

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	20 St James's Street, London, SW1A 1ES,		
Proposal	Use of basement and part of the ground floor as office (Class B1), alterations to glazing at ground floor and replacement of mechanical plant and screen at roof level.		
Agent	DP9		
On behalf of	Ryder Street Unit Trust		
Registered Number	16/07262/FULL	Date amended/ completed	29 July 2016
Date Application Received	29 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	St James's		

1. RECOMMENDATION

1. Grant conditional planning permission.

2. SUMMARY

20 St James's Street is an unlisted building of merit located in the St James's Conservation Area. The property is located within the Core Central Activities Zone (Core CAZ) and the Special Policy Area of St James's.

The existing building comprises part bar (Class A4) and part office (Class B1) at basement level with the remainder of the building from ground to 8th floor in use as offices (Class B1) with the exception of the ground floor bar entrance on Ryder Street and a separate retail unit on St James's Street. The basement bar has been vacant in excess of 5 years.

Permission is sought for use of the basement and part of the ground floor from bar (Class A4) to office (Class B1) use. The ground floor space will be reconfigured to provide an improved office reception area. Permission is also sought for the replacement of plant and screening at roof level and alterations to the glazing at ground floor level.

Permission was granted in February 2016 to reduce the size of the basement bar and its entrance at ground floor level. The extant scheme also included changes to the office frontage at ground floor level

and roof level plant that also form part of this application.

The current scheme proposes to remove the bar entirely from the basement floor. This will result in the loss of approximately 265sqm of Class A4 floorspace. Policy S21 within Westminster's City Plan (November 2016) states that existing non-A1 retail uses will be protected from changes to uses that do not serve visiting members of public, particularly in units occupying shop type premises, with active shopfronts within designated shopping centres.

Although the loss of non-A1 retail uses to Class B1 office will not normally be permitted at ground floor or basement levels in the CAZ it is considered that the loss of the A4 use can be justified in this instance. The bar use has been long-term vacant and is located solely at basement level with only a small entrance at ground level. The bar use does not have an active frontage that contributes to the vitality and vibrancy of the area. Given this, and the fact that the 2016 permission approved a substantial reduction in the size of the bar, the proposal is considered acceptable in land use terms.

