

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b>	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> St James's		
<b>Subject of Report</b>	<b>Clutha House, 10 Storey's Gate, London, SW1P 3AY</b>		
<b>Proposal</b>	Conversion of part lower ground and all upper floors from offices (Use Class B1) to 8 x residential flats (Use Class C3), including the erection of an enlarged mansard roof extension at fourth floor level, extension to wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above and associated external and internal works.		
<b>Agent</b>	Montagu Evans LLP		
<b>On behalf of</b>	GM Investment Trustees Limited		
<b>Registered Number</b>	15/03907/FULL	<b>TP / PP No</b>	TP/20287 : PP-04123664
<b>Date of Application</b>	05.05.2015	<b>Date amended/ completed</b>	18.08.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westminster Abbey And Parliament Square		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Westminster Arms, 9 Storey's Gate Playing of Recorded Music: Unrestricted Late Night Refreshment: Monday – Saturday 23.00 to 23.30 Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted Sale by Retail of Alcohol: Monday – Saturday 10.00 to 23.00; Sunday 12.00 to 22.30		

## 1. RECOMMENDATION

Refuse permission - quality of the residential development (noise) and impact on the operation of the adjoining public house and wine bar.







**CLUTHA HOUSE, 10 SROEY'S GATE, SW1**

## 2. SUMMARY

10 Storey's Gate is located within the Westminster Abbey and Parliament Square Conservation Area and the Central Activities Zone. It is not a listed building, but is of merit, occupying a prominent corner location at Storey's Gate and Matthew Parker Street. The building is currently in use as offices throughout with the exception of part of the basement which is in use as a wine bar. The wine bar is connected at basement level to the neighbouring public house 'The Westminster Arms' (9 Storey's Gate).

Planning permission is sought for the conversion of part lower ground and all upper floors from offices (Use Class B1) to 8 x residential flats (Use Class C3) (6 x 2 bed and 2 x 3 bed flats), including the erection of an enlarged mansard roof extension at fourth floor level, extension to the wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above, and associated external and internal works.

The key issues in this case are:

- The quality of the residential development in terms of provision of adequate means to protect residents from noise disturbance (internal noise levels and patron noise from adjoining public house and wine bar);
- Impact on the operation of the adjoining public house and wine bar;
- The acceptability of the proposals in land use terms with particular regard to the Council's affordable housing policies;
- The impact on the character and appearance of the building and the Westminster Abbey and Parliament Square Conservation Area;
- The impact of the proposals on the surrounding highway network.

In summary, it is not considered that the development would provide good quality residential accommodation in terms of provision of adequate means to protect residents from noise disturbance. In Westminster, noise from bars, and other commercial and entertainment uses can form a significant element of noise disturbance to residents. It is therefore vital that exceptional attention is paid to providing good quality residential accommodation for future residents. It has not been demonstrated that the proposed residential use would provide adequate means of protection to residents from noise disturbance. In particular, potential noise disturbance from internal noise levels, and patron noise associated with the adjoining public house and wine bar 'Westminster Arms and Storey's Wine Bar'. The proposals are likely therefore to harm the amenity of future occupiers of the residential flats. This would be contrary to policies ENV6, S29 and S32 which require all new housing to provide a high quality living environment, including adequate means of protection from existing background noise.

In addition and as a result of this deficiency, it has not been demonstrated that the proposed residential use would be compatible with the adjoining public house and wine bar, which may lead to future complaints concerning the operation of the public house jeopardizing its continued future existence. The loss of the pub, or any significant curtailment of its current operation, would harm the special local character and entertainment offer in this busy part of the central Activities Zone. This would be contrary to Policies 2.10 and 3.1B of The London Plan March 2015 and the advice contained in the National Planning Policy Framework (March 2012).

## 3. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

**ENVIRONMENTAL HEALTH:**

Objection on following grounds:

- Sound Insulation: Potential noise disturbance from internal noise levels and failure to meet Westminster City Council standard policy (ENV 6) on internal noise levels from adjoining commercial activity.
- Patron Noise: Potential noise disturbance and likely complaint from patron noise associated with the adjacent and adjoining Pub and Wine bar.

**HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING:**

No objection

**HIGHWAYS PLANNING MANAGER:**

Object to lack of off-street car parking.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATION:**

No. consulted: 196; No. of replies: 170

170 objections received on one or more of the following grounds:

- Loss of offices/ Central London activity within the CAZ.
- Change of use would threaten continued operation of existing office occupiers who require a Central London/ Westminster location.
- The development would likely put, The Westminster Arms, out of business. The area does not need 9 new luxury apartments, but it does need a hub for tourists, for local workers, and the heritage of the area should be protected. (N.B. circa 160+ objections received on these grounds).
- Potential for noise impact from existing wine bar and public house on the residential units/ future occupiers.
- The daily activity at the adjacent Queen Elizabeth II Conference Centre's would adversely affect the residential units/ future occupiers
- Risk of conflict and objections from future residents due to the operation of the centre's business.
- Noise and disturbance from building works will adversely affect adjacent premises.
- Loss of wine bar (N.B. the proposal was amended to retain the wine bar at lower ground floor level)
- No on-site affordable housing.
- Residential use at basement levels poses a flood risk (N.B. the proposal was amended to retain the wine bar at lower ground floor level)

**ADVERTISEMENT / SITE NOTICE:**

Yes

**4. BACKGROUND INFORMATION****4.1 The Application Site**

10 Storey's Gate is located within the Westminster Abbey and Parliament Square Conservation Area and the Central Activities Zone. It is not a listed building, but is of merit, occupying a prominent corner location on Storey's Gate and Matthew Parker Street. The building is currently in use as offices (Class B1) throughout with the exception of part of the basement which is in use as a wine bar (Class A4). The wine bar is connected at basement level to the neighbouring public house 'The Westminster Arms' (9 Storey's Gate).

## 4.2 Relevant History

On 16 May 1991 planning permission was granted for the use of part of the basement as offices (Ref: 91/01569/FULL).

## 5. THE PROPOSAL

Planning permission is sought for the conversion of part lower ground and all upper floors from offices (Use Class B1 (a)) to 8 x residential flats (Use Class C3) (6 x 2 bed, 2 x 3 bed), including the erection of an enlarged mansard roof extension at fourth floor level, extension to wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above, and associated external and internal works.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The existing and proposed land uses are summarised below:

**Table 1. Existing and Proposed Land Uses**

Use	Existing (m2 GEA)	Proposed (m2 GEA)	Uplift (m2 GEA)
Office (Class B1)	1,108	0	-1,108
Wine Bar (Class A4)	64	72	+8
Residential (Class C3)	0	1,250	+1,250
Total	1,172	1,250	+78

#### 6.1.1 Loss of office

The proposals would result in the loss of office floorspace amounting to 1,108m<sup>2</sup> within the CAZ. There have been objections to the loss of office floorspace, however the change of use needs to be assessed in the context of Policy S47 of the City Plan which advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of Central Activities Zone or the City as a whole would be sufficiently harmful in this instance to withhold permission. The change to increase residential use would provide social benefits with the provision of a net increase of eight residential units.

#### 6.1.2 Residential Use

The use of the proposed building for residential purposes is supported by Policies H3 of the UDP and S14 of Westminster's City Plan.

The proposal would create 1,250m<sup>2</sup> of residential floorspace (GEA) in the form of 8 flats. This would make an important contribution to new housing provision and is welcomed in policy terms.

### 6.1.3 Affordable Housing

Policy H4 of the UDP and S16 of Westminster's City Plan and Interim Guidance Note Implementation of Affordable Housing are relevant.

The policy requirement is that proposals for housing developments of either 10 or more additional units or over 1000m<sup>2</sup> additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

The proposed residential floorspace is 1,250m<sup>2</sup> GEA. Using the calculations set out in the Interim Guidance Note, this requires 160m<sup>2</sup> of the total residential floorspace to be provided as affordable housing (2 on site affordable homes).

Policy S16 requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Note. A policy compliant payment in lieu is £660,100. The agents have confirmed that the applicant is willing to make a full policy compliant payment in lieu which could be secured by legal agreement.

As this development is a conversion rather than a new build, it will prove difficult to provide a separate core and access arrangements for 2 on-site affordable homes. It is also highly improbable that any affordable units provided could avoid a proportion share of high service charges making these affordable homes unaffordable. The applicant has also confirmed that they do not have any suitable alternative sites to provide off-site provision. The Head of Affordable and Private Sector Housing advises that a policy compliant payment in lieu is acceptable in the circumstances of this case.

### 6.1.3 Residential mix and layout

The proposal would create 8 residential units in the following housing mix:

**Table 2. Mix of units**

Units	Number	%
2 bed	6	75
3 bed	2	25
Total No.	8	100

Policy H5 of the UDP requires that 33% of housing units be family sized (being three or more bedrooms). In this case 2 (25%) of the 8 units are family sized. It is considered that there is a case for a slightly lower amount of family housing given that this is a central location within the CAZ and the opportunities to provide outdoor space for all flats is limited given the constraints of the site.

All units have been designed to meet or exceed the Mayor's dwelling space standards set out in London Plan Policy 3.5.



Policy H10 (A) states that the City Council will normally expect the provision of amenity space. Only one of the units would have access to an outdoor terrace. It is acknowledged that the constraints of the site would make it difficult to provide sufficient amenity space for all units in line with policy H10. Given the site is in close proximity to public parks, the proposals can be considered acceptable in the context of policy H10 even if it not possible to provide each flat with outdoor space.

## **6.2 Townscape and Design**

10 Storey's Gate, known as Clutha House is located within the Westminster Abbey and Parliament Square conservation area. It is not a listed building. This application seeks to erect a mansard roof extension and to extend at lower ground floor level. Plus the creation of a terrace at ground floor level, and associated works including the installation of a satellite dish and alterations to the existing windows and doors.

Erection a mansard roof extension: The site currently has a mansard roof form, which is restricted to the rear of the building, making it hidden from ground level. However, the safety rails are visible and are considered unsightly. The new mansard will have a traditional appearance and whilst visible from street level it is considered an improvement to the building and the conservation area. Samples of the roofing slate are to be secured by way of condition.

Extension at lower ground floor level with terrace above: The existing courtyard is partially in filled with a WC block, this is to be removed and an extension added to increase the internal floor space. At ground floor level a terrace will be created above. Given the internal and enclosed nature of this location, the works are not considered to harm the character of the conservation area.

Installation of a satellite dish: The proposed 'potential' location is to the rear of the building, located against the parapet wall. This location would not be visible from the surrounding streets or from the open space in front of the Queen Elizabeth II conference centre. As such it is deemed acceptable.

Alterations to the existing windows and doors: The existing front windows are to be refurbished and slim lite double glazing added. Three new windows are proposed in currently blocked openings on the front elevation to match those already existing. New windows are proposed for the rear elevations. Further details of all the new windows are to be secured by way of condition. The main entrance door is also to be slightly lowered to accommodate the removal of the stepped access. These works are not deemed to harm the character of the building or conservation area.

In summary the works are considered acceptable in design terms, subject to the conditions noted above.

## **6.3 Amenity**

Policies S29 and S32 of the City Plan, and ENV6 and ENV13 of the UDP seek to protect residential amenity in terms of noise pollution, light, privacy, sense of enclosure, overlooking and essentially encourage development which enhances the residential environment.

### **6.3.1 Noise pollution**

In Westminster, noise from bars, and other commercial and entertainment uses form a significant element of noise disturbance to residents. It is accepted that the background noise levels in this area of the City are high. It is therefore vital that exceptional attention is paid to providing good quality residential accommodation for future residents.



