

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	1) 1 + 2 Barrett Street W1 2) 21+22 Barrett Street and 24 James Street W1		
Proposal	<p>1) Demolition of 1 Barrett Street behind retained façade and retained structural ground floor and demolition of 2 Barrett Street to structural frame and floorplates. Erection of replacement building over basement, ground and five upper floors at 1 Barrett Street and erection of replacement facades and new fifth floor to 2 Barrett Street with roof level plant/plant screen, photovoltaic panels and green roof. Use of part basement and part ground floor level as restaurant (Class E). Flexible use of the first floor as a restaurant (Class E) or office (Class E). Use of part basement, part ground and second to fifth floor as offices (Class B1 E).</p> <p>2) Redevelopment of 21 Barrett Street to provide a drinking establishment with expanded food offer on the basement and ground floors, in association with the basement and ground floors of 22 Barrett Street and 24 James Street (Sui generis); use of the first to fourth floors at 21 Barrett Street and 24 James Street as six flats (4 x 1 bed and 2 x 2 bed) (Class C3); alterations to 22 Barrett Street including installation of opening shopfront; replacement of all windows on James Street facade; installation of new plant to the rear and alterations to the secondary means of escape.</p>		
Agent	Rolfe Judd Planning		
On behalf of	SCP Estate Ltd		
Registered Number	20/04535/FULL(1) 20/04447/FULL (2)	Date amended/ completed	26 April 2023 (1)
Date Application Received	17 July 2020 (1) 15 July 2020 (2)		27 April 2023 (2)
Historic Building Grade	Unlisted		
Conservation Area	Stratford Place		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Application 1: Grant conditional permission subject to a s106 legal agreement to secure
i) replacement residential floorspace at 21-22 Barret Street and 24 James Street

ii) s106 monitoring costs

Application 2: Grant conditional permission subject to a s106 legal agreement to secure

- i) replacement office floorspace at 1-2 Barrett Street
- ii) highways works
- iii) s106 monitoring costs

3. (Schemes 1 and 2) If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

- a) The Director of Place Shaping and 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 Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

This report relates to two sites on the opposite sides of St Christopher's Place Piazza. Site 1, nos 1-2 Barrett Street are currently in commercial use on the lower floors, including a restaurant on the lower floors of 2 Barrett Street, with a mixture of residential flats and flatlets (total 9 units) on the upper floors of the buildings. Permission is sought for a scheme of partial redevelopment and part retention including a roof extension to create a single building for restaurant and office use.

The second site 21-22 Barrett Street and 24 James Street comprises a traditional corner public house, (at 24 James Street) an adjacent basement and ground floor restaurant and offices on the upper floors of 21 Barrett Street, (the site excludes the first to third floors of 22 Barrett Street). Permission is sought for the demolition and redevelopment of No 21 Barrett Street including the erection of an additional storey. The basement and ground floors would be amalgamated to create a drinking establishment with expanded food provision, retaining the bar use in the former public house and the traditional shopfront.

The schemes propose a land use swap with residential at site 1 being provided on the upper floors of site 2, in the form of 6 flats and office use at site 1.

The key considerations in this case are:

- The acceptability of the proposals in land use terms, particularly the 'loss' of the public house and the reduction on the number of residential units.
- The impact of the proposals on the appearance of the buildings, the character and appearance of the Stratford Place conservation area and the setting of other nearby listed buildings
- The acceptability in sustainability terms with regards to the energy performance of the buildings;

No objections have been received to either application in response to consultations. As set

out in the main body of the report the applications primarily comply with City Plan policies. It is considered that the schemes would result in townscape improvements. Subject to appropriate controls and arrangements to secure the residential and office land use swap between the sites the applications are considered acceptable and are accordingly recommended for approval.

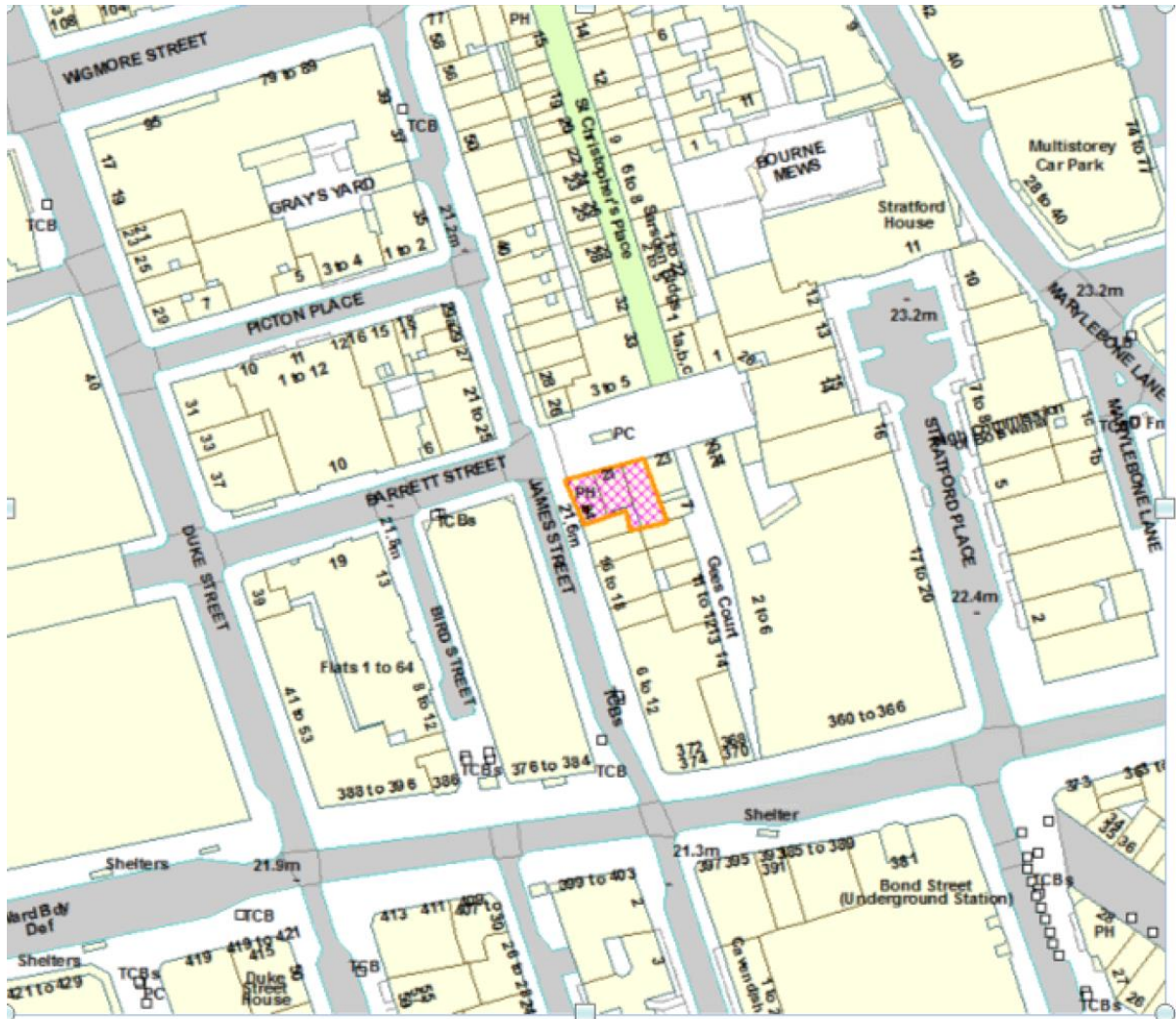
3. LOCATION PLAN

Scheme 1



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Scheme 2



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4. PHOTOGRAPHS



1-2 Barrett Street



24 James Street and 21-22 Barrett Street

5. CONSULTATIONS

5.1 Application Consultations

1-2 BARRETT STREET (Scheme 1)

Historic England (Archaeology)
No objection subject to conditions

London Underground
No objection subject to conditions

Marylebone Association
Support the application commenting that the proposal will enhance the Conservation Area.

Waste Project Officer
Revised waste storage arrangements acceptable

Highways Planning Team - City Highways
No objection subject to additional cycle parking

Environmental Services
No objection subject to conditions

Building Control - Development Planning
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 78
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

21 and 22 BARRETT STREET & 24 JAMES STREET (Scheme 2)

Thames Water
No objection

Marylebone Association
No objection

Historic England (Archaeology)
No objection subject to safeguarding conditions

London Underground
No objection subject to conditions

Waste Project Officer
No objection to revised details.

Highways Planning Team - City Highways
No objection subject to cycle parking provision

Environmental Services
No objection subject to conditions

Building Control - Development Planning
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
RECEIVED

No. Consulted: 78
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

5.2 Applicant's Pre-Application Community Engagement

These applications were submitted in July 20202, prior to the adoption of the Council's Early Community Engagement guidance.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application sites are not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Sites

This report relates to two separate development sites:

Site 1: 1-2 Barret Street, hereafter known as ‘the Barrett Street site’) and

Site 2: 24 James Street and 21 and 22 Barret Street, hereafter called ‘ the James Street site’.

None of the buildings are listed but both sites are located within the Stratford Place conservation area.

The sites are also located within the Central Activities Zone and the West End Retail and Leisure Special Policy Area. The James Street site is also within the West End International Centre. Additionally, both sites are within a Surface Water Flood Risk Hotspot, the safeguarding zone for London Underground tunnels and the Oxford Street/Bayswater Roman Road Special Archaeological Priority Area.

The area is characterised by a mix of uses, with retail and numerous restaurant/café premises on the lower floors and offices and some residential uses on the upper floors.