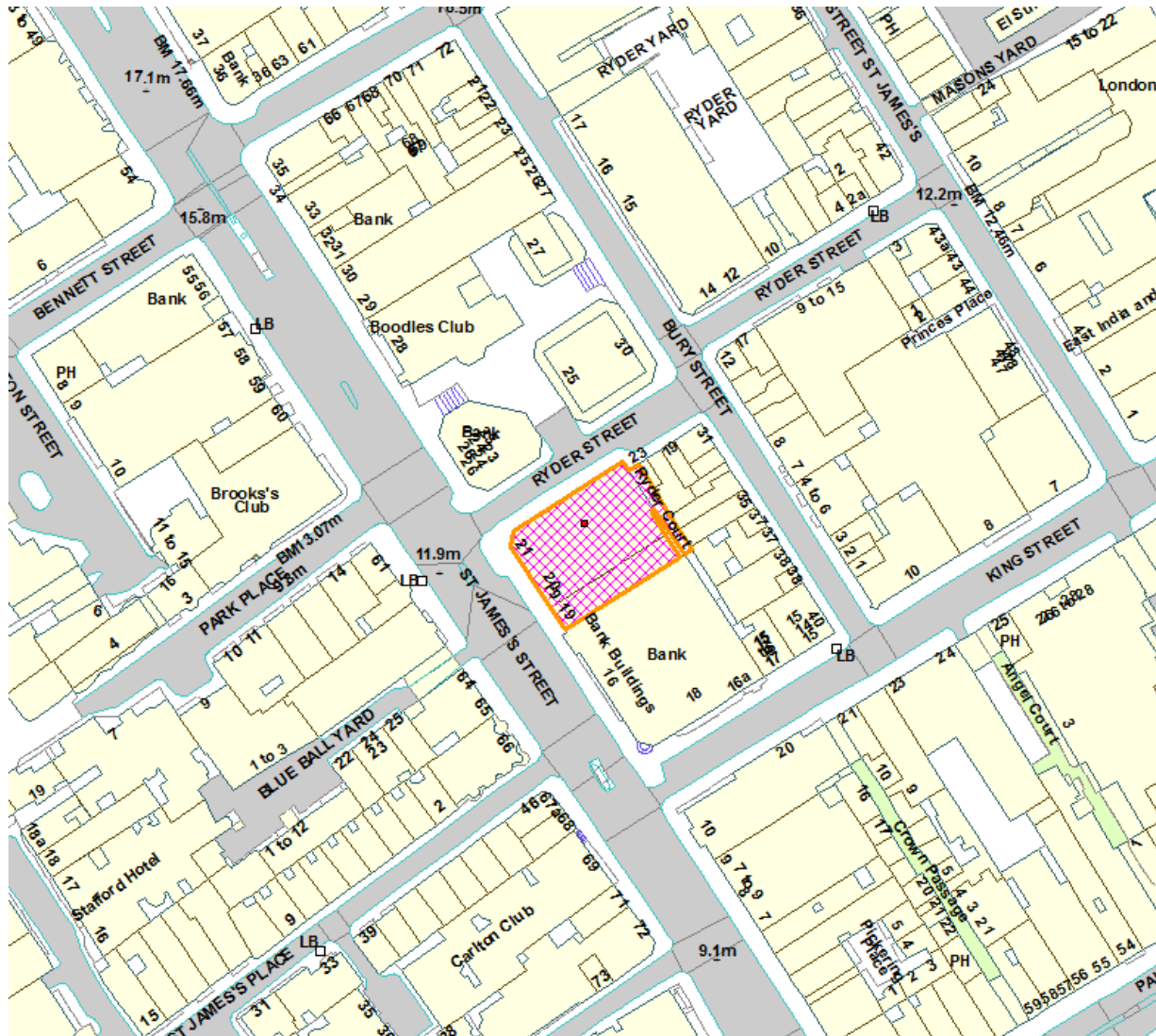
The site is within the St James's Special Policy Area. Policy S2 of the City Plan aims to protect and promote specialist uses and functions. The specialist uses and functions of the St James's area are identified as private members' clubs, art galleries and niche retail. Class A4 bar uses are not designated as a specialist use and therefore are not protected under Policy S2.

The proposed change of use will result in a net increase in B1 floorspace of 265sqm. As the net additional floorspace is less than 400sqm no equivalent residential floorspace will be required under Policy S1 (Mixed Use in the Central Activities Zone).

In design terms the external alterations to the office frontage at ground floor level and the alterations to the roof plant are substantially similar to the 2016 extant permission. Whilst all the street elevations are identical to the consented scheme there are some amendments to the plant at roof level but this will not have an impact from street level views. The proposals are therefore considered acceptable in design and conservation area terms.

The applicant has submitted a noise survey as part of the application in relation to the roof top plant. The noise report indicates that the units are unlikely to be audible at the nearest residential premises over the proposed operational period. Environmental Health has no objections to the proposal subject to imposition of our standard noise conditions. It is recommended that these conditions are attached in order to protect residential amenity.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY:

No comment.

HIGHWAYS PLANNING:

No objection. Condition requiring that the gate to Ryder Court can only open outwards in the event of an emergency.

CLEANSING MANAGER:

No objection.

ENVIRONMENTAL HEALTH:

No objection subject to standard conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 20

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RELEVANT PLANNING HISTORY

Use of basement and ground floors as part drinking establishment (Class A4) and part office (Class B1); external alterations to the office frontage and entrance; and replacement of roof level plant with associated alterations to roof.

