



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (1)**

Meeting Date: **Tuesday 17th May, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Robert Davis (Chairman)
Susie Burbridge
Tim Mitchell
David Boothroyd

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, WC2; 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET, W1 | (Pages 5 - 62) |
| 2. 1. CONSTITUTION HILL, SW1 2. ST JAMES'S PARK, SW1 3. SOUTH CARRIAGE DRIVE, SW1 | (Pages 63 - 86) |
| 3. BERKELEY SQUARE, W1J 6DB | (Pages 87 - 104) |
| 4. BERKELEY SQUARE, W1J 6DB | (Pages 105 - 122) |
| 5. ST MARK'S CHURCH, NORTH AUDLEY STREET, W1K 6DP | (Pages 123 - 160) |
| 6. 53-55 FRITH STREET AND 8-11 BATEMAN STREET, W1D 4SJ | (Pages 161 - 180) |
| 7. 44-48 GREAT CUMBERLAND PLACE, W1H 7BS | (Pages 181 - |

8. 12 BOURDON STREET, W1K 3PG

204)

(Pages 205 -
236)

Charlie Parker
Chief Executive
9 May 2016

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Agenda Item

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE – 17 MAY 2016
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/11234/FULL RN 15/11235/LBC West End	DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET, W1	<ol style="list-style-type: none"> 1. Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street; in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works. 2. Partial demolition to the rear of the building; rebuild of the rear facade and erection of single storey rear extension; internal and external works; all in connection with use of the building as an art gallery/art education use (14 Greek Street). 	
<p>Recommendation</p> <p>1. Grant conditional permission subject to the views of the Mayor and a S106 legal agreement to secure the following</p> <ol style="list-style-type: none"> i) The provision of affordable housing (intermediate rent) at 12-13 Greek Street for successive occupants in perpetuity at agreed rent levels and transferred to a Registered Provider (minimum 125 year lease) prior to first occupation. The housing to be allocated in line with the City Council's nominations criteria. The housing to be made ready for occupation prior to the first occupation of the office and restaurant units. ii) Payment of £2.3m to the City Council's affordable housing fund. iii) Public art - a programme of public art to be implemented within 12 months of occupation of the offices. iv) Necessary highways works. v) Dedication (or alternative means of securing public access) of the widened area of footway on Charing Cross Road and Manette Street. vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street. Public access to be between 07.00 to 01.00 daily. vii) Provision of new public courtyard and access. viii) Crossrail payment. ix) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers. x) Employment and Training Strategy for the construction and operational phase of the development. xi) Monitoring costs. <p>2. If the S106 legal agreement has not been completed within three months of the date of this resolution then:</p> <ol style="list-style-type: none"> a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 17 MAY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
2	RN 16/00090/FULL RN 16/00250/FULL RN 16/01965/FULL St James's Knightsbridge & Belgravia	1. CONSTITUTION HILL, SW1 2. ST JAMES'S PARK, SW1 3. SOUTH CARRIAGE DRIVE, SW1	1. Creation of a segregated cycle route running through Constitution Hill as part of the East-West Cycle Superhighway and associated works. 2. Creation of a segregated cycle route running alongside St James's Park as part of the East-West Cycle Superhighway and associated works. 3. Creation of a segregated cycle route running through South Carriage Drive as part of the East-West Cycle Superhighway and associated works.	
Recommendation Grant conditional permissions for Applications 1, 2 and 3.				
3	RN 16/00870/FULL West End	BERKELEY SQUARE, W1J 6DB	Erection of 19 marquees on the north side of Berkeley Square for a temporary period for the Glamour Awards and the London Real Estate Forum between 1 June 2017 and 19 June 2017 and for unspecified dates in years 2018 to 2021.	
Recommendation For Committee's consideration: Does the Committee consider that there are exceptional circumstances in this case to permit the proposed use on a temporary basis.				
4	RN 16/01776/FULL West End	BERKELEY SQUARE, W1J 6DB	Erection of seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between 31 August 2016 and 15 October 2016 and for unspecified dates in years 2017 to 2020.	
Recommendation For Committee's consideration: Does the Committee consider that there are exceptional circumstances in this case to permit the proposed use on a temporary basis.				
5	RN 15/10458/FULL RN 15/10459/LBC West End	ST MARK'S CHURCH, NORTH AUDLEY STREET, W1K 6DP	Use of the property for sui generis purposes, comprising a mix of retail (Class A1) on the ground floor, first floor/balcony as restaurant (Class A3, including external roof terrace at front first/balcony level), part of basement for ancillary back of house functions for both the retail and restaurant uses, and part use of basement as community space (Class D1) with access from Balderton Street; two storey extension to north west part of building, extension to south east corner and corridor and duct void extension to the rear; installation of various items of mechanical plant including kitchen extract; internal alterations throughout.	
Recommendation For Committee's consideration: 1. Does the Committee consider that the benefits of restoring the building and the applicant's offer for a community space in part of the basement, and arrangements for running and financing it, are sufficient to overcome the loss of most of the lawful Class D1 social and community use?				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 17 MAY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
6	RN 15/10251/FULL West End	53-55 FRITH STREET AND 8-11 BATEMAN STREET, W1D 4SJ	Erection of a single storey extension at main roof level including a new external screened plant area; infilling of lightwells at first to fourth floor level and the creation of terraces at third, fourth and new fifth floor level. Installation of new shopfronts and the re-configuration of uses including the retail, restaurant, office and residential layouts.	
	<p>Recommendation Refuse permission on the following grounds:</p> <ul style="list-style-type: none"> - Detrimental impact on the appearance of the buildings and the character and appearance of the Soho Conservation Area. - The replacement retail unit is considered unacceptable in land use terms. - Proposed terraces would result in loss of amenity to the occupants of neighbouring residential properties. 			
7	RN 15/10586/FULL RN 15/01587/LBC Bryanston and Dorset Square	44-48 GREAT CUMBERLAND PLACE, W1H 7BS	Erection of a mansard roof extension to 44-48 Great Cumberland Place; plant enclosure to the roof of 16 Brunswick Mews; a pergola on a first floor rear terrace and landscaping; alterations to the front facade including new doors, windows, balconies and railings and associated works, and internal alterations.	
	<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. 			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 17 MAY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
8	RN 15/10035/FULL RN 15/10036/LBC West End	12 BOURDON STREET, W1K 3PG ADDENDUM REPORT	Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.	
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. 				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews and 12 - 14 Greek Street, London.		
Proposal	<ol style="list-style-type: none"> 1. Substantial demolition of existing buildings and redevelopment of the site to provide a mixed-use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street; in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works. 2. Partial demolition to the rear of the building; rebuild of the rear facade and erection of single storey rear extension; internal and external works; all in connection with use of the building as an art gallery/art education use (14 Greek Street). 		
Agent	Mr Hugh Bullock		
On behalf of	Soho Estates Portfolio Limited		
Registered Number	15/11234/FULL 15/11235/LBC	Date amended/ completed	10 December 2015
Date Application Received	2 December 2015		
Historic Building Grade	14 Greek Street listed Grade II.		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission subject to the views of the Mayor and a Section 106 legal agreement to secure the following:

i) The provision of affordable housing (intermediate rent) at 12-13 Greek Street for successive occupants in perpetuity at agreed rent levels and transferred to a Registered Provider (minimum 125 year lease) prior to first occupation. The housing to be allocated in line with the City Council's nominations criteria. The housing to be made ready for occupation prior to the first occupation of the

office and restaurant units.

- ii) Payment of £2.3m to the City Council's affordable housing fund.
- iii) Public art - a programme of public art to be implemented within 12 months of occupation of the offices.
- iv) Necessary highways works.
- v) Dedication (or alternative means of securing public access) of the widened area of footway on Charing Cross Road and Manette Street.
- vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street. Public access to be between 07.00 to 01.00 daily.
- vii) Provision of new public courtyard and access.
- viii) Crossrail payment.
- ix) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
- x) Employment and Training Strategy for the construction and operational phase of the development.
- xi) Monitoring costs.

2. If the S106 legal agreement has not been completed within 3 months of the date of this resolution then:

a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

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

2. SUMMARY

The proposals seek the redevelopment of the site to provide an office building with restaurants and retail uses at street level, along with a new pedestrian route and courtyard linking Manette Street and Greek Street. Housing (intermediate rental) is provided on the upper floors of 12-13 Greek Street with the Grade II listed building at 14 Greek Street restored and extended to be used as a gallery (Class D1).

Objections have been received on the grounds of design, amenity, land use and other non-planning matters.

The main issues raised by this application are:

- The principle of demolition within the Soho Conservation Area and the design of the replacement buildings.
- The mix of land uses and the applicant's offer of affordable housing at 12-13 Greek Street.
- The on street servicing of the site.
- Impact on the amenity of surrounding residents.

Objections have been raised by Historic England, the Victorian Society and other consultees regarding the extent of demolition within a conservation area. Whilst it is acknowledged that some harm is caused, this is considered less than substantial and is offset by the public benefits of the scheme. The detailed design and massing are considered acceptable.

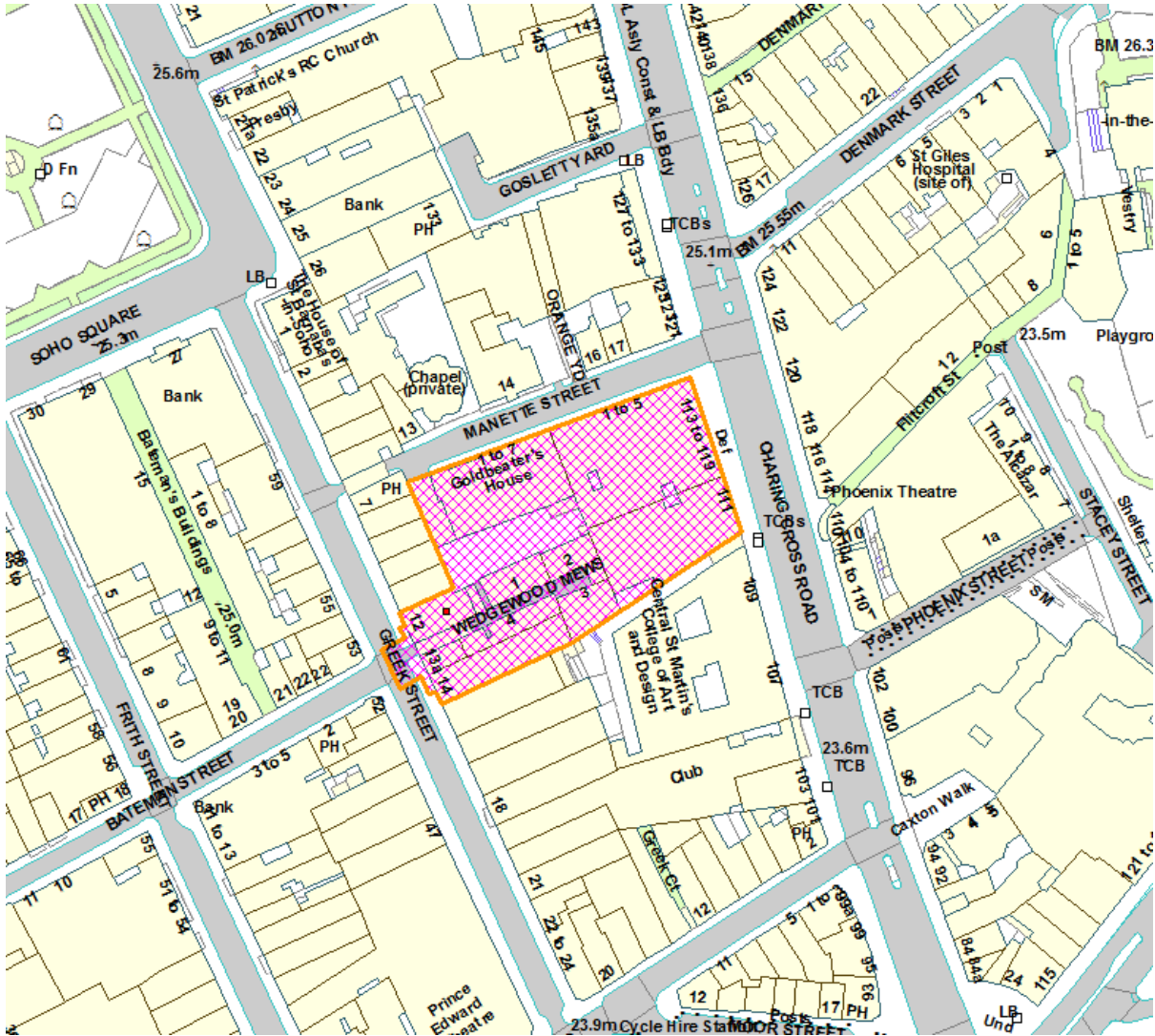
The application is generally acceptable in land use terms. The main land use issue the Committee is asked to consider is the applicant's approach to the mixed use policy and the provision of intermediate rented housing on site and payment in lieu.

The servicing of the site from Charing Cross Road is not supported by the Highways Planning Manager, but on balance the approach to servicing is acceptable.

Whilst there will be a material impact to windows on the adjacent residential building, it is considered that the impact is reasonable in an urban context and given the location of the windows facing a boundary wall.

Subject to the proposed conditions and heads of terms for the legal agreement the application is considered acceptable.

3 LOCATION PLAN



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4 PHOTOGRAPHS



Charing Cross Road elevation



12-13 Greek Street



Manette Street elevation



14 Greek Street



Wedgwood Mews

5 CONSULTATIONS

Historic England (Listed Builds/Con Areas)

The demolition of two prominent 'buildings of merit' and loss and alteration of other buildings would cumulatively result in substantial harm to the Soho conservation area, and harms the setting of a nearby Grade I listed building.

Historic England (Archaeology)

No objection subject to conditions.

Council for British Archaeology

Welcome the restoration of 14 Greek Street but concerned over the bulk of the new building and its impact on surrounding street scene and listed buildings.

Victorian Society

Objection on the basis that the development would result in substantial harm being caused to the Soho Conservation Area, harm the setting of nearby listed buildings. The broad brush and heavy handed development is prominent in views into and through the conservation area.

Greater London Authority

Principle of development

The office led mixed use scheme is acceptable in principle.

Affordable Housing

Further details required on the donor site; the viability appraisal should be assessed by WCC and reported back to the Mayor before the Stage 2 referral.

On receipt of further information, they ask for the applicant to provide justification for solely intermediate tenure and for WCC to confirm demand for this tenure.

Historic Environment

The GLA considers that the loss of the original Foyles building causes significant harm to the conservation area and consideration should be given to façade retention.

Upon receipt of further information from the applicant, the GLA now consider that the façade of 111 Charing Cross Road should be retained.

Urban Design

Further information required regarding height, massing, appearance and strategic views.

Now supportive of materials and design but remain of the view that retaining the façade of 111 Charing Cross Road would improve the massing.

Sustainable Development

Shortfall in CO2 reductions should be met off-site. Require monthly load figures for the combined heat and power plant.

Inclusive Access

The applicant should provide one wheelchair accessible or adaptable unit. Request a condition requiring compliance with part M4(2) and M4(3) of the building regulations.

Transport

TfL has requested a S106 contribution of £100,000 to accommodate the additional operational and maintenance demands on the local stations that are part of the Mayor's cycle hire scheme. Additional information required regarding floorspace and consequent requirements for cycle storage.

Upon receipt of further information, request additional short stay cycle parking and a travel plan.

Environment Agency (Thames Region)

No comment.

Cross London Rail Links Ltd

No objection subject to conditions.

Twentieth Century Society

Any response to be reported verbally.

London Borough of Camden

Any response to be reported verbally.

Soho Society

- Object to the increase in A3 within the West End Stress Area; if it is permitted, it should be subject to core hour's condition and no takeaway.
- New pedestrian route must be closed off at night.
- The development must include provision of public toilets to cater for additional footfall.
- The basement office space should be provided at an affordable rent.
- Manette Street must remain accessible to vehicles.

Covent Garden Community Association

Regrets the increase in height and density within the Soho Conservation Area and consequent impact on surrounding conservation areas. However, it is recognised that the site is within the Opportunity Area. Support the comments of the Soho Society.

Theatres Trust

No objection.

Transport For London

Please see response under the GLA.

London Underground Limited

No objection subject to conditions.

Thames Water Utilities Ltd

No objection.

Environmental Health

The complexity of developing this site requires a contribution to the environmental inspectorate of £33,000 per annum, a site environmental management plan and compliance with the Code of Construction Practice.

No objection on environmental or plant noise grounds, subject to conditions.

Cleansing

The current plan shows too much waste storage provision; a compactor needs to be accommodated.

Metropolitan Police

No objections in principle, but state concerns over the lighting levels in Manette Street, fire safety/escape routes and potentially vulnerable doors, along with the external street furniture to Manette Street.

Arboricultural Section

Concerns that the proposed Liquidambar trees to Manette Street will have to be excessively pruned in the future due to a tight space between the building and the trees. Four trees is a more realistic number than the 7 shown on some drawings. There is space for a new tree on the corner of Charing Cross Road and Manette Street. A soil crating system should be used for the new planting to ensure the long term success of the trees.

Insufficient information has been provided regarding species and details of the terrace planting. No details of the green wall have been provided.

These details, including maintenance regimes must be secured by condition.

Highways Planning Manager

On street servicing is not acceptable where there is an existing off-street yard. The area of widened footway on Charing Cross Road gained by setting the building back must be dedicated as highway to ensure sufficient space is maintained in perpetuity for pedestrians.

Sustainability

The strategy for the site is well thought out and the inclusion of GSHP and PV technology is welcomed. However, the carbon saving falls some way short of policy requirements and a carbon offset payment is sought.

Affordable Housing Supply Manager

The proposed use of the units at 12-13 Greek Street for intermediate rent is welcomed; the units must be transferred to a Registered Provider on a lease of at least 125 years.

The proposed household income caps of 50% of the units available for income up to £37,956, 25% up to £49,194 and 25% up to £60,097 is appropriate. The applicant's proposals regarding nomination rights are unacceptable – the City Council's nomination criteria must apply.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 406
 Total No. of replies: 13
 No. of objections: 13
 No. in support: 0

Objections have been received on the following grounds:

Land Use

No affordable housing on site.
 Loss of local café on Greek Street.

Design/conservation issues

Loss of the original early 20th Century Foyles building damages the Conservation Area and surrounding townscape.
 The proposed building is too large and too high.
 The proposed building damages the streetscape.
 The proposals are not in keeping with the character of Soho.
 No regard to the character of the surrounding area.
 'Façade retention' would be a much better option.
 New design is fairly good, but the wrong site for it.
 Support proposals for the retention of the Greek Street buildings and creation of new route through.
 There are some good things about the design – textured and patterned tactile materials and the courtyard space. These could still coexist with retained facades on Charing Cross Rd.

Amenity

Loss of daylight and sunlight to surrounding residential buildings on Charing Cross Road and Manette Street.
 Enclosure and overlooking to the adjacent residential flats above the current Foyles shop at 107-109 Charing Cross Road.
 Noise from the proposed nightclub and late night A3 uses.
 Unacceptable disturbance to residents during the demolition and construction process.

Other

The new route is likely to lead to increased crime.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the eastern boundary of Soho and forms the substantial part of a street block bounded by Charing Cross Road, Manette Street and Greek Street. The entire site is within the Soho Conservation Area and comprises the following buildings:

- 111 and 113-119 Charing Cross Road,
- 1-5 and 6-12 Manette Street (Trefoil House and Goldbeaters House)
- 1-4 Wedgwood Mews
- 12, 13, 13a and 14 Greek Street.

14 Greek Street is Grade II listed and the buildings fronting Charing Cross Rd (including 1-5 Manette Street) and 12-13 Greek Street are identified as unlisted buildings of merit in the Soho and Chinatown Conservation Area Audit.

The site is within the Core Central Activities Zone, the West End Stress Area and West End Special Retail Policy Area as designated by the City Plan. The Charing Cross Road and Manette Street properties are within the Tottenham Court Road Opportunity Area. The Greek Street properties are within the Crossrail 2 safeguarding zone.

The buildings to Charing Cross Road comprise basement, ground and between 4 and 6 upper storeys and are larger in scale and height than the Greek Street buildings which are more characteristic of Soho, having originally been constructed as townhouses.

In terms of the use of the buildings across the site, Foyles book shop formerly occupied 113-119 Charing Cross Road, 1-5 Manette Street and the basement to second floors of Goldbeaters House. The remaining upper floors of Goldbeaters House contain 7 flats.

111 Charing Cross Road was last used by St Martin's College of Art until it vacated the site in 2013.

To Greek Street, nos 12-13 comprise basement, ground plus three upper floors. The upper floors are in office use, with a small retail shop and a café at ground floor, with a basement nightclub beneath (currently vacant). The entrance to Wedgwood Mews is also contained in this frontage, the entire private mews is used as small scale offices. No. 14 Greek Street also contains basement, ground and three upper floors. It was used entirely as offices though is currently vacant.

6.2 Recent Relevant History

The only relevant recent history for this collection of buildings is a permission granted in 2012 for the use of 14 Greek Street for either office or Class D1 (non-residential institution) purposes – a condition on the permission restricts the D1 use to educational, training or gallery purposes.

7 THE PROPOSAL

The proposal is for a new building on Charing Cross Road and the refurbishment and alteration of the properties on Greek Street. The buildings at 111-119 Charing Cross Road, 1-5 and 6-12 Manette Street and 1-4 Wedgwood Mews will be demolished. The replacement building fronting Charing Cross Road and Manette Street comprises four basement levels, ground and eight upper storeys plus rooftop plant. The height of the building steps down along Manette Street and towards the rear of the site. Terraces for the offices are proposed where the building steps down, as well as some photovoltaics and green roofs.

The street frontage to both Charing Cross Road and its return to Manette Street comprises glazed shopfronts, with black panelling at first floor and decorated terracotta panels above. The building is chamfered at the corner of Charing Cross Road and Manette Street and the ground floor is set back slightly to widen the footway.

A new pedestrian thoroughfare is proposed to link Manette Street and Greek Street. The path is lined with restaurants/cafes and some outdoor seating. A new entrance archway to the pedestrian route is formed opposite Bateman Street. The entrance to the pedestrian route from Manette Street is opposite the Grade I listed House of St Barnabas Chapel.

In terms of use, the new building would mainly provide offices (Class B1), accessed from Manette Street. At ground, first and part basement levels there is a large retail unit with an entrance on Charing Cross Road. The remainder of the 4 basement levels are proposed to be offices, with a separate entrance from the new pedestrian route. An internal lightwell provides these offices with daylight.

To Greek Street, nos 12-13 are essentially demolished behind their retained façade to provide a building comprising basement, ground and four upper floors. Eight flats are proposed on the upper floors (to compensate for the loss of the Goldbeaters House flats). The existing nightclub on this site is re-provided at part ground floor and basement.

The listed building at 14 Greek Street is retained and altered to remove a non-original rear extension and to reinstate the historic pattern of fenestration. It is proposed to use the building as an art gallery/education space (Class D1).

Servicing is proposed to be on-street primarily from Charing Cross Road.

8 DETAILED CONSIDERATIONS

8.1 Land Use

A summary of the existing and proposed floorspace by use is provided below:

Use	Existing	Proposed	Change
Retail (A1)	5,873	4,273	-1600
Restaurant (A3)	127	2,494	+2367
Office (B1)	3,231	20,003	+16772
Residential (C3)	1,108	1,005	-103
Non-residential institutions (D1)	2,921	643	-2278
Nightclub (sui generis)	284	412	+128
Total	13,544	28,831	+15,287

Offices

The provision of additional office accommodation within the Core CAZ is supported by Policy S20 of Westminster's City Plan and by London Plan Policy 4.2. Additional commercial capacity is supported by the site's location within an Opportunity Area. Subject to compliance with the Council's mixed use policy, the office floorspace increase is considered acceptable in land use terms.

Mixed Use Policy

The scheme generates a total commercial uplift of 17,667m². Policy S1 of Westminster's City Plan: Strategic Policies states that "where proposals increase the amount of commercial floorspace by more than 200m² or more, or in the case of A1 retail by 400m² or more, the provision of an equivalent amount of residential floorspace will be required on site where the Council considers this to be appropriate and practical". The supporting text states that where on site provision of residential floorspace is not considered acceptable or practical, a cascade of other options, including the use of land use swaps or residential credits will be considered as detailed in the City Management Plan.

As the City Management Plan is yet to be adopted, UDP policies COM2 and CENT3 are material considerations. CENT 3 seeks to promote mixed use development

incorporating housing where appropriate and practical and sets out the following hierarchy for securing mixed use commercial schemes in Central Westminster:

Firstly, the provision of self-contained residential accommodation equivalent to the increase in commercial floorspace is required, where appropriate and practical.

If this is not possible, then the policy states that where it is clearly not practical to provide the residential accommodation on site, the City Council will seek the provision of residential accommodation off-site.

Where it is not practical to provide residential accommodation on or off the site in accordance with Parts (A) or (B), then other uses that contribute to the character and function of that part of the CAZ should be provided as part of the same development.

Where housing has not been achieved under Parts (A) or (B), or an appropriate alternative use provided under Part (C), an appropriate financial contribution, known as a commuted sum, will be sought to the City Council's affordable housing fund will be sought.

As set out in the Cabinet Member for the Built Environment's open letter dated 18 March 2015, it is now the City Council's position that the balance of commercial to residential floorspace has tipped too far in the favour of residential across the CAZ. It considers that this has damaging impacts and if nothing is done to assuage the current trend it has the potential to, amongst other things, increase the 'residentialisation' of commercial areas, eroding their character by reducing employment densities and increasing expectations of residential amenity. As such, the letter states that the mixed use policies will be applied more flexibly.

The commercial uplift is 17,667 square metres. Given that there is a 103 square metre reduction in residential floorspace across the site, the total residential shortfall in relation to CENT 3 is 17,770sqm.

The applicants have chosen not to provide residential accommodation on site sufficient to offset the commercial increase as they do not consider a suitable residential layout could be provided without reducing the quality of the new offices. They consider that the provision of a policy compliant quantum of housing on site would significantly diminish the employment and economic benefits of providing a very large office building on site. The applicants have made a viability case, and the City Council have appointed independent valuers, Bilfinger GVA to provide an assessment of the FVA. The policy compliant commuted sum in this case is £30.972m.

It was originally proposed to provide some new residential accommodation off site (which is why the GLA are referring to a 'donor site') however following officer concerns

over various aspects of the scheme proposed on the other site, the proposal to 'link' the sites has been withdrawn. Consequently, it is proposed to provide the 8 flats above 12-13 Greek Street as affordable, in the form of intermediate rental tenure.

To comply with our policies on protecting residential floorspace, the applicants should be ensuring that no existing on site residential floorspace is lost, but there is no policy obligation to re-provide residential floorspace as affordable housing. The proposed provision of the residential accommodation specifically as intermediate rent tenure involves additional costs to the applicant which have been taken into consideration in the viability assessment.

Various scenarios have been tested including the provision of the required residential accommodation on site, the maximum payment in lieu in the absence of any residential accommodation on site and the proposed intermediate residential accommodation plus commuted sum. The key findings of the independent viability review are that the provision of a policy compliant amount of residential on site renders the scheme unviable. The 8 units of intermediate housing along with a total S106 contributions 'pot' of £3.85m is the maximum viable proposition for this scheme (the viability appraisal has taken borough CIL into consideration). Taking into account the other contributions including Crossrail CIL, a sum of approximately £2.3m will be available as a contribution towards the City Council's affordable housing fund.

Given the findings of the City Council's consultant and the policy context, the Committee is asked to consider whether they agree that the principle of the proposed on site intermediate residential is acceptable, along with the commuted sum of £2.3m.

Retail

Policy S6 identifies the Core CAZ as an appropriate location for a range of commercial and cultural uses. The sites are also within the West End Special Retail Policy Area as identified in Policy S7. Policy S7 sets out specific priorities for improved retail space and appropriate retail growth as well as other priorities for improved pedestrian environments and public transport provision aimed at the Primary Shopping Frontages of Oxford Street and its environs. Policy S21 states that new retail floorspace will be directed to the designated Shopping Centres. The location of the site within the Tottenham Court Road Opportunity Area (policy S5) also means that retail uses are encouraged at ground floor level.

In terms of the UDP, saved Policies SS4 and SS5 are relevant. SS4 requires developments within CAZ to include 'shop type premises' at street level, and should provide the same amount of retail floorspace as was there before. SS5 relates primarily to protecting Class A1 retail within the CAZ, and restricting the introduction of non-A1 uses at street level, basement and first floors.

There are two retail units within the site as existing – in addition to the former Foyles shop on Charing Cross Road there is a small convenience shop at 12 Greek Street.

The proposals include one large retail unit fronting Charing Cross Road and Manette Street, over two basement levels, ground and first floor.

There is an overall loss of Class A1 retail floorspace of 1600 square metres.

Whilst the policies listed above do not generally support the loss of retail floorspace, it should be noted that the key aims of these policies include protecting the retail character and function of localities, as well as enhancing retail space. The significant loss of floorspace is a result of the exceptionally large space used by the former occupier, Foyles, rather than the size of the replacement retail unit. Given that Foyles has now relocated to the new retail unit in the adjacent building, and the replacement retail unit in the new building is large and provides flexibility in layout, it is not considered that the loss of retail floorspace here would have any negative impact upon either the retail character of the area or upon the quality of retail floorspace on offer.

Entertainment uses

Policy S24 sets out the Council's strategic planning policy in relation to new entertainment uses. New uses must be appropriate in terms of the type and size of use, scale of activity and relationship to any existing concentrations of entertainment uses. They should not negatively impact amenity, health and safety, the character and function of the area or local environmental quality. UDP Policies TACE8, 9 and 10 provide detailed guidance according to their location and size.

The scheme involves reconfiguring and extending the existing Greek Street nightclub which would increase the floorspace by 128sqm. A small café at 12 Greek Street would be lost, to which some residents have objected.

Five new restaurants line the new public route, they cumulatively measure 2,538 square metres. One restaurant is located to the west of the courtyard, comprising three storeys; the others are all to the west. The applicants state that the intention of the restaurant cluster is to provide an 'oasis' away from the nearby principal shopping streets, comparing it to St Christopher's' Place or Heddon Street in feel.

The location of the restaurants lining the new passageway is acceptable in principle. The external seating is not considered to overly dominate the area and will in any event provide a pleasant place in which to sit and enjoy the space or just pass through. The restaurants are not directly adjacent to any existing residential accommodation. There are considered to be sufficient noise attenuation measures contained in the design of the new residential units above 12-13 Greek Street to provide an appropriate living environment within.

In terms of the restaurants' operation, the outdoor seating would remain in situ until 23.00 daily; with the applicant stating the terminal hour for the restaurants would be 01.00 Monday to Saturday. It is recommended a terminal hour of 23.00 is required for Sundays and bank holidays.

In environmental terms the plans provide for appropriate full height extraction to serve the restaurants, routing out through the main roof of the new building. There is no reason to presume that, with suitable management procedures in place, the new uses would result in littering or pollution of the public realm.

A condition is recommended requiring the applicant to provide a detailed Operational Management Statement to be agreed with the City Council before any of the units are occupied.

It is accepted that there would be a degree of impact on amenity of existing residents in terms of introducing greater activity from comings and goings to and from the restaurants during the evening. The restaurants in particular would result in increased pedestrian and vehicle movements in the evening which contrasts with typical patterns associated with the current land uses across the site. Existing residents on Charing Cross Road (with any view of the site) and Greek Street may be aware of greater activity during the evening with the development in place.

Given the proposed residential accommodation is immediately above the sui generis 'club', it is considered that it is reasonable to bring the club hours under planning control. It is recommended that the terminal hour is consistent with that of the restaurants in the development, namely 1am to ensure that there is not an excessive degree of very late night disturbance to residents immediately above. Soho is a lively, vibrant area. It is reasonable to expect that future occupants of residential units in this location would anticipate a degree of disturbance due to being in close proximity to many entertainment uses and tourist attractions, and it is considered that the recommended conditions regarding insulation, windows and hours of use will ensure a reasonable living environment.

Class D1 floorspace

Policy S34 of the City Plan states that all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. SOC 1 of the UDP also aims to protect existing social/community uses.

111 Charing Cross Road has Class D1 use (2921sqm). It was last occupied by St Martin's College of Art (part of University of the Arts London) in connection with the

original college building at 107-109, now occupied by Foyles bookshop with flats above. When the planning application for the change of use of St Martin's College at 107-109 Charing Cross Rd was considered by planning Sub-Committee, it was accepted by members that in this case the building was surplus to requirements and the principle of the loss of the Class D1 floorspace was accepted.

Part E of policy SOC1 requires the provision of an alternative facility where it is accepted that existing facilities are surplus to the needs of the existing provider. The proposals involve the use of 14 Greek Street (643sqm) for D1 purposes as a gallery and arts education space. The use is considered acceptable in land use policy terms.

Residential Use

It is proposed that the upper floors of 12-13 Greek Street provide 8 x 2 bed flats. These replace the 7 vacant flats lost at Goldbeaters House. Whilst there is an additional flat in the proposed scheme, the overall residential floorspace is approximately 100 square metres less than existing.

The proposed flats are appropriate in their size and layout. The bedrooms look out onto Greek Street, whilst living rooms have an aspect to the rear, with small balconies looking over the new pedestrian route. Cycle and refuse storage is at rear ground floor level. The flats at first, second and third floors are 84 square metres, whilst the flats within the third floor mansard are slightly smaller at 72.5 square metres. All flats comply with the national standards.

In land use policy terms, the principle of the replacement residential accommodation is acceptable and supported by policy S15. The affordable housing supply manager is satisfied that the proposed tenure of intermediate rent is appropriate as there is a greater demand for smaller units in this tenure – the layout and location are not considered particularly suited to family living. Housing advises that the units should be targeted at a range of income levels, and stipulates that the homes must be transferred to the ownership of a Registered Provider for a minimum lease of 125 years. The applicants have requested that the flats are ring fenced for those living and working in Soho. This would require a bespoke Nominations Agreement with the City Council, which Housing advise is not appropriate given there is an existing adopted allocations policy which sets out key priority groups for housing.

It is acknowledged that this is potentially a noisy environment for new residential accommodation. The acoustic report sets out that the floor and ceiling between the commercial and residential uses will be acoustically treated; double glazing and the masonry construction will also provide noise attenuation. These elements are secured by condition. Given the noise insulation offered by the design of the proposed residential units, the policy context, and the benefits offered by residential accommodation in a central area, it is not considered reasonable to withhold permission

on the basis that the residential accommodation would be located in a noisy environment.

8.2 Townscape and Design

The site lies within the Soho conservation area and is surrounded by a number of listed buildings. The proposals seek to demolish the buildings currently on the site, which includes two unlisted buildings of merit (as defined in the Soho Conservation Area Audit). These are 111 Charing Cross Road and 113 -119 Charing Cross Road. The surrounding listed buildings are: 6 and 8 Greek Street, 14 Manette Street, 16 and 17 Manette Street all grade II listed, the House of St Barnabas which is grade I listed and the development site itself includes 14 Greek Street which is a grade II listed building.

There have been objection to the scheme on the grounds of its scale, height and detailed design. Some objectors, including Historic England, the GLA and the Victorian Society are concerned with the loss of the existing buildings to Charing Cross Road.

The principal building comprises eight storeys with a further storey of plant above facing Charing Cross Road, it then steps down as it projects west towards Greek Street. The proposal seeks a substantial increase in height over the existing buildings, although it is similar in scale to the schemes approved as part of the Tottenham Court Road opportunity area, which are in close proximity. This site represents the gateway into the large scale buildings of the Tottenham Court Road crossrail development.

In terms of the detailed design, at ground floor level the barrel fascia creates an inviting entrance to the site, whilst providing interest to the elevation. Above, a regimented fenestration of windows set within chamfered reveals produces a simple façade, which will be embellished by its materials. Levels 8 and 9 continue the design aesthetic, but are set back to reduce the overall massing and to produce a horizontal emphasis to the lower floors. To the rear the building steps down to meet the buildings on Greek Street. This creates an opportunity for roof terraces, where greenery is included, helping to break down the straight lines of the design.

In terms of materials on Charing Cross road the main block is to be of modern materials, reflecting its architectural character. At ground floor level bronze and brass will emphasise the barrel fascia, materials traditionally associated with shop fronts. The main body and the upper storeys are to be a 'Red' colour reflecting the local brick and a 'Dark Metal' colour reflecting traditional roofing materials. These elevations will be formed in Glass Reinforced Concrete (GRC) which allows any design to be impressed within the panels. The 'Red' of the front elevation then fades along Manette Street into a 'Softer Pink' and then a 'Buff Brick', reflecting the rear elevations of the properties on Greek Street. The panels will include a 'rose' imprint in recognition of the previous names associated with the streets and buildings within the site.

On Greek Street No's 12 and 13A are to be demolished behind the façade with the upper storey reconstructed and a new mansard added above. The mansard is to be designed as a traditional mansard at the front, but with a modern appearance to the rear. In the context of the overall street scene, a mansard extension is acceptable. The materials to this side of the site are more subdued and in keeping with the existing. The rebuilt upper storey of No's 12 and 13A is to be constructed to match the storeys below. To the rear of the buildings on Greek Street the materials have been carefully chosen to reflect the character of the rear of these buildings, but are utilised in a contemporary manner. Metal railings complete the materials palette, bringing further richness to the design.

The development also has a place making agenda. The pedestrianised walkway through from Greek Street to retail units and an area to relax is considered a key feature of the scheme and is welcomed. The private Chapel of the House of St Barnabas becomes a focus as it is framed in views from the new walkway, creating an intimate atmosphere in keeping with the general character of Soho. To the rear a large lightwell faced with glass allows light to the basement levels and also acts as a 'surprise' feature within the walkway.

Whilst the objections of Historic England and other consultees are noted regarding the loss of the unlisted 'buildings of merit' on Charing Cross Road, it is not considered that their loss constitutes substantial harm to the character of the Soho Conservation Area.

Paragraph 132 of the NPPF states *that 'when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation'*. In this case the designated heritage assets affected are the character of the Soho conservation area and the setting of the surrounding listed buildings. Unlisted buildings of merit are not 'designated' heritage assets. Paragraph 132 goes on to state that *'the more important the asset, the greater the weight should be'*. In this instance the 'asset' is an area, which makes up a fraction of the overall conservation area and whilst the buildings to be demolished are of interest, they are not deemed to be pivotal to the character of the conservation area.

