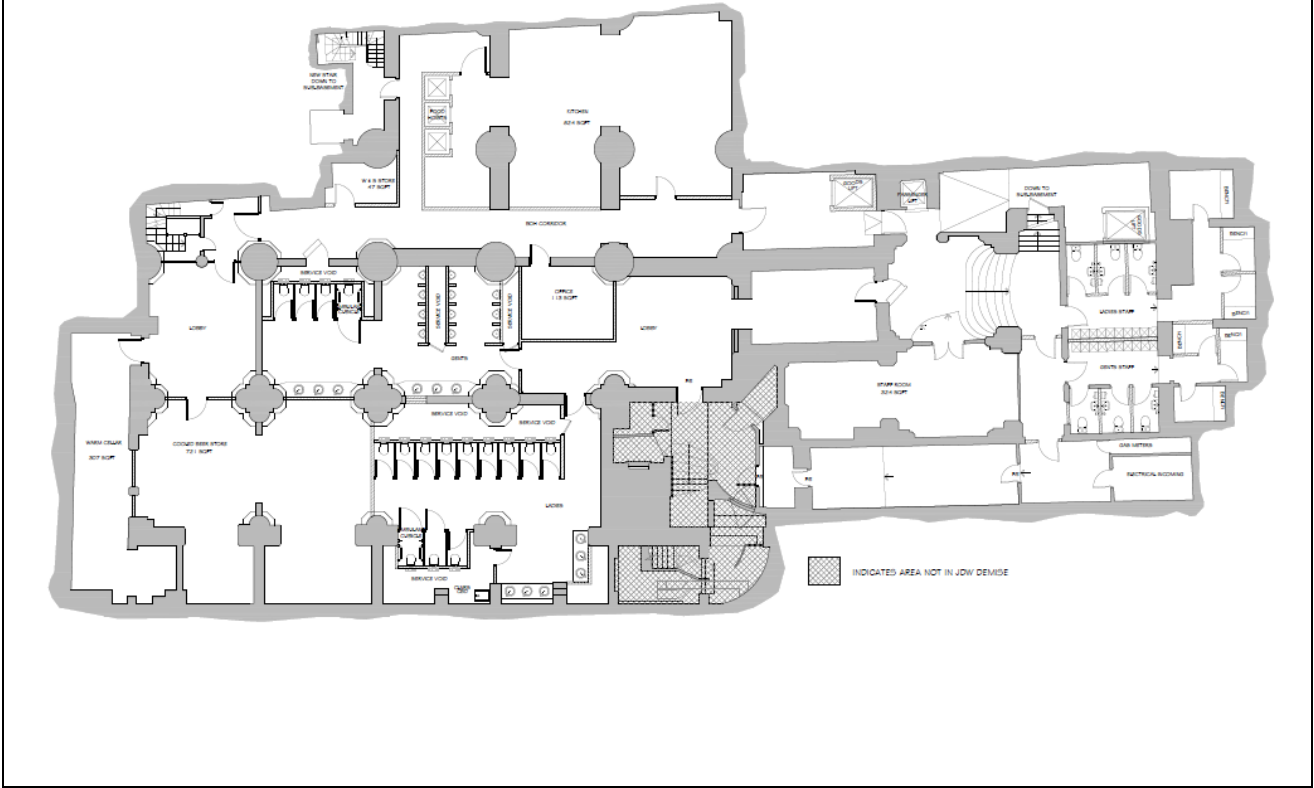
**Existing and Proposed Sub-Basement Plans**