Application permitted 26.02.2016

7. BACKGROUND PAPERS

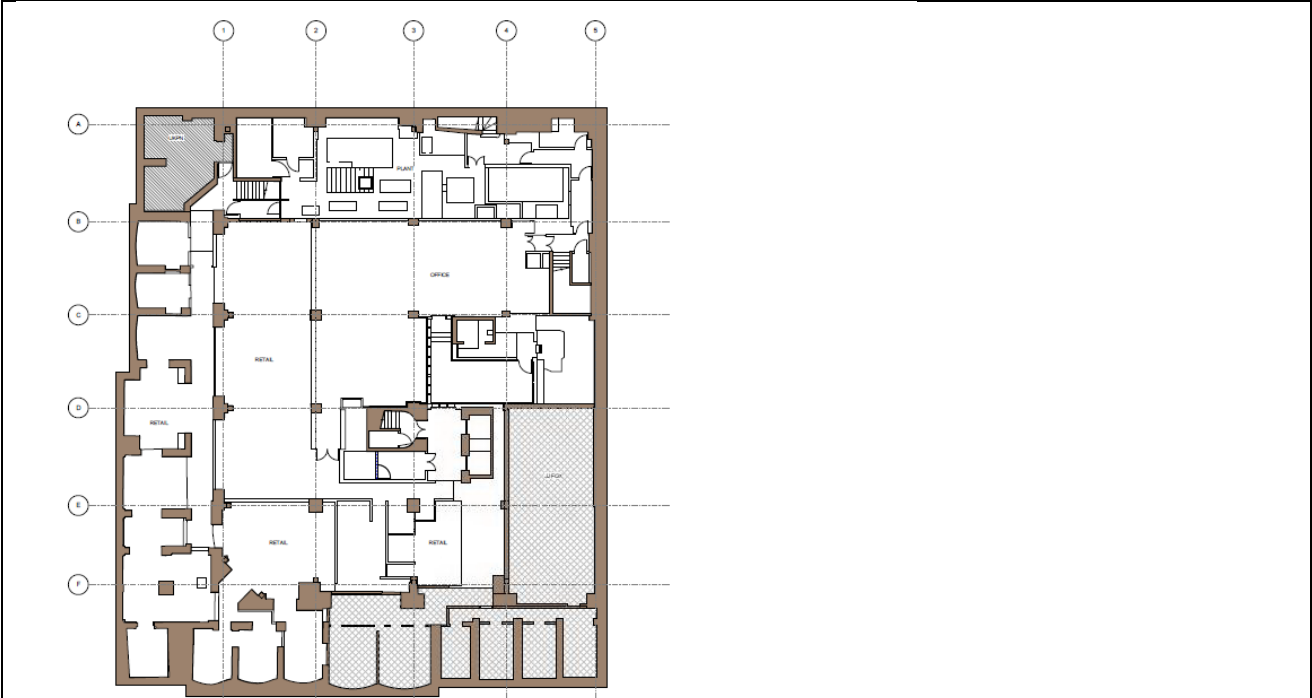
1. Application form
2. Response from Westminster Society dated 9 August 2016
3. Response from Environmental Health dated 9 August 2016
4. Response from Highways Planning dated 30 September 2016
5. Response from Cleansing dated 19 August 2016