Policy S29 states that all new housing will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.

Policy S32 states that the Council will work to reduce noise pollution and its impacts and protect Noise Sensitive Receptors from noise by ensuring development provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources.

Policy ENV 6 covers noise pollution issues (other than noise from plant, which is covered by ENV 7). Policy ENV 6 (4), states 'The City Council will require residential developments to provide adequate protection from existing background noise'.

Para 9.83 of the UDP states that residential developments that will be exposed to high levels of existing noise will require design, features and sound insulation to enable residents to be protected from such external noise. These should be designed to enable the following WHO guideline levels to be met in all residential developments:

- a) indoors:  $35\text{dB}_{\text{LAeq16}}$ , daytime to prevent interference of speech and moderate annoyance
- b) inside bedrooms, night time:  $30\text{dB}_{\text{LAeq8}} / 45\text{dB}_{\text{LAmax}}$ , to prevent sleep disturbance.

The application is supported by an Acoustic Assessment by RBA acoustics which assesses the issue of internal noise levels to the new flats and assesses the building envelope's acoustic performance. The Acoustic Assessment concludes that acceptable internal noise levels, assessed against Westminster's standards, can be achieved on all facades using high specification thermal slim line double-glazing and a further layer of secondary glazing, and sound insulation between the retained wine bar and the ground floor residential unit.

The Council has received objections on behalf of Shepherd Neame Ltd, operators of the adjoining public house and wine bar 'Westminster Arms and Storey's Wine Bar'. Shepherd Neame have provided their own Acoustic Assessment by Hann Tucker and object on the grounds that the applicant's Acoustic Assessment does not sufficiently demonstrate that the proposed residential use will be adequately protected from potential noise disturbance from internal noise levels and patron noise associated with the adjoining public house and wine bar. Shepherd Neame are concerned that this could lead to future complaints to the Council's Environmental Health Department from occupants of the residential flats, which can be damaging to business and potentially lead to future licensing problems.

Environmental Health has assessed the applicant's original Acoustic Assessment, the objector's Acoustic Assessment, and the applicant's subsequent follow up report. Environmental Health object to the application on the basis of noise and nuisance grounds for two main reasons:

1. Potential noise disturbance from internal noise levels and failure to meet Westminster City Council standard policy (ENV 6) on internal noise levels from adjoining commercial activity. – Sound Insulation.
2. Potential noise disturbance and likely complaint from patron noise associated with the adjacent and adjoining Pub and Wine bar. – Patron Noise

#### Sound Insulation

Environmental Health has considered the application which includes the applicant's additional acoustic report by RBA acoustics and the objector's acoustic report by Hann Tucker. While RBA acoustics have rightly considered the issue of internal sound transmission, neither RBA nor Hann Tucker has considered the worst case situation which is possible in this case. The Licence which covers the Lower Ground, Ground, First and Second floor areas of part of the same and adjoining building, allows for unrestricted music and/ or entertainment in terms of the noise (dB) level and the hour at which these may be conducted.

While the Council has standard conditions which seek to protect future residents from existing commercial activities, it is a concern in cases where two parties are unable to work together or worse still, where both parties are at odds about the proposals.

There is a particular risk to sound insulation work performance where the developer is not in control or cannot guarantee control of either side of the partitions (walls / floors). For the best sound insulation performance / results, then both sides of the partition should be treated especially where loud music including bass content of music is involved. It is acknowledged that RBA and Hann Tucker have suggested a bespoke planning condition to require sound insulation work to be undertaken to achieve a particular standard. However, this is not acceptable for two main reasons:

- a. The Licenced premises also includes Ground, 1st and 2nd floors within the Licence with no restrictions on music and entertainment (either level of noise or terminal hour) in any of these areas. The assessment carried out by RBA is only for the Floor between the Wine Bar and Living room of the 3 x bed unit located on the ground floor. The assessment should be carried out at all partitions between the Licence Premises and the proposed residential (which does include living rooms as well as Bedrooms).
- b. The stated sound insulation performance of 60 dB  $D_{nT,w}$  may not be adequate, especially when taking into consideration low frequency noise from bass music content.

It should also be noted that there appears to be a service lift which runs from the lower ground to upper floors as well as the opening between the basements of Clutha House and 9 Storey's Gate. Both of these openings in the partition structures have not been dealt with within the applicant's submissions.

It is noted that in the latest Acoustic Report by RBA Acoustics (15<sup>th</sup> October 2015) and submitted acoustic details; the proposed sound insulation treatment is provided to the wine bar ceiling. It is unknown how this will work in practice. For instance, the applicant will have to have access and agree with the wine bar operators to carry out this work and the wine bar operators will have to ensure that this treatment is kept in situ and kept within the condition that it is installed. Therefore, this will have an on-going impact upon the wine bar operator's ability to install fixings, lighting, ventilation, services, speakers etc. to the proposed ceiling.

Notwithstanding the above points of access, agreement and on-going up-keep of the ceiling treatment, the acoustic specifications provided in the latest acoustic report are still based upon the existing measured noise levels within the wine bar, and do not take into consideration the 'potential' dB levels and the terminal hour which could be operated under the Licence.

#### Patron Noise

Given the close proximity of residential windows to the front of the Westminster Arms and Storeys Wine bar, it is a concern that noise from patrons (vertical drinking, patrons arriving and departing) is likely to give rise to noise complaint. It is noted in the Environmental Health database that only one (unsubstantiated) complaint has been received with regard to patron noise from the Licence premises in the last 15 years, this is most likely because of the lack of residential which is currently affected by the premises.

Premises Licensing officers have confirmed that the pub regularly has very large numbers of vertical drinkers outside of the front of the pub in Storeys Gate (+50 patrons). Large groups of vertical drinkers will be in very close proximity to proposed residential habitable rooms on ground (the same level) and 1st floor level, and such activity is very likely to be clearly audible with windows open or closed.

Environmental Health agrees with the objector's assertion in the Hann Tucker report that insufficient consideration has been given to this issue. RBA's measurements on 30th January 2015 would not have captured the levels of noise which undoubtedly arise from the use of this premises during summer months. Environmental Health agrees with the correction of the January 30th noise survey by 5 dB to reflect the noise from patrons at the ground and 1st floor windows of the proposed residential. Although, Environmental Health accept that a 5 dB correction would be applicable to the exposure of road traffic noise to the proposed 1st floor windows (which is what it was intended for), this would not be the same correction for a source of noise such as a group of vertical drinkers to a window only circa 3 – 5 metres away.

RBA state that they have measured the patron noise on Friday the 24th July at the time that they conducted the internal noise level survey within the wine bar. However, there is insufficient information with regard to this measurement to determine if this is an appropriate assessment of the typical noise levels associated with Patrons drinking outside the pub. It is unknown if the measurements were taken before, during or after the internal wine bar survey. The number of customers is also unknown, if they were seated, standing or a single large group or a number of smaller groups. Also a 5 minute measurement is not adequate sample duration to properly assess this noise.

Insufficient information and consideration has been given to the impact of patron noise and the potential adverse impact on the existing licence due to complaints. It is also noted that Table and Chairs Licences have been given over a number of years and the future consideration of such Licences will be impacted upon the introduction of residential units particularly at street level.

#### Noise pollution summary

In summary, the applicant has not taken into consideration the 'potential' legitimate worse case operation of the Licence, or the fact that the licence covers the ground, 1<sup>st</sup> and 2<sup>nd</sup> floor levels of the public house within the adjoining building, and not just the wine bar within the lower ground floor of the same building. Even if sound insulation conditions were imposed, it is a concern that unless all interested parties can work together than the results of sound insulation may be limited and may disadvantage the current legitimate licensed operation. Insufficient information and consideration has also been given to the impact of patron noise and the potential adverse impact on the existing licence due to complaints.

It is not considered that the development would provide good quality residential accommodation in terms of provision of adequate means to protect residents from noise disturbance. It has not been demonstrated that the proposed residential use would provide adequate means of protection to residents from noise disturbance. In particular, potential noise disturbance from internal noise levels, and likely complaint from patron noise associated with the adjoining public house and wine bar 'Westminster Arms and Storey's Wine Bar'. The proposals are likely therefore to harm the amenity of future occupiers of the residential flats. This would be contrary to policies ENV6, S29 and S32 which require all new housing to provide a high quality living environment, including adequate means of protection from existing background noise.

#### **6.3.2 Light/ Sense of Enclosure/ Overlooking**

The application is supported by a Daylight and Sunlight Report that analyses the impact of the development on the amount of natural light available to neighbouring buildings. The report finds that all neighbouring properties fully meet the BRE guidelines for daylight and sunlight.

The alterations and extensions, including terrace, are not considered to have any material impact on the amenity of neighbouring residents in terms of loss of light, increase in sense of enclosure, or overlooking.



## **6.4 Transportation/ Parking**

### **6.4.1 Car Parking**

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. 'Stress levels' are defined as circumstances where the occupancy of on-street legal parking spaces exceeds 80%.

The City Council's most recent daytime survey (2011) indicates that occupancy of legal parking spaces within a 200m radius of the site is 84% occupied during the day. During the daytime, the only legal parking spaces for permit holders are Residential and Shared Use Bays.

During the evening, occupancy of Residential and Shared Use Bays increases to 88%. However TRANS 23 includes all legal parking spaces, and with the addition of Single Yellow line availability during the night, the stress level reduces to 26%.

The Highways Planning Manager has recommended that the application be refused due to no off street car parking. However given that the site benefits from excellent public transport links, it is not considered that refusal on these grounds could be sustained.

### **6.4.2 Cycle Parking**

The plans show provision for cycle spaces within a secure internal store at basement level. This level of provision is secured by condition.

## **6.5 Economic Considerations**

The proposal is in accordance with the UDP and the economic benefits generated by the proposed residential units are welcomed.

## **6.6 Access**

A platform lift is provided within the entrance to allow step free access. All of the units have been designed to meet Lifetime Home space standards, and the main core is fitted with a wheelchair accessible lift that provides flush access to all floors.

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

A condition is recommended to restrict the hours of building works in order to mitigate the impact on nearby residential occupiers. In terms of disturbance from construction works, it is considered that works can be adequately controlled by use of the City Council's standard hours of work condition.

The application has attracted objections on ground that the development would lead to the loss of the neighbouring 'Westminster Arms Public House'. This application does not propose to change the use of the neighbouring 'Westminster Arms Public House'.

The proposals have attracted significant objections on grounds that the development would likely put, The Westminster Arms, out of business. The objections further state that the area does not need 9 new luxury apartments, but it does need a hub for tourists, for local workers, and the heritage of the area should be protected. (N.B. circa 160+ objections received on these grounds).

There is also objection from the adjacent Queen Elizabeth II Conference Centre's on grounds that their daily activities would adversely affect the residential units/ future occupiers which

may lead to a risk of conflict and objections from future residents due to the operation of the centre's business.

As outlined in section 6.1.4 of this report, conditions are recommended to minimise noise intrusions within the flats. As such the scheme, subject to the additional measures to be secured by condition, is considered to comply sufficiently with ENV 6 (4) which requires residential developments to provide adequate protection from existing background noise.

## **6.8 London Plan**

Shepherd Neame has raised concerns that the proposed residential use could lead to future noise complaints to the Council's Environmental Health Department from occupants of the residential flats, which could be damaging to business and potentially lead to future licensing problems.

Paragraph 4.48A of the London Plan states that the Mayor recognises the important role that London's public houses can play in the social fabric of communities. Policy 3.1B is also specifically referenced so that pubs are included in the following protection: 'Development proposals should protect and enhance facilities and services that meet needs of particular groups and communities (Policy 3.1 B)'.