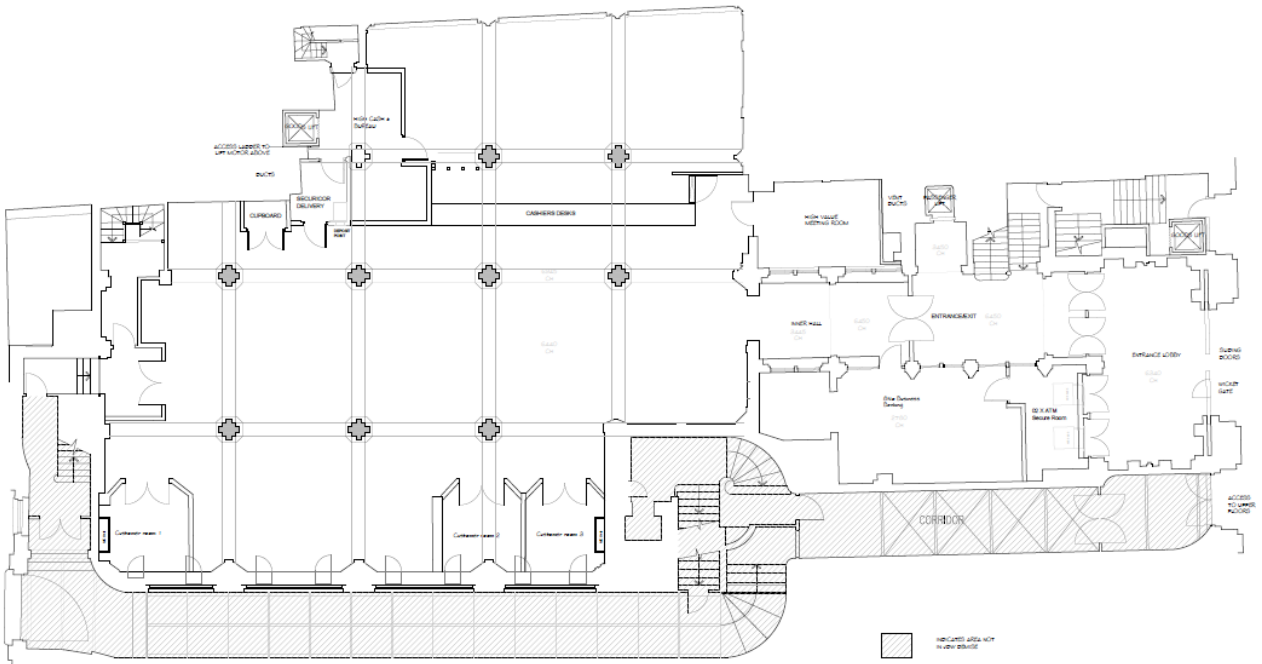




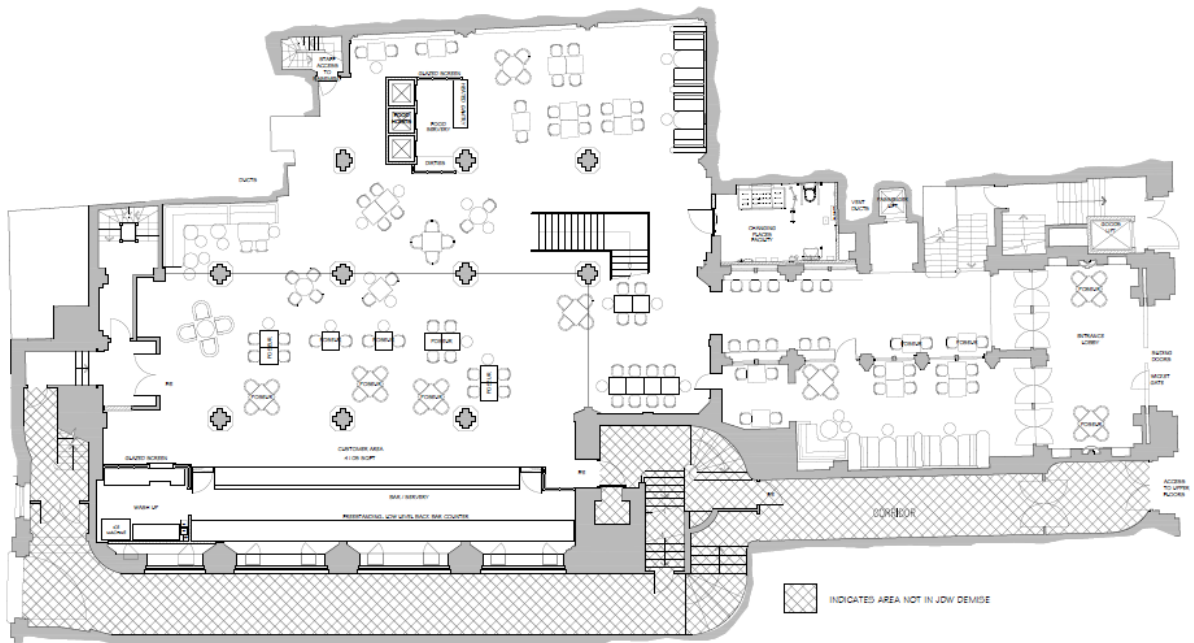


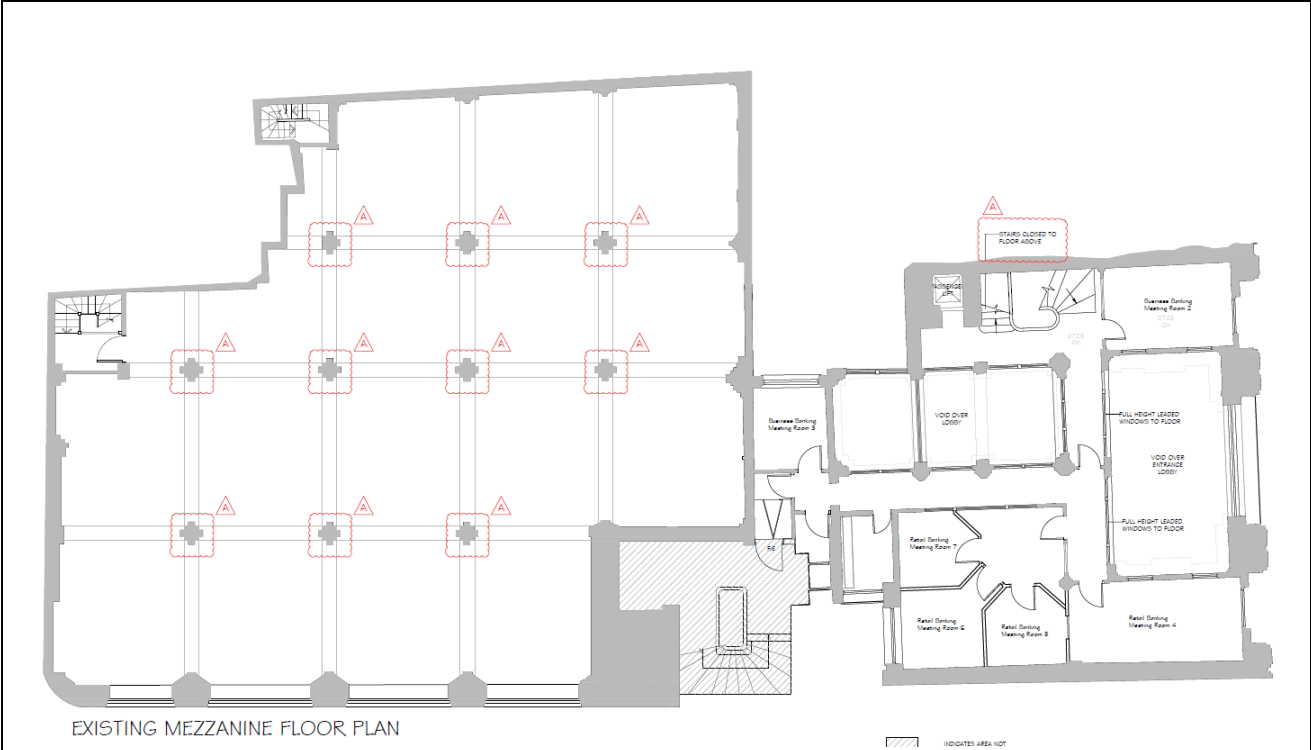
**Existing and Proposed Basement Plan**



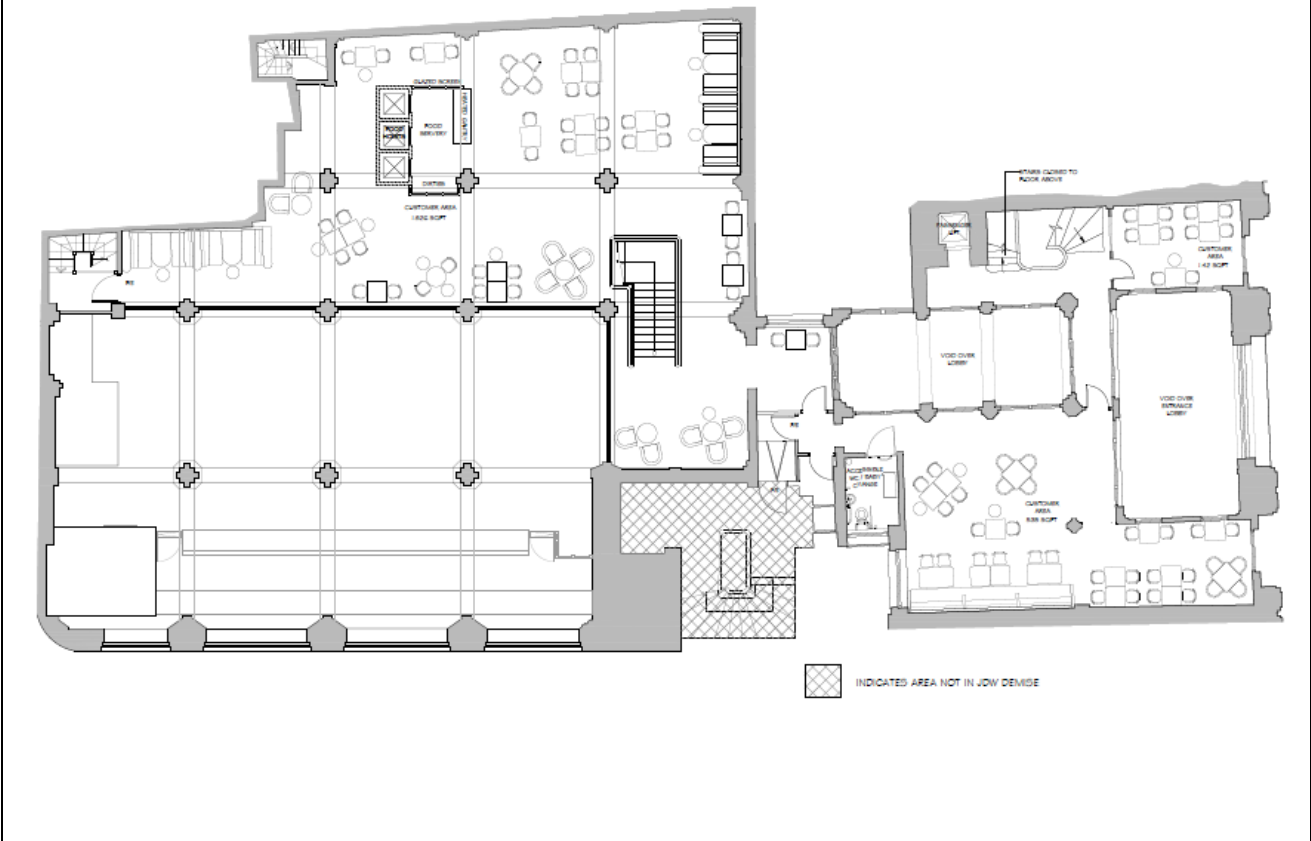


**Existing and Proposed Ground Floor Plan**





**Existing and Proposed Mezzanine**







Images of Proposal

**DRAFT DECISION LETTER – PLANNING PERMISSION**

**Address:** 222 Strand, London, WC2R 1BA

**Proposal:** Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level.

**Reference:** 18/01260/FULL

**Plan Nos:** Site Location Plan; PL03 rev A; PL04 rev A; T-101; T-201; T-301; T-401; 100; 101; 102; 103; 106 (Roof Plan); 106 (Sections); PL-620 rev A; T-618; 191; PL103; PL102; PL202; PL203; T303; T302; PL402; PL403.

For Information Only:

Noise Impact Assessment; Policy Position Statement; Design Images; Marketing Letter from CBRE; Design Images; Heritage Statement; Ventilation Statement and Information regarding Reco Air System; Photos.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**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 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 Prior to the Public House opening, you must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, prevent customers queuing on the street, manage customers who wish to smoke, prevent customers from taking their drinks outside, and manage servicing. With regards to servicing the plan must identify process, internal storage locations, scheduling of deliveries and staffing, and set out how it will be carried out in a sensitive manner to ensure noise and highway impacts are minimised.

You must then carry out the measures included in the approved Operational Management Plan at all times that the Public House (Class A4) is in use.

## Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must not allow more than 591 customers into the property at any one time.

## Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 You must not play live or recorded music on your property. (C13IA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and 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. (R13AC)

- 7 Customers shall not be permitted within the Public House premises before 07:00 or after 00:30 on Sunday to Thursday and before 07:00 or after 01:30 on Fridays, Saturdays, and the days before bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must not sell any take-away food or drink on the premises and you must not operate a delivery service, even as an ancillary part of the primary Class A4 use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 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 L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (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 Public House 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 activity-specific 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 Public House 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 activity-specific 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 You must apply to us for approval of details of an on-site waste holding area on the ground floor to avoid bins being left on the public highway before and after waste collections. Prior to the Public House opening, you must provide the holding area on the ground floor and you must provide the separate stores for waste and materials for recycling at sub-basement level shown on drawing numbers PL05 and 191. You must clearly mark them and make them available at all times to staff of the public house.

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)

- 13 You must apply to us for approval of details of secure cycle storage for the Public House use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 14 Prior to the Public House opening, a "Secured by Design" accreditation shall be obtained for the drinking establishment and thereafter all features are to be permanently retained.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 15 The kitchen extract ventilation shall be limited to a recirculation system approved by the Local Planning Authority and all cooking and reheating of food within the premises shall operate by electricity only and not by gas or solid fuels such as coal or wood.

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)

- 16 The re-circulation system hereby approved must have no external discharge.

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)

- 17 Following installation of the recirculation plant and equipment hereby approved, you are required to submit a supplementary report for our approval before the use of the premises as a public house commences. You must thereafter maintain the recirculation plant and equipment as approved. The supplementary report must include:

- (a) A schedule of all plant and equipment installed.
- (b) Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating.
- (c) In the working environment the breakout noise not exceeding 55 dB (A) in the kitchen.
- (d) Details of the whole ventilation scheme in the kitchen that maintains an ambient temperature of not more than 25 centigrade whilst cookline equipment is operating.
- (e) Details of service / filter replacement and maintenance arrangements.

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)

**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 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>
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).

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

**DRAFT DECISION LETTER – LISTED BUILDING CONSENT**

**Address:** 222 Strand, London, WC2R 1BA

**Proposal:** Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level; and extensive internal alterations.

**Reference:** 18/01261/LBC

**Plan Nos:** Site Location Plan; PL03 rev A; PL04 rev A; T-101; T-201; T-301; T-401; 100; 101; 102; 103; 106 (Roof Plan); 106 (Sections); PL-620 rev A; T-618; 191; PL103; PL102; PL202; PL203; T303; T302; PL402; PL403.

For Information Only:

Design Images; Heritage Statement; Ventilation Statement and Information regarding Reco Air System; Photos.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 3 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 5 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 6 You must apply to us for approval of details of the following parts of the development:

- i) Full design and structural details of the mezzanine, including sections, elevations and details of fixings.

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 details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

7 You must apply to us for approval of details of the following parts of the development:

i) Any alterations to the original staircase in connection with providing additional fall protection.

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 details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

8 You must not disturb existing original tiles and panelling unless changes are shown on the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

9 Notwithstanding what is shown on the drawings, you must apply to us for approval of details to show how all the decorative tile panels in the double-height area (previously use as a banking hall) are to be retained and conserved, and details of a proposal for the conservation and relocation of the overdoors that would be displaced by the mezzanine floor, and details of a proposal for the conservation and relocation of any decorative tile and associated timber panelling that would otherwise be obscured by new internal fittings and partitions in the double-height area.

All the items to be conserved and relocated must be refixed in new locations in the double-height area and be retained as such. You must complete the works according to the details we have approved and you may not commence the use of the premises until the overdoors and decorative tiles and panels have been conserved and relocated in accordance with the details we have approved.

Reason:



To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 10 Notwithstanding anything shown on or implied by the drawings we have approved, you must not paint any of the polished timber joinery. You must retain it with its current finish.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 11 You must apply to us for approval of details (scale 1:20 and 1:5) of the following parts of the development:

- i) Full design details of new furniture, fittings and fixings that are fixed to or directly abut original decorative features, including sections, elevations and details of fixings and or protection to original decorative features.

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 details where new furniture, fixtures or fittings are proposed to abut or be fixed to original decorative features

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary

Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and
  - \* any work needed to meet the building regulations or other forms of statutory control

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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