Selected relevant drawings

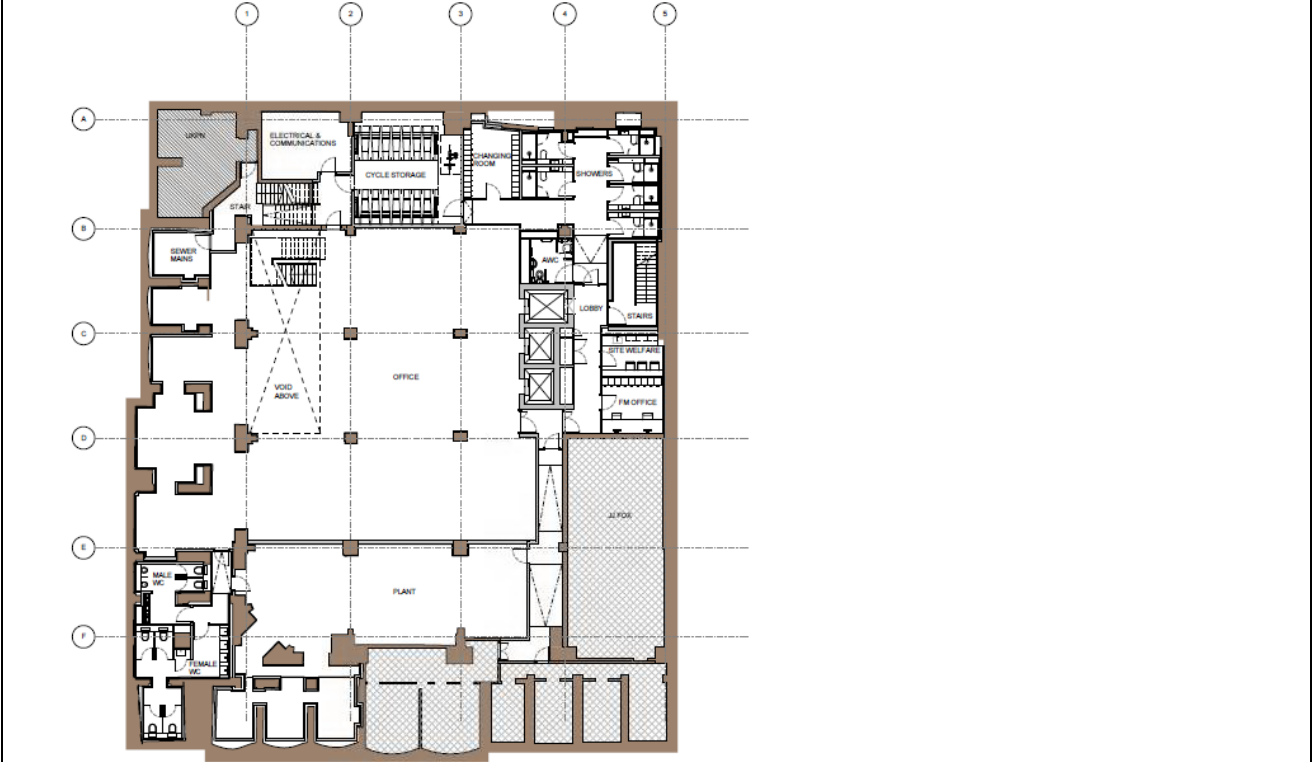
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **MATTHEW MASON** BY EMAIL AT mmason@westminster.gov.uk.

