

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And Shelton Street, London, WC2		
Proposal	Demolition and redevelopment of site in buildings ranging from five storeys to seven storeys (excluding roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, in buildings to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking, basement car parking, associated landscaping works.		
Agent	Miss Rachel Crick		
On behalf of	Helical Bar Plc		
Registered Number	15/07560/FULL	Date amended/ completed	6 August 2015
Date Application Received	6 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the following:

- i. a payment of £3,490,000 towards the City Council's affordable housing fund;
- ii. the applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £50,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- iii. unallocated parking;
- iv. free lifetime (25 years) car club membership for residents of the development;
- v. costs of monitoring the S106 agreement;
- vi. all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
- vii. Employment and Training Strategy for the construction phase and the operational phase of the development.

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

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

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

2. SUMMARY

The application site is a rectangular, north-east / south-west orientated city block set between Drury Lane, Dryden Street, Arne Street and the pedestrian section of Shelton Street. The boundary of the Covent Garden Conservation Area passes roughly through the middle of the site, the southern half of which is within the Conservation Area. The northern half of the site is outside of the Conservation Area, but forms the immediate setting to it. The properties are in use as retail at ground floor level fronting Drury Lane and Dryden Street and offices elsewhere.

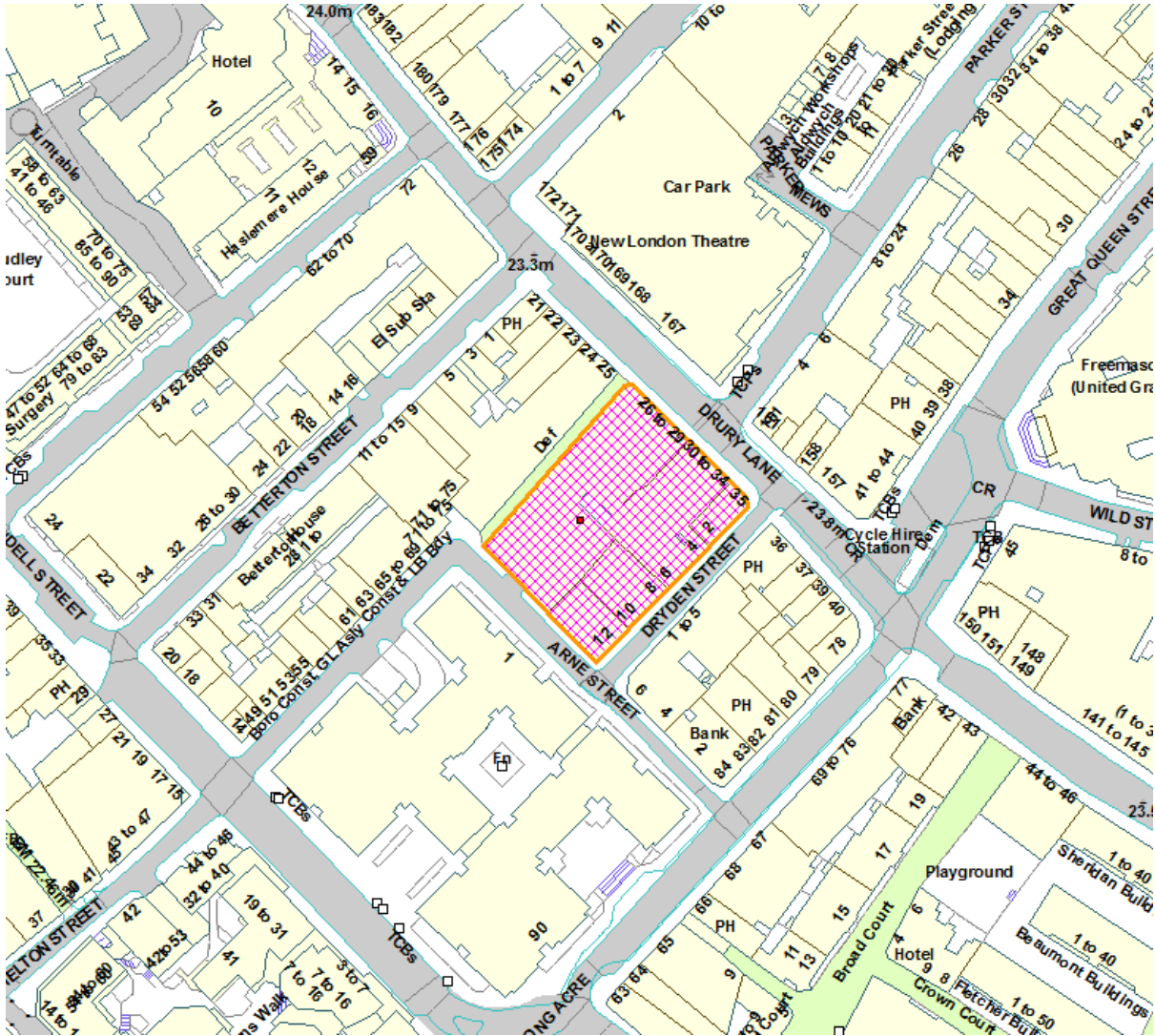
Planning permission is sought for the demolition and redevelopment of site in buildings ranging from 5 storeys to 7 storeys (excluding roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, in buildings to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking and basement car parking. The proposals were revised during the course of the application and further consultation was carried out.

The key issues are:

- The acceptability of the proposals in land use terms including the affordable housing offer;
- The impact of the proposals on the character and appearance of the Covent Garden Conservation Area and the surrounding area;
- The impact of the proposals on the surrounding highway network;
- The impact of the proposals on the amenity of neighbouring residents.

Whilst the proposed development does not provide the full amount of affordable housing for viability reasons, the applicant's viability report has been reviewed by an independent expert appointed by the Council whose conclusions have been accepted by the applicant. The proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and would comply with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan).

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



26-29 Drury Lane (above) & 2-12 Dryden Street (below)





26-29 Drury Lane (above) & 12 Dryden Street (below)



5. CONSULTATIONS

Ward Councillors for St James's

No response received.

London Borough of Camden

No response received.

Historic England

There are no clear heritage benefits to the demolition and replacement of 12 Dryden Street which outweigh the harm and the proposals do not meet the tests as set out in NPPF.

26-29 Drury Lane which is to be demolished, although outside of the Covent Garden Conservation Area, is considered to make a modest contribution to the streetscape of Drury Lane and the setting of the adjacent conservation area. The proposed replacement building at 26-29 Drury Lane is of a bold contemporary design and it is queried how the white stone will weather in time. Further revisions to this building should be sought to enable a more harmonious relationship with the neighbouring buildings, potentially incorporating brick reveals, as proposed to 10 Dryden Street

Whilst the roof extensions proposed to 30-35 Drury Lane and 2 Dryden Street are more subtle in terms of their detailing, the roof extension at 4-10 Dryden Street raises concerns in terms of its treatment and scale to the new floor below it.

The Greater London Archaeological Advisory Service (GLAAS)

No objection subject to conditions.

Covent Garden Area Trust/ Covent Garden Community Association and Seven Dials Trust

Joint objection received on the following grounds:

Design

- In principle, the demolitions are unacceptable and the proposed additional storeys undermine the traditional proportions and hierarchy which characterise the historic elevations which are typical of this part of the Covent Garden Conservation Area. The proposed new building undermines the retained historic elevations. The proposed height and massing undermines the scale of the historic Mercer's Estates and the traditional brick build.
- Insufficient evidence has been submitted to justify the demolition of 12 Dryden Street, 26-29 Drury Lane and the partial demolition of 30-35 Drury Lane and 2-10 Dryden Street.
- The proposed development would result in the loss of 12 Dryden Street which makes a positive contribution to the character and appearance of the Covent Garden Conservation Area without offering substantial public benefit which outweighs the harm caused to the conservation area, designated as a heritage asset.
- The excessive scale and external design of the proposed 12 Dryden Street building and the 26-29 Drury Lane would substantially harm the character, appearance and significant of the Covent Garden Conservation Area.

- The proposed addition of an attic storey and mansard storey at 30-35 Drury Lane and 2-10 Dryden Street with their excessive scale and design would harm the architectural and historic interest and significance of the surviving, original street-elevations, the character and appearance of the Covent Garden Conservation Area and the setting of the listed building at 36-40 Drury Lane.
- The response goes onto further emphasize the need for the proposals to be assessed against the NPPF, the City Council's relevant design and conservation policies and make comment in support of other representations received from Historic England and Paul Velluet, on behalf of The Mercers's Company.
- The amenity societies were not made aware of the public exhibition and therefore did not attend. However, it has come to light that the exhibition did not provide proposed elevations and therefore the responses received to the exhibition may not be a true and accurate representation of peoples opinions.
- Views - With the out of character bulk, scale and design, the proposed development harms the view of Drury Lane, one of the most historic streets in London

Land Use

- Whilst it is acknowledged that housing is a priority, Westminster Council policy (UDP 10.14 states that 'to ensure that where development is appropriate it is conceived as an integral part of its context'). The proposals fail to meet this policy;
- No affordable housing proposed, and a diverse community of residents maintain Covent Garden vibrancy;
- Loss of office accommodation, which are home to many small and local businesses;
- The proposals should be assessed in accordance with the Cabinet Statement which applies weight to certain parts of the emerging mixed use policy as of 1st September 2015, despite the application being submitted prior to 1st September 2015, which seeks to protect the conversion of office accommodation to residential accommodation.

Servicing

- Servicing of the development will be difficult given the narrowness of Arne Street, Shelton Street and Dryden Street and this will be exacerbated by the recently approved mixed use development at 90 Long Acre;
- Servicing and deliveries would result in increased noise and disturbance to existing residents.

Highways Planning - Development Planning

Objection on the grounds that the proposal does not provide enough off-street car parking; that some of the parking provided is shown to be on an 'allocated' basis; electric charging points are not shown on the plans; there is not enough cycle parking provided for all the flats even with the reliance on folding bikes; and that there is a shortfall in the provision of cycle parking for the retail uses. Concerns also raised with regards to the servicing of the site.

Major Redevelopments & Infrastructure

No objections subject to a contribution towards the Environmental Inspectorate.

Environmental Health

No objections subject to conditions. Concern raised with regards to the internal layout of some of the units, where the bedroom accommodation do not have independent access other than from living rooms/ kitchens.

Arboricultural Officer

No objection, comment raised that planting could be provided in the inner courtyard.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 106

Total No. of replies: 7

No. of objections: 7

No. in support: 0

Seven objections received on behalf of local residents, business operators and from/and on behalf of The Mercers' Company, as freeholders of the site on the following grounds:

Land Use

- The existing office accommodation provides a range of offices and makes a significant contribution to the economy and contributes to the mix of uses and vitality of the area;
- The loss of office accommodation is unacceptable in policy terms and should be assessed against the current Cabinet Statement which applies weight to certain parts of the emerging mixed use policy as of 1st September 2015, despite the application being submitted prior to 1st September 2015.
- A residential led scheme does not meet the need of the Covent Garden Area and results in the loss of much needed office accommodation;
- The lack of any affordable housing on site is unacceptable and results in a single tenure development which fails to contribute to the character of the area;
- The proposed retail units should be useful shops such as newsagents etc;
- Chain stores in the area are outpricing smaller, independent shops;

Design

- The loss of some of the buildings on the site will have a negative impact upon the heritage of the area and historic neighbourhoods;
- The proposals undermine the character of Covent Garden when compared to St Martin's Courtyard, The Donmar Building and Mercer's Yard which have been sympathetic developments.