Policy 2.10A relates to the Central Activities Zone and states that the Mayor will, and boroughs and other relevant strategic partners should enhance and promote the unique international, national and London wide roles of the Central Activities Zone (CAZ), supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations.

Section 6.3.1 of this report (noise pollution) illustrates the concerns over the quality of the residential accommodation, in terms of protecting residents from noise disturbance. As a result of this deficiency, it has not been demonstrated that the proposed residential use would be compatible with the adjoining public house and wine bar, which may lead to future complaints concerning the operation of the public house jeopardizing its continued future existence. The loss of the pub, or any significant curtailment of its current operation, would harm the special local character and entertainment offer in this busy part of the central Activities Zone. This would be contrary to Policies 2.10 and 3.1B of The London Plan March 2015.

## **6.9 National Policy/Guidance Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

The National Planning Policy Framework seeks to promote healthy communities by guarding against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. It is clear that community facilities in this context include public houses.

The loss of the pub, or any significant curtailment of its current operation, would be contrary to the advice contained in the National Planning Policy Framework (March 2012).

### **6.10 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;
- (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 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 City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

Had the application been considered acceptable, a S106 legal agreement would be required to secure the following:

- Payment in lieu of affordable housing (£660,100).
- S106 monitoring payment.

The proposed development is also liable for a Mayoral CiL payment.

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).

## 7. Conclusion

In conclusion, it has not been demonstrated that the development would provide good quality residential accommodation that would provide adequate means of protection to residents from noise disturbance. In particular, potential noise disturbance from internal noise levels and patron noise associated with the adjoining public house and wine bar 'Westminster Arms and Storey's Wine Bar'. The proposals are likely therefore to harm the amenity of future occupiers of the residential flats.

In addition and as a result of this deficiency, it has not been demonstrated that the proposed residential use would be compatible with the adjoining public house and wine bar, which may lead to future complaints concerning the operation of the public house jeopardizing its continued future existence. The loss of the pub, or any significant curtailment of its current operation, would harm the special local character and entertainment offer in this busy part of the Central Activities Zone.

The proposal would be contrary to Policy ENV 6 of our Unitary Development Plan that we adopted in January 2007, Policies S29 and S32 of the City Plan: Strategic Policies that we adopted in November 2013, Policies 2.10 and 3.1B of The London Plan March 2015 and the advice contained in the National Planning Policy Framework (March 2012).

## BACKGROUND PAPERS

1. Application form.
2. Memos from the Westminster Society dated 08.09.2015 and 16.06.2015.
3. Memo from Highways Planning Manager dated 09.06.2015
4. Memo from Environmental Health dated 16.10.2015.
5. Letter and emails with attached Acoustic Report from Milliken & Company on behalf of Shepherd Neame Ltd, Westminster Arms, 9 Storey's Gate dated 17.06.2015, 08.08.2015, and 22.09.2015.
6. Letter from the Policy Exchange Ltd, Clutha House, 10 Storey's Gate dated 09.05.2015.
7. Email from PACTS (Parliamentary Advisory Council for Transport Safety), Clutha House, 10 Storey's Gate dated 01.07.2015.
8. Letter and email from the Queen Elizabeth II Centre dated 22.06.2015 and 23.06.2015.
9. Email from Head of Affordable and Private Sector Housing dated 15.09.2015.
10. Email from The Heritage Alliance, Clutha House, 10 Storey's Gate dated 14.09.2015.
11. 165 emails from interested parties received between 17.06.2015 and 09.07.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT DAVID DORWOOD ON 020 7641 2408 OR BY E-MAIL – [ddorwood@westminster.gov.uk](mailto:ddorwood@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Clutha House, 10 Storey's Gate, London, SW1P 3AY

**Proposal:** Conversion of part lower ground and all upper floors from offices (Use Class B1) to 8 x residential flats (Use Class C3), including the erection of an enlarged mansard roof extension at fourth floor level, extension to wine bar within the internal courtyard area at rear lower ground floor level with ground floor roof terrace above and associated external and internal works.

**Plan Nos:** PL001, 009, 010, 011, 012, 013, 014, 015, 040, 070, 070.1, 071, 072, 073, 109D, 110D, 111D, 112C, 113C, 114B, 115, 140C, 170B, 170.1, 171B, 172D, 173C, 600, 601, 209B, 210B, 211B, 212B, 213B, 214, 215, 240B, 270, 271, 272B, 273B; Schedule SG1; Montagu Evans Covering Letter dated 31 July 2015; Location Plan; Schedule SG2; Design and Access Statement; Planning Statement dated 31 July 2015; Daylight and Sunlight Assessment; RBA Acoustic Assessment dated 03.08.2015 and addendums dated 18.09.2015 and 15.10.2015; Energy Statement; Building Services Report; Flood Risk Assessment; Structural Statement.

**Case Officer:** David Dorward

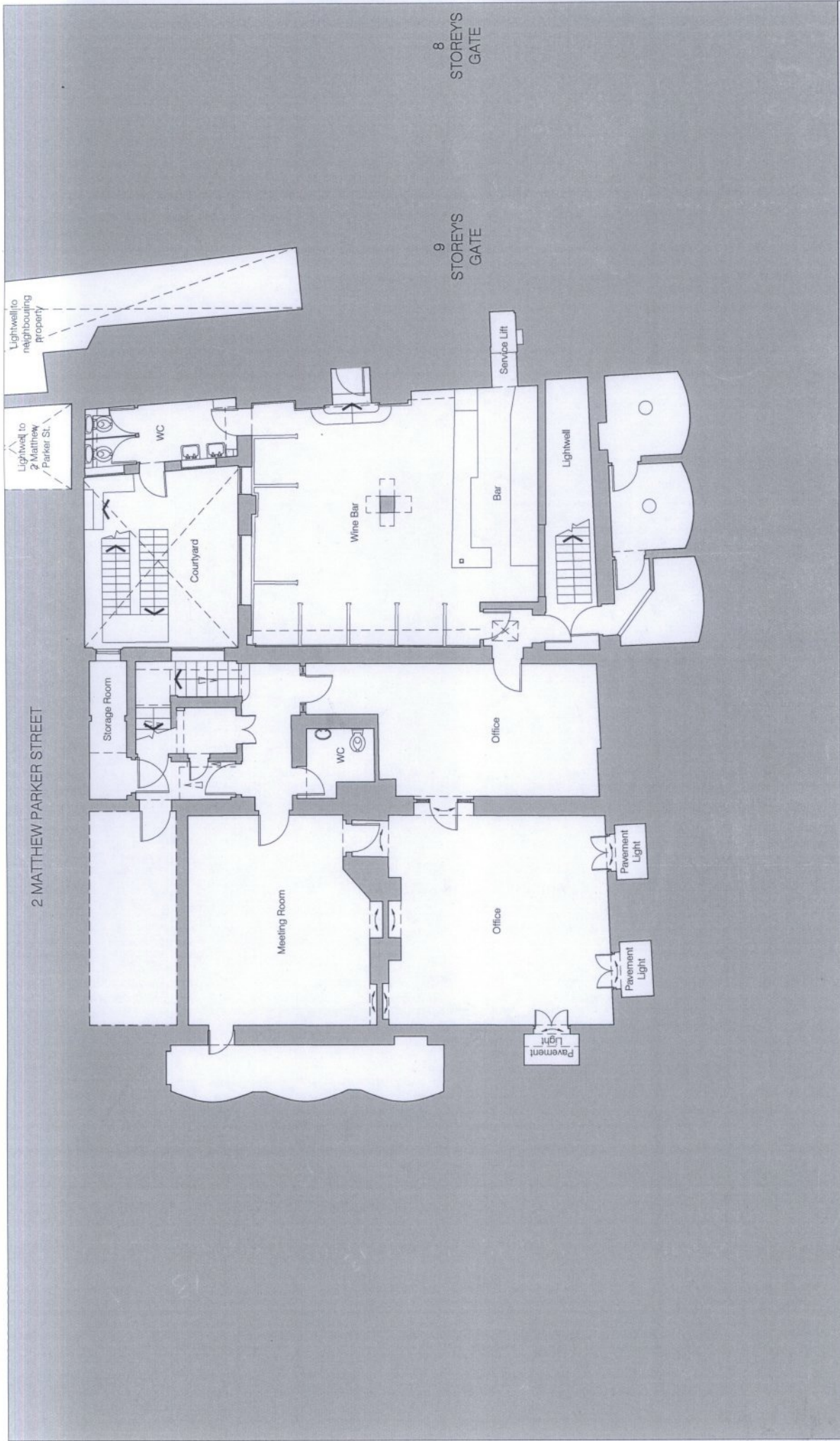
**Direct Tel. No.** 020 7641 2408

**Recommended Reason(s) for Refusal:****Reason:**

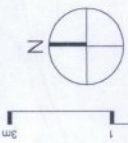
- 1 You have not demonstrated that the proposed residential use would provide adequate protection from potential noise disturbance from internal noise levels and patron noise associated with the adjoining public house and wine bar. The proposals are likely therefore to harm the amenity of future occupiers. In addition and as a result of this deficiency it has not been demonstrated that the proposed residential use would be compatible with the adjoining public house and wine bar which may lead to future complaints concerning the operation of the public house jeopardizing its continued future existence. This would be contrary to Policy ENV 6 of our Unitary Development Plan that we adopted in January 2007, Policies S29 and S32 of the City Plan: Strategic Policies that we adopted in November 2013, Policies 2.10 and 3.1B of The London Plan March 2015 and the advice contained in the National Planning Policy Framework (March 2012).