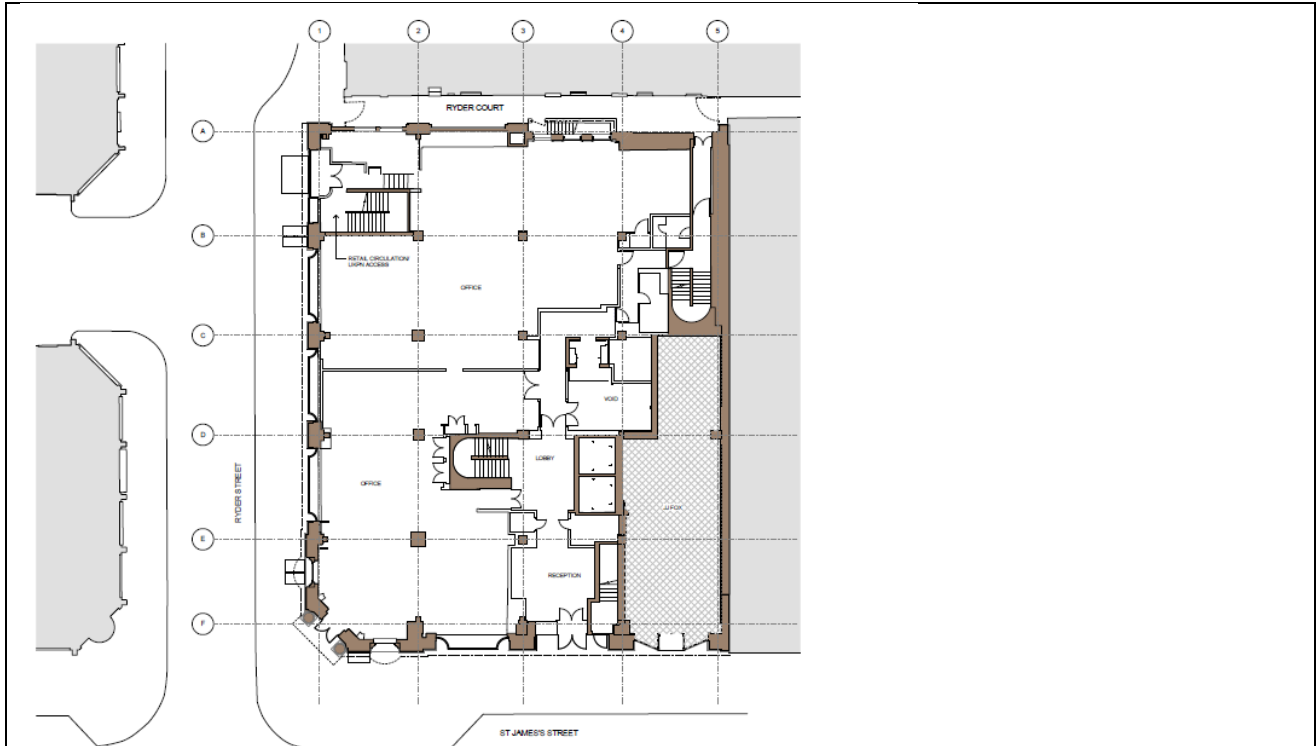
8. KEY DRAWINGS



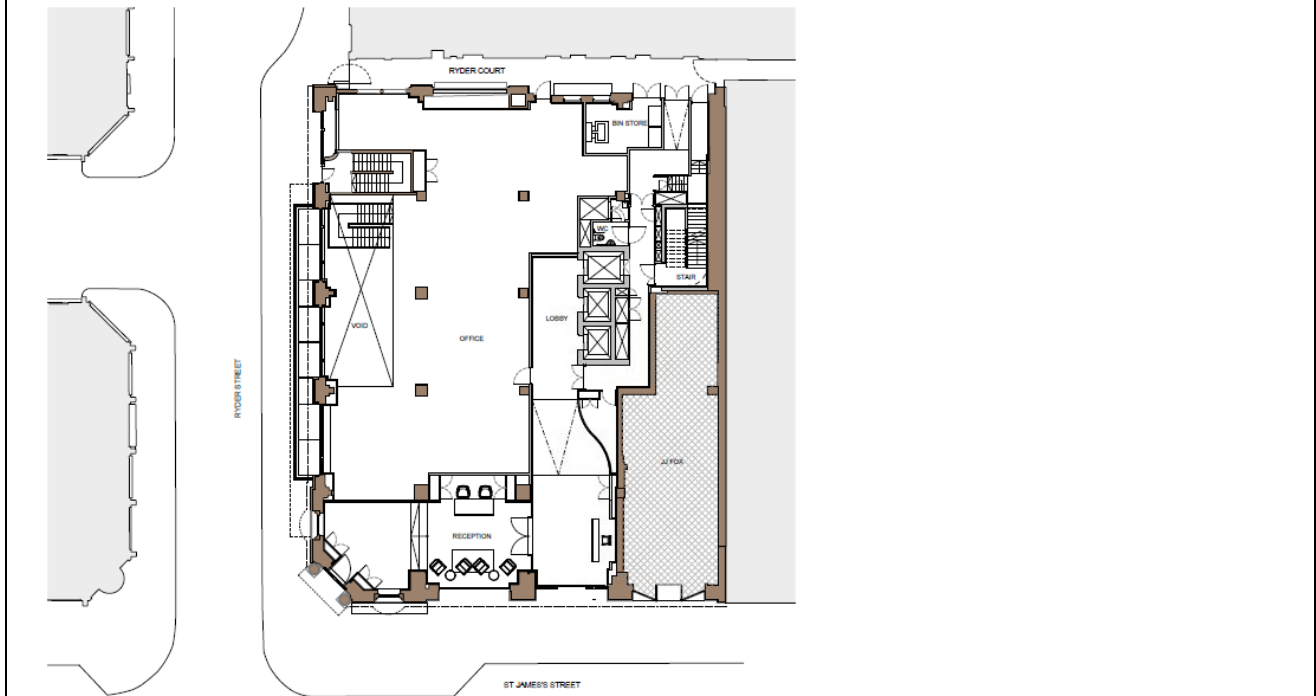
Existing Lower Ground Floor Plan



Proposed Lower Ground Floor Plan



Existing Ground Floor Plan



Proposed Ground Floor Plan

DRAFT DECISION LETTER

Address: 20 St James's Street, London, SW1A 1ES,

Proposal: Use of basement and part of the ground floor as office (Class B1), alterations to the office frontage and entrance; replacement of plant and screen at roof level.

Plan Nos: 2049_X_LP(XX)04_PL Rev P01; 2049_X_SP(XX)04_PL Rev P01; 2049_X_GA(00)04_EX Rev P01; 2049_X_GA(01)04_EX Rev P01; 2049_X_GA(02)04_EX Rev P01; 2049_X_GA(03)04_EX Rev P01; 2049_X_GA(04)04_EX Rev P01; 2049_X_GA(05)04_EX Rev P01; 2049_X_GA(06)04_EX Rev P01; 2049_X_GA(07)04_EX Rev P01; 2049_X_GA(08)04_EX Rev P01; 2049_X_GA(LG)04_EX Rev P01; 2049_X_GA(RF)04_EX Rev P01; 2049_X_GE(NO)04_EX Rev P01; 2049_X_GE(SO)04_EX Rev P01; 2049_X_GE(WE)04_EX Rev P01; 2049_X_GS(BB)04_EX Rev P01; 2049_X_GS(CC)04_EX Rev P01; 2049_X_GA(00)04_PL Rev P01; 2049_X_GA(00)04_PL Rev P02; 2049_X_GA(00)04_PL Rev P03; 2049_X_GA(01)04_PL Rev P01; 2049_X_GA(02)04_PL Rev P01; 2049_X_GA(03)04_PL Rev P01; 2049_X_GA(04)04_PL Rev P01; 2049_X_GA(05)04_PL Rev P01; 2049_X_GA(06)04_PL Rev P01; 2049_X_GA(07)04_PL Rev P01; 2049_X_GA(08)04_PL Rev P01; 2049_X_GA(09)04_PL Rev P01; 2049_X_GA(LG)04_PL Rev P01; 2049_X_GA(RF)04_PL Rev P01; 2049_X_GE(NO)04_PL Rev P02; 2049_X_GE(SO)04_PL Rev P02; 2049_X_GE(WE)04_PL Rev P02; 2049_X_GS(BB)04_PL Rev P02; 2049_X_GS(CC)04_PL Rev P02; Ventilation & Extraction Strategy dated 20 September 2015, prepared by Watkins Payne; Planning Compliance Report dated 18 September 2015, prepared by Clarke Saunders.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

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

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must provide the waste store shown on drawing 2049_X_GA(00)04_PL Rev P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 5 You must apply to us for approval of detailed elevations and section of the following parts of the development:
- i) shopfronts at a scale of 1:10;
 - ii) windows at a scale of 1:5;
 - iii) doors at a scale of 1:5.

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 St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 hang all doors or gates so that they do not open over or across the road or pavement, unless in respect of the entrance gate to Ryder Court which can open outwards for refuse

collection and in the case of an emergency only.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 7 (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 (November 2016), 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.

- 8 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.

- 9 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) 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.

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 (November 2016), 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 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)

- 4 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 Conditions 7 and 8 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)