On behalf of The Mercer's, Company, a review of the documentation submitted with the application/ and of the proposals, complete with accompanying photographs have been submitted, prepared by Paul Velluet. In summary the report concludes:

- The proposals do not reflect the other successful schemes where The Mercer's Company has been freeholder such as St Martin's Courtyard, The Donmar Building and Mercer's Yard which have been sympathetic developments and included elements of affordable housing.

- The application/ supporting documentation seriously underestimates the particular architectural and historic interest and significance of the buildings on the application site and the contribution made by those on the south-eastern half of the site upon the character and appearance of the Covent Garden Conservation Area and those on the north-western part of the site upon the setting of the Seven Dials Conservation Area, within The London Borough of Camden;
- The application/ supporting documentation fails to provide evidence to justify the complete demolition of 12 Dryden Street and 26-29 Drury Lane and the substantial demolition of 2-10 Dryden Street and 30-35 Drury Lane behind the retained facades against the relevant legislation and policy;
- The proposals would result in the loss of 12 Dryden Street which is considered to make a positive contribution to the character, appearance and significance of the Covent Garden Conservation Area without offering substantial public benefits that outweigh the substantial harm affected to the conservation area as a heritage asset.
- The excessive scale and external design of the proposed new building on the site of 12 Dryden Street would substantially harm the character, appearance and significance of the Covent Garden Conservation Area. In relation to 26-29 Drury Lane, by virtue of the excessive height and scale and insensitive design, the proposals would substantially harm the character, appearance and significance of the Covent Garden Conservation Area and the setting of the Seven Dials Conservation Area;
- The proposed addition of both an attic storey and a further mansard storey above the retained façade of 30-35 Drury Lane and 2-10 Dryden Street and their excessive scale and design, would substantially harm the particular architectural and historic interest and significance of the surviving, original street elevations, their contribution to the character, appearance and significance of the Covent Garden Area and the setting of the listed building at 36-40 Drury Lane.

Amenity

- Objection to the increased in height of any of the buildings;
- The proposals will have an impact upon surrounding properties, notably 1-5 Dryden Street in terms of daylight and sunlight
- The proposed increase in height would result in overbearing building to the surrounding streets.

Car parking

- The under provision of car parking will add to on-street car parking demands;
- The provision of car parking is unnecessary in this location.

Other:

- Construction traffic and impact upon neighbouring properties;
- Lack of public consultation;
- An occupier of 8-10 Dryden Street had no knowledge of the proposals and weren't made aware of the proposals by the developer.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

CONSULTATION FURTHER TO THE RECEIPT OF AMENDED PLANS:

Historic England

In general, Historic England welcomes the proposed revisions which, whilst still not ameliorating the impact of the proposed development upon the special character and appearance of the area, have sought to actively address concerns raised and as a result reduce the extension of harm.

The retention of the 12 Dryden Street building is welcomed, concern is still raised with regards to the additional scale and massing of the additional storeys proposed to this building and that the fourth and fifth storey extensions to Dryden Street be reduced to a single storey only and set back.

The revised shop fronts and the colour proposed to the new building at 26-29 Dryden Street is welcomed. It is recommended, as per previous comments, that cladding alongside the brick window reveals be adopted on the 26-29 Drury Lane building.

The changes to the upper floor windows of 30-35 Drury Lane and 2 Dryden Street are an improvement. However the visual impact of these extensions appear unresolved and it should be explored if they could be set back and reduced in height, with hipped roof to the corner treatment of the mansard.

The proposals should therefore be assessed against Para 132 of the NPPF which requires that any harm to a designated heritage asset required a clear and convincing justification.

Covent Garden Area Trust/ Covent Garden Community Association and Seven Dials Trust

Continued objection to the proposals received, as stated within the original objection letter of 2015. The revisions are minor and fall short of addressing the previous objection.

Land use:

- The application is anti-growth result in the loss of employment;
- The substantial demolition of the buildings only leads to a small amount of up-lift in floorspace;
- The existing businesses are viable;
- The size of the new units will favour larger retailers;

Design:

- The revised proposals remain highly unsympathetic to the character, including the architectural design and scale of the area;
- The proposals do not relate satisfactorily to the surrounding area;
- the proposals fail to improve or maintain (enhance or preserve) the conservation area;
- The proposals fail to protect the heritage of the area and cause harm by altering the scale, increasing the massing, demolishing buildings that contribute to the character of the conservation area and adversely affecting user diversity;
- The applicant fails to put forward acceptable reasons for demolishing the historic building and retaining only the facade of 2-10 and 12 Dryden Street and 30-35 Drury Lane;

- The proposed demolition of interior of 12 Dryden Street is unacceptable; the robust cast iron columns are highly visible from the street
- There appears to be no public benefit of the demolition proposals;
- 26-29 Drury Lane should be retained as it compliments the conservation area
- The replacement building at 26-29 Drury Lane is a great loss and the suggestion that the the detailing is taken from the New London Theatre is an unfortunate remark given the poor state of that façade;
- The detailed 'curtain' design of the replacement building at 26-29 Drury Lane is likely to go unnoticed as a link/ nod to 'theatreland';
- The massing of this scheme should not be taken into context with the approved redevelopment of 90 Long Acre;

Servicing:

- Poor servicing arrangements

Highways Planning Manager

No objection to the provision of 31 car parking spaces for the 68 flats, provided this is on an 'unallocated' basis and that lifetime car club membership for all the flats is secured. Some concern is raised with regards to access to the car lifts for the basement parking on Arne Street. No objection to overarching principles of the Servicing Management Plan. Concerns raised to the storage of waste for the retail units. The plans do not show the adequate amount of space for the proposed cycle parking despite the annotated stating that 120 spaces can be provided. Doors are proposed onto highway which is unacceptable.

Environmental Health

Maintains objections to internal layouts.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 106

Total No. of replies: 7

No. of objections: 7

No. in support: 0

Seven further objections received on behalf of local residents, business operators and from/and on behalf of The Mercers' Company, as freeholders of the site, maintaining their previous objections however raising new objections on the following grounds:

Land use

- The existing building offers a great working environment for the existing offices;
- The amendments do not address the loss of existing offices;
- Loss of office accommodation should be assessed against current 'office-to residential' Council policy as set out in the Cabinet Members statement;
- Legal opinion provided on behalf of The Mercer's Company with regards to the assessment of the application in terms of the Council's stance on office to residential proposals;
- The proposed retail units will do nothing to serve the residents of Covent Garden;

- The amendments do not address the issue of the size of the retail units which are large and not characteristic of Covent Garden;
- Objection on the grounds of intensification of A3 units;
- Commercial land values are closer to residential land values at the moment which the applicant should take into consideration;
- The amendments do not address the absence of affordable housing, which fails to contribute to a sustainable and balanced community;
- Unaffordable residential flats will contribute nothing to those who work in Covent Garden.

Design

- The interiors to the buildings are special and add to the heritage assets of Covent Garden;
- Demolition of heritage assets is unacceptable, one objection refers specifically to the demolition behind the retained façade of 12 Dryden Street
- The extension to 12 Dryden Street is harmful to the heritage asset;
- The revised design for the replacement building at 26-29 Drury Lane does not address the concerns regarding the demolition of this attractive building and in terms of the replacement building is excessive in height and scale and has an insensitive design which is harmful to visual amenity and the surrounding conservation area..
- The redevelopment of the site is completely out of character with the existing buildings, the Covent Garden conservation area and surrounding local area;

On behalf of The Mercer's Company, a review of the revised documentation submitted with the application/ and of the revised proposals, complete with accompanying photographs have been submitted, prepared by Paul Velluet. In summary the report concludes:

- The revised application/documentation seriously underestimates the particular architectural and historic interest and significance of the buildings on the application site and the contribution made by those on the south-eastern half of the site upon the character and appearance of the Covent Garden Conservation Area and those on the north-western part of the site upon the setting of the Seven Dials Conservation Area, within The London Borough of Camden;
- The revised application/documentation fails to provide evidence to justify the complete demolition behind the retained facades of 2-10 Dryden Street, No. 12 Dryden Street and 30-35 Drury Lane against the relevant legislation and policy;
- The revised application/documentation relating to 2-10 Dryden Street and 30-35 Drury Lane by virtue of the extent of the proposed works of demolition and the scale and design of the proposed works, would substantially harm the architectural and historic integrity of the properties which, as designated heritage assets, make a positive contribution to the Covent Garden Conservation Area and would therefore harm the character, appearance and significance of the Covent Garden Conservation Area and the setting of the Seven Dials Conservation Area and the listed buildings of 36-40 Drury Lane;
- The revised application/documentation relating to the proposals at 26-29 Drury Lane and on Arne Street, by virtue of the excessive height and scale and insensitive design would substantially harm the character, appearance and

significance of the Covent Garden Conservation Area and the setting of the Seven Dials Conservation Area and the listed buildings of 36-40 Drury Lane;

- The proposed demolition and redevelopment of the front and rear of 26-29 Drury Lane, although substantially altered, would result in the loss of a property of character and interest that offers generous scope for effective conversion and refurbishment;
- The proposals would result in the loss of sound business accommodation capable of continuing beneficial use, of a scale and character appropriate to Covent Garden.

Highways

- Impact of servicing upon the area, when taken with the redevelopment proposals of 90 Long Acre;
- Although the provision of unallocated parking is welcomed, this will not overcome the under provision of carparking;
- Car parking not needed given the proximity of the NCP car park to the development

Other

- Impact of construction traffic; especially upon the rehearsal space of Donmar Studios
- Criticism has been made that the revisions to the scheme should have been considered as a fresh application, rather than as amendments during the course of the application;
- The freeholder of the site was not notified of the proposed amendments;
- Loss of employment from existing offices;
- Lack of detailed responses from the representatives at the public exhibition.

An objection has been received from The Mercers' Company on the grounds firstly they were notified on the original proposals as the freeholders of the property and that they were not made aware of the revisions to the scheme. The consultation undertaken by the City Council is to write the 'owner/occupier' of properties, as the City Council do not know the names of every the freeholder and that freeholders/landlords should be told of the consultation letters. The applicant completed the correct certificates on the application form also. In terms of the re-consultation, records show that all original neighbours and those that responded to the application were notified of the amendments, and the agents for The Mercers' Company have confirmed that they are in receipt of the Council's letter.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located in the City of Westminster, within the St James Ward. The site is located within the Covent Garden area within the West End. The site is bound by Drury Lane to the east, Dryden Street to the south, Arne Street to the west and Shelton Street to the north (which at this location is a pedestrian alleyway connecting Drury Lane to Arne Street. The London Borough of Camden bounds the site to the north and east.

The site comprises 0.19 hectares, and forms three existing buildings which are in a mix of office and retail uses. A summary of the existing buildings is provided below:

30-35 Drury Lane and 2-6 Dryden Street

This building was built in the middle of the nineteenth century by the Mercers Company. At present, the building provides four retail units at ground floor along the Drury Lane frontage, all of which fall within the A1 use class. These existing retail units total 561 sqm GIA. On the Dryden Street frontage and upper floors across the site approximately 1,842 sqm GIA of floorspace is provided as Class B1 office space. Recent planning applications relating to this building relate to various shopfront and signage applications.

26-29 Drury Lane

This building was originally built in c.1915, and following extensive bomb damage in World War Two was subject to substantial repair and extensions. The building is currently occupied and equates to approximately 4,690 sqm GIA. The building is currently in Class B1 use. The main function of the building relates to back of house office and administration, and as part of a wider estate rationalisation strategy it is understood that the facilities provided at Drury Lane are intended to relocate to the Kings College London Aldwych campus.

8-12 Dryden Street

This building dates back to the middle of the nineteenth century, and has subsequently been substantially altered externally and internally for light industrial and then for office use. The building is currently occupied by a mix of multi-let employment spaces which provide a total of 1,901 sqm GIA.