**Informative(s):**

DRAFT



existing - lower ground floor plan



**KEY**

Existing wall construction

**GENERAL NOTES:**  
Do not scale from this drawing.  
All dimensions are in millimetres.

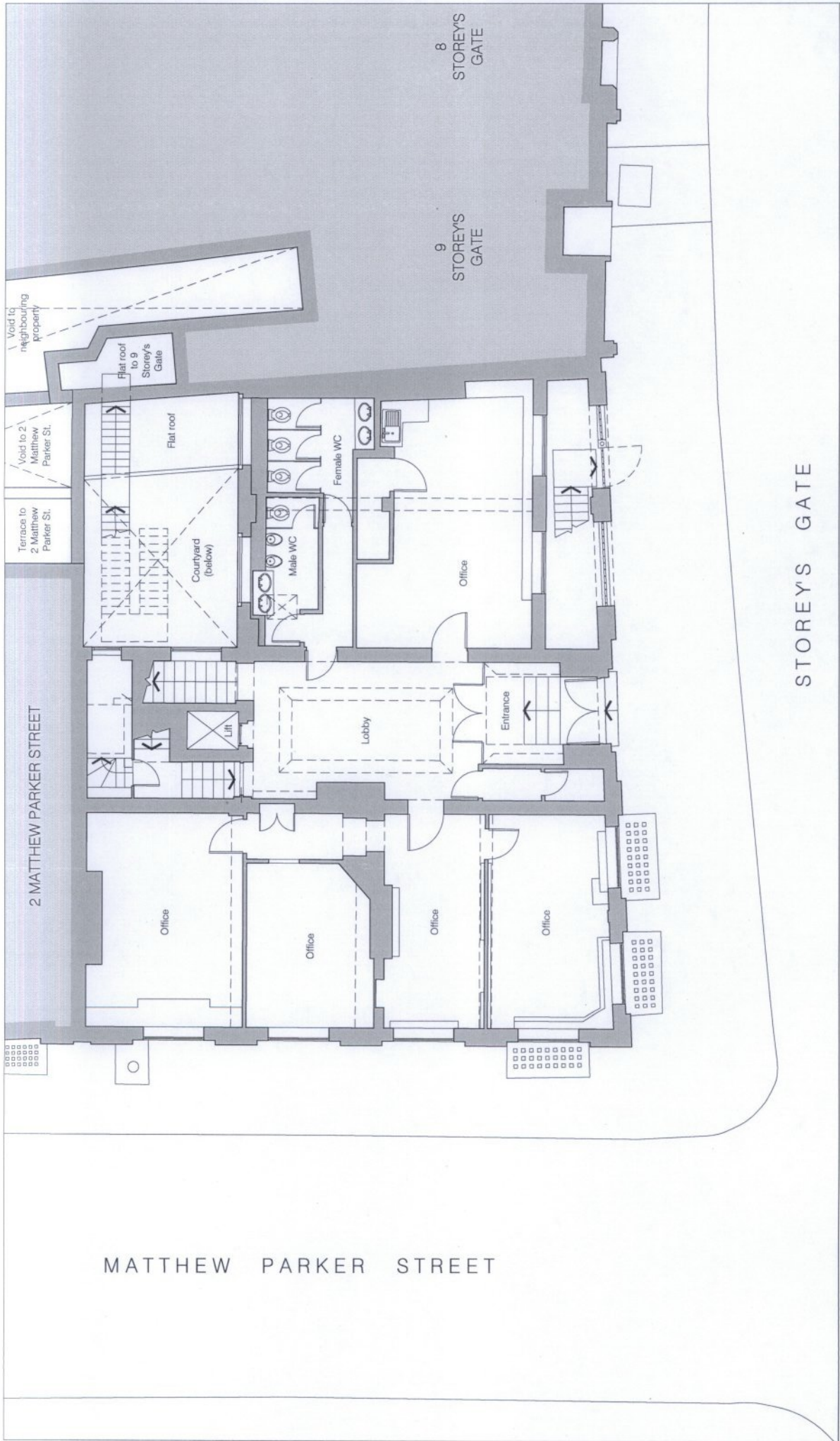
NO.	DATE	DESCRIPTION
A	25.04.15	Planning Issue
	25.04.15	Planning Permit

NO.	DATE	DESCRIPTION
26	25.04.15	DR
27	25.04.15	DR

PROJ. NO. 14079  
**PL009 A**  
 10 Storey's Gate, London SW1P 3AY  
 Existing - Lower Ground Floor Plan  
 15/09/11 / 1/10/09/AS

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 M&M Architects Ltd, The Old School, Essex Street,  
 London, SE1 1AE. T: +44 (0)20 7688 1070  
 www.mandmarchitects.com





existing - ground floor plan



KEY

Existing wall construction

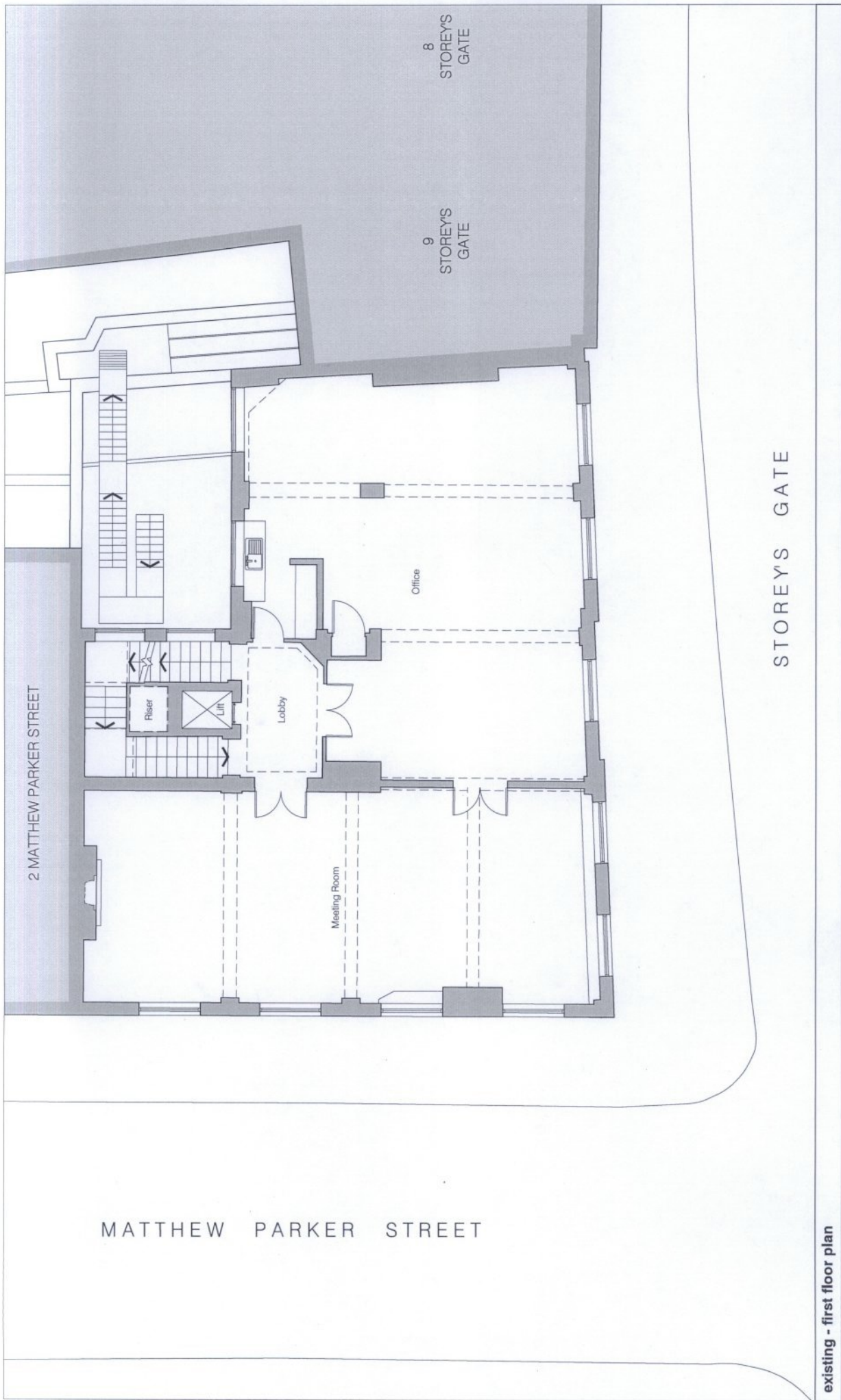
**GENERAL NOTES:**  
Do not scale from this drawing.  
All dimensions are in millimetres.

A	25/04/15	Planning_BUIE
	23/04/15	Planning_DRAW1
		Author
		Drawn
		Checked

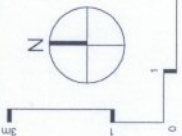
Job	DR
Drawn	DR
Checked	

Ref No: 14079  
**PL010 A**  
 10 Storey's Gate, London SW1P 3AY  
 Existing - Ground Floor Plan  
 15/09/11 1.1003/AS

**msm**  
 MSAF Architects Ltd, The Old School, Eaton Street,  
 London, SE1 8JE. T +44 (0)20 7088 0767  
 www.msa.com



existing - first floor plan



**KEY**

Existing wall construction

**GENERAL NOTES:**  
Do not scale from this drawing.  
All dimensions are in millimetres.

A	20.04.15	Flooring_RISE
-	23.04.15	Flooring_DRAW
BY	DR	REVISED

JLB	DR	REVISED
JLB	DR	REVISED

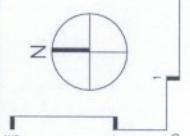
Page No. **1407b**  
**PL011 A**  
 10 Storey's Gate, London SW1P 3AY  
 Existing - First Floor Plan  
 15/09/11 1:1003/43

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 London, SE1 3BE. T +44 (0)20 7088 0557  
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existing - second floor plan



**KEY**  
 Existing wall construction

**GENERAL NOTES:**  
 Do not scale from this drawing.  
 All dimensions are in millimetres.

A	20.04.15	Planning_02/04
-	23.04.15 <th>Planning_02/04/1</th>	Planning_02/04/1
	06	date
		revision

JTB	JTB	JTB
		checked
		drawn
		date

14079  
 10 Storey's Gate, London SW1P 3AY  
**PL012 A**  
 Existing - Second Floor Plan  
 1.309/A1 / 1.100/3A3

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 London, SE1 1 6LE. T +44 (0)20 7646 6700  
 www.mmmarchitects.com



existing - third floor plan



**KEY**

Existing wall construction

**GENERAL NOTES:**

Do not scale from this drawing.  
All dimensions are in millimetres.

A	20/11/15	Planning_BSI/E
-	20/11/15	Planning_DRAFT
WT	WTB	WTB/WTB

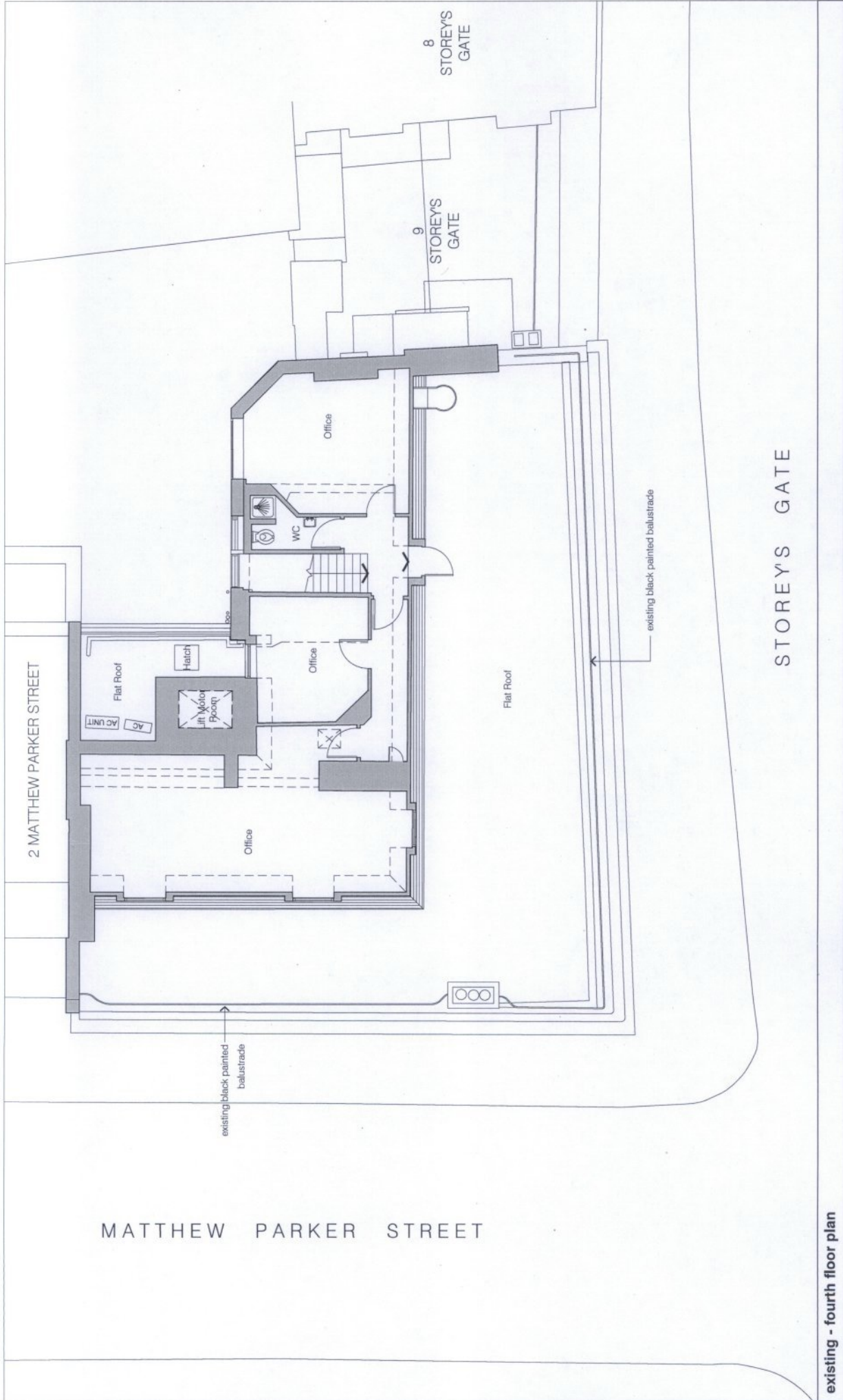
WTB	WTB	WTB
WTB	WTB	WTB

Ref No: **14079**  
**PL013 A**  
 10 Storey's Gate, London SW1P 3AY  
 Existing - Third Floor Plan  
 1:50 @ A1 (1:100 @ A3)