There are listed buildings to east of 1-2 Barrett Street, including 11 Stratford Place, The Oriental Club (Grade I) and 12 and 13 Stratford Place (Grade II); to the west at 23-31 St Christopher’s Place (Grade II) and to the east of 24 James Street/21-22 Barrett Street at 16 Stratford Place (Grade II).

The closest residential to 1-2 Barrett Street are in Sarsden Building, 1-5 St Christopher’s Place (15) and at 13 Stratford Place (1). The closest flats to the second site are on the upper floors of 22 Barrett Street (4); 20 James Street (2) and 22 James Steet (4).

Site 1 1 and 2 Barrett Street

These are two adjoining buildings located in the north-east corner of the St Christopher’s Place pedestrianised piazza. There are residential premises adjoining the site including flats at Sarsden Buildings 2-5 St Christopher’s Place (including the upper floors of the shop at 1 St. Christopher’s Place), to the north and on the upper floors of 13 Stratford Place, to the east No 12 Stratford Place is occupied by the Kabbalah Centre.

No.1 Barrett Street is a period building, on basement, ground and three upper floors, with a rendered facade and patterned casement windows. The Stratford Place conservation area audit describes the building as having a neutral impact within the conservation area. The previous lawful use of the three lower floors was as an electrical

wholesaler, which operated under a personal planning permission. This permission enabled the premises to be occupied as a shop (including a restaurant) upon cessation of the approved use. The building is currently occupied as coffee shop on the basement and ground floors. This 'pop up' use commenced in 2016 pending the redevelopment of the site. There is some history of office use on the first floor. The two upper floors, which are in dilapidated condition, are laid out as two flats, with separate access. The three upper floors were vacant at the time of the most recent site visit

No.2 Barrett Street (also known as 1a-1c St Christopher's Place) is a 1960s brick development, with a lead covered mansard storey. The conservation area audit concludes that the building has a negative impact on the appearance of the conservation area. The basement and ground floors are in lawful restaurant use with an openable windows above a fixed base. There is separate access to the four upper floors from St Christopher's Place. This, vacant, accommodation is laid out as seven self-contained flatlets, comprising bedrooms and en suite bathrooms. This accommodation appears to have been used for short-term letting.

Site 2 21-22 Barrett Street & 24 James Street.

These buildings are on the opposite, south- west, corner of St Christopher's Place piazza. The conservation areas audit identifies them as unlisted buildings of merit.

21-22 Barrett Street

There is a single restaurant spanning the basement and ground floors of both buildings. The first to third floors at 21 Barrett Street, which includes a mansard storey, are in office use. The first to fourth floors of no. 22, which do not form part of the application site, are occupied as flats.

24 James Street

This property 'The Lamb and Flag' is in use as a traditional public house with a ground floor bar and basement cellar. The first floor provides a function room/ additional seating area. The principal access to the public house is on Barrett Street. There is a further entrance on James Street which provides secondary access to the ground floor bar and access to the upper floors. There is a large kitchen and a small office on the second floor, with a staff WC on the second floor landing. The 3rd and 4th floors provide additional ancillary accommodation, including a manager's flat.

7.2 Recent Relevant History

Site 1: 1 and 2 Barrett Street

1 Barrett Street

None directly relevant

2 Barrett Street

January 1967: Permission was granted for the erection of a new building comprising a basement restaurant, ground floor shop and eight serviced flatlets on first to fourth floors.

21 May 1969: The City Council determined that the use of the first and second floors

as serviced flatlets for businessmen did not require further planning permission.

19 July 1971: Permission refused for the use of Flat 2 (first floor) as a massage treatment room on the grounds that this would result in a loss of residential accommodation. An Enforcement Notice requiring the cessation of the unauthorised use was served in October 1972.

24 March 1994: Permission granted for the use of the ground floor retail unit as an extension to the existing basement restaurant and for the relocation of the entrance to the residential accommodation on the upper floors. This permission was implemented.

1 and 2 Barrett Street

29 November 2016: Permission granted for the demolition of 1 and 2 Barrett Street and the redevelopment to provide a restaurant (Class A3) use on basement and ground floors, dual/alternative use of the first floor for either restaurant (Class A3) and/or residential (Class C3) use (to provide one residential unit); the use of the second, third and fourth floors as three residential units (Class C3), and the creation of a roof terrace, ancillary residential cycle parking and waste stores within the basement and installation of photovoltaic panels and plant on the roof.(16/01203/FULL). This permission was not implemented and has expired.

25 July 2019: Permission granted for the renewal of the 2016 permission. This permission was not implemented and has expired.

Site 2: 21-22 Barrett Street & 24 James Street.

21 Barrett Street

15 September 2015 Permission granted for the use of for the dual/alternative use of the first to third floor offices as either Class B1 offices or as 3 x studio flats (15/06626/FULL). This permission was renewed on 28 August 2018 (18/05764/FULL).

22 Barrett Street

None directly relevant.

21-22 Barrett Street

6 June 2018: Permission granted for the replacement of opening shopfronts to 21-22 Barrett Street; for the installation of replacement pavement lights, for the provision of a new walk on rooflight to the rear of no. 21 and internal alterations including lowering of the floor level within the front basement vault and minor basement level excavation to the rear and for the replacement of rear windows to no. 22 (18/01811/FULL).

There is a long history of permissions for the use of the highway outside both buildings for the siting of tables and chairs.

24 James Street

The planning history is largely concerned with the provision of external seating.

18 April 2001 and 11 December 2013: Permission refused for the replacement of ground floor windows with folding doors and openable windows (00/08906/FULL) and (13/09600/FULL).

8. THE PROPOSALS

Application 1 (Barrett Street site)

Permission is sought for the demolition of 1 Barrett Street behind the retained front and flank façades and retained structural ground floor and for the demolition of 2 Barrett Street to the structural frame and floorplates. A replacement building, over basement, ground and five upper floors would be erected at 1 Barrett Street with replacement facades and new fifth floor to 2 Barrett Street, with roof level plant/plant screen, photovoltaic panels and green roof. The proposed use of the building is as a restaurant on part basement and part ground floor level; as either a restaurant extension or as offices on the first floor, and as offices on part basement, part ground and second to fifth floors, with separate access from St Christopher's Place. A new lift would be installed to provide improved access.

The floors levels are currently different within each of the application buildings. Consequently, the proposal seeks to unify the floor levels whilst retaining different architectural treatments to the facades. Unlike the approved 2016/2019 developments, for total demolition, of both buildings, it is now proposed to partially retain parts of the facades and to remove the majority of building fabric, although the structural frames will be largely retained. The development includes an additional storey when compared with the approved development, which is achieved by adopting lower floor to ceiling heights. The applicants have confirmed that the development does not extend into the pavement vaults and that the vertical dimension between the head of the vault and the pavement above will remain as existing but that the floor level within the vaults will be lowered to align with the basement floor level on the remainder of the site.

Although the height of the new fifth floor does not exceed the building height in the approved scheme, the roof plant; plant screen and lift overrun will project above roof height. Photovoltaic panels are also proposed above a green roof. The kitchen extract to the restaurant would rise through the building and discharge at roof level.

Refuse/recycling and cycle storage and shower facilities for the offices would be provided within the basement, which would be lowered by approximately 200mm. The restaurant would have an openable shopfront, as existing.

This application has been amended to provide revised details of refuse and recycling storage and to include additional visual screening to the roof level plant. The daylight/sunlight report has also been updated to include neighbouring flats (Sarsden Buildings) and to take account of the additional plant screening, which encloses, centrally located 2.4m high units.

Application 2 (James Street site)

Permission is sought for the demolition and redevelopment of No. 21 Barrett Street to provide a new building of basement ground and four upper floors (1 additional floor). The basement and ground floors would form a single drinking establishment with expanded food provision (Sui generis use) with the basement and ground floors of the adjacent buildings No's 22 Barrett Street and 24 James Street. The first to fourth floors of the new building and the upper floors of 24 James Street would provide six flats. The unit mix is 2 x 1b/1p flats; 2 x 1b/2p flat, 1 x 2b/3p flat and 1 x 2 b/4p flat.

The scheme involves changes to the floor levels including the lowering of the basement to 24 James Street by 800mm to correspond with adjacent levels. The ground floor to all properties would be modified to provide level access both from the street and across the site. Redundant stairs between basement and ground floors will be removed to create an enlarged open plan kitchen and dining area. A new central staircase will be created between 21 Barrett Street and 24 James Street and openings formed in the party walls to retain the sense of the separate buildings.

External alterations are proposed to 22 Barrett Street including the installation of a replacement opening shopfront (also within the new building at 21 Barrett Street) reflecting those in the existing restaurant.

New plant, serving the drinking establishment and flats, is proposed in a rear lightwell, including air source heat pumps. An existing full height kitchen extract duct will be retained.

The retained ground floor windows at 24 James Street would remain fixed. Other works include the replacement of all upper windows on the James Street façade with double glazed sliding sash windows and a new dormer window at fourth floor level.

To accommodate the development, the existing external means of escape linking the site to offices at 7 Gees Court. would be modified/extended.

The replacement building at 21 Barrett Street, which will be finished in contrasting brick to maintain a separation from the adjacent buildings, provides increased floor to ceiling heights. The new flats will include Juliet balconies and the fourth floor flat will also benefit from a small terrace, screened by the front and rear façades. Existing pavement lights outside 22 Barrett Street would be replaced and that a new pavement light would be provide outside 21 Barrett Street to improve light to the basement dining area.

The scheme also includes proposals to create a living roof on the existing roof of 22 Barrett Street.