Further discussion of the existing site/buildings are given in the design section of this report – part 8.2.

Current access to the retail units is provided via Drury Lane, with the office entrances being located on Drury Lane and Arne Street. An existing servicing entrance is located on Arne Street. The Shelton Street passageway provides a relatively inactive street frontage and is route between Drury Lane and Arne Street.

The site is within the Core Central Activities Zone; within the Special West End Retail Policy Area; within the designated West End Stress Area; partly within the designated Covent Garden Conservation Area (only the southern part of the site is within the Conservation Area, i.e. No's. 30-35 Drury Lane and the Dryden Street properties, No's. 26-29 Drury Lane is excluded); and within the Special Cultural Area.

The Seven Dials Conservation Area wraps around the north and west of the site and is located within the London Borough of Camden.

There are no statutorily listed buildings within the curtilage of the site. The closest listed building to the site is 36-40 Drury Lane, which is located to the south of the application site.

6.2 Recent Relevant History

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

7. THE PROPOSAL

The application proposes the complete redevelopment of the site, to provide retail (Class A1/A3) and residential lobbies / ancillary uses to the ground floors, and 68 flats to the upper floors.

The proposals are a combination of façade retention and complete redevelopment and are based around three cores, but externally presenting five new buildings arranged around a private central gated courtyard. All facades within the conservation area are proposed to be retained with new buildings constructed behind. These would include altering / extending the retained facades upwards. For a more complete description of the works please refer to the design section of this report.

It should be noted that revisions to the proposals have been made during the course of the application. These changes were primarily design-led amendments and included the retention of 12 Dryden Street facade with a new extension above and designs changes to facades including changes to windows to the link extension between 30-35 Drury Lane and 2 Dryden Street; the third floor of 4-10 Dryden Street with a set back mansard roof; the fourth floor level of 26-29 Drury Lane with a set back mansard roof; shopfront alterations and changes to materials. The application was re-advertised to all surrounding neighbours and consultees. Objections have been received on the grounds that these amendments were so significant that they shouldn't have been accepted and that a fresh application should have been made. Given that the amendments were considered to be of a lesser impact/ harmful in the context of the original and overall proposals, it was not considered necessary to request a fresh application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The buildings are currently in office use (Class B1) and retail accommodation at ground floor level. The existing and proposed land uses can be summarised as follows:

Use	Existing (m2)	Proposed (m2)	Change (+ or -m2)
Office (Class B1)	8,618	0	-8,618
Residential	0	9,413	+9,413
Retail (A1 and A3)	878	1,770	+892
Total (m2)	9,496	11,184	+1,687

(Applicant's calculations)

Loss of office use

Objections have been received on the grounds that the loss of office accommodation, in particular the unique existing office accommodation, which adds to the character of Covent Garden is unacceptable and harms the vitality and viability of the area. Comment is also made that the application must be assessed in accordance with the Cabinet Statement which states that weight is to be attributed to parts of the Council's emerging office to residential/ mixed use policy.

The proposal will result in a substantial reduction in office floorspace. The application was submitted prior to the application of the office protection approach which came into effect on 1st September. The Cabinet Statements of 18 March 2015 and 22 July 2015 are clear and states that this approach will take effect from all applications submitted after on or after 1st September 2015. 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 proposes 68 residential units of which only 13 are family sized (19%) 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.

Forty one of the units are to be dual aspect. All the units proposed exceed the minimum size standards set out in the national space standards.

All habitable rooms within the proposed scheme have been assessed for Average Daylight Factor (ADF). All but one habitable room on the first floor of the proposed development will meet or exceeding the ADF levels suggested in the BRE guidelines. Given the central London location the standards of internal daylight 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.

Policy H10 of the UDP relates to gardens and community facilities in relation to housing developments. Policy H10 (A) states that as part of housing developments the City Council will normally expect the provision of amenity space. Nineteen flats will benefit from private amenity spaces in the form of balconies or terraces. The proposed flats at fourth, fifth and sixth floors have larger terraces. At ground floor level there is an internal

courtyard. Whilst this is the entrance to the proposed flats it is also proposed to be amenity space for the remaining flats with a landscaped area.

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 applicant has not proposed any outdoor play/amenity area for the proposed 13 family sized units. Whilst regrettable, it is not considered reasonable to request this within the ground floor internal courtyard.

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 the provision of residential accommodation in Covent Garden.

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

Objections to the application have been made on the grounds that the development does not provide for any affordable housing (as detailed in the originally submitted application) and that affordable housing ultimately results in different tenures of accommodation which add to the vibrancy of the area and that without a range of housing supply, there is a missed opportunity.

The new residential floorspace triggers a requirement for the provision of affordable housing under Policy H4 of the UDP and Policy S16 of Westminster's City Plan. Policy S16 of the City Plan requires that, in developments proposing housing of either 10 or more additional units or more than 1,000m² of additional residential floorspace, affordable housing should be provided.

Policy S16 requires affordable housing to be provided on-site but where this is not practicable or viable, cascade options allow for it to be provided off-site in the vicinity or possibly beyond the vicinity. The supporting text to this policy notes that financial contributions in lieu of affordable housing provision is an option the Council will only accept if the cascade options have been thoroughly explored and proved impracticable or unfeasible.

The applicant argues that providing affordable housing on site will make their development unviable. The Council's independent consultants, LSH accept this position and confirm that this cannot be accommodated within the current scheme due to an insufficient identified surplus and lack of Registered Provider demand for the equivalent number of on-site affordable units the scheme could viably provide (which is estimated at 1-2 units). The applicant also confirmed that they do not own another available site within the vicinity or within Westminster and is therefore unable to pursue an off-site solution. The applicant originally put forward a case that developing this site would not be viable if they were liable for any affordable housing payment. LSH assessed the applicant's viability case and disagreed with this approach and confirmed that the development would

still be viable with a contribution. Further to lengthy discussions regarding site and build costs a number of assumptions made by the applicant have been accepted. On this basis, LSH consider that the scheme can viably afford to make an affordable housing contribution of £3.49million. This is considered to be the maximum reasonable amount of affordable housing contribution that the development can support and is considered acceptable given the circumstances of the case. The applicant has agreed to make this financial contribution which can be secured through a S106 legal agreement. To note, a policy compliant financial contribution would be £11.2million.

Retail

The proposal provides 1,770m² of retail floorspace at basement and ground floor level, an increase of 892m². The proposals provide for the retail floorspace at 30-35 Drury Lane and 8 Dryden Street to be Class A1, whilst the floorspace at 26-29 Drury Lane and at 10-12 Dryden Street is proposed for a mix of retail (Class A1) or restaurant (Class A3) use. This is almost an equal divide of floorspace and is considered acceptable. The restaurant uses will not exceed 500m².

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 150m² and between 150m² and 500m² 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.

Whilst there are existing retail units on the site, these are smaller units such as a clothes shop, sandwich bar and a newsagent. There is existing retail floorspace on part of the Drury Lane and Dryden Street frontages however none within the majority of the Dryden Street frontage or within the Arne Street and Shelton Street frontages. The substantial increase in retail floorspace and the introduction of active street frontages with shopfronts to all street elevations will enhance the character and vitality of the area.

Objections have been received on the grounds that the retail units are excessive in size and not characteristic to Covent Garden. Whilst this is acknowledged, given the increase in retail floorspace and that the plans indicate that the large A1 retail unit could be divided into smaller unit should a future occupier wish, with minimal disruption and adequate waste stores provided as a result of this application, the proposals are considered

acceptable. It is recommended that a condition to ensure that the A1 retail is not used as a food retail unit is attached.

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.

In terms of servicing, whilst it would be desirable for the retail units to be serviced off-street, the applicant argues that this can not be done without comprising the proposed carparking facilities at basement level and that given the floorspace of the retail accommodation proposed when compared to the existing, which is currently serviced on-street, the impact will be minimal. The applicant contends that the proposed servicing trips would increase approximately by 4 in comparison to the existing situation (given the existing number of retail units, compared with the three proposed). Whilst this may be the case, the proposals would be dependent on the future occupier. The Servicing Management Plan submitted with the application is considered to contain a number of sound overarching principles on minimising the impact of servicing on the highway, however it is considered that a more detailed plan be secured by condition.

Accordingly, the proposals are acceptable in land use terms.

8.2 Townscape and Design

The Site / Assessment of Significance

The application site is a complete city block, bounded by Drury Lane to the east, Dryden Street to the south, Arne Street to the west, and the alley section of Shelton Street to the north. The city boundary with Camden follows the northern and eastern boundaries of the site.

The southern half of the site is within the Covent Garden Conservation Area, whilst the northern half of the site is outside of it. The Camden Seven Dials Conservation Area follows the city / borough boundary on the northern / eastern boundaries of the site. No formal response has been received from the London Borough of Camden.

None of the buildings on the site are listed, nor are they considered to be of a listable degree of architectural or historic significance. All of those within the conservation area make a positive contribution to it and are therefore, despite the absence of a Conservation Area Audit, considered to be 'unlisted buildings of merit'. Behind their facades they are significantly altered and of no real merit. The buildings outside of the conservation area are considered to have some, but quite limited architectural merit, and a very small degree of historic significance. They are not considered to be worthy of inclusion within the Conservation Area.

Opposite the site across Dryden Street is a Grade II listed building, nos. 36 to 40 Drury Lane (formerly The Marlborough Public House). The site falls within its townscape setting in terms of the building's primary significance as a London public house surrounded by development of a similar scale and type.

The site currently consists of four buildings or groups of buildings, all of which are attached in a continuous block with two shared lightwells and no private or public amenity spaces.

- **26-29 Drury Lane.** Architecturally two buildings dating from 1915 but now conjoined internally as one. The property fronts onto Drury Lane and a short stretch of Shelton Street, but with a more utilitarian 20th century warehouse character forming the larger part onto Shelton Street and Arne Street. Originally warehouses and showrooms for seed merchants, now offices used by Kings College. Outside of the conservation area, and with a low level of individual architectural and historic significance. Proposed for complete demolition and redevelopment.
- **30-35 Drury Lane and 2 Dryden Street.** Fronting Drury Lane and Dryden Street, these are the main public face of the application site, are within the conservation area (CA) and date from the 1890s. Originally showrooms, warehousing and offices, and now offices. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.
- **4-10 Dryden Street.** Fronting Dryden Street, these former houses / shops also of the 1890s, are now offices and are within the conservation area. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.
- **12 Dryden Street.** Fronting Dryden Street and forming its corner with Arne Street. A former chapel dating from 1841, converted to a warehouse in the late 19th century, now offices and within the conservation area. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.

Legislation, policy and guidance

When determining applications affecting the setting of a listed building, or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area.

Sections 7 and 12 of the NPPF require that great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits; 'less than substantial' should not be confused with 'acceptable'.

Together the above statutory and national policy basis equates to a strong presumption against harm, which may only be permitted if the harm caused would be significantly and

demonstrably outweighed by public benefits which could only be achieved through allowing that harm.

Locally, UDP Policies DES 1 (urban design / conservation principles), DES 4 (infill development), DES 5 (alterations and extensions), DES 6 (roof alterations / extensions), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, whilst S26 and S28 of the City Plan provide the strategic basis for the application.

No Conservation Area Audit has been carried out for Covent Garden. Relevant guidance exists within the council's 'Design Matters in Westminster' SPG (2001), and 'Development and Demolition in Conservation Areas' SPG (1996).

