

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

## 1. RECOMMENDATION

Refuse permission on the following grounds

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

## 2. SUMMARY

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

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

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

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

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

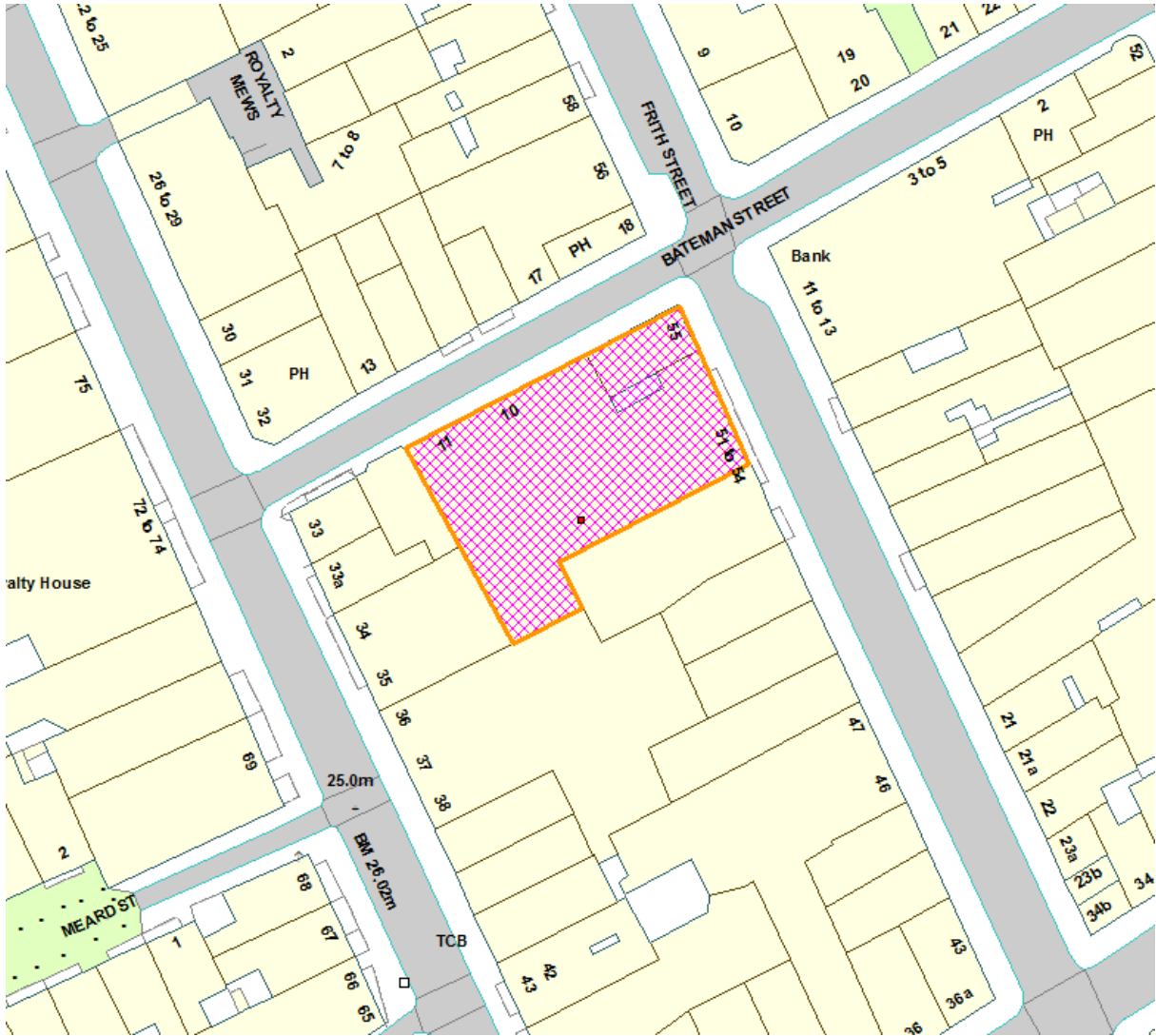
Although the reconfiguration of the uses would result in an overall increase in retail floorspace this would be at basement level on Bateman Street. The loss of a ground floor retail unit on Frith Street is considered unacceptable in land use terms.