Whilst it is recognised that the proposals will form some degree of harm, the benefits of the scheme are considered to be substantial in terms of providing a new public courtyard, economic benefits, a gallery and other publicly accessible uses, along with the restoration of the listed building on Greek Street. As such, it is considered that the proposals comply with paragraphs 133 and 134 of the NPPF.

Paragraph 135 of NPPF states *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application ... a balanced judgement will be required having regard to the scale of any harm or loss*

and the significance of the heritage asset'. The two unlisted buildings of merit, fall into this category. The proposals seek the loss of both buildings, which whilst of townscape value, arguably their significance lies in their use as the flag ship store for Foyles book shop. However, the Foyles brand has left the site and moved a few doors down, leaving these buildings redundant. This past significance has been lost and is unlikely to return to the site. As such the value of these buildings is considered lessened and their loss, on balance deemed acceptable. A number of objections have suggested that these two buildings should be retained as part of a façade retention scheme. This is a feasible option, however it would limit the height of the building on Charing Cross Road, which would ultimately lead to a substantial loss in floor space and therefore a substantial loss in the overall benefits the scheme could provide.

Policy DES 1 'Principles of Urban Design and Conservation', is the Council's overarching design policy. Paragraph 10.7 of the supporting text states '*New development is necessary to adapt the fabric of the City to present and future needs and to ensure the economic wellbeing of Central London as a whole. New development is encouraged in areas where it is beneficial*'. The proposed scheme pushes the boundaries of development on the site and has been designed to maximise the available land and to provide some public benefit.

Policy DES 10 'Listed Buildings' states '*Planning permission will not be granted where it would adversely affect: a) the immediate or wider setting of a listed building ...*'. In this case, whilst a number of listed buildings are within close proximity of the site, their current setting is such that the proposals are not considered to cause further harm. The juxtaposition of the listed buildings on Manette Street against the modernity of the proposals are considered to create an interesting characteristic, which some may deem part of the historical development on Soho.

The overall scale, height and detailed design are considered to be appropriate to this site within the Tottenham Court Road Opportunity Area and are in line with DES1, DES4, DES6, DES9 and DES10 of the UDP.

Alterations to 14 Greek Street (Grade II listed)

The existing building has been vastly altered in the past and very little original features remain, except the stair and some panelling. A large extension has been constructed to the rear which creates a large open plan ground floor with a covered 'atrium'. The entire rear of the building is obscured by the rear extension/ stair core and the original rear wall has been considerably altered, little original fabric is thought to be retained within the rear wall.

The basement will be returned to its original layout with no access past the rear original wall. The existing ground floor extension is removed and replaced which is acceptable; internally the original stair will be revealed, which is considered an improvement on the

existing. At first and second floors, the rear extension is removed, the rear wall reinstalled and the current internal non original partitions removed and replaced with new partitions on the original alignment. These works are considered a benefit to the character and appearance of the listed building.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Sunlight and Daylight

Objections have been received from residents opposite and adjacent to the site on the grounds of loss of daylight, sunlight and increased sense of enclosure.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Waldrams, has carried out the necessary tests using the methodology set out in the BRE guidelines on properties surrounding the site on Greek Street, Manette Street and Charing Cross Road. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall

annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested for daylight and sunlight levels comprise

- 1 Phoenix Street and the Phoenix Theatre
- Phoenix House (104-110 Charing Cross Road), a block of flats above a ground floor commercial use on the opposite side of Charing Cross Road.
- 114-124 (even) Charing Cross Road – largely commercial uses.
- 107-109 (odd) Charing Cross Road – residential flats from fourth to seventh floors above retail from ground to third floors.
- All properties on Manette Street opposite the application site.
- Greek Street - Nos 6 to 11 inclusive, 15 to 19 inclusive which back onto the site, and 47 to 60 which are on the opposite side of the street.

To residential properties on Charing Cross Road opposite the site, whilst there are small losses of daylight (VSC and daylight distribution) they are within the tolerances set out in the BRE guide and as such there is no material impact. Nor is there any material impact on the amount of sunlight hours received in either winter or annually.

To the Greek Street properties with rear windows facing the application site, there are several very minor material impacts on daylight at Nos 6, 11, 15 and 17. The most significant of these impacts is to the rear of No. 11, where one window is affected at second, one at third and the three rear facing windows in the fourth floor mansard which lose approximately 30% VSC. The only impact on sunlight is to a bathroom window on the first floor of 6 Greek Street.

To Manette Street, there is a material impact to windows above the shop units at nos 16 and 17, though records do not show residential use in this location.

The most significantly affected residential properties are those at 107-109 Charing Cross Road, adjacent to the application site, where there are windows in the recently completed flats that overlook the flank (south) elevation of the proposed office building. The windows in the north facing elevation of 107-109 have a poor neighbourly relationship with the application site, given they are set back only around 2.5m from the party wall and appear to rely on 'borrowed' light from the application site to provide good daylight to the relevant rooms.

The daylight consultants have analysed the affected windows using Average Daylight Factor which is appropriate as they are new build units. There are 7 bedroom windows over 4th to 7th floors which face the application site and will not achieve the 1% minimum ADF, with values ranging from 0.39 to 0.83. It should be noted that the main living/kitchen/dining areas to all these flats have large well lit windows to either Charing Cross Road or to the rear of the site. Given that the affected bedroom windows do not have a good neighbourly relationship with the application site, it is not considered reasonable to afford them the same level of protection as windows to the front or rear. On balance, the effect on the bedroom windows at the adjacent site is considered acceptable.

Sense of Enclosure

Objections have been received from residents on Charing Cross Road that the proposals will result in a greater sense of enclosure due to the height and scale of the proposed building.

The building will be substantially taller than the existing buildings on site, particularly to the Charing Cross Road frontage, where the existing buildings step down in height quite significantly towards Manette Street. As a point of reference, the height of the top of the plant area will be approximately 10m above the height of the adjacent building at 107-109 Charing Cross Road. It should be noted that the seventh, eighth storeys and plant area will be set back from the main elevation. At this point, Charing Cross Road is relatively wide, and it is not considered that the proposed building height and scale would result in a degree of 'enclosure' which is unacceptable in an urban context.

Occupiers of the flats at 107-109 Charing Cross Road are concerned regarding the loss of view and outlook to the rear of their flats due to the height and depth of the proposed building. There is currently a very open outlook to the rear as 107-109 is the highest building in this particular street block. The proposed development will restrict views to the north and significantly change the outlook. Whilst the view to the north side of the building will change significantly, it is not considered that a material sense of enclosure would result due to the very open nature of the outlook to the south and west.

Privacy

It is not considered that the proposed building would cause an unacceptable degree of overlooking to residential properties facing the site on Charing Cross Road or to rear windows on Greek Street.

There will be a substantial flank elevation alongside the flats at 107-109 Charing Cross Road, including terraces at 4th, 6th and 7th floors which are directly adjacent to the party wall and would provide significant opportunity for overlooking and noise/disturbance to these flats. A condition is therefore recommended restricting access to maintenance

only. The other proposed terraces to the office building at 5th to 8th floors are considered acceptable as they are more significantly set back from any residential windows.

8.4 Transportation/Parking

Car Parking

No off street parking is proposed in connection with the 8 residential units. There is no off street parking for the 7 existing units at Goldbeaters House. Given the overall increase in residential is only 1 unit, and there are no 'family sized units' the Highways Planning Manager is satisfied that the additional unit will not place undue stress on local on street parking, and the application is acceptable in this respect.

Cycle Storage

Residential cycle storage (16 spaces) is provided at ground floor level, accessed from Greek Street. It is acceptable and in line with policy.

Cycle storage for the other uses across the site is provided at basement level -1, with an appropriate lift accessed from the courtyard. Storage is provided for 258 bikes, which has been increased from the original proposals. A condition is recommended securing the size and location of storage.

Proposed changes to the highway/footway layout and new public realm

A new pedestrian route is proposed between Greek Street and Manette Street, via the new courtyard. The aim is to provide an additional pedestrian route into Soho given the increase in footfall in the area expected as a consequence of Crossrail. The route is welcomed. It will not be adopted highway, so it will be necessary to secure public access through the courtyard with a Walkways Agreement attached to the S106.

It is also proposed to set the building line back at street level along Charing Cross Road so the available footway is widened. This is essentially to accommodate a proposed servicing bay that is shown as being on the existing footway. The additional area will need to be dedicated as highway (or other appropriate means to secure permanent pedestrian access) to ensure an acceptable minimum footway width is maintained given the location of the proposed servicing bay. To Manette Street, it is proposed to build out the footway to part of the street where it meets Charing Cross Road. This would result in the loss of some on street motorcycle parking.

The proposed changes to Manette Street are not considered to provide any particular benefit to pedestrians given that the footway is not being widened over the entire street length. It is not considered that the partially widened footway offers sufficient benefit to the public realm to justify the loss of the on street parking spaces and the Highways Planning Manager has objected to this part of the scheme.

Servicing and deliveries

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and safe access to premises for servicing, and generally requires that servicing is undertaken off street. The existing Foyles building has a servicing yard to the rear, accessed from Manette Street.

The proposals involve servicing the majority of the site from Charing Cross Road. Servicing will take place from the new on-street servicing bay. The Highways Planning Manager is unconvinced that the level of servicing required by this new building will be comfortably accommodated by the servicing bay and has also objected to this element of the scheme.

It is acknowledged that it would be difficult to accommodate off-street servicing alongside a new pedestrian route and courtyard whilst maintaining a suitable environment for pedestrians walking through from Greek Street to Charing Cross Road. On balance, the benefits of the new public space are considered to outweigh the need for off street servicing accessed from Manette Street. Any on street servicing agreed will however require careful management and should be subject to an agreed servicing management plan secured by condition. In terms of the servicing to the proposed retail unit, it is considered that a supermarket in this location is likely to generate servicing of increased frequency/dwell times than as set out in the transport assessment, and it is considered reasonable to restrict the occupation of the retail units to a non-food retailer.

8.5 Economic Considerations

The economic benefits generated by the provision of modern office and retail accommodation are welcomed.

In terms of employment and local procurement opportunities, Policies 3A.26 and 3B.11 of the London Plan and City Plan Policy S29 encourage the provision of employment opportunities through new development. It is considered appropriate that the applicant agrees to sign up to the local procurement code which requires developers to allow local companies access to some of the tender opportunities generated by a development where there are suitable contenders locally.

8.6 Access

The development would be fully accessible to those with disabilities, with level access to all buildings proposed as part of the scheme in accordance with Policies TRANS27 and DES1 in the adopted UDP.

8.7 Other UDP/Westminster Policy Considerations

Noise/plant

Environmental Health officers are satisfied that the plant is capable of complying with the City Council's noise standards; residential units must also be constructed to achieve the relevant internal noise standards as set out in Policy ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. Refuse storage is provided at part ground and basement levels for the main office and retail building, with residential refuse storage within 12-13 Greek Street.

Trees and soft landscaping

New street trees are proposed to the extended area of footway on Manette Street in the form of 4 mature Liquidambar trees. Little detail has been provided of the green roofs, green wall and landscaping to the terraces, this will be reserved by condition.

Sustainability

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles.

In terms of addressing the GLA's 'energy hierarchy', the applicant commits to maximising the energy performance through passive measures within the design including insulation, green roofs, high performance facades and glazing/solar control systems.

In terms of how energy is provided to the site, it is proposed to use a gas fired combined

heat and power (CHP) system. The energy strategy has explored various options for the use of renewable technologies. It is proposed to use ground source heat pumps to supplement the communal heating network, as well as an array of photovoltaic panels at roof level. If the measures described above are implemented, then the applicant states there will be an overall carbon saving of 26% over baseline carbon emissions per year.

Even with the CHP and renewable technologies, the development fails to achieve the target set out in the London Plan. Policy 5.2 of the London Plan states:

“The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere”.

The shortfall for this scheme as presented in the energy statement is 67.5tCO₂ per annum. This means the carbon offset payment expected to be £510,300. Given the viability issues associated with the scheme, the applicants have not agreed to paying this at the time of writing.

The offices, residential and retail uses are projected to achieve a BREEAM excellent rating.

Flood Risk and drainage

Policy S30 requires all development proposals to take flood risk into account and that new development should reduce the risk of flooding. The applicants have undertaken a flood risk assessment. The site is within Flood Zone 1 as defined by the Environment Agency Flood Map and is considered to be at low risk of surface water flooding.

In terms of drainage, the development would not increase the impermeable area over the site meaning there would be no increase in the peak rate of surface water run-off. Measures to attenuate run off are proposed which include the provision of some green roofs and rainwater harvesting. These mitigation measures are appropriate and can be secured by condition.

8.8 London Plan

The application is referable to the Mayor of London under the provisions of the Town and Country Planning (Mayor of London) Order 2008. The proposal raises strategic issues in terms of its design, land use, transport and energy. The GLA's initial comments on the application dated 28 January 2016 are provided in full in the background papers, along with subsequent modifications to their comments upon receipt of additional information from the applicant. In summary their main comments at this stage are:

Principle of development

The office led mixed use scheme is acceptable in principle.

Affordable Housing

Further details required on the donor site; the viability appraisal should be assessed by WCC and reported back to the Mayor before the Stage 2 referral.

On receipt of further information, they ask for the applicant to provide justification for solely intermediate tenure and for WCC to confirm demand for this tenure.

Historic Environment

The GLA considers that the loss of the original Foyles building causes significant harm to the conservation area and consideration should be given to façade retention. Following further justification from the applicant, the GLA are now of the view that the façade of 111 Charing Cross Road should be retained.

Urban Design

Further information required regarding height, massing, appearance and strategic views. This has now been provided by the applicant and the GLA are generally supportive of the design and materials but remain of the view that the retention of 111 Charing Cross Road would improve the massing.

Sustainable Development

Shortfall in CO2 reductions should be met off-site. Have requested monthly load figures for the CHP.

Inclusive Access

The applicant should provide one wheelchair accessible or adaptable unit. Request a condition requiring compliance with part M4(2) and M4(3) of the building regulations.

Transport

TfL has requested a S106 contribution of £100,000 to accommodate the additional operational and maintenance demands on the local stations that are part of the Mayor's cycle hire scheme. Additional information required regarding floorspace and consequent requirements for cycle storage.

Upon receipt of further information, request additional short stay public cycle parking and a travel plan.

The applicants have not agreed to the cycle hire contribution on the basis that it is unclear how it has been calculated, and it was not allowed for in their viability appraisal. It is not considered appropriate in this case to insist on the contribution given that, for viability reasons, it would have to be taken out of the affordable housing contribution.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The Council's own Community Infrastructure Levy was introduced on 1 May 2016.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) The provision of affordable housing (intermediate rent) at 12-13 Greek Street for successive occupants in perpetuity at agreed rent levels and transferred to a Registered Provider (minimum 125 year lease) prior to first occupation. The housing to be allocated in line with the City Council's nominations criteria. The housing to be made ready for occupation prior to the first occupation of the office and restaurant units.
- ii) Payment in lieu of £2.3m towards the City Council's affordable housing fund.
- iii) Public art – a programme of public art to be implemented within 12 months of occupation of the offices.
- iv) Necessary highways works.
- v) Dedication (or alternative means of securing public access) of the widened area of footway on Charing Cross Road.
- vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street. Public access to be between 07.00 to 01.00 daily.
- v) Provision of new public courtyard and access.
- vi) Crossrail payment - the London Plan sets out that for increases in commercial floorspace of over 500 square metres for office purposes, CIL is set at £140 per square metre (GIA) which for this scheme works out at £2,179,800. This will need to be secured by planning obligation. The applications will also be subject to Mayoral CIL which is essentially a tax collected outside of the S106 regime.
- vii) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
- viii) Employment and Training Strategy for the construction and operational phase of the development.
- ix) Monitoring costs.

Officers consider that these 'Heads' satisfactorily address City Council policies and the CIL Regulations subject to detailed resolution of the relevant trigger dates.

8.11 Environmental Impact Assessment

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2011). The applicant has submitted various studies relating to the principal environmental issues raised by the development including noise, archaeology, ecology, construction impact, employment, drainage, energy and recycling. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are examined in the relevant sections of this report.

8.12 Other Issues

Basement

The proposals involve the excavation of a new basement plantroom. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction impact

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00

on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific SEMP, should be secured through a S106 legal agreement. It is recommended that a construction logistics plan is secured by condition.

Archaeology

In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers and English Heritage. The archaeological investigation can be secured by condition.

Crime and security

The Metropolitan Police have advised that any external lighting on the pedestrian route will need to be compliant with the relevant British Standard. There are potentially vulnerable doors and windows, and there are concerns over the use of outdoor furniture. They request a condition requiring details of how the principles of 'secure by design' have been incorporated into the scheme, which will need to be agreed with them prior to commencement.

9 BACKGROUND PAPERS

1. Application form
2. Response from Historic England, dated 8 January 2016.
3. Response from Historic England (Archaeology) dated 8 January 2016.
4. Response from the Council for British Archaeology dated 17 February 2016.
5. Response from the Victorian Society dated 22 February 2016.
6. Response from the Greater London Authority dated 28 January 2016 and e-mails dated 1 February 2016 and 23 March 2016.
7. Response from Environment Agency (Thames Region), dated 22 December 2015
8. Response from Transport for London (Crossrail) dated 24 December 2015.
9. Response from the Soho Society.
10. Response from the Covent Garden Community Association dated 15 January 2016.
11. Response from the Theatres Trust dated 11 January 2016.
12. Response from London Underground dated 29 December 2015.
13. Response from Thames Water dated 15 February 2016.
14. Memorandum from Environmental Sciences dated 6 January 2016.
15. Memorandum from Cleansing dated 13 January 2016.

16. Response from the Metropolitan Police dated 13 January 2016.
17. Memorandum from the Arboricultural Manager dated 22 January 2016.
18. Memorandum from the Energy Strategy Officer (undated).
19. Memorandum from the Highways Planning Manager
20. E-mail from the affordable housing supply manager dated 6 March 2016.
21. Letter from occupier of 4, Lockhart Street, dated 20 December 2015
22. Letter from occupier of 166 Waverley Street, Ottawa, dated 22 December 2015
23. Letter from occupier of 53 Ferndale Road, London, dated 22 December 2015
24. Letter from occupier of 23 Phoenix House, 104-110 Charing Cross Road, dated 5 January 2016
25. Letter from occupier of 56 Greek Street, London, dated 8 January 2016
26. Letter from occupier of 25 Phoenix House, 104-110 Charing Cross Road, dated 26 January 2016.
27. Letter from occupier of 104 Hydethorpe Road, London, dated 28 December 2015
28. Letter from occupier of 12 Phoenix House, 104-110 Charing Cross Road, dated 2 January 2016
29. Letter from occupier of Flat 16, Phoenix House, 104-110 Charing Cross, dated 29 December 2015
30. Letter from occupier of 6 The Alcazar, Phoenix Street, dated 29 December 2015
31. Letter from occupier of 23 Phoenix House, 104-110 Charing Cross Road, dated 7 January 2016
32. Letter from occupier of 55 Dean Street, London, dated 22 January 2016
33. Letter from occupier of 26 Phoenix House, 104-110 Charing Cross Road.
34. E-mail from Gerald Eve on behalf of the applicant, dated 1 April 2016.

Selected relevant drawings

(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 LOUISE FRANCIS ON 020 7641 2488 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

10 KEY DRAWINGS



Charing Cross Road elevation



Courtyard looking towards the rear of 12-13 and 14 Greek Street



Manette Street looking towards Greek Street



Greek Street elevation



Rev	Desc	Author	Date
1	Issue for Tender	09/11/20	

FOR INFORMATION

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Project:
Ilona Rose House
11-19 Charing Cross Road
London, WC2

Rev:
Proposed Plan
Level 00

Scale:
1:150

Number:
025-A-1-10

Sheet:
P5

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Ground floor plan

DRAFT DECISION LETTER

- Address:** Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And, 12 - 14 Greek Street, London,
- Proposal:** Substantial demolition of existing buildings and redevelopment of the site to provide a mixed-use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street; in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works.
- Plan Nos:** 025-A-00-00/P1, 00-01/P1, 00-02/P1, 00-03/P1; 025-A-01-09/P1; 01-10/P1; 01-11/P1; 01-12/P1; 01-13/P1; 01-14/P1; 01-15/P1; 01-16/P1; 01-17/P1; 01-19/P1; 01-20/P1; 01-21/P1; 01-22/P1; 01-23/P1; 01-24/P1; 01-25/P1; 01-26/P1; 01-27/P1; 025-A-06-01/P1; 06-02/P1; 06-03/P1; 06-04/P1; 06-05/P1; 06-21/P1; 06-22/P1; 06-23/P1; 06-24/P1; 06-25/P1; 025-A-07-01/P1; 07-02/P1; 07-10/P1; 07-11/P1; 07-12/P1; 07-13/P1; 07-14/P2; 07-15/P2; 07-21/P1; 07-22/P1; 07-30/P1; 07-31/P1; 07-32/P1; 07-33/P1; 07-34/P2; 07-35/P2; 025-A-10-01/P1; 10-02/P1; 025-A-11-06/P5; 11-07/P5; 11-08/P4; 11-09/P4; 11-10/P5; 11-11/P3; 11-12/P3; 11-13/P3; 11-14/P3; 11-15/P1; 11-16/P1; 11-17/P1; 11-18/P1; 11-19/P1; 11-20/P1; 025-A-16-01/P5; 16-02/P5; 16-03/P1; 16-04/P1; 16-05/P1; 025-A-17-01/P1; 17-02/P1; 17-10/P1; 17-11/P5; 17-12/P1; 17-13/P1; 17-14/P5; 17-15/P5; 025-A-100-01/P1; 100-02/P1; 025-A-110-09/P1; 110-10/P1; 110-11/P1; 025-A-120-00/P3; 120-01/P5; 025-A-130-00/P1; 130-01/P1; 025-A-160-09/P1; 160-10/P1; 160-11/P1; 025-A-160-29/P4; 160-30/P3; 160-31/P3; 025-A-170-00/P5; 170-01/P5; 025-A-180-00/P1; 180-01/P3. Acoustic Report (Acoustic Logic, Dec 2015)
- Supporting documents:
 Planning Statement (Gerald Eve); Design and Access Statement (MATT/SODA); Access Statement (David Bonnett Assoc, December 2015); Landscape report (Townshend); Townscape and Visual Impact Study (Peter Stewart/Miller Hare); Heritage Statement and Heritage Impact Assessment (Iceni Projects December 2015); Archaeological report (MOLA - November 2015); Economic report (Volterra, December 2015); Energy Statement (Thornton Reynolds, November 2015); Ecology Report and BREEAM report (eight associates, November 2015); Daylight/Sunlight report (Waldrums, November 2015); Transport Assessment (Arup, Dec 2015 and Feb 2016); Statement of Community Involvement (Comm Comm UK, Nov 2015); Flood risk assessment (Civil Engineering Solutions); SUDS report and structural report (Tier Consulting); construction management plan (MACE); wind assessment (Arup)

Case Officer: Louise Francis**Direct Tel. No.** 020 7641 2488

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

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

Reason:

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

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

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development -
- i) Typical windows
 - ii) Typical doors
 - iii) Typical bay of the main block
 - iv) Greek Street ground floor elevation including shopfronts.
 - v) Railings
 - vi) Plant enclosure

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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

5 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

6 **Pre Commencement Condition**

None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

(i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), of this condition shall be completed, in its entirety, before any part of the building[s] [is] [are] occupied.

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

7 **Pre Commencement Condition**

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent)

have been submitted to and approved in writing by the local planning authority which:

- i) Provide details on all structures
- ii) Accommodate the location of the existing London Underground structures and tunnels
- iii) Accommodate ground movement arising from construction thereof
- iv) And mitigate the effects of noise and vibration arising from the adjoining operation within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition, shall be completed in their entirety before any part of the building hereby permitted is occupied.

Reason:

As required by London Underground, to ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with the London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 8 (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: Strategic Policies adopted November 2013, 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.

- 9 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.

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 11 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.

- 12 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise 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 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 13 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.
- Reason:
As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.
- 14 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used for food retail purposes (i.e. a 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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)
- 15 The Class A3 restaurants shown on the approved drawings at ground and basement level shall only be used as sit-down restaurants with waiter service. You must not use any part of these as a separate bar, or 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).
- 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: Strategic Policies adopted November 2013 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)
- 16 Customers shall not be permitted within the restaurant premises before 0800 or after 0100 on Monday to Saturday (not including bank holidays and public holidays) and before 0800 or after 2330 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 17 The Class A3 uses allowed by this permission shall not begin until you have fitted self closing doors and lobbies between the entrance and dining area. You must not leave these doors open except in an emergency or to carry out maintenance. The lobby shall not contain any tables and chairs or bar/restaurant area where customers can stand.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 18 You must apply to us for approval of a detailed servicing management plan. The plan shall identify process, storage locations, scheduling of deliveries and staffing.

You must not occupy any part of the buildings until we have approved what you have sent us.

The servicing management plan shall be maintained for the life of the development unless a revised strategy is agreed in writing by us.

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 20 The new buildings must achieve a BREEAM rating of at least 'excellent' (or any such national measure of sustainability for commercial buildings that replaces that scheme of the same standard). Within 1 year of the completion of the commercial units, you must submit to us for our approval a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that an 'excellent' rating has been achieved.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 21 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- i) Photovoltaic panels;
- ii) ground source heat pumps;
- iii) rainwater harvesting system

You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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

green roofs and green wall

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: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 23 You must apply to us for approval of a scheme of public art.

You must not start work on the public art until we have approved what you have sent us. You must carry out the scheme according to the approved details within 12 months of first occupation of the building.

You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 24 Prior to the occupation of any parts of the development, you shall submit and have approved in writing by the local planning authority, a detailed Operational Site Management Plan and you must then carry out the measures included in your Plan at all times unless as otherwise agreed in writing by the City Council as local planning authority.

The plan shall include arrangements for external tables and chairs, maintenance, cleansing and public access to the public realm area, measures to reduce impact on local residents, smoking, taxis and security arrangements.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 25 Unless otherwise agreed in writing by the City Council, the external seating in connection with the

restaurants shall be restricted to those areas set out on the approved ground floor plan (025-A-11-10/P5); and shall contain seating for no more than 90 customers overall. They shall only be available to customers of the restaurants hereby permitted.

Reason:

In the interests of public safety and to maintain sufficient space for unobstructed pedestrian passage as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 26 The tables and chairs permitted in the courtyard shall only be used between 0800 and 2300.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 27 You must provide the waste store shown on drawing 025-A-11-07/P5 and 025-A-11-10/P5 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. 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: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 28 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 TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 29 The replacement windows to 12-13 Greek Street shall be white painted timber framed.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 30 The detailed insulation measures to 12-13 Greek Street including double glazing and floor/ceiling insulation as set out in the acoustic report by Acoustic Logic dated December 2015 shall be installed in their entirety prior to the first occupation of any residential unit.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related

Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 31 The terraces at levels 4, 5 and 6 shown on the approved drawings adjacent to the boundary with 107-109 Charing Cross Road shall not be used for sitting out or any other purpose except maintenance or escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 32 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 this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 33 **Pre Commencement Condition.**

You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 34 You must apply to us for approval of detailed drawings of the following parts of the development - gates to the pedestrian route. 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or

both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

35 Pre Commencement Condition

Prior to the commencement of development, details of the measures to be incorporated into the development demonstrating how the principles of 'secured by design' are included shall be submitted to and approved by the City Council in consultation with the Metropolitan Police.

Reason:

In line with the requirements of S28 and S29 of Westminster's City Plan, November 2013 and as required by the Metropolitan Police.

36 Customers shall not be permitted within the sui generis club at basement and ground floors of 12-13 Greek Street before 0900 or after 0100 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - i) Provision of affordable housing (intermediate rent) at 12-13 Greek Street.
 - ii) Payment of £3.85m towards the City Council's affordable housing fund.
 - iii) Public art
 - iv) Necessary highways works;
 - v) Dedication (or alternative means of securing public access) to the widened area of footway on Charing Cross Road.
 - vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street, to be between 0700 to 0100 daily.
 - vii) Provision of new public courtyard and access.
 - viii) Crossrail payment.
 - ix) Employment and training strategy;
 - x) Compliance with Code of Construction Practice and contribution to the environmental inspectorate;
 - xi) Contribution towards the Mayor's Cycle Hire scheme (£100,000).
 - xii) Monitoring costs.

- 3 Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 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)

- 7 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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 8 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 9 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 10 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 11 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

DRAFT DECISION LETTER

Address: 14 Greek Street, London, W1D 4DP,

Proposal: Partial demolition to the rear of the building; rebuild of the rear facade and erection of single storey rear extension; internal and external works; all in connection with use of the building as an art gallery/art education use.

Plan Nos: Site Location Plan 025-A-100-01/P1; 025A-100-02/P1; 025A-110-09/P1; 25A-110-10/P1; 025A-110-11/P1; 025A-120-00/P5; 025A-120-01/P5; 025A-130-00/P1; 025A-130-01/P1; 025A-160-09/P1; 025A-160-10/P1; 025A-160-11/P1; 025A-160-29/P4; 025A-160-30/P3; 025A-160-31/P3; 025A-170-00/P5; 025A-170-01/P5; 025A-180-00/P1; 025A-180-01/P3; Heritage Impact Assessment and Heritage Statement by Icení Projects dated December 2015; Letter from Icení Projects dated 28 January 2016.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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

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

Reason:

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

- 2 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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 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 building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 of the following parts of the development - all new windows. 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 building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, 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 character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies 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.

Item No.
1

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)

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's Knightsbridge And Belgravia	
Subject of Report	<ol style="list-style-type: none"> 1. Constitution Hill, SW1 2. St James's Park, SW1 3. South Carriage Drive, SW1 		
Proposal	<ol style="list-style-type: none"> 1. Creation of a segregated cycle route running through Constitution Hill as part of the East-West Cycle Superhighway and associated works. 2. Creation of a segregated cycle route running alongside St. James's Park as part of the East-West Cycle Superhighway and associated works. (Site includes Birdcage Walk and The Mall). 3. Creation of a segregated cycle route running through South Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. 		
Agent	Abigail Kos		
On behalf of	Transport for London - Surface Transport		
Registered Number	<ol style="list-style-type: none"> 1. 16/00090/FULL 2. 16/00250/FULL 3. 16/01965/FULL 	Date amended/ completed	6 January 2016
Date Application Received	6 January 2016		
Historic Building Grade			
Conservation Area	Royal Parks		

1. RECOMMENDATION

Grant conditional permissions for Applications 1, 2 and 3.
--

2. SUMMARY

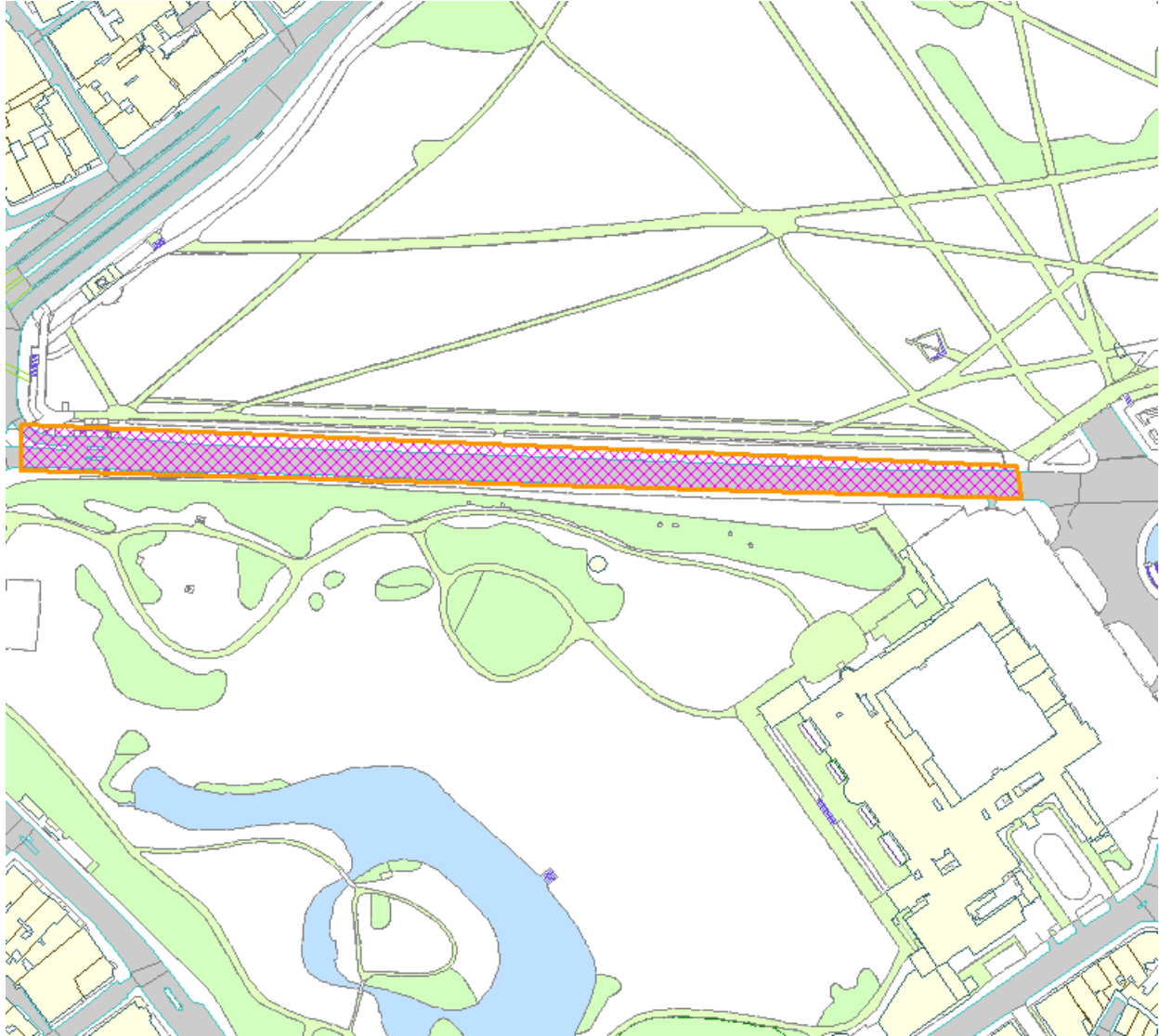
<p>This report covers three separate applications, all for works to roads within the Royal Parks to form part of the East-West cycle superhighway (EWCSH). These applications involve a new segregated cycle route along South Carriage Drive, Constitution Hill, Spur Road and Birdcage Walk.</p> <p>Objections have been received from the Westminster Society and one resident on South Carriage Drive on the grounds of the Royal Parks being an unsuitable location for a major cycle route, loss of</p>

trees/green space and loss of amenity.

The objections are noted. It is not, however, considered that on this occasion they can be supported given the wider benefits of the proposed cycle superhighway and the application is considered acceptable in planning terms subject to the conditions set out in the draft decision letter.