The Covent Garden Area Trust has published their own 'Environmental Study' which is given material weight by the council in determining relevant applications. The current version is mostly related to public realm measures and is generally focused upon the core piazza and surrounding streets. It does not give guidance of any real relevance to this scheme. Similarly the Seven Dials Trust has published and is currently reviewing their own 'Renaissance Study' although the current version does not include the assessment of buildings within the City of Westminster's area. Whilst the merits of this document are noted, it is not a statutory planning document and has not been adopted by either the City Council or the London Borough of Camden, and should be given no weight with regards to this current scheme.

The Proposal

Nos. 26-29 Drury Lane (outside of the conservation area) would be demolished completely, and replaced with two new buildings. The new building forming the corner of Drury Lane and Shelton Street would be a bold modern design faced with a black artificial stone cladding shaped to mimic the folds of theatre curtains, and with a set-back dark metal mansard roof forming the top fifth floor. The new building towards the rear, forming the corner of Arne Street and Shelton Street, would rise to seven storeys (23.5m high from pavement) and would be built of a dark brown brick arranged in vertical piers, with inset warehouse style windows. It would have a modern design, reminiscent of Covent Garden warehouses.

Nos. 30 to 35 Drury Lane and 2 Dryden Street would be extended upwards with a new attic storey, similar to that which exists historically to the adjacent listed building to the south of the site, with a further mansard storey added above that. The attic storey would be generally consistent with the architectural character of the existing elevation, being built of brick with stone details. The new mansard would have a generally traditional character, and would include dormers behind a parapet. No other alterations are proposed to this façade.

Nos. 4 to 10 Dryden Street would be extended upwards with a new traditionally designed mansard storey behind the existing parapet, and a further upper mansard set back from the edge of the lower mansard in a more modern style.

No. 12 Dryden Street, the former chapel / warehouse, would be extended upwards in brick by two-storeys, sheer apart from a slight set-back on both the Dryden Street and Arne

Street elevations. The new storeys would reflect but not copy the appearance of the building below.

Heritage impacts and design merit overall

Objections have been received regarding the loss of the existing buildings, including from the local amenity groups and the freeholders of the site who consider that they are of good architectural and historic merit, including internally. Historic England has not however objected, and considers the principle of demolition and redevelopment behind retained facades to be acceptable.

The buildings which are proposed for demolition are all outside of the conservation area and their exclusion from it is considered to remain correct. They are not harmful to the character of the area but they have only a low level of individual architectural or historical merit which has been notably diminished by modern alterations and substantial post-war rebuilds. It must also be noted that demolition outside of a conservation area does not in itself require planning permission. For these reasons the extent of complete demolition proposed is considered to be acceptable in principle, subject to the comparative architectural merits and townscape impacts of their proposed replacements.

The buildings proposed for redevelopment behind their retained facades make a positive contribution to the conservation area, but they are not of a listable quality. What limited internal features which might remain are quite dispersed amongst extensive modern interventions, meaning that there is no cohesive internal architectural character of sufficient significance to be described as 'special'. It should also be noted that, being unlisted, internal alterations can not be controlled through the planning process. Whilst the loss of these rearward parts of the buildings is regrettable, it is considered to be acceptable in principle subject to how the retained facades are treated.

The proposal to retain long lengths of façade on three sides of the block means that the façade retention approach works well because it means that all public facades within the conservation area would remain historic, rather than exposing modern flanks or rear elevations to public view.

The received objections also make reference to the proposed new designs, both of the new facades outside of the conservation area, and the alterations / extensions proposed for the retained facades. Historic England has not objected on this basis, and considers the proposals to cause a low level of harm which it recommends is balanced against the public benefits of the scheme.

The architectural design of new and altered facades has developed considerably during the course of the application and is now overall considered to be acceptable in design, conservation and townscape terms. Elements of harm would be caused, but these are minor. The proposals include a good attention to detail which would create a high degree of architectural quality whilst also remaining a generally simple and subtle set of designs. The mix of different building designs is particularly welcomed, it avoids excessive bulk and reflects the fine-grained pattern of development which is important to both the Covent Garden and the adjacent Seven Dials conservation areas.

The new buildings to the north of the site are considered to be good designs in their own rights. The new building fronting Arne Street and Shelton Street, effectively to the rear of

the site, would be a good re-interpretation of the simple brick aesthetics of Covent Garden warehouses: a substantial brick building with regularly arranged windows and a distinct vertical emphasis. It would be taller than the existing building on the site and in the surrounding areas.

The proposed black reconstituted stone building fronting Drury Lane and Shelton Street would be a significant departure in character for the area, presenting a very individual and bold character which would contrast with the generally modest, brick characteristics of Drury Lane. The dark tone of the façade would however sit comfortably with the tonality of adjacent buildings and the surrounding area, and would resist adverse weathering or staining. The 'theatre curtain' relief of the façade material returns some local context or reference to what might otherwise be considered an irrelevant material to the local area. The set-back mansard of the top storey moderates the height of the new building, and presents an elevation which is generally consistent with the scale of Drury Lane.

All of the facades proposed for retention are proposed to be extended upwards. Across most of the site this would be by only a single storey, but in places by two (no.12 Dryden St). As amended during the course of the application, the manner in which this would be done is now considered to be generally acceptable and should overall preserve the way in which the buildings contribute positively towards the character and appearance of the conservation area.

Within this, some elements of harm would be caused, as identified by the submitted objections and by Historic England, such as the scale of additional storeys proposed to be added onto 12 Dryden Street, but in other respects the proposals would integrate well with the character of the retained facades. The attic storey to Drury Lane, which can be further improved through the recommended amending condition, and the new mansards would respect the scale and character of the façades below, and the upper mansard to Dryden Street in particular would not be visible from the public realm due to the tight viewing angles possible within the street. Whilst visible from other buildings, this is considered to be acceptable in the context of the wider development.

The height of the development in places would be as much as seven storeys, and overall would represent an increase upon the existing, as highlighted by the objections received from local amenity groups, including with respect to the setting of the Seven Dials Conservation Area.

The increase in height would represent a low level of harm to the character and appearance of the Covent Garden CA and to the setting of the adjacent Seven Dials CA. This is only low due to the manner in which the increase in scale is moderated by a very varied set of rooflines and characteristics, which prevents an excessive bulk from being introduced – the varied heights, characteristics and proportions reflect the hugely varied characteristics of the surrounding conservation areas, and continues the fine-grained pattern of development characteristic of both conservation areas.

No harm would be caused to the setting of the adjacent listed building of 36-40 Drury Lane, because the contribution which setting makes to its significance would not be altered as a result of the new development. It would remain a central city context, and the scale, bulk and proportions of the proposals would not detract from the prominence of the listed building in views around the area.

Conclusion

The received objections have been considered and given weight, both with regards to the loss of the existing buildings (both entirely outside of the CA and behind retained facades within the CA) and with regards to the proposed new designs.

Some of the submitted objections suggest that the level of harm which the proposals would cause would be substantial therefore triggering paragraph 133 of the NPPF which requires that the public benefits required to outweigh the harm be proportionately 'substantial'. In that respect they are quite right that substantial harm, where it is found, can only be approved in the most exceptional of circumstances. However, it is considered that the proposals here would cause no more than a low degree of harm, and that this is well within the bracket of 'less than substantial', as recognised by Historic England and should therefore be assessed in accordance with paragraph 134 of the NPPF. As set out above, and having regard to the requirements of Sections 66 and 72 of the Act, it is considered that no harm would be caused to the setting of the adjacent listed buildings, and that the less than substantial harm caused to the character and appearance of the Covent Garden Conservation Area, and the setting of the Seven Dials Conservation Area, through the loss of the existing buildings and the alterations / extensions proposed to the retained facades would be significantly and demonstrably outweighed by the benefits of securing a positive regeneration of the site and locality for both new retail and residential uses.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Sunlight and Daylight

The existing buildings have differing heights between three and four storeys, with some rooftop structures. The proposed buildings will increase the height, mass and bulk on the site, especially with regards to the proposed Shelton Street and Arne Street buildings. The surrounding streets are narrow. Dryden Street is approximately 5.5m wide and Shelton Street and Arne Street are approximately 8.5m wide.

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 Delva Patman Redler LLP 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 158-159 Drury Lane, 36 Drury Lane, 23 Drury Lane, 22 Drury Lane, 1-5 Dryden Street, Betterton House 17-29 Betterton Street (which has external walkways to the entrances to the flat on the rear elevation – overlooking the application site), 1, 3 and 5

Betterton Street and 63 Shelton Street. The report also assesses New London Theatre House.

The recommendation in the BRE guide is that reductions of over 20% of existing daylight levels are likely to be noticeable. Of the 71 rooms tested, the daylight report shows that a number of rooms (20 in total) within 36 Drury Lane, 1-5 Dryden Street; Betterton House, 3 and 5 Betterton Street will experience some transgressions outside the BRE guidelines.

In terms of 1-5 Dryden Street the 4 rooms which are affected will see a percentage difference when compared to existing levels of between 22.40% and 39.1%. Two of these rooms will experience losses only marginally above the BRE guidelines and the other losses relate to bedroom windows on the first and second floor. Given the rooms to which the breaches occur and the level of the breach above the BRE guidelines, the proposals considered acceptable.

Betterton House to the north west of the site comprises ground and three upper floors and is all in residential use. The report indicates that these rooms are living rooms. It should be noted that the front doors to these flats are on the rear elevation of the building facing south-west and there are walkways/balconies that overhang each floor. Every room tested (14 in total) will experience some losses, however 10 of the 14 rooms breach BRE guidelines with losses of between 21.38% and 87.32% VSC. 4 of these 10 rooms however experience losses only just above the BRE guidelines.

Whilst the daylight losses to these properties are regrettable, on balance, given that Betterton House is taller than the properties opposite it on Shelton Street and therefore experiences an unusual open aspect given its urban location which arguably allows greater levels of daylight; the overall impact of the development in terms of daylight is considered acceptable.

There are very minor breaches above BRE guidelines to a third floor living room at 36 Drury Lane, to a first floor and third floor bedroom window at 5 Betterton Street and to kitchen windows at first, second and third floors of 3 Betterton Street and whilst technically the losses are greater than the BRE guidelines, the proposals are considered acceptable given this urban location.

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.

Of the properties assessed (56 rooms in total), there are 8 rooms, all within Betterton House which experience loss of sunlight in excess of BRE guidelines.

Whilst the percentage levels change is high to the rooms affected, the actual changes/perceptible difference to the existing and retained APSH are in fact much smaller.

Whilst the sunlight losses to flats in Betterton Houses are regrettable, on balance, given that Betterton House is taller than the properties opposite it on Shelton Street and therefore experiences an unusual open aspect given its urban location which arguably allows greater levels of sunlight; the overall impact of the development in terms of sunlight is considered acceptable. It should be noted that if the assessment was carried out with the removal of the existing walkways to these properties, the assessment shows the proposals would comply with the BRE guidelines.

Sense of Enclosure

The proposals are considered of a sufficient distance away from the properties opposite the site to the north-east given the width of Drury Lane. These properties include the New London Theatre, retail units at ground floor level, office accommodation at 161 Drury Lane and residential accommodation at upper levels of 158 and 159 Drury Lane.

The proposed height increases to the buildings to Dryden Street, of a bulkier two storey extension in the form of mansard roofs are not considered to have an impact upon the flats on the upper floors of 1-5 Dryden Street (which are on the corner of Arne Street) in terms of sense of enclosure. Whilst Dryden Street is a fairly narrow road, this is typical of street arrangements within Covent Garden and the relationship of the proposals to the properties opposite the site is considered acceptable.

The proposed new building at 12 Dryden Street, with its increase in height of a part fourth/part fifth floor extension, raise no issues with regards to sense of enclosure to the existing office accommodation, to the south-west, at 90 Long Acre (or should the recent permission granted to redevelop this site be implemented, to the future occupiers of the commercial/ residential properties).