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

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

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

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### COUNCILLOR CHURCH

Objection on the following grounds:

An extended restaurant in the Stress Area is detrimental to residential amenity.

The loss of retail use.

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

Detrimental impact upon the amenity of residents in the vicinity.

### SOHO SOCIETY

Objection on the following grounds:

An extended restaurant in the Stress Area is detrimental to residential amenity.

The loss of retail 'degrades the mix of uses typical of the Central Activities Zone'.

### CLEANSING MANAGER

No objection subject to conditions.

### HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

### ENVIRONMENTAL HEALTH

No objection subject to conditions.

### CROSSRAIL

No Comment.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154

Total No. of replies: 7

No. of objections: 7

No. in support: 0

Objections on some or all of the following grounds:

Land use:

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

Amenity:

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

**Highways:**

- Disruption from construction traffic and potential road closures.

**Design:**

- Proposal detrimentally changes the character of Soho.

**Other:**

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

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

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

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

### **6.2 Recent Relevant History**

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

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

## **7. THE PROPOSAL**

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

The floorspace figures are set out in the tables below.

Floorspace Schedule:

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

Restaurant Use Table:

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

In terms of works the scheme proposes the following

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

## 8. DETAILED CONSIDERATIONS



## 8.1 Land Use

### Loss of office use

The proposal results in the loss of 117.77m<sup>2</sup> of office floor space. Since the 1st of September 2015 planning applications involving the loss of office floorspace for residential conversion in the Core CAZ are no longer acceptable in principle. The statement from the Deputy leader for Westminster City Council dated 18 March 2015 stated that "no office losses will be acceptable, except where a developer can demonstrate that the benefits of the proposal taken as a whole outweigh the loss of the office floorspace"

In this case the loss of the office floorspace is primarily due to a change of use to retail and restaurant uses at basement level. The application therefore involves a change between commercial uses. The minor loss of office floorspace at first, second and third floors to allow for the reconfigured residential floorspace which affords a much better layout of the units. In these circumstances the change of use of 54.2m<sup>2</sup> of office accommodation to residential is acceptable taking into account, overall the uplift in commercial floorspace is 284.98m<sup>2</sup>.

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

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

### Residential use

The proposal seeks to increase the residential floorspace by 54.2m<sup>2</sup>, whilst still providing three residential units. All the units comply with the minimum space standards as detailed within the London Plan. The proposal is in accordance with the stipulations of Policies H3 of the UDP and S14 of the City Plan which seek to maximise the amount of land or buildings in residential use.

### Restaurant

This application proposes an extended restaurant at part basement and ground floor levels measuring 477 m<sup>2</sup>. City Plan Policy S24 and UDP Policy TACE 9 are applicable. These policies require proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

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

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

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

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

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

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

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

## **Retail**

The proposal results in an increase in the retail floorspace of 7.34m<sup>2</sup>. However 113m<sup>2</sup> of the retail accommodation is now in the basement of the unit with only 122.74m<sup>2</sup> of the retail provision at ground floor level. The existing situation is that the entire retail floor at

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

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

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

### **Mixed Use Policy**

Policies S1 of the City Plan and COM2 of the UDP seek to promote mixed use developments within the Central Activities Zone. Policy S1 requires that where the increase in commercial floorspace exceeds 200m<sup>2</sup> or, individually, the increase in retail accommodation exceeds 400m<sup>2</sup> the provision of an equivalent amount of residential floorspace will be required on-site where the council considers this appropriate and practical. This policy is not applied to changes of use between different commercial uses, only to extensions. The current proposal would result in an uplift in commercial floorspace of 284m<sup>2</sup> which requires a corresponding increase in residential floorspace. The application only provides a residential uplift of 54.m<sup>2</sup>. There is therefore a residential shortfall of 230m<sup>2</sup>.