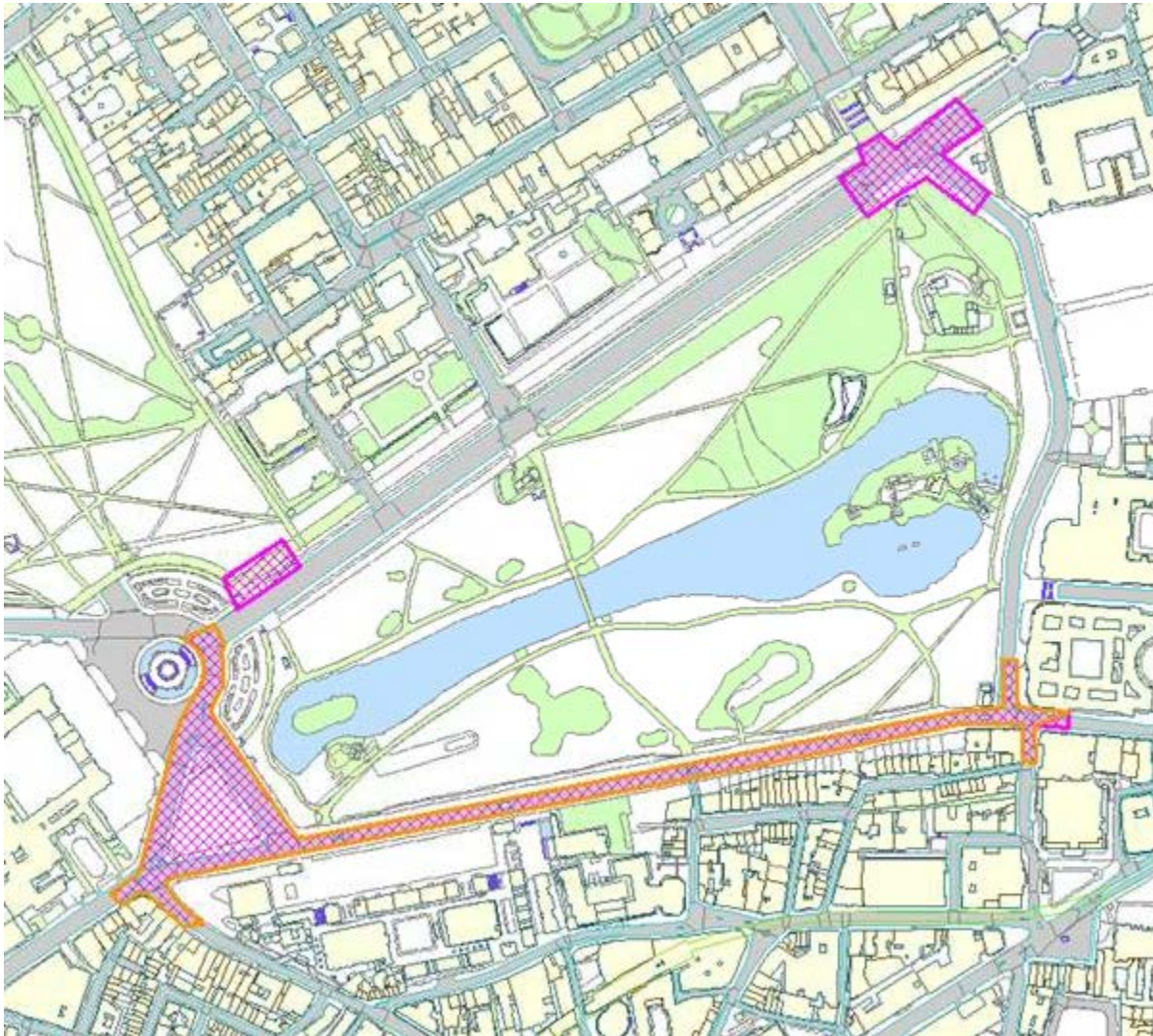
3. LOCATION PLANS

1. Constitution Hill



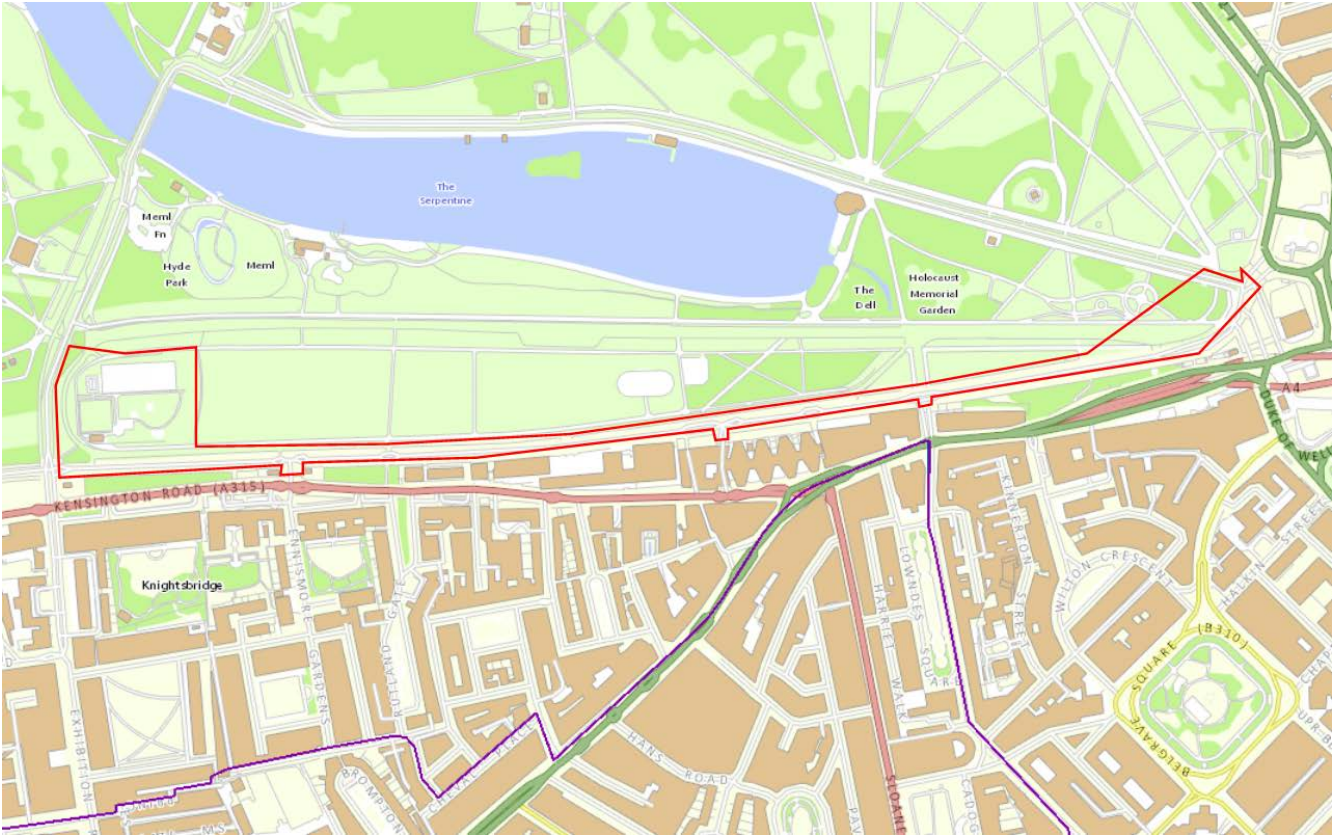
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2. Spur Road/Birdcage Walk



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3. South Carriage Drive



4. PHOTOGRAPHS



Constitution Hill





Spur Road



South Carriage Drive

5. CONSULTATIONS

Application 1: Constitution Hill (RN 16/00090/FULL)

Historic England

Authorisation to determine in line with national and local guidance.

The Royal Parks

Any response to be reported verbally.

Westminster Society

Objection – the Royal Parks are not a suitable location for the creation of a cycle superhighway, there will be a loss of green space and trees. Constitution Hill retains an air of relative tranquillity and TfL should consider alternatives.

St James's Conservation Trust

Any response to be reported verbally.

London Historic Parks and Gardens

Any response to be reported verbally.

Thorney Island Society

Welcomes the segregation of cycles, will be an improvement for all.

Metropolitan Police - Property Services

Any response to be reported verbally.

Gardens Trust

Any response to be reported verbally.

Buckingham Palace

Any response to be reported verbally.

Highways Planning Manager

No objection.

Licensed Taxi Drivers Association (LTDA)

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2: Spur Road (RN16/00250/FULL)

Historic England

Authorisation to determine in line with national and local guidance.

The Royal Parks

Any response to be reported verbally.

Westminster Society

Objection – the Royal Parks are not a suitable location for the creation of a cycle superhighway.

St James's Conservation Trust

Any response to be reported verbally.

London Historic Parks and Gardens

Any response to be reported verbally.

Thorney Island Society

Welcomes the segregation of cycles, but concern over the increase in the number of cyclists using the junction at Birdcage Walk/Horseguards Road and conflict with pedestrians.

Metropolitan Police - Property Services

Any response to be reported verbally.

Gardens Trust

Any response to be reported verbally.

Buckingham Palace

Any response to be reported verbally.

Highways Planning Manager

No objection.

Arboricultural Section

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 237

Total No. of replies: Any replies to be reported verbally.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 3: South Carriage Drive (RN 16/01965/FULL)

Historic England

Authorisation to determine in line with national and local guidance.

The Royal Parks

Any response to be reported verbally.

London Historic Parks and Gardens

Any response to be reported verbally.

Knightsbridge Association

No objection.

Metropolitan Police - Property Services
Any response to be reported verbally.

Gardens Trust
Any response to be reported verbally.

Buckingham Palace
Any response to be reported verbally.

Highways Planning Manager
No objection.

Arboricultural Section
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 576
Total No. of replies: 1

Concern over the carriageway coming a metre closer to residential properties bordering South Carriage Drive.
Layout of junction at Edinburgh Gate unclear.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Sites

1. Constitution Hill

The site runs east/west along Constitution Hill from Victoria Memorial to the Wellington Arch, adjacent to Green Park. The carriageway is in the ownership of the Royal Parks.

The site is within the Royal Parks Conservation Area.

2. Spur Road

The site runs from Victoria Monument, around Spur Road, linking to Birdcage Walk, running down to Horse Guards Road alongside St James's Park. There is a separate section of alterations to the junction of Horse Guards Road and the Mall, where carriageway alterations are also proposed. The site is within the Royal Parks Conservation Area.

3. South Carriage Drive

This site runs from the Apsley Gate entrance to Hyde Park along South Carriage Drive up to the point it meets West Carriage Drive. It is within the Royal Parks Conservation Area and the Knightsbridge Conservation Area.

6.2 Recent Relevant History

12 April 2016 – permission granted for a 'segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Rd and South Carriage Drive'.

7. THE PROPOSAL

This proposal forms part of the East West Cycle Superhighway Scheme currently being implemented by Transport for London on behalf of the Mayor. The East/West superhighway runs from Tower Hill to Paddington (with TfL consulting on extending the route beyond Paddington). A large section of the route proposed runs through the Royal Parks within Westminster, incorporating a route through St James's Park, Green Park and Hyde Park. These applications relate to the sections running along Birdcage Walk, Spur Road, Constitution Hill and South Carriage Drive.

Constitution Hill (16/00090/FULL)

The cycle superhighway on Constitution Hill will be a two way cycle lane along the route of the current sand covered 'horse ride'. The route will be finished in golden top gravel dressing. It is separated from the main carriageway by the existing grass verge and trees. The route runs adjacent to the Memorial Gates where it exits Royal Parks land and goes through the Wellington Arch.

Spur Rd (16/00250/FULL)

To the east end of Constitution Hill where it meets Spur Road (by Buckingham Palace) the cycle route joins the carriageway and is separated from the traffic by demountable bollards. The bollards can be removed when required for ceremonial occasions. The route continues around Spur Road where it meets Birdcage Walk. There is sufficient space to the north side of Birdcage Walk to accommodate the segregated cycle route on the existing carriageway, still separated from vehicles by removable bollards. Existing pedestrian crossings over Birdcage Walk are upgraded. Though not forming part of the 'Superhighway' there are also some works to the junction of Spur Rd/Buckingham Gate/Buckingham Palace Rd to widen the footway on the north side and improve the signage and pedestrian crossings. There are also alterations to the junction of Horseguards Road and the Mall to improve the experience for pedestrians and cyclists. The works involve introducing a signalised crossing on Horse Guards Road and building out the footway as well as some other minor alterations.

South Carriage Drive (16/01965/FULL)

The cycle superhighway route picks up from Wellington Arch, going under the western arch of the Apsley Gate to Hyde Park. It continues along South Carriage Drive (the segregated route runs to the north side of the carriageway) until it meets West Carriage Drive and continues northbound (the northbound section has already been granted planning permission). As well as the creation of the segregated cycle route, various other alterations are proposed. These include upgrading existing footpaths, providing more cycle stands next to the Pavilion and bowling green and additional planting. No trees are removed. Existing on-street parking is reprovided and existing pedestrian crossings upgraded. The pavement adjacent to the westbound carriageway is reduced in width to accommodate the proposed changes (from Hyde Park Barracks to Park Lane).

TfL do not consider that the works require planning permission as they believe that the construction of the cycle superhighway falls within 'permitted development' rights for highway authorities under Section 55 of the Town and Country Planning Act.

The maintenance and improvement of the public highway are generally exempt from the need for planning permission if undertaken by a local highway authority pursuant to s55 of the Act. In this instance however TfL is not the local highway authority for the Royal Parks, nor are the roads in question public highway, and as a consequence the City Council takes the view that planning permission is required. On land outside the Royal Parks, the council is satisfied that the normal s55 rights can apply to TfL and to other local highway authorities such as the City Council, acting as it's agent.

Although TfL do not agree with the City Council's view that permission is required for the Cycle Superhighway within the boundaries of the Royal Parks, they agreed to submit applications for planning permission where the works are on land owned by the Royal Parks.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change of use is proposed as such there are no land use issues to consider.

8.2 Townscape and Design

The palette of materials proposed for the works to the footway, highway and proposed cycle route is a combination of asphalt, bauxite, granite setts and bonded gravel. These are considered appropriate to the surroundings and wider Conservation Areas. The works are not considered to have any impact upon the setting of any listed structure near the proposed route within the Royal Parks.

The finish of the asphalt to the cycle superhighway is generally blue, however, given the sensitivities of the surrounding environment, a scheme more consistent with the Royal Parks roads is considered preferable in this location.

The works are acceptable in design and conservation terms, in line with policies S25 and S28 of the City Plan and DES1, DES9, DES10 and DES12.

8.3 Residential Amenity

A section of the existing footway to the south of South Carriage Drive, between Hyde Park Barracks and Hyde Park Corner, will be reduced in width by up to one metre to enable the carriageway to accommodate both vehicles and the cycle lane. The reduced width of the footway does not present any concerns in terms of the physical space available for pedestrians as the pavement is unusually wide in this location. However, concern has been expressed by an objector that the reduced pavement width will mean traffic is

passing closer to residential windows facing South Carriage Drive (flats in Park Close, 1 Hyde Park). The objection is noted, but given that there is a substantial grassed area and/or gardens between windows and the pavement, it is not considered the reduction in pavement width here would have an impact to a degree that refusal on amenity grounds would be justified.

8.4 Transportation

Policy S41 relates to pedestrian movement and sustainable transport, aiming to support walking and other sustainable transport modes, including cycling. UDP policy TRANS 9 aims to make cycling safer and to promote cycling as an alternative to the private car. Part A(1) of this policy states that the City Council will implement traffic management measures to aid cyclists and improve safety such as cycle lanes or advance stop lines. TRANS 2 (road safety) and TRANS 3 (pedestrians) are also of relevance.

There will be no loss of on street parking as a result of the proposals.

Given the specific policies with the London Plan and Westminster's statutory development plans in relation to cycling and segregated routes, the proposed cycle route is welcomed and is supported by the highways planning manager.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

It is not considered that the proposed cycle superhighway will prevent people accessing the parks or travelling through them, and the proposals are in line with S29 Health, Safety and Wellbeing.

8.7 Other UDP/Westminster Policy Considerations

Trees

There are a number of trees in close proximity to the works. For the main part, any new surfacing will replace existing hard standing or loose gravel/sand so it should be possible to minimise any impact on nearby trees. This will be secured by condition. Given that there are no trees lost as a result of the works and the cycle lane does not generally encroach on existing green space, the Westminster Society's objection is not considered sustainable.

Biodiversity

Again, given that new surfacing generally replaces existing hard standing, it is not considered that there will be any undue impact on the biodiversity found in the parks. The main impact is likely to be during construction works, which will only be temporary.

8.8 London Plan

Of particular relevance in the consideration of this application are policies 6.1 and 6.9. Policy 6.1 encourages close integration between transport and development, part b aims to "improve the capacity and accessibility of public transport, walking and cycling,

particularly in areas of greatest demand". Policy 6.9 relates specifically to cycling, stating that the Mayor will "identify, promote and implement a network of cycle routes across London which will include Cycle Superhighways and Quietways". Paragraph 6.36 states that the aim of the Mayor is to enhance the conditions for cycling by improving the quality of the cycling network and improving the safety of, priority for and access to cycling"

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The applicant has provided an 'environmental evaluation report' covering issues including biodiversity, cultural heritage, townscape, noise and vibration, emissions and water resources.

The principal impacts not already discussed in this report are noise/vibration and air quality.

In terms of noise, an assessment for impacts along the whole East-West route was carried out. In this park location, the report concludes that there would be a very slight decrease in noise levels from this road after the works are completed.

In terms of air quality, there is projected to be a slight improvement following the completion of works. There will be a short term potential increase in noise, vibration and diminution in air quality during construction work, however this is a temporary effect.

9. BACKGROUND PAPERS

Application 1 (16/00090/FULL)

1. Application form
2. Letter from Historic England dated 2 February 2016.
3. Response from the Westminster Society dated 9 February 2016.
4. Response from the Thorney Island Society dated 27 January 2016.
5. Memorandum from the Highways Planning Manager dated 20 April 2016.

Application 2 (16/00250/FULL)

1. Application form
2. Letter from Historic England dated 2 February 2016.
3. Response from the Westminster Society dated 16 February 2016.
4. Response from the Thorney Island Society dated 4 February 2016.
5. Memorandum from the Highways Planning Manager dated 20 April 2016.

Application 3 (16/01965/FULL)

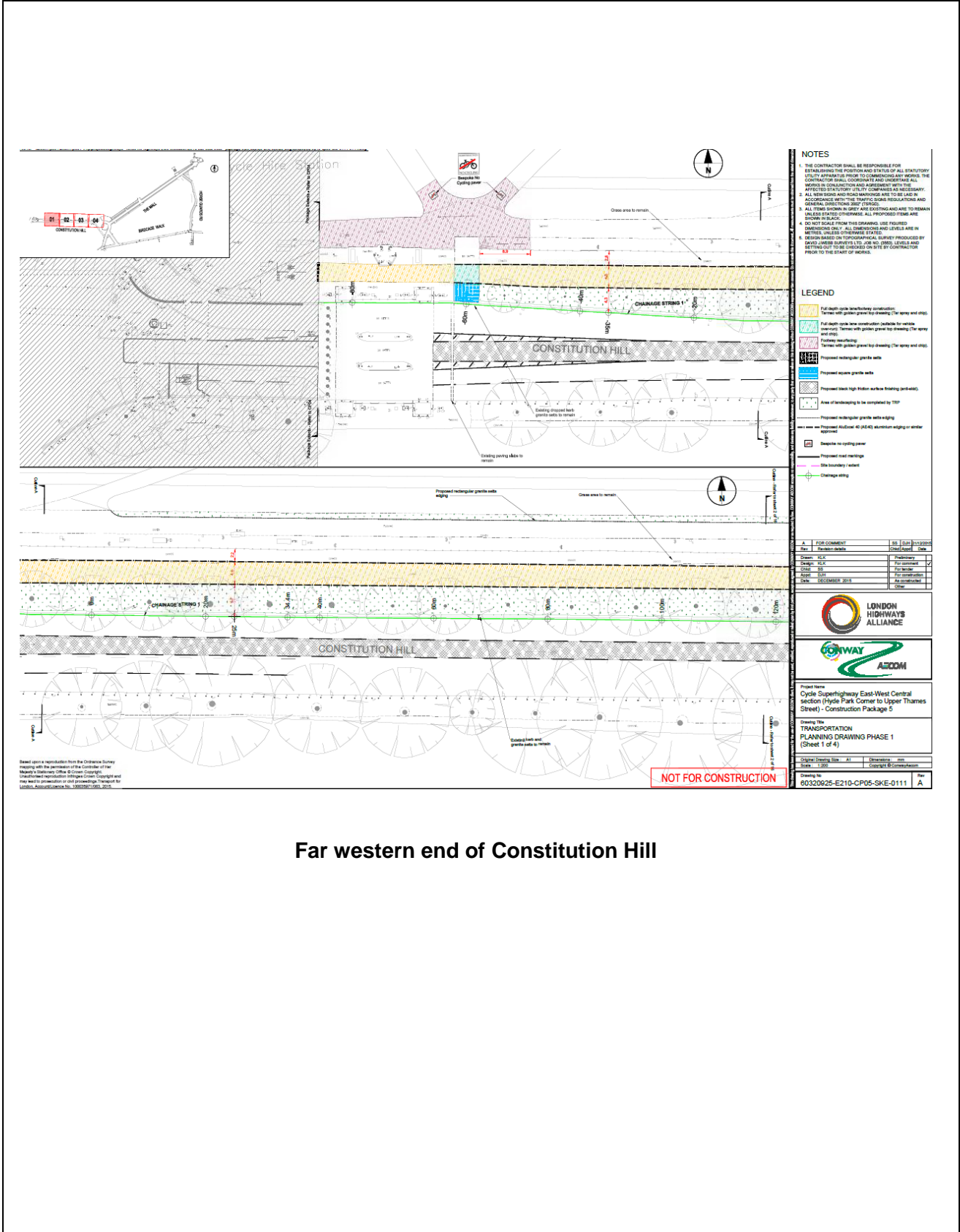
1. Application form.
2. Letter from Historic England dated 22 March 2016.
3. Response from the Knightsbridge Association dated 22 March 2016.

4. Letter from the occupier, Park Close, dated 14 April 2016.

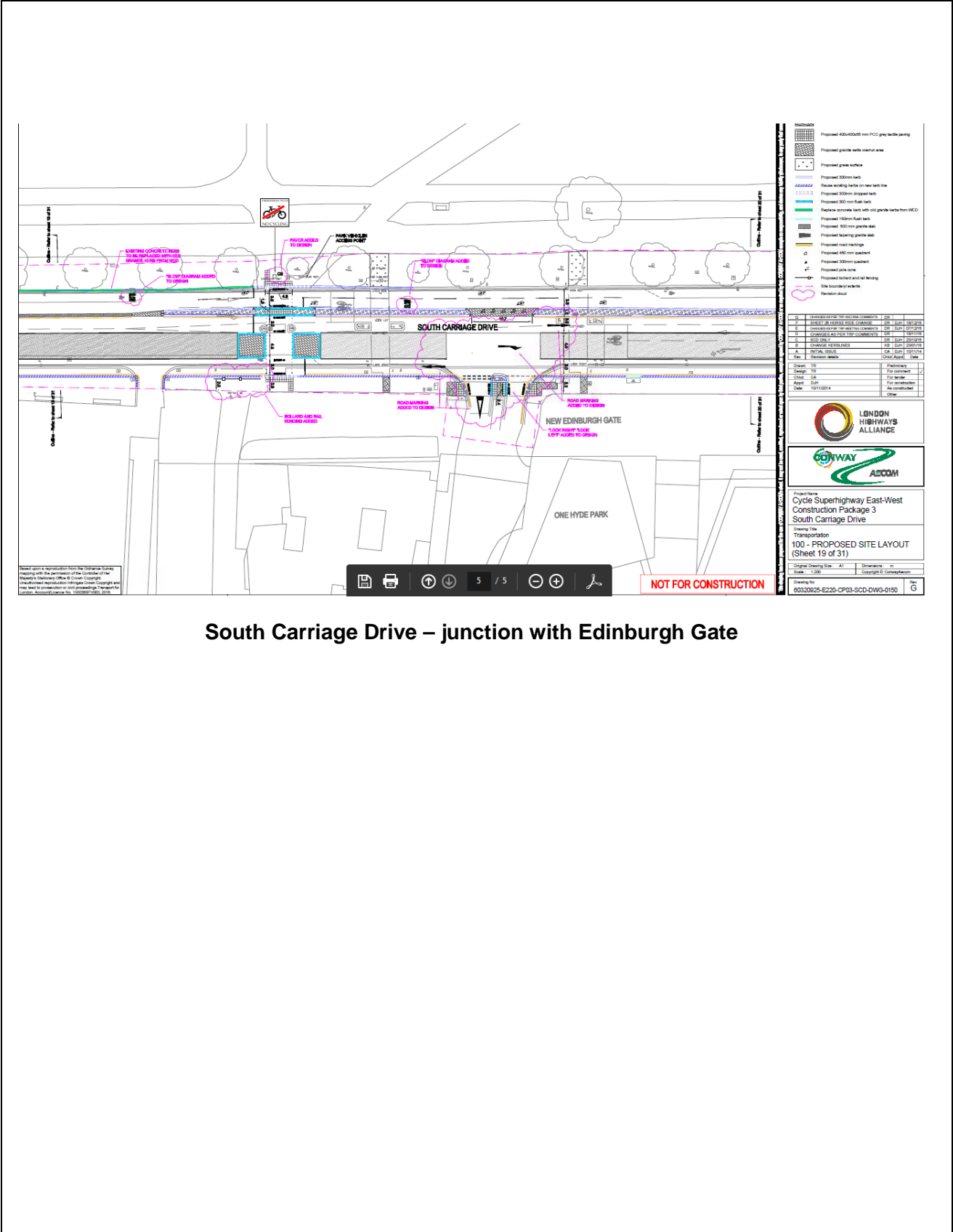
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LOUISE FRANCIS ON 020 7641 2926 OR BY EMAIL AT lfrancis@westminster.gov.uk

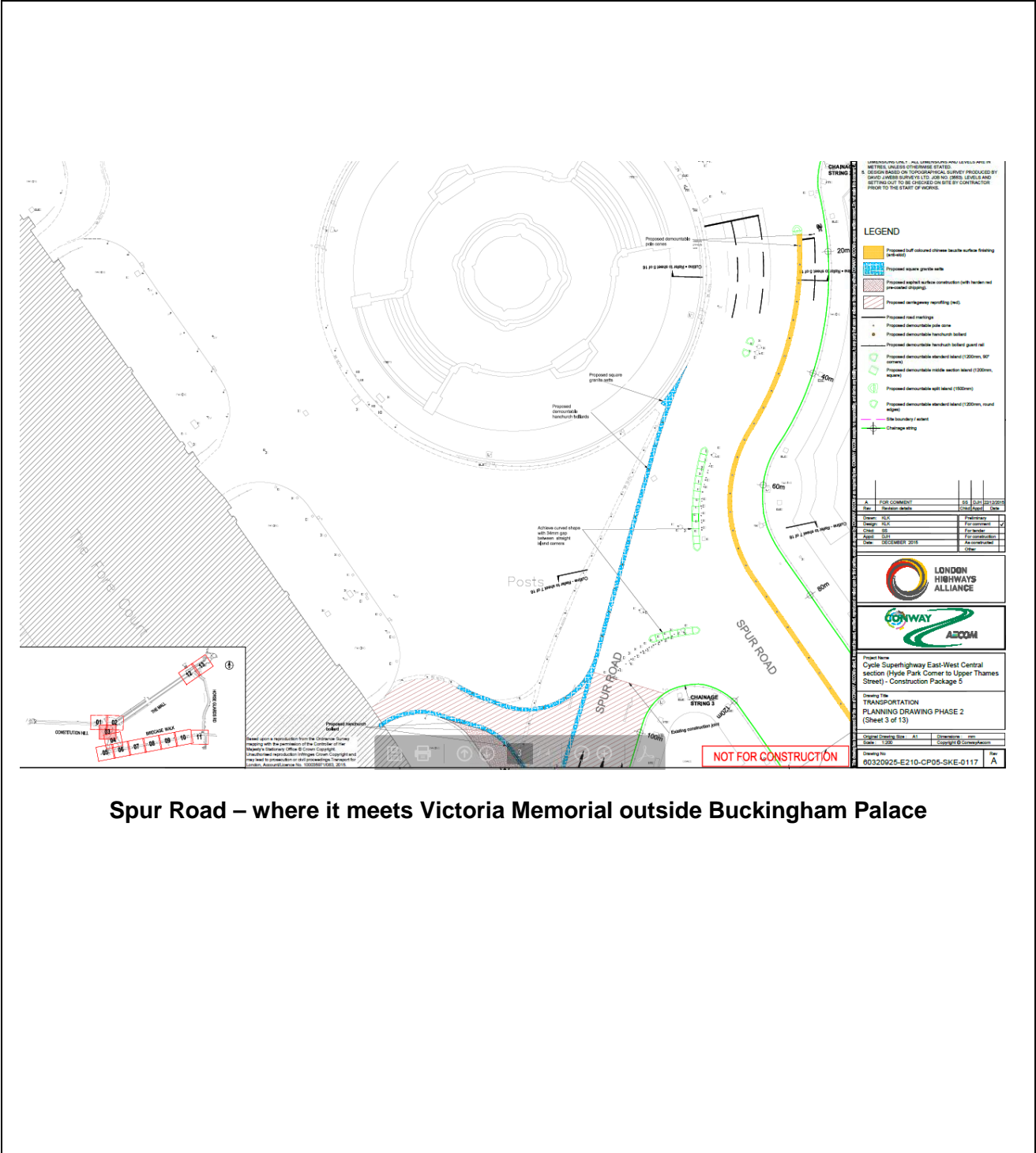
10. KEY DRAWINGS



Far western end of Constitution Hill



South Carriage Drive – junction with Edinburgh Gate



Spur Road – where it meets Victoria Memorial outside Buckingham Palace

DRAFT DECISION LETTER

Address: Constitution Hill, London, SW1

Proposal: Creation of a segregated cycle route running through Constitution Hill as part of the East - West Cycle Superhighway and associated works.

Plan Nos: 60320925-E210-CP05-DWG-0101A; 0102A; 0103A; 0104A; 60320925-E210-CP05-SKE-0111A; 0112A; 0113A; 0114A; location plans 1 and 2; planning statement dated 6 January 2016; environmental evaluation report dated December 2015.

Case Officer: Louise Francis **Direct Tel. No.** 020 7641 2488

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

DRAFT DECISION LETTER

Address: Spur Road, London SW1

Proposal: Creation of a segregated cycle route running alongside St. James Park as part of the East - West Cycle Superhighway and associated works (site includes Birdcage Walk and The Mall).

Plan Nos: location plan numbers 1 to 5; 60320925-E210-CP05-DWG-0105A; 0106A; 0107A; 0108A; 0109A; 0110A; 0111A; 0112A; 0113A; 0114A; 0115A; 0116A; 60320925-E210-CP05-DWG-0125A; 60320925-E210-CP05-SKE-0116A; 0117A; 0118A; 0119A; 0120A; 0121A; 0122A; 0123A; 0124A; 0127A; 60320925-E210-CP05-SKE-0115A and 0116A; Environmental Evaluation report dated December 2015; planning statement dated 12 January 2016.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

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- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

DRAFT DECISION LETTER

Address: South Carriage Drive, London, SW7

Proposal: Creation of a segregated cycle route running through South Carriage Drive in Hyde Park as part of the East - West Cycle Super Highway and associated works.

Plan Nos: Location plans 1 to 4; 60320925-E220-CP03-SCD-DWG-0110A; 0111A; 0112A; 0113A; 0114A; 0115A; 0116A; 0117A; 0118A; 0119A; 0120A; 0121A; 0122A; 0123A; 0124A; 0125A; 60320925-E220-CP03-SCD-DWG-0141G; 0142G; 0143G; 0144G; 0145G; 0146G; 0147G; 0148G; 0149G; 0150G; 0151G; 0152G; 0153G; 0154G; 0155G; 0156G; environmental evaluation report dated December 2015; planning statement dated 3 March 2016.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning

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2

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.

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.

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Berkeley Square, London, W1J 6DB		
Proposal	Erection of 19 marquees on the north side of Berkeley Square for a temporary period for the Glamour Awards and the London Real Estate Forum between 1 June 2017 and 19 June 2017 and for unspecified dates in years 2018 to 2021.		
Agent	Mr Richard Dodgson		
On behalf of			
Registered Number	16/00870/FULL	Date amended/ completed	18 February 2016
Date Application Received	2 February 2016		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

For Committee's consideration:

Does the Committee consider that there are exceptional circumstances in this case to permit the proposed use on a temporary basis?

2. SUMMARY

Berkeley Square is a Grade II listed square on the English Heritage Register of Parks and Gardens. It is also protected by the London Squares Preservation Act 1931. The Square is located within the Mayfair Conservation Area and the Core Central Activities Zone as defined by Westminster's City Plan: Strategic Policies.

Permission is sought for the erection of 19 marquees on the northern side of the Square for a temporary period between the 1 June 2017 and 19 June 2017 and for similar but unspecified periods annually between 2018 and 2021. The marquees are to be used in association with two events, the Glamour Awards and the London Real Estate Forum.

A separate application has been made to erect 7 marquees on the same part of the Square for a different temporary period (31st August until 15 October) by the LAPADA Art and Antiques

Fair. This application is considered elsewhere on this agenda.

Permission was first granted for marquees for the Glamour Awards and London Real Estate Forum in 2013. Initially this was on a one-off basis, however permission was subsequently granted in 2014, 2015 and 2016.

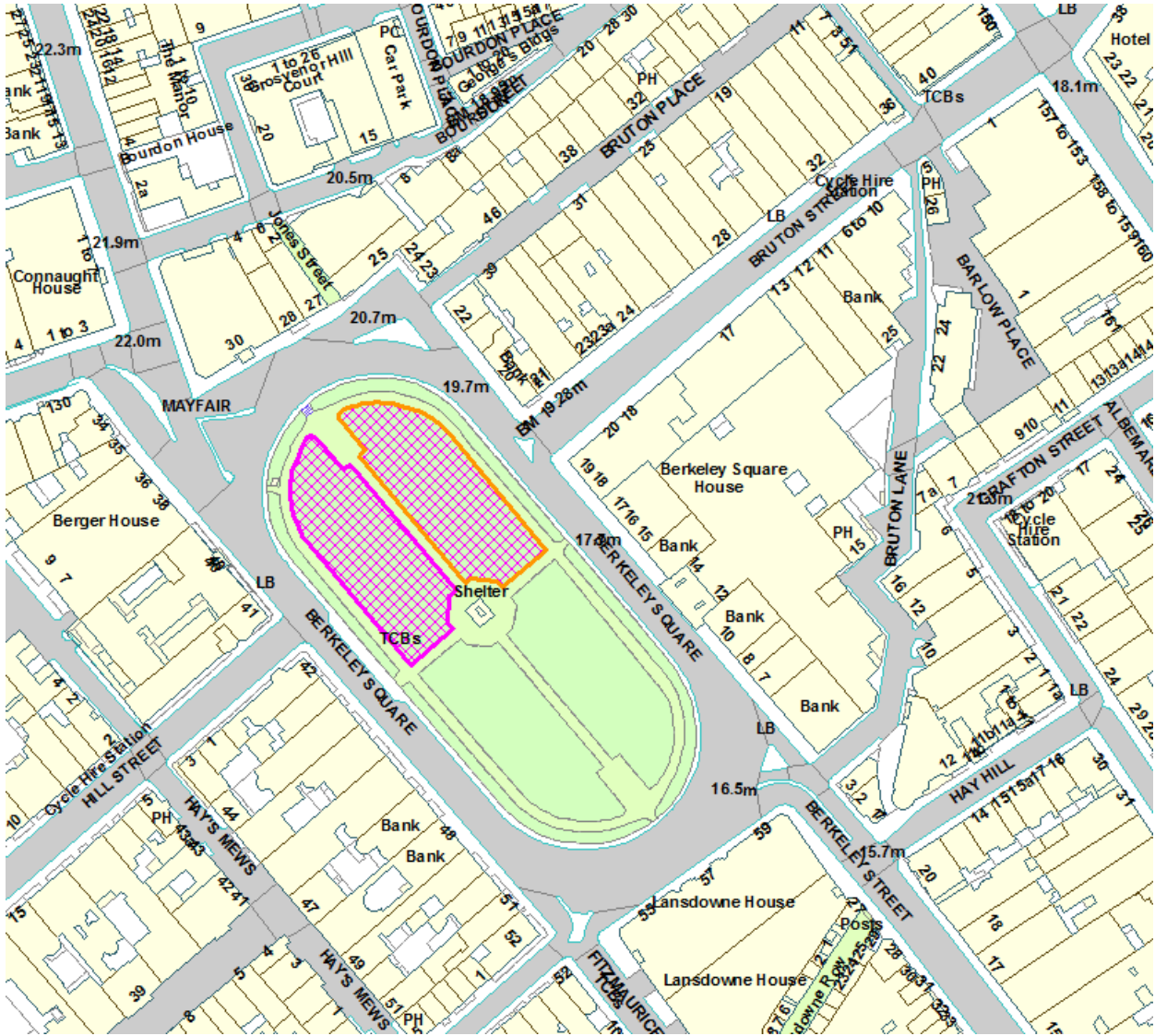
The key issues for consideration are:

- * The impact of the proposed marquees on the special interest of the square.
- * The temporary exclusion of members of the public from part of the square.
- * Whether the proposal complies with the terms of the London Squares Preservation Act 1931.

The City Solicitor has advised that the proposal is unlikely to comply with the terms of the London Squares Preservation Act 1931. However, consideration must also be given to the fact that the proposed events, are established specialist events, traditionally held in Berkeley Square which involve many local businesses.

Given this, Sub-Committees views are sought as to the acceptability of a five year planning permission for the events.

3. LOCATION PLAN



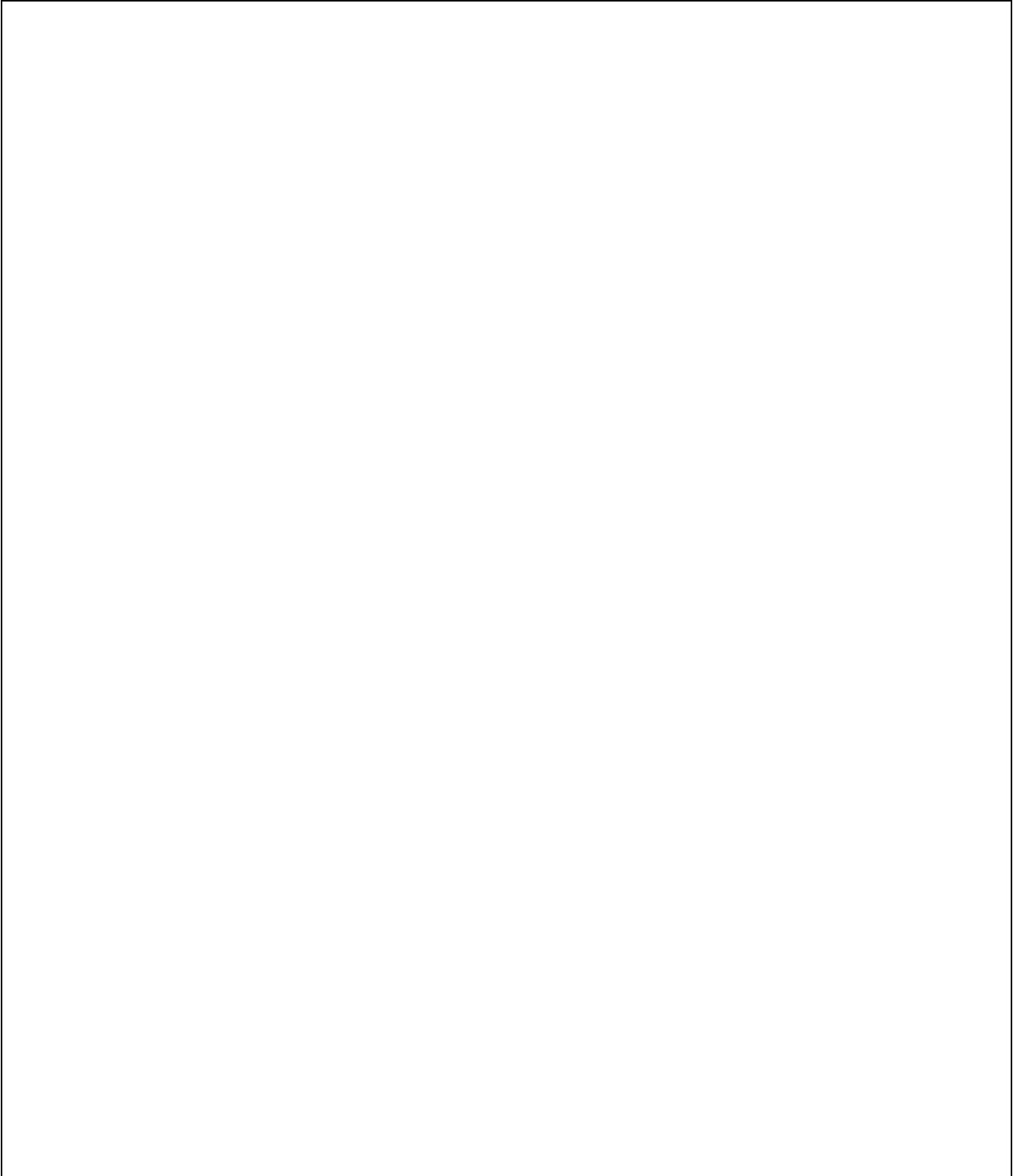
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4. PHOTOGRAPHS





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3



5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation to determine as seen fit.

COUNCILLOR ROBERTS

Objection – the proposal results in the loss of public access to the square in order to host a commercial event for which is was never intended.

COUNCILLOR CHURCH

Any response to be reported verbally.

COUNCILLOR GLANZ

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

No objection.

CLEANSING MANAGER

No objection.

LEGAL SERVICES

Considers the proposed events are unlikely to comply with the terms of the London Squares Preservation Act 1931.

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

SPECIAL EVENTS

Any response to be reported verbally.

