

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 8 December 2015	<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>First Chicago House, 90 Long Acre, London, WC2E 9RA</b>		
<b>Proposal</b>	Demolition of existing office building (forming whole street block with frontages to Long Acre, Endell Street, Shelton Street and Arne Street) and redevelopment to provide two new buildings comprising two basements, ground and part seven to part 12 upper floors to provide a mix of uses comprising office (Class B1), 119 residential units (Class C3), retail (Class A1/A3), rehearsal space (sui generis), car parking for 30 cars accessed from Shelton Street together with new kiosk, publically accessible courtyard, landscaping works, public realm improvements, plant, cycle parking and other ancillary works.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Northwood Investors		
<b>Registered Number</b>	14/11129/FULL	<b>TP / PP No</b>	TP/2775
<b>Date of Application</b>	06.11.2014	<b>Date amended/ completed</b>	10.11.2014
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside Conservation Area		
<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 Core Central Activities Zone		
<b>Stress Area</b>	Within Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

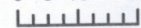
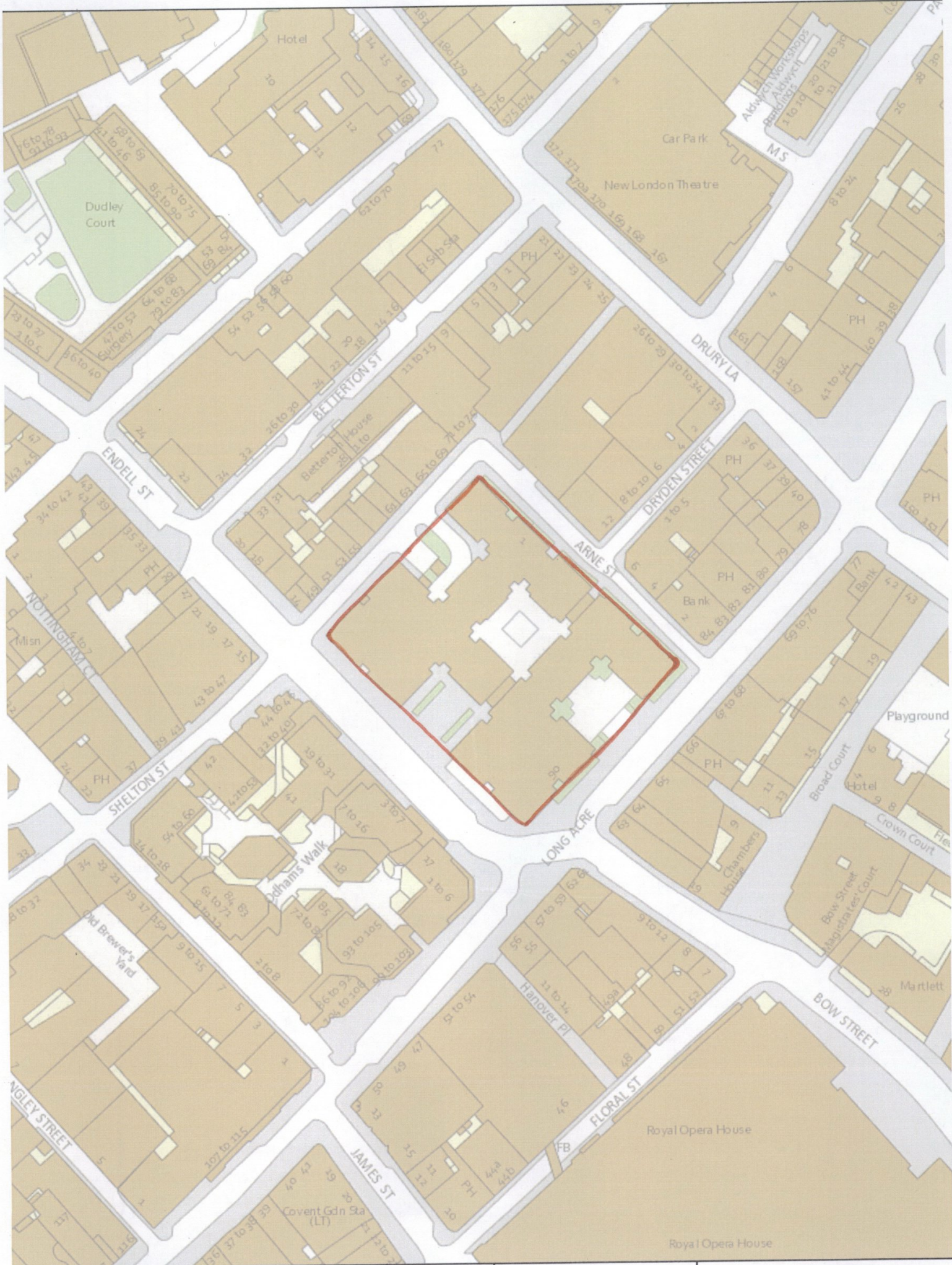
1. Grant conditional permission, subject to the views of the Mayor and the completion of a S106 legal agreement to secure:

- a) 11 affordable/intermediate housing units;
- b) A financial contribution of £89,000 towards the Council's affordable housing fund;

- c) The Council's Code of Construction Practice and a financial contribution of £42,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- d) Car club membership for each residential flat for 25 years;
- e) Car Parking Management Plan to include measures to ensure that no space is individually sold or allocated specifically to a unit or user and car parking spaces are on a first come first served basis to residents only;
- f) The provision of a cultural rehearsal space on a 25 year lease with a peppercorn rent, with user to be agreed by the City Council;
- g) Public realm works;
- h) Highway works to Long Acre, Endell Street, Shelton Street and Arne Street including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical);
- i) Car Lift Management Strategy to ensure downtime is kept to an absolute minimum;
- j) Monitoring costs.

2. If the agreement has not been completed within six weeks of the date of the Committee resolution 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.
- 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 the 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.





FIRST CHICAGO HOUSE, 90 LONG ACRE, WC2

## 2. SUMMARY

This proposal represents an opportunity to secure the delivery of a mixed use scheme providing 119 residential units with an element of on-site affordable housing, high quality office accommodation, new retail frontage, a cultural rehearsal space and new public realm.

However, other policy objectives are challenged, primarily to prevent height incursions beyond the existing building and those serving to fully protect the light enjoyed by neighbours.

In terms of height and bulk the development will affect the setting and appreciation of a number of designated heritage assets and views from the surrounding conservation area, however, when compared with the existing building the development addresses the street more successfully, offers several aesthetic improvements, a lively street frontage and improved public realm. The change in lighting conditions to neighbouring residents, whilst regrettable and which are understandably subject to strong local objection, is considered acceptable given the other benefits of the scheme.

## 3. CONSULTATIONS

### GREATER LONDON AUTHORITY

The proposed redevelopment and mix of uses proposed is supported in principle. The residential density is acceptable, but further clarification is required in terms of housing mix and space standards. The level of affordable housing proposed should be verified by an independent viability review. The proposed children's play space should incorporate formal play areas segregated from office amenity. The incorporation of pavilions and canopy to the public courtyard should be reconsidered to maximise the amount of public amenity space and further details on landscaping and planting provided. Further information should be provided to support carbon savings and the short fall in carbon dioxide reductions should be met off site. Electric vehicle charging points, travel plan, car parking management plan, construction logistics, servicing and delivery plan and contribution towards legible London way finding should be secured.

### TRANSPORT FOR LONDON

The development should incorporate 20% active/20% passive electric vehicle charging points. A travel plan, car parking management plan, construction logistics plan, delivery and servicing management plan and contributions towards Legible London wayfinding should be secured through a S106 legal agreement.

### HISTORIC ENGLAND (FORMERLY ENGLISH HERITAGE)

The existing building is an interesting and striking one, but does not sit well in its context in terms of its monolithic design and the treatment of the ground floor elevations which fail to contribute to the street life of Covent Garden. No objection to its demolition.

The design of the replacement building is more varied in terms of its massing and materials and responds to the Covent Garden Conservation Area in terms of treatment to ground floor and provision of public space. Long views of the building will be more sympathetic to the character and appearance of the conservation area. Whilst the proposal is substantially scaled it responds effectively to its location.

### HISTORIC ENGLAND ARCHAEOLOGY

No objection subject to archaeology condition to secure a programme of archaeological evaluation and written scheme of investigation.

**NATURAL ENGLAND**

Natural England's standing advice should be applied to this application where applicable.

**COVENT GARDEN AREA TRUST**

Raise an objection. The proposal will significantly impact on the setting and views of the Grade II\* Freemasons Hall and the Grade I Royal Opera House. The height, bulk, design and materials of the proposed development are inappropriate for the site and local context and would have a harmful impact on the setting of two significant designated heritage assets which will not be outweighed by the public benefits of the scheme. There is no need to create a local landmark in close proximity to nationally significant heritage assets which should remain the local landmarks.

There is a clear opportunity to repair the harm which has been caused by past mistakes, however, this opportunity is missed by causing further harm by increasing the height on the site. There are too many setbacks and materials proposed which tip the balance from a positive approach to a negative approach. Setting back of retail units may result in anti-social behaviour.

**COVENT GARDEN COMMUNITY ASSOCIATION**

The proposed building is not sympathetic to the character or appearance of the area. The design does not reflect the history and legacy of Covent Garden. The development will have a visual impact on views of the Freemasons Hall, The Royal Opera House and other listed buildings. The height, massing and bulk which greatly exceeds the existing, and which is already among the tallest in Covent Garden, will have a negative impact on the character of Covent Garden.

- Loss of sunlight, daylight and privacy to existing residents which border all four sides of the site; lack of social housing; lack of renewable energy; the public realm is dead space with no pass through, creating a claustrophobic feeling; negative impact on narrow streets from servicing and deliveries; the number of parking spaces proposed is excessive; the development is a missed opportunity to secure more benefits for the community; and noise and vibration during construction works.

**LONDON BOROUGH OF CAMDEN**

Any response to be reported verbally.