9. DETAILED CONSIDERATIONS

9.1 Land use

Table: Existing and proposed land uses

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
1-2 Barrett Street			
Retail	119	0	-119
* 1st floor 1 Barrett Street	62	0	-62
Restaurant	143	216	+73
Office	0	597	+597
Flexible office/ restaurant	0	103	+103

Residential	341	0	-341
Total	665	916	+ 251
	Existing GIA sqm	Proposed GIA sqm	+/- sqm
Barrett St/James Street			
Public house /drinking establishment	342.7	411.1	+68.4
Restaurant	257.7	0	-257.7
Office	144	0	-144
Residential	0	388.85	+388.85
Total	744.4	799.95	+ 55.55
	Existing GIA sqm	Proposed GIA sqm	+/- sqm
Combined sites			
Public house /drinking establishment	342.7	411.1	+ 68.4
Retail	119	0	-119
Restaurant	400.7	216	-184.7
Office	144	597	+ 453
Flexible office/restaurant	0	103	+103
Residential	341	388.85	+47.85
* First floor 1 Barrett Street	62	0	-62
Total	1409.4	1715.95	306.55

* Currently vacant following cessation of previous wholesale showroom use. Can be lawfully used for retail or restaurant purposes under the terms of the 1959 permission.

The land use floorspace schedule is based upon the separate use class designation

detailed in the original applications which were correct prior to the amendments to the 1987 Use Classes Order which took effect on 1 September 2020. The retail, restaurant and office uses now fall within the general Business use class (Class E) of the Use Classes Order. The residential use remains in Class C3 and the existing public house and proposed drinking establishment are now separate Sui Generis uses.

Land Use Packages

These linked developments include the relocation of office and residential uses between the two sites together with proposals for reconfigured food and drink and entertainment uses. The City Plan (Implementation and Monitoring) recognises that various land uses are protected within the Plan but that floorspace can be better protected where it can be transferred to another site, including as part of dual /multi- site development. In these cases, a system of land use swaps/packages may be appropriate to enable better development outcomes where the sites are in the vicinity of each other; there is no net loss of floorspace which is protected by other policies in the Plan across the sites taken as a whole; the uses are appropriate within each area and any residential accommodation is of a higher quality than could have been achieved without the land use swap or package. The applications for all sites must be submitted at the same time. If agreed, the subject sites will be treated as though the development is on a single site and all elements of the scheme are to be delivered within a timeframe agreed by the City Council.

Land Use Overview

The sites lie within the Central Activities Zone (CAZ) and the West End Retail and Leisure Special Policy Area. The James Street site also lies within the West End International Centre.

City Plan policy 1 sets out the Council's objectives to ensure Westminster's growth by balancing the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre and home to residential neighbourhoods and through the evolution of town centres and high streets, including centres of international importance in the West End and Knightsbridge, as multifunctional commercial areas to shop, work and socialise.

Policy 2 expects that the intensification of the West End Retail and Leisure Special Policy Area (WERLSPA) will deliver an improved retail and leisure experience, a diverse evening and night-time economy and an enhanced cultural offer, through a range of commercial-led development. whilst, at the same time, minimising negative impacts on residential neighbourhoods

Policy 14 (Town centres, high streets and the CAZ) supports the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses. Uses that provide active frontages and serve visiting members of the public will be required at ground floor throughout the town centre hierarchy, which includes the International Centres, and the WERLSPA, and also at first floor level within those centres characterised by large format, multi-level stores.

All development within the town centre hierarchy is required to be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed. The International Centre of the West End is so designated to provide a focus for large format comparison retail supported by complementary town centre uses, that increase customer dwell time, and new office floorspace.

The supporting text to policy 14 (paragraph 14.26) states ' some *other uses falling outside of Class E, such as community halls or a pub or drinking establishment, may also provide enhanced amenities for the local community, and changes to these uses will therefore also be supported subject to appropriate mitigation of any negative amenity impacts (e.g. noise disturbance from a pub or drinking establishment)*'

Commercial Uses

Office floorspace

The scheme would result in the loss of 144 sqm of existing office floorspace on the James Street site (upper floors of 21 Barrett Street) and the provision of either 597 or 700 sqm of office floorspace (a total increase of 453 or 556 sqm) on the Barrett Street site, depending on the use of the first floor.

Policy 13 of the City Plan Supporting economic growth), encourages the provision of new and improved office floorspace and other commercial floorspace, in principle, "in those parts of the CAZ with a commercial or mixed use character, including the West End Retail and Special Policy Area....".

Policy 13D states that the net loss of office floorspace in the CAZ to residential use will only be permitted "in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use". The City Plan does not identify 'primarily residential' areas or confirm how such areas should be identified. However, the glossary does identify 'predominantly commercial neighbourhoods' as "Areas of the Central Activities Zone where the majority of ground floor uses comprise of a range of commercial activity".

The application sites are in a largely commercial location, as recognised by their inclusion within the WERLSPA. In these circumstances, the conversion of the James Street offices to residential use would only be acceptable subject to the re-provision of this floorspace on the Barrett Street site, as proposed. It is recommended that this is secured as part of a s106 legal agreement.

Entertainment uses

The eastern end of Barrett Street forms a piazza characterised by ground floor restaurant/cafe uses with external seating, with a limited number of retail shops. Retail uses are concentrated in St. Christopher's Place, to the north, and the southern part of James Street, leading to Oxford Street.

Policy 16 (Food and Drink) requires proposals for food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of these uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Policy 16B seeks to protect existing public houses throughout Westminster, except where there is no reasonable prospects of their continued use, as evidenced by appropriate marketing information of at least 18 months. The replacement of ancillary spaces on the upper floors, such as function rooms or accommodation, may be acceptable where it can satisfactorily be demonstrated that the loss of this floorspace will not compromise the viability or function of the public house.

Under policy 16D, the provision of food deliveries from restaurant or cafes, including facilities for platform-based deliveries, will only be supported where it is demonstrated that the facilities do not result in a change of use including to a hot food takeaway or composite (sui generis use). The Plan (para. 16.8) acknowledges that the use of mobile technology-based platforms to order hot food, can often have negative impacts on the amenity of residents and businesses due to noise and other disturbance from delivery agents waiting outside food premises, or elsewhere, and confirms that the Council will seek to ensure that any negative impacts are minimised and managed through the imposition of operating conditions, as appropriate.

Policy 7 of the City Plan requires new proposals to be 'neighbourly' protecting, and where appropriate enhancing, local environmental quality. Additionally, Policy 33 requires that development proposals do not have an adverse impact upon the amenity and local environment of existing and future residents. Development should prevent the adverse effects of noise and vibration with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses by minimising noise from internal activities and from servicing and deliveries.

Proposed restaurant

Permission is sought for the use of the basement and ground floor of No's 1 and 2 Barrett Street as a restaurant with the potential use of the 1st floor also being used for restaurant purposes pursuant to the proposed dual /alternative use. The ground floor restaurant use would serve visiting members of the public in accordance with policy 14. The restaurant would measure either 216 m² or 319 sqm (depending on the use of the first floor) - an increase of either 73 m² or 176 m² when compared to the existing restaurant (143 m²).

Restaurant kitchen and WC facilities would be provided in the basement. The applicants estimate that the restaurant would provide 56 covers at ground floor level with an additional 58 covers in the event that the floor is used for restaurant purposes. They also estimate that an additional 50 covers could be provided outside the premises. The existing restaurant has a long history of permissions for external tables and chairs. This would require separate planning permission.

The existing Barrett Street restaurant is not subject to planning controls. The proposed restaurant opening times are between 07.00 and 23.00 hours daily. It is recommended that the opening hours and number of restaurant capacity are secured by condition. Additional operating conditions are also proposed to restrict the hours of restaurant plant operation and to require the submission of a detailed Operational Management Plan setting out measures to mitigate the impact of the use, including measures to prevent queuing outside premises, to control smokers/keep the highway litter free and controls on servicing hours and measures to ameliorate potential disturbance from restaurant servicing.

Subject to these conditions, given the site's location and the fact that the site has a long history of unrestricted restaurant use, it is considered that this slightly larger restaurant would not have a material impact on the amenity of neighbouring occupiers or on local environmental quality.

Given the flexibility provided under Class E, and the potential impact of those uses in highways and amenity terms, a condition is recommended to restrict the uses to those proposed within the application in the areas designated for those uses.

Loss of Public House

At site 2 the application proposes to change the use of the Lamb and Flag Public House to a drinking establishment with expanded food provision.

The policy background is that the NPPF and the London Plan recognise the importance of public houses as a community asset and the City Plan acknowledges the vital role of entertainment uses, including public houses in providing facilities for residents, workers and visitors alike. City Plan Policy 16B protects existing public houses unless marketing information (18 months) demonstrates that there is no realistic prospect of the premises being used as a public house.

The Use Classes Order 1 September 2020 classifies both Public Houses and drinking establishment with expanded food provision as being separate individual uses that do not fall within any of the specified classes, they are both termed as Sui Generis Uses. Whilst permission would normally be required to change from one unclassified (Sui Generis) use to another, this is not the position with regards to these uses. In December 2021 a change to the General Permitted Development Order (under Schedule 2, Part 3 Class AA) allowed a Public House to change to drinking establishments with expanded food provision under permitted development rights. Therefore, in this instance the conversion of the Public House to a drinking establishment only requires consent because it is part of a scheme which involves physical works (including the redevelopment of No 21 Barrett Street).

Although under a strict interpretation of City Plan policy 16B the application is contrary to this policy there are extenuating circumstances why in this instance the loss of the Public House is considered acceptable which are:

- i) the legislative position as discussed (that the change is permitted development as defined within the Use Classes Order);
- ii) the existing Public House is not listed as an asset of community value;
- iii) no objections have been received to the application and finally
- iv) a pub and a drinking establishment with expanded food offering provide are very similar in character and provide the same function.

In the circumstances this aspect of the application is considered to be acceptable in land use terms.