THE GARDENS TRUST

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 303

Total No. of replies: 2

No. of objections: 1

No. in support: 0

Comments received regarding the compliance of the proposal with the London Squares Preservation Act 1931 and the impact of the events on the proposed public realm improvement works.

Objection received from the Mayfair Forum stating the proposal is contrary to the London Squares Preservation Act 1931 and reduces public access to the square for the benefit of a commercial event.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Berkeley Square is a Grade II listed Square on the English Heritage Register of Parks and Gardens and is also a protected Square under the London Squares Preservation Act 1931. It is a large public square located in the centre of Mayfair within the Mayfair Conservation Area and the Core Central Activities Zone. The square is characterised by mature trees, grassed areas and benches.

6.2 Recent Relevant History

Conditional planning permission was initially granted on the 2nd April 2013 for the 'erection of 19 marquees on the north side of Berkeley Square for a temporary period for the Glamour Awards and London Real Estate Forum between 31 May 2013 and 16 June 2013.'

Planning permission was then refused for 19 Marquees for the Glamour Awards and London Real Estate Forum on 18 February 2014. Further to the submission of additional information permission was granted on the 11th March 2014 for the 19 marquees for a temporary period between 30 May 2014 and 16 June 2014 and for unspecified dates in 2015 and 2016.'

Planning permission has also been granted on a number of previous occasions for the use of the square to host other events including Arts and Antiques fairs for which there is a pending application on the Committee agenda.

7. THE PROPOSAL

The proposal is again for the erection of 19 marquee structures for a temporary period from the 1 June 2017 and 19 June 2017 to accommodate the London Real Estate Forum and the Glamour Women of the Year Awards. The Glamour Awards have been taking place in Berkeley Square for the past 12 years with the London Real Estate Forum having been established three years ago. Permission is also sought for the events to take place annually between 2018 and 2021 with currently unspecified dates.

Although there are permitted development rights to use open space for up to 28 days a year, planning permission is required for these events because the total number of events planned will exceed the permitted 28 days. Permission has been previously granted for other events in the square (namely the LAPADA Art and Antiques Fair and a contemporary art fair) which was granted for specific dates in 2013 and also for 2014 and 2015 with unspecified dates (subject to a condition attached to the permission requiring approval of the specific dates in 2014 and 2015). As already stated a separate application

has been submitted for arts and antiques fairs hosted in marquees on the square which is considered elsewhere on this Committee agenda.

The Glamour Awards are proposed to take place on Tuesday 6th June 2017 between the hours of 18.30 and 01.00 the next day. The London Real Estate Forum will take place between Tuesday 13th June 2016 and Thursday 15th June 2016 with opening hours of 18:00 to 22:00 on the Tuesday for an opening party and 09:00 till 18:00 on the Wednesday and Thursday for the main event. Detailed hours and associated activities are all controlled by Special Events and via the licences which will be necessary to host the events.

Erection of the marquees will commence on the 1st June 2017 and they will be removed by the 19th June 2017

8. DETAILED CONSIDERATIONS

8.1 Land Use

London Real Estate Forum:

This is an event of national and international significance that provides the opportunity for the development community to showcase opportunities to invest and locate in London with a focus on major corporate occupiers, investors in commercial and residential sectors, retailers, hoteliers and restaurants.

Last year's event was attended by over 1600 visitors with many of the leading developers and investors in the property industry exhibiting at the event. The event has previously attracted important speakers including the Mayor of London and the leader of Westminster City Council and other organisations responsible for hundreds of billions of pounds of real estate investments globally. The London Real Estate Forum provides a unique focus for them to meet, share ideas and investigate development opportunity in the heart of the capital.

Berkeley Square is considered to be an ideal location for the event to be hosted as the applicant contends there is no alternative venue which provides similar access to public transport, close proximity to the main offices of many of the exhibitors and attendees and the ability to provide the required exhibition and conference space of the required scale. The location also plays a crucial role in attracting the most senior national and international investors to visit and participate and many of these exhibitors are highlighting significant development and investment opportunities within the City of Westminster.

The Glamour Awards:

This is an established event in Berkeley Square and many of the sponsors and guests have flagship stores and offices in the immediate vicinity on Bond Street and Oxford Street.

The applicant states it is important for the community of Oxford Street and Bond Street retail and fashion businesses that the event is held locally, as the content reflects well on the local community and this location is ideal for sponsors and attendees. Also the publishers of Glamour magazine (Conde Nast) have their main offices five minutes walk from the square.

The applicant contends that the awards are attended by high profile guests who recognise the importance of women in public life and this gives the awards national and international significance.

Linking of the two events:

Sharing the infrastructure makes both of the events commercially viable, without the benefit of being able to share the costs of the set-up and the hire of equipment and infrastructure the applicant contends that it is unlikely either of these events would be commercially viable.

There have been no recorded complaints regarding previous events in the Square and no objections have been received from neighbouring occupiers in respect of the current proposal. As the events will be run in a similar manner to previous years, it is considered that there is unlikely to be any detrimental impact on residential amenity. It is also considered the proposal would not result in any adverse environmental or traffic impacts.

The London Squares Preservation Act

The Square is protected by the London Squares Preservation Act 1931. The primary purpose of the Act is that protected Squares be preserved permanently as open space. The Act requires that a protected square should only be used for authorised purposes namely for the purpose of an ornamental garden, pleasure ground or ground for rest, play and recreation.

In this instance the events provide very limited public access. For the Glamour Awards access is limited to four tickets available as part of a competition and a 'red carpet area' outside the marquees where members of the public can watch celebrities arrive at the Awards. For the London Real Estate Forum, there are approximately 1000 exhibitors and 600 attendees who purchase tickets to attend.

It is necessary on each occasion to look at the overall character and scale of what is proposed to be in a protected square. As a general principle, if the predominant use of what is proposed is commercial, rather than recreational, it is likely to contravene the Act. However the use of part of a square for a short period by an event, whether open to the public or private, is considered to fall within the terms of the Act provided it is of a short duration.

In this particular case the two proposed events would involve the erection 19 marquees on the north side of Berkeley Square for a temporary period between 1st June 2017 and 19th June 2017 and unspecified dates in the years 2018 to 2021.

The Director of Law has advised that the events are likely to be in breach of the Act, firstly because they do not fall within the 'authorised purposes' set out in Section 3(1) of the Act (see above) and secondly because they fail to preserve the character of Berkeley Square as an open space given that approximately 50% will be occupied by the structures for a period of 46 days.

The Director of Law further advises that the City Council has a duty to enforce the provisions of the Act. However, the City Council has a discretion as to whether or not to prosecute having regard to all relevant circumstances.

It is noted that Councillor Roberts and the Mayfair Forum have objected to the application due to the commercial nature of the events and the restricted public access. As detailed above the proposal is likely to be in contravention of the London Squares Preservation Act for these reasons. Grosvenor have also commented on the application and noted that the proposal is contrary to the requirements of the Act.

The Mayfair Forum have further detailed policies from their proposed Neighbourhood Plan, the proposed policy OB12 states they will 'improve amenity in public squares by reducing commercial events, facilitating cultural and community activities and increasing public access and usability'. Whilst the content of this proposed policy is noted, currently the Neighbourhood Plan has not been adopted and carries no material weight.

8.2 Townscape and Design

Policy S35 of the City Plan states that the City Council will protect 'all open spaces, and their quality, heritage and ecological value, tranquillity and amenity'. Policies ENV14 and ENV15 of the UDP also seek to protect Metropolitan Open Land and public open spaces maintaining them for the benefit of the public, both residents and workers.

Policy DES12 of the UDP seeks to 'preserve or enhance the appearance and integrity of open spaces and their settings'. Paragraph 10.157 states that 'the City Council will resist any development of land forming part of the Royal Parks or public and private squares, and any developments that adversely affect their integrity or appearance'. Paragraph 10.157 also states that 'planning permission is only likely to be granted for development in parks, gardens and squares if the development is essential and ancillary to maintaining the land as public open space.'

The proposed marquees are large and are considered to have a significant, harmful impact on the appearance of the registered Garden, and fail to preserve or enhance the character and appearance of the Mayfair Conservation Area.

In line with guidance in the NPPF, the harm the proposal results in to the designated heritage asset (the Square) needs to be weighed against the public benefits of the proposal. On this occasion there is considered to be very limited public benefit arising from the commercial events proposed and the harmful impact of the structures would normally be considered unacceptable.

The marquees also feature a number of advertisements, for which advertisement consent is sought. These are relatively discrete and if planning permission is to be granted for the structures, then it is considered that advertisement consent should also be granted.

8.3 Residential Amenity

In amenity terms the main issue is the impact of the proposed event in terms of additional people attracted to the Square and whether this will cause significant additional noise and disturbance.

There are very few residential properties located on the square with the majority of buildings being used as office accommodation on the upper floors. There are also no complaints registered with the Council in relation to the operation of the events in previous years and no objections from neighbouring residents in relation to this application. As the events will be managed and run in a similar way to previous years it is not considered the proposal would have a detrimental impact upon residential amenity in the vicinity.

It is not considered necessary to include conditions in relation to the opening hours of the events or the hours of deliveries as these issues have been effectively managed by the operators and Special Events in previous years.

8.4 Transportation/Parking

The London Real Estate Forum has taken place in 2013 whilst the Glamour Awards have been taking place for the past 12 years in the Square. It is not considered the proposal would have any detrimental impacts upon the highway in the immediate vicinity with regards to vehicular movements.

8.5 Economic Considerations

The economic benefits generated by the events are noted.

8.6 Access

A temporary disabled access ramp is provided to enable disabled access to the event, with full internal disabled access and a designated disabled toilet.

8.7 Other UDP/Westminster Policy Considerations

Plant

Temporary plant items would be required to support the event. Normally it would be considered necessary for an acoustic report to be submitted to show that the plant would be compliant with City Council policies in relation to the noise levels experienced at the nearest noise sensitive properties. In this instance it is considered that due to the distance from the nearest noise sensitive property, the temporary nature of the event and that there are no recorded noise complaints relating to previous events, an acoustic report would not be necessary. Should permission be granted it is recommended that it is subject to the normal noise conditions.

Grosvenor have commented on the application as they are proposing to carry out public realm improvements in association with Westminster City Council in the square in 2017 which they consider could be adversely affected by the proposal. They have requested the applicant is made liable for any increase in costs for the public realm works potentially arising from the disruption caused by the events. This is not considered reasonable, the marquees will only be situ for 19 days in total and it is considered that any improvement works to the square can be co-ordinated with special events to ensure minimal disruption. An informative is proposed to advise the applicant of these proposed works to ensure the events due not impact on planned improvements.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not relevant to an application of this scale.

9. BACKGROUND PAPERS

1. Application form
2. Email from Councillor Roberts dated 8 April 2016.
3. Response from Historic England dated 4 May 2016
4. Response from the Highways Planning Manager dated 15 March 2016
5. Response from the Cleansing Manager dated 16 March 2016
6. Response from the Head of Legal and Democratic Services dated 27 April 2016
7. Response from Residents Society Of Mayfair & St. James's, dated 31 March 2016
8. Letter from Grosvenor Estates, 70 Grosvenor Street, London, dated 7 April 2016
9. Letter from the Mayfair Forum, dated 11 April 2016

Selected relevant drawings

(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 MATTHEW GILES ON 020 7641 5942 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

BERKELEY SQ EVENTS

LEGEND:

- FE WALL WIRES
- FIRE EXIT
- 2m GLAZED DOOR
- 4m GLAZED PANEL
- BAFFLE SCREEN
- PORTAL BEAM
- DECK
- STEPS BY OR JOINER
- RAMP
- TRACKING
- BESPOKE GLITTER LINK
- DECKING

CLIENT'S APPROVAL:

DATE:	DESIGNER:	TYPE OF MODIFICATION:

TIME BASED EVENTS

EVENT: **BERKELEY SQUARE**

EVENT DATE: **JUNE 2016**

SCALE: **1:250 @ A3**

CODE DRAWING REFERENCE: **TBE**

Labels for drawings:

- PERSPECTIVE VIEW
- REAR ELEVATION
- FRONT ELEVATION
- SIDE ELEVATION
- SIDE ELEVATION

DRAFT DECISION LETTER

Address: Berkeley Square, London, W1J 6DB,

Proposal: Erection of 19 marquees on the north side of Berkeley Square for a temporary period for the Glamour Awards and the London Real Estate Forum between 1 June 2017 and 19 June 2017 and for unspecified dates in years 2018 to 2021.

Reference: 16/00870/FULL

Plan Nos: Drawings: 168_P_30_06 RevP1, TBE-15-01E, TBE-15-02D, TBE, 02/488.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The use of the marquee structures hereby granted permission shall be for a limited period in 2017 restricted to 1 June 2017 and 19 June 2017. At the end of this period the structures and associated works shall have been removed and the land restored to its former condition.

Reason:

The use and structures are intended to be temporary and their retention beyond the approved period is considered contrary to DES12 of our Unitary Development Plan that we adopted in

January 2007 and S35 of our City Plan that we adopted in November 2013. Use for more than a limited period would be harmful to the objectives of the Plan.

- 4 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.

- 5 (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: Strategic Policies adopted November 2013, 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.

- 6 You must apply to us for approval of the dates for which you seek to erect the permitted marquees in 2018, 2019, 2020 and 2021 and the marquees shall not be erected in these years unless approval has been given under this planning condition.

Reason:

The use is not as set out in DES12 of our Unitary Development Plan that we adopted in January 2007. Use for more than a limited period would be harmful to the objectives of the Plan. (R03AB)

- 7 The marquees hereby approved shall only be used to host the London Real Estate Forum and the Glamour Awards. They shall not be used to host any other events in addition to these two events.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You are advised that public realm improvement works are proposed to take place in Berkeley Square in 2017 and you should contact Hilary Skinner at Westminster City Council on 020 7641 2531 to ensure the proposed events do not impact upon these scheduled works.

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.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Berkeley Square, London, W1J 6DB		
Proposal	Erection of seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between 31 August 2016 and 15 October 2016 and for unspecified dates in years 2017 to 2020.		
Agent	Miss Mieka Sywak		
On behalf of	Miss Mieka Sywak		
Registered Number	16/01776/FULL	Date amended/ completed	4 April 2016
Date Application Received	29 February 2016		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

For Committee's consideration:

Does the Committee consider that there are exceptional circumstances in this case to permit the proposed use on a temporary basis?

2. SUMMARY

Berkeley Square is a Grade II listed Square on the English Heritage Register of Parks and Gardens. It is also protected by the London Squares Preservation Act 1931. The Square is located within the Mayfair Conservation Area and the Core Central Activities Zone as defined by the adopted City Plan.

Permission is sought for the erection of seven marquees on the northern side of the square for a temporary period from the 31 August 2016 until the 15 October 2016. Permission is also sought for marquees in the square annually for a further four years with dates for future years to be confirmed at a later date. The marquees are to be used in association with two international art fairs, The LAPADA Art and Antiques Fair and a contemporary art fair, these fairs have been operating from the square for a number of years with the LAPADA event having taken place in the square since 2009 and planning permission having been granted for both events since

2012.

A separate application has been made to erect 19 marquees on the same part of the Square for a different temporary period (1 June 2017 and 19 June 2017) by the Glamour Awards and the London Real Estate Forum. This application is considered elsewhere on this agenda

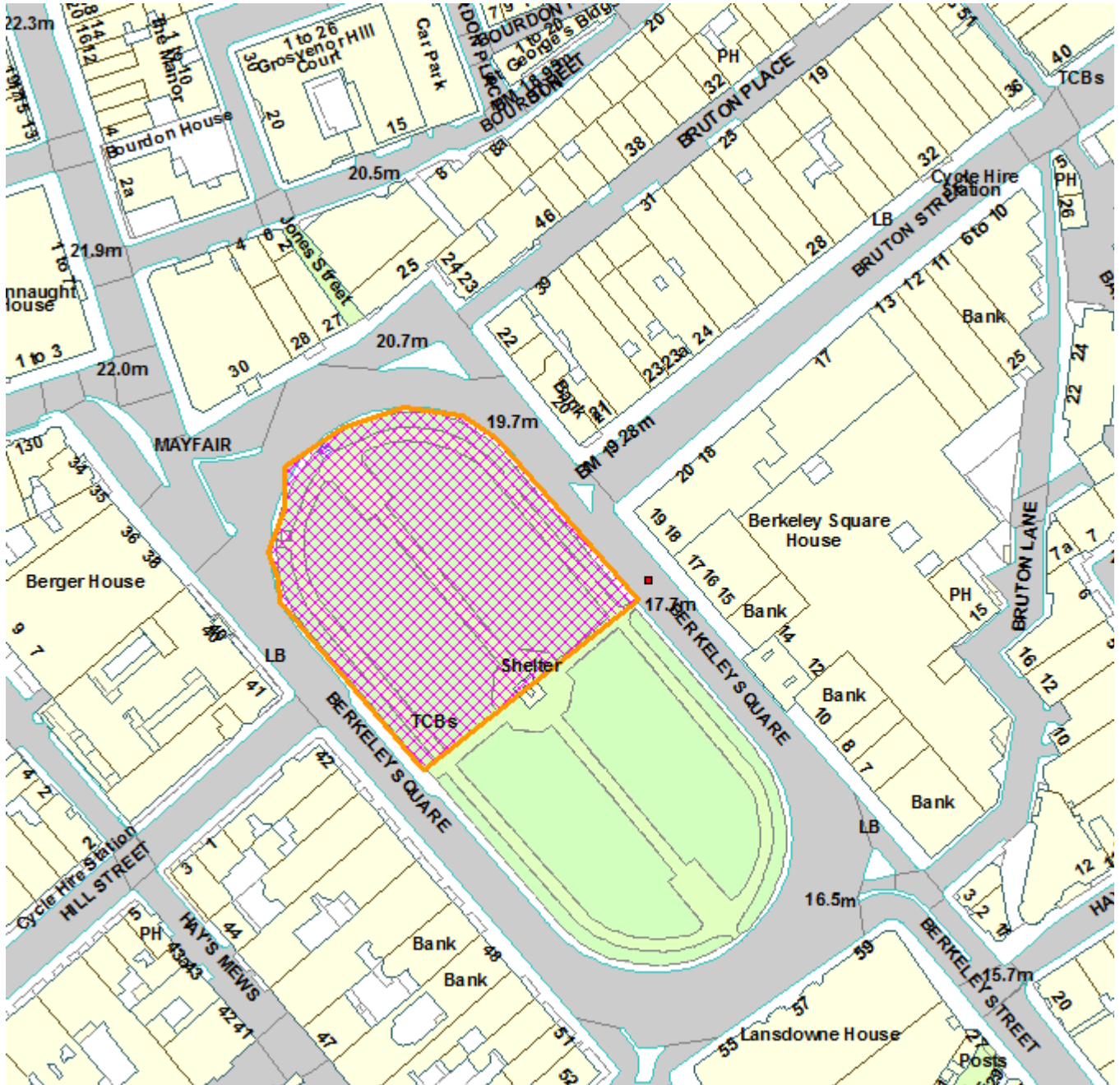
The key issues for consideration are:

- * The impact of the proposed marquees on the special interest of the square.
- * The temporary exclusion of members of the public from part of the square.
- * Whether the proposal complies with the terms of the London Squares Preservation Act 1931.

The City Solicitor has advised that the proposal is unlikely to comply with the terms of the London Squares Preservation Act 1931. However, consideration must also be given to the fact that the proposed fairs are established specialist events which involve many local galleries and businesses.

Given this, Sub-Committees views are sought as to the acceptability of a five year planning permission for the events.

3. LOCATION PLAN



4. PHOTOGRAPHS





5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation to determine as seen fit.

COUNCILLOR ROBERTS

Any response to be reported verbally.

COUNCILLOR CHURCH

Any response to be reported verbally.

COUNCILLOR GLANZ

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

Objection – granting the events for five years will lead to a loss of control over the events and result in damage to the amenity space.

CLEANSING MANAGER

No objection.

LEGAL SERVICES

Considers the proposed events are unlikely to comply with the terms of the London Squares Preservation Act 1931.

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

No objection.

SPECIAL EVENTS

Any response to be reported verbally.

THE GARDENS TRUST

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 308

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Berkeley Square is a Grade II listed Square on the English Heritage Register of Parks and Gardens and is also a protected Square under the London Squares Preservation Act 1931. It is a large public square located in the centre of Mayfair within the Mayfair Conservation Area and the Core Central Activities Zone. The square is characterised by mature trees, grassed areas and benches.

6.2 Recent Relevant History

Conditional planning permission was granted on the 2 October 2012 for the 'erection of seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between the 6 September 2012 and 20 October 2012.'

Permission was subsequently granted on the 26th July 2013 for seven marquees for a temporary period for antiques and art fairs between the 12 September 2013 and the 26 October 2013 and for unspecified dates in 2014 and 2015.'

Permission has also been granted on a number of previous occasions for the use of the square to host other events including the London Real Estate Forum and the Glamour Awards. As already stated a separate application has been submitted by the Glamour Awards and London Real Estate for marquees which is considered elsewhere on this Committee agenda.

7. THE PROPOSAL

The proposal involves the erection of seven marquee structures for a temporary period from the 31 August 2016 and 15 October 2016 to accommodate two international arts fairs, one the LAPADA Art and Antiques Fair, the other a contemporary art fair. LAPADA was founded in 1974 and is an association of antiques and art dealers with 550 members from across the UK.

Permission is also sought for the event to take place annually between 2017 and 2020 with currently unspecified dates. The total floorspace of the marquees equates to 4,148m² of which 3,608m² will be provided at ground floor level and 540m² will be provided on a first floor level within one of the marquees. The LAPADA event has been taking place annually in the square since 2009 with the contemporary arts fair having taken place annually since 2010.

The proposed marquees would cover the northern half of the square, in the same location as the annual events have taken place in previous years. Prior to 2012 the marquee structures were taken down between the two main events and therefore planning permission had not been sought as it was thought the structures were in place for a total period of less than 28 days and therefore benefited from permitted development rights.

In 2012 planning permission was sought for the marquee structures as Special Events advised the impact of the Olympics meant there were concerns with an increase in traffic and other logistical issues if the marquees had to be taken down between the two events.

It was also considered that leaving the marquees in place between the fairs would help alleviate stress upon the Square and allow it to return to its previous condition quicker than might otherwise have been the case. The application was granted consent on this basis and an informative attached stating that the exceptional circumstances resulting from the hosting of the Olympics had been taken into account in determining the application and that the proposal would be considered highly contentious if permission was subsequently sought for the events in future years. However, permission was then granted in 2013 for the event to take place that year and in 2014 and 2015.

The opening hours of the two arts fairs vary according to certain days but they are between the hours of 11.00 and 21.00 (being the earliest and latest opening hours). In addition there are two charity events planned which would close at 00:00 (midnight). These events would be controlled by Special Events and via the licence granted for the charity events.

8. DETAILED CONSIDERATIONS

8.1 Land Use

It is recognised that the events provide a platform for many of the galleries in the surrounding area to present their goods to a much wider audience. Information provided by the applicant states that 29 galleries from within Westminster are to be represented at the LAPADA event with a further 32 from across London, 15 galleries from within Westminster will be represented at the PAD event with a further 5 from London. In 2015 there were 22,000 visitors to the LAPADA fair and 27,000 to the PAD fair.

Policies S22 of the adopted City Plan and TACE 5 of the UDP seek to protect existing and encourage new tourism, arts and cultural facilities within the Central Activities Zone subject to the uses not resulting in an adverse impact on residential amenity or traffic. The proposed arts fairs are considered compatible with the character and function of the area as there are a large number of galleries in the vicinity, many of whom, as stated above will be represented. It is also noted that a large number of letters have been provided by the applicant from local art and antique galleries detailing the benefits of the fairs for their businesses and the profile of London as an international arts and antiques destination.

It is noted that there have been no recorded complaints regarding previous fairs in the square and no objections have been received from neighbouring owners or occupiers in respect of the current proposal. As the events will be run in a similar manner to previous years, it is considered that there is unlikely to be any detrimental impact on residential amenity. It is also not considered the proposal would result in any adverse environmental or traffic impact.

A letter was submitted as part of the application from Lancer Asset Property Management who are the freeholders of the square stating that they consider the LAPADA and PAD fairs as corporate events that have been previously agreed to be held in the square.

There are also charitable events planned which will take place on two of the evenings; one in support of the ARNI Institute (Action for Rehabilitation from Neurological Injury) and the other in support of CLIC Sargent. It is noted that one charity event last year raised £350,000 for Maggie's Cancer Centres and that the charities associated with the LAPADA

fair have raised £1,250,000 in the past three years from charitable events hosted in the marquees.

The London Squares Preservation Act

The Square is protected by the London Squares Preservation Act 1931. The primary purpose of the Act is that protected Squares be preserved permanently as open space. The Act requires that a protected square should only be used for authorised purposes namely for the purpose of an ornamental garden, pleasure ground or ground for rest, play and recreation.

In this particular case the events, although representing a range of commercial antique and art galleries, are open to the public and many tickets are provided free to local residents and businesses and free tickets are also provided to those with subscriptions to various periodicals such as the RA magazine and the Mayfair Times, in addition over 20,000 invitations are distributed through the 115 participating galleries. The temporary marquees occupy just under 50% of the square and remain in situ for just over 6 weeks per year.

It is necessary on each occasion to look at the overall character and scale of what is proposed to be in a protected square. As a general principle, if the predominant use of what is proposed is commercial, rather than recreational, it is likely to contravene the Act. However the use of part of a square for a short period by an event, whether open to the public or private, is considered to fall within the terms of the Act provided it is of a short duration.

In this particular case the two proposed events would involve the erection of structures including 7 marquees on the north side of Berkeley Square for a temporary period between 31 August 2016 and 15 October 2016 and unspecified dates in the years 2017 to 2020. An objection has been received to the application from the Residents Society of Mayfair and St. James's as they consider granting a five year consent will lead to a loss of control over the events and result in potential damage to the square. A condition is proposed requiring the applicant to agree the dates of the fairs in each future year and the events are also controlled by licensing and special events, for these reasons it is not considered a five year consent results in loss of control and the objection on these grounds is not considered sustainable.

The Director of Law has advised that the events are likely to be in breach of the Act, firstly because they do not fall within the 'authorised purposes' set out in Section 3(1) of the Act (see above) and secondly because they fail to preserve the character of Berkeley Square as an open space given that approximately 50% will be occupied by the structures for a period of 46 days.

The Director of Law further advises that the City Council has a duty to enforce the provisions of the Act. However, the City Council has a discretion as to whether or not to prosecute having regard to all relevant circumstances.

8.2 Townscape and Design

Policy S35 of the adopted City Plan states that the City Council will protect 'all open spaces, and their quality, heritage and ecological value, tranquillity and amenity'. Policies ENV14 and ENV15 of the UDP also seek to protect metropolitan open land and public open spaces maintaining them for the benefit of the public, both residents and workers.

Policy DES12 of the UDP seeks to 'preserve or enhance the appearance and integrity of open spaces and their settings'. The policy seeks to resist any development of land forming part of the Royal Parks or public and private squares, and any developments that adversely affect their integrity or appearance. Permission is only likely to be granted for development in parks, gardens and squares if the development is essential and ancillary to maintaining the land as public open space.'

The marquees are large and are considered to have a significant, harmful impact on the appearance of the registered garden, and fail to preserve or enhance the character and appearance of the Mayfair Conservation Area.

In line with guidance in the NPPF, the harm the proposal results in to the designated heritage asset (the Square) needs to be weighed against the public benefits of the proposal. As such, the harmful impact of the structures needs to be weighed up against the relatively short period they will remain in situ balanced against the 28 day permitted development rights and that the proposal is for an established specialist event which supports many local galleries and businesses.

The marquees also feature a number of advertisements, for which advertisement consent is sought. These are relatively discrete and if planning permission is to be granted for the structures, then it is considered that advertisement consent should also be granted.

8.3 Residential Amenity

In amenity terms the main issue is the impact of the proposed event in terms of additional people attracted to the Square and whether this will cause significant additional noise and disturbance.

There are very few residential properties located on the square with the majority of buildings being used as office accommodation on the upper floors. There are also no complaints registered with the Council in relation to the events in previous years and no objections from neighbouring residents in relation to this application. As the fairs will be managed and run in a similar way to previous years it is not considered the proposal would have a detrimental impact upon residential amenity in the vicinity.

It is not considered necessary to include conditions in relation to the opening hours of the fairs or the hours of deliveries as these issues have been effectively managed by the operators and Special Events in previous years. Licenses will be sought for the charity events closer to the time and it is noted that these have been issued without difficulty in previous years.

8.4 Transportation/Parking

It is noted that the events have taken place for a number of years without resulting in any complaints or issues with regard the use of the public highway. It is therefore considered acceptable in highways terms to grant further temporary consent for the events.

8.5 Economic Considerations

It is acknowledged that the proposal will likely provide an economic benefit to local art and antiques galleries.

8.6 Access

Disabled access is provided at the main entrances to the event and potential internal access issues for disabled people are detailed in the information sent out with each invitation.

8.7 Other UDP/Westminster Policy Considerations

Plant

Temporary plant items would be required to support the event. Normally it would be considered necessary for an acoustic report to be submitted to show that the plant would be compliant with City Council policies in relation to the noise levels experienced at the nearest noise sensitive properties. In this instance it is considered that due to the distance from the nearest noise sensitive property, the temporary nature of the event and that there are no recorded noise complaints relating to previous events, an acoustic report would not be necessary. Should permission be granted it is recommended that it is subject to the normal noise conditions.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not relevant to an application of this scale.

9. BACKGROUND PAPERS

1. Application Form
2. Response from Historic England dated 4 May 2016
3. Email from the Residents Society of Mayfair and St. James's dated 28 April 2016
4. Response from Environmental Health dated 22 April 2016
5. Response from the Highways Planning Manager dated 20 April 2016
6. Response from the Cleansing Manager dated 25 April 2016
7. Response from the Head of Legal and Democratic Services dated 27 April 2016

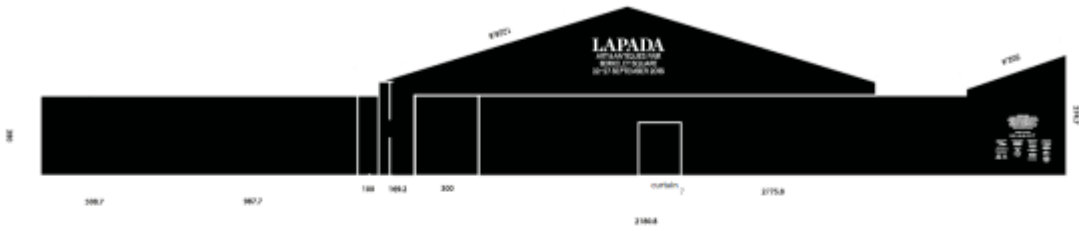
Selected relevant drawings

(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 MATTHEW GILES ON 020 7641 5942 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS





A. South
white mac tac vinyl to black pvc banner



B East
white mac tac vinyl to black pvc banner

lapada
sept 15

page 1

scale 1:200

DRAFT DECISION LETTER

Address: Berkeley Square, London, W1J 6DB,

Proposal: Erection of seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between 31 August 2016 and 15 October 2016 and for unspecified dates in years 2017 to 2020.

Reference: 16/01776/FULL

Plan Nos: Site Designation Plan, Drawings: LAPADA 2016 Rev 07, PAD London 2016, PAD Marquee Elevations, LAPADA Marquee Elevations.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
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Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The use of the marquee structures hereby granted permission shall be for a limited period between 31 August 2016 and 15 October 2016 when the structures and associated works shall be removed and the land restored to its former condition.

Reason:

The use is not as set out in DES12 of our Unitary Development Plan that we adopted in January 2007. Use for more than a limited period would be harmful to the objectives of the Plan. (R03AB)

- 4 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.

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- (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;
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- (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: Strategic Policies adopted November 2013, 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.

- 6 You must apply to us for approval of the dates for which you seek to erect the permitted marquees in 2017, 2018, 2019 and 2020. Permission must be granted in writing before the marquees can be erected in these years.

Reason:

The use is not as set out in DES12 of our Unitary Development Plan that we adopted in January 2007. Use for more than a limited period would be harmful to the objectives of the Plan. (R03AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the N Planning Policy Framework to work with the applicant in a positive and proactive way. We made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate further guidance was offered to the applicant at the validation stage.

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.

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	St Mark's Church, North Audley Street, London, W1K 6DP		
Proposal	Use of the property for sui generis purposes, comprising a mix of retail (Class A1) on the ground floor, first floor/balcony as restaurant (Class A3, including external roof terrace at front first/balcony level), part of basement for ancillary back of house functions for both the retail and restaurant uses, and part use of basement as community space (Class D1) with access from Balderton Street; single storey extension to north west part of building, extension to south east corner and corridor and duct void extension to the rear; installation of various items of mechanical plant including kitchen extract; internal alterations throughout.		
Agent	Gerald Eve		
On behalf of	Grosvenor West End Properties		
Registered Number	15/10458/FULL 15/10459/LBC	Date amended/ completed	16 November 2015
Date Application Received	10 November 2015		
Historic Building Grade	Grade I		
Conservation Area	Mayfair		

1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee consider that the benefits of restoring the building and the applicant's offer for a community space in part of the basement, and arrangements for running and financing it, are sufficient to overcome the loss of most of the lawful Class D1 social and community use?;

2. Subject to 1. above, and referral to the Secretary of State for Communities and Local Government, grant conditional permission and conditional listed building consent subject to a legal agreement to secure the following:

- i) complete restoration and refurbishment of the building before any of the approved uses commence;
- ii) setting up of a committee to manage the community space and guarantee its long-term running costs on behalf of local groups/residents at nil cost;
- iii) Monitoring costs of £500 for each of the above clauses.

3. If the S106 legal agreement has not been completed within two months, then:

a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter..

2. SUMMARY

St Mark's Church is a Grade I listed building that was officially made redundant by the Church of England in 1974. For a number of years it was on Historic England's Register of Buildings at Risk: although it was taken off this list after some repair works were carried out, it still requires a significant investment to fully repair and restore it. There is a long planning history to find acceptable alternative uses that would secure this repair and restoration. The last proposals, in 2010, and for which the building has been used, were for its use as a venue, conference and exhibition centre with some community use and worship. The use remained within Class D1, but was largely a private use with limited public access.

The building was purchased in 2014 by the Grosvenor Estate: their current proposals involve the mixed use of the building primarily for retail and restaurant purposes. Part of the basement would be retained for community use, with the applicant proposing to set up a committee to manage this use, and to finance it. Internal and external alterations are proposed, including significant restoration works.

The key issues in this case are:

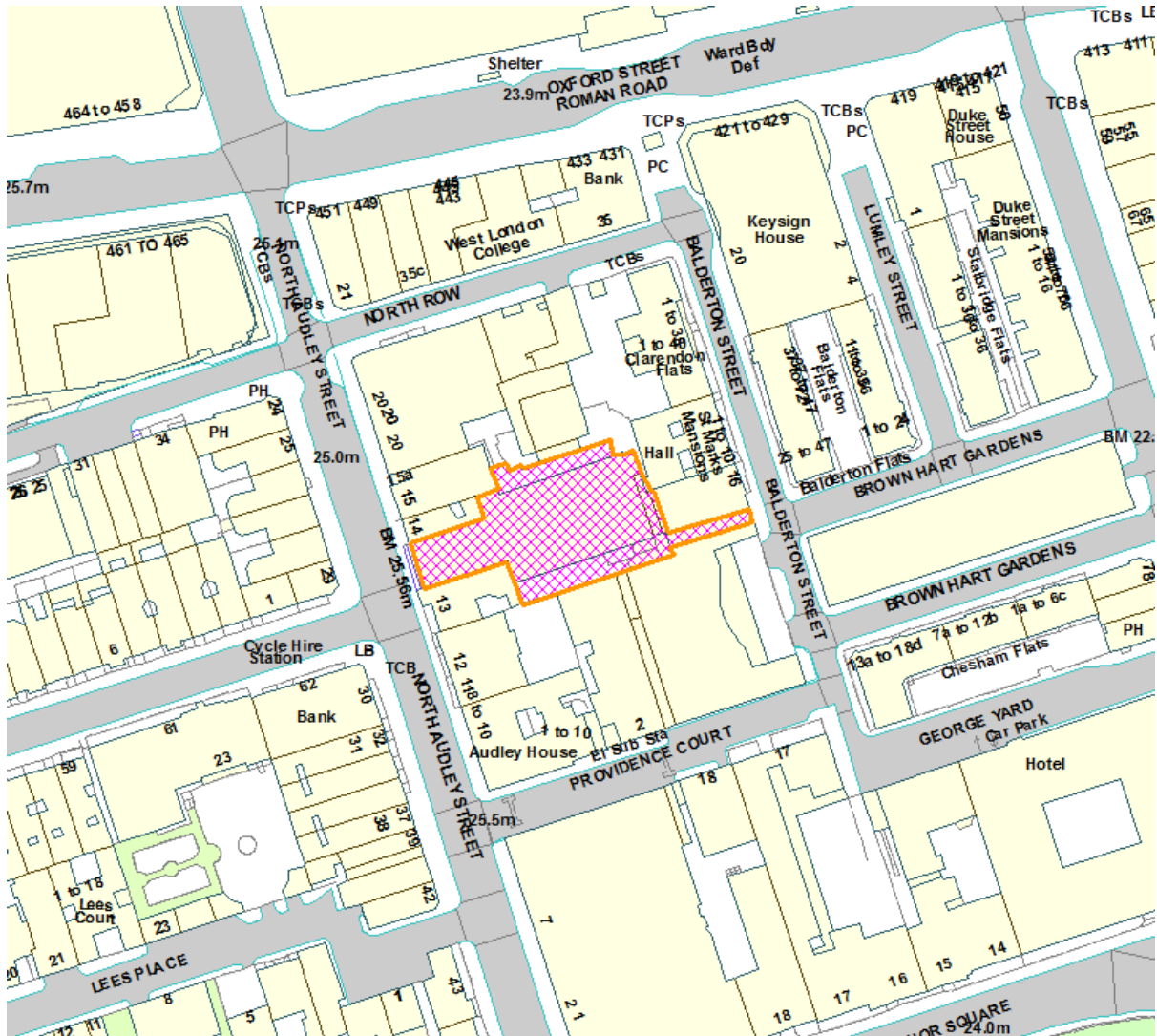
- Whether the proposed mixed use is acceptable in land use terms, in particular whether the proposed community offer is sufficient to offset the substantial loss of Class D1 social and community floorspace;
- The proposed alterations and their impact upon the special architectural and historic character of this Grade I listed building.