**COUNCIL FOR BRITISH ARCHAEOLOGY**

Any response to be reported verbally.

**ENVIRONMENT AGENCY**

Any response to be reported verbally.

**THAMES WATER**

Any response to be reported verbally.

**BUILDING CONTROL**

Any response to be reported verbally.

**CRIME PREVENTION DESIGN ADVISER**

The development would benefit from some enhanced security measures to reduce the potential of crime and anti-social behaviour. The scheme should be secure by design.

**ARBORICULTURAL MANAGER**

There are a few street trees surrounding the site, two Pears on Long Acre and one London Plane on Endell Street. There are eight Hornbeams and shrubs growing in raised planters

within the site. The Pear trees have restricted root development into the site and will not be affected by the proposal. The loss of the Hornbeams is considered acceptable.

The tree protection outlined in relation to the London Plane is inaccurate and no mention is made of pruning required. Little detail has been submitted in relation to the proposed green roof and courtyard garden, planting, soil depths and water irrigation. Further details are required in this respect.

#### HIGHWAYS PLANNING MANAGER

Please see response to revised application.

#### ENVIRONMENTAL HEALTH

The bedrooms of each of the residential flats are remote rooms and unacceptable in terms of fire safety. Occupiers need to be provided with a protected escape route. Full details of plant and noise and vibration from plant should be secured by condition.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 412; Total No. of Replies: 38 and a petition containing 128 signatures.

Four letters of support have been received.

34 letters of objection received from surrounding residential and commercial occupiers and a petition containing 128 signatures raising objections on the following grounds:

#### Land Use

- \* The building turns its back on Arne Street, Shelton Street and Dryden Street.
- \* Lack of active frontage to Arne Street.
- \* Once in a lifetime opportunity to reinstate pedestrian route through the site and increase permeability of the area and improve pedestrian movement.
- \* The building is not for real Covent Gardeners.
- \* Lack of affordable housing.
- \* The area is already overcrowded.
- \* The site used to be home to the Queens Theatre, and this is a missed opportunity to reinstate something of the site's history for the benefit of everyone living, working and visiting the area.

#### Design

- \* Against the principle of demolition and redevelopment.
- \* The existing building should be retained.
- \* The existing building is not in keeping with the area and it shouldn't be replaced with a worse and bigger building.
- \* Enormous increase in height and bulk compared to existing.
- \* The building is disproportionately large and will dwarf surrounding buildings.
- \* Not in keeping with the surrounding conservation areas. The existing building is lower than the proposed, however, this is atypical of the area with the surrounding area largely three to four storeys in height.
- \* The Royal Opera House, Covent Garden Market and other listed buildings on Shelton Street and nearby will be overshadowed by this monstrosity.
- \* The building has an overbearing impact on Arne Street and Shelton Street which will become canyon like. The proposals turn their back on these and Dryden Street.
- \* Absence of pedestrian connection between courtyard and Arne Street is a missed opportunity.
- \* The public space is not well incorporated into the scheme.
- \* Architecturally mediocre.
- \* Architectural vandalism.
- \* The materials are not in keeping with the London brick of surrounding houses.

\* Contrary to the NPPF as substantial harm will be caused. Even if it were considered that harm will be less than substantial then public benefits need to be demonstrated.

#### Amenity

- \* The existing building is lower with setbacks/cut aways and relates better to surrounding residential properties.
- \* Overbearing impact on Arne Street and Shelton Street which will become canyon like.
- \* Substantial loss of sunlight and daylight to residents of Shelton Street, Arne Street, Betterton House and Odhams Walk.
- \* There should be no flexible interpretation of BRE guidelines to justify the severe losses of sunlight and daylight.
- \* Loss of privacy to residents on Shelton Street and Odhams Walk from 24 hour residential usage and balconies.
- \* Increased noise, disturbance, dirt and pollution from increased vehicular movements along Shelton Street to the car park and servicing area.
- \* Noise and disturbance from proposed restaurant uses.

#### Highways

- \* Increase pedestrian and vehicular congestion in the area.
- \* Significant increase in vehicular traffic down Shelton Street.
- \* Lack of car parking will impact on on-street resident's car parking bays

#### Other

- \* Noise and disturbance during construction.
- \* Concern that the interests of those affected in Camden may be overlooked.
- \* Impact on satellite TV.
- \* Impact of trade to local shops and businesses immediately surrounding the site.
- \* Wider pavement to Long Acre will encourage pedicabs.

ADVERTISEMENT/SITE NOTICE: Yes

#### REVISED APPLICATION

The revised scheme introduced a cultural rehearsal space, increased the height of the residential building to 12 storeys and increased the number of residential units from 113 to 119 and reduced car parking spaces from 55 to 30.

#### HISTORIC ENGLAND

The application should be determined in accordance with national and local policy guidance.

#### HISTORIC ENGLAND ARCHAEOLOGY

Original comments maintained. Archaeology condition required to secure a programme of archaeological evaluation and written scheme of investigation.

#### COVENT GARDEN AREA TRUST

The inclusion of an orchestral rehearsal space for the Royal Opera House is welcomed. However, maintain original objection to the scheme (see above). Concern that the number of affordable housing units has been reduced. Affordable housing is desperately needed in Covent Garden.

#### COVENT GARDEN COMMUNITY ASSOCIATION

Strongly object to the revised application. Appreciate the addition of the orchestral rehearsal space, but the modifications to the proposed massing does nothing to alter the height, massing and other issues raised in their previous objection. Original objection maintained.



#### HIGHWAYS PLANNING MANAGER

No car parking is proposed for the non-residential uses which is acceptable. Only 30 car parking spaces are proposed for 119 residential units equivalent of 0.25 car parking spaces per unit. The applicant has confirmed that the car parking would be provided on an unallocated basis and be supported by car club membership. Based on the car ownership levels for the St James's ward, 119 residential units would be expected to generate 39 vehicles. Therefore, if the car parking was provided on an unallocated basis, at least nine vehicles would still be expected to be required to park elsewhere. This would exacerbate existing resident's ability to find an on-street parking space contrary to policy TRANS23

The use of two car lifts for the number of car parking spaces is welcomed. Adequate visibility splays on exiting the car park should be secured by condition to protect the pedestrian environment. The London Plan requires at least 20% active provision and 20% provision of passive electric vehicle charging points which should be secured by condition

The proposed development includes an off-street servicing bay to service the whole development and should be subject to condition. The access point to the servicing bay is obstructed by a column which is likely to result in problematic servicing and this may affect the long term viability of the servicing bay. Adequate waste and recycling storage is provided for all uses and should be secured by condition.

171 Cycle Parking spaces are proposed for the residential use in accordance with Council policy. A combined office and retail cycle store of 203 spaces is proposed which is a shortfall of two spaces from London Plan standards which require 205 spaces. For the Rehearsal Room, 13 cycle parking spaces are provided within their own store. Further details of how the cycle store will be managed (including access) should be provided.

The proposed canopy appears to provide a minimum 2.6 metres clearance and is sufficiently set back from the carriageway.

The internal courtyard space benefits the development and does not affect or improve the highway. Where the building line is set back and increases the footway widths, this is welcomed, given the already high demand by pedestrians. Where the building line is set back, the new areas must be dedicated as public highway. The applicant has indicated that they will not do this, this approach is disappointing.

#### ENVIRONMENTAL HEALTH

The City Council's Code of Construction Practice and associated Environmental Inspectorate and the monitoring expertise of the Council's Environmental Sciences Team should be secured through a S106 legal agreement.

#### ARBORICULTURAL MANAGER

Any further response to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 412; Total No. of Replies: 7

All objections to the original scheme remain applicable (see above).

One further letter of support received.

6 letters of objection received from surrounding residents maintaining their original objections (see above) and raising additional concerns on the following grounds:

\* Concerns raised to the original scheme have not been addressed.

- \* The revised scheme increases the height and bulk of the proposed building. Astonished that an even larger and taller building is now proposed.
- \* Contrary to the NPPF as substantial harm will be caused. Even if it were considered that harm will be less than substantial then public benefits need to be demonstrated.
- \* The public benefits are questionable.
- \* The benefits proposed do not come close to outweighing the harm that will be caused to designated heritage assets and the surrounding conservation areas.
- \* Question the need for a rehearsal space in an area where there is an exceptionally high density of theatres and facilities for theatres.
- \* It is hard to believe the scheme is only marginally viable, and can only be made viable by increasing its size.
- \* There is a shortfall in affordable housing provision.
- \* The proposal clearly breaches BRE regulations and will have a detrimental impact on sunlight and daylight to residents of Shelton Street.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

90 Long Acre forms a whole street block with frontages to Long Acre (south east), Endell Street (south west), Shelton Street (north west) and Arne Street (north east). It is located on the border with the London Borough of Camden which runs along the middle of Shelton Street.

The building was designed by R. Seifert and Partners and was constructed between 1979 and 1981. It comprises a series of connected blocks of varying height of between four and eight storeys plus two basement levels, upper and lower ground floors, with a private central courtyard. It is wholly in office use (Class B1).

The building is not listed and falls outside, but adjacent to the Covent Garden and Seven Dials (London Borough of Camden) Conservation Areas. It is within the Core Central Activities Zone (CAZ). The surrounding area is a mix of commercial, retail and residential uses. There are residential units immediately opposite on Arne Street, Shelton Street and Endell Street (Odhams Walk housing estate).

### 4.2 Relevant History

Planning permission has been granted for minor works including plant, satellite dishes and advertisements.

## 5. THE PROPOSAL

The application is for the redevelopment of the site to provide two new buildings for office and residential use comprising two basements, ground and part seven to part 12 upper floors.

The proposed office building fronts Long Acre and comprises ground plus seven upper floors. The residential building is located to the north of the site fronting Shelton Street and Arne Street and will comprise ground plus 13 upper floors to provide 119 residential units (13 studios, 54x1 bed, 38x2 bed, 13x3 bed and 1x4 bed) which includes 11 affordable intermediate units. A publically accessible courtyard is proposed off Endell Street which will include a retail/A3 kiosk and amenity area. The residential entrance will be accessed through the courtyard. Retail (Class A1/A3) is proposed at basement and ground floor level to all street frontages with larger units fronting Long Acre.