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

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

## **8.2 Townscape and Design**

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

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

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

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

### **8.3 Residential Amenity**

#### **Daylight and Sunlight**

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

A Daylight and Sunlight Assessment has been submitted which assesses the impact of the proposal on neighbouring residential windows at the following properties 13-18 Bateman Street, 10, 11-13, 14 and 51-52 Frith Street, 33a, 34-35 and 36-37 Dean Street. In all cases the study shows that losses are minor in accordance with Building Research Establishment (BRE) Guidelines. No objections have been received to this aspect of the application which is considered to be acceptable.

#### **Sense of Enclosure**

The scheme includes extensions within the lightwell to the west of the property at second to fourth floor levels. The nearest residential accommodation to these extensions is located within 33a Dean Street to the west and there are also residential flats within 34-35 Dean Street which also has oblique views into this lightwell area. The increase in bulk would not result in a sense of enclosure to the residential properties.

## Privacy

The proposal includes the creation of terraces at third and fourth floor levels in the lightwell to the west of the site serving the office accommodation. Objections have been received to the creation of these terraces from the residents of Dean Street flats. The objections are made on the grounds that the terraces would result in overlooking and noise nuisance. The terrace at third floor level would be approximately 6.5m from the Dean Street residential windows whilst the fourth floor terrace would be 14m from residential windows. It is acknowledged that these terraces are reasonably small, being approximately 12m<sup>2</sup>. However given their location it is considered that the terraces would result in potential overlooking and noise nuisance contrary to policy ENV 13 and ENV 6 of the UDP and CS28 and CS31 of the City Plan Strategic Policies.

## 8.4 Transportation/Parking

There is no provision for off-street car parking within the demise of the development and this is considered acceptable considering there is no increase in the number of residential units and the re-configured commercial uses are unlikely to result in any significant change in the demand for on-street parking. The site is within a Controlled Parking Zone and anyone driving to the site would be subject to these controls.

Cycle parking has been shown on the submitted drawings for the office, retail, restaurant and residential accommodation and is considered acceptable. It is noted the office cycle parking also has associated shower and changing rooms. Any approval would have included a condition to ensure these cycle parking spaces were provided and thereafter retained in perpetuity.

It is not considered the proposal would result in significant additional servicing requirements compared to the existing situation on site. All servicing of the commercial units will be controlled by the existing on-street parking controls in the area and it is envisaged the units will be serviced in a similar fashion to the surrounding commercial operations.

## 8.5 Economic Considerations

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

## 8.6 Access

Level access will be provided to the retail and restaurant units and to the office accommodation, lifts will serve all the floors in the offices. The internal layout of the restaurant and retail units has not been finalised as final tenants have not been identified.

## 8.7 Other UDP/Westminster Policy Considerations

Noise

Plant is proposed at with an external screened plant area on the new main roof area.

The proposed plant installation has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Background noise assessments have been undertaken at roof level and the area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP, the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows.

The plant requirements for the development have not been finalised and therefore only a background noise assessment has been submitted. This is considered acceptable for a scheme of this size and if the application had been recommended for approval appropriate conditions would have been proposed requiring the submission of a supplementary acoustic report to detail the manufacturers specification of all plant and expected noise levels at the nearest sensitive property to ensure this conformed with the City Council standard noise requirements. Environmental Health have confirmed they find this approach acceptable.

#### Refuse /Recycling

Suitable waste and recycling storage facilities have been shown on the submitted drawings and the proposal is therefore considered acceptable in this regard subject to conditions.

#### Sustainability

Vertical green wall areas are proposed at the rear of the terraces at third and fourth floor levels which are welcomed in biodiversity terms. If recommended for approval conditions would have been proposed requiring the submission of details relating to the planting and maintenance of these green walls and their retention in perpetuity.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

Policy S33 of the City Plan states that ‘the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure.’

The City Council's approach to and priorities for planning obligations are set out in the Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the development site, in the wider locality, or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

In this instance there are policy requirements, mentioned previously in this report, which are considered necessary to make the application acceptable, these are:

- i) a contribution of £376,000 to the City Council Affordable Housing Fund.

These contributions are proposed to be secured by a S106 agreement.

### **8.11 Environmental Impact Assessment**

Environmental impact issues have been covered in section 8.7 above.