Proposed drinking establishment with expanded food provision

The public house, at 24 James Street is an historic use and is not subject to planning controls. The proposals would amalgamate the lower floors of the existing public house, which currently offers an extensive dining menu, with the restaurant use on the neighbouring site. The proposed drinking establishment with expanded food offer would maintain the traditional public house layout in 24 James Street. New party wall openings would provide access to the ground floor dining area. The provisional layouts show additional customer seating in the basement, with scope to provide an additional bar in the basement should that be required by future tenants.

The existing ground floor bar would be retained, and is sufficiently large to serve the extended unit, that the proposed unit will operate in the same way as many public houses which include a large amount of additional sitting/standing space. The customer capacity would be 220. The premises would operate between 0700 and 23.30 on Monday to Thursday; from 0700 until 24.00 (midnight) on Friday and Saturday and from 0700 until 2300 hours on Sundays. The premises plant would operate at those same hours. No 24-hours

refrigeration plant is proposed as part of this application. Overall, there will be an increase in (drinking/dining) floorspace of 68.4 m².

To prevent the future use of the premises as a 'mega pub' characterised by vertical drinking, a condition is recommended requiring the submission of layout plans for the premises showing the seating/dining areas, which would characterise a drinking establishment with an expanded dining offer, and the retention of the traditional bar area on the ground floor of 24 James Street.

The Council's Environmental Sciences Officer has assessed supplementary acoustic information and has raised no objection to the scheme subject to a condition to control noise from within the development to flats on the upper floors, and to neighbouring properties, and the submission of a supplementary noise report to demonstrate that these levels can be achieved.

The existing restaurant has opening shopfronts directly beneath the existing flats at on the upper floors of 22 Barret Street, and the upper floors of 21 Barrett Street, which could be occupied as three flats under the terms of the existing dual use office/residential permission. There is also a long history of permissions for tables and chairs outside of the restaurant. Although the proposed opening shopfronts at 21-22 Barrett Street would replicate this relationship, with the addition of new flats on the upper floors of 24 James Street, and with the extension of the public house, where the proposed use would be more directly concerned with the consumption of alcohol, there is the potential for increased noise disturbance, when compared with the existing restaurant. In these circumstances, it is considered reasonable to require the new opening shopfronts to be closed at 22.00 hours.

The applicants initial view was that it is the responsibility of future tenants to ensure that noise generated from the basement/ground floor use is suitably controlled and that suitable noise levels e.g. the installation of a suspended ceiling, as necessary and provided a draft obligation for inclusion in a tenants' handbook which stipulates maximum noise levels. The report assumes that the public house will not provide amplified or live music.

However, at the request of the Environmental Services Officer, an updated acoustic report has been provided which details a maximum permission noise level for the commercial use. Based on this updated report, the ESO has recommended the imposition of conditions relating to noise outbreak from the lower floors to other uses within the development and to neighbouring properties. A further condition requires the submission of details of sound insulation measures and Noise Assessment Reports to demonstrate that the development will comply with noise conditions relating to noise levels within the flats (in relation to noise from external sources and noise from within the development), and noise to neighbouring properties, which would include existing flats on the upper floors of 22 Barrett Street. On the basis that the applicants may wish to play amplified music, they have confirmed their agreement to this condition in preference to a condition to prevent the playing of amplified music.

Subject to these conditions and further conditions requiring the submission of an Operational Management Plan detailing measures to prevent nuisance to neighbouring occupiers, including the management of servicing and deliveries, (including delivery hours) and the collection of waste and bottles; the management of any delivery/takeaway service; the management of outside spaces including smokers and drinkers and measures to keep the outside area clean, the proposals are considered acceptable in principle in land use and amenity terms.

The proposals would largely replace the existing basement and ground floor entertainment

uses it would not affect the concentration of entertainment uses in the area or the character and function of this part of the city. Given the existing entertainment uses on the development sites, subject to appropriate conditions the proposed entertainment uses are considered to be acceptable in terms of their scale and impact on the vitality and character of the local area and the amenity of neighbouring occupiers.

Residential Use

The accommodation at 1-2 Barrett Street provides a total of 341 sqm of residential floorspace in the form of 7 flatlets, which were originally conceived as 'serviced flatlets' but appear to have a history of use as short-term lets, ('The Ivanhoe Suite') and 2 x 1 bed flats. The flatlets, although currently unfurnished, comprise only a bedroom, with fitted wardrobes, and a bathroom. There is no evidence of any cooking facilities, communal accommodation or reception area. The flatlets and flats are in a state of disrepair and there is no evidence of recent occupation. All of this accommodation appears to fall within Class C3.

The first to third floors at 21 Barrett Street (144 sqm) are occupied as offices.

Residential floorspace, number of units

City Plan policy 8A sets out the Council's objective to deliver more homes including by optimising site densities and delivering a higher number of homes on small sites. No new homes will be permitted to exceed 200 m² (GIA) except where necessary to protect a heritage asset.

Policy 8C protects all existing residential units, uses, floorspace and land, except where the reconfiguration or redevelopment of supported or affordable housing would be better met or where non-family sized housing is being reconfigured to create family-sized housing.

The scheme will relocate residential floorspace from the Barrett Street site (341 m²) to the James Street site (providing 388.5 m²) provide an additional 47.85 sqm of residential floorspace. The accommodation would provide 4 x 1 bed and 2 x 2 bed flats, accessed from the separate James Street entrance.

The existing flats and flatlets have not made any contribution to the borough's housing stock in recent years. The new units provide a superior form of, permanent, residential accommodation and although there would be an overall reduction of three units, without creating any new family sized units, it is considered that the reduction in the number of units is acceptable given the overall improvement in the housing offer. The relocation of the existing residential floorspace to the James Street site would be secured by a s106 legal agreement.

Standard of accommodation and residential mix

City Plan policy 10A requires residential development to provide a mix of units in terms of size, type and tenure, to secure mixed and inclusive communities and to contribute to towards meeting Westminster's housing needs for different groups. Policy 10B normally requires 25% of all new homes to be family sized. Where two bedroom units are provided, the majority should be large enough to accommodate two double bedrooms. However, the supporting text confirms that, while individual proposals should look to achieve the strategic target for the provision of 25% family housing, there may be circumstances where it is not appropriate or practical to provide larger units due to a site's small size or other practical issues. In these circumstances, proposals will be assessed on an individual basis.

Under Policy 12, all new homes should be well designed and energy efficient and provide a high-quality living environment, both internally and externally. All self-contained units will be required to meet or exceed the Nationally Described Space Standards set out in the London Plan. Policy 12D requires all new build homes to provide at least 5 sqm of external amenity space for each one-two person dwelling, where practical. Where this cannot be achieved, the provision of communal amenity space or increased unit sizes should be explored.

The scheme would provide:

- 2 x 1b/1p flats measuring 40.1. and 40.6 m2.
- 2 x 1b/2p flats measuring 48.5 and 48.6 m2
- 1 x 2b/3p duplex apartment measuring 95.9 m2 (with the second bedroom annotated to show a single bedroom or a study) and
- 1 x 2b/4p duplex apartment measuring 88.1 m2.

The London Plan sets put minimum space standard for new dwellings. A 1 bed/1 person unit with a shower room 39 m2 with a bathroom/37 m2 with a shower room. A 1 bed/2p unit should provide a minimum of 50 m2. For a dwelling on two floors, a 2 bed/3p unit 61 sqm should measure a minimum of 70 m2 and a 2bed/4p unit should measure a minimum of 79 m2.

Any 1p bedroom should achieve a minimum of 7.5 m2, with a minimum width of 2.15m. A 2p bedroom should provide a minimum of 11.5 sqm, with a minimum width of 2.75m. For any additional 2p bedrooms, a minimum room with of 2.55m is acceptable.

With the exception of the two 1b/2p flats, all units meet the minimum floorspace standards set down in the London Plan and these units, at 48.6 and 48.6 m2 are only marginally smaller than the target size. All bedrooms satisfy the minimum width standards. The double bedrooms within the first floor flat at 21 Barrett Street and the second floor flat at 24 James Street are slightly below the minimum floorspace standards for a two person room, at approximately 10 m2 and 10.5 m2 respectively. Unlike the existing flats on the Barrett Street site, all new units would be dual aspect and mechanically ventilated. One of the units will also benefit from outside amenity space, which is welcomed. Given the site constraints, there is no potential to increase the unit sizes, without reducing the number of replacement flats provided, or to create additional private amenity space or communal amenity space. The flats are considered to provide a good standard of accommodation in terms of room layout and access to natural light and, notwithstanding the breaches of minimum floorspace standards, it is not considered that this would justify a recommendation for refusal given the overall benefits of the scheme.

In this location, the provision of smaller units is characteristic of flats on the upper floors of commercial buildings. The development is considered to optimise the number of units in accordance with policy 8A and the absence of any family sized units is considered acceptable given the site constraints, this busy central location, and the absence of any external amenity space.

The Environmental Services Officer has raised no objection to the proposals subject to conditions controlling internal noise levels within the proposed flats, both from external noise sources and from within the development, which would include full acoustic design of the separating floor between the public house and the proposed flats, and subject to the submission of a supplementary acoustic report demonstrating that these levels can be achieved.

Given the amount of new residential floorspace and number of units proposed, the scheme

would not trigger the City Council's affordable housing policies set down in policy 9B of the City plan.

Land Use Conclusions

Given the changes to the Use Classes and the General permitted Development Order outlined above, the new and relocated office and restaurant floorspace could be converted to other Class E use uses without the need for planning permission. It is therefore considered appropriate to restrict the new office and restaurant to those use and in the areas shown on the submitted plans, because the range of alternative uses permitted under Class E, or a significant increase in the size of the restaurant or loss of a public use at ground floor level would have implications in land use, amenity and highways terms.