A cultural rehearsal space (sui generis) has also been introduced during the course of the application at the corner of Endell Street and Shelton Street at basement levels 1 and 2, ground and first floor level. To accommodate the rehearsal space the massing of the residential building was amended with additional height added to the north east of the site to provide an additional storey of residential accommodation.

Car parking for 30 cars is proposed at basement levels 1 and 2, accessed/egressed from two car lifts on Shelton Street. Plant is proposed at basement level and within enclosures at main roof level.

### Environmental Impact Assessment

As a statutory requirement, the planning application has been accompanied by an Environmental Statement (ES) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, which assesses the likely environmental impact of the proposed development.

The City Council has advertised the application in accordance with the 2011 Regulations and carried out the necessary consultations.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The buildings are currently in office use (Class B1). The existing and proposed land uses can be summarised as follows:

Use	Existing (m2)	Proposed (m2)	Change (+ or -m2)
Office (Class B1)	26,997	16,616	-10,381
Residential	0	15,393	+15,393
Retail (A1 and A3)	0	3457	+3457
Rehearsal Space (Sui Generis)		1002	+1002
<b>Total (m2)</b>	<b>26,997</b>	<b>36,468</b>	<b>+9,471</b>

(Applicant's calculations)

### Loss of office use

The proposal will result in a substantial reduction in office floorspace, however, it will still retain 15,393m2 on the site of high quality, flexible office floorspace as part of a mixed use scheme which is welcomed in this central location.

The application was submitted prior to the application of the office protection approach which came into effect in September. The reduction in office floorspace is therefore considered acceptable in land use terms, in line with the National Planning Policy Framework (NPPF) and Policy S47 of the City Plan which seeks to secure development that improves the economic, social and environmental conditions in the City.

### Residential use

Policy S14 of Westminster's City Plan: Strategic Policies and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that inside the CAZ, proposals to convert buildings in office use into permanent housing will be generally acceptable. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential use on the site is acceptable in principle. The applicant currently proposes 119 residential units of which only 14 are family sized (17%) which falls short of the Council's policy of 33%. Whilst the site is in a busy location in the heart of Covent Garden, the lack of family sized accommodation is considered regrettable.

A large number of units will be single aspect (only 33 units are dual aspect). With the exception of seven studio units, all units and individual room sizes exceed the minimum size standards set out in the national space standards. The seven studios which do not comply, are the affordable/intermediate units and measure 32.6m<sup>2</sup>, as opposed to 37m<sup>2</sup> required. These units are still considered to provide adequate accommodation and it is not considered that the application could reasonably be refused on this basis. A storage unit is also proposed for each of the affordable units at basement level (102m<sup>2</sup> in total which will be divided between the 11 units/ approximately 9.2m<sup>2</sup> each) which is recommended be secured by condition.

All habitable rooms within the proposed scheme have been assessed for Average Daylight Factor (ADF), with 91.7% of rooms tested meeting or exceeding the ADF levels suggested in the BRE guidelines. All units with windows facing within 90 degrees of due south have also been assessed for annual probable sunlight hours (APSH). With the exception of a number of units on the lower floors, reasonable levels of sunlight throughout the year and in the winter months is achieved. Given the central London location the standards of internal daylight and sunlight achieved is considered acceptable.

Policy H8 of the UDP relates to the provision of homes for long term needs. The City Council will expect all new housing units to meet the Lifetime Homes Standard. The applicant has confirmed that all of the units will meet the Lifetime Homes Standards and that 10% will be designed to be easily adaptable to meet the needs of a wheelchair user. On this basis a condition is recommended securing the higher building regulations requirement in this respect.

Policy H10 of the UDP relates to gardens and community facilities in relation to housing developments. Policy H10 (A) states that as parts of housing developments the City Council will normally expect the provision of amenity space. All flats have access to either a winter garden or balcony with some of the units higher up the building having larger terraces.

Policy SOC 6 of the UDP requires children's play space and facilities to be provided as part of new housing developments which include 25 or more family sized units. The proposal only provides 14 family sized units, however the applicant proposes to provide an outdoor play/amenity area of 100sqm for resident children in the central courtyard. It is recommended that the details be reserved by condition.

Policy H10 (B) of the UDP requires the provision of a community facility as part of a housing development of 50 or more units. No community facilities are being proposed as part of the development. It is considered that the development does offer some benefit to the wider community from the improved street environment and publically accessible courtyard.

In the absence of site specific projects, under the new Community Infrastructure Levy Regulations (2010 as amended) the Council cannot currently collect money for educational, social and community facilities (please refer to Section 6.10 'Planning Obligations' below).

**Affordable Housing**

Policy S16 of the City Plan states that in housing developments of either 10 or more additional units or more than 1,000m<sup>2</sup> of additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing. The quantum of affordable housing required in each case is set out in the Council's Affordable Housing Interim Guidance Note. In this case the additional 15,393m<sup>2</sup> (GEA) of residential floorspace proposed would require the provision of 3848.25m<sup>2</sup> (25% of floorspace) of on-site affordable housing.

The applicant proposes 11 affordable units in the form of intermediate/pocket homes comprising seven studios and 4x1bed units (5.7% of the floor area GEA). The applicant has provided a financial viability assessment which they argue demonstrates that the level of on-site affordable housing proposed is the maximum that can be viably provided. The Council has employed GVA as an independent consultant to review the applicant's financial viability assessment. They have concluded that the scheme cannot viably provide more than 5.7% on-site affordable housing, on the basis of a three year planning permission.

The Council's Head of Affordable and Private Sector Housing raises no objection to an all intermediate housing scheme, however would prefer the units to be let on a sub-market rental basis, and not shared ownership which may not be affordable in this location. Should permission be granted it is recommended that the details be secured through a S106 legal agreement.

**Retail**

The proposal provides 3,457m<sup>2</sup> of retail floorspace at basement and ground floor level. The applicant has agreed to a condition to secure 50% of the floorspace for retail use (Class A1) only and 50% for a mix of retail (Class A1) or restaurant (Class A3) use, with no one restaurant unit exceeding 500m<sup>2</sup>.

The site falls within the West End Special Retail Policy Area. Policy S7 of the City Plan relates to the West End Special Retail Policy Area and seeks to prioritise improved retail space; appropriate retail growth; improved pedestrian environment; and development of oasis areas of rest, including seating areas and A3 café and restaurant uses where appropriate.

Policy SS4 of the UDP relates to new retail floorspace in the CAZ and states that development schemes in areas that would benefit from more shops or services must include an appropriate number of shop type premises at street level. Policy SS5 relates to non-A1 town centre uses at basement, ground and first floor level within the CAZ and states that they will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Policies TACE 8 and TACE 9 relate to restaurant/cafe uses within the CAZ and West End Stress Area with a gross floorspace of up to 150m<sup>2</sup> and between 150m<sup>2</sup> and 500m<sup>2</sup> respectively. These policies aim to ensure that restaurant and bar uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area.

There is currently no retail floorspace within the existing building and the introduction of active street frontages with shopfronts to all street elevations and the public courtyard will enhance the character and vitality of the area.

There are residential premises immediately surrounding the application site and should permission be granted conditions are recommended to limit the hours of opening of any A3 uses to between 08.00 and midnight to protect the amenity of both existing and future residents.

As part of an application for a restaurant use the City Council requires the applicant to submit details of ventilation and ducting equipment required, in order to ensure that the proposal would not result in a smell/cooking odour or noise and vibration nuisance. The applicant has made provision for full height kitchen extract ducts from the retail units, and it is recommended that full details of plant serving the retail/restaurant uses be secured by condition.

The units would be serviced from the off-street servicing area and it is recommended that this be secured by condition.

### **Rehearsal Space**

Policy TACE 5 of the UDP and S22 of the City Plan relate to Arts and Cultural uses. These policies states that new arts and cultural uses will be granted in the Core CAZ where they would be compatible with the character and function of the area, there would be no adverse effects on residential amenity and no adverse environmental or traffic effects.

A cultural rehearsal space (sui generis) has been introduced during the course of the application to respond to an identified need and deficiency within the CAZ. The rehearsal space is proposed at basement levels 1 and 2, ground and first floor level and comprises a triple height rehearsal space with a public gallery at ground floor level that will overlook the space and one storey of transfer structure and services. It is located at the corner of Endell Street and Shelton Street and will have a glazed frontage to these elevations as well as the courtyard.

There are currently no art or cultural uses on the site, however, historically the Queen's Theatre was located on the site. Covent Garden is characterised by cultural and tourist attractions and the introduction of a cultural rehearsal space will be compatible with the character and function of the area.

The applicant has worked with the Royal Opera House, with a view to providing an orchestral rehearsal space which is fit for purpose. The applicant has also provided a letter from the Association of British Orchestras who fully supports the inclusion of a purpose built orchestral rehearsal space within the building on the basis that there is a shortage of such space in central London.

The applicant envisages that the rehearsal space will be offered on a 25 year lease, with a peppercorn rent and will be provided at shell and core as the tenants will have their own bespoke fit out. The space will be first offered to the Royal Opera House then other bodies nominated by the Association of British Orchestras (to meet the defined need). It is recommended that the provision of the cultural rehearsal space at a peppercorn rent, with the end user to be agreed by the City Council be secured through a S106 legal agreement.

## **6.2 Townscape and Design**

### **Townscape and Heritage Context:**

Directly to the north of the site on Shelton Street, and south along Long Acre and Bow Street lie a number of designated heritage assets, including notably the Grade I listed Royal Opera House. The site is not located in a conservation area, however, the site is adjacent to both Covent Garden and Seven Dials (Camden) Conservation Areas. Due to its prominent location and imposing scale, the building is highly visible from surrounding streets; many located within the conservation areas and, as such, features in numerous townscape views.