The redeveloped properties to Shelton Street (cornering Arne Street) rise in height by three storeys. Directly to the north-west of the site is a two storey building on Shelton Street which is in commercial use. Given the narrowness of the passageway of Shelton Street and that the application site is already significantly taller than these properties, it is unlikely that these properties would experience any difference with regards to enclosure. Although the occupiers of the upper floor flats of 1-5 Betterton Street will experience the increase in height of the Shelton Street buildings, given the distances between the properties, there will be little feeling of enclosure. Further to the west of Shelton Street, the buildings generally comprises buildings of ground and three upper floors (property 65-75 Shelton Street only has two upper floors but is the same height as neighbouring buildings). Whilst the application building will rise in height as a result of the proposals, when compared to the size of the existing office building of 90 Long Acre which is directly opposite these affected properties, the proposals are likely to have any impact in terms of enclosure.

Privacy

Objections have been received from the freeholder of 1-5 Dryden Street (The Donmar Warehouse rehearsal space and upper floor flats) opposite the site on the grounds that

the proposals residential units will overlook the flats in the upper levels of this property (which are sited on the corner of Dryden Street and Arne Street).

Dryden Street is narrow. The existing office occupiers can already look into windows of the The Donmar Warehouse and to the Dryden Street elevation of the residential properties. Whilst the proposed residential use will result in increased activity with a degree of mutual overlooking between the existing and new residents, this relationship is considered to be acceptable. It should be noted that some of the proposed windows on the Dryden Street elevation are to serve bedrooms and bathrooms and are likely to be treated by the future occupants with measures to prevent overlooking into their properties.

To Dryden Street, at ground to third floor level there are no balconies proposed to the residential units. At fourth floor level there is a narrow terrace proposed and at fifth floor level there is a larger terrace proposed. The terraces are to be set back from the building edge and 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.

It is proposed that there is one balcony on floors one to four, on the Arne Street and Shelton Street elevations. These balconies are small (although providing valuable amenity space) and are not considered to result in any significant overlooking to adjacent properties. The terraces proposed at roof level, overlooking Arne Street and Shelton Street are not considered to result in any detrimental overlooking to neighbouring properties given the limited residential properties and the distances involved.

Noise from balconies/ terraces

In terms of noise from the balconies/ terrace, given the size of the balconies/ terraces and the distance of the terraces away from neighbouring properties, it is not considered that these would create substantial levels of noise to warrant refusal.

Accordingly, the proposals are considered acceptable in amenity terms.

8.4 Transportation/Parking

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. Objections have been received to the scheme on the grounds that not enough car parking has been provided and, that in this instance no car parking should be provided.

The proposed development provides 31 car parking spaces for 68 residential units. This is the equivalent of 0.45 car parking spaces per unit.

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 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 74%. 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 61%. However, the daytime parking survey indicates that parking occupancy of ResPark bays within a 200m radius of the site is 77%.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the St James's Ward is 32% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

With the provision of 31 car parking spaces on an unallocated basis (as proposed by the applicant, although originally it was proposed that the parking be on an 'allocated basis'), the proposed development will not add to existing on-street parking stress overall and therefore is considered to be consistent with TRANS23. The applicant has proposed lifetime car club membership, and this along with parking on an unallocated basis are considered the most appropriate mechanisms in which to reduce on-street parking stress and these are to be secured via legal agreement.

Car Park – Access, Lifts and Layout

The basement car parking is accessed via two car lifts from Arne Street, which directly abut the highway. The use of two car lifts for the number of car parking spaces proposed is welcomed and it is noted that all vehicles are able to enter and exit the site in forward gear.

The applicant indicates that 1 car lift cycle time is 84 seconds between first being used by a vehicle, to when it would return to street level and be ready to be used again. The applicant argues that given the two lifts, the lift cycle time, number of car parking spaces and trip generation calculations, queuing on the highway (Arne Street) would be rare. While this is agreed, given the highway layout of Arne Street, any vehicle that is required to wait on the highway for a down lift, would block other vehicles from passing. This is likely to result in localised congestion on occasion on Arne Street, but in this instance is not a reason for refusal. The Highways Planning Manager comments that a vehicle exiting the car lift is not provided with sufficient visibility splays to pedestrians or that pedestrians would not see vehicles exiting the car park. Given the size of the development, the likely use of the car park and that Arne Street and Shelton Street are relatively quiet roads within the bustle of Covent Garden it is not considered that visibility splays, which would undermine the appearance of the building, are required.

Cycle Parking – Residential uses

The London Plan policy 6.9 requires 1 cycle parking space for a 1 bedroom residential unit and 2 spaces per residential unit of 2 or more bedrooms. There are 28, studio/ 1-bedroom units and 40, 2 or more bedroom units proposed. The proposals therefore generate a requirement of a minimum of 108 cycle parking spaces. The applicant proposes 120 cycle parking spaces at ground and basement level in a stacker arrangement and this is considered acceptable.

Cycle Parking – Non-residential uses

The London Plan policy 6.9 requires 1 cycle parking space per 175m² of retail uses. The proposed retail floorspace would require a minimum of 11 cycle parking spaces. The submitted drawings indicate cycle parking storage, accessed from Arne Street, for the retail units. The applicant proposes 12 spaces, some of which are in a stacker arrangement and this again is considered acceptable.

Doors

The proposed drawings indicate the doors to the substation on Arne Street would open outwards the public highway. Whilst generally this is considered to potential cause an obstruction, contrary to TRANS3 and the Highways Act (s153), given that these doors are for a substation which will be rarely used, this in this instance is acceptable.

Servicing

As detailed in the retail section of part 8.1 of this report.

8.5 Economic Considerations

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

8.6 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.

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

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 with the supporting application documents and is proposed to be done through acoustic treatment of the facades and with the aid of mechanical ventilation of the residential units. 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 applicant has not yet provided details with regards to the sound insulation proposed between the commercial uses and residential uses. To ensure compliance with the Council's standard conditions regarding internal noise levels, a supplementary acoustic report is required by condition.

Plant

Plant is proposed in the basement and within three plant enclosures at main roof level and an acoustic report identifying the proposed plant has been submitted. This demonstrates that the proposals will comply with the City Council's standard noise conditions. Conditions to secure the installation of the enclosures and the use of night time set back modes are recommended.

With regards to the proposed CHP and extract equipment for the retail units, conditions are recommended to secure full details and a supplementary acoustic report to confirm compliance with the Council's standard noise condition.

Refuse /Recycling

Internal waste stores are shown on the proposed drawings for both the residential and retail uses, except the retail unit marked as 01 on the plans. The waste areas for all the other uses are considered acceptable and it is recommended that a condition to secure a revised plan to ensure that retail unit 01 has internal storage for waste is attached. Whilst the plans shows waste storage for the retail units (except unit 01), it is unclear how or where this retail waste will be collected from and the Highways Planning Manager requests a condition to secure further details on this is required including a suitable holding location at ground floor level, to ensure waste is not left unnecessarily on the highway awaiting collection.

Trees/ Landscaping

There are no existing trees or landscaping on the site. The proposals show that the internal courtyard at ground floor level is to be landscaped and that sedum roofs are proposed to the main roof area. Details of this are to be secured by condition. Whilst it is regrettable that there is minimal landscaping, given the urban nature of this development block and compared to what is existing, it is considered unreasonable to request anything further.

Sustainability & Biodiversity

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. The proposed development includes enhanced passive design measures which seek to reduce heat losses and provision of high quality double glazed windows to improve thermal performance. A communal CHP-led heating system is proposed. It is also proposed that photovoltaic cells are installed to some areas of the roof. It is proposed to

deliver a 38% improvement in carbon emissions based on the current Part L Building Regulations (2013).

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.

Sedum roofs are proposed to two areas of the roof and this is welcomed.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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 is due to adopt its own Community Infrastructure Levy on the 1st May 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:

- a payment of £3.49million towards the City Council's affordable housing fund;
- the applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £50,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers
- unallocated parking;
- free lifetime (25 years) car club membership for residents of the development
- costs of monitoring the S106 agreement.
- all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
- employment and Training Strategy for the construction phase and the operational phase of the development.

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

8.11 Environmental Impact Assessment

It is considered that whilst the proposal is an 'urban development project', it does not meet the size threshold specified in Category 10b Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015, is not located in a sensitive area as defined in the Regulations and as such it is not likely to have significant effects on the environment. The proposals were therefore not required to be accompanied by an Environmental Impact Assessment.

8.12 Other Issues

Basement

It is proposed that the depth of the existing basement is lowered by 1.8m to allow for the provision of residential car parking, better accommodation for the retail floorspaces/storage areas and for adequate plant rooms. Building Control officers have assessed the structural methodology statement, which has been revised as part of the amended scheme which now seeks to retain the façade of 12 Dryden Street, and no objections are raised to the methodology proposed.

Construction impact

A Construction Traffic Management Plan has been submitted with the application, which sets out the potential impact of the proposed development on the area. This document sets out the logistical requirements in a broad sense as the applicant has not yet formally appointed a building contractor. The report notes the presence of the approved development next door at 90 Long Acre, and that a full construction consultation would take place with local business, residents and parties as necessary to discuss and advise on the redevelopment process. The document has been considered by officers and the programme of work appears acceptable. It is however recommended that an updated CMP be secured by condition once a contractor has been appointed.

Should permission be granted it will be the responsibility of Highways Licensing to manage the development and ensure that they are implemented in accordance with their Construction Contracts, which will need to be agreed in consultation with the Council Highways Licensing team prior to commencement.

With regard to the impact in terms of noise and disruption of the works during construction, a standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays.

Other

Objections to the application have been made on the grounds that as a result of the loss of the office accommodation as discussed, the proposals result in the loss of employment. It is argued that those who are currently tenants within the existing building will find other suitable premises should they wish and therefore it is not considered that this application can be refused on this basis.

9. BACKGROUND PAPERS

1. Application form
2. Schedule of Bedroom Sizes
3. Response from Historic England (Listed Builds/Con Areas/ Archaeology), dated 9 September 2015, 22 March 2016 and 17 March 2016
4. Response from Covent Garden Area Trust/ Covent Garden Community Association and The Seven Dials Trust, dated 29 September 2015 and 24 March 2016.
5. Memorandum from Arboricultural Officer dated 21 September 2015
6. Response from Highways Planning dated 8 October 2015 and 8 March 2016
7. Memorandums from Environmental Health dated 22 October 2015, 11 March 2015 and 16 March 2016,
8. Letters from occupier of 26-28 Neal Street dated 5 August 2015 and 18 March 2015
9. Letter from occupier of 4 Lockhart Street, London, dated 21 August 2015
10. Letter from occupier of 32 The Dene, Wembley, dated 10 September 2015
11. Letter from occupier of Flat 3, 80 Long Acre, dated 4 September 2015 and 19 March 2015.
12. Letter from occupier 32 The Dene, Wembley dated 10 September 2015
13. Letter from The Mercer's Company dated 22 September 2015 and 22 March 2016.
14. Letter from Deloitte on behalf of The Mercer's Company dated 22 September 2015 and 18 March 2016