The current proposals involve the transfer of protected office and residential floorspace between the two sites which are in close proximity to each other (on opposite sides of the piazza). There is no loss of existing protected floorspace and the scheme will improve the quality of the residential accommodation provided. Subject to conditions relating to the operation of the entertainment uses, it is not considered that the proposals would result in any loss of local amenity or local environmental quality. The re-location of protected residential and office floorspace between the sites would be secured by way of a legal agreement. In these circumstances, the principle of the land use swap is considered acceptable and accords with City Plan requirements.

9.2 Environment & Sustainability

Sustainable Design and the Circular Economy

Summary of policy and guidance

NPPF Para. 152 states, *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; **encourage the reuse of existing resources, including the conversion of existing buildings**; and support renewable and low carbon energy and associated infrastructure”* [emphasis added].

London Plan Policy GG5 states, *“To conserve and enhance London’s global economic competitiveness and ensure that economic success is shared amongst all Londoners, those involved in planning and development must... [under Part H]: recognise and promote the benefits of a transition to a low carbon circular economy to strengthen London’s economic success”*. The supporting text states, *“Creating a low carbon circular economy, in which the greatest possible value is extracted from resources before they become waste, is not only socially and environmentally responsible, but will save money and limit the likelihood of environmental threats affecting London’s future”* (Para. 1.6.2).

City Plan Policy 38(A) states, *“New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods”*. City Plan Policy 38(D) (Design Principles) added, *“Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating **principles of sustainable design...**”* [emphasis added]. The supporting text for City Plan Policy 38 states, *“As new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition...”* (Para. 38.11).

Guidance on the meaning of 'sustainable design principles' is found within the 'Retrofitting and Sustainable Design' chapter of the Westminster's Environmental SPD (February 2022). The guidance states, "*The upgrade and reuse of existing buildings is a sustainable approach and can help by avoiding the higher carbon footprint associated with constructing new buildings*" (p. 104). Page 87 also states, "*Where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition. However, this needs to be carefully balanced against other sustainability objectives, the need to deliver new housing and economic growth, meaning demolition will still be appropriate in some circumstances. When balancing the merits and impacts of retention or demolition of the existing building, the council will consider environmental, economic and social sustainability issues in the round with reference to other City Plan policies*".

This guidance adds that, "*Putting the circular economy into action in Westminster's built environment means in the first instance exploring retention and refurbishment of buildings rather than demolition and re-build. If this is not possible, then incorporating reused materials into a new development*" (p.96).

Site 1 (1-2 Barrett Street)

Principle of demolition

Site 1 At No 1 Barrett Street the application involves demolition behind retained front and flank facades. The shopfront and all windows would be replaced. No. 2 Barrett Street would be demolished to the structural frame and floorplates. The scheme would create a single building. The current application retains more structure than the previous scheme approved in 2019 which permitted complete demolition and redevelopment. 2 Barrett Street is currently classified by the Stratford Place Conservation Area guide as a 'Negative Building' which harms the appearance of the conservation area. As such, it is considered that the removal of its facades and replacement with a high quality thermally efficient alternative represents a significant improvement compared to the existing.

At site 2 (James Street) The scheme involves the refurbishment of 24 James Street and the lower floors of 22 Barrett Street and the demolition and reconstruction of 21 Barrett Street to provide a new building with an additional, fourth floor. The primary reasons for the demolition of 21 Barrett Street is that its existing structure cannot take the load of an additional storey required for the residential. Also the thermal efficiency of the building is very poor and in much need of an upgrade and the floors of the building and the Lamb and Flag do not align which is vital to ensure a usable and efficient floorplate.

Across both sites the schemes seek to retain as much of the existing building fabric as is technically possible whilst providing two new mixed buildings. Whilst the applications are not major developments and do not require the submission of Whole Life Carbon & Circular Economy assessments, these reports have been submitted. The Applicant commits to incorporate Circular Economy principles and measures to reduce demolition waste, identifying waste streams (based on pre-demolition reports) and potential revenues for upcycling materials. In addition, the applicant has provided further information during the course of the application in relation to BRUKL reports (demonstrating that the buildings are compliant with Part L of the Building regulations), and GLA carbon reporting information.

Based on the above information, and subject to conditions including 'Whole Life Carbon', the extent of demolition proposed at both sites is considered to comply with Westminster's City

Plan Policy 38.

Sustainable Design

There is no requirement to carry out an Energy Assessment for minor planning applications. Nonetheless, to demonstrate the applicant's commitment to enhancing sustainability in the face of climate change, an Energy and Sustainability Statement has also been provided with the application to demonstrate the sustainable design which is proposed. The key elements across both sites are summarised below:-

- A 'fabric first' approach to reduce the energy demand
- The installation of high-efficiency mechanical ventilation
- Provision of Air Source Heat Pumps with heat recovery.
- Installation of energy efficient controls and metering measures.
- Installation of PVs at roof level
- Installation of water-efficient fixtures and fittings.
- Reduction of regulated carbon emissions in the region of 59 % over Part L of the building regulations for the residential and 10% over and above the requirements of Part L for the commercial.

It is considered that the proposals have been designed with sustainability in mind and the energy efficiency of the buildings is much improved reducing on-site energy demand. As such the proposal is considered to meet with the aims and aspirations of Policy 38 (Design principles) and Policy 36 (Energy).

Air Quality

The James Street site is located within the Oxford Street (Marble Arch to Bloomsbury) Air Quality Focus Area. Policy 32 of the City Plan requires all residential developments within Air Quality Focus Areas to be supported by an air quality assessment.

The application includes an AQA for the residential development which models the impact of vehicle and building emissions (NOx and particulate matter PM10). The report has been reviewed by the Council's Environmental Sciences Officer who has raised no objection. The proposals is therefore considered acceptable under City Plan policy 32.

Flood Risk & Sustainable Drainage

City Plan policy 35 requires all development within a surface water flood risk hot spot to be accompanied by a Flood Risk Assessment. (FRA) Although both sites are located within the Marylebone and Mayfair Surface Water Flood Risk Hotspot, neither scheme involves significant new basement development which creates additional floorspace, other than digging out, and it not considered that a FRA would be required in these circumstances.

Policy 35J requires new development to incorporate Sustainable Drainage Systems to alleviate and manage surface flood water risk and requires schemes to demonstrate how all opportunities to minimise site run off have been taken. The supporting text clarifies that a SUDS Strategy is required in the case of major developments. Both schemes incorporate new green roofs which will help mitigate rainwater run off. These will be secured by condition. Given the nature and scale of the developments, this is considered acceptable in the context of policy 35.

Environment & Sustainability Summary

In conclusion the extent of demolition is considered to be justified. The fabric of the buildings has been designed to high standards so that a high level of energy efficiency is achieved and it has been designed to Be Lean, Be Clean and Be Green principles. To ensure a sustainable design, it has been established that the building will operate without the use of any fossil fuels. This is to also adhere to Policy 36 of the City Plan 2019 - 2040. The buildings will operate entirely of electric, with no allowances for fossil fuel use, either as primary or backup. The sustainability measures are welcomed and will meet regulations.

9.3 Biodiversity & Greening

City Plan policy 34 sets out policies to protect and enhance the City's green infrastructure. Wherever possible, developments should contribute to the greening of the borough by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the scheme design.

Neither site currently provides any planted areas. The drawings show a small area of green roof at 1-2 Barrett Street and on the existing main roof at 22 Barrett Street. These proposals, although modest, are the maximum that can reasonably be secured given the form of the buildings and would, in principle, increase the sites' contribution to the biodiversity of the area. However, the sedum roofs indicated would do little to encourage biodiversity and conditions are recommended requiring the submission of details of the planting, construction and management of the living roofs.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

1-2 Barrett Street

The two existing buildings are not considered to make a positive contribution to the character and appearance of the Stratford Place Conservation Area. The conservation area audit states that No.1 makes a neutral contribution and No.2 a negative contribution. The façade of No. 2 is to be demolished and replaced, at No 1 the facade is to be retained. The demolition is acceptable in principle, subject to the quality of the replacement building, and

its contribution to the conservation area.

The proposals are based on the scheme for which planning permission has been granted. However, the proposed building has one storey more than the approved scheme. The proposed height and bulk are similar to the approved scheme, which is achieved by using lower floor-to-floor heights. There is also an area of roof level plant, but this is set back so that its visual impact is reduced. This is considered acceptable.

The façade of no.1 is retained and extended, rather than demolished as under the previous permission. The façade including the roof extension will be rendered and new windows will be installed, taking the form of recessed canted bays, similar to the existing, but without the horizontal glazing bars. It is considered that this design approach is acceptable and will not harm the character and appearance of the conservation area.

The proposed brick façade for no.2 is an appropriate modern design for this site in the conservation area, again similar to that which has been approved. The façade is clad in brick, with dark grey brick on the eastern bays and dark grey glazed brick on the remainder. The corner has decorative dark glazed brick at ground floor and first floors. This is all considered acceptable, subject to approval of samples. The fenestration is varied, with both vertically and horizontally proportioned window openings. On the corner there are metal panels within the openings at upper floor levels, and decorative laser cut panels on the eastern section. This gives the building rich and varied facades, albeit using in the same dark palette. It is a considerable improvement on the existing building and will not harm the conservation area.

It is concluded that this is a high-quality proposal which will contribute positively to the character and appearance of the Stratford Place Conservation Area and would not adversely affect the setting of neighbouring listed buildings. The scheme complies with the City Council's urban design and conservation policies, 38, 39 and 40.

21-22 Barrett Street and 24 James Street

The buildings lie within and make a positive contribution to the Stratford Place Conservation Area. They are identified as unlisted buildings of merit (non-designated heritage assets) in the Stratford Place Conservation Area Audit, and they are in a Tier II area of special archaeological priority (Oxford Street/Bayswater Roman Road).