Covent Garden is characterised by tightly knit, linear plots occupied by richly detailed, red bricked terraces and stock brick warehouses, typical of the 19<sup>th</sup> century. In contrast the site

stands as a generous corner plot, approximately 0.57ha, occupied by a single, large scale 1970-80s building, clad in yellow composite stone.

Despite the building sitting relatively quietly within its traditional context due to its compartmental form, staggered building line and stepped height, it is accepted that the existing building is of limited architectural and aesthetic quality. Given this, its loss would not be opposed on design or conservation grounds if a suitable, well-proportioned and appropriately designed replacement were proposed. The site provides an opportunity to enhance the existing townscape.

#### **Proposed Building:**

The existing four to nine storey blocks are proposed to be replaced by a single building formed around a courtyard, with no through routes. The proposed building is arranged over the existing two storey basement, with a double height ground floor retail space with between seven and 12 storeys of office and residential accommodation above. A consistent building line is formed along all sides of the site, omitting the existing recesses. The building is, however, pulled back from the corner of Long Acre and Endell Street, to aid pedestrian movement.

Whilst the new building optimises the site, and provides a modest parcel of public realm, opportunities have been overlooked to break-up its mass, mend links and introduce connectivity through the site. Moreover, the removal of the staggered building line creates a more imposing block with only modest articulation and architectural relief.

Architecturally the building as a whole is unashamedly modern. The office block to the south, fronting Long Acre, comprises four interlocking volumes; a base containing the retail units, a four storey principal block and three storey set back above. A projecting core ascends the building, described by the architect an urban marker. The unrelenting horizontal mass of the office block has somewhat lessened by its vertical form. The elevations of the office block are articulated by vertical metal fins across curtain walls of glass. The top three floors, which are marginally recessed, exhibit closely spaced, muted metal fins whilst the principle facade is articulated by generously spaced, coloured fins. The central core is faced in perforated metal, offering some visual contrast.

The residential block to the north is altogether more reserved, with a brick faced exterior that goes some way in expressing a more domestic character. A double height space at its base contains retail units and the rehearsal space with residential units above rising to a height of 12 storeys. Tiered back from Endell Street, the height and bulk of the building is directed towards the north east corner of the site, presenting a considerable increase in scale from the modest terrace of three to four storey buildings along Shelton Street and warehouses on Arne Street.

#### **Height and bulk:**

There are still components of the scheme which rise significantly above the height of the existing building and unlike the existing building its bulk has not been sensitively distributed throughout the site, but is concentrated towards the north east corner of the site. This raises issues in terms of townscape scale, setting of heritage assets and impacts upon views.

#### **Listed Buildings and Views:**

The settings, outlook and appreciation of a number of listed buildings has been accessed in the Environmental Impact Assessment and in submitted verified views. Many listed buildings lie within the immediate and wider setting of the site, though many are located within narrow streets where the development does not diminish their appreciation due to restrictive views and outlook.

There are, however, notable exceptions. 51-53 Shelton Street is directly to the north of the site. Due to 51-53 Shelton Street's proximity to the site, its outlook and immediate setting would be adversely affected by the additional bulk and sheer form of the scheme.

The sheer form and scale of the building would also have a harmful effect on the appreciation of 36-40 Drury Lane and 78-79 Long Acre, a Grade II listed mid-19th century terrace, which exhibits a coherent roof line defined by a parapet adorned with bottled balustrades. Adjacent are two adjoining 1840s buildings on the corner of Long Acre. The development would rise above these buildings, interrupting the sky line which forms their back drop. The materials and monolithic scale of the development would sit in stark contrast with the terrace, diminishing its appreciation in open views from the east.

Comparable effects are also experienced from Freemasons Hall, Great Queen Street, a Grade II\* listed building. Its principal entrance is sited on the corner of Wild Street, orientated to allow views of the development, where, as discussed, it will be clearly visible against the back drop of the terrace on Drury Lane. As such, the outlook from Freemasons Hall would be diminished by the proposed development.

From the Grade I listed Royal Opera House the proposed development would be visible from its immediate setting, particularly when viewed from the south along Bow Street. Due to its subdued appearance, in views the existing building does not compete with the Royal Opera House. In contrast due to its materiality and reflectivity, the new development would become more prominent in views, and could compete with the Royal Opera House's landmark status within the Covent Garden Conservation Area.

19-20 Bow Street and 5 Broad Court lie to the south of the site, running parallel, and are Grade II listed. The proposed development would be seen in juxtaposition against these listed buildings. Whilst the height and form of the office block has been modified to lessen its bulk, its modern exterior will heighten its prominence.

**Conservation Area:**

By virtue of its proximity directly adjacent to both the Covent Garden and Seven Dials Conservation Areas, the development will affect their settings.

It is acknowledged that the existing building is of limited architectural quality, however, its height is cleverly broken up which distributes its bulk. Moreover, the solidity and subdued treatment of the elevations serve to neutralize its townscape impact. In contrast the modern architecture and scale of the proposed commercial block would contrast with the traditional character of Covent Garden, altering its setting as well as views within and out of the area.

**Overview:**

The architectural distinction between the residential and commercial buildings is not opposed as their architectural characters distinguish their functions. The detailed design of the residential block has improved, and the block as a whole address more successfully the streets allowing more lively street frontages suitable for this dynamic area.

By virtue of its contemporary quality the development, particularly the commercial block, is a more visually prominent building, distinct from its Covent Garden context.

Due to its height and bulk the development will affect the setting, appreciation and experience of a number of designated heritage assets, however, when compared with the existing building the development addresses the street more successfully, offers several aesthetic improvements, a lively street frontage and improved public realm.



### 6.3 Amenity

#### Sunlight/Daylight/Privacy

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.

The existing building has differing heights between four and eight storeys and incorporates setbacks. The proposed building will significantly increase the height, mass and bulk on the site and build up to the site boundaries. Shelton Street and Arne Street are narrow streets approximately 8.5m wide.

Strong objections have been received from surrounding residents on amenity grounds, principally loss of light, loss of privacy/overlooking and overbearing impact. Inevitably, any new development which seeks to build up to the site boundaries to all frontages will reduce light and outlook received by the neighbouring properties.

#### Daylight and sunlight

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 consultants GIA have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties in 1-6, 7-16 and 19-31 Odhams Walk/ 3-7 Endell Street; 18 and 15-21 Endell Street; 65 and 66 Long Acre; 4-6 Arne Street/1-5 Dryden Street; 51, 53, 55, 57, 59, 61 and 63 Shelton Street; 1-28 Betterton House, Betterton Street and 31 Betterton Street.

The recommendation in the BRE guide is that reductions of over 20% of existing daylight levels are likely to be noticeable. The daylight report shows that a number of windows within 19-31 Odhams Walk, 15-21 and 18 Endell Street; 4-6 Arne Street/1-5 Dryden Street; 1-28 Betterton House; 31 Betterton Street and 65 Long Acre will experience some transgressions outside the BRE guidelines. However, the biggest losses will be experienced by residents of Shelton Street, and the report therefore focuses on these properties.

The properties on Shelton Street (Nos. 51, 53, 55, 57, 59, 61 and 63) comprise ground and three upper floors with commercial units at ground floor level and residential flats on the upper floors with windows fronting Shelton Street containing living room and bedroom windows. Shelton Street is a narrow street and every residential window to this frontage breaches BRE guidelines with losses of between 31% and 70.86% VSC.

The results of the VSC assessment for each living room window (the main habitable room) or where the room usage is unknown are shown in the table below.

Property	Existing VSC	Proposed VSC	% Loss VSC
<b>51 Shelton Street (room layouts unknown, two windows per floor)</b>			
First floor			
	12.26	6.93	<b>43.47</b>
Second floor	11.97	6.25	<b>47.79</b>
	16.25	8.47	<b>47.88</b>

Third floor	15.56 19.95 19.01	7.64 10.32 9.29	<b>50.90</b> <b>48.27</b> <b>51.13</b>
<b>53 Shelton Street</b> <b>(two windows per floor)</b> First floor (living room)			
	11.41	5.70	<b>50.04</b>
Second floor (open plan living room/kitchen with window also to rear)	10.79 14.44 13.40	5.39 6.94 6.55	<b>50.05</b> <b>51.94</b> <b>51.12</b>
<b>55 Shelton Street</b> <b>(one window per floor)</b> Third floor (living room)	15.47	7.50	<b>51.52</b>
<b>57 Shelton Street</b> <b>(two windows per floor)</b> First floor (living room)			
	15.93 16.63	7.23 7.03	<b>54.61</b> <b>57.73</b>
<b>59 Shelton Street</b> First floor (unknown)	18.18	7.05	<b>61.24</b>
<b>61 Shelton Street</b> <b>(two windows per floor)</b> First floor (living room)			
	16.86 17.17	5.69 5.68	<b>66.25</b> <b>66.92</b>
<b>63 Shelton Street</b> <b>(three windows per floor)</b> First floor (unknown)			
	11.95 11.74 11.78	3.66 3.59 3.87	<b>69.37</b> <b>69.42</b> <b>67.15</b>
Second floor (unknown)	14.68 14.55 14.64	4.31 4.24 4.54	<b>70.64</b> <b>70.86</b> <b>68.99</b>
Third floor (living room)	19.28	6.36	<b>67.01</b>
Fourth floor (living room)	24.11	8.84	<b>63.33</b>

As can be seen from the table, the proposal will result in a material worsening of daylight standards to properties on Shelton Street with retained VSC levels lower than would normally be expected in a close urban environment.

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 guidance recommends 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 biggest impact on sunlight levels will also be to properties on Shelton Street, with some losses in winter and annual sunlight in excess of BRE guidelines. However, the majority of windows will retain APSH of between 15 and 21 (only three windows will fall below 10 APSH), and the majority will retain four+ hours of winter sunlight (only two windows will receive less than three hours of winter sunlight).