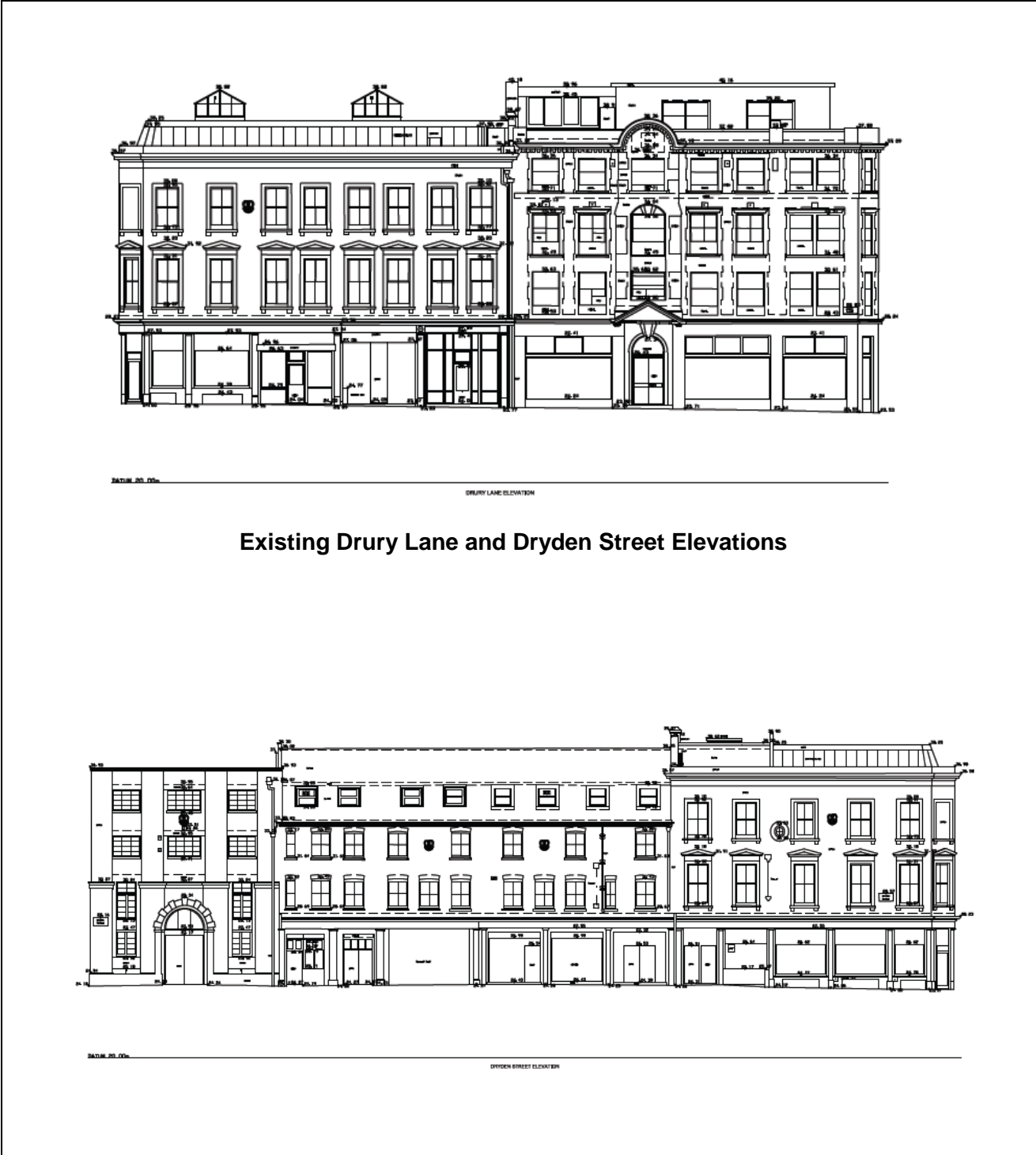
15. Letter from occupier of 8-10 Dryden Street dated 9 October 2015.
16. Letter from occupier of 2-6 & 8-10 Dryden St, Covent Garden, dated 24 February 2016
17. Letter on behalf of The Mercer's Company dated 22 March 2016
18. Letter on behalf of operator of Unit 4, 30-35 Drury Lane dated 23 March 2016
19. Email on behalf of Donmar Warehouse dated 24 March 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS

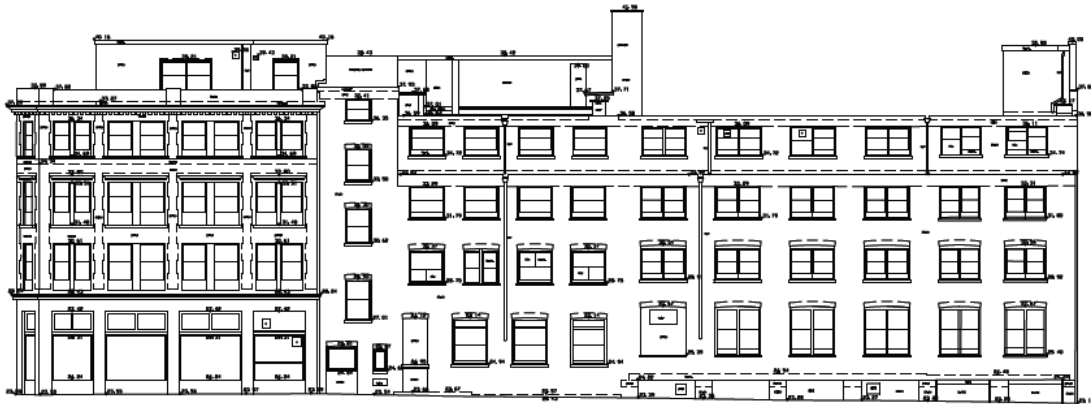




S&S 201 070

ARNE STREET ELEVATION

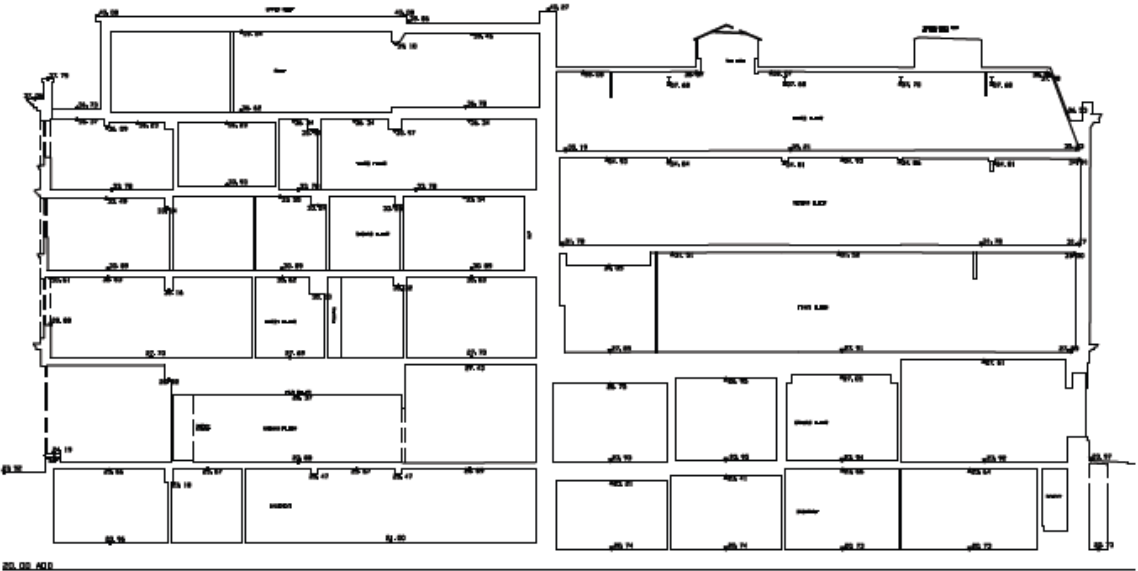
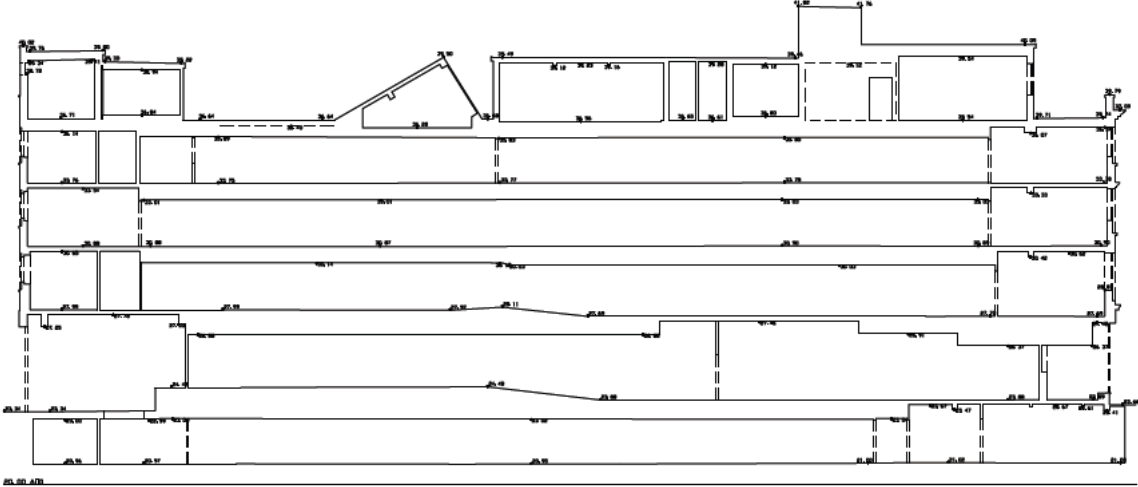
Existing Arne Street and Shelton Street Elevations