The significant loss of the community floor space is regrettable but needs to be balanced against the need for commercial retail and restaurant uses that will help finance the restoration of the building (estimated by the applicant to be approximately £4m). There would also be a genuine element of community use, albeit one that is restricted to part of the basement. It is also accepted that the proposals will mean that this important listed building is open to the general public in a way that has not been possible for some years. It is noted that there are representations both objecting to and in support of the proposals.

Given the complexities of the site and the sensitivity of the current proposals, the Committee is asked

to consider whether the benefits are sufficient to allow the current applications. It is noted that the Secretary of State for Communities and Local Government has requested that the Council does not issue any decision until he has considered whether to call in the application, following a request from an unknown third party.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (NATIONAL PLANNING CASEWORK UNIT)

Advise that they have received a request that the Secretary of State call in the application – if the Planning Committee resolve to approve the application then the Council should not issue the decision notice until the Secretary of State has considered whether or not to call in the application.

ENGLISH HERITAGE

Comment in detail about some of the key works and conclude that whilst there is some harm to the listed building, which is by no means insignificant, it is less than substantial, that the majority of the works are reversible and do not entail removal of important fabric;

Consider that the conservation gains of the scheme are significant and include the creation of a viable use for the building – consider that the harm would therefore be mitigated by the heritage benefits;

Have issued Authorisation for the Council to approve the listed building application, subject to a condition requiring further details to be submitted about some of the proposed works.

THE VICTORIAN SOCIETY

Objection: considers that the mix of uses could work (subject to more details), no objection to the external extensions and welcome the proposed restoration works – but concerned about the insertion of the staircase and lift to access the restaurant in the gallery having a detrimental impact on the main body of the church and request that alternative options are investigated;

Also object to the applied skirting to the new gallery front, as having a detrimental impact on the building's interior, and disappointed about the general lack of detailed information.

THE GEORGIAN GROUP

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY (LONDON AND MIDDLESEX ARCHAEOLOGICAL SOCIETY)

Although they welcome the restoration and reuse of the building they strongly object to the scheme on the grounds of the proposed restaurant's use of the balconies and the impact of this on the fabric and character of the building, and that the staircase and lift appear to be a "massive intrusion" into the nave area.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

CROSSRAIL

No objection subject to a condition requiring the submission of detailed design and construction method statements for ground floor structures, foundations and basements [the site is within the Crossrail Safeguarding Zone].

DESIGNING OUT CRIME OFFICER

No objection to the proposals and happy to provide further information on Secured by Design standards to the developer or any interested party as appropriate throughout the lifetime of the scheme.

THE RESIDENTS' SOCIETY OF MAYFAIR AND ST. JAMES'S

No objection: support the applicant's proposal, believe that the area is already well served by several churches and express concern about the intervention of other interested parties opposing the current proposals.

GROSVENOR MAYFAIR RESIDENTS' ASSOCIATION

Any response to be reported verbally.

MAYFAIR ACTION GROUP

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection in principle but requests the submission of a service management plan prior to occupation, and would like to see some cycle parking provision.

ENVIRONMENTAL HEALTH

No objection subject to conditions controlling plant and the use of the roof terrace next to the tower.

CLEANSING MANAGER

No objection in principle subject to further details being provided.

HOLY TRINITY BROMPTON

Objection, on the following grounds:

- Loss of the Class D1 social and community facility - the lawful use of the church is D1, as a social and community use that is protected by London Plan and City planning policies. There is no justification for its loss in planning policy terms.
- Consider that the lawful use is viable, as demonstrated by the most recent mix of commercial venue use and church use, and that the proposed uses are simply a means of commercial exploitation.
- Consider that the best use for a listed building is the use for which it was designed, namely as a church.
- The internal and external alterations will cause harm to this Grade I listed building, and believe that more alterations are likely to be required in shop fitting the space.

- Do not believe that the backlog of repairs can be argued as part of the benefits of the scheme nor that it is a planning matter as the lease has repair obligations – consider the issue is thus one of the freeholder (the London Diocese) enforcing these obligations.
- Suggest that the “restoration” that is claimed to be part of the scheme is, in reality, no more than the carrying out of the extensive repairs that Grosvenor have chosen to take on.
- Consider that the community space in the basement is no more than a token gesture.
- Consider that the public entry to the community space is via Balderton Street and will not give access to the main space.
- Also clarify that the applicant met them in April 2015, to offer them the proposed community space in the basement (subject to payment of rent) but have not offered to negotiate the use of the whole building as a church. Advise that what was offered at the time was unattractive partly because of the size of the space and partly on financial grounds.

SAVE ST. MARK'S CAMPAIGN (SUCCESSOR TO SAVE ST. MARK'S ACTION GROUP)

Objection, on the same grounds as Holy Trinity Brompton outlined in detail above, and also:

- Consider the proposed commercial uses are contrary to Council planning policy, in particular policy TACE 10 which states that entertainment uses (including restaurants) over 500 sqm will only be permissible in exceptional circumstances and that the mixed commercial use of most of the building is contrary to City Plan policy S1 which requires an equivalent amount of residential floorspace;
- Consider that the public benefits do not resolve the servicing problem, and that most servicing will continue from North Audley Street rather than via Balderton Street.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 297; Total No. of replies: 4, all in support of the proposals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

St Mark's Church is a Grade I listed building, located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). Built between 1825 and 1828 by JP Gandy-Deering and re-modelled by Sir Arthur Blomfield in 1878, it is located on the east side of North Audley Street, with only its front (west-facing elevation) presenting a

street-facing elevation. The building extends back from the street nearly the entire block and there is a separate access to the basement/crypt level from Balderton Street via a tunnel passage. As well as the basement crypt, there is the main ground floor, a galleried first floor and roof space. The gross floorspace is 2,145 sqm. The lawful use is Class D1 non-residential institutional use.

The church was formally made redundant by the Church of England (Diocese of London) and closed for public worship in June 1974. The legal effects of consecration were finally removed in November 1994. The building was vacant for this 20 year period and fell into a state of some disrepair. From 1994 until 2008 it was leased to the Commonwealth Christian Fellowship, a free Evangelical Church. Originally lessees of the building, they had been unable to do the significant repair and restoration works the building requires and for several years the Diocese allowed them to remain in a caretaker capacity. Their occupation continued on an occasional basis after a long lease was sold to Hammer Holdings, who used the building as a venue, conference and exhibition centre with some community use and worship, all within Class D1. This use partly continued after the Grosvenor Estate bought the long lease in 2014, when the Commonwealth Christian Fellowship moved to 1 Marylebone Road in 2014.

According to the current applicant, the current existing use is a private commercial events space run by 'One Events', the group behind some of London's largest corporate and private events. There are typically two events per week; occasionally this rises to five events per week. The space can hold up to 500 people who arrive for an event at a specific time of evening. Daytime and lunchtime events also take place. The private events are by invitation only.

The building had been on English Heritage's Buildings at Risk Register since 1988 but following some limited repairs it was taken off the List. The Council published an adopted Planning Brief in September 2003 to help resolve the future use of the building by encouraging proposals for its use (which include A1 retail and A3 restaurant). The Brief remains a material consideration but is of limited weight and is mainly to provide guidance.

6.2 Relevant Planning History

April 1979 - Planning permission and listed building consent refused for alterations and use as a shopping arcade on grounds of adverse impact on the special architectural and historic interest of the building.

October 1984 - Permission refused for use as a restaurant and local residents meeting room on grounds of traffic and parking, residential amenity and absence of off-street servicing facilities.

August 1986 - Permission granted for retail art gallery (unimplemented).

August 1986 - The Planning Applications Sub-Committee also considered applications for planning permission and listed building consent for use as a restaurant, retention of sound studios in vaults and various alterations. It was determined that had appeals not been lodged, the proposals would have been refused on grounds of parking and traffic, residential amenity, lack of off-street servicing and lack of details with regard to the proposed works. In February 1987 the appeal was dismissed however, only on the

grounds that the listed building consent was insufficiently detailed. The Inspector considered that restaurant use was acceptable in principle, that the impact on residential amenity could be controlled by conditions, and that parking and servicing would not be seriously problematic.

March 1988 - Permission and listed building consent granted for alterations and use as an art auction house and gallery and venue for related educational activities (unimplemented).

June 1988 - Determination made that use as a museum does not constitute development.

October 1990 - Permission and listed building consent refused for extensions and use as offices. Refusal was on design, office policy and residential policy grounds (the scheme would have resulted in the loss of residential accommodation at an adjacent property included as part of the proposals).

October 1993 – Applications considered for planning permission and listed building consent for use as a restaurant, installation of a fire escape and ventilation duct and other internal and external alterations. The Sub-Committee decided that, had appeals not been made, listed building consent would have been refused on the grounds of an adverse impact on the special Architectural and historic interest of the building and planning permission would have been refused on additional grounds of an adverse impact on residential amenity. The appeals were withdrawn.

November 2000 - The Planning Applications Sub-Committee considered applications for internal and external alterations including new escape stairs, new roof plant and signage and mixed use of premises as (Class B1) offices and for the provision of community facilities including concerts, exhibitions and public worship. The Committee deferred the applications requesting further information on the level and type of community use and the applicants business plans for the proposal and for officers to investigate an alternative scheme being advocated by local amenity societies. The applications were eventually withdrawn a year later.

September 2003 - The Council published an adopted Planning Brief for the site.

April 2006 – An Application for a Certificate of Lawfulness issued in respect of the proposed use of the building as a complementary medical health centre ("wellness health and therapy centre") being primarily (but not exclusively) therapeutic thermal treatments in the basement and adjoining outside area, and holistic/alternative medical treatments (including health counselling, stress management, homeopathy, etc.) on ground and first floor/balcony levels, with ancillary maintenance, laundry and changing areas, cafe and kitchen and dispensing and retail areas.

April 2008 – An Application for a Certificate of Lawfulness issued in respect of the proposed use of the premises as a venue and conference centre including use for worship, religious purposes and community use, all within Class D1.

December 2008 – Planning permission and listed building consent refused on land use and historic building grounds for 'Change of use from Class D1 church use to a composite use of Class D1 Non-residential Institutional Use (specifically complementary medical

health centre use) and Class D2 Assembly and Leisure Use (specifically recreational use), including ancillary retail area, with internal and external alterations including staircase extension, structures within garden area, railings and gates on North Audley Street frontage and internal sub-division.'

December 2009 – following a Public Inquiry, the appeals against the December 2008 refusals were dismissed.

June 2009 – planning permission and listed building consent granted for the installation of new entrance gates in the front portico and handrails on the steps.

August 2010 – planning permission and listed building consent granted for Internal and external alterations and works of repair/conservation/decoration to facilitate use as a venue, conference and exhibition centre with some community use and worship within Class D1 (with retained use of tunnel leading to Balderton Street for servicing/fire escape), including external escape stairs, kitchen infill extension, kitchen extract duct/plant at east end of building and decking and railings on roof of main entrance (next to tower) to create roof terrace.

7. THE PROPOSAL

The proposals are for the use of the ground floor as Class A1 retail use (1,498 sqm) and the first floor as Class A3 restaurant use (554 sqm), retention of Class D1 floorspace (265 sqm) at part basement, and use of the remaining part of the basement as ancillary back of house space for the Class A1 and Class A3 uses (included as part of the floorspace figures given above). The proposed extensions result in the creation of an additional 172 sqm (increasing the overall floorspace from 2,145 sqm to 2,317 sqm).

The key physical alterations are as follows:

- Alterations to the existing upper galleries by over-laying the existing rakes with a platform for the placing of tables and chairs, and to use the space as a restaurant (approximately 140 covers). The rakes will be retained beneath, as will much of the ducting and air conditioning pipework. The works will be entirely reversible and the historic rakes will be retained underneath.
- In order to access the upper gallery levels, it is proposed to install a new flight of stairs from the northern side of the nave alongside a new platform lift. The staircase is proposed to be translucent and will read as a wholly modern intervention, albeit one which could be demounted in the future.
- At lower ground floor level, in the crypt, minor alterations are proposed to accommodate a new kitchen and back of house area, including provision of WCs etc. The applicant considers this area as a suitable location for minimal intervention due to fabric having been previously removed under historic permissions. It is proposed to install a new wall in the centre of the space which corresponds with the line of the central vault running east-west along the length of the church. The proposed wall would not cut across any of the existing vaults.
- The proposals also include two new external extensions. A single storey extension will be built on the northern side of the west entrance, containing plant. In the original submission this extension was two storeys, with the second level containing WCs (now relocated), but the extension has been reduced by one

storey to overcome an adverse impact on the new residential accommodation being built as 15 North Audley Street.

- The second extension is proposed to be located in the south east corner of the site and will house plant.
- A service corridor is also built at the rear of the site.
- The main area of plant are in the north courtyard and south east corner extensions, where the high level kitchen extract is also located.

Whilst some works of repair have been carried out in the recent past, a considerable amount of work remains to be done to fully secure the building fabric and restore the building. The current proposals therefore include the following:

- Renewing the Roof and making the building water tight;
- Restoration of the front façade and external walls;
- Restoration of the Alter Chancel area and reredos;
- Restoration of the two chapels on the ground floor;
- Restoration of the font, surrounding painting and panels;
- Stained glass windows to be cleaned and restored, and some uncovered where they have been previously boarded over;
- Reinstatement of the lost roof vents, an important feature from the overall architecture of the building;
- Reinstatement of the damaged basement chapel and its alter, with the restoration of the tiled floor, walls, and memorial plaques;
- Restoration of the bell tower.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Majority of the Class D1 social and community floorspace

The lawful use of St. Mark's church is Class D1 non-residential institutional use. Class D1 encompasses a wide range of non-residential institutions, and groups together buildings which are visited by the public for a wide range of purposes on a non-residential basis. It includes the provision of education, adult training centres, museums, art galleries, public halls and exhibition halls, conference centres as well as uses in connection with public worship or religious instruction. Crucially, these uses can be provided in both a public and private capacity.

The last relevant permission was for the carrying out of limited enabling works in connection with the existing lawful use for Class D1 purposes, specifically as a venue and conference centre including use for worship, religious purposes and community use. The previous applicant had indicated that the intention was to use the building for commercial lettings to professional bodies, companies etc for seminars and one-day and half-day training events, press launches, AGMs and the like, in accordance with the Certificate of Lawfulness that was granted in April 2008. The Council was satisfied that the applicant had demonstrated that their proposed use fell within the same D1 Use Class for which the Certificate had been issued. A key consideration was the continued partial use of the

building for religious purposes. The applicant had agreed to enter a rolling annual licence with the Commonwealth Christian Fellowship.

The current applicant argues that the building has most recently been used as a 'private commercial' social and community use, with limited access for the general public. Whilst officers do not accept the applicant's argument that the building does not have an 'open' D1 use (i.e. in theory it could still be used for any use that fell within Class D1), it is accepted that public access is generally restricted.

The existing lawful D1 use of the building is a use that is defined by the City Council's adopted development plan policies as being a social and community use. Policy SOC1 in the Unitary Development Plan (January 2007) (UDP) and Policy S34 in Westminster's City Plan: Strategic Policies (November 2013) both seek to protect existing social and community uses. Policy SOC1(E) in the UDP adopted in 2007 states,

Proposals which involve the redevelopment or change of use of community facilities will be required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new development on the site should include an alternative community facility. Where adequate replacement facilities are not proposed then the City Council will refuse planning permission for this type of proposal.

Policy S34 in the more recently adopted City Plan expands upon Policy SOC1. Therefore, where there is conflict between the two policies, the requirements of Policy S34 in the City Plan must take precedence. Policy S34 states with

'All social and community floorspace will be protected, except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be residential.'

Normally therefore it should be demonstrated that there is no demand for an alternative social and community use in the building. In the first instance it is expected that the presence of alternative social and community use demand would be ascertained by a period of marketing of the premises for their lawful planning use at a reasonable market rent/ sale value. The applicant has not undertaken a marketing exercise.

Strong objections have been received from Holy Trinity Brompton (HTB) and the Save St. Mark's Campaign to the loss of the D1 use, and specifically church use. Although the applicant states that it offered the proposed social and community space to the former organization in 2015 and that the offer was declined, HTB have clarified that what was offered at the time was unattractive partly because of the size of the space and partly on financial grounds (the space was not being offered rent free at that time), with an implication that they have not been offered use of the whole building as a church.

However, the proposals do have the support of the Residents' Society of Mayfair and St. James's and several local residents.

8.1.2 The applicant's argument about Partial Loss of Existing Use and their Community Offer

The applicant considers that the existing provision is not a community use that serves the needs of the local community as it is a private commercial use. The proposed community space will deliver a use that can be used by anyone in the local community. It is Grosvenor's intention to create a committee from local stakeholders which will be given a long lease to run and manage the community space in the crypt. As part of the community space, Grosvenor would like to ensure that the space is utilised and managed and is on a sufficient solid footing to enable it to be a success for local stakeholders. Grosvenor proposes to therefore set up a charity to run the space.

The space will be free for use for the local community for non-profit events but if an organization wished to hire the space for a commercial use, it is envisaged that any funds received would go into the charity funds for continued upkeep and maintenance. The applicant believes that the cost for utilities would amount to circa £5,000 per annum without any further funding and therefore would be prepared to set up a fund to make sure the community space is fully funded to ensure that the first 10 years of operation are fully covered. By that time, it is envisaged that the charity would have built up sufficient funds to keep the space self-funding for the future.

The applicant envisages that the space might be used in the same way as a "village hall" with members of the local community able to book the space for free for a range of different functions; for example, a book club, a yoga class, art class, local amenity and neighbourhood society gatherings, a choral group, a small theatre group, or use for polling station during election time. The concept of this space was discussed by the applicant during its pre-application consultation process and at the public exhibition events. During those discussions, according to the applicant, the local community was supportive of the proposals and there was a very positive response towards the space and the opportunity for local residents to use it with many local residents commenting that there are limited opportunities for this space at the moment.

Public entry to the community space is via Balderton Street, as the space was designed to be a separate space with separate entrances. The Balderton Street entrance also enables there to be disabled access into the lower ground floor. Members of the public can also access the building from North Audley Street as the retail use will be open every day.

With regard to HTB's interest in the building, the applicant argues that there is no formal planning policy requirement which states that the building should be marketed when replacement community facilities are proposed. The applicant also states that HTB made no formal expression of interest to take the entire site when it was marketed some years ago. Although the applicant did offer the lower ground floor space to HTB the space was not suitable for their needs. Following the public consultation events, the applicant resolved to provide a local community space for general use, as outlined above.

The loss of the majority of the D1 floor space is a key consideration in this case, as exemplified by the strong objections that have been received. It is accepted that most recently the building has been used for 'private' D1 activities with little access to the general public. The applicant's offer for a replacement community space for use by the

general public is welcome as far as it goes, but the small size is unfortunate. The fact that the proposed retail and restaurant uses (addressed below) will enable the general public to gain access to the building is also an important factor. Given these conflicting issues, and the importance of the proposals, the Committee's views are sought on the acceptability of this aspect of the scheme.

8.1.3 Retail and Restaurant Uses

The site is located within the Core Central Activities Zone, and just south of Oxford Street and the West End Special Retail Policy Area. The protection and enhancement of retail shopping provision is supported under City Plan Policies S1, S6 and S21 and UDP Policy SS 4. North Audley Street has a mix of retail and restaurant activities at ground floor level and the provision in retail floorspace is considered to be acceptable in principle. There is no specific retail occupier identified at this stage and given the special nature of the proposal the applicant is willing to agree to a condition requiring the submission and approval of a retail 'operational management statement' to be submitted about the type of retailer that will occupy these premises.

It is acknowledged that there will be minimal street presence for the proposed uses but the intention is that retail floorspace would be introduced within the entrance and narthex (vestibule) of the building, such as a flower stall and small retail coffee outlet. The applicant believes that this would be sufficient to improve the interface and relationship of the building with the streetscape on North Audley Street, creating a sufficiently active frontage.

With regard to the restaurant, City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE 10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances. Given the size of the restaurant (554 sqm), it needs to be assessed against UDP Policy TACE 10. The applicant's suggestion that as the actual trading area is 209 sqm meaning it should be considered against the less onerous policy TACE 8 is not accepted, as all restaurant space, including back of house areas and kitchens, etc, need to be taken into account. However, the applicant does state that if TACE 10 is applicable, there are exceptional circumstances that warrant approval.

City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of 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. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance. There is no specific operator at the moment but the

applicant envisages a “high-end, accessible and good quality user” which would complement the retail offering.

There has been an objection that the restaurant proposal is contrary to policy TACE 10. However, although the overall restaurant floorspace is over 500 sqm, the actual capacity is relatively small, at approximately 140. Implementation of the proposal would bring the building back into active use, open to the general public and help contribute restore this important listed building. Subject to the imposition of appropriate conditions (including an operational management plan/statement) the use is considered acceptable in principle, and would not be harmful to the character and function of the area. Furthermore, the substantial building fabric would help contain any noise generated noise by diners. The applicants have requested opening hours of 7.30 – midnight Sundays to Thursdays and 7.30 - 01.00 hours on Fridays and Saturdays – given the busy nature of the area and the existing number of restaurants in the immediate vicinity, this is considered to be acceptable.

As with the retail element, there would be little street presence for the restaurant; there are restaurants immediately to the north of the site and elsewhere along the street, but the building immediately to the south is in residential use. Given the small size of the proposed restaurant and subject to conditions and the submission of an operational management plan, it is not considered that the proposals would have an adverse impact on the character, function and amenity the local environment. Nor is it considered that there would be an adverse cumulative impact.

8.1.4 Mixed Use Policy

Current UDP Policies CENT3 and City Plan Policy S1 aim to encourage mixed use developments within Central Westminster, with the particular aim of including residential accommodation. It is a requirement that any increase in commercial development in excess of 200m², or in the case of retail or private educational, health and leisure facilities (Class D1 or D2) by 400 sqm or more, should be matched by residential provision. (It should be noted however that these policy requirements are currently subject to revisions which are likely to be adopted in the very near future.)

There has been an objection on the grounds that that the mixed commercial use of most of the building is contrary to City Plan policy S1 which requires an equivalent amount of residential floorspace. The applicant has argued that the existing Class D1 use is a private commercial use comprising 2,145 sqm of private commercial floorspace (though until 2014 it was also used for worship some of the time). In the proposal, 265 sqm will be dedicated community accommodation and 2,052 sqm retained as retail and restaurant commercial floorspace.

The Council does make a distinction between public and private social and community facilities, defined in the Glossary of the City Plan. Given this, the applicant’s argue is considered to have some weight and therefore there is not a requirement in this case for the proposal to provide an equivalent amount of residential accommodation. Furthermore, it is accepted that the building is not suitable for conversion to residential use, given its listed status and the desirability of providing public access.

8.2 Townscape and Design

St Mark's Church is a grade I listed building in the Mayfair Conservation Area. The façade to North Audley Street has a stone portico with Ionic columns and a tower. The other facades are of plain brickwork and the main roof is slated. Internally there are three obvious phases of work; the main entrance is original (circa 1825-28 by Gandy-Deering), the main body of the church which was remodeled by Blomfield in 1878, and a World War I memorial chapel which was created in the early twentieth century in the northeast corner of the building. The basement contains a small chapel and morte-safes. The original coffin lift was removed during the refurbishment of the building a few years ago. The organ was removed many years ago but the empty cases remain.

The currently poor condition of the building is obvious and the development will repair the fabric of the building. Restoration of the basement chapel including its encaustic tile floor will also be secured by the current proposal. This will be highly beneficial to the appearance and fabric of the building the future of which will be secured for the long-term, and it is a key benefit that was not delivered by the previous, failed, scheme.

The building's special interest is derived in equal measure from its form and fabric and the effect that it creates internally. The proposed alterations will have limited external impact, but the changes internally will radically alter the appreciation of the main body of the church. There are objections, in particular from the Victorian Society, about the impact of the proposals on the historic and architectural importance of the building.

The main external alterations are at the rear of the building and involve the creation of various ducts and back-of-house spaces to service the proposed kitchens and restaurant areas. Their impact is benign in heritage asset terms, except for the link corridor at the east end which will cause some harm by casting a shadow across the bottom of the east window (a particularly fine work with glass by Eastlake). It is accepted that the corridor is essential for the restaurant to function. Given that the site is already tightly constrained, the effect of the shadow is likely to be slight, and it does not appear to be possible to form a link elsewhere or to reduce its height without making it useless. However, to mitigate the impact it is proposed to box-in and artificially light the window, which is a novel solution.

Internally, the proposed gallery restaurant will have harm the special architectural interest of the building. The staircase and lift will dominate the main body of the church, obscure views of the pulpit, and create a new focal point away from the main axis of the nave and the building's traditional focus on the altar. The tiered galleries will be retained but with a level floor created at the highest level which necessitates a new balustrade above the original one. Strong objections are raised by the Victorian Society, Holy Trinity Brompton and Save St. Mark's Campaign to this aspect of the proposal in particular, and Historic England also raise concerns.

The principle of a restaurant is acceptable in heritage asset terms and subject to refinement of the detailed design of the gallery and access arrangements, which may be secured by condition, the harm caused to the special interest of the building can be minimized. Furthermore, this less than substantial harm is comprehensively and decisively outweighed by the substantial public benefit the scheme delivers, namely full restoration of the building and its conversion to a use that allows public access to the most architecturally interesting and important spaces.

Whilst acknowledging the objections that have been received, these need to be balanced against the views of Historic England, which accepts that whilst there is some harm to the listed building, it is less than substantial, and the majority of the works are reversible and do not entail removal of important fabric. Historic England shares the view of Council officers that the conservation gains of the scheme are significant and include the creation of a viable use for the building and therefore the harm would be mitigated by the heritage benefits. On this basis, the objections are not considered to be sustainable.

Other works include the sub-division of the basement to form a community space and modifications to some of the later additions at the rear (south) side of the building in connection with servicing the new restaurant use. The basement alterations are neutral in their impact and provide a useable community space which is a public benefit. An archaeological report by MOLA has assessed the potential of the site with regard to the necessary excavation to form a lift pit in the southeastern corner of the site and found that there is no need for any further assessment or monitoring.

The applicant estimates that the repair and restoration costs would be approximately £4m. It is considered appropriate in this case to ensure that these works are carried out prior to commencement of any of the uses, and this will be secured as part of the legal agreement. Some objectors believe that the backlog of repairs cannot be argued as part of the benefits of the scheme as the lease has repair obligations and therefore it is not a planning matter; they also suggest that the “restoration” that is claimed to be part of the scheme is, in reality, no more than the carrying out of the extensive repairs that the applicant has chosen to take on. These arguments are not accepted, as it has been accepted with previous proposals that repair and restoration of this listed building is clearly an important planning consideration; attempts in the past to achieve its restoration, including when it was occupied by the Commonwealth Church, were not successful. The current applicant’s commitment to enhance the built environment has been demonstrated in the past and this is considered to be a real opportunity to secure the building’s future.

Given the special circumstances of the case, it is considered that the development will accord with UDP policies DES 1, DES 5, DES 9 and DES 10, Westminster City Plan: Strategic Policies S25 and S28 and the City Councils ‘Repairs and Alterations to Listed Buildings’ SPG.

8.3 Amenity

Policy S29 of the City Plan seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking. Whilst the policy is primarily designed with regard to residential accommodation, the City Council may apply them to other uses, such as schools and other activities, where loss of daylight or sunlight may prejudice the present use of the premises.

The external alterations would not affect daylighting to any adjoining residential properties. The nearest potentially affected residential accommodation is at the rear of 15/15a North Audley Street, close to the proposed extension in the north west corner of the site. A newly constructed kitchen and living room faces the proposed extension, which was initially two storeys high but has been reduced to one storey to overcome concerns about potential adverse impact on residential amenity. This would be lower than the

existing part of the church building which the extension is next to and will not result in any loss of daylight nor increased sense of enclosure.

The proposed extension in the south east corner of the site is close to the recently converted hotel scheme at 8 Balderton Street. The 2-storey extension for a plant enclosure is only 2.6m away from two single aspect hotel bedrooms: whilst not ideal, given that they are only hotel bedrooms, with an expectation of limited use during daytime, this aspect of the proposal is on balance considered to be acceptable. Arguably the hotel's windows constitute an unneighbourly development, being right on the site's boundary. Conditions require submission of details of the treatment of the plant enclosure to ensure it is reflective to ameliorate the impact as much as possible, with a further restriction on the use of the flat roof immediately in front of the hotel's windows.

The proposed corridor (1.2m wide) at the rear of the site, which would connect the service kitchen of the restaurant with part of the dining area, would be very close to the rear of 16 and 18 Balderton. There are some windows in the rear of these properties but No. 16 is used as dance studios and the windows appear to have obscure glass; No. 18 is used as a teacher training venue. However, these properties are already very close to the back of the church (2.5m) and it is not considered that the corridor extension will materially worsen the situation.

There is a roof terrace at roof level next to the tower fronting North Audley Street. Given that there is residential accommodation on North Audley Street (with a window in the party wall that looks onto this terrace) it is considered to be appropriate to condition the hours this terrace is used and 09.00 to 23.00 hours Mondays to Saturdays and 9.00 to 22.00 on Sundays.

There is new mechanical plant proposed in the new extensions, in the north courtyard and at roof level to serve the restaurant kitchen: these are considered to be acceptable subject to standard conditions.

8.4 Transportation/Parking/Servicing

The site is well served by public transport. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The Highways Planning Manager considers that the impact of the change of use on parking levels will be minimal.

The existing servicing for the site takes place on North Audley Street, as would be the case for most of the commercial properties along the street. The applicant intends that this will continue, though outgoing refuse and waste collection would take place from the Balderton Street access. One of the objectors states that the public benefits do not resolve the servicing problem, and that most servicing will continue from North Audley Street rather than via Balderton Street. No off-street servicing is provided, nor can it be given the constraints of the site. However, the Highways Planning Manager notes that the site is located within a Controlled Parking Zone and considers that the largest regular service vehicle expected to be associated with the proposed development in this location is the refuse collection or laundry vehicle. These will service this property in a similar fashion to the existing use and nearby properties.

The Highways Planning Manager is satisfied that servicing can adequately be dealt with by conditions to secure the submission of a Service Management Plan (SMP), and that no goods are left on the highway for servicing purposes. The SMP should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised.

The applicant suggests that the servicing requirements will reduce the impact of servicing over and above the existing arrangements – when an event takes place at present, the activity is described as being very intensive. The applicant argues that the proposal will reduce this impact significantly as the pedestrian and traffic flows will be spread out evenly throughout the day, an argument which is considered to have some weight.

Seven cycle parking spaces are proposed in the tunnel that leads to Balderton Street. Although the Highways Planning Manager has requested the provision of 11 space, seven are considered to be sufficient. The proposals indicate limited provision for waste storage and a condition requires full details to be submitted.

8.5 Economic Considerations

It is considered that the proposal provides an economically viable use that enables continued use of this listed building without the need for significant or potentially detrimental alterations. The proposed uses will also provide employment opportunities. On this basis the economic benefits are welcomed.

8.6 Access

The configuration and historical importance of the front portico precludes the installation of a permanent ramp or other alteration for wheelchair access. Permission has previously been granted for new gates to the portico, including a pair of handrails to help access up the steps, and these have been installed.

The applicant indicates that they intend to provide disabled access through the tunnel and the crypt to the main building. This is not considered to be very satisfactory and a condition requires further details to be submitted, if necessary by a managed solution.

8.7 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

8.8 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.

8.3 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether

there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations 2010 (as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account. The City Council introduced its own Community Infrastructure Levy on 1 May 2016.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- a) complete restoration and refurbishment of the building before any of the approved uses commence;
- b) setting up of a committee to manage the community space and guarantee its long-term running costs on behalf of local groups/residents at nil cost.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations 2010 (as amended).

8.9 Sustainability and Energy

Its listed status constrains what can be done to improve the sustainability and energy features of the building. The current proposal includes limited insulation to the existing fabric, good levels of insulation to the new extensions, and refurbishment of existing windows and drought proofing. The M&E strategy includes new efficient boilers and low energy lighting.

The proposals for the heating is to replace the existing inefficient boilers with the new improved condensing gas boilers with higher energy efficiency rating that will achieve

substantial carbon savings, since a restaurant use has a high hot water demand. The current M&E Services strategy includes a new air handling unit located in the lower ground floor plant room. Mechanical ventilation will ensure compliance with the current Building Regulations requirements for Part F: Ventilation.

The high thermal mass of the existing building is likely to minimise the risk of overheating in the summer by providing a self-regulating environment. Active air conditioning has, as a result, not been included as part of the proposal, which will save energy and carbon. Low energy lighting and smart controls are proposed as part of the development.

A BREEAM Pre-Assessment Report has been conducted as part of the application proposals. A BREEAM UK 2014 Refurbishment and Fit Out (Commercial) – shell and core was undertaken to identify the sustainability measures for the project. It is anticipated that BREEAM 2014 score of 48.14% (Good) is achievable with the current design. This is considered to be a positive outcome in the context of the constraints of the Grade I listed building.

8.10 Conclusion

This is the latest in a long line of proposals to secure the use of this important listed building. The concerns of objector's are noted and in land use terms the substantial reduction in Class D1 social and community floorspace is regrettable. However, it is accepted that the last use of the building has primarily been for private D1 uses with limited public access. The proposed retail and restaurants activities will mean anyone can enter the building. The applicant's offer of a replacement social and community use is limited. Given these conflicting issues, and given the importance of the proposals, the Committee's views are sought on the acceptability of the applications.

The proposed alterations are also contentious, particularly the insertion of the staircase and lift in the main body of the church building. On balance however these are considered to be acceptable, and Historic England has issued authorisation for the Council to determine the listed building application.

It is noted that the Secretary of State for Communities and Local Government has requested that the Council does not issue any decision until he has considered whether to call in the application.

9. BACKGROUND PAPERS

1. Application form.
2. Emails from the National Planning Casework Unit, Department for Communities and Local Government dated 27 and 28 January 2016.
3. Letter from Holy Trinity Brompton (HTB) dated 13 January 2016.
4. Email from the Designing Out Crime Officer, Metropolitan Police, dated 11 December 2015
5. Letter from Historic England dated 15 January 2016, with completed listed building consent authorisation.
6. Letter from occupier of 62 Duke Street, London, dated 9 February 2016
7. Letter from Savills, 26 North Audley Street, dated 20 January 2016

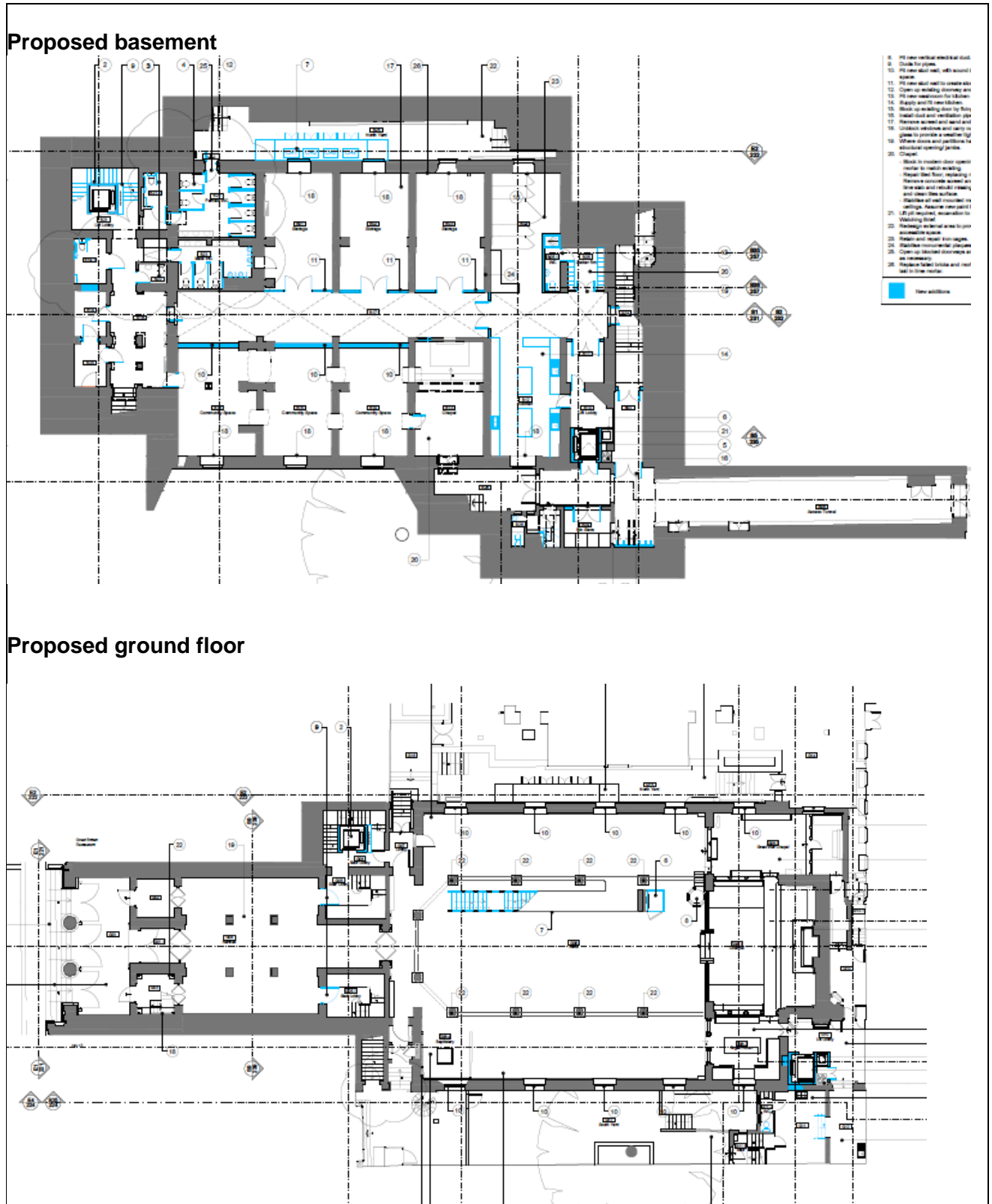
8. Letter from The Victorian Society, dated 11 January 2016
9. Email from the London and Middlesex Archaeological Society dated 20 January 2016.
10. Email from Crossrail Limited dated 2 December 2015.
11. Letter from the Chairman of the Residents' Society of Mayfair and St. James's, dated 21 January 2016
12. Email from John Parmiter Ltd on behalf of Save St. Mark's Campaign, dated 15 January 2016
13. Letter from occupier of 34 North Row, London, dated 23 February 2016
14. Letter from occupier of flat 32, 129 Park Street, dated 22 January 2016
15. Memorandum from the Highways Planning Manager dated 16 December 2015.
16. Memorandum from the Environmental Health Consultation Team dated 27 April 2016.
17. Memorandum from the Projects Officer (Waste) dated 10 December 2015.