### **8.12 Other Issues**

An objection has been received from the commercial occupier of the basement and ground floor premises of 11 Bateman Street in relation to the potential for dust, noise and disturbance from construction works to impact upon their working environment. Whilst these concerns are acknowledged, they do not form a basis for the refusal of planning permission. It is noted that the objector carries out noise sensitive work within their premises however, the City Council cannot restrict the hours of building works beyond the standard building hours to protect the commercial occupier. Had the application been considered acceptable a condition requiring a Construction Management Plan would have been required in order to ensure the impact from the construction on highways movements and potential dust and noise pollution were minimised.

Concern has been raised both by an objector to access issues to their commercial floorspace in 11 Bateman Street during the course of construction. Any closure of the highway would be agreed beforehand with Highways Licensing as well as the location of scaffolding to ensure disruption was minimised and refusal could not therefore be upheld on these grounds. The objector is also concerned about the maintenance of utilities to their retained premises during the course of construction works. This is considered a private matter between the tenant and the freeholder (applicant) and is not something which can be controlled through the planning process.

A number of residents have commented on the submitted 'Statement of Community Involvement' which they do not consider accurately reflects the concerns they raised to the application at a public meeting. These comments are noted and it is considered the response to the public consultation more accurately reflects the opinions of the proposal by affected residents.

Concern has been raised with regard the security implications of having a large number of workers on site during construction including scaffolding on the property. This concern is noted but if reasonable precautions are taken it is not considered the works should result

in an increased security risk to nearby properties. Concern has also been raised as to the implications of the proposal for mobile phone signal in nearby properties and for existing telecommunications equipment on neighbouring buildings, however, these are not considered material planning considerations.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Councillor Church dated 11<sup>th</sup> February 2016
3. Response from Soho Society, dated 9 December 2015
4. Response from Cleansing - Development Planning, dated 25 April 2016
5. Response from Highways Planning - Development Planning, dated 23 November 2015
6. Response from Environmental Health, dated 15 December 2015
7. Response from Crossrail Safeguarding dated 26 April 2016
8. Letters from the occupier of 10 Bateman Street, London, dated 20 November 2015, 24 November 2015 and the 11 December 2015
9. Letter from occupier of 2 Castlebar Road, London, dated 7 December 2015
10. Letter from occupier of Flat 2, 2nd Floor Front Flat, 17 Frith Street, dated 8 December 2015
11. Letter from occupier of Flat 6 - Bray House, 4-5 Duke of York Street, dated 17 December 2015
12. Letter from occupier of Flat 3, 35 Dean St, London, dated 17 December 2015
13. Letter from occupier of 11 Meard Street, London, dated 9 February 2016
14. Email from the owner of 33a Dean Street, London dated 26 April 2016