M&M Architects Ltd, The Old School, Ladbroke Street,  
 London, SE 1 8LE. T +44 (0)20 7098 0707  
 www.mmm-architects.com







existing - fourth floor plan



**KEY**

Existing wall construction

**GENERAL NOTES:**

Do not scale from this drawing.  
All dimensions are in millimetres.

A	26.04.15	Planning ISSUE
	23.04.15	Planning DRAFT
		date
		description

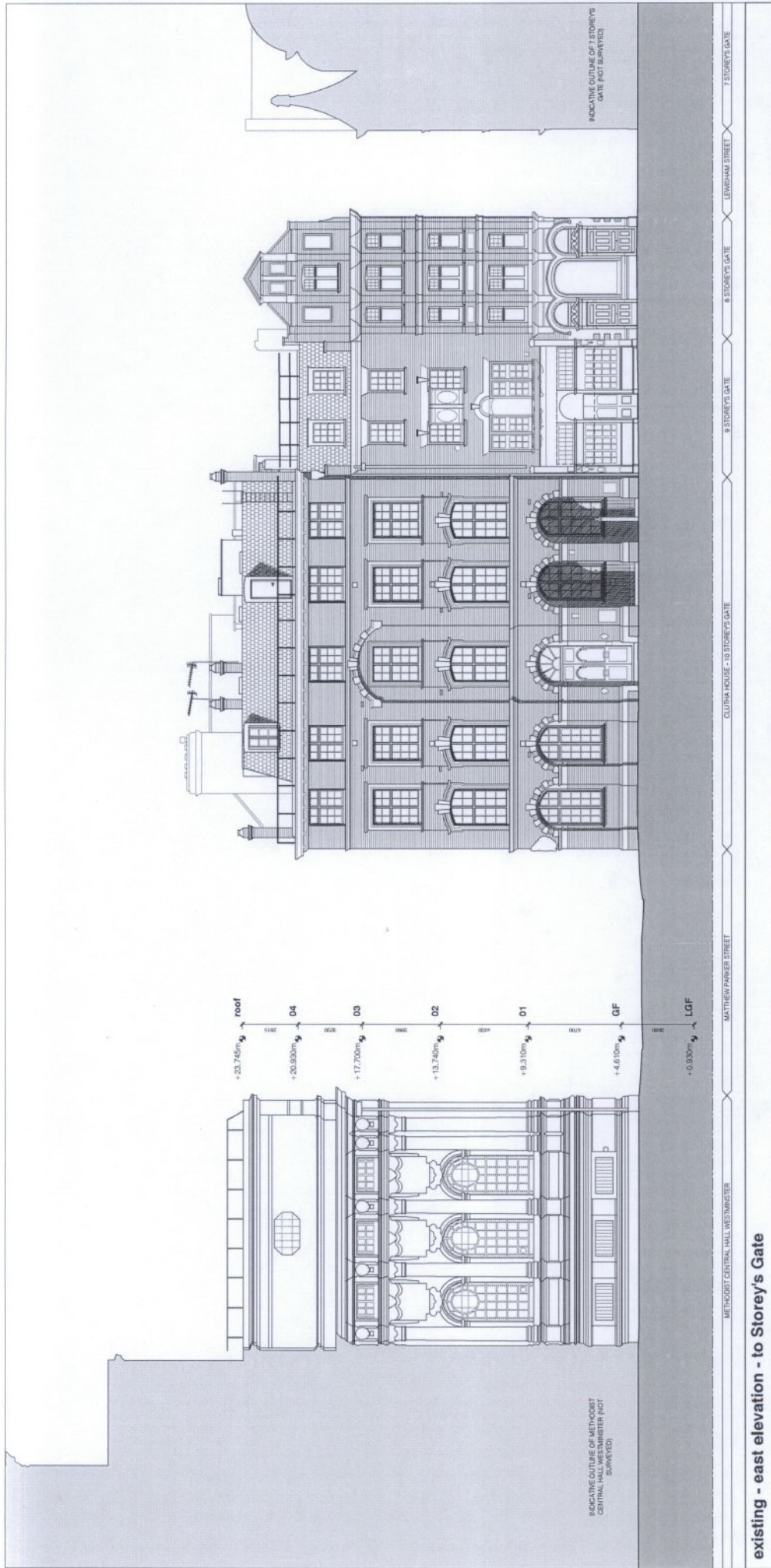
JOB	SR	checked
JOB	SR	drawn

Project No. **14079**  
**PL014 A**  
 10 Storey's Gate, London SW1P 3AY  
 Existing - Fourth Floor Plan  
 T: 509 4171/100343

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 London, SE 1 8EE. T +44 (0)20 7908 6762  
 www.mjmarchitects.com



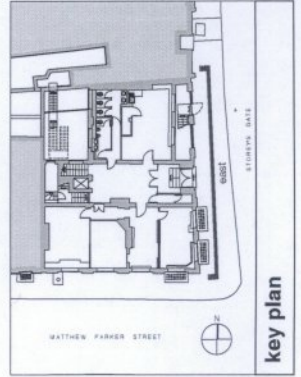




existing - east elevation - to Storey's Gate



GENERAL NOTES:  
Do not scale from this drawing.  
All dimensions are in millimetres.



key plan

A	28.04.13	Planning JUDGE	DATE	APPROVED
	03.04.13	Planning JUDGE	DATE	APPROVED

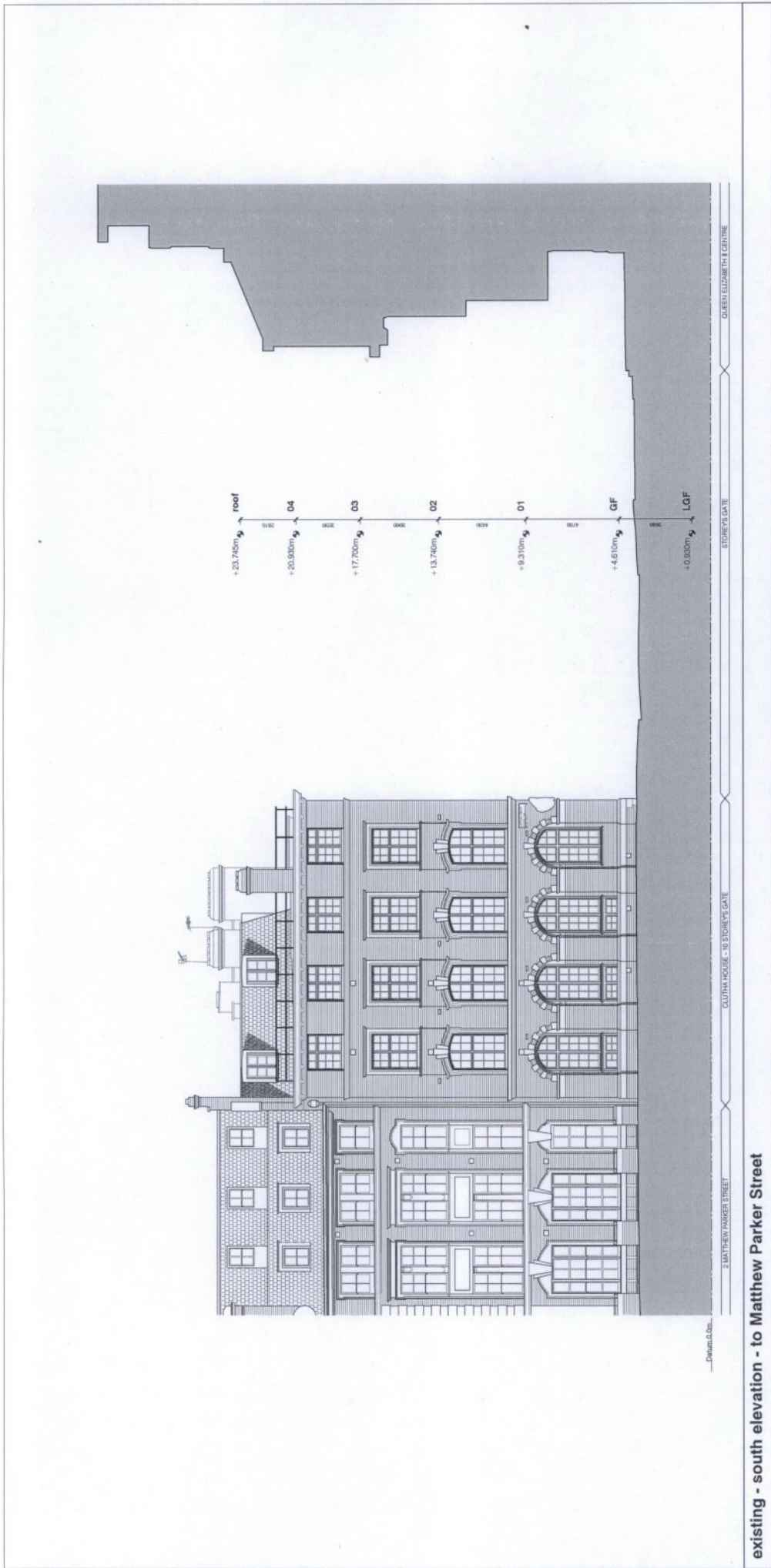
JB	SR
JB	SR
	SR

14079  
10 Storey's Gate, London SW1P 3AY  
Existing - East Elevation  
1:100 @ A1 / 1:200 @ A3

PL070 A

MSM ARCHITECTS LTD. THE OLD BISHOP'S COTTAGE, 100, ST. JAMES PLACE, LONDON SW1E 5JF. TEL: 020 7592 8100  
WWW.MSMARCHITECTS.CO.UK

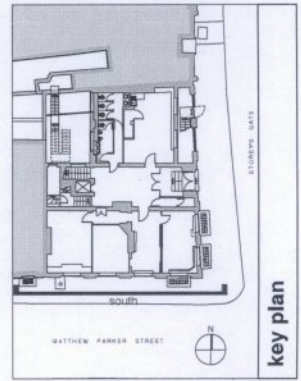




existing - south elevation - to Matthew Parker Street



**GENERAL NOTES:**  
Do not scale from this drawing.  
All dimensions are in millimetres.

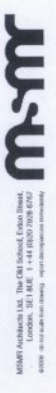


key plan

14079  
10 Storey's Gate, London SW1P 3AY  
Existing - South Elevation  
1:100 @ A1 / 1:200 @ A3