Selected relevant drawings

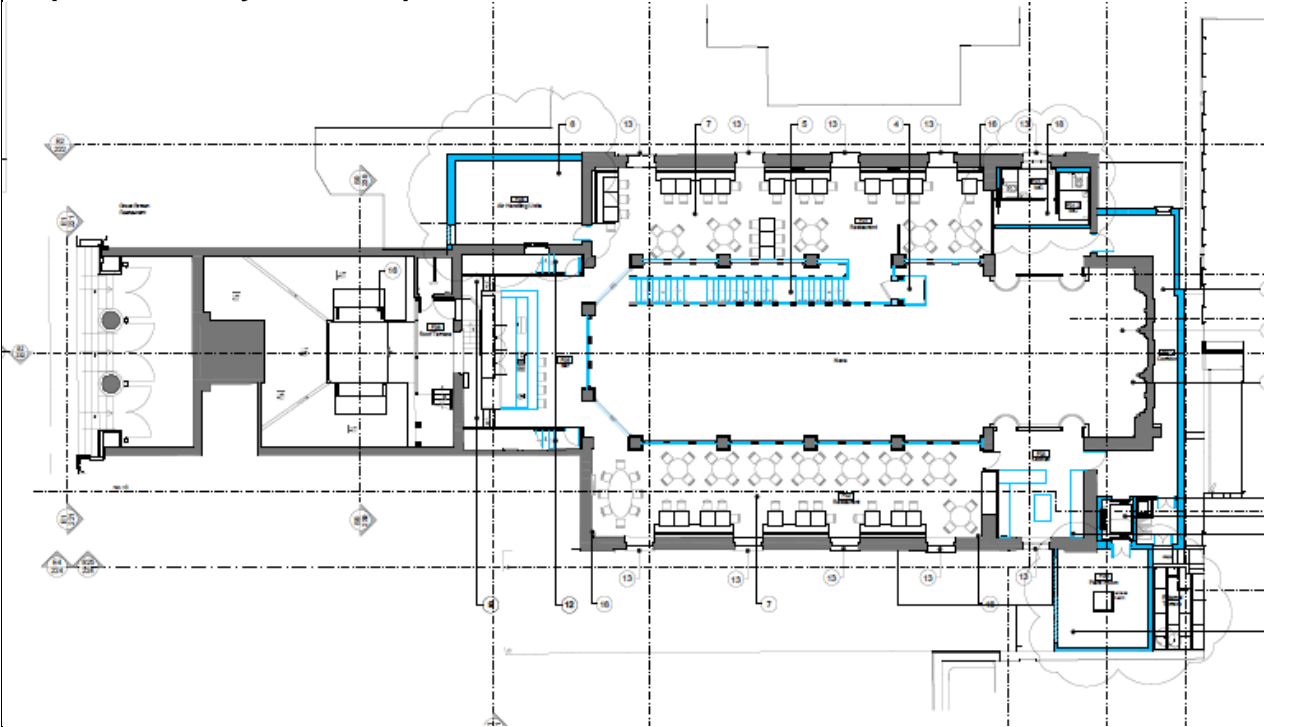
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT pquayle@westminster.gov.uk

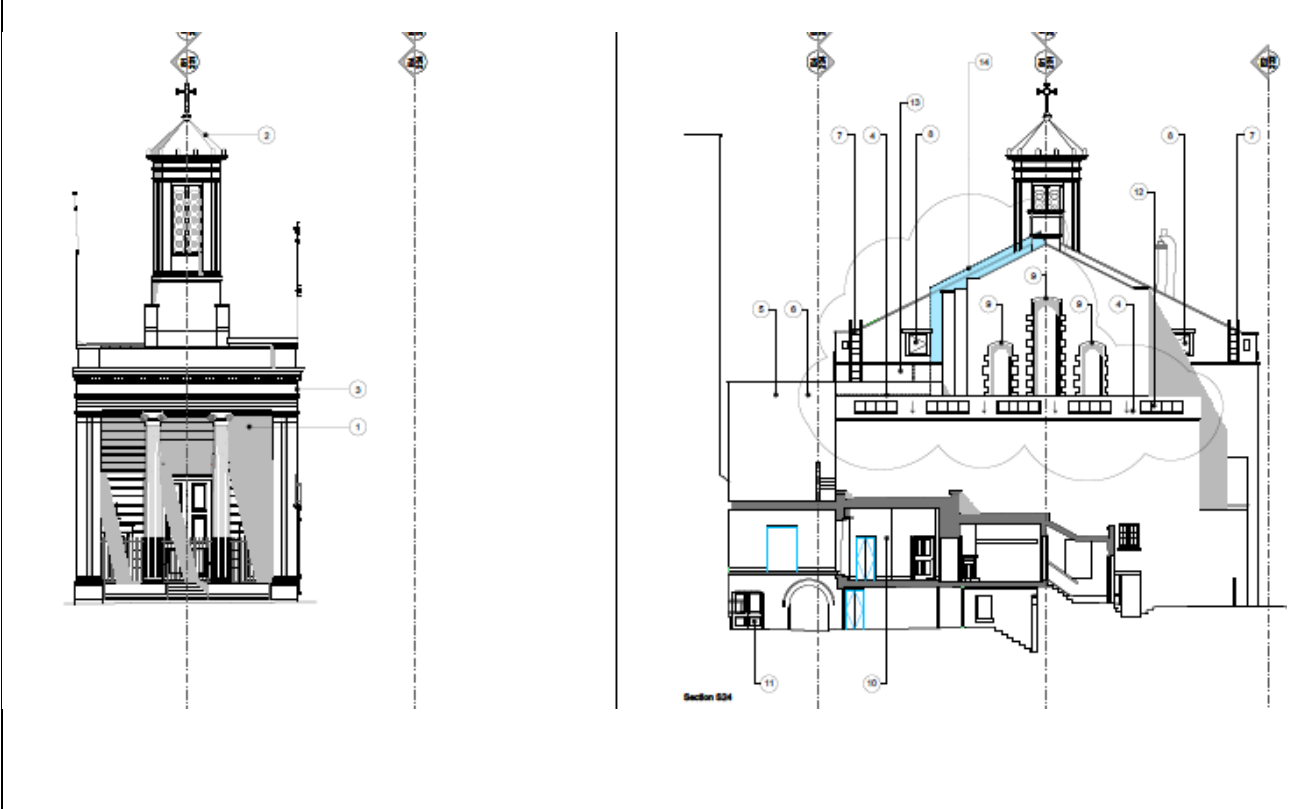
10. KEY DRAWINGS



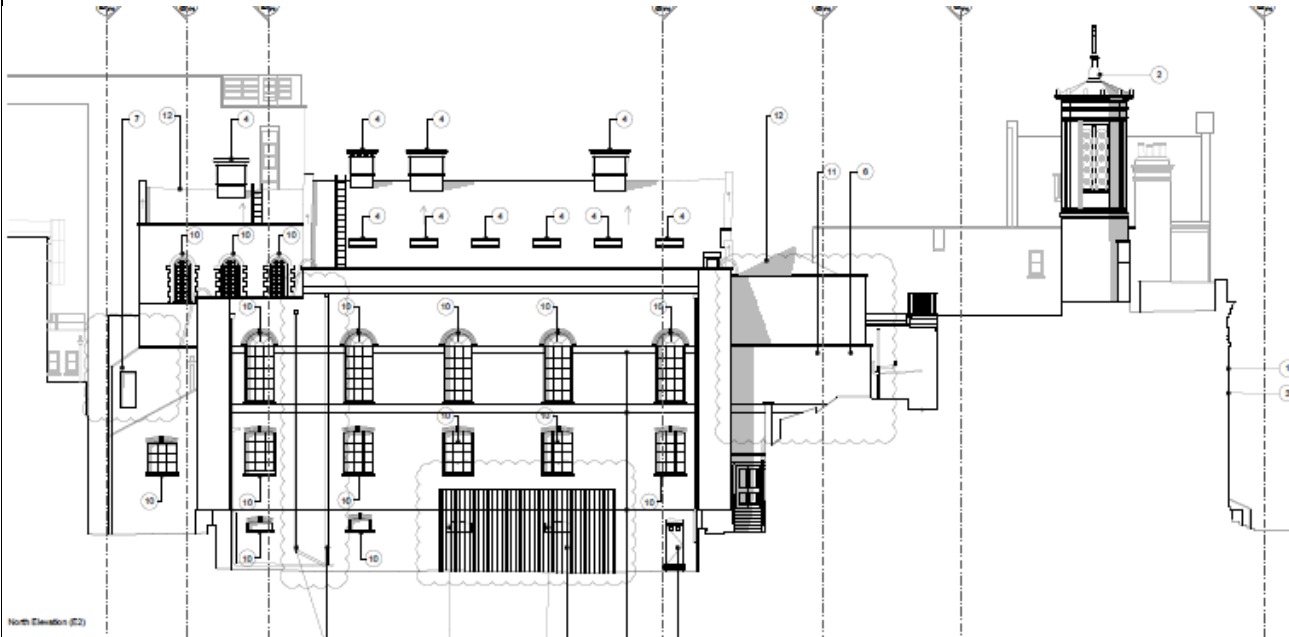
Proposed balcony/first floor plan



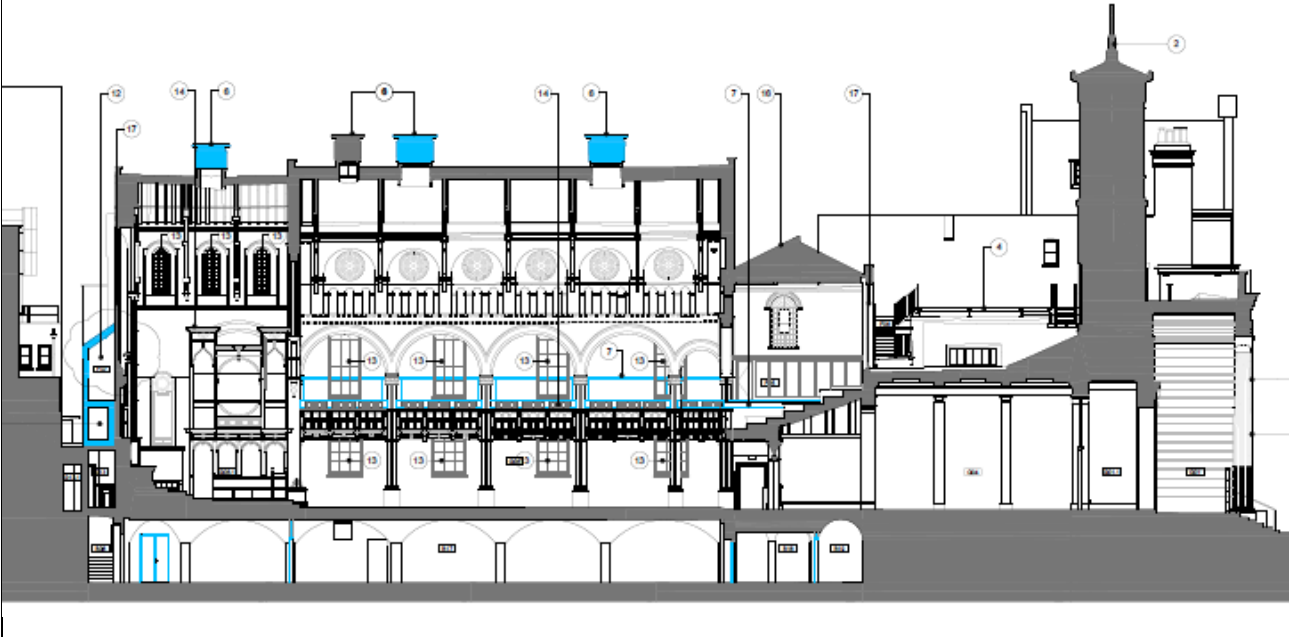
Front and rear elevations



Proposed north elevation



Sections



DRAFT PLANNING DECISION LETTER

Address: St Mark's Church, North Audley Street, London, W1K 6DP

Proposal: Use of the property for sui generis purposes, comprising a mix of retail (Class A1) on the ground floor, first floor/balcony as restaurant (Class A3, including external roof terrace at front first/balcony level), part of basement for ancillary back of house functions for both the retail and restaurant uses, and part use of basement as community space (Class D1) with access from Balderton Street; extension to north west part of building, extension to south east corner and corridor and duct void extension to the rear; installation of various items of mechanical plant including kitchen extract; internal alterations throughout.

Plan Nos: Location Plan 400 Rev B; Proposed Drawings: 209 Rev C, 210 Rev B, 212 Rev C, 213 Rev D, 214 Rev C, 221 Rev C, 222 Rev C, 224 Rev C, 231 Rev C, 232 Rev C, 239 Rev C, 241 Rev B, 249 Rev C, 253 Rev A, 257 Rev A, 258 Rev A, 260 Rev A, 261 Rev A, 270 Rev A, 271 Rev A, 272 Rev A, 273 Rev A; Demolition Drawings: 509 Rev A, 510 Rev B, 512 Rev A, 513 Rev A, 514 Rev A, 521 Rev A, 522 Rev A, 524 Rev C, 531 Rev A, 532 Rev A, 539 Rev A, 549 Rev A; Design and Access Statement (Donald Insall Associates) dated October 2015.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 5 You must paint all new outside rainwater and soil pipes black and keep them that colour.
(C26EA)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings.
(C26KA)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 7 Customers to the Class A3 restaurant shall not be permitted within this part of the premises before 07.30 hours or after midnight on Sundays to Thursdays (including all bank holidays and public holidays), and not before 07.30 hours or after 01.00 hours of the following morning on Fridays and Saturdays. You must not open the Class A3 premises to customers and you must

not allow customers on the premises outside of these hours.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must not allow more than 140 customers into the Class A3 restaurant part property at any one time (including customers using the external roof terrace).

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 The external roof terrace (at the front part of the property next to the tower) shall only be open to customers during the following times: 09.00 - 23.00 hours on Mondays to Saturdays and 09.00 - 22.00 hours on Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 You must apply to us for approval of an operational management plan/statement to show how you will prevent customers who are leaving the Class A3 restaurant from causing nuisance for people in the area, including people who live in nearby buildings. You must not start any of the approved uses until we have approved what you have sent us. You must then carry out the measures included in the management plan/statement at all times that the building is in use. In the event that alternative users subsequently occupy the premises, a new operational management plan must be submitted, and approved by the Council, prior to their occupation of the building

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 The full height kitchen extract duct and associated plant equipment and duct work must be fully installed before the Class A3 restaurant use commences, and thereafter permanently maintained.

- 11 To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 12 Apart from providing access to the Class A3 restaurant or Class D1 community use, the whole of the ground floor of the premises shall only be used for Class A1 retail purposes, including ancillary activities.

Reason:

Because of the special circumstances of the case and to ensure that you achieve the proposed Class A1 retail use included in the scheme, as set out in S1, S6 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS 4 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must apply to us for approval of an operational management plan/statement to show how the ground floor will be used for Class A1 retail purposes, including an indicative layout and details of how it will be managed (if it comprises different retailers). You must not start any of the approved uses until we have approved what you have sent us.

Reason:

Because of the special circumstances of the case and to ensure that you achieve the proposed Class A1 retail use included in the scheme, as set out in S1, S6 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS 4 of our Unitary Development Plan that we adopted in January 2007.

- 14 (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: Strategic Policies adopted November 2013, 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.

- 15 All of the plant/machinery hereby permitted shall not be operated except between 07.00 hours or after 00.30 hours on Sundays to Thursdays (including all bank holidays and public holidays), and between 07.00 hours or after 01.30 hours of the following morning on Fridays and Saturdays, except where plant is specifically required for refrigeration purposes.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 16 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.

- 17 There will be no live nor recorded music played or transmitted to the external roof terrace at the front part of the property next to the tower.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 18 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 16 of this permission, including details of any additional acoustic mitigation measures that are required. You must not commence any of the uses hereby approved until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 19 You must apply to us for approval of details of the following parts of the development - the treatment of the plant extension in the south east corner of the site, demonstrating that the rear of the extension (facing the hotel bedroom windows) is as light reflective as possible. 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.

Reason:

To ameliorate the impact of the development on the adjoining hotel premises.

- 20 The 'External Terrace' at the rear of the plant extension in the south east corner shall only be used for maintenance purposes or as an escape in the event of an emergency.

Reason:

To ameliorate the impact of the development on the adjoining hotel premises.

- 21 You must submit a servicing management plan to us for approval prior to any of the uses commencing. This plan must identify the delivery process, storage locations, scheduling of deliveries and staffing, etc. The uses must then be carried out in accordance with the approved plan.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary

Development Plan that we adopted in January 2007. (R21AC)

- 22 No goods shall be left on the highway during service deliveries,

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 23 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 2015.

- 24 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately, for each of the uses hereby approved. You must not commence any of the uses until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant, retail accommodation and community space. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 25 You must apply to us for approval of details (including detailed drawings where relevant) of how you will give people with disabilities access to all parts of the development, including access from the main entrance on North Audley Street. You must not commence any of the uses until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 26 **Pre Commencement Condition.** None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:-

- (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,
- (ii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures.
- (iii) Mitigate the effects on Crossrail, of ground movement arising from development.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (iii) and 1(iv) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

As requested by Crossrail Ltd, 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: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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)

- 3 Condition 26 meets the requirements of the 'safeguarding' directions made by the Department of Transport in relation to the CrossRail Project. If you have any questions about this project,

please write to:

Crossrail Limited
25 Canada Square
London E14 5LQ.
(Telephone: 0345 602 3813)

(I56AA)

- 4 You may need separate licensing approval for the restaurant 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)
- 5 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 7 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 8 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)
- 9 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

DRAFT LISTED BUILDING DECISION LETTER

Address: St Mark's Church, North Audley Street, London, W1K 6DP

Proposal: Alterations including two storey extension, installation of internal lift and lift overrun/enclosure, installation of various items of mechanical plant, and internal alterations throughout.

Plan Nos: Location Plan 400 Rev B; Proposed Drawings: 209 Rev C, 210 Rev B, 212 Rev C, 213 Rev D, 214 Rev C, 221 Rev C, 222 Rev C, 224 Rev C, 231 Rev C, 232 Rev C, 239 Rev C, 241 Rev B, 249 Rev C, 253 Rev A, 257 Rev A, 258 Rev A, 260 Rev A, 261 Rev A, 270 Rev A, 271 Rev A, 272 Rev A, 273 Rev A; Demolition Drawings: 509 Rev A, 510 Rev B, 512 Rev A, 513 Rev A, 514 Rev A, 521 Rev A, 522 Rev A, 524 Rev C, 531 Rev A, 532 Rev A, 539 Rev A, 549 Rev A; Design and Access Statement (Donald Inshall Associates) dated October 2015.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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

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

Reason:

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

- 2 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must apply to us for approval of a detailed historic paint analysis report for the entire building including the external finishes in the portico, and a detailed specification and paint colour samples of all new paintwork and decorative finishes to be used throughout the building including the portico. You must not remove or refinish any existing paintwork or finishes until we have approved what you have sent us and you must then carry out the work according to 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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 Contrary to anything shown on or implied by the drawings hereby approved, you must not cover or remove any historic painted finishes in the portico such as (but not limited to) signs and notices painted on the walls. You must apply to us for approval of details for a scheme of recording the signs and notices painted on the walls and their preservation in situ. You must not start any work on this part of the development until we have approved what you have sent us and you must then

carry out the work according to 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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You must apply to us for approval of detailed drawings (including details of materials) at a scale of 1:10 of the following parts of the development:

- 1) The new lift and staircase in the nave including its method of fixing to the floor (IN CONSULTATION WITH HISTORIC ENGLAND);
- 2) the new restaurant gallery floor and balustrade in the nave;
- 3) repairs to the encaustic tiled floor in the basement;
- 4) the new lift and staircase in the north stair lobby;
- 5) all new doors.

You must not start any work on these parts of the development until we have approved what you have sent us and you must then carry out the work according to 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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 10 You must apply to us for approval of a method statement and specification for the conservation and repair of the following parts of the building;

- 1) the Narthex Floor;
- 2) the Nave floor;
- 3) the Chancel floor;
- 4) the pulpit;
- 5) the font;
- 6) the Great War Chapel;
- 7) all the stained glass windows;
- 8) the reredos;
- 9) the organ cases;
- 10) the roof, rooflights and ventilators, including samples of the slating and leadwork, to match existing original materials and demonstrating that as many original slates as possible have been salvaged for re-instatement (IN CONSULTATION WITH HISTORIC ENGLAND);
- 11) the stonework repairs and recreation of decayed decorative elements to the west elevation to North Audley Street including the portico and tower (IN CONSULTATION WITH HISTORIC ENGLAND);
- 12) the new bell and bellframe.

You must not start any work on these parts of the development until we have approved what you have sent us and you must then carry out the work according to 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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 11 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, 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 character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3/2.4 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)

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	53-55 Frith Street and 8-11 Bateman Street, London, W1D 4SJ		
Proposal	Erection of a single storey extension at main roof level including a new external screened plant area; infilling of lightwells at first to fourth floor level and the creation of terraces at third, fourth and new fifth floor level. Installation of new shopfronts and the re-configuration of uses including the retail, restaurant, office and residential layouts.		
Agent	Treanor Consulting		
On behalf of	Benusco Charity Ltd		
Registered Number	15/10251/FULL	Date amended/ completed	3 November 2015
Date Application Received	3 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Refuse permission on the following grounds

- Detrimental impact on the appearance of the buildings and the character and appearance of the Soho Conservation Area.
- The replacement retail unit is considered unacceptable in land use terms.
- Proposed terraces would result a loss amenity to the occupants of neighbouring residential properties.

2. SUMMARY

The application site is situated on the southern side of Bateman Street and the western side of Frith Street. No's 8-11 Bateman Street and 53-54 Frith Street comprise basement ground and 4 upper floors. No 55 Bateman Street the corner building is a floor lower comprising basement ground and 3 upper floors. The buildings which are connected internally are all unlisted buildings of merit located within the Soho Conservation Area.

The site is located within the West End Stress Area, Core Central Activities Zone and the West End Special Retail Policy Area.

The buildings comprise a mix of office (Class B1), restaurant (Class A3) retail (Class A1) and residential (Class C3) uses. Permission is sought for the reconfiguration of the uses which would result in a reduction in office and retail floorspace and an increase in restaurant and residential. Proposed works include a 5th floor roof extension including a new plant area, extensions into rear lightwells, the creation of roof terraces at 3rd 4th and new 5th floor levels and the installation of new shopfronts on both Frith Street and Bateman Street frontages.

In land use terms the scheme would retain the existing mix of uses with a
The key issues are:

- * The land use impact with regards to the loss of retail and additional restaurant floorspace in the West End Special Retail Policy Area; and West End Stress Area.
- * The impact on residential amenity;
- * The impact in design terms to the appearance of the buildings and the character and appearance of the Soho Conservation Area in design terms.

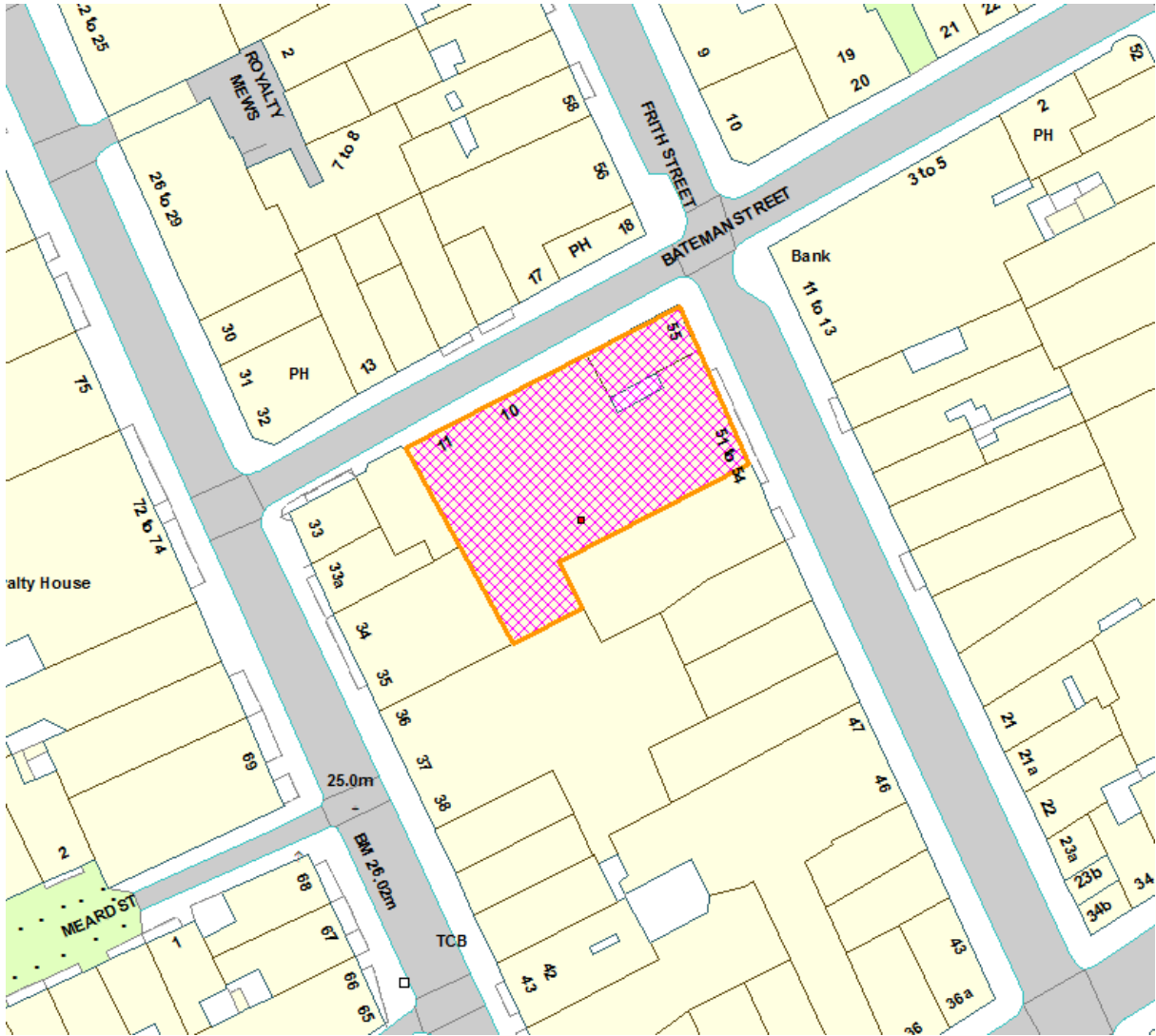
Although the reconfiguration of the uses would result in an overall increase in retail floorspace this would be at basement level on Bateman Street. The loss of a ground floor retail unit on Frith Street is considered unacceptable in land use terms.

The scheme is also considered unacceptable in both design and amenity terms. With regards to the design, the roof extension would span both the Frith Street and Bateman Street buildings (except No 55 Bateman Street). The design does not relate to the architecture of the existing buildings and would undermine the established plot widths. The use of large expanses of glazing at roof level are also considered unacceptable.

Given the proximity of the site to neighbouring residential properties the creation of rear terraces is also considered to be unacceptable as their use would result in a loss of amenity to existing residential flats.

The application is therefore contrary to adopted UDP and City Plan Policies and accordingly is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

COUNCILLOR CHURCH

Objection on the following grounds:

An extended restaurant in the Stress Area is detrimental to residential amenity.
The loss of retail use.

The consultation by the applicant has been very poor and failed to inform local residents or ward councillors of the proposal.

Detrimental impact upon the amenity of residents in the vicinity.

SOHO SOCIETY

Objection on the following grounds:

An extended restaurant in the Stress Area is detrimental to residential amenity.
The loss of retail 'degrades the mix of uses typical of the Central Activities Zone'.

CLEANSING MANAGER

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

CROSSRAIL

No Comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154

Total No. of replies: 7

No. of objections: 7

No. in support: 0

Objections on some or all of the following grounds:

Land use:

- The loss of small office accommodation to provide large floor space offices.

Amenity:

- Noise disturbance to existing residents due to the use of the proposed terraces at third and fourth floor level.
- Detrimental impact upon the retained office occupier within 11 Bateman Street with regard noise, dust and access during construction works.
- Noise from construction works affecting residents.
- Overlooking from the proposed roof extension of a neighbouring residential terrace.
- Increase in overlooking of existing residential windows from the proposed terraces at third and fourth floor level to the west of the site.

Highways:

- Disruption from construction traffic and potential road closures.

Design:

- Proposal detrimentally changes the character of Soho.

Other:

- Impact upon mobile phone masts / signal.
- Disruption to the utilities currently available to the office occupier of 11 Bateman Street.
- Impact upon security for the retained office occupier at 11 Bateman Street during construction works.
- Need for signage during construction works to indicate the office occupier of 11 Batman Street is still operational.
- The report from Four Communications is inaccurate as it does not include some of the concerns raised by participants at public meetings.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site incorporates three unlisted buildings of merit occupying a corner site on the west side of Frith Street at the junction with Bateman Street. The site excludes the basement and ground floor of 11 Bateman Street which is currently occupied by a sound recording studio with a long lease on the premises.

This is a mixed use site comprising offices (Class B1), retail (Class A1), restaurant (Class A3) and residential (Class C3). The basement of the buildings is entirely office accommodation. At ground floor level there is a large retail unit, restaurant and office and residential entrances. The first to 4th floors of the majority of the site are also in office use the exception being the corner building No 55 Batemen Street where the 1st to 3rd floors are 3 x residential flats.

The properties are located within the Soho Conservation Area, the West End Stress Area, the Core Central Activities Zone and the West End Special Retail Policy Area.

6.2 Recent Relevant History

Permission was granted on the 23rd February 1988 at 53-54 Frith Street for the 'change of use of ground floor from a betting shop to cafe / restaurant; new shopfront; installation of air extract duct in rear lightwell.

Permission was granted on the 21st December 2004 at 8-11 Bateman Street for the 'use of basement unit 3 as a sound recording studio and ancillary offices (Class B1c)'.

7. THE PROPOSAL

Permission is sought for extensions and alterations in connection with the reconfiguration of the existing uses on the site. The basement which is currently offices would be converted to part retail, part restaurant and part offices. The reconfiguration of the uses will result in a loss of retail at ground floor level on the corner of Bateman Street and Frith Street. On the upper floors extensions into lightwells and the 5th floor extension would provide primarily office accommodation, although the access core to the residential is to be relocated and would provide additional residential.

The floorspace figures are set out in the tables below.

Floorspace Schedule:

Use	Existing	Proposed	+/- difference
Office	2785.97m ²	2668.2m ²	-117.77m ²
Restaurant	82m ²	477.41m ²	+395.41m ²
Retail	228.4m ²	235.74m ²	+7.34m ²
Residential	239.2m ²	293.4m ²	+54.2m ²
Total Commercial	3096.37m²	3381.35m²	+284.98m²
Total Floorspace	3335.57m²	3674.75m²	+339.18m²

Restaurant Use Table:

	Existing	Proposed
Restaurant floor area (m ²)	82	477.41
No. of covers	Unknown	170
Hours of operation	12:00 till 23:00 Monday to Saturday and 13:00 till 22:00 on Sundays.	08:00 till 00:00 Monday to Saturday and 08:00 till 23:00 on Sundays.
Ventilation Arrangements	Not controlled.	Extract routed in an internal riser to roof level.
Refuse Storage Arrangements	Not controlled.	Within the basement of the property.

In terms of works the scheme proposes the following

- i) Erection of a single storey extension at main roof level to create a new fifth floor across 53-54 Frith Street and 8-11 Bateman Street with an open plant enclosure also at the new fifth floor level
- ii) Infilling a central lightwell at 1st to 4th floor levels.
- iii) Partially infilling a western lightwell at 2nd to 4th floor levels including the provision of terraces at 3rd and 4th floor levels.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal results in the loss of 117.77m² of office floor space. Since the 1st of September 2015 planning applications involving the loss of office floorspace for residential conversion in the Core CAZ are no longer acceptable in principle. The statement from the Deputy leader for Westminster City Council dated 18 March 2015 stated that "no office losses will be acceptable, except where a developer can demonstrate that the benefits of the proposal taken as a whole outweigh the loss of the office floorspace"

In this case the loss of the office floorspace is primarily due to a change of use to retail and restaurant uses at basement level. The application therefore involves a change between commercial uses. The minor loss of office floorspace at first, second and third floors to allow for the reconfigured residential floorspace which affords a much better layout of the units. In these circumstances the change of use of 54.2m² of office accommodation to residential is acceptable taking into account, overall the uplift in commercial floorspace is 284.98m².

An objection has been received to the loss of existing small office accommodation to enable the provision of 'large floorplate' offices which are unlikely to provide accommodation for small businesses. Whilst these concerns are noted the City Council has no current policies to protect small office accommodation.

It is noted that there is an existing sound recording studio and ancillary offices (Class B1c) within the basement of the building which was granted planning consent in 2004. However, no conditions were attached to this consent restricting the approved floorspace to a light industrial use and therefore the basement can lawfully be used as general office accommodation without the requirement for further planning permission.

Residential use

The proposal seeks to increase the residential floorspace by 54.2m², whilst still providing three residential units. All the units comply with the minimum space standards as detailed within the London Plan. The proposal is in accordance with the stipulations of Policies H3 of the UDP and S14 of the City Plan which seek to maximise the amount of land or buildings in residential use.

Restaurant

This application proposes an extended restaurant at part basement and ground floor levels measuring 477 m². City Plan Policy S24 and UDP Policy TACE 9 are applicable. These policies require proposals for new entertainment uses to demonstrate that they are appropriate in terms of 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.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by commercial uses with most of the neighbouring buildings to the north in use as office / medical accommodation whilst along Frith Street to the south are restaurant and retail units on the lower floors with office or residential uses on the upper floors. The nearest other 'entertainment' premises are a public house at 18 Bateman Street, a restaurant at 10 Frith Street and another restaurant opposite at 11-13 Frith Street.

The nearest residential properties are located on the upper floors of 55 Frith Street (included within this application). Council records also indicate the presence of residential units on the upper floors of 3-5 Bateman Street on the opposite side of the street to the east and on the upper floors of 16 Bateman Street to the north west of the extended restaurant.

The proposed opening hours of the restaurant are 08:00 until 00:00 Monday to Saturday and 08:00 until 23:00 on Sundays. These proposed opening hours are considered reasonable and are similar to other entertainment uses in the area.

Had the application had been considered acceptable conditions would have recommended preventing a takeaway service or a home delivery service which might result in increased vehicular movements. Conditions would also have been recommended to ensure that any bar area provided in the premises did not exceed 15% of the floor area; that all customers consuming alcohol on the premises did so with a meal and that any music played in the premises was not audible externally or within adjacent premises.

The applicant has requested 170 covers, which again is considered acceptable and a condition would have been recommended had the application been acceptable in other respects.

There is an internal riser where a high level extract duct would be routed for the proposed restaurant use to enable the discharge of cooking odours without detriment to neighbouring residential amenity. This is considered acceptable and in line with City Council requirements. Again this could have been dealt with by condition.

Whilst it is acknowledged that the restaurant premises would be located within the designated West End Stress Area and the Soho Society and Councillor Church have objected to the introduction of an extended restaurant use, the number of covers (170) is relatively modest, the hours of use are similar to other premises in the immediate vicinity and are less than the City Council 'core hours' for 'entertainment' premises in residential areas. It is therefore not considered that the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. Subject to suitable conditions this aspect of the application is considered acceptable in accordance with UDP Policy TACE9 and City Plan Policy S24.

Retail

The proposal results in an increase in the retail floorspace of 7.34m². However 113m² of the retail accommodation is now in the basement of the unit with only 122.74m² of the retail provision at ground floor level. The existing situation is that the entire retail floor at

ground floor level with frontages onto Frith Street and Bateman Street. As proposed the retail unit will have a much reduced ground floor presence fronting onto Bateman Street.

Bateman Street has less of a commercial nature than Frith Street so the retail presence is diminished by the relocation of the entrance, the removal of the Frith Street shopfront and the reduction in ground floor area with replacement floorspace being in the basement.

Although the scheme would result in slight increase in retail floorspace the quality of the retail provision is significantly reduced. The proposal is contrary to City Plan Policy S21 and UDP policy SS5 which aim to improve retail provision throughout the West End Special Retail Policy Area. This aspect of the application is considered unacceptable.

Mixed Use Policy

Policies S1 of the City Plan and COM2 of the UDP seek to promote mixed use developments within the Central Activities Zone. Policy S1 requires that where the increase in commercial floorspace exceeds 200m² or, individually, the increase in retail accommodation exceeds 400m² the provision of an equivalent amount of residential floorspace will be required on-site where the council considers this appropriate and practical. This policy is not applied to changes of use between different commercial uses, only to extensions. The current proposal would result in an uplift in commercial floorspace of 284m² which requires a corresponding increase in residential floorspace. The application only provides a residential uplift of 54.m². There is therefore a residential shortfall of 230m².

Where it is accepted that the residential provision cannot be provided on-site or off- site the cascade option of the policy allows for a financial contribution to the City Council's affordable housing fund. In this case although it would be possible to provide additional residential on site this would be at the expense of offices. As the conversion of offices to residential in the Core CAZ is not considered to be sustainable development in accordance with the requirements of the NPPF the shortfall in on site residential is considered acceptable

As the applicant does not own any other suitable buildings in the vicinity which off site residential could be provided to address the Council's mixed use policies a financial payment of £376,000 is offered towards the City Council's Affordable Housing Fund. This is a policy compliant sum and would have been secured via a S106 Agreement had the application been considered acceptable in other respects.

8.2 Townscape and Design

The proposals relate to a collection of adjacent unlisted buildings in the Soho Conservation Area. The buildings make up a large and prominent corner plot, with long elevations to Frith Street and Bateman Street. All of the buildings on the site are identified as Unlisted Buildings of Merit, and buildings where roof extensions would not normally be acceptable, in the Soho Conservation Area Audit. The proposals are to infill a yard up to fifth floor and to extend the roof across much of the fifth floor. The proposal to infill the yard is considered acceptable in design terms

Currently, there are various small scale plant rooms and items of plant at fifth floor level. Whilst these would benefit from tidying up, this does not justify a large roof extension at this level. The height, bulk and faceted form of the proposed roof extension are unacceptable in design terms. The design does not relate to the architecture of the existing buildings and serves to undermine the established Soho plot divisions with a design that runs in an ad hoc and architecturally arbitrary fashion across the host buildings. The design also includes large expanses of glazing at roof level, where the City Council would normally encourage a more roof like solid to void ratio. The large expanse of glazing will be particularly conspicuous at night, which will also highlight the dissonance between the free form extensions and the formal and symmetrical host buildings. Whilst the applicant has made some changes to the Frith Street façade by reducing the amount of glazing, this does not make a significant difference to the overall effect.