No. 21 Barrett Street is a small scale domestic building which could date from the late 18th or early 19th centuries but it has a 20th century street facade and its interior does not appear to be of interest. Although it is identified as a building of merit the fact that its facade is relatively modern, reduces its contribution to the conservation area. While it serves as a reminder of the historic scale of this street, it is now flanked by taller buildings and it is considered that a taller replacement building, reflecting the predominant scale of the street, could be acceptable in principle.

The current proposal is for a new building five storeys high, with a brick clad facade, bronze coloured metal shopfront and recessed balconies with metal balustrades. The fenestration pattern makes reference to the Victorian building next door to the east. It is considered that this is a high quality design which is appropriate to its immediate context in this part of Barrett Street and is an acceptable replacement for the existing building. It is recommended that materials and details are reserved by condition. Securing high quality brickwork will be important to the success of the building in terms of its design quality and its contribution to the conservation area.

No 24 James Street is an unlisted Victorian corner pub which also makes a positive contribution to the character and appearance of the conservation area. The facades will be retained and respected and the interior is to be substantially rebuilt. The proposals include changes to the windows in the southern most bay on James Street, to match the existing adjacent. These works are considered acceptable in urban design and conservation terms and will not harm the character and appearance of the conservation area.

It is considered that this is a high quality scheme which will preserve and enhance the character and appearance of the Stratford Place Conservation Area. It complies with the policies 38, 39 and 40 of the City Plan.

Archaeology

The Barret Street site lies within the updated Tier II Oxford Street/Bayswater Roman Road APA and borders the western boundary of the Tier II Great Estates APA. It also lies within the channel of the Rover Tyburn where alluvial deposits have the potential for paleoenvironmental remains. Historic assessments also confirm potential for former 18th century structures on the site. The proposals include levelling to no. 2, where the internal ground level is 200mm above the external ground level, a lowering of the existing basement and the construction of a lift pit. A programme of archaeological works is recommended in the submitted archaeology report. Historic England (Archaeology) have reviewed the proposals and have confirmed that although the development could cause harm to archaeological remains, the significance of the asses and scale of potential harm is such that it could be managed by the imposition of a pre-commencement condition requiring the submission of a written scheme of investigation outlining the methodology of site investigation and recording prior to any demolition or development works. Additionally, as the submitted report identifies 18th century vaults as warranting historic building recording, a further condition is recommended relating to this issue.

The James Street also lies within the Oxford Street/Bayswater Roman Road Tier 2 APA and the valley of the ancient River Tyburn, and probably within the Tyburn's earliest river channel. The river was culverted, and the valley infilled in the postmedieval period. A historic environment assessment report submitted with the application confirms potential for post-medieval remains. The application is also accompanied by an Archaeological report.

The development involves the digging out of part of the existing basement on the by 800mm, rather than the creation of an additional level. The excavations associated with the refurbishment of the slab in No. 21 and No. 22 Barrett Street ,and lowering of the slab in No. 24 James Street ,would be likely to truncate or remove alluvial deposits and any archaeological evidence within their localised footprints. Other localised groundworks and demolition would have a limited impact on any archaeological remains adjacent. As a result, a programme of archaeological work is recommended as outlined in the report.

Given the nature of the development, and the archaeological interest and/or practical constraints, Historic England (Archaeology) have confirmed that a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. Subject to recommended conditions, the proposal is considered to safeguard the site's archaeological heritage. In accordance with policy 39 of the City plan.

9.5 Residential Amenity

Daylight & Sunlight

The applications are supported by a daylight and sunlight assessments reports which have been updated to refer to the BRE guidance (2022). The guidelines state that in an assessment of VSC (Vertical Sky Component) (the amount of direct light reaching the face of window, if the VSC is less than 27%, and it is less than 0.8 times its former value (i.e. the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected. Where a room is served by windows of equal size, the assessment is based on average VSC values.

The No Sky-Line assessment (NSL) is a measure of the distribution of daylight within a room. It maps out the area within a room where light can penetrate directly from the sky, and the guidance suggests that the area of the working plane within a room that can receive direct skylight should not be reduced to less than 0.8 times its former value (i.e. the proportional reduction in area should not be greater than 20%).

In all cases, the assessment only applies to habitable rooms and the levels of protection affordable to principal habitable rooms is greater than that for bedrooms.

The sunlight assessment refers to Annual Probable Sunlight Hours (APSH). The guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, then the proposed values should not be less than 0.8 times their previous value in each period (i.e. the proportional reductions should not be greater than 20%) or more than 4% APSH for the whole year.

The guidelines state that '...all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun'. Where a room is served by more than one window, the contribution of each is accounted for in the overall figure.

1-2 Barrett Street

Daylight

The proposal involves an increase in the overall height of both buildings by approximately 2m. At present, at first floor level and above, the rear of 1 Barrett Street is set back from the northern site boundary (which abuts the neighbouring courtyard at the rear of 1 St Christopher's Place). This set back would be infilled to provide the new residential stair core.

The residential, building to the north, Sarsden Building, comprises the purpose built block at 2-5 St Christopher's Place and extends into the upper floors above the shop unit at 1 St Christopher's Place. To the rear of Sarsden Building, windows serve three living rooms, 11 bedrooms and 11 galley kitchens. All but two of the 25 windows tested would experience reductions in VSC and NSL below 20%, which the BRE guidelines conclude will be unnoticeable.

One bedroom window on each of the second and third floors of 1 St Christopher's Place would see reductions in VSC of 24% and 26.9%. However, existing VSC levels to these windows are already limited, at 3.9 and 5.61%, meaning that the percentage reductions are proportionately high. Given that that actual reductions are limited to 0.9 and 1.5% and as the NSL reductions to the affected rooms are below 20%, (12.2 and 0.8%) it is not considered that there would be a material impact upon the level of light received.

The report also assesses the impact on daylight and sunlight to the single family dwelling

house at 13 Stratford Place, based on the approved building layouts. The VSC analysis shows that any reductions in VSC and to the No-Sky Line (NSL) in the case of 11 of the 12 windows tested, would be well below 20%. However, one of two windows to a small, dual aspect, gym within the second floor rear extension would see a 44.1% VSC reduction (with a retained value of 15.9%). However, losses to the second window would be limited to 2.9% (retained value 10.2%) and the average loss would be 23.5%, close to the 20% threshold. Given the use of this room, it is not considered that the impact would be so significant as to justify a recommendation for refusal.

The NSL assessment shows that there would be no reduction in NSL with the exception of the dining room at first floor level and the second floor gym in the rear extension, where losses are 7.9 and 1.5% respectively

Sunlight

Of the windows serving the neighbouring properties tested, only six windows at 13 Stratford Place are orientated within 90 degrees of due south. All windows would meet annual and winter sunlight targets with the exception of second floor gym in the rear closet wing, where there would be a 20% loss of winter sun (from 5 to 4%) to one window but this would continue to achieve 28% annual sunlight and the overall reduction in annual sunlight would be limited to 4%. The second gym window would continue to exceed winter sunlight targets although there would be a 41.9% reduction in annual sunlight from (43 to 25%), Given the use of this room and the retained sunlight value it is not considered that the impact on amenity would be significant.

The east facing dining room at first floor level is served by glazed doors which lead out onto a small terrace. This window would not experience any loss of annual or winter sun. Given its location and relationship with the application premises, it is not considered that the rear terrace would experience any significant increase in overshadowing as a result of the proposals.

The report does not include an assessment on the impact of the Kabbalah Centre at 12 Stratford Place. However, an examination of the building plans shows that the lightwell windows on the boundary with the application site serve w.c's, stairs, a non-habitable kitchenette and an office and it is not considered that the proposals would have a material impact upon the amenity of these areas or on other facilities on the remainder of the site.

21-22 Barrett Street and 24 James Street

The report for the development on the James Street site assesses the impact upon neighbouring residential buildings at 20 and 22 James Street and 8 Gees Court.

The report shows that any reduction in VSC to windows serving flats on the upper floors of 8 Gees Court would meet BRE targets, with losses ranging between 3.1 and 13.9%. In all cases the actual losses are limited to between 0.6 and 2.3% and the retained values are reasonable on this constrained site. The NSL assessment shows that of the 6 rooms tested, only two rooms would experience any losses, at 0.3 and 3.0%.

At 20 James Street, the submitted building layout plans show a first floor kitchen window to a dual aspect living/kitchen/dining room and a fourth floor bedroom window, both located on the boundary between 20 and 18 James Street. All other rear windows serve stairs, bathrooms or bedrooms. The reduction in VSC to the first floor living/kitchen/dining room would be limited to 2.9% (actual losses 0.2%). The NSL assessment shows that there would be no impact on the rooms tested. The analysis does not assess the impact on the fourth

floor bedroom windows however, given their relationship with the proposed new building, it is not considered that level of light to this room would be materially affected.

The analysis also includes an assessment of a ground floor window, although labelled a residential window, this appears to serve the kitchen of a commercial use. However, this window would see a reduction in VSC of 5.7%, with a retained value of 21.4%, with no reduction in NSL.

At 22 James Street, VSC reductions to flat windows on the three upper floors are between 2 and 5.6% (with actual reductions between 0.3 and 1%). The NSL assessment shows that most room tested would be unaffected with the exception of one room where the loss is limited to 0.2%.

The new building at 21 Barrett Street would be contained within the envelope of the flank wall to the neighbouring building at 22 Barrett Street. Given this relationship, it is not considered that there would be any material impact on levels of light to windows serving flats on the upper floors.

The submitted sunlight assessment shows that only those rear windows at 8 Gees Court require a sunlight analysis due to their orientation and that none of these windows would see any reduction in annual or winter sunlight levels.