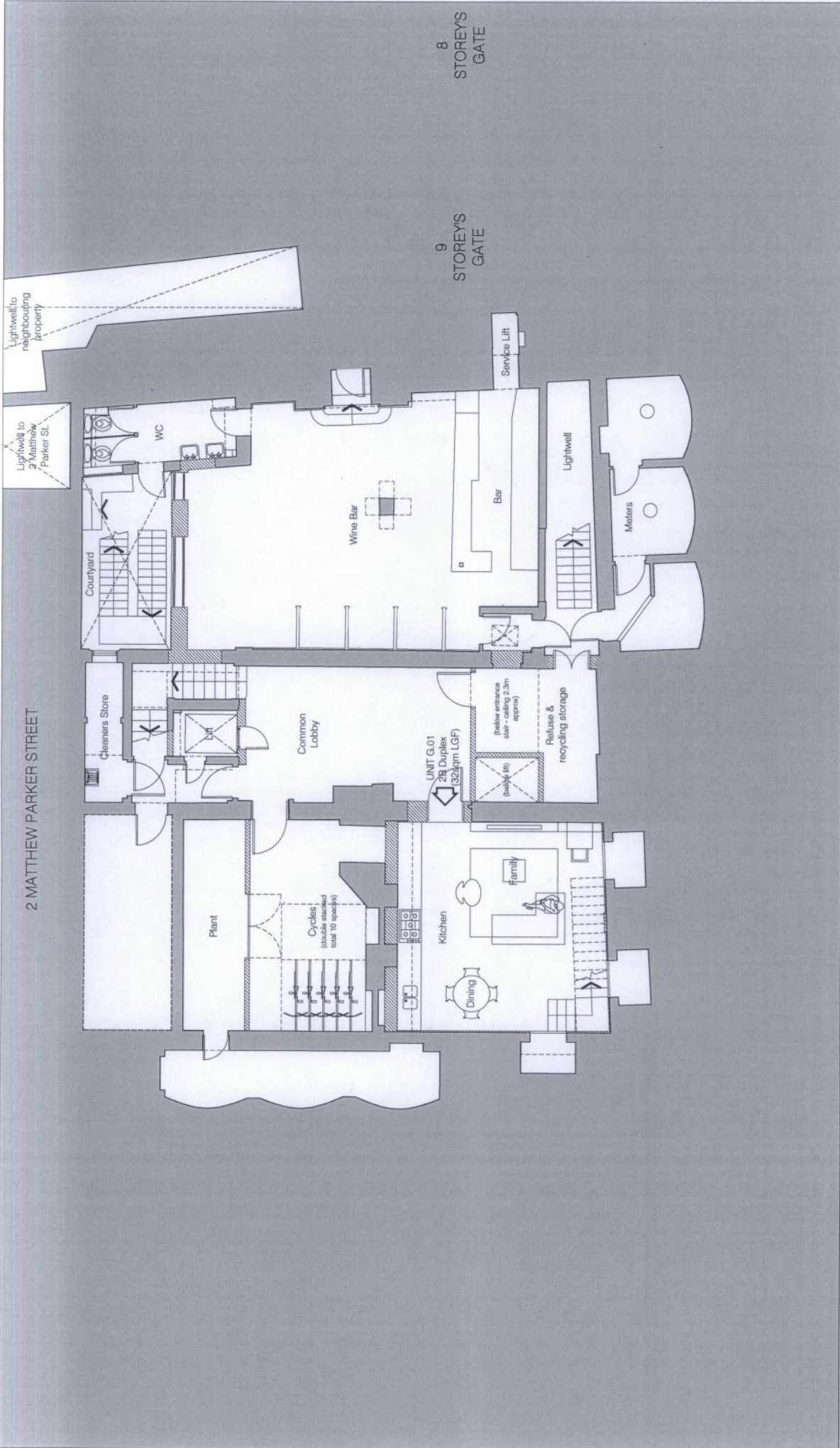
**PL071 A**

A	20 JUL 15	Planning Update	SR	SR	SR
	23 JUL 15	Planning Update	SR	SR	SR
			SR	SR	SR

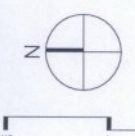


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proposed - lower ground floor plan



- KEY**
- Existing wall construction
  - Proposed wall construction

**GENERAL NOTES:**  
 Do not scale from this drawing.  
 All dimensions are in millimetres.

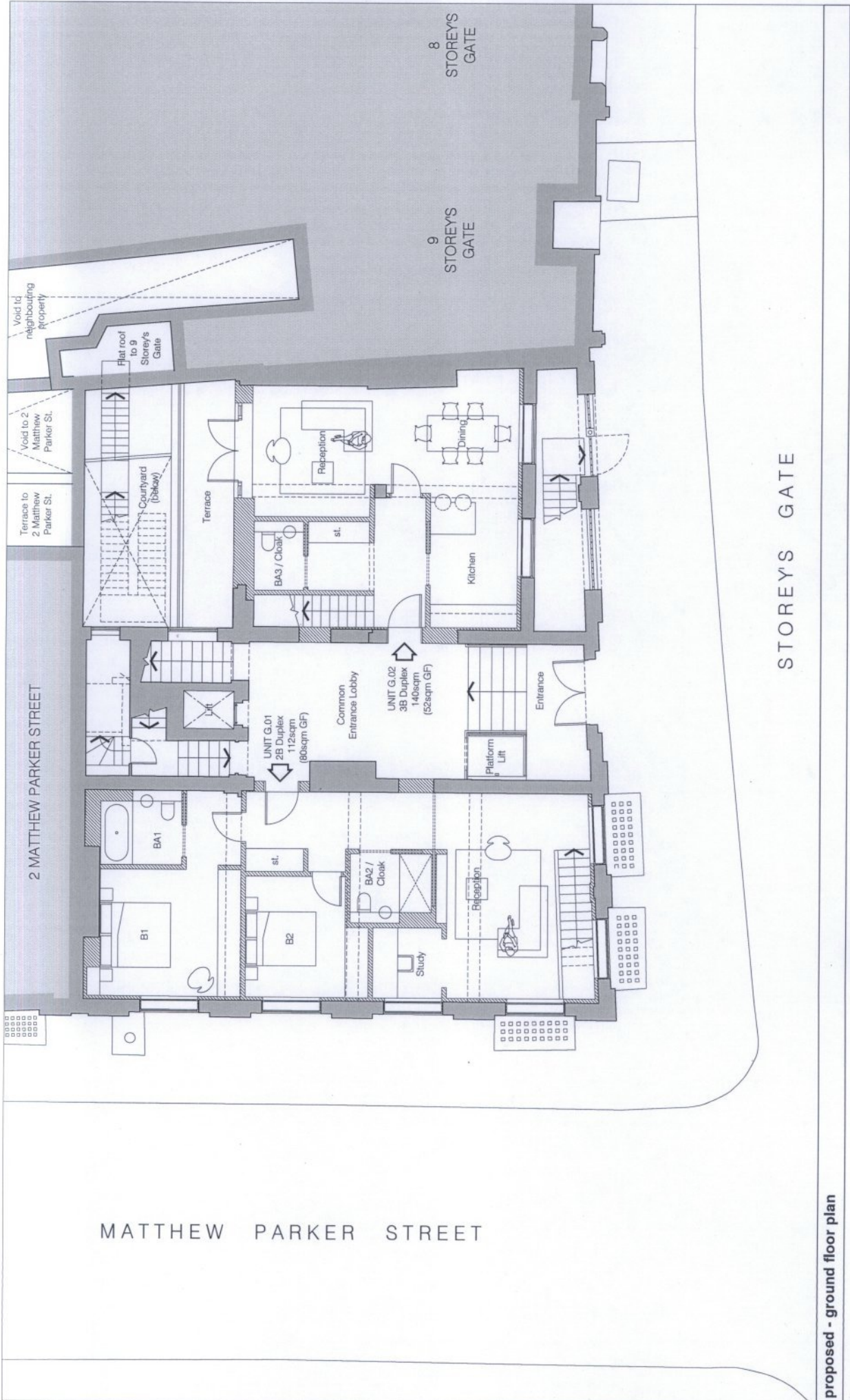
REF	DESCRIPTION	DATE	BY	CHKD
D	05.04.15	Secondary glazing	SR	SR
C	07.07.15	PANTRY_BAR_Wine bar extension	ED	JR
B	02.07.15	PANTRY_BAR extension	ED	JR
A	20.04.15	PANTRY_BAR	JR	SR
	23.04.15	PANTRY_BAR	JR	SR

14079  
 10 Storey's Gate, London SW1P 3AY  
 Proposed - Lower Ground Floor Plan  
 1:500 (A1 / 1:1000)A3

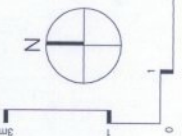


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 www.m-and-m.co.uk





proposed - ground floor plan



**KEY**

- Existing wall construction
- Proposed wall construction

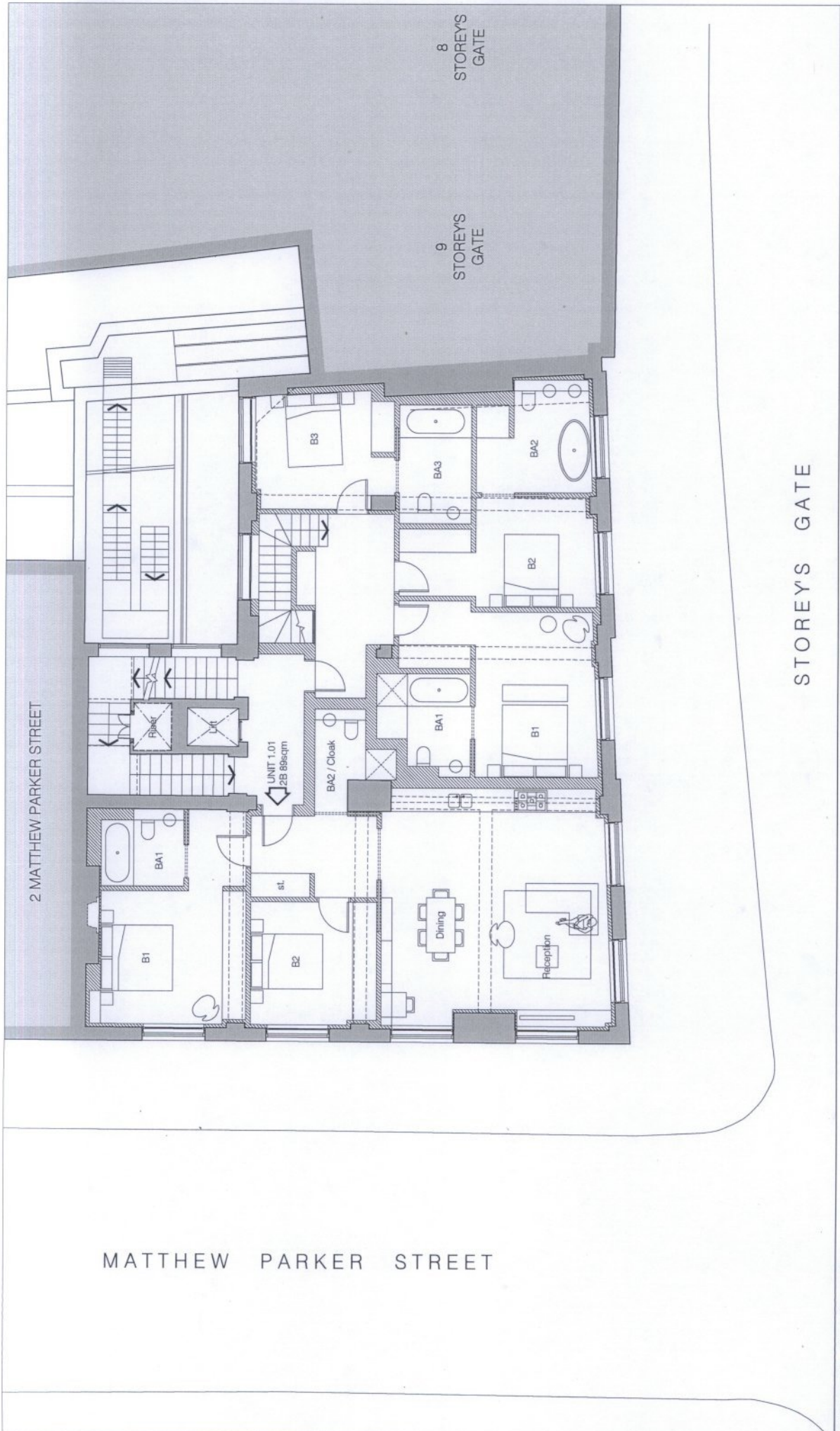
**GENERAL NOTES:**  
 Do not scale from this drawing.  
 All dimensions are in millimetres.