S&S 201 070

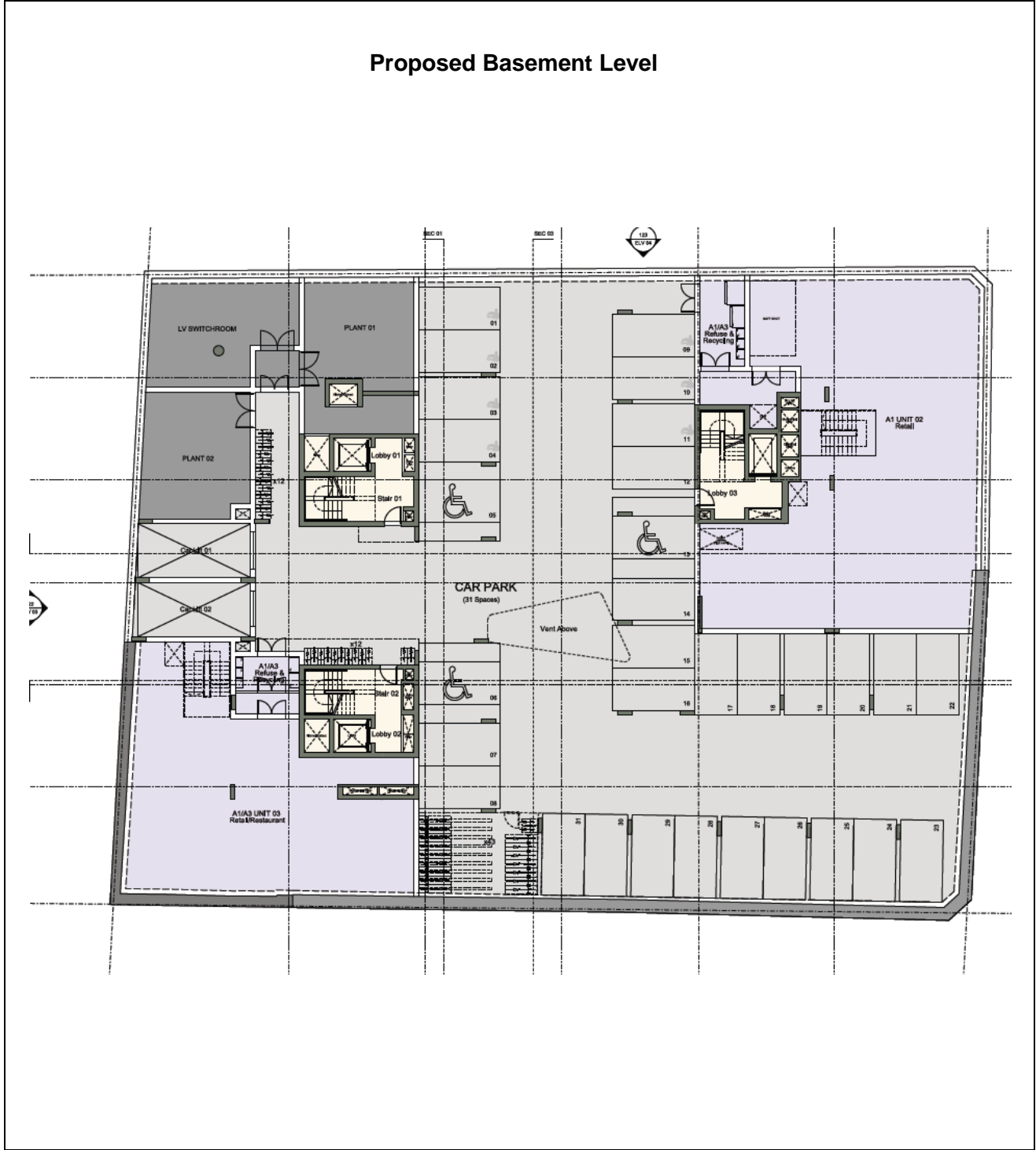
SHELTON STREET ELEVATION

Existing Sections

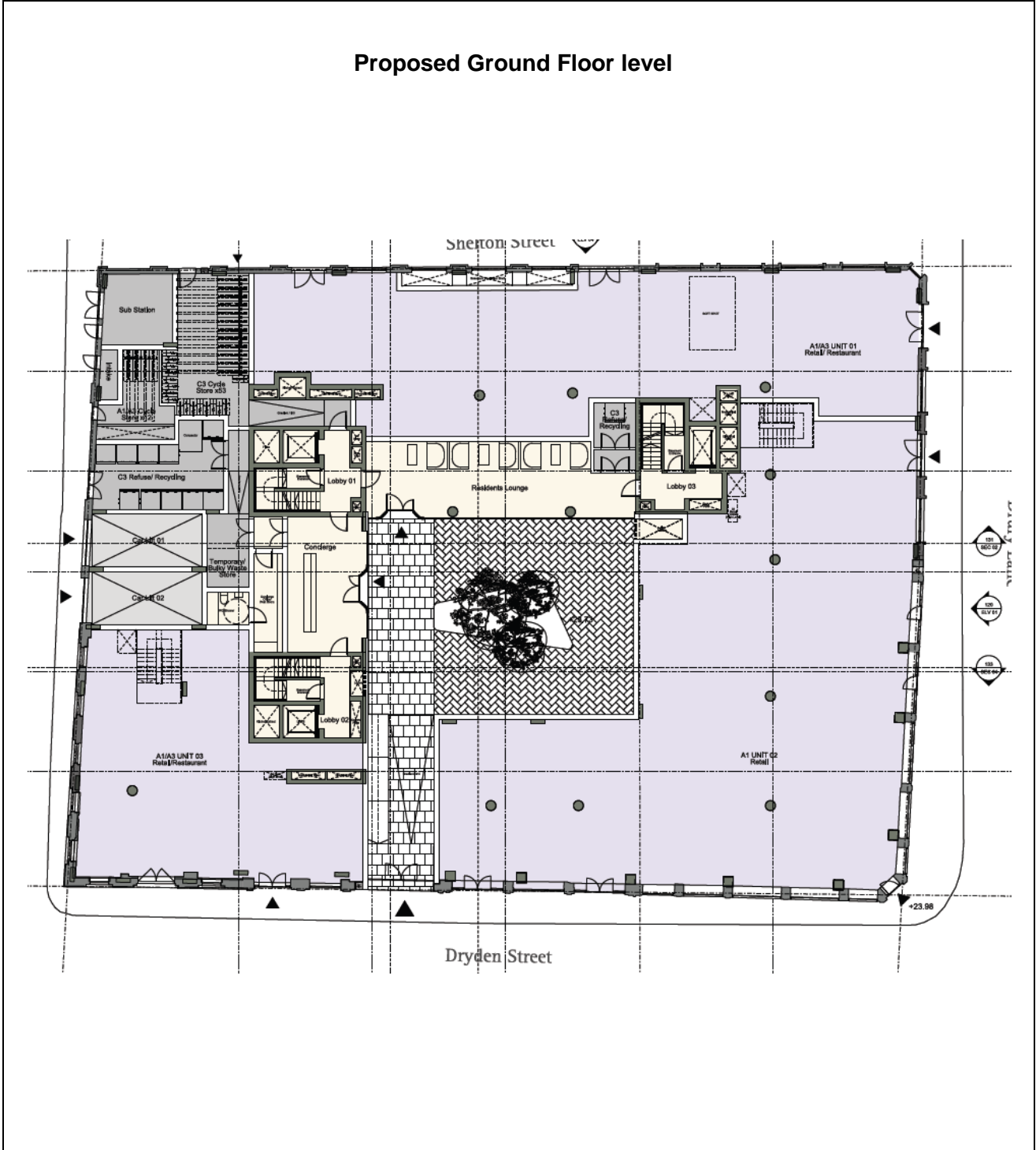


SECTION 3

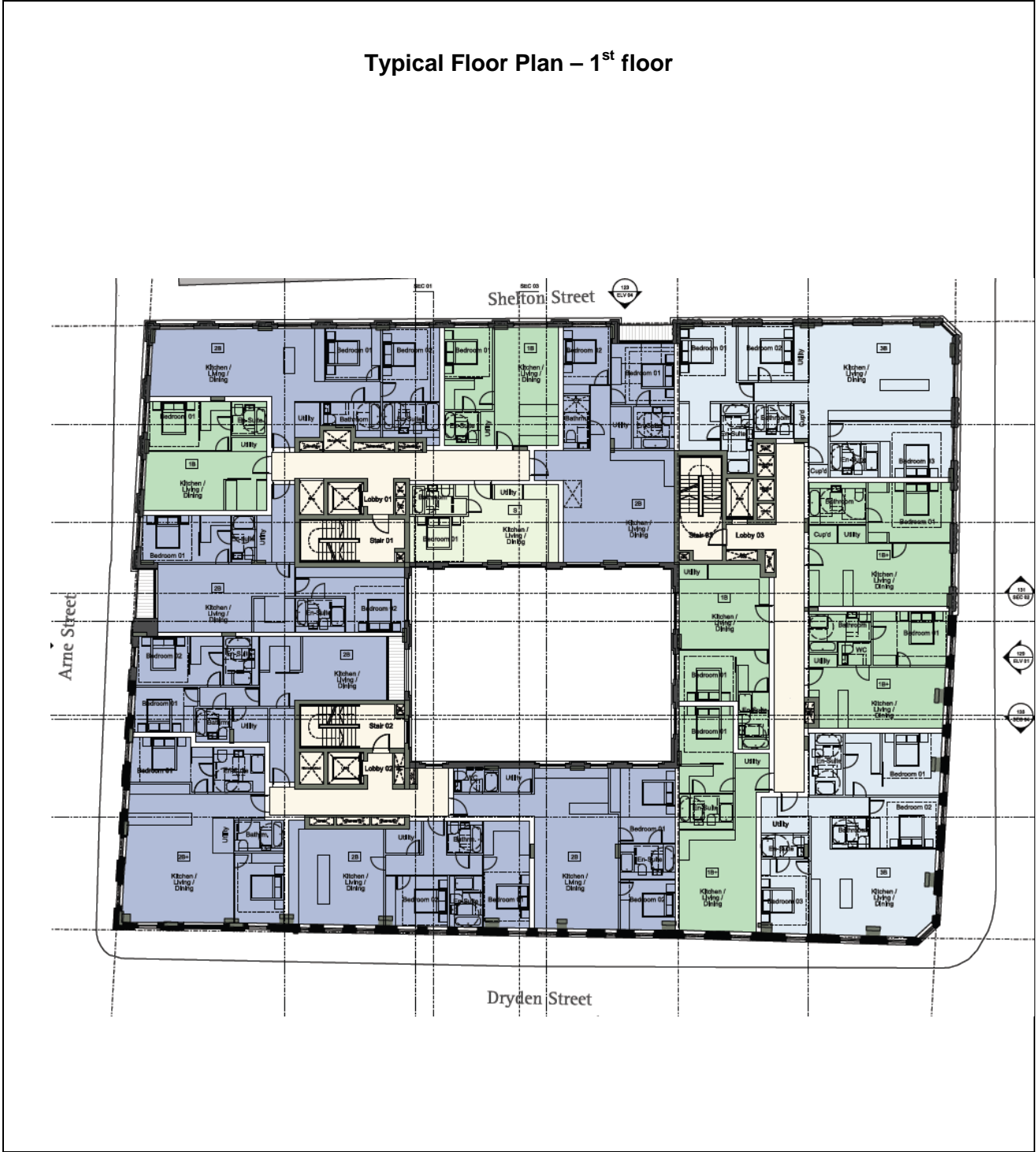
Proposed Basement Level



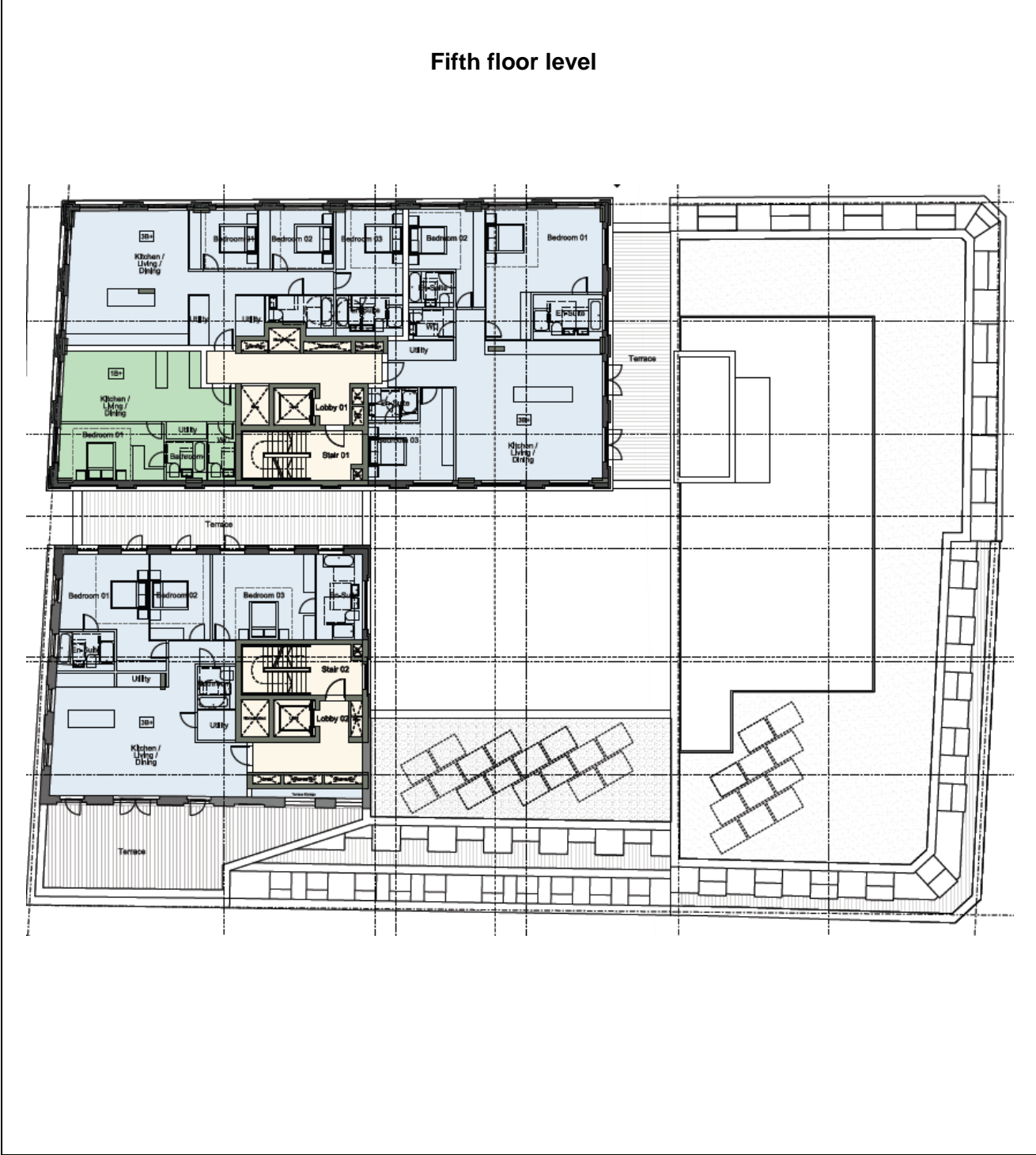
Proposed Ground Floor level



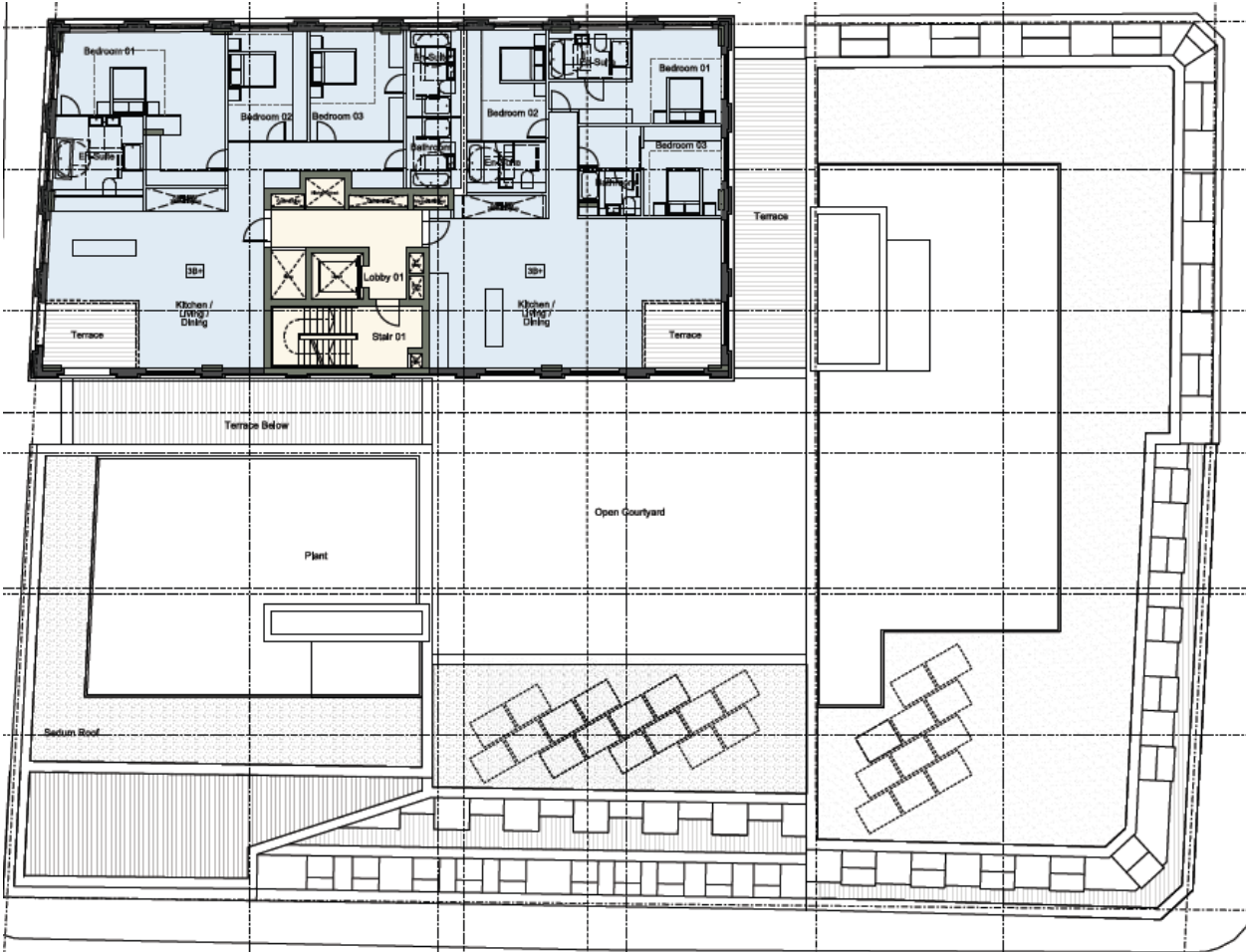
Typical Floor Plan – 1st floor



Fifth floor level



Sixth Floor Level





Proposed Drury Lane and Dryden Street Elevations





Proposed Arne Street and Shelton Street Elevations



Section through the building (Drury Lane on the left/ Arne Street on the right)





Drury Lane and Dryden Street Elevations



Proposed Arne Street Elevation



DRAFT DECISION LETTER

Address: Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And, Shelton Street, London, ,

Proposal: Demolition and redevelopment of site in buildings ranging from 5 storeys to 7 storeys (excluding roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, in buildings to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking, basement car parking, associated landscaping works.

Reference: 15/07560/FULL

Plan Nos: 13465-AR: L00-P01-010; LOO-P01-020; L-1-P01-099; L00-P01-100; L01-P01-101; L02-P01-102; LO3-P01-103; L04-P01-104; L05-P01-105; LXX-P01-120; LXX-P01-121; LXX-P01-122; LXX-P01-123; S-01-P01-134; S-02-P01-135; S-03-P01-136; S-04-P01-137; L-1-P03-099; L00-P03-100; L01-P03-101; L02-P03-102; L03-P03-103; L04-P03-104; L05-P03-105; LXX-P03-120; LXX-P03-121; LXX-P03-122; LXX-P03-123; S-01-P03-134; S-02-P03-135; S-03-P03-136; S-04-P03-137; L-1-P01-099; L00-P01-100; L01-P01-101; L02-P01-102; L03-P01-103; L04-P01-104; L05-P01-105; L06-P01-106; L07-P01-107; LXX-P01-120; LXX-P01-121; LXX-P01-122; LXX-P01-123; LXX-P01-130; LXX-P01-131; LXX-P01-132; LXX-P01-133; Design and access statement dated 6 August 2015 (part superseded), Design and access statement dated February 2016; Planning Statement dated August 2015 (part superseded); Revised Built Heritage Assessment dated February 2016; Townscape Heritage and Visual Impact Assessment dated February 2016; Supplemental Planning Statement dated February 2016; Daylight, Sunlight and Overshadowing Study dated February 2016; Transport Assessment Rev) dated 4 August 2015 (part superseded); Transport Addendum Note dated 9 December 2015; Noise and Vibration Impact Assessment dated 4 August 2015; Ventilation and Extraction Statement dated July 2015; Construction Management Plan July 2015 (part superseded); Construction Management Plan Addendum Option A dated February 2016; BREEAM Report dated 4 August 2015; Energy and Sustainability Statement dated 3 August 2015 (part superseded); Addendum to Energy and Sustainability Statement dated 4 February 2016; Historic Environment Desk Based Assessment dated June 2015; Preliminary Environmental Risk Assessment dated July 2015; Preliminary Ecological Appraisal dated July 2015; Air Quality Assessment dated August 2015; For information only: Structural Methodology Statement P3 dated August 2015; Supplemental Structural Methodology Statement P2 dated February 2016.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and

other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

- 3 You must 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 protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 5 You must apply to us for approval of a detailed materials schedule referring to:

- (a) New brickwork sample panels prepared on-site.
- (b) Samples of all other new external materials.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

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

- (a) Overall new and altered building profiles at 1:20;
- (b) New windows, dormers, doors, louvres, gates, railings, and external balustrades at 1:5;
- (c) Details of measures to prevent adverse weathering of external masonry.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

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

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

- (a) the proposed attic storey (third floor) extension to 30-35 Drury Lane and 2 Dryden Street shall be brought flush with the walls below;
- (b) revised design, including details at 1:5, of pedestrian entrance to the private courtyard from Dryden Street, to be cast or wrought metal gates and railings which provide a clear unobscured view into the courtyard from the street;
- (c) replacement of all existing modern windows to 12 Dryden Street to a more traditional warehouse steel window profile and pattern, including details at 1:5.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and

DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

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

Reason:

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

- 10 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

- 11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no alteration permitted by Class C of Part 2 of Schedule 2 of the Order shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

Reason:

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

- 12 You must submit to us a detailed Shopfront and Signage Strategy including details of new and altered shopfronts, and guidance for non-residential occupants regarding signage and enhancements to / consolidation of existing / original shopfronts.

Reason:

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

- 13 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

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)

- 14 No development shall commence until details of an appropriate programme of public engagement including a timetable have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.