Privacy

The roof terrace approved under the extant permission for the redevelopment of the Barrett Street site would now be replaced by plant, a lift overrun, photovoltaic panels and an area of green roof. As previously, it is not considered that that installation of a strip window to the rear of 1 Barrett Street, which now lights the office stair core, (second to fifth floors) would result in material overlooking of the rear of neighbouring properties to the north, on St Christopher's Place. It would not normally be considered acceptable for windows to derive their light from a neighbouring site, as it could prejudice the development potential of that site. However, given that this stair could be wholly artificially lit if natural light is removed as a result of a neighbouring development, this aspect of the scheme could not reasonably be resisted. It is noted that the installation of glazing within a site boundary wall may not be acceptable under the Building Regulations. If the removal of this stair window is required, to satisfy other legislation, this would not prejudice the development.

The James Street development includes the creation of a fourth floor residential terrace at 21 Barrett Street. This terrace is screened by the front façade, which includes an opening to provide outward views, and by a solid wall to the rear. It is not considered that the use of this terrace or the installation of new windows on the upper floors of the replacement building would result in a material increase in the potential for overlooking to neighbouring sites.

Minor modifications/extensions are proposed to the escape bridge which links the site to offices at 7 Gees Court. As this bridge link would only be used in the case of emergency, would have a material impact upon neighbours' privacy.

Given the above the proposals are considered acceptable in terms of their impact on the amenity of neighbouring properties and comply with City Plan policy 7.

Noise & Vibration

Policy 33 of the City Plan requires development to prevent adverse effects of noise and vibration and to improve the noise environment in compliance with the council's Noise

Thresholds, with particular regard to minimising noise impacts from plant machinery.

1-2 Barrett Street

The application is supported by an acoustic report which assesses the impact of the proposed plant (including 5 no condenser units, a kitchen extract fan and a restaurant supply air handling unit) on the nearest noise sensitive receptors. The plant would be set behind a 1.2m plant screen . The proposed 2.4m units, which are centrally located would be set within individual enclosures. The report includes technical specifications for these enclosures

The acoustic assessment is based on units being operational during daytime hours only (0700 to 2300 hours), which are the proposed restaurant opening hours. The applicants have confirmed that the application does not include any proposals for 24-hour refrigeration plant, assuming that any proposals for additional plan will be submitted by the future tenants.

The noise report has been reviewed by the Council's Environmental Services Officer who considers that the plant, operating until 23.00 hours, is likely to satisfy plant noise requirements, subject to conditions on plant noise, vibration and hours of use. Further conditions are recommended requiring the installation of plant enclosures prior to the operation of the plant and an additional condition to prevent any plant other than that shown on the approved drawings.

James Street

Plant for the drinking establishment and the proposed flats will be provided in the rear lightwell including 6 no. air conditioning units. The acoustic report confirms that all plant will be housed in acoustic enclosures, and this is required in order to ensure compliance with standard noise conditions. Atmospheric attenuators will be fitted to the air handling unit. The application drawings do not show these acoustic enclosures in detail. An amending condition is proposed to require the submission of details of these enclosures and a further condition is recommended requiring the enclosures to be installed prior to the operation of the plant.

The application has been revised to omit proposals for a replacement kitchen extract duct. The applicants have confirmed that the existing restaurant duct, which runs from the rear of the site and extends up the adjacent flank wall to 8 Gees Court, will be retained.

The submitted acoustic report who has been assessed by the Environmental Services Officer who has confirmed, subject to the specified noise attenuation measures and distance shielding that the plant installation should satisfy standard noise conditions, based on the commercial plant operating between 0700 and 2300 hours. However, they have subsequently confirmed that the operation of the restaurant plant until midnight, to reflect the latest opening hours, is likely to satisfy Council noise requirements subject to conditions relating to plant noise and vibration, controls over the hours of plant operation and an additional condition requiring the submission of a supplementary noise report (post commissioning survey) confirming compliance with these conditions. Subject to these conditions, the plant proposals are considered acceptable in terms of the impact of plant operation upon the amenities of existing residents and future occupiers of the development.

The application does not include proposals for any 24-hours refrigeration plant which would be made by any future tenants, if required.

Odour

City Plan policy 33 requires new development to minimise the environmental impacts of new development including from cooking smells.

1-2 Barrett Street

The drawings indicate a kitchen extract duct encased within a brick stack. The Environmental Health Officer has expressed concern that no information has been provided on the termination point of the kitchen extract system. The drawings indicate the location and height of the duct. The applicants have confirmed that the duct would terminate below the height of the plant screen. As previously, a condition is recommended requiring the submission of full details of the kitchen of the extract duct, including its construction and appearance. To ensure that the development would include adequate arrangements for the dispersal of cooking odours.

James Street

The application has been revised to omit proposals for a replacement kitchen extract duct. The applicants have confirmed that the existing restaurant duct, which runs from the rear of the site and extends up the adjacent flank wall to 8 Gees Court, will be retained. However, as some of the application drawings still include annotations referring to the replacement duct, a condition is recommended to confirm that this does not form part of the approved scheme. An informative is recommended to confirm that the replacement of this duct would require separate planning approval and a condition is recommended to prevent the installation of any additional plant not shown on the drawings.

Subject to appropriate conditions, the plant proposals are considered to comply with City Plan policies 7 and 33.

9.6 Transportation, Accessibility & Servicing

Parking

City Plan policy 27A confirms that parking standards in the London Plan will apply to all developments. London Plan parking standards for this type of development, in this location, , which has excellent public transport links, confirms that no parking will be required for the commercial or residential uses.

The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the proposals on parking levels is expected to be minimal.

Trip Generation

It is accepted that most trips associated with the developments (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling). Trip generation modelling indicates that the proposed developments will not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in floorspace.

Cycle parking

The previous permission for the Barrett Street redevelopment, for a replacement restaurant and either three or four x 2 bed flats, was revised to provide 8 residential cycle spaces and 2 restaurant cycle spaces in accordance with London Plan requirements at that time.

City Plan policy 25 promotes cycling and the provision of associated facilities. T5A of the

London Plan sets out cycle parking standards for different types of development. Eight office cycle spaces are proposed for the current development. This level of provision would accord with current London Plan standards for the provision of 597m² of new offices (1 space per 75 sqm), but 9 spaces would be required if the first floor is used as offices. (700 sqm). Additionally, the London Plan also requires the provision of 1 cycle parking space for each 175 sqm of restaurant floorspace. At either 216 sqm or 319 sqm, the restaurant would require two cycle space. In these circumstances, a condition is recommended requiring the submission of a revised plan showing the provision of a minimum of 11 cycle spaces for the Barrett Street development.

The London Plan residential cycle parking standards require 1 space per studio or 1p/1b dwelling; 1.5 spaces per 1b/2p dwelling and 2 spaces for all other dwellings. Based on the proposed residential mix (2 x 1b/1p; 2 x 1b/2p, 1 x 2b/3p and 1 x 2b/4p), the residential use would require 9 cycle parking spaces.

The applicants contend that residential cycle parking cannot be provided on this site without compromising the commercial floorspace and 'the appearance of the existing shopfront.' They also consider that it would not be practical/convenient to provide the cycle storage within the replacement building at 21 Barrett Street when residents would access the site via the James Street entrance. The applicants have referred to the high number of cycle parking stands within a short distance of the application site, which they consider would be sufficient to meet the demands of future residents. However, these cycle stands would not be covered or secure.

London Plan policy T5E states that where it is not possible to provide adequate cycle parking within residential developments, boroughs must work with developers to propose alternative solutions which meet the objectives of the standards. These may include options such as providing spaces in secure, conveniently located, on-street parking facilities such as bicycle hangers. However, the application does not include any such proposals.

While the absence of secure cycle parking for the six flats is regrettable, it is acknowledged that site constraints would make the provision of separate residential cycle storage impractical. The linked developments replace nine existing units (which do not have access to cycle storage but which generate a cycle parking requirement of 10 spaces) with six flats which generate a lesser cycle parking requirement. In view of the nature and scale of the development, the provision of separate on-street cycle parking facilities is considered disproportionate. Given the overall benefits of the scheme in providing good quality replacement residential floorspace, it is not considered that the absence of residential cycle storage could justifiably form the basis of a recommendation for refusal.

The London Plan also requires 1 cycle spaces for each 175 sqm of public house floorspace (411 sqm), which would equate to 3 staff cycle spaces on the James Street site. The application drawings do not include any cycle parking in association with the commercial use but given the available accommodation within the extended unit an amending condition is recommended requiring the provision of 3 cycle parking spaces. This would be secured by condition.

Servicing

The existing sites do not benefit from direct access to the carriageway and, as at present, goods would be delivered to the site on trolleys. The proposals are considered unlikely to materially alter site servicing requirements when compared with the existing uses. Given the site location, it is considered that site servicing can be accommodated within the existing on-street restrictions without significant impact on the operation of the highway network.

While the Highways Planning Manager has requested a condition to prevent the operation of a delivery service in relation to the Barrett Street site, as this can reduce the availability of parking for other uses (as well as resulting in increased noise disturbance and vehicle emissions), for the reasons set out above, given that there are no such restrictions on the existing restaurants and public house, which are similar to those proposed in terms of their likely operation, it is not considered that such a condition can justifiably be imposed in relation to either site.

Highway works

The James Street application includes the replacement of existing pavement lights outside of the premises.

The replacement of the existing pavement light outside of 22 Barrett Street was considered as part of the application approved on 6 June 2018. The officer's report confirms that while the Council would normally resist the installation of new pavement grilles, pavement lights etc on the public highway, the replacement of the existing pavement light with one of the same dimensions, was acceptable. The report does not include any comments from the Highways Officer.