D	16.06.15	Secondary planning	SR	checked
C	07.07.15	PLANNING_ISSUE_When for submission	ED	checked
B	02.07.15	Planning_When for submission	ED	checked
A	26.04.15	PLANNING_ISSUE	JR	checked
	23.04.15	Planning_DRAW1	JR	checked

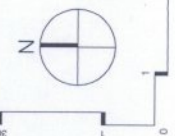
Proj no: **PL110 D**  
 Job no: **14079**  
 10 Storey's Gate, London SW1P 3AY  
 Proposed - Ground Floor Plan  
 1:500 @ A1 / 1:100 @ A3

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 www.mmm.co.uk  
**m&m**





proposed - first floor plan



KEY

- Existing wall construction
- Proposed wall construction

GENERAL NOTES:

Do not scale from this drawing.  
All dimensions are in millimetres.

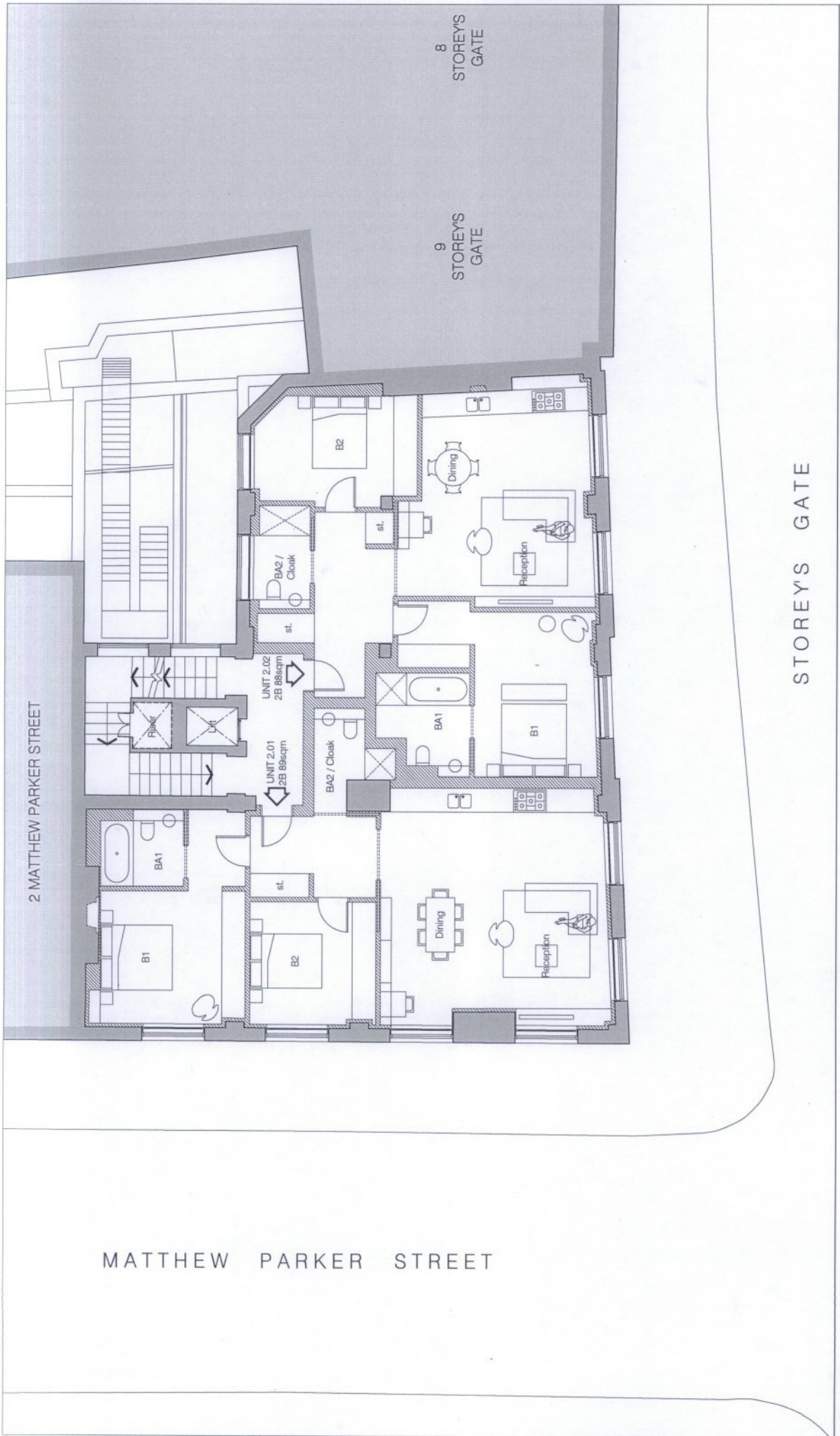
REV	DATE	DESCRIPTION
D	10.06.15	Secondary glazing
C	07.02.15	PLANNING_DRAWING_With bar relocation
B	02.02.15	Planning_drawings_bar relocation
A	20.04.15	PLANNING_DRAWING
	23.04.15	Planning_DRAWING
		description

DESIGNED BY	CHECKED BY
JR	JR
ED	ED
JR	JR
JR	JR

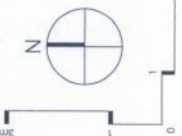
14079  
**PL111 D**  
 10 Storey's Gate, London SW1P 3AY  
 Proposed - First Floor Plan  
 1:500 @ A1 / 1:100 @ A3

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 London, SE 1, B.E. 1 +44 (0)20 7526 6767  
 www.mumfordarchitects.com





proposed - second floor plan



**KEY**

- Existing wall construction
- Proposed wall construction

**GENERAL NOTES:**  
 Do not scale from this drawing.  
 All dimensions are in millimetres.

- C 05.08.15 Secondary glazing
- B 07.07.15 PLANNING ISSUE - New bar extension
- A 28.04.15 Planning ISSUE
- 23.04.15 Planning DRAFT

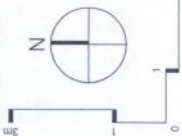
- JR GR
- ED JB
- JR GR
- JR GR
- AW AW

14079  
**PL112 C**  
 10 Storey's Gate, London SW1P 3AY  
 Proposed - Second Floor Plan  
 1:500 A1 / 1:1000 A3

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 LONDON, SE 1 8LE, UK +44 (0)20 7526 6162  
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proposed - third floor plan



**KEY**

- Existing wall construction
- Proposed wall construction

**GENERAL NOTES:**  
 Do not scale from this drawing.  
 All dimensions are in millimetres.

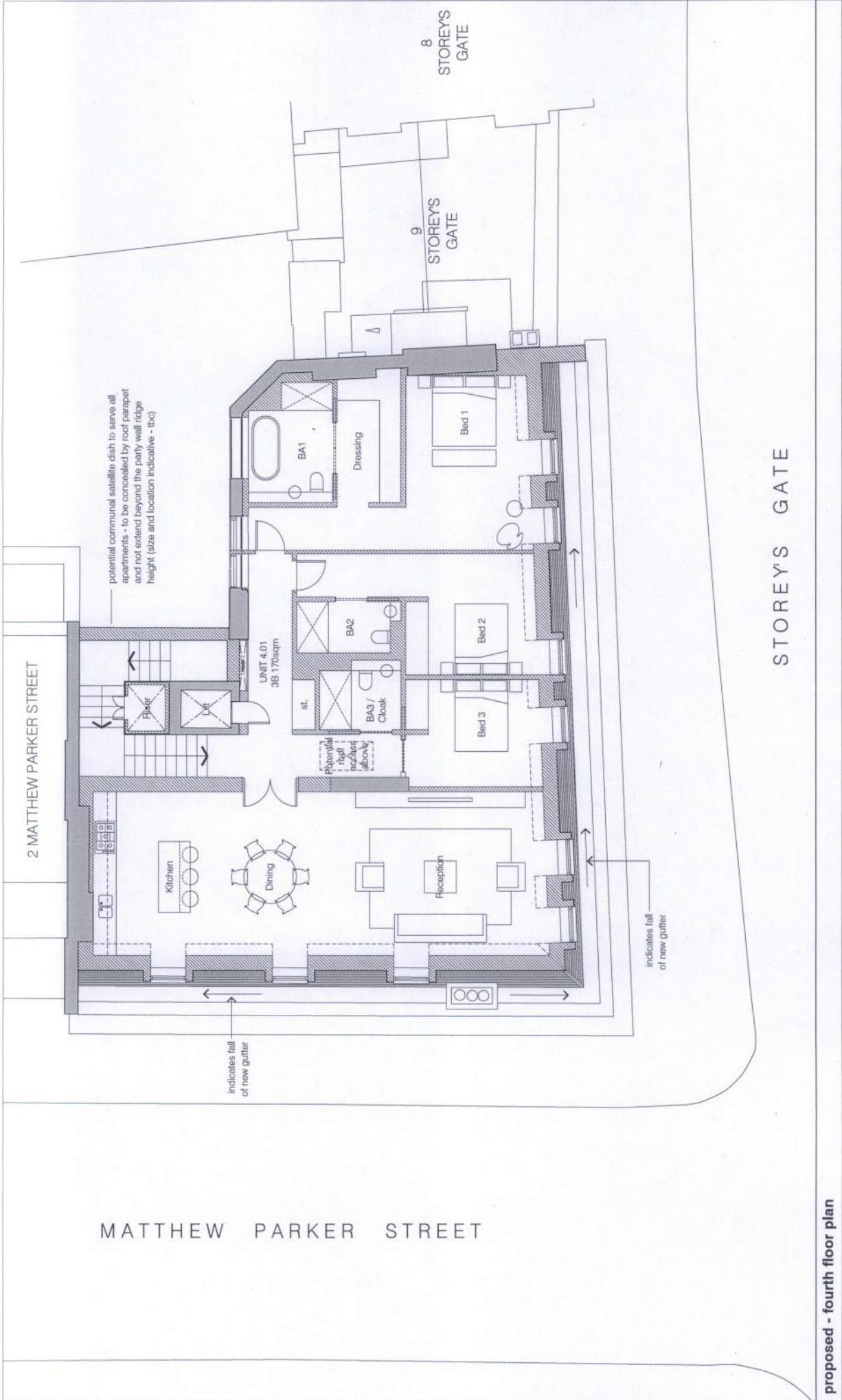
NO.	DATE	DESCRIPTION
C	15.06.15	Secondary planning
B	07.07.15	PLANNING ISSUE - new bar extension
A	26.04.15	PLANNING ISSUE
-	23.04.15	PLANNING DRAFT