The proposed traditional shop fronts are considered to be acceptable, subject to detail and drawings at a larger and clearer scale. The materials proposed, in particular bronze and copper, have no reference in the existing host buildings and are alien to this part of Soho.

It is accepted that there are some improvements offered in parts the scheme at ground floor with the replacement of metal framed shop fronts with a more traditionally designed timber shop fronts and office fronts that more closely compliment the architecture of the host buildings. However the benefits at ground floor level do not outweigh the harm to the character and appearance of the Soho Conservation Area by the proposed roof extensions terms due to their height, bulk, detailed design and materials of construction.

8.3 Residential Amenity

Daylight and Sunlight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

A Daylight and Sunlight Assessment has been submitted which assesses the impact of the proposal on neighbouring residential windows at the following properties 13-18 Bateman Street, 10, 11-13, 14 and 51-52 Frith Street, 33a, 34-35 and 36-37 Dean Street. In all cases the study shows that losses are minor in accordance with Building Research Establishment (BRE) Guidelines. No objections have been received to this aspect of the application which is considered to be acceptable.

Sense of Enclosure

The scheme includes extensions within the lightwell to the west of the property at second to fourth floor levels. The nearest residential accommodation to these extensions is located within 33a Dean Street to the west and there are also residential flats within 34-35 Dean Street which also has oblique views into this lightwell area. The increase in bulk would not result in a sense of enclosure to the residential properties.

Privacy

The proposal includes the creation of terraces at third and fourth floor levels in the lightwell to the west of the site serving the office accommodation. Objections have been received to the creation of these terraces from the residents of Dean Street flats. The objections are made on the grounds that the terraces would result in overlooking and noise nuisance. The terrace at third floor level would be approximately 6.5m from the Dean Street residential windows whilst the fourth floor terrace would be 14m from residential windows. It is acknowledged that these terraces are reasonably small, being approximately 12m². However given their location it is considered that the terraces would result in potential overlooking and noise nuisance contrary to policy ENV 13 and ENV 6 of the UDP and CS28 and CS31 of the City Plan Strategic Policies.

8.4 Transportation/Parking

There is no provision for off-street car parking within the demise of the development and this is considered acceptable considering there is no increase in the number of residential units and the re-configured commercial uses are unlikely to result in any significant change in the demand for on-street parking. The site is within a Controlled Parking Zone and anyone driving to the site would be subject to these controls.

Cycle parking has been shown on the submitted drawings for the office, retail, restaurant and residential accommodation and is considered acceptable. It is noted the office cycle parking also has associated shower and changing rooms. Any approval would have included a condition to ensure these cycle parking spaces were provided and thereafter retained in perpetuity.

It is not considered the proposal would result in significant additional servicing requirements compared to the existing situation on site. All servicing of the commercial units will be controlled by the existing on-street parking controls in the area and it is envisaged the units will be serviced in a similar fashion to the surrounding commercial operations.

8.5 Economic Considerations

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

8.6 Access

Level access will be provided to the retail and restaurant units and to the office accommodation, lifts will serve all the floors in the offices. The internal layout of the restaurant and retail units has not been finalised as final tenants have not been identified.

8.7 Other UDP/Westminster Policy Considerations

Noise

Plant is proposed at with an external screened plant area on the new main roof area.

The proposed plant installation has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Background noise assessments have been undertaken at roof level and the area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP, the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows.

The plant requirements for the development have not been finalised and therefore only a background noise assessment has been submitted. This is considered acceptable for a scheme of this size and if the application had been recommended for approval appropriate conditions would have been proposed requiring the submission of a supplementary acoustic report to detail the manufacturers specification of all plant and expected noise levels at the nearest sensitive property to ensure this conformed with the City Council standard noise requirements. Environmental Health have confirmed they find this approach acceptable.

Refuse /Recycling

Suitable waste and recycling storage facilities have been shown on the submitted drawings and the proposal is therefore considered acceptable in this regard subject to conditions.

Sustainability

Vertical green wall areas are proposed at the rear of the terraces at third and fourth floor levels which are welcomed in biodiversity terms. If recommended for approval conditions would have been proposed requiring the submission of details relating to the planting and maintenance of these green walls and their retention in perpetuity.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Policy S33 of the City Plan states that ‘the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure.’

The City Council's approach to and priorities for planning obligations are set out in the Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the development site, in the wider locality, or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

In this instance there are policy requirements, mentioned previously in this report, which are considered necessary to make the application acceptable, these are:

- i) a contribution of £376,000 to the City Council Affordable Housing Fund.

These contributions are proposed to be secured by a S106 agreement.

8.11 Environmental Impact Assessment

Environmental impact issues have been covered in section 8.7 above.

8.12 Other Issues

An objection has been received from the commercial occupier of the basement and ground floor premises of 11 Bateman Street in relation to the potential for dust, noise and disturbance from construction works to impact upon their working environment. Whilst these concerns are acknowledged, they do not form a basis for the refusal of planning permission. It is noted that the objector carries out noise sensitive work within their premises however, the City Council cannot restrict the hours of building works beyond the standard building hours to protect the commercial occupier. Had the application been considered acceptable a condition requiring a Construction Management Plan would have been required in order to ensure the impact from the construction on highways movements and potential dust and noise pollution were minimised.

Concern has been raised both by an objector to access issues to their commercial floorspace in 11 Bateman Street during the course of construction. Any closure of the highway would be agreed beforehand with Highways Licensing as well as the location of scaffolding to ensure disruption was minimised and refusal could not therefore be upheld on these grounds. The objector is also concerned about the maintenance of utilities to their retained premises during the course of construction works. This is considered a private matter between the tenant and the freeholder (applicant) and is not something which can be controlled through the planning process.

A number of residents have commented on the submitted 'Statement of Community Involvement' which they do not consider accurately reflects the concerns they raised to the application at a public meeting. These comments are noted and it is considered the response to the public consultation more accurately reflects the opinions of the proposal by affected residents.

Concern has been raised with regard the security implications of having a large number of workers on site during construction including scaffolding on the property. This concern is noted but if reasonable precautions are taken it is not considered the works should result

in an increased security risk to nearby properties. Concern has also been raised as to the implications of the proposal for mobile phone signal in nearby properties and for existing telecommunications equipment on neighbouring buildings, however, these are not considered material planning considerations.

9. BACKGROUND PAPERS

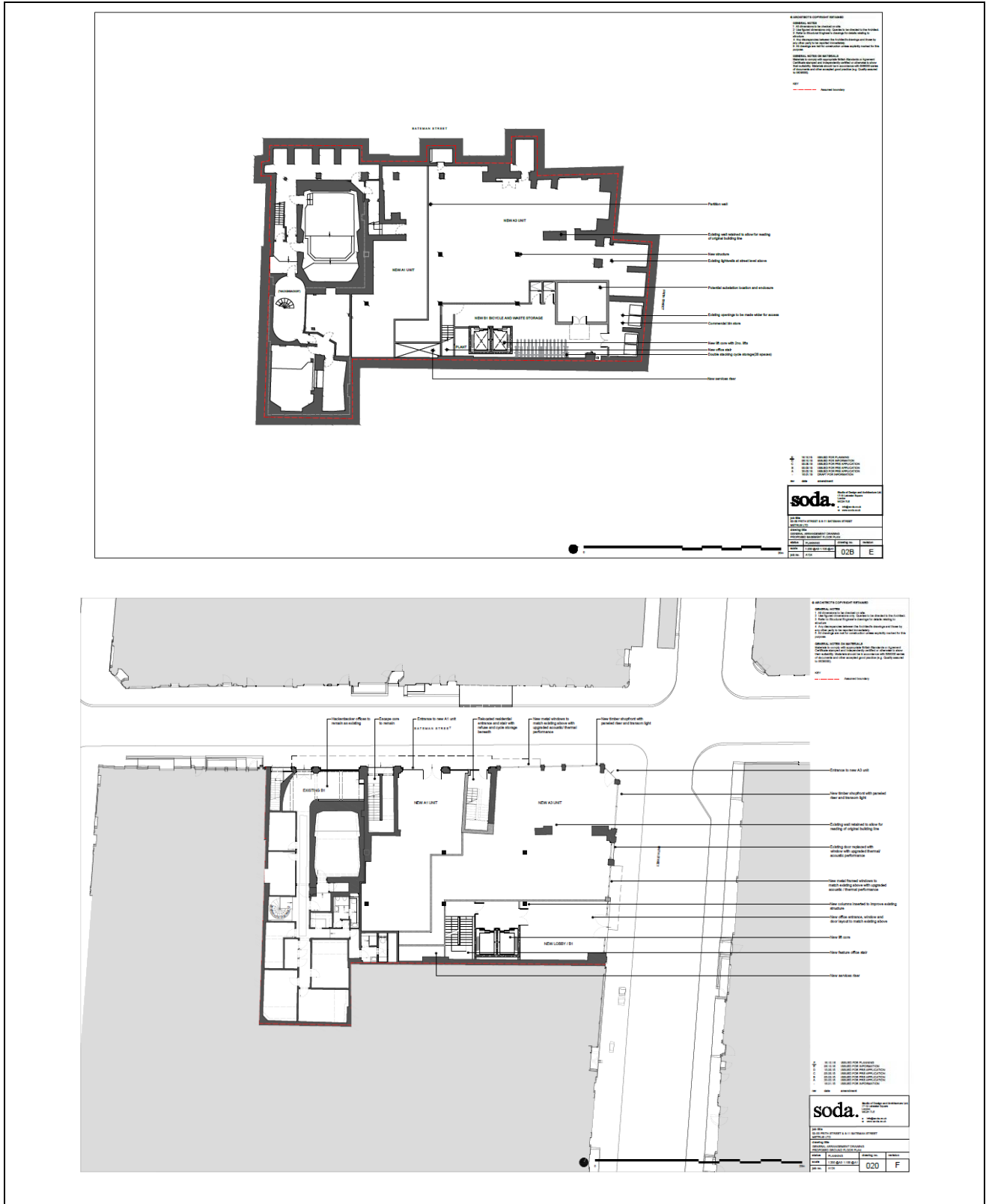
1. Application form
2. Response from Councillor Church dated 11th February 2016
3. Response from Soho Society, dated 9 December 2015
4. Response from Cleansing - Development Planning, dated 25 April 2016
5. Response from Highways Planning - Development Planning, dated 23 November 2015
6. Response from Environmental Health, dated 15 December 2015
7. Response from Crossrail Safeguarding dated 26 April 2016
8. Letters from the occupier of 10 Bateman Street, London, dated 20 November 2015, 24 November 2015 and the 11 December 2015
9. Letter from occupier of 2 Castlebar Road, London, dated 7 December 2015
10. Letter from occupier of Flat 2, 2nd Floor Front Flat, 17 Frith Street, dated 8 December 2015
11. Letter from occupier of Flat 6 - Bray House, 4-5 Duke of York Street, dated 17 December 2015
12. Letter from occupier of Flat 3, 35 Dean St, London, dated 17 December 2015
13. Letter from occupier of 11 Meard Street, London, dated 9 February 2016
14. Email from the owner of 33a Dean Street, London dated 26 April 2016

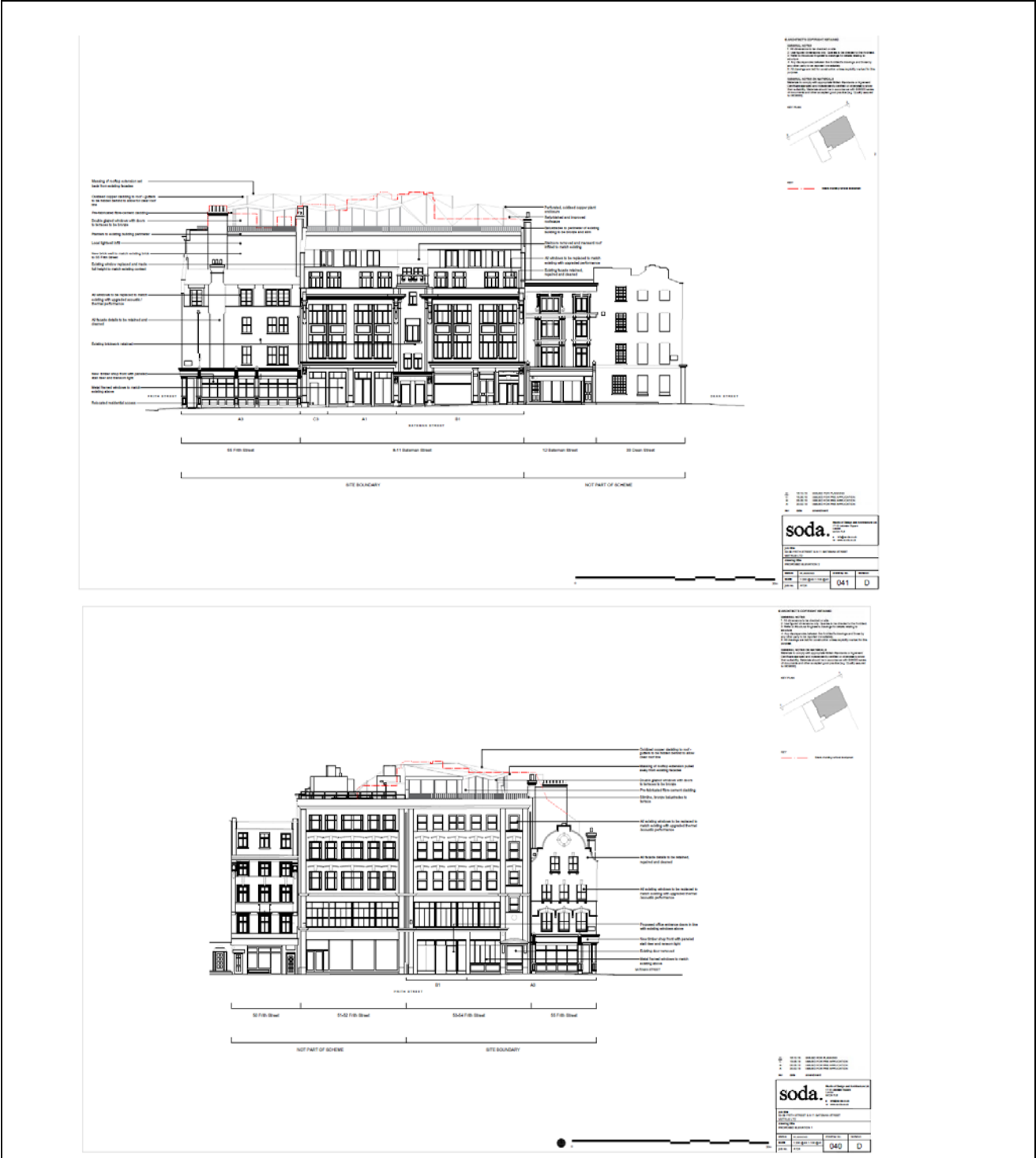
Selected relevant drawings

(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 MATTHEW GILES ON 020 7641 5942 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 53 Frith Street, London, W1D 4SJ,

Proposal: Erection of a single storey extension at main roof level including a new external screened plant area; infilling of lightwells at first to fourth floor level and the creation of terraces at third, fourth and new fifth floor level. Installation of new shopfronts and the re-configuration of uses including the retail, restaurant, office and residential layouts. (SITE INCLUDES 53-55 FRITH STREET AND 8-11 BATEMAN STREET)

Reference: 15/10251/FULL

Plan Nos: Transport Statement dated November 2015, Acoustic Report dated 23rd September 2015, Drawings: 020 RevG, 021 RevD, 022 RevD, 023 RevD, 024 RevD, 025 RevF, 026 RevD, 040 RevE, 041 RevD, 060, 067 RevC, 068, 100 RevA.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

Reason:

- 1 The proposed terraces at third and fourth floor levels would lead to an unacceptable loss of amenity for residential occupiers in neighbouring sensitive properties. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

Reason:

- 2 Your development would lead to the loss of a retail (A1) frontage along Frith Street and the proposed replacement retail floorspace is also considered to be of reduced quality. The reduced street level shopping frontage would be harmful to the retail character and function of the area which would be contrary to S21 of our City Plan that we adopted in January 2011 and SS5 of our Unitary Development Plan that we adopted in January 2007.

Reason:

- 3 Because of height, bulk, detailed design and materials of construction the proposed roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES9, DES 6, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan,

Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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

Item No.
7

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	44-48 Great Cumberland Place and 16 Brunswick Mews, London, W1H 7BS		
Proposal	Erection of a mansard roof extension to 44-48 Great Cumberland Place; plant enclosure to the roof of 16 Brunswick Mews; a pergola on a 1 st floor rear terrace and landscaping; alterations to the front facade including new doors, windows, balconies and railings and associated works, and internal alterations.		
Agent	Gerald Eve LLP		
On behalf of	Quintillion UK Limited		
Registered Number	15/10586/FULL 15/10587/LBC	Date amended/ completed	16 November 2015
Date Application Received	13 November 2015		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

<p>The application site is located on the eastern side of Great Cumberland Place with frontages onto both Upper Berkeley Street and Brunswick Mews. The buildings have been vacant since 2014 prior to which they were in use as a private members club (Sui Generis). Permission and listed building consent is sought for alterations including a mansard roof extension to 44-48 Great Cumberland Place in-connection with the continued use as a private members club (Sui Generis).</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"> * The impact of the extension to the private members club upon the amenities of neighbouring residents. * The impact of the works upon the character and appearance of the listed building and the conservation area.
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The application is considered acceptable in land use, amenity, design and conservation terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



4. PHOTOGRAPHS

Photograph 1. View of 44-48 Great Cumberland Place and Upper Berkeley Street



Photograph 2. West elevation and aerial view



Photograph 3. Easterly view to nearest residential property (No. 16 Upper Berkeley Street) abutting the site.



Photograph 4. View to shared rear boundary of site with No. 15 Upper Berkeley Street



5. CONSULTATIONS

Historic England (Listed Builds/Con Areas):

Comments relate primarily to the intervention at roof level, notably the demolition of roof structures. Advise that the harm resulting from loss of original fabric, proportions and historic roof forms would be permanent and irreversible. The heritage benefits put forward are recognised and welcomed and can be considered to help mitigate, though not ameliorate, the harm caused. On balance, the harm would be considered to be less than substantial.

Marylebone Association:

Objection-The new mansard construction is oversized in proportion to the existing building. The cheeks and head of the proposed dormer windows are far too wide with 'squeezed' clear vision areas.

If WCC are minded to grant, this should be done so with conditions to ensure that noise and disturbance resulting from the terrace is restricted and documented in a comprehensive operational and servicing management plan. Request a comprehensive construction management plan to ensure that full consideration has been given to neighbouring residents and their amenity during construction.

Environmental Health:

No objections, subject to conditions relating to a supplementary acoustic report, and hours of use of a terrace.

Twentieth Century Society:

Any response to be reported verbally.

The Victorian Society:

Any response to be reported verbally.

Ancient Monuments Society

Any response to be reported verbally.

Council for British Archaeology:

Objections were raised and recommended that the revised proposal be sought as the present scheme would harm the significance of the heritage asset.

Major concerns were expressed about the mansard extension as it would give an artificial regularity and create an awkward corner feature.

The Committee also suggested fewer dormers (two per bay rather than three) and better detailing to give narrower appearance.

Society for the Protection Of Ancient Buildings

Any response to be reported verbally.

The Georgian Group:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70
Total No. of replies: 3
No. of objections: 3
No. in support: 0

3 objections received on some or all of the following grounds.

Amenity
Noise nuisance from terrace and plant and location of club entrance
Overlooking loss of privacy

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

The application site comprise of 44-48 Great Cumberland Street and 16 Brunswick Mews. The site is located on the eastern side of Great Cumberland Place with frontages onto Upper Berkeley Street and Brunswick Mews. The site is located within the Portman Estate Conservation Area but is located outside the Core Central Activities Zone.

No. 44-48 Great Cumberland Place are grade II listed buildings comprising four early 19th century traditional Georgian terrace houses. No 16 Brunswick Mews to the rear is an unlisted building of merit.

The buildings were occupied by the VAD Ladies Club in 1959. The club changed its name to the New Cavendish Club and occupied the site until mid-2014, after which the buildings have remained vacant.

Recent Relevant History

No relevant.

7. THE PROPOSAL

Permission and listed building consent is sought for works which would retain the use as a private members club (Sui Generis). The intention being that Home House would occupy the site complimenting their facilities at 20 Portman Square.

Proposed works include the erection of a mansard roof extension to 44-48 Great Cumberland Place; plant enclosure to the roof of 16 Brunswick Mews; alterations to the front facade including new doors, windows, balconies and railings, the erection of a pergola, landscaping and internal alterations.

The existing building provides 44 bedrooms over basement and first to fourth floors along with bar/reception and lounges. The proposals seek to reconfigure the internal arrangement of the building, to provide 35 bedrooms in total. The basement ground and first floors would be used as entertaining and function spaces, with the majority of bedrooms at 2nd to 4th floors and two bedrooms on the 1st floor. The maximum capacity of the club would be 320 visitors and 50 staff on site during peak periods. Proposed opening hours are Monday-Saturday 07:00-01:00 and 07:00-00:00 on Sundays. It is proposed to use a rear terrace at 1st floor level between 08:00-22:00 daily.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The buildings have historically been used as a private members club since the 1950's. The continued use of the premises as a private members club albeit by a different operator 'Home House' raises no land use issues.

8.2 Townscape and Design

The site comprises a terrace of four Grade II listed buildings dating from around 1810 in the Portman Estate Conservation Area. The Portman Estate Conservation Area Audit identifies the buildings as being unsuitable for a roof extension, because these are listed buildings with their original Georgian roofs. In considering the proposed scheme, the principle urban design and conservation issue is the loss of the existing roofs. The proposal adds a roof extension to 42, 44 and 46, remodels the front façade at ground floor level with the reintroduction of front doors, entrance bridges, balconies and windows.

Officers have inspected and assessed the existing roofs in conjunction with Historic England. The roofs are original early eighteenth century (late Georgian) structures, in good condition, which are of considerable architectural and historic interest. They are relatively rare survivors since over the years such roofs have been replaced, often with mansard type roofs. They form an important part of the special interest of the listed buildings and the Portman Estate Conservation Area.

As with most Georgian houses of this period, the buildings were designed with shallow pitched roofs behind the parapet; the roof was invisible from the street. The horizontal parapet was intended to be seen against the sky.

The demolition of the roofs would cause harm to the listed buildings, through the loss of significant historic fabric, and the change to the appearance of the buildings, by adding a double pitched mansard roof above the parapet. The listed buildings make a positive contribution to the character and appearance of the Portman Estate Conservation Area and this contribution would be diminished because of the harm to the buildings. In terms of the NPPF this would be less than 'substantial' harm. Nevertheless the harm could only be considered acceptable if there were public benefits to outweigh that harm.

Objections have been received regarding the proposed roof extensions, including their height and bulk, from Historic England, Marylebone Association and the London and Middlesex Archaeological Society (Council for British Archaeology). Historic England considers the loss of the historic roof forms and fabric to be unacceptably harmful.

Benefits

To outweigh the harm identified the applicants highlight a number of benefits. These include:

- The restoration of the missing front doors, entrance bridges, fan lights.
- The reinstatement of Georgian style windows to the front façade.
- The reinstatement of Georgian (Regency) style features internally at ground and first floor.

The loss of the existing roofs is harmful to the special interest of the listed buildings and the character and appearance of the Portman Estate Conservation Area. However, the package of benefits is considered, on balance, to outweigh that harm.

If the proposals are to be permitted there are some aspects of the proposals which need further revision, and it is recommended that these be handled by condition. These include:

- Redesign of the roof of no.48 to be closer to a traditional mansard roof and for the design of the plant to be more carefully handled.
- Redesign of the balustrades to the balconies (to be of Regency design)

8.3 Residential Amenity

Daylight and Sunlight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. A daylight and sunlight report has been submitted as part of the application which assesses the impact of the development on residential properties at 2 and 15 Brunswick Mews, 15 and 16 Upper Berkeley Street, 42, 37, 37a and 39 Great Cumberland Place.

Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The report indicates that with the exception of a single rear ground floor kitchen window at 16 Upper Berkeley Street, all windows tested would comply with BRE guidelines with regards to daylight. With regards to this kitchen window an existing VSC value of 9.26% would be reduced to 7.23% (resulting in a VSC loss of 21.92%). Therefore although this would result in a minor breach BRE guidelines the actual loss is relatively minor. The daylighting implications of the extensions are considered to be acceptable.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing. In this case No's 2 and 15 Brunswick Mews and 42 Great Cumberland Place have been tested. The report demonstrates that all the windows tested would compliance with the BRE guidelines with regards to sunlight.

Use of 1st floor terrace.

Objections have been received from both the managing agents of 16 Upper Berkeley Street and occupier which abuts the application site to the east that use of a rear terrace would result in overlooking and noise nuisance.

The site has a long standing historic use as a private members club, and there have been no conditions which prevented a first floor flat roof area which is enclosed by railings, being used as a terrace. The objectors state that the roof area was used as an external terrace on a very limited occasional basis.

The application is supported by an operational management plan which sets out that the terrace would have seating (10 covers) with waiter service but no vertical drinking will be permitted. Plans include acoustic screening to the rear back wall. A ground floor lightwell is intended to be a designated smoking area.

Of note, the Council's Licensing Sub-Committee has recently (4th February 2016) agreed to vary a premises licence for the Club, subject to conditions including restricting the capacity of the terrace to 10 persons (excluding staff), that sale of alcohol is restricted to Fridays and Saturdays and must be by waiter or waitress service only; restricting the use to 7pm except for persons using the area to smoke.

Historically however, previous licensing certificates have allowed the use of the terrace (as a licensable area) beyond the times the applicants have put forward under this application (07:00-01:00 Monday to Sunday).

With the exception of a lower ground floor kitchen window at no 16 Upper Berkeley Street there are no habitable windows in the rear of No's 15 and 16 Upper Berkeley Street which are adjacent to the rear terrace. The objections to overlooking are not therefore considered sustainable.

The application includes an acoustic screen on the rear boundary wall, and an operational management plan which would control how the terrace would be used. This will limit the number of covers to 10 and restrict the use to between 08:00 and 22:00 daily. Although it is acknowledged that the terrace would be more intensively used, given that its use was previously unrestricted, and measures proposed to prevent noise nuisance this aspect of the application is considered acceptable

8.4 Transportation/Parking

It is not considered that the proposals would have a significant impact on the level of demand for on-street parking in the area. The site has a good level of public transport accessibility. On site cycle parking will be provided.

Servicing will take place via the existing service door to the rear of the building in Brunswick Mews and via No. 48 Great Cumberland Street to the front of the building.

8.5 Economic Considerations

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

8.6 Access

Access to the Club will be as existing, from the main entrance on Upper Berkeley Street. Objections have stated that they would prefer the entrance to be relocated onto Great Cumberland Place. Given that this entrance is for Club members and servicing and staff entrances will be undertaken from Great Cumberland Place or the rear entrance via 16 Brunswick Mews, the use of an existing entrance is considered acceptable in this regard, and objection on these grounds would be unsustainable.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposed scheme seeks to install plant within two areas; on the roof of 16 Brunswick Mews and within an acoustic enclosure within a plant room on the 4th fourth floor of the main Great Cumberland Place buildings.

An objection has stated that existing plant at the adjoining hotel (The Arch) can be heard during summer months and that further plant is likely to result in more noise nuisance.

An acoustic report has been submitted in support of the application which details existing background noise levels. Environmental Health raise no objection to the application subject to a condition which requires all plant to operate at a level 10dB below background noise levels. As the exact details of the plant are at this stage unknown a further condition is recommended requiring a supplementary acoustic report to be approved which will confirm that the plant is capable of operating at the required noise levels. Subject to these conditions this aspect of the application is considered acceptable in accordance with policy.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

There are no environmental impact issues relating to this proposal.

8.12 Other Issues

9. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 19 April 2016
3. Response from Marylebone Association, dated 21 March 2016
4. Response from Plant And Equipment, dated 7 December 2015
5. Response from Marylebone Association, dated 21 March 2016
6. Letter from occupier of 14 Upper Berkeley Street, London, dated 26 April 2016
7. Letter from occupier of Director, Lord Estates, dated 5 February 2016
8. Letter from occupier of 15 Upper Berkeley St, London, dated 23 April 2016

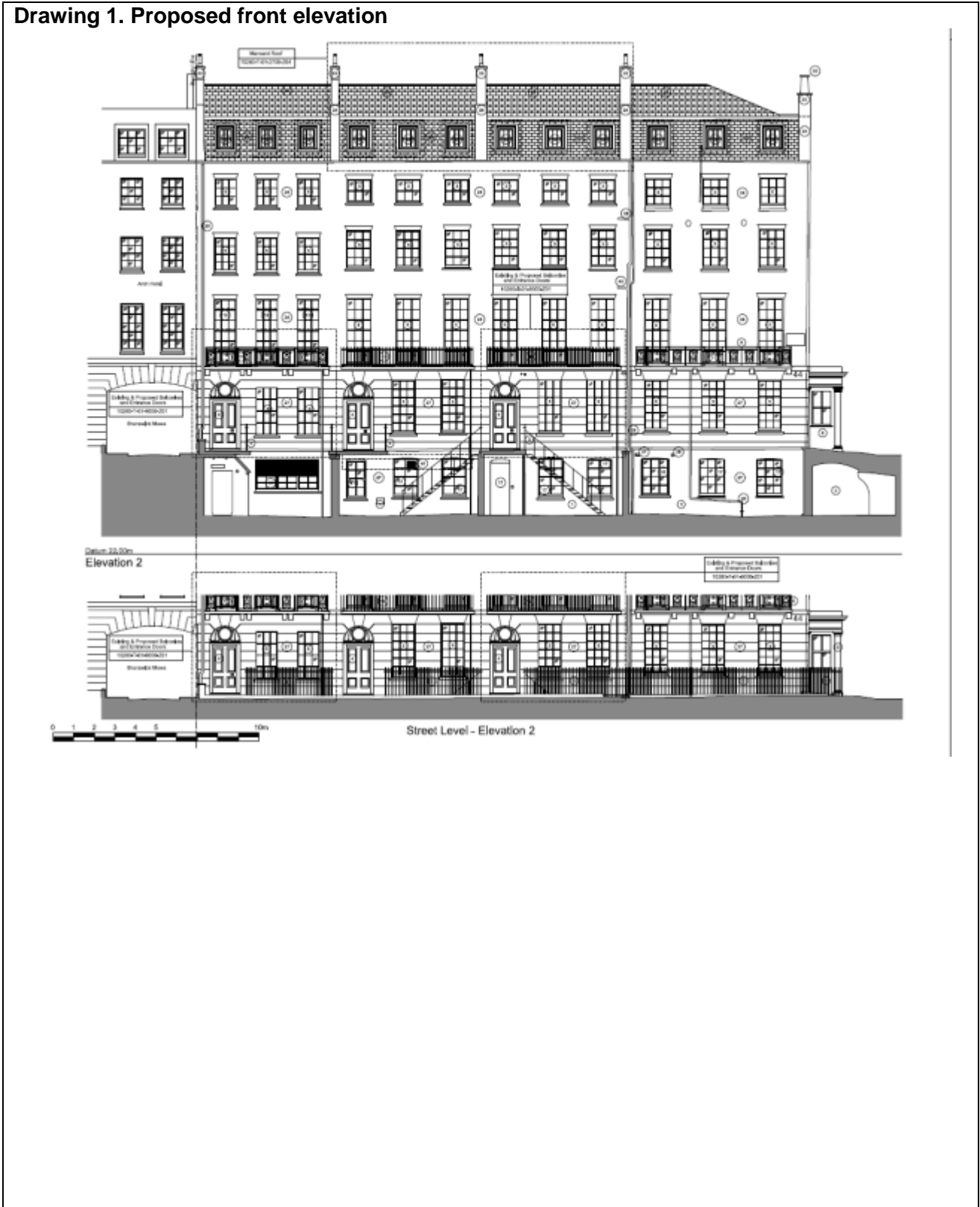
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

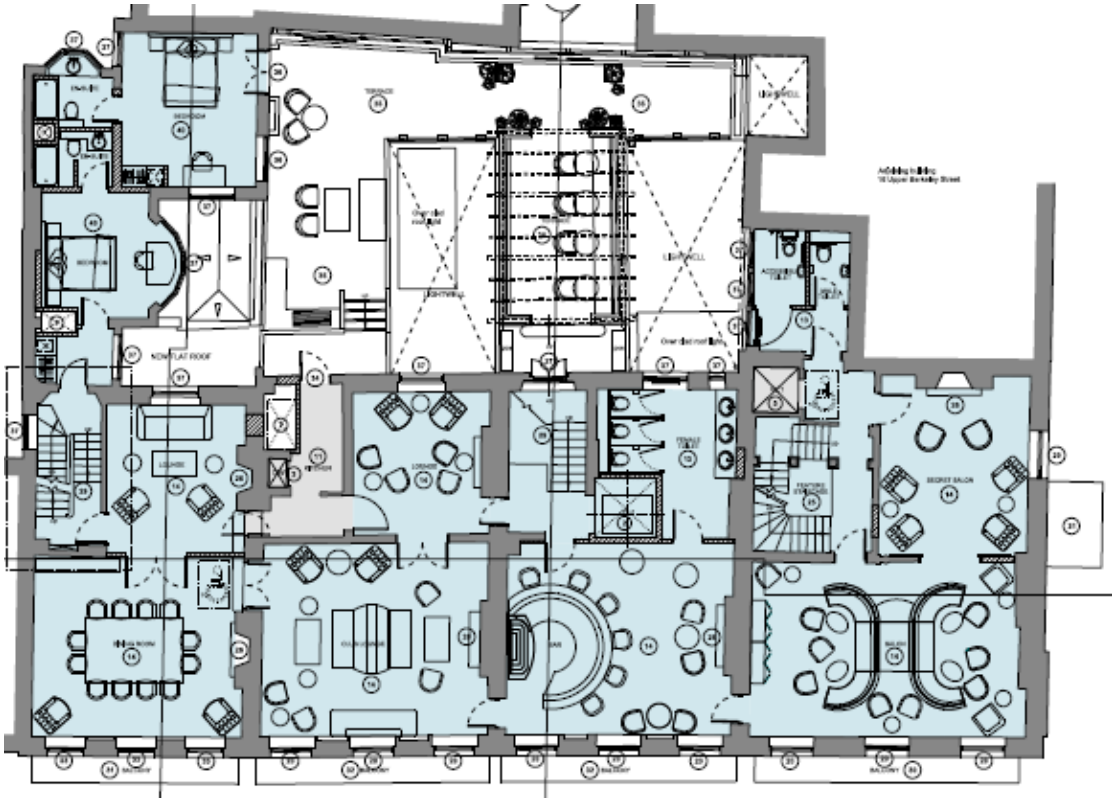
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LINDSAY JENKINS ON 020 7641 5707 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

Drawing 1. Proposed front elevation



Drawing 2. Proposed first floor plan including terrace area



DRAFT DECISION LETTER

Address: 44 - 48 Great Cumberland Place, London, W1H 7BS,

Proposal: Erection of a mansard roof extension to 44-48 Great Cumberland Place; plant enclosure to the roof of 16 Brunswick Mews; a pergola to the existing rear terrace and landscaping; alterations to the front facade including new doors, windows, balconies and railings and associated works, and internal alterations including removal of existing fabric and alterations to the plan layout.

Reference: 15/10586/FULL

Plan Nos: 10280-T-01-0210-ZB1-02; 0211-Z00-03;0212-Z01-04; 0213-Z02-02; 0214-Z03-02;0215-Z04-02; 0216-Z05-03; 0410-ZNO-02; 0411-ZEA-03; 0412-ZSO-03; 0413-ZWE-03; 0414-ZXX-03; 0415-ZXX-04; 0510-ZAA-03; 0511-ZBB-03; 0512-ZCC-03; N2700-Z04-03; 2701-ZXX-03; 2702-Z02-02; 9000-ZXX-02.
DEMOLITION PLANS- 10280-T-01-1400-ZB1-01; 1401-ZOO-02; 1402-Z01-02; 1403-ZO2-01; 1404-ZO3-01; 1405-Z04-01;1410-ZNO-02; 1411-ZEA-02; 1412-ZSO-01;1413-ZWE-02; 1414-ZXX-02; 1415-ZXX-01; 1420-ZAA-01;1421-ZBB-01; 1422-ZCC-01.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

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 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 (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: Strategic Policies adopted November 2013, 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.

- 4 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.

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 and 5 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 6 You must install the acoustic plant enclosure to the roof of 16 Brunswick Mews as shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise nuisance and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building and for the management and prevention of noise from the premises more generally from causing nuisance for people in the area, including people who live in nearby buildings. You must not use the building as a private members club 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 private members club is in use. (C05JB)

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: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 Customers and guest shall not be permitted on the rear terrace before 07:00 or after 22:00 Monday to Sunday. Staff shall not be permitted in this area between 22:00 and 07:00 except in an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 Customers and guest shall not be permitted on the balconies and lightwells before 07:00 or after 22:00 Monday to Sunday. Staff shall not be permitted in this area between 22:00 and 07:00 except in an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 No amplified music shall be played in the external amenity areas.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must apply to us for approval of samples and specifications 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 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 this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 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 this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 16 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme

i, Roof level plant room: the dormers and roof scape to be a closer match to a traditional mansard roof, for the design of the plant to be redesigned to sit within the roof envelope and the removal of industrial louvres to the dormer windows.

ii, front facade external balconies: these should be detailed as per original design as illustrated in the Historic Building Report.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - .
- i, new doors
 - ii, new fanlights
 - iii, new windows
 - iv, railings, balcony railings and balcony construction showing interface with original fabric
 - v, roof top plant room
 - vi, dormers
 - vii, reinstated bridges over lightwell's
 - viii, rebuilt chimney stacks

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved documents;. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 18 The proposals must be completed in their entirety within 2 years of the commencement of the works.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 3 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.