The current scheme involves the replacement of the same pavement light outside 22 Barrett Street and the installation of a new pavement light outside no. 21. City Plan policy 25 requires development to prioritise and improve the pedestrian environment. Similarly, the Westminster Way seeks to ensure that the highway surface is smooth and free of unnecessary grilles etc, to maintain and provide a safe pedestrian environment.

The area of the proposed and replacement pavement lights is considered to be public highway. There is a history of permission having been granted for the placing of tables and chairs in this space.

The Highways Officer has confirmed that there is unlikely to be any concern over the replacement of the existing pavement light but that new pavement lights in the public highway would normally be resisted as they would be contrary to the requirement of City Plan policy 45B as a 900mm depth between the top of the basement and the surface of the highway would not be maintained, meaning that it would not be possible to fix any foundation for street furniture in this location and that utilities cannot run any cables through the area. However, on the basis that there is an existing pavement light immediately adjacent, the Highways Engineer considers that the proposed new pavement light, immediately adjacent to the shopfront and within a pedestrianised area is likely to be considered acceptable.

In both cases, London Underground have requested condition requiring the submission of further details relating to the safeguarding of underground infrastructure.

9.7 Economy including Employment & Skills

Whilst the developments are of insufficient scale to require an employment and skills plans, they will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

The new commercial floorspace will help to promote opportunities for local employment and

will lead to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

Basement development

Policy 45 of the City Plan requires basement development to incorporate measures to safeguard structural stability, and address surface water and sewerage flooding; be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area; to protect heritage assets. The policy also restricts basement development to one storey beneath the lowest original floors level in most circumstances. The development should not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.

The SDP on 'Basement Development in Westminster' provides a definition which includes any excavation to form new or additional floorspace under the ground level of an existing building.

The Barret Street proposal does not involve the construction of an additional basement, although the basements of the two buildings are to be amalgamated. . The applicants have confirmed that the proposal does not extend into the pavement vaults and that the vertical dimension between the head of the vault and the pavement above will remain as existing . The basement level will be lowered by approximately 200mm and the floor level within the vaults will be lowered to align with the basement floor level on the remainder of the site. The current ground floor level to no. 2 is approximately 200m above the external ground level and the slab will be lowered to provide level access. In addition. The Council's Building Control Officer has reviewed the application and considers that the extent of digging out would have a negligible impact on the geology of the existing site.

At James Street, the existing basement would be lowered by approximately 800mm, to improve head height given that the basement will now provide customer accommodation. As with the scheme approved in June 2019, it is also proposed to extend the basement at the rear of 21 James Street by approximately 2.5 sqm. Following the submission of an updated construction method statement, the Building Control Officer has raised no objection to the proposals.

Given the nature and extent of the basement works, the proposals would comply with policy 45. In both cases an informative is requested to remind the applicant of the need to obtain Technical Approval from the Council's Highways Engineers as the structures would provide support to the adjacent highway.

Construction Management

The sites are located in a pedestrianised area at the east end of Barrett Street which is characterised by restaurant/café/public house uses, many with external seating, and which leads into narrow pedestrian streets of small shops. Given this location, and the degree of demolition proposed, the schemes are considered to constitute Category 2 developments under the Council's Code of Construction Practice. The applicants have signed Appendix A indicating their willingness to sign up to the Council's Code of Construction Practice, for both sites. The impacts of the construction in terms of noise, dust etc would be considered under the accompanying Site Environmental Management Plan. Adherence to the CoCP would be secured by condition. An hours of work condition is also proposed. Subject to these

safeguards, it is considered that the impact of the construction process will be ameliorated as far as possible.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

Regulation 122(2) of the CIL Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is

- 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.

A s106 legal agreement is proposed to secure the relocation of the existing residential floorspace from the Barret Street site to the James Street site and the relocation of the office floorspace from the James Street site to the Barrett Street site. As both uses are protected under City Plan policies and safeguards are required to ensure that all of this protected floorspace is re-provided.

The applicants contend that this would not be practical to develop both sites simultaneously as the entire east end of the SCP piazza would be closed, which would have a significant impact on local businesses and the usability of the pedestrian through-routes. In these circumstances, the applicant is seeking the flexibility to construct/make each building ready for occupation separately and now propose that any legal agreement should permit the office development on the Barrett Street site to be completed within 24 months of the completion of the James Street development. It is acknowledged that there would be practical difficulties in developing both sites simultaneously and this approach is considered acceptable in principle. It would prevent one property being empty for a long period before it can be occupied (while the other development is completed) and would address potential difficulties with the leasing of the separate developments. Similar provision have been made on relation to development on other sites where both land uses are protected. (17/09945/FULL and 17/09947/FULL 82 Portland Place and 29 Harley Street.

Notwithstanding the above, the applicants propose that any condition/clause relating to the re-provision of the office and residential floorspace should include some flexibility which would enable the completion of the developments 'within a timescale otherwise agreed with the LPA' if site specific or economic circumstances delay the construction of the developments', effectively rendering the clause securing the delivery of the developments redundant. This is not acceptable. Should it not be possible to deliver the developments within the agreed timescales, it would be open to the applicants to apply to modify the terms of the legal agreement. Any such application would need to be supported by full justification for the changes proposed and would be subject to consultation.

The applicants have also requested that neither the proposed drinking establishment nor the replacement restaurant floorspace are included within this the delivery clause, as this would enable these premises to be occupied prior to the completion/occupation of the residential and office uses. This is acceptable as there is no policy requirement to control the delivery of the proposed entertainment uses.

In addition, the proposals involve works to the public highway beyond the site boundary namely the installation of new vent lights. These works will be included within the s106 agreement which will also include obligations in relation to thresholds levels.

Finally, the agreement will secure s106 monitoring costs for the developments.

The developments are not of a scale to require an employment and Training Skills contribution. Subject to these obligations, the proposals are considered acceptable in land use and highways terms.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of the Code of Construction Practice, archaeology and London Underground requirements. The applicants have confirmed their agreement to these pre-commencement conditions.

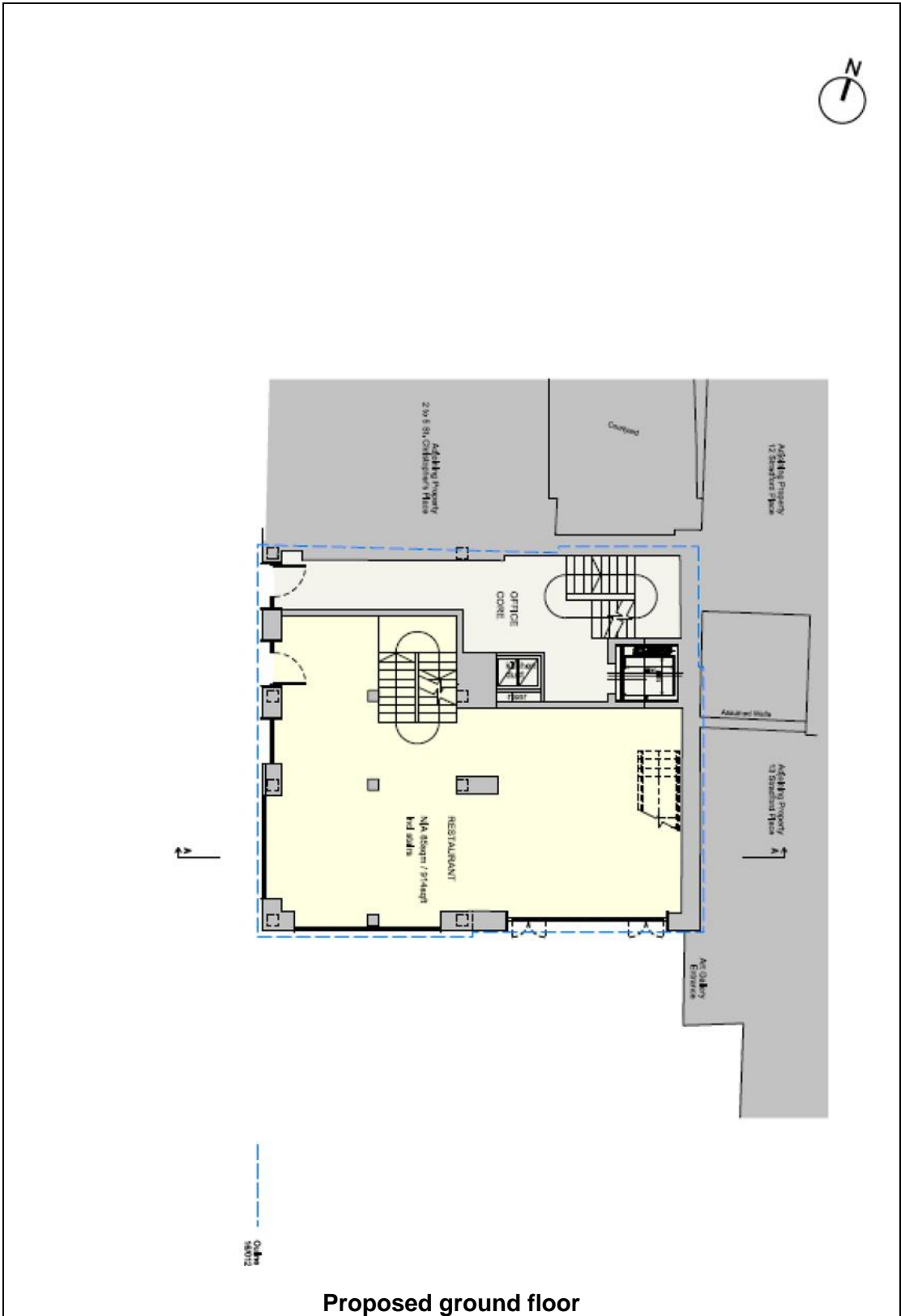
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