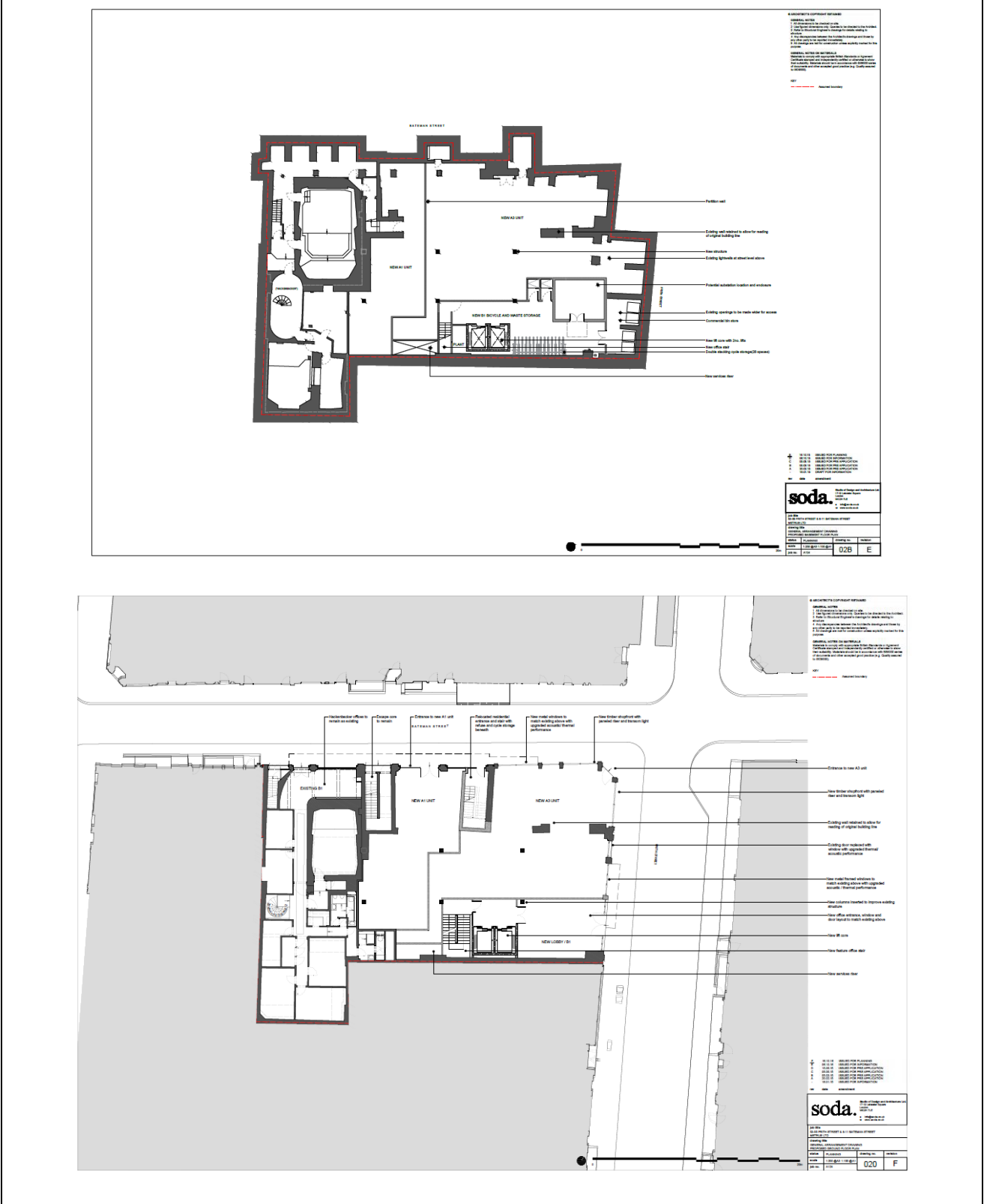
### **Selected relevant drawings**

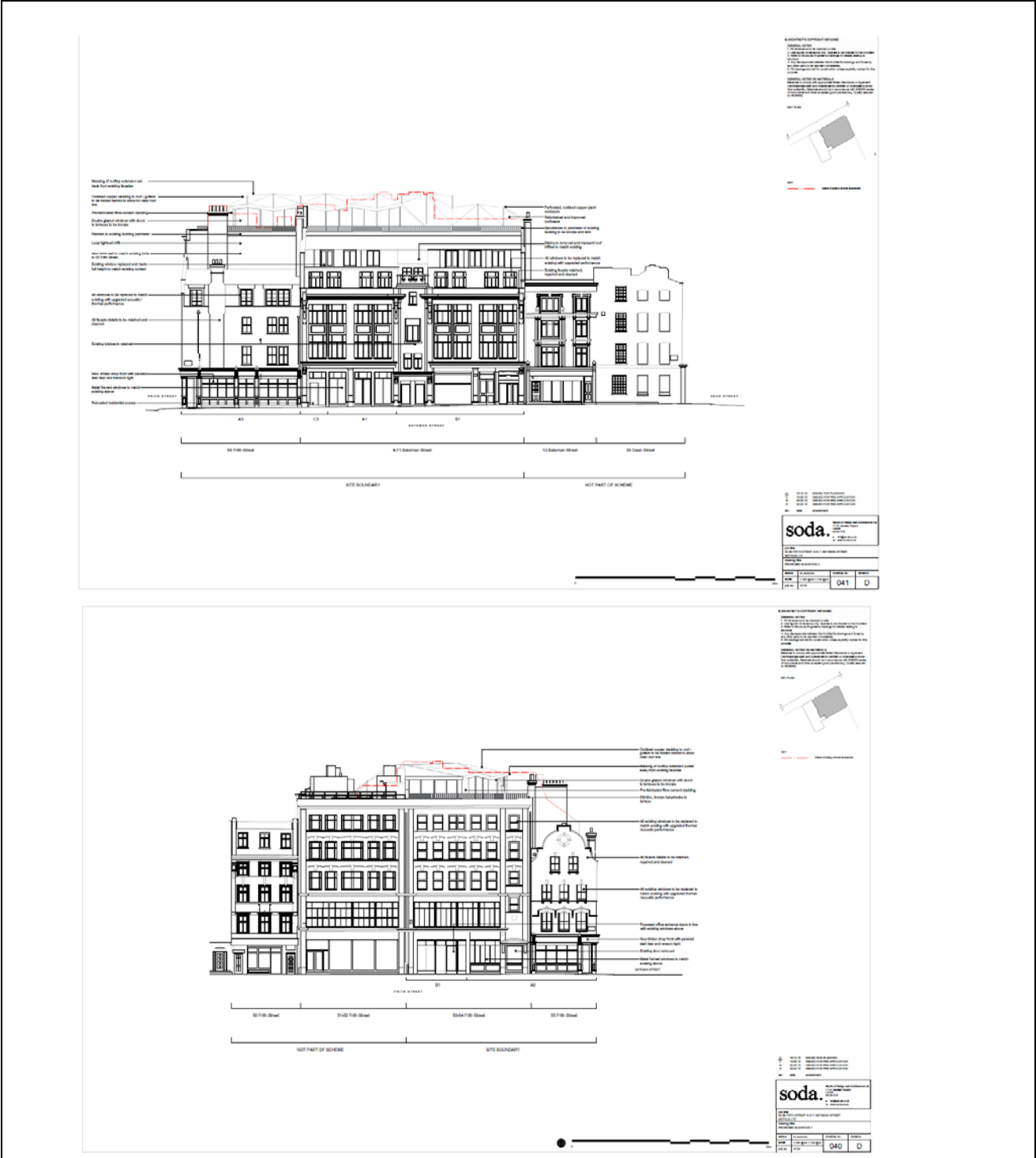
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW GILES ON 020 7641 5942 OR BY EMAIL AT [CentralPlanningTeam@westminster.gov.uk](mailto:CentralPlanningTeam@westminster.gov.uk)



# 10. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 53 Frith Street, London, W1D 4SJ,

**Proposal:** Erection of a single storey extension at main roof level including a new external screened plant area; infilling of lightwells at first to fourth floor level and the creation of terraces at third, fourth and new fifth floor level. Installation of new shopfronts and the re-configuration of uses including the retail, restaurant, office and residential layouts. (SITE INCLUDES 53-55 FRITH STREET AND 8-11 BATEMAN STREET)

**Reference:** 15/10251/FULL

**Plan Nos:** Transport Statement dated November 2015, Acoustic Report dated 23rd September 2015, Drawings: 020 RevG, 021 RevD, 022 RevD, 023 RevD, 024 RevD, 025 RevF, 026 RevD, 040 RevE, 041 RevD, 060, 067 RevC, 068, 100 RevA.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

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

Reason:

- 1 The proposed terraces at third and fourth floor levels would lead to an unacceptable loss of amenity for residential occupiers in neighbouring sensitive properties. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

Reason:

- 2 Your development would lead to the loss of a retail (A1) frontage along Frith Street and the proposed replacement retail floorspace is also considered to be of reduced quality. The reduced street level shopping frontage would be harmful to the retail character and function of the area which would be contrary to S21 of our City Plan that we adopted in January 2011 and SS5 of our Unitary Development Plan that we adopted in January 2007.

Reason:

- 3 Because of height, bulk, detailed design and materials of construction the proposed roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES9, DES 6, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan,

Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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