NO.	DATE	DESCRIPTION
1	01.07.15	REVISED
2	01.07.15	REVISED
3	01.07.15	REVISED
4	01.07.15	REVISED

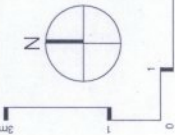
PL113 C  
 10 Storey's Gate, London SW1P 3AY  
 Proposed - Third Floor Plan  
 1:50 @ A1 / 1:100 @ A3

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 LONDON, SE 1 1RE. T +44 (0)20 7508 0567  
 www.mandmarchitects.com





proposed - fourth floor plan



**KEY**

- Existing wall construction
- Proposed wall construction

**GENERAL NOTES:**

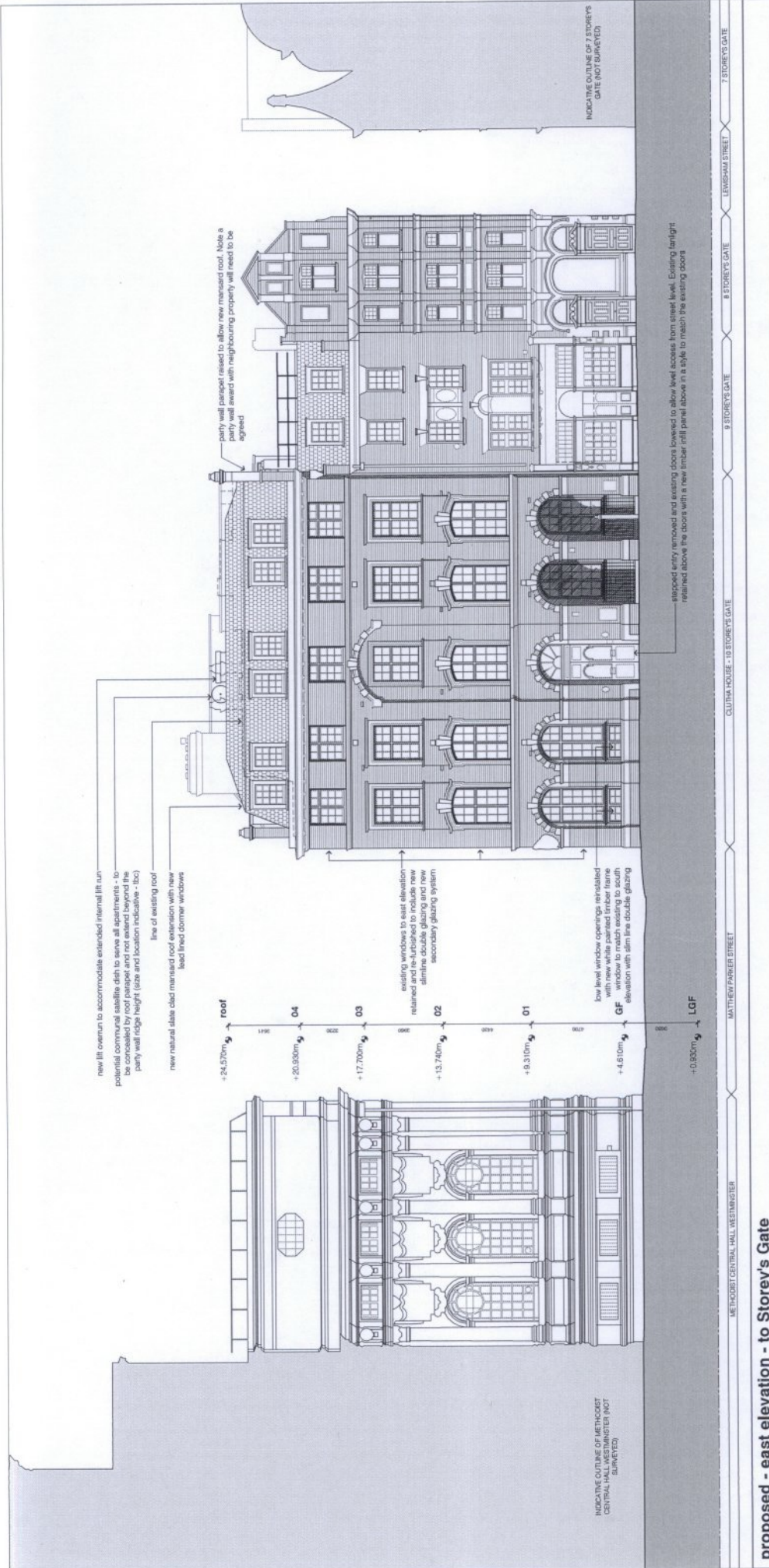
Do not scale from this drawing.  
All dimensions are in millimetres.

B	06.04.15	Secondary glazing	JH	SR	SR	SR
A	29.04.15	Planning, B/S/E	JH	SR	SR	SR
	23.04.15	Planning, DWG 1	JH	SR	SR	SR

14079  
**PL114 B**  
 10 Storey's Gate, London SW1P 3AY  
 Proposed - Fourth Floor Plan  
 1:500 A1/1:1000/D3

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 London, SE1 1UE. T +44 (0)20 7098 0707  
 www.m2marchitects.com





proposed - east elevation - to Storey's Gate

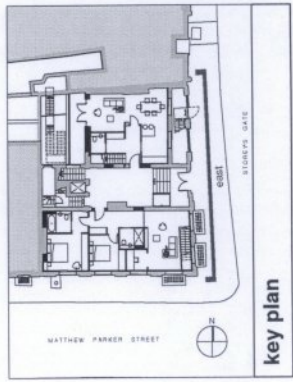
REF NO: 14079  
 10 Storey's Gate, London SW1P 3AY  
 Proposed - East Elevation  
 1:100 @ A1 / 1:200 @ A3

**PL170 B**

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 100 Old Street London EC1A 3RU  
 020 7424 4444  
 www.mmm-architects.com

**m&m**

NO.	DATE	BY	CHKD	STATUS
1	20/04/18	MM	MM	ISSUED
2	20/04/18	MM	MM	ISSUED
3	20/04/18	MM	MM	ISSUED
4	20/04/18	MM	MM	ISSUED



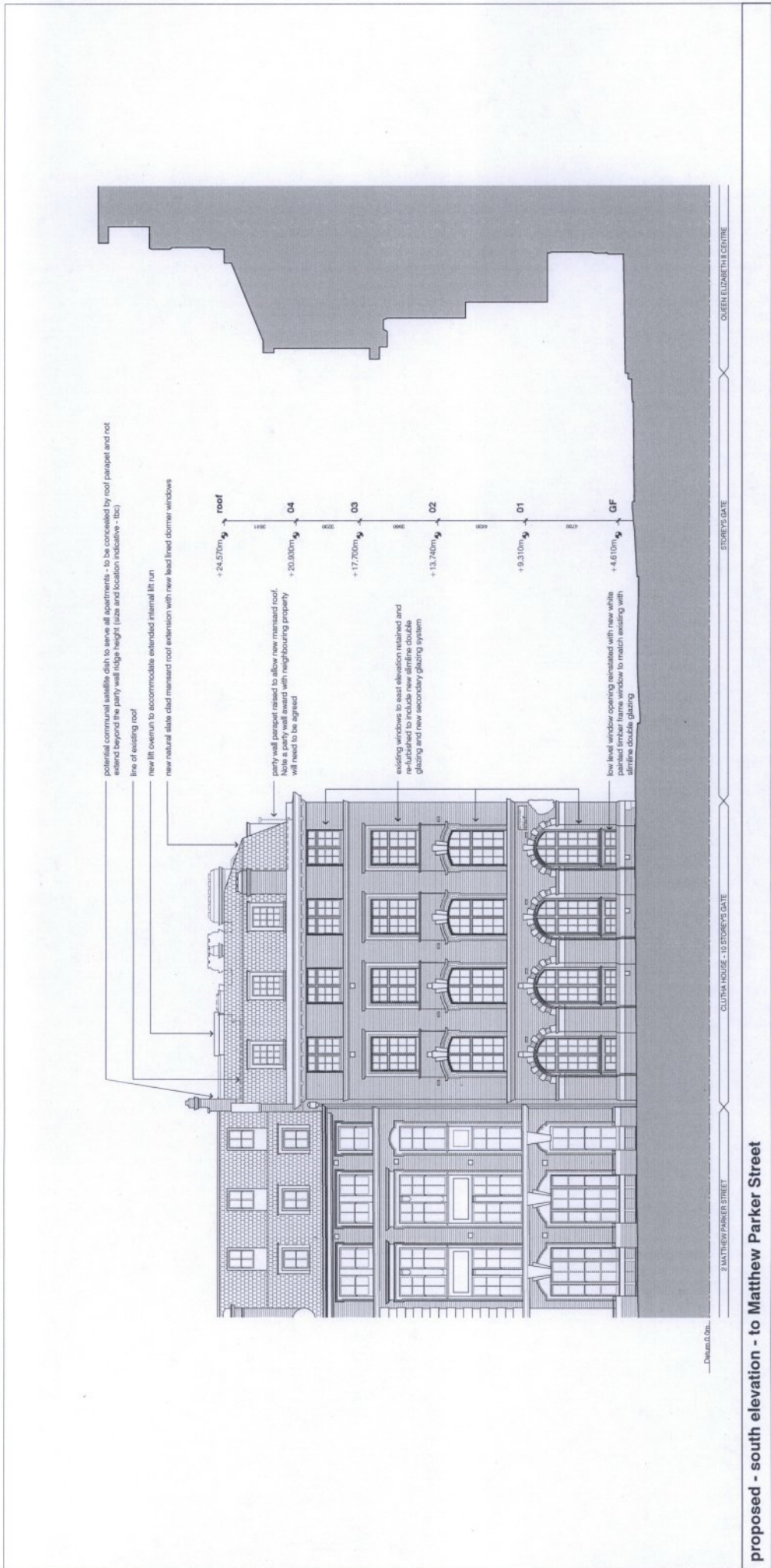
**KEY**

[Solid Grey Box]	Existing wall construction
[Hatched Box]	Proposed wall construction

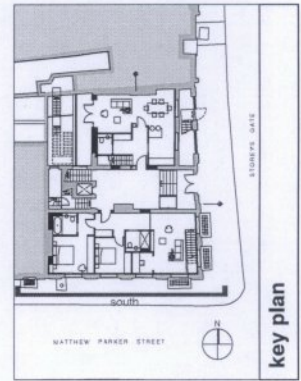
**GENERAL NOTES:**  
 Do not scale from this drawing.  
 All dimensions are in millimetres.







proposed - south elevation - to Matthew Parker Street



**KEY**

- Existing wall construction
- Proposed wall construction

**GENERAL NOTES:**  
Do not scale from this drawing.  
All dimensions are in millimetres.



B 05.06.15 Secondary glazing  
A 25.04.15 Planning\_Gate  
A 25.04.15 Planning\_Gate

SR  
SR  
SR  
SR

14079  
**PL171 B**  
10 Storeys Gate, London SW1P 3AY  
Proposed - South Elevation  
1:100 @ A1 / 1:200 @ A3



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