Reason:

The planning authority wishes to secure public interpretation and presentation of the site's archaeology in line with London Plan Policy 7.8.

- 15 No more than 46% of the retail floorspace shall be used as a restaurant (class A3) and no one

restaurant unit shall exceed sqm.

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.

- 16 Notwithstanding the provisions within Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) you must not use the Class A1 retail units as a food/supermarket retail unit. (C05BB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 17 Customers shall not be permitted within the restaurant premises before 08.00 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 8 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 18 You must apply to us for approval of details of the ventilation system to get rid of fumes, 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. (C14BB)

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)

- 19 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and

for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

20 (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.

- 21 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.

- 22 As detailed within the acoustic report, the condensing units must be operated using the night time set back mode.

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.

- 23 You must install the Environ Modula 2.2.25AC acoustic enclosures as detailed within the acoustic

report before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

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.

- 24 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.

- 25 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.
- 26 (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 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.

- 27 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant including the CHP and kitchen extract equipment 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:

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.

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.

- 28 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 23 and 24 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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.

- 29 You must apply to us for approval of details of a Servicing Management Plan. You must then abide by the terms and agreement of the plan at all times.

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 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 using the development as set out in STRA 25 and

TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 31 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.

- 32 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 099 and 100. You must clearly mark them and make them available at all times to everyone using the properties. (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)

- 33 You must apply to us for approval of details of how waste is going to be stored on the site for the Retail Unit 01. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using retail unit 01. You must not use the waste store for any other purpose. (C14CD)

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)

- 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
- CHP
- Biodiverse green roofs

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 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)

- 36 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. 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 according to these approved drawings within 3 months of completing the development (or within any other time limit we agree to in writing). (C30AB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, 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. (R30AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - i. a payment of £ towards the City Council's affordable housing fund;
 - ii. the applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £50,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers

- iii. unallocated parking;
 - iv. free lifetime (25 years) car club membership for residents of the development
 - v. costs of monitoring the S106 agreement.
 - vi. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
 - vii. Employment and Training Strategy for the construction phase and the operational phase of the development.
- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 5 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)
- 6 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)
- 7 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)

- 8 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)
- 9 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)
- 10 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)
- 11 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)
- 12 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)

- 13 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 14 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 15 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)
- 16 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 17 The term 'clearly mark' in condition 31 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 18 Conditions 19 and 20 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 19 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 20 With regards to the written schemes of investigation these will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.