There is no doubt that the daylight and sunlight losses to flats in Shelton Street are undesirable and regrettable, and fall at the extreme of what can reasonably be considered acceptable even for a Central London location. The flats affected will have a much reduced outlook and sense of airiness. The applicants have made the point that losses in excess of BRE guidelines would also be unavoidable even with a new building at the same height as existing with a continuous building line to Shelton Street.

The only means of protecting substantively the existing lighting conditions would be to reduce the height of any new building and incorporate setbacks. If this were to be done the floorspace then available on the site would be considerably reduced and is likely to render the scheme unviable and the regeneration and growth benefits in the scheme would not be realised. It is therefore considered that the benefits of the scheme are sufficient in this instance to justify the losses of amenity to neighbouring flats.

### **Privacy**

Residents of Shelton Street have raised objection on the grounds that the residential use and balconies proposed will result in a loss of privacy. Shelton Street is only approximately 8.5m wide and the proposed residential use will result in increased activity with a degree of mutual overlooking between the existing and new residents. With the exception of the balconies at first floor level which will have a minimal projection of approximately 0.2m beyond the Shelton Street façade, all other balconies will be set within the building line. Given that it is a street width apart, albeit narrow, it is not considered that the proposal could reasonably be refused on overlooking/loss of privacy grounds.

### **Noise**

Plant is proposed in the basement and within a plant enclosure at main roof level. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

Policy ENV 6 of the UDP states that the City Council will require residential developments to provide adequate protection from existing background noise and noise from within the development itself. The need to insulate the new residential units to a high standard has been identified by the applicant. Given that the site is located in an area of high noise pollution it is recommended that details of sound insulation measures be secured by condition.

The proposed cultural rehearsal space has been designed to be a 'box in a box' to eliminate vibration and noise transfer through the structure.

### **Construction Management**

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.

#### 6.4 Transportation/Servicing

The applicant has submitted a Transport Assessment in support of their application.

##### **Car Parking**

Policy TRANS 23 of the UDP sets out the Council's policy on off-street parking for residential development which is based on a maximum standard of one off-street parking space per residential unit of two bedrooms or less; and 1.5 off-street parking spaces per residential unit of three bedrooms or more. The City Council encourages the provision of parking up to the maximum standard.

Thirty car parking spaces are proposed for 119 residential units, which is the equivalent of 0.25 car parking spaces per unit. The applicant has confirmed that the car parking would be provided on an unallocated basis so that they could not be sold with individual apartments but that each resident with a car would have a right to park in the car park; and be supported by Car Club membership.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The evidence of the Council's most recent night time parking survey in 2011 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 63%. However, TRANS23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 52%. However, the daytime parking survey indicates that parking occupancy of ResPark bays within a 200m radius of the site is 83%.

Census figures (2011) indicate that households with one or more cars in the St James's Ward are 32% and 119 residential units would therefore be expected to generate 39 vehicles. Therefore, even if the car park is provided on an unallocated basis, at least nine vehicles would still be expected to be required to park elsewhere. Therefore, the development is not consistent with TRANS23 and is likely to add pressure on existing on-street parking.

The applicant states that it is not feasible to excavate further basements to provide additional car parking. The basements to the existing building were constructed around existing retaining structures and substructure obstructions relating to previous buildings on the site including the printing press foundations and the proposed development also negotiates these constraints. Given the uses proposed at basement level, including the cultural rehearsal space, retail, cycle parking, waste storage and plant there is insufficient space to provide additional car parking.

Whilst the lack of parking is regrettable, the site has a high level of public transport accessibility, and with the provision of unallocated car parking and lifetime car club membership (for 25 years) it is not considered that a refusal on highways grounds could be sustained. It is recommended that these measures be secured through a S106 legal agreement.

The applicant has offered a parking mitigation payment of £1,000 per unit without a car parking space (£89,000). Under the new Community Infrastructure Levy Regulations (2010 as amended) the Council cannot currently collect such a payment and it is recommended that

this money be put towards the Council's affordable housing fund instead.

The basement car parking is accessed via two car lifts. One lift is set back 4.6 metres from the highway boundary, the other lift is set back 3.2 metres from the highway boundary. The use of two car lifts for the number of car parking spaces proposed is welcomed. Pedestrian visibility splays for vehicles exiting the car park are required and it is recommended that this be secured by condition. The London Plan requires at least 20% active and 20% passive electric vehicle charging points which is also recommended be secured by condition

### **Cycle parking**

171 cycle parking spaces for the residential use are proposed in accordance with Council policy. A combined office and retail cycle store of 203 spaces is proposed which is a marginal shortfall of two spaces from London Plan standards, and it is therefore considered acceptable.

For the rehearsal space 13 cycle parking spaces are provided within their own store. This store is located in the residential back of house areas and a condition is therefore recommended requiring further details of how the cycle store will be managed, including access.

### **Servicing**

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing provision. The proposed development includes an off-street servicing bay to service the whole development.

The applicant maintains that all servicing will be able to be accommodated within the proposed servicing bay. The Highways Planning Manager raises no objection to this element of the scheme subject to a condition that all servicing should occur from within the servicing bay and not from the highway.

The access point to the servicing bay is obstructed by a column which will impede access and movement into and within the servicing bay. An amending condition is therefore recommended requiring this column to be removed.

Adequate storage for waste and recyclable materials is proposed for each of the uses, with a collection area in the servicing bay. It is recommended that this be secured by condition.

### **Highway works**

It is recommended that highway works to Long Acre, Endell Street, Shelton Street and Arne Street, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated works be secured through the S106 legal agreement.

## **6.5 Economic Considerations**

The economic benefits generated are welcomed.

## **6.6 Access**

Level access is proposed into each of the uses at ground floor level. Lift lobbies, corridors and thresholds will comply with the Disability Discrimination Act.

## 6.7 Other UDP/Westminster Policy Considerations

### Trees

There are a number of street trees surrounding the site, two Pears on Long Acre and one London Plane on Endell Street. There are right Hornbeams and shrubs growing in raised planters within the site.

The Council's Arboricultural Manager has confirmed that the Pear trees have restricted root development into the site and will not be affected by the proposal. The London Plane tree will need to be protected during construction work and it is recommended that this be secured by condition. The loss of the Hornbeams is considered acceptable.

The proposed building has a central courtyard with soft landscaping and trees; and biodiverse green roofs at main roof level. It is recommended that full details of the landscaping proposal and water irrigation system be secured by condition.

## 6.8 London Plan

The application has been referred to the Mayor of London. The application is supported in principle, subject to clarification/ further details being provided in relation to housing and space standards; the affordable housing offer verified by independent consultants; children's playspace; urban design; sustainable development and transport, prior to the application being reported back to the Mayor. The Mayor has also requested that financial contributions be secured towards legible London way finding and secured through a S106 agreement.

The Mayor of London has been re-consulted on the revised application.

## 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.

## 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; 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 City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in spring 2016. 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.

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

- 11 affordable/ intermediate housing units;
- A financial contribution of £89,000 towards the Council's affordable housing fund (in lieu of parking mitigation payment – see Highways section of this report above).
- The Council's Code of Construction Practice and a financial contribution of £42,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- Car club membership for each residential flat for 25 years;
- Car Parking Management Plan to include measures to ensure that no space is individually sold or allocated specifically to a unit or user and car parking spaces are on a first come first served basis to residents only;
- The provision of a cultural rehearsal space on a 25 year lease with a peppercorn rent, with user to be agreed by the City Council;
- Public realm works;
- Highway works to Long Acre, Endell Street, Shelton Street and Arne Street, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical)

- Car Lift Management Strategy to ensure downtime is kept to an absolute minimum;
- Monitoring costs.

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).

### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In putting forward this recommendation, officers have taken into account the Environmental Statement submitted with the application. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations and that sufficient information has been provided to enable assessment of the environmental impact of the application.

#### Energy Strategy

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

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable design and inclusive design and architecture.

Policy S39 states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. 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 Statement in support of their application. It is proposed to deliver a 23.4% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this through passive design features, energy efficient technology and renewable energy in the form of air source heat pumps and photovoltaic cells (9.7%). The development has also been designed to enable future connection to a district heating network.

The GLA have requested that the applicant meet the shortfall in carbon dioxide emissions off site to ensure compliance with Policy 5.2 of the London Plan. Under the new Community Infrastructure Levy Regulations (2010 as amended) the Council cannot currently collect a carbon offset payment.

London Plan policy requires 20% of car parking spaces in developments to have electric vehicle charging points and it is recommended that this be secured by condition.

### **6.12 Other issues**



### Wind Conditions

An assessment of the likely wind conditions as a result of the development has been submitted as part of the EIA. It is not considered that the proposal will significantly affect pedestrian comfort or safety at street level of within the public realm.

### 6.13 Conclusion

With the imposition of conditions, and subject to a S106 agreement, the proposed development is considered acceptable in land use, design, amenity, highways and environmental terms.