- 4 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)

- 5 Conditions 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

DRAFT DECISION LETTER

Address: 44 - 48 Great Cumberland Place, London, W1H 7BS,

Proposal: Erection of a mansard roof extension to 44-48 Great Cumberland Place; plant enclosure to the roof of 16 Brunswick Mews; a pergola to the existing rear terrace and landscaping; alterations to the front facade including new doors, windows, balconies and railings and associated works, and internal alterations including removal of existing fabric and alterations to the plan layout.

Plan Nos: 10280-T-01-0210-ZB1-02; 0211-Z00-03;0212-Z01-04; 0213-Z02-02; 0214-Z03-02;0215-Z04-02; 0216-Z05-03; 0410-ZNO-02; 0411-ZEA-03; 0412-ZSO-03; 0413-ZWE-03; 0414-ZXX-03; 0415-ZXX-04; 0510-ZAA-03; 0511-ZBB-03; 0512-ZCC-03; N2700-Z04-03; 2701-ZXX-03; 2702-Z02-02; 9000-ZXX-02.
355-EL-1.01; 02; 03; 04; 05; 06; 355-GF-03; 09; 355-EL-GF-01; 355-EL-G-06.
DEMOLITION PLANS- 10280-T-01-1400-ZB1-01; 1401-ZOO-02; 1402-Z01-02; 1403-ZO2-01; 1404-ZO3-01; 1405-Z04-01;1410-ZNO-02; 1411-ZEA-02; 1412-ZSO-01;1413-ZWE-02; 1414-ZXX-02; 1415-ZXX-01; 1420-ZAA-01;1421-ZBB-01; 1422-ZCC-01.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

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

- 1 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 2 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 building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing original floor boards unless changes are shown on the approved drawings. (C27MA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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 building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, 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 character of this building of special architectural or historic interest.

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

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7

10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Agenda Item 8

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8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 May 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved West End	
Subject of Report	12 Bourdon Street, London, W1K 3PG		
Proposal	Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.		
Agent	Grosvenor		
On behalf of	Grosvenor		
Registered Number	15/10035/FULL 15/10036/LBC	Date amended/ completed	14 January 2016
Date Application Received	28 October 2015		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

- | |
|---|
| <ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. |
|---|

2. SUMMARY

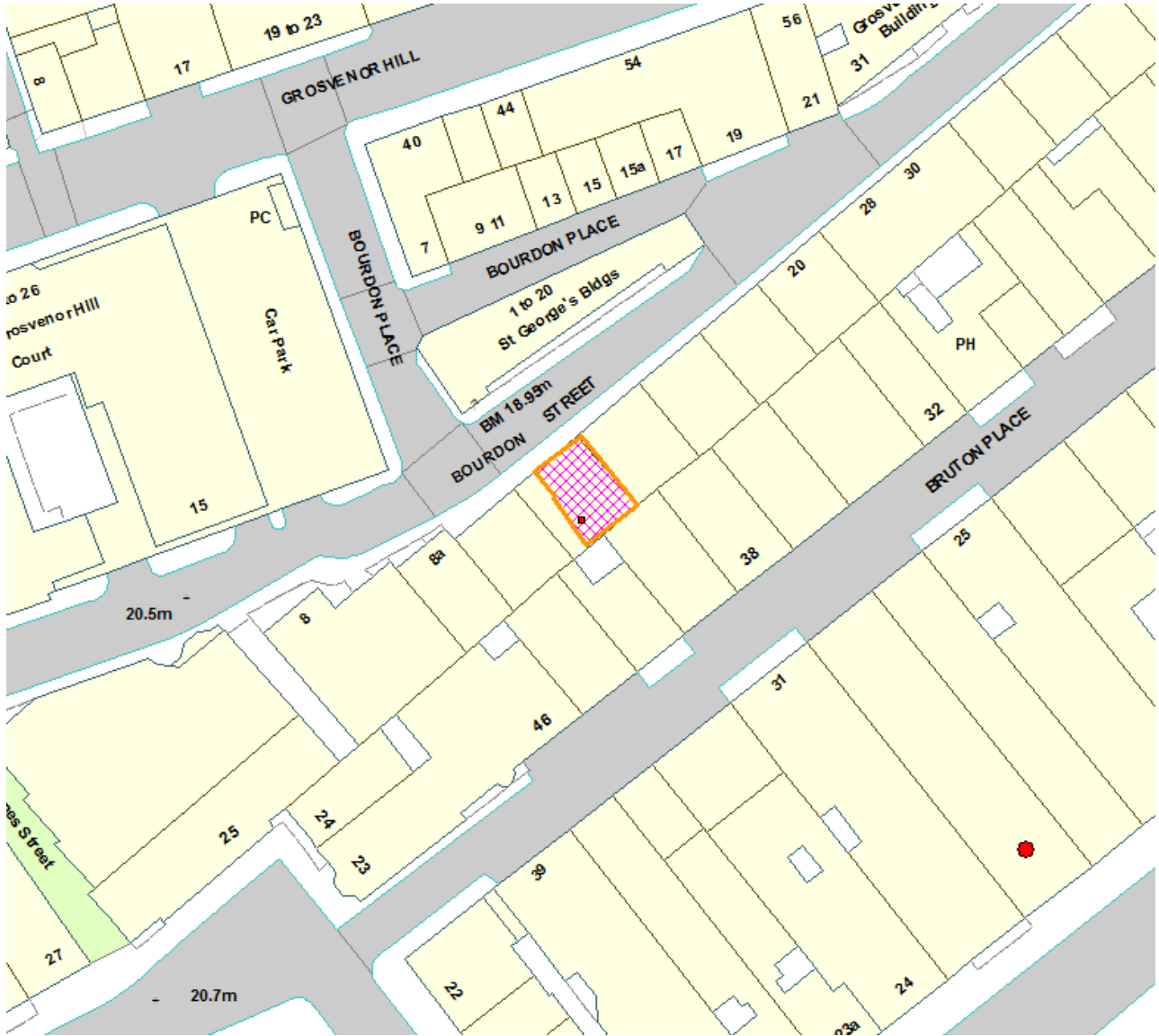
These applications for permission and listed building consent were reported to the Planning Applications Committee on 23 February 2016. The applications were deferred to enable Members to visit the site (ref minutes and report attached).

Since the applications were reported to Committee there has been one minor change to the scheme. The inwardly opening garage doors were operating on a sliding mechanism and are now operating on a hinge mechanism which is acceptable in historic building terms.

No further consultations have been undertaken, however, Cllr Church has requested that all correspondence is included in the background papers to the report. Email exchanges are accordingly now added to the background papers.

The applications are reported back for determination.

3. LOCATION PLAN



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4. PHOTOGRAPHS



12 Bourdon Street Front Elevation (Door Open)



12 Bourdon Street Front Elevation (Door Closed)



5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED AFTER THE PREVIOUS REPORT WAS COMPLETED BUT WERE VERBALLT REPORTED TO COMMITTEE ON 23 FEBRUARY 2016

MAYFAIR RESIDENTS GROUP:

Increased activity in a primarily residential area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No of replies 2

Objections on the following grounds:

impact on pedestrian safety;

impact on traffic;

nuisance from customers loitering.

NO FURTHER CONSULTATIONS UNDERTAKEN

6. BACKGROUND PAPERS

1. Application form
2. Planning Applications Committee Report and minutes dated 8 December 2015
3. Emails from Councillor Roberts, dated 25 November 2015
4. Email from Councillor Church, dated 30 November 2015
5. Response from Highways Planning - Development Planning, dated 30 November 2015
6. Response from Cleansing - Development Planning, dated 2 December 2015
7. Letter from occupier of Flat 5 Grosvenor Hill Court, 15 Bourdon Street, dated 26 November 2015
8. Letter from occupier of 12A Grosvenor Hill Court, 15 Bourdon Street, dated 14 December 2015
9. Letter from occupier of 17 St Georges Buildings, Mayfair, dated 5 December 2015
10. Letters from occupier of 14 bourdon street, London, dated 24 November 2015 and 14 December 2015
11. Letter from occupier of 6 St Georges Buildings, Mayfair, dated 12 December 2015
12. Letter from occupier of 14 St Georges Buildings, Bourdon Street, dated 2 December 2015
13. Letter from occupier of 5, Grosvenor Hill Court, 15 Bourdon Street, dated 11 December 2015
14. Letter from occupier of 32 Bourdon street, London, dated 3 December 2015
15. Letter from occupier of Flat 18 Grosvenor Buildings, Bourdon Street, dated 11 December 2015
16. Letter from occupier of Flat 3, 10 Bourdon Street, London, dated 4 December 2015
17. Letter from occupier of flat 2, 15 bourdon street, Grosvenor hill court, dated 15 December 2015
18. Letter from occupier of Apartment 2, 10 Bourdon Street, dated 16 December
19. Letter dated 24 November 2015 (details withheld)
20. Letter dated 12 December 2015 (details withheld)

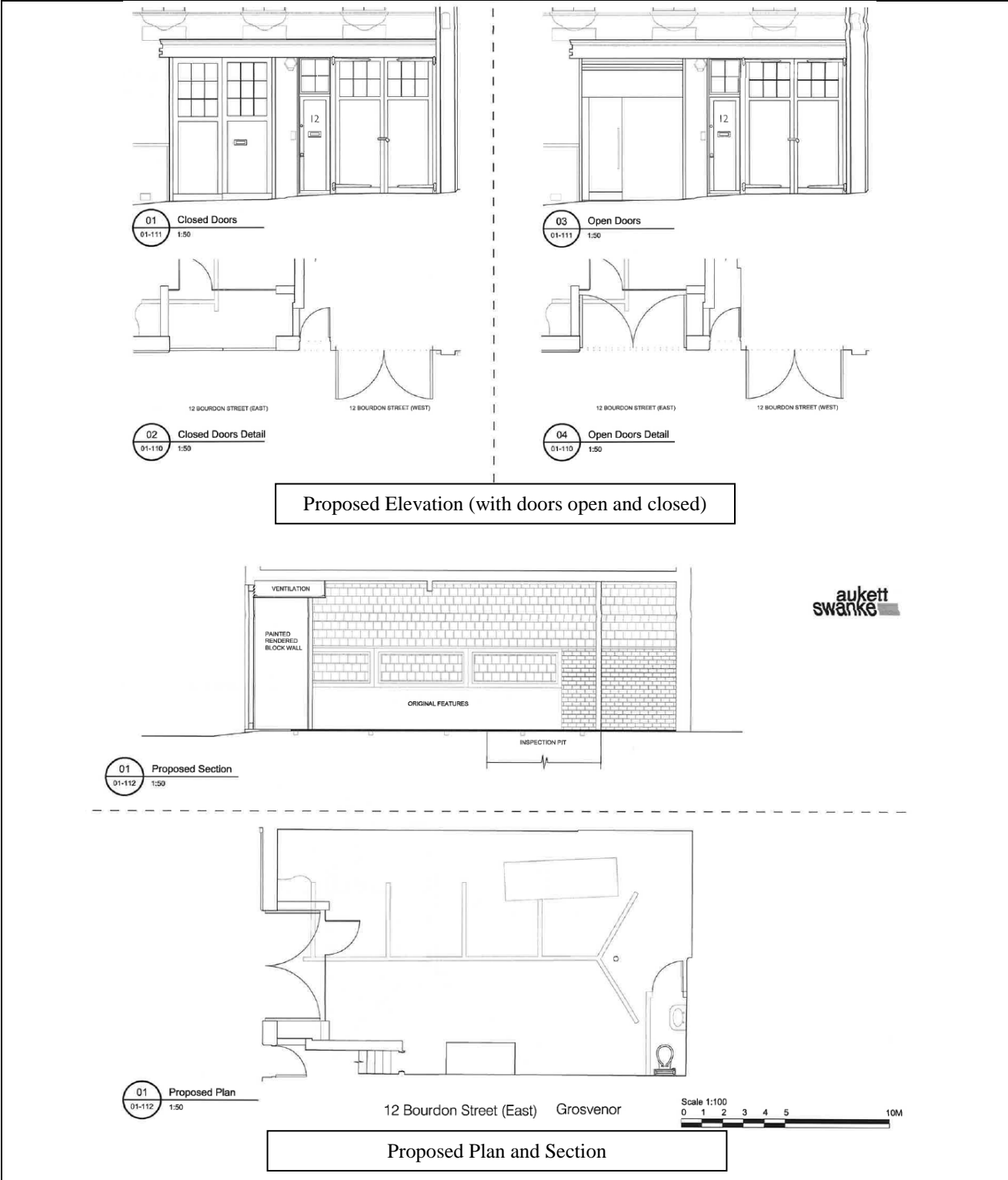
21. Letter dated 14 December 2015 (details withheld)
22. Petition from Bourdon Street & Grosvenor Hill Residents Group, dated 10 December 2015.
23. Email correspondence titled Consultation meeting on Bourdon street/Grosvenor Street
24. Email correspondence titled Total exploitation of parking enforcement
25. Email correspondence titled 5th May Grosvenor meeting 5.30pm & Petition
26. Email correspondence titled Noise Nuisance - Bourdon Street
27. Email correspondence titled Picking up on Craig McW 7th April to Glenys DRAFT
28. Email correspondence titled Bourdon Street
29. Email correspondence titled Dangerous Parking in Bourdon Street
30. Email correspondence titled 6:25am Outside Chalaylan
31. Email correspondence titled Follow up from Fridays Meeting
32. Email correspondence titled First Mile Waste Collection 14th March
33. Email correspondence titled 77 Grosvenor St/35-39 Grosvenor Hill
34. Email correspondence titled Bourdon Street Planning and Highways Issues
35. Email correspondence titled 12 Bourdon Street
36. Email correspondence titled 4 MTec Vans
37. Email correspondence titled Planning Application FYI
38. Email correspondence titled NCP Incident etc.

(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 MIKE WALTON 020 7641 2521 OR BY EMAIL AT mwalton@westminster.gov.uk

Item No.
8

7. KEY DRAWINGS



DRAFT DECISION LETTER (FULL)

Address: 12 Bourdon Street, London, W1K 3PG,

Proposal: Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.

Plan Nos: Document 21321-01-RP-00-100B Pages 18 and 19.

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of how waste is going to be stored on the site prior to occupation. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 4 No waste shall be left on the highway

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of drawings of the following parts of the development - changes to the cast iron garage door hinges. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The works hereby approved do not include any shop signage. Signage on the glass doors is likely to be acceptable. Signs on the exterior of the building are likely to be contentious.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 You are advised that shop signage will require an advertisement consent application. A projecting sign or fascia sign may not be acceptable in this location. The glass transom is the most suitable location for shop signage.

DRAFT DECISION LETTER (LBC)

Address: 12 Bourdon Street, London, W1K 3PG,

Proposal: Alterations to the ground floor front elevation and internal alterations arising from proposed change of use to retail.

Plan Nos: Document 21321-01-RP-00-100B Pages 18 and 19.

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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

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

Reason:

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

- 2 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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - 1) sliding door mechanism, 2) glass door installation, 3) water and waste servicing routes for WC. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings.

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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must not disturb existing original features including tiling, ironmongery, fireplace or sinks. 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 building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of drawings, samples and a method statement of the following parts of the development; reinstatement of damaged and missing floor and wall tiles . You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings, samples and method statement. (C26DB)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, 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 character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You are advised that shop signage will require an advertisement consent application. A projecting sign or fascia sign may not be acceptable in this location. The glass transom is the most suitable location for shop signage.

12 Bourdon Street, London W1K 3PG pdf icon PDF 341 KB

Minutes:

Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.

Additional representations were received from Clive Jones (17.02.16) and Lucy Whitcutt (18.02.16).

Late representations were received from the Mayfair Residents Group (22.02.16).

Councillor Glenys Roberts and Councillor Paul Church addressed the Committee as Ward Members.

RESOLVED:

That consideration of the application be deferred, to enable Members to undertake a site visit.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	12 Bourdon Street, London, W1K 3PG,		
Proposal	Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.		
Agent	Grosvenor		
On behalf of	Grosvenor		
Registered Number	15/10035/FULL 15/10036/LBC	Date amended/ completed	14 January 2015
Date Application Received	28 October 2015		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

2. SUMMARY

The application site comprises a Grade II listed mews building dated 1889-1900. The site is located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). The site is not located within a Stress Area. The existing unit is in use as a commercial garage (Class B8) with residential accommodation on the upper floors.

Planning permission and listed building consent are sought for the use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.

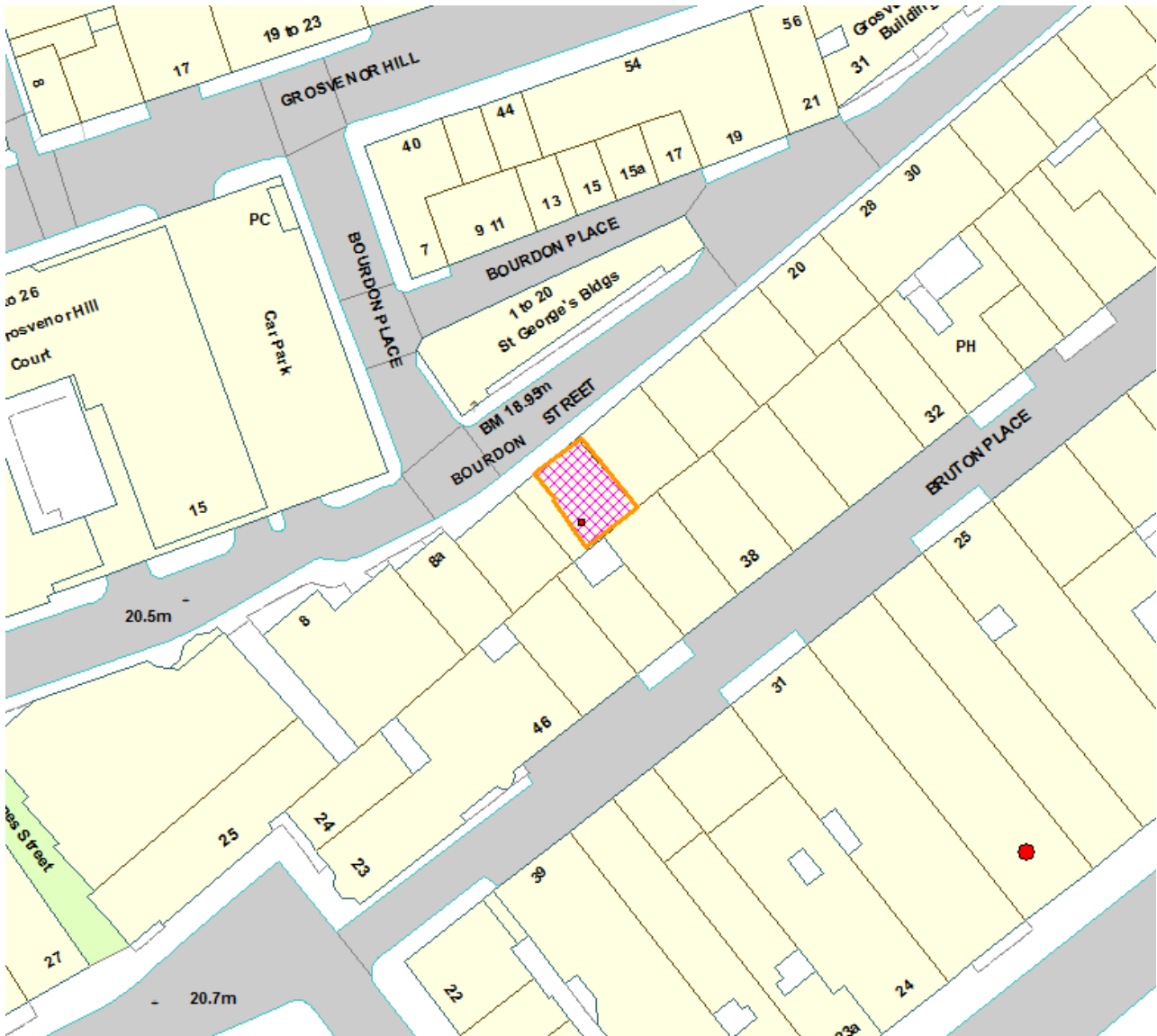
The key issues in this case are:

- The impact of the proposed A1 retail unit and the cumulative impact of this proposal and the consented commercial development in proximity to the site (No. 20 Bourdon Street) on the amenity of the occupants of the adjoining residential properties in terms of disturbance;
- The impact of the proposed internal and external alterations on the special interest of No. 12 Bourdon Street; and
- The impact of the proposed external alterations on the character and appearance of the Mayfair

Conservation Area.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Mayfair Conservation Area and not harm the special interest of No. 12 Bourdon Street. For these reasons it is recommended that conditional planning permission and conditional listed building consent be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



12 Bourdon Street Front Elevation (Door Open)



12 Bourdon Street Front Elevation (Door Closed)



12 Bourdon Street (Floor)



12 Bourdon Street (Internal)

5. CONSULTATIONS

WARD COUNCILLORS FOR WEST END

Objections received from two Ward Councillors on the following grounds:

- Concerns of local residents;
- Character of the residential street should not be for a connecting thoroughfare between the commercial activities on Davies Street and Bond Street;
- Increased footfall; and
- The loss of garage space.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

To be reported verbally

CLEANSING

No objection subject to condition.

HIGHWAYS PLANNING

No objection subject to condition

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 54

Total No. of replies: 15

No. of objections: 15 plus one petition with eight names received on the following grounds:

- Detrimental to the character of the listed building and conservation area;
- Increase traffic volumes;
- Pedestrian safety;
- Cumulative effect of retail development changing the character of the street;
- Operational noise (e.g. moving supplies internally) ;
- Exacerbate existing levels of footfall, deliveries, vermin and antisocial behaviour;
- Setting a precedent for the redevelopment of other garages in the solely residential mews;
- Air pollution;
- Potential for increased illegal parking;
- Proposed shopfront is not in keeping with the land uses within the conservation area

Press Advertisement / Site Notice: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

12 Bourdon Street is a Grade II listed late 19th Century mews building in a terrace of similar mews buildings. The application site is located in the Mayfair Conservation Area, on the southern side of Bourdon Street. The building comprises a ground and two upper floors; however, the application relates to the eastern garage at ground floor level only. The property lies within the Core Central Activities Zone but is outside the West End Special Retail Policy Area. At present the unit is being used a commercial garage (Class B8) for business and employee use.

6.2 Recent Relevant History

No relevant history (but see land use section below).

7. THE PROPOSAL

The proposal seeks permission for the use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation as listed below:

- Alterations to the existing garage doors to enable them to be accommodated internally during retail trading;
- Installation of internal glass door, fixed behind the existing garage doors;
- Installation of a WC to the rear of the unit; and
- Refurbishment and maintenance of existing heritage features.

The application has been submitted by the freeholder. They envisage that the premises, subject to permission, will be used as an art gallery; however, no specific occupier has been identified to date.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Garage

The application site's planning history has been investigated to check whether there are any planning conditions which tie the parking to the residential units or seek to retain the commercial parking.

Planning permission was granted in 1997 for the residential unit located on the upper floors and associated vehicle parking located within the western garage but omits any reference to the eastern garage. There is no additional planning history tying the use of the garage any other residential use or commercial use. Information has been submitted in the form of leases to demonstrate the long term commercial use of the unit.

There is currently no policy that protects the loss commercial garages, therefore it is considered that it would be unreasonable to withhold planning permission on this basis.

Proposed Retail Use

Policy SS4 of the Unitary Development Plan (2007) and policies S6 and S21 of the City Plan: Strategic Policies promote the introduction of new retail floorspace within the CAZ and CAZ frontages. Therefore the use of the ground floor for retail purposes is considered acceptable in land use terms. Although the application site is not located on a designated shopping frontage it is considered that the introduction of a use open to visiting members of the public will enhance the character and function of this part of central London. It should be noted that planning permission was granted for a ground floor retail unit (Class A1) at no. 20 Bourdon Street in January 2015.

Cumulative Impact/ Conservation Area

Objections have been raised relating to the cumulative impact of commercial development on the character of the street and the conservation area as a whole. The site is located

within the core CAZ. In line with Policy S1 of the City Plan, the Council will encourage a mix of uses consistent with its vitality, function and character. Appropriate CAZ uses include offices, shopping, entertainment, cultural, social and community and residential which can coexist within the same building, street or localities. As such the proposal is an identified appropriate use, it is considered to contribute towards the vitality of the CAZ providing the site does not affect the amenity of the neighbouring occupiers discussed in section 8.3 below.

Land Use Summary

Having regard to the above, the principle of the Proposed Development is therefore considered to be in accordance with the UDP and the City Plan and considered acceptable in land use terms.

8.2 Townscape and Design

12 Bourdon Street is mews building of 1889-1900 in the Mayfair Conservation Area. It was listed at Grade II in 2002. It is one of a row of 10 former stables with accommodation above.

The interior has an exceptional level of preservation of the turn of the century fittings. In particular, the channelled brick floor, tiled walls, and surviving doors with massive cast iron hinges, marked Cottam and Company London.

The original stable fabric has been adapted for motor car garaging, probably soon after construction (this row would have been one of the very last purpose built stable mews in London). This manifests through the removal of the stalls, and the insertion of an inspection pit. While these changes were damaging to the original stable fit-out, they form part of the evolution of the site and are of historic interest in their own right.

The principal heritage impacts of the scheme on the listed building are:

1. The insertion of a WC at the rear of the building;
2. The demounting of the timber doors from their hinges and installation of a sliding door apparatus; and
3. The insertion of secondary glass doors behind the original doors.

The impact of the scheme on the character and appearance of the Mayfair Conservation Area is the changed appearance of the building when the doors are open during trading hours.

The applicant's heritage statement concedes that without particularly careful design, the proposals will cause harm to the special interest of the listed building. They also make the case that there is a public interest benefit in opening the building to the public – better revealing the heritage significance of the interior.

The applicant makes the argument that the proposed works are self-supporting, non-intrusive and reversible. This is accepted in the case of the new door structure, but is not clear in the case of the proposed WC. This involves the construction of a new wall, and will require the insertion of new services – hot and cold water and a waste pipe. The application does not contain sufficient information to assess the impact on the historic fabric of these elements.

Insertion of a WC

The insertion of the WC is acceptable in plan form terms. A condition will be necessary to control the route of water /waste pipes, and the method of construction of the wall to minimise impacts on historic fabric.

Demounting of Timber Doors

The demounting of the timber doors from their original hinges is the most contentious part of the proposal in listed building terms. The new sliding arrangement will inevitably have an impact on the appearance of the doors when closed, despite the retention of the hinge straps. If the application is approved, a condition will be required showing the detail of the sliding mechanism and its relationship to the hinges.

Glass Doors

The insertion of the new glass doors is acceptable, subject to a condition requiring details showing that the installation will have no impact on historic fabric.

Future works

The applicants consider that the unit can be offered to a lessee as specified in the application drawings, and that further works will not be necessary to operate the building as a shop. If a future tenant requires works beyond the installation of freestanding furniture, a further listed building consent application will be required.

The application does not provide for signage for the proposed shop unit. This would need to be carefully considered. A projecting sign in this location may well be unacceptable. The glass transom would be the most suitable location for shop signage.

Character of the conservation area

Outside of business hours the appearance of the unit will be almost identical to the existing arrangement. During trading hours, with the outer doors open there will clearly be a changed appearance, though this is not considered to be harmful to the character of the conservation area.

The changed use of the building will also have an impact on the character of the conservation area. Bourdon Street is a quiet mews with a service and residential character. Currently, Bourdon Street has no other retail premises thus the introduction of a shop unit will introduce a more commercial character (during trading hours).

This is not considered to be particularly harmful to the character of the conservation area. One other unit in the mews (number 20) already has consent for a change of use to retail and there are numerous other examples of mews in Mayfair with mixed residential and retail. The mews has historically had some commercial uses, and much of the garaging is understood to be commercial, rather than residential.

Public Benefit

The applicants argue that there is a public benefit in opening up a private garage in to a public use. It is considered that there is indeed a minor public benefit, but that this in itself is not considered sufficient to overcome harmful works. A further public benefit would arise from the making good of the damage to the stable brick floor, and careful repair of the tiling where necessary. Taken together, it is considered that these works would balance the

harm to the door hinges. The applicant has agreed to undertake these works and they will be secured by condition.

8.3 Residential Amenity

The application has been considered in the context of policies ENV6 and ENV13 of the Unitary Development Plan 2007 and S29 and S32 of the adopted City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise, disturbance and impact of structure.

The proposal includes vents above the door; however, these are fresh air vents only. There is no other mechanical engineering or structure which would detract from the existing resident's amenity included within this proposal.

Objections have been raised due to concerns of potential noise as a result of moving stock internally and people talking. Due to the small size of the proposal, it is envisaged that any increase in noise will be negligible. It should be noted the retail with residential occupants on the upper floors happily coexist throughout Westminster and within the Mayfair Conservation Area.

It is likely that the premises will open from 08:00-20:00 Monday to Saturday and 11:00 – 18:00 on Sunday. As the occupier is not yet known, the Applicant is not willing to accept a condition restricting opening hours. It should be noted that there is no condition imposed on the permitted retail unit at no. 20 Bourdon Street.

8.4 Transportation/Parking & Waste

Parking

The garage is associated with commercial use. The proposed use as a retail unit is unlikely to have a significant impact on on-street car parking in the surrounding controlled parking area due to the size of the unit. Parking is available at the NCP on Grosvenor Hill if customers wish to arrive by car.

Servicing

TRANS20 requires off-street servicing. No off-street servicing is provided for the development. It is proposed that servicing takes place via the main entrance on Bourdon Street in accordance with a daily delivery schedule. It is anticipated that the majority of deliveries will be made by small/medium sized vans and these are limited to short waiting times to allow for loading/unloading. The applicant has stated that servicing will take place between the hours of 08:00 to 20:00 Monday to Saturday and 12:00 - 1800 on Sundays and Bank Holidays.

The site is located within a Controlled Parking Zone, which means that locations single and double yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle.

The applicant has stated that they will utilise WCC waste collection service which currently collect. One rubbish collection per day (general waste: Monday to Friday:

06:00 to 08:00 and recycling waste on Friday: 08:00 – 14:00). Utilising the WCC service ensures that there is no increase in refuse vehicle movements as a result of the proposed development.

Waste

The applicant has stated that refuse, glass and recycling will be stored internally within the building to the rear; however, this has not been illustrated on the submitted drawings. As such, a drawing showing the location where waste will be permanently stored for the lifetime of the operation of the retail unit will be secured by a condition, ensuring that waste will not be stored on the public highway

Objections

Objections have been raised in location to increased traffic volumes, highway safety, air pollution, potential for illegal parking and vermin.

Due to the small size of the shop, it is not considered that there will be a significant increase in traffic volumes (both pedestrian and vehicular traffic) which submission indicates would increase accidents, and increase air pollution thus this objection cannot be supported.

There is no evidence to support objections that the proposal would increase illegal parking there this objection cannot be supported.

As detailed above, the Applicant will be required to submit drawings showing the waste storage location which shall be made available for the lifetime of the development. An additional condition ensuring waste storage on the highway will not be permitted. This, in addition to the frequency of waste collection proposed will limit the potential to increase vermin.

8.5 Economic Considerations

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

8.6 Access

The existing level access to the premises will be maintained. Pedestrian access to the site will be provided via the Bourdon Street as existing.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a scheme of this size.

8.11 Other Issues

Crime and security

Objections have been submitted due to the potential of increased crime and reduced security as a result of the introduction of the proposed retail unit. It is considered that the presences of an occupied retail unit may increase passive surveillance on the adjacent publically accessible street thus there is the possibility that existing levels of crime may reduce. There is no evidence to support that the proposal would result in a change in levels of crime therefore this objection cannot be supported.

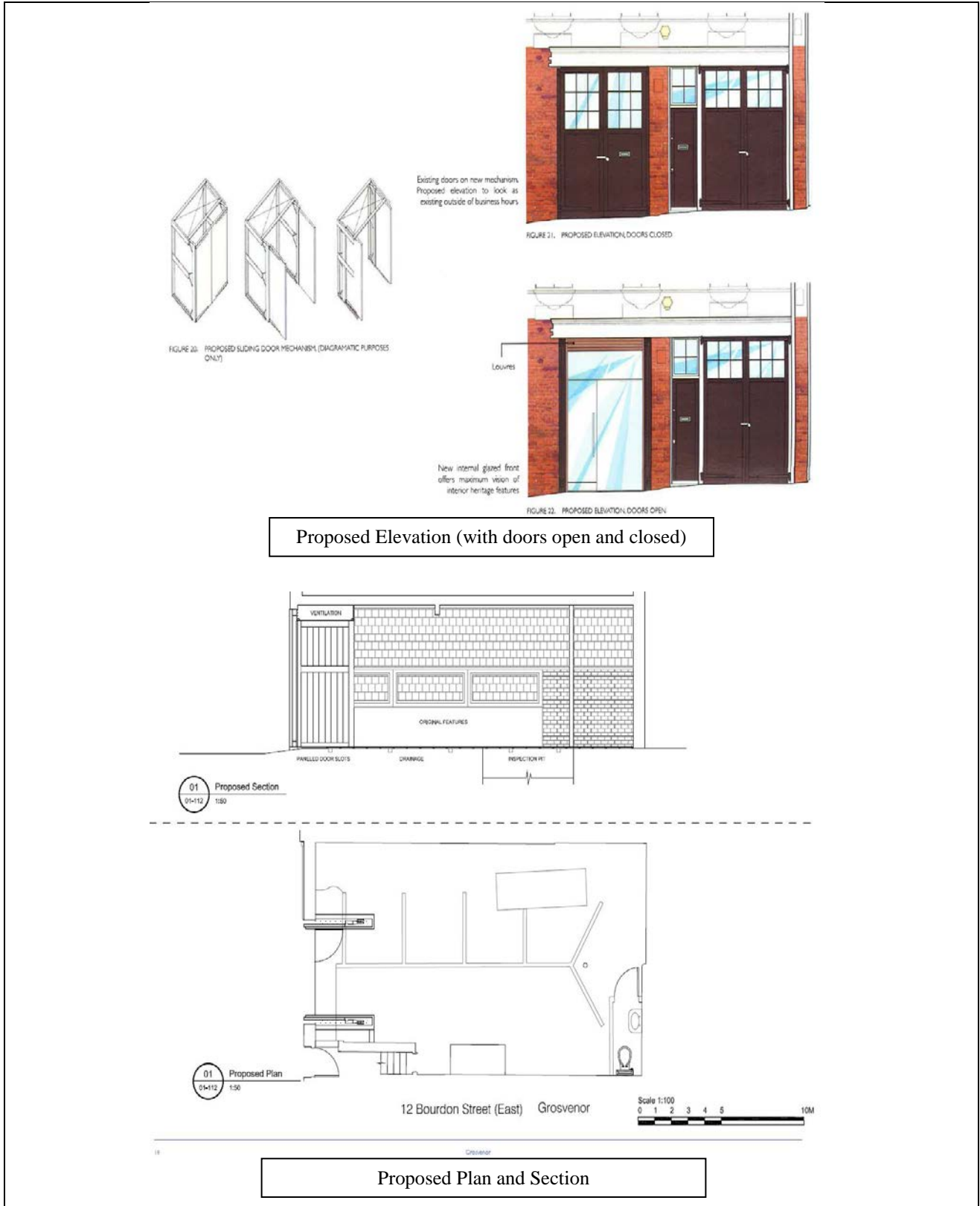
9. BACKGROUND PAPERS

1. Application form
2. Emails from Councillor Roberts, dated 25 November 2015
3. Email from Councillor Church, dated 30 November 2015
4. Response from Highways Planning - Development Planning, dated 30 November 2015
5. Response from Cleansing - Development Planning, dated 2 December 2015
6. Letter from occupier of Flat 5 Grosvenor Hill Court, 15 Bourdon Street, dated 26 November 2015
7. Letter from occupier of 12A Grosvenor Hill Court, 15 Bourdon Street, dated 14 December 2015
8. Letter from occupier of 17 St Georges Buildings, Mayfair, dated 5 December 2015
9. Letters from occupier of 14 bourdon street, London, dated 24 November 2015 and 14 December 2015
10. Letter from occupier of 6 St Georges Buildings, Mayfair, dated 12 December 2015
11. Letter from occupier of 14 St Georges Buildings, Bourdon Street, dated 2 December 2015
12. Letter from occupier of 5, Grosvenor Hill Court, 15 Bourdon Street, dated 11 December 2015
13. Letter from occupier of 32 Bourdon street, London, dated 3 December 2015
14. Letter from occupier of Flat 18 Grosvenor Buildings, Bourdon Street, dated 11 December 2015
15. Letter from occupier of Flat 3, 10 Bourdon Street, London, dated 4 December 2015
16. Letter from occupier of flat 2, 15 bourdon street, Grosvenor hill court, dated 15 December 2015
17. Letter from occupier of Apartment 2, 10 Bourdon Street, dated 16 December
18. Letter dated 24 November 2015 (details withheld)
19. Letter dated 12 December 2015 (details withheld)
20. Letter dated 14 December 2015 (details withheld)
21. Petition from Bourdon Street & Grosvenor Hill Residents Group, dated 10 December 2015.

(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 DAMIAN LAVELLE ON 020 7641 5974 OR BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER (FULL)

Address: 12 Bourdon Street, London, W1K 3PG,

Proposal: Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.

Plan Nos: Images 3950173, 3950178, 3950180

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of how waste is going to be stored on the site prior to occupation. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 4 No waste shall be left on the highway

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of drawings of the following parts of the development - changes to the cast iron garage door hinges. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The works hereby approved do not include any shop signage. Signage on the glass doors is likely to be acceptable. Signs on the exterior of the building are likely to be contentious.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make

changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 You are advised that shop signage will require an advertisement consent application. A projecting sign or fascia sign may not be acceptable in this location. The glass transom is the most suitable location for shop signage.

DRAFT DECISION LETTER (LBC)

Address: 12 Bourdon Street, London, W1K 3PG,

Proposal: Alterations to the ground floor front elevation and internal alterations arising from proposed change of use to retail.

Plan Nos: Images 3950173, 3950178, 3950180

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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

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

Reason:

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

- 2 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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - 1) sliding door mechanism, 2) glass door installation, 3) water and waste servicing routes for WC. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings.

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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must not disturb existing original features including tiling, ironmongery, fireplace or sinks. 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 building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of drawings, samples and a method statement of the following parts of the development; reinstatement of damaged and missing floor and wall tiles . You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings, samples and method statement. (C26DB)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, 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 character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You are advised that shop signage will require an advertisement consent application. A projecting sign or fascia sign may not be acceptable in this location. The glass transom is the most suitable location for shop signage.

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