### BACKGROUND PAPERS

1. Application form
2. Letter from Greater London Authority dated 19 December 2014.
3. Letter from Transport for London dated 9 December 2014.
4. Letters from English Heritage/Historic England dated 23 October 2014, 1 December 2014, 11 December 2014, 1 September 2015 and 1 October 2015.
4. Letter from Natural England dated 26 November 2014.
5. Letters from Covent Garden Area Trust dated 15 December 2014 and 16 September 2015.
6. Letters from Covent Garden Community Association dated 8 December 2014 and 17 September 2015.
7. Letters from Metropolitan Police dated 8 September and 24 September 2015.
8. Memorandum from Arboricultural Manager dated 23 December 2014.
9. Memorandums from Environmental Health dated 15 December 2014 and 16 September 2015.
10. Memorandum from Highways Planning Manager dated 23 October 2015.
11. Letters from Deloitte on behalf of The Mercers' Company dated 14 May and 30 March 2015.
12. Letter from occupier, Flat 2, 53 Shelton Street, WC2 dated 2 December 2014.
13. Letters from JCL Planning on behalf of Flat 2, 53 Shelton Street, WC2 dated 12 November 2014 and 18 September 2015.
14. Letter from GVA on behalf of Flat 2, 53 Shelton Street, WC2 dated 18 September 2015.
15. Letters from occupier, 55A Shelton Street, WC2 dated 9 December 2014, 11 December 2014, 22 January 2015 and 16 September 2015.
16. Letter from occupier, 71-75 Shelton Street, WC2 dated 2 December 2014.
17. Letter from occupier, 77 Shelton Street, WC2 dated 12 December 2014.
18. Letter from occupier, F54, Odhams Walk, Long Acre dated 21 January 2015.
19. Letter from occupier, E50, Odhams Walk, Long Acre dated 27 November 2014.
20. Letter from occupier, 43, Odhams Walk, Long Acre dated 21 November 2014.
21. Letter from occupier, A3, Odhams Walk, Long Acre dated 20 November 2014.
22. Letter from occupier, 79, Odhams Walk, Long Acre dated 24 November 2014.
23. Letters from occupier, 9b, Odhams Walk, Long Acre dated 28 November 2014 and 23 September 2015.
24. Letter from occupier, 15, Odhams Walk, Long Acre dated 24 November 2014.
25. Letter from occupier, 30, Odhams Walk, Long Acre dated 8 December 2014.
26. Letter from occupier, 21, Odhams Walk, Long Acre dated 6 December 2014.
27. Letter from occupier, C27, Odhams Walk, Long Acre dated 4 December 2014.
28. Letter from occupier, C28, Odhams Walk, Long Acre dated 3 December 2014.
29. Letters from occupier, G62B, Odhams Walk, Long Acre dated 3 December 2014 and 16 September 2015.
30. Letter from occupier, D34, Odhams Walk, Long Acre dated 21 8 December 2014.
31. Letter from occupier, 39D, Odhams Walk, Long Acre dated 16 December 2014.
32. Letter from occupier, K87, Odhams Walk, Long Acre dated 20 December 2014.
33. Letter from occupier, Flat 4 Chambers House, 9 Broad Court dated 9 December 2014.
34. Letter from occupier, Flat 2 Chambers House, 9 Broad Court dated 10 December 2014.

35. Letter from occupier, Flat 7 Chambers House, 9 Broad Court dated 5 December 2014.
36. Letter from occupier, 9 Broad Court dated 5 December 2014.
37. Letter from occupier, 9 Broad Court dated 1 December 2014.
38. Letter from Flat 3, 80 Long Acre dated 5 December 2014.
39. Letter from 2 Dryden Stre dated 5 December 2014.
40. Letter from occupier, 71-75 Shelton Street, WC2 dated 9 December 2014.
41. Letter from occupier, 26-28 Neal Street, WC2 dated 15 and 16 December 2014.
42. Letter from the Donmar, 41 Earlham Street dated 16 December 2014.
43. Letter from Betterton House, Betterton Street, WC2 dated 25 November 2014.
44. Letter from occupier, 56 Odhams Walk, Long Acre dated 21 November 2014.
45. Letter from occupier, 46 Odhams Walk, Long Acre dated 21 November 2014.
46. Letter from occupier, 25 St. James Street dated 22 November 2014.
47. Letter from occupier, Flat 1, 47 Shelton Street, WC2 dated 17 September 2015.
48. Letter from occupier, Flat 3, 80 Long Acre, WC2 dated 28 September 2015.
49. Letter from 23A Betterton Street, WC2 dated 4 September 2015.
50. Petition containing 128 signatures.
51. Memorandum from Affordable and Private Sector Housing Manager dated 10 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** First Chicago House, 90 Long Acre, London, WC2E 9RA

**Proposal:** Demolition of existing office building (forming whole street block with frontages to Long Acre, Endell Street, Shelton Street and Arne Street) and redevelopment to provide two new buildings comprising two basements, ground and part 7 to part 12 upper floors to provide a mix of uses comprising office (Class B1), 119 residential units (Class C3), retail (Class A1/A3), rehearsal space (sui generis), car parking for 30 cars accessed from Shelton Street together with new kiosk, publically accessible courtyard, landscaping works, public realm improvements, plant, cycle parking and other ancillary works.

**Plan Nos:** 1187-A-P-098/01, 099/01, 100/01, 101/01, 102/01, 103/01, 104/01, 105/01, 106/01, 107/01, 108/01, 109/01, 110/01, 111/01, 112/01, 113/01, 114/00, 200/01, 201/01, 202/01, 203/01, 204/01, 205/01, 206/01, 250/01, 251/01, 252/01, 020/01.

**Case Officer:** Julia Asghar

**Direct Tel. No.** 020 7641 2518

**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 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) Facade details of the commercial block showing glazing and fin details - typical sections and elevations;
- ii) Facade details of the residential block showing glazing, reveals and facade treatment - typical sections and elevations;
- iii) Façade details of the internal courtyard, typical sections and elevations;
- iv) Shop fronts to include sections and elevations;
- v) Typical balcony details;
- vi) Details of the entrance doors to the commercial and residential blocks;
- vii) Water irrigation system.

You must not start 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of detailed drawings and materials of the following parts of the development:

- i) The Kiosk
- ii) Plant enclosure

You must not start 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of a signage strategy to ensure a consistent approach is applied to the shop fronts. You must not occupy the retail/A3 units 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies or terraces. (C26OA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

The sub-division of the residential store at basement level 2 for the 11 affordable housing units

You must not occupy the residential part of the development until we have approved what you have sent us. You must then carry out the work according to these details and the storage space shall thereafter be permanently retained solely for the use of the affordable housing units.

Reason:

To ensure that the residential storage space for the affordable housing units is provided.

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

Children's playspace within the internal courtyard.

You must not occupy the residential part of the development until we have approved what you have sent us. You must then carry out the work according to these details within 6 months of completing the development and the playspace shall thereafter be permanently retained.

Reason:

To ensure the provision of children's play space in accordance with policy SOC6 of our Unitary Development Plan.

- 11 No more than 50% of the retail floorspace shall be used as a restaurant (class A3) and no one restaurant unit shall exceed 500sqm.

You must apply to us for approval of full details of any restaurant use. You must not occupy any restaurant use 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 development is completed and used as agreed, and to make sure that it meets SS4, TACE 8 and TACE 9 of our Unitary Development Plan that we adopted in January 2007 and S7 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 12 Customers shall not be permitted within the restaurant (class A3) premises before 0800 or after midnight each day. (C12AD)

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 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 You must apply to us for approval of detailed drawings to show the location of private areas to be used for external tables and chairs and other furniture for the Class A units. You must not put out any tables and chairs or other furniture until we have approved what you have sent us. Thereafter the tables and chairs and other furniture must only be located in the positions shown on the approved drawings.

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 14 You can only put the tables and chairs approved under condition 13 of this decision on the pavement between 08:00 and 23:00.

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.

- 15 The tables and chairs approved under condition 13 must only be used by customers of the Class A uses which form part of the development hereby approved. (C25CA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 16 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, for the restaurant (class A3) uses including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

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)

- 17 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. 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. You must not change it without our permission. (C13BB)

Reason:

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

- 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 19 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.

- 19 (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.



- 20 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.

- 21 (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.

- 22 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.

- 23 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.

- 24 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number s 1187-A-P-098/01, 099/01 and 100/01. You must clearly mark them and make them available at all times to everyone using the \*\*\*\*.  
(C14FB)

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)

- 25 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

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

- 26 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.

- 27 You must apply to us for approval of details of how the cycle parking for the rehearsal space will be managed and accessed.

You must not occupy the rehearsal space until we have approved what you have sent us. You must then manage the cycle parking in accordance with the details submitted.

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.

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

1. Vehicle entrance and exit and adjoining walls to ensure adequate visibility splays are provided to see other highway users, including pedestrians.
2. A traffic management system close to the entrance of the car park/ lift.

3. Installation of 20% active and 20% passive electric vehicle charging points, and management of take up and conversion of the 20% passive provision in the basement car park.

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 and maintain them for the lifetime of the development.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 29 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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)

- 30 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

The central column obstructing access into the servicing/loading bay removed.

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 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)

- 31 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species.

(C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 32 Pre Commencement Condition. You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 33 You must apply to us for approval of a detailed specification for tree surgery you intend to carry out in order to implement this planning permission. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 34 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.

- Photovoltaics
- Air source heat pumps
- Biodiverse green roofs
- Future connection to district heating network.

You must not remove any of these features. (C44AA)

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)

**35 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)

**36 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)

**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:
  - \* 11 affordable/intermediate housing units;
  - \* A financial contribution of £89,000 towards the Council's affordable housing fund;
  - \* The Council's Code of Construction Practice and a financial contribution of £42,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - \* Lifetime car club membership for each residential flat;
  - \* Car Parking Management Plan to include measures to ensure that no space is individually sold or allocated specifically to a unit or user and car parking spaces are on a first come first served basis to residents only;
  - \* The provision of a cultural rehearsal space on a 25 year lease with a t a peppercorn rent, with user to be agreed by the City Council;
  - \* Public realm works;
  - \* Highway works to Long Acre, Endell Street, Shelton Street and Arne Street, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical);
  - \* Car Lift Management Strategy to ensure downtime is kept to an absolute minimum;
  - \* Monitoring costs.
  
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
  
- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
  
- 5 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)
  
- 6 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)

- 7 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)
- 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 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 10 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 11 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)

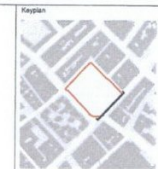
- 12 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 13 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)
- 14 Please contact a Metropolitan Police Crime Prevention Design Adviser about suitable security measures for your development. You should also check whether these features will need planning approval.

You should contact either:  
Gordon Semple on 020 7641 2073 or  
David Fisher on 07841 292 689.

They are based at:  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
(I74AA)

- 15 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)
- 16 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)





Do not scale dimensions. Dimensions govern. All dimensions are in millimetres unless noted otherwise. PLP Architecture shall be notified in writing of any discrepancies.



Rev	Date	Notes	Drawn By	Insp By
D1	17/07	PLANNING APPLICATION - AMENDED		NR
DD	05/11	PLANNING APPLICATION		MR

Revisions

PLP/ARCHITECTURE

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**NORTHWOOD**  
INVESTORS

Project Name

90 Long Acre

Block

PLANNING APPLICATION - AMENDED

Drawing Title

PROPOSED ELEVATION  
LONG ACRE

Drawing Number

1187-A-P-201

Scale Creation Date

1:200 @ A1 05 NOV 2014  
1:400 @ A3

Revision



Do not scale dimensions. Dimensions govern. All dimensions are in millimetres unless noted otherwise. PLP Architecture shall be notified in writing of any discrepancies.



Rev	Date	Notes	Drawn	App'd
01	11/07	PLANNING APPLICATION - AMENDED 2015		MK
00	05/11	PLANNING APPLICATION 2014		MK

Revisions

PLP/ARCHITECTURE

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NORTHWOOD INVESTORS

Project Name  
90 Long Acre

Status  
PLANNING APPLICATION - AMENDED

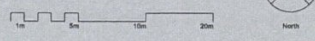
Drawing Title  
PROPOSED ELEVATION  
ENDELL STREET

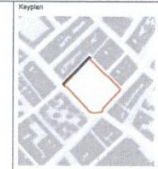
Drawing Number  
1187-A-P-203

Scale  
1:200 @ A1  
1:400 @ A3

Creation Date  
05 NOV 2014

Revision  
01





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01	1187 PLANNING APPLICATION - AMENDED	2015	-	MR
00	5511 PLANNING APPLICATION	2014	-	MR

Rev	Date	Notes	Drawn	Imp'd
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Revisions

PLP/ARCHITECTURE

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**NORTHWOOD**  
INVESTORS

Proposed Name

90 Long Acre

Status

PLANNING APPLICATION - AMENDED

Drawing Title

PROPOSED ELEVATION  
SHELTON STREET

Drawing Number

1187-A-P-202

Scale

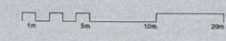
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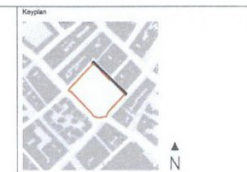
Creation Date

05 NOV 2014

Revision

01





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01	1707 PLANNING APPLICATION - AMENDED	-	MK
00	0511 PLANNING APPLICATION	-	MK
Rev	Date	Notes	Drawn By / Issued By

Revisions

PLP/ARCHITECTURE

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**NORTHWOOD**  
INVESTORS

Project Name  
**90 Long Acre**

Site  
**PLANNING APPLICATION - AMENDED**

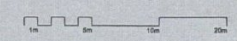
Drawing Title  
**PROPOSED ELEVATION  
ARNE STREET**

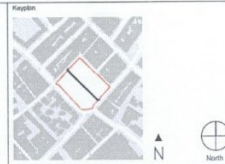
Drawing Number  
**1187-A-P-200**

Scale  
1:200 @ A1  
1:400 @ A3

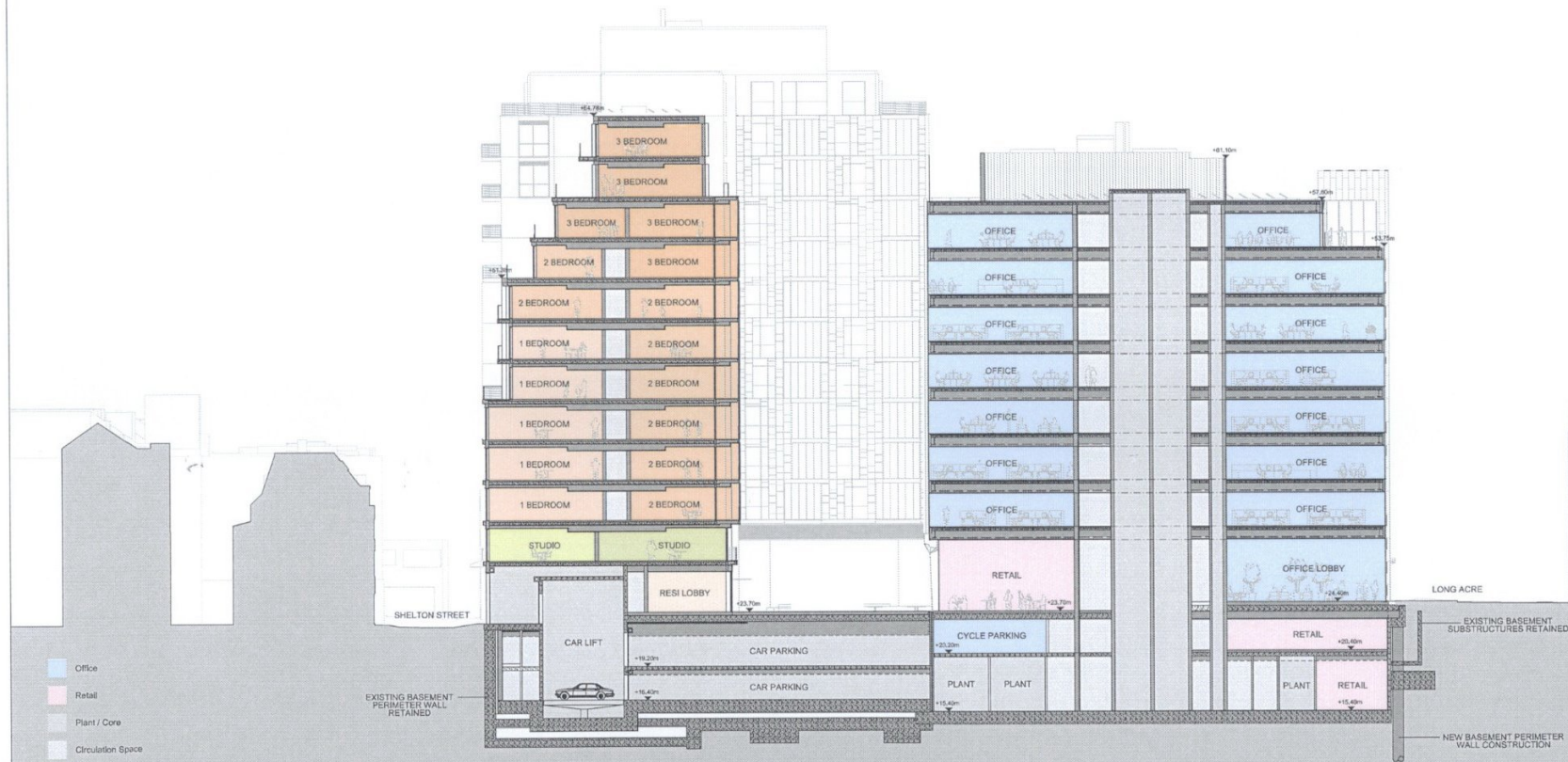
Creation Date  
**05 NOV 2014**

Revision  
**01**





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- Office
- Retail
- Plant / Core
- Circulation Space
- Intermediate Residential 1 Bed
- Intermediate Residential 2 Bed
- Market Residential
- Market Residential 1 Bed
- Market Residential 2 Bed
- Market Residential 3 Bed
- Market Residential 4 Bed

NI: All Internal layouts are Indicative  
Outer face of existing basement wall is Indicative

01 1187 PLANNING APPLICATION - AMENDED - MK  
2014

00 0211 PLANNING APPLICATION - MK  
2014

Rev. Date. Author. Drawn By. Issued By.

Revisions

PLP/ARCHITECTURE

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NORTHWOOD INVESTORS

Project Name  
**90 Long Acre**

Status  
**PLANNING APPLICATION - AMENDED**

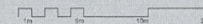
Drawing Title  
**PROPOSED SECTION A**

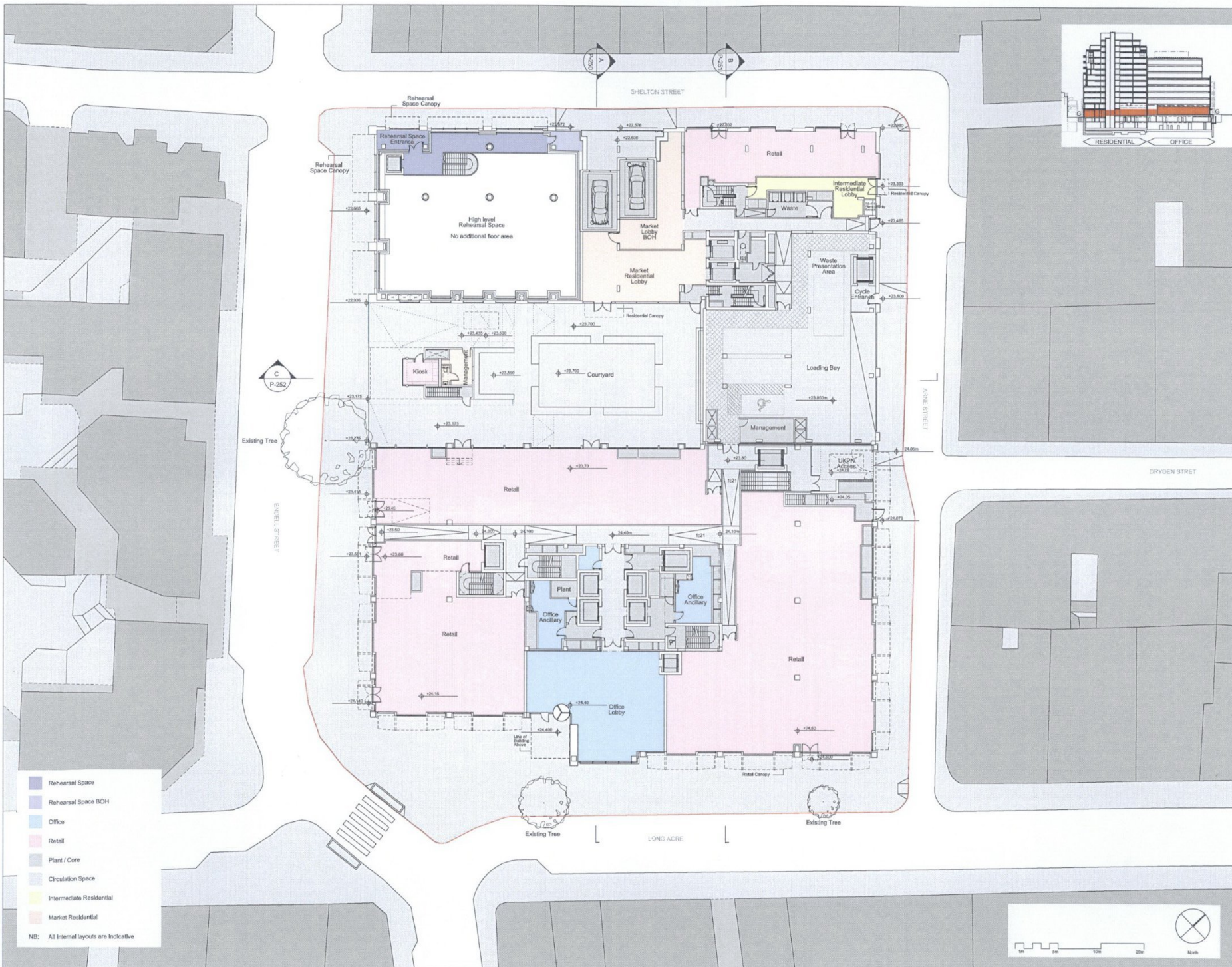
Drawing Number  
**1187-A-P-250**

Scale  
1:200 @ A1  
1:400 @ A3  
Creation Date  
**05 NOV 2014**

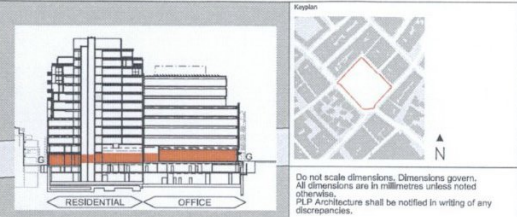
01

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- Rehearsal Space
  - Rehearsal Space BOH
  - Office
  - Retail
  - Plant / Core
  - Circulation Space
  - Intermediate Residential
  - Market Residential
- NB: All internal layouts are indicative



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01	17/07	PLANNING APPLICATION - AMENDED	-	UK
02	09/11	PLANNING APPLICATION	-	UK

Revisions

PLP/ARCHITECTURE

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NORTHWOOD INVESTORS

Project Name  
**90 Long Acre**

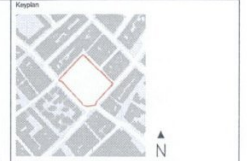
Status  
**PLANNING APPLICATION - AMENDED**

Drawing Title  
**PROPOSED PLAN GROUND LEVEL**

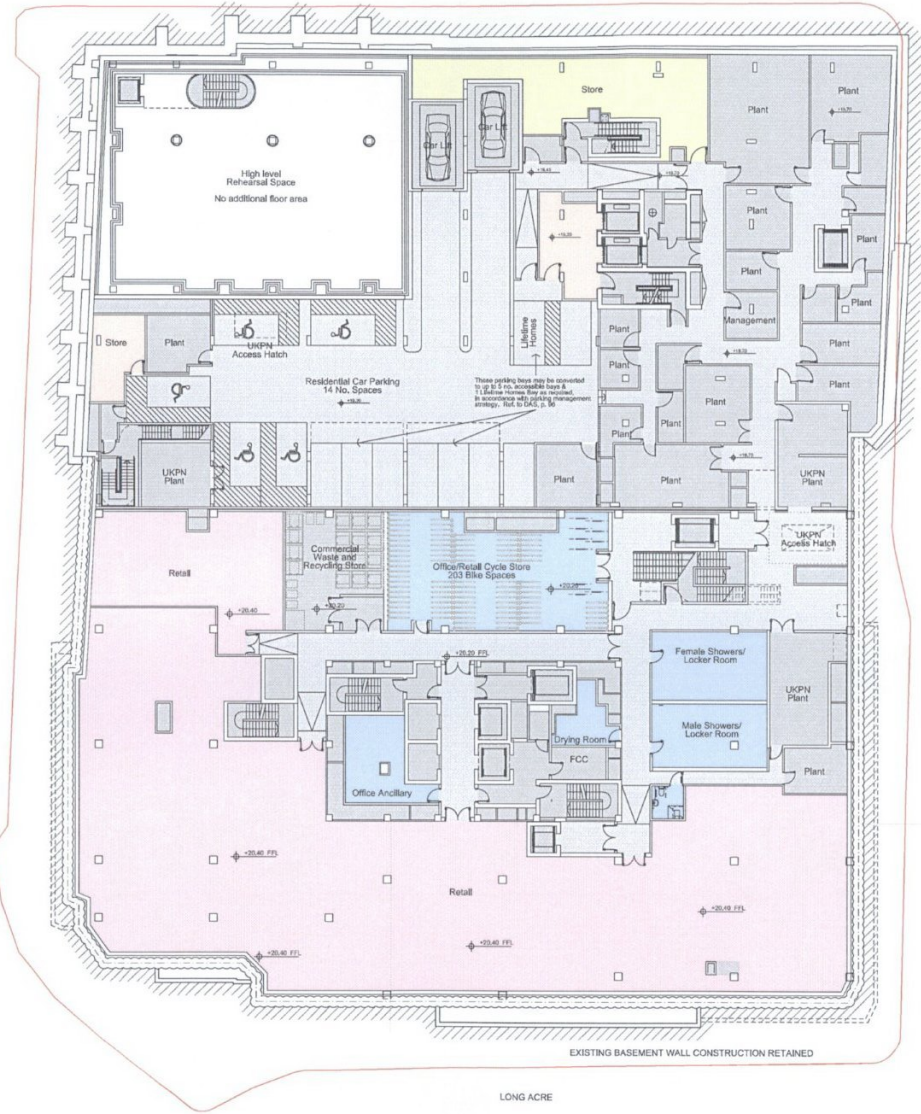
Drawing Number  
**1187-A-P-100**

Scale  
1:200 @ A1  
1:400 @ A3  
05 NOV 2014

Revision  
01



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EXISTING BASEMENT PERIMETER WALL CONSTRUCTION RETAINED

EMMELL STREET

NEW BASEMENT PERIMETER WALL CONSTRUCTION

EXISTING BASEMENT WALL CONSTRUCTION RETAINED

LONG ACRE



EMMELL STREET

- Office
- Retail
- Plant / Core
- Circulation Space
- Intermediate Residential
- Market Residential

NB: All Internal layouts are Indicative  
Outer face of existing basement wall is Indicative

**01** Proposed Basement Level B1  
Plan 1:200



01	1107 PLANNING APPLICATION - AMENDED	2015	UK
00	0911 PLANNING APPLICATION	2014	UK
Rev	Date	Issue	Drawn / Issued By

Revisions

**PLP/ARCHITECTURE**

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**NORTHWOOD**  
INVESTORS

Project Name  
**90 Long Acre**

Issue  
**PLANNING APPLICATION - AMENDED**

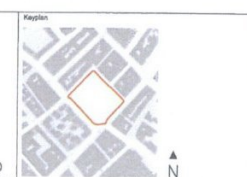
Drawing Title  
**PROPOSED PLAN  
BASEMENT LEVEL B1**

Drawing Number  
**1187-A-P-099**

Scale  
1:200 @ A1  
1:400 @ A3

Creation Date  
**05 NOV 2014**

Revision  
**01**



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01	1707	PLANNING APPLICATION - AMENDED	2014	MK
00	0511	PLANNING APPLICATION	2014	MK

Rev	Date	Notes	Drawn By	Insp By
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Revisions

PLP/ARCHITECTURE

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NORTHWOOD INVESTORS

Project Name  
**90 Long Acre**

Status  
**PLANNING APPLICATION - AMENDED**

Drawing Title  
**PROPOSED PLAN  
RESIDENTIAL LEVEL 01  
OFFICE HIGH LEVEL GROUND**

Drawing Number  
**1187-A-P-101**

Scale  
1:200 @ A1



- Plant / Core
  - Circulation Space
  - Balcony / Terrace
  - Intermediate Residential Studio
  - Intermediate Residential 1 Bed
- NB: All internal layouts are indicative

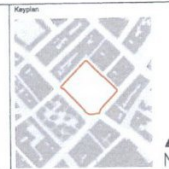
**01** Residential Level 01  
Office High Level Ground  
Plan 1:200



- Office
- Plant / Core
- Circulation Space
- Balcony / Terrace
- Market Residential Studio
- Market Residential 1 Bed
- Market Residential 2 Bed

NB: All internal layouts are indicative

**01** Residential Level 02  
Office Level 01  
Plan 1:200



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01	1187 PLANNING APPLICATION - AMENDED	MK
00	05/11 PLANNING APPLICATION	MK

Rev	Date	Notes	Drawn By	Check By
Revisions				

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**NORTHWOOD INVESTORS**

Project Name  
**90 Long Acre**

Status  
**PLANNING APPLICATION - AMENDED**

Drawing Title  
**PROPOSED PLAN  
RESIDENTIAL LEVEL 02  
OFFICE LEVEL 01**

Drawing Number  
**1187-A-P-102**

Scale  
1:200 @ A1  
1:400 @ A3  
Creation Date  
**05 NOV 2014**

Revision  
**01**





View of office building from Long Acre, looking East



View of the office building on Long Acre, facing west

DO NOT USE THIS SIDE



View of the office building on Long Acre, facing west



View of the residential building from Endell Street, looking towards Long Acre



View of the residential building from Shelton Street, looking East

PLP/ARCHITECTURE

DO NOT USE THIS SIDE

90 LONG ACRE DESIGN AND ACCESS

JULY 2015



View of the residential building from Shelton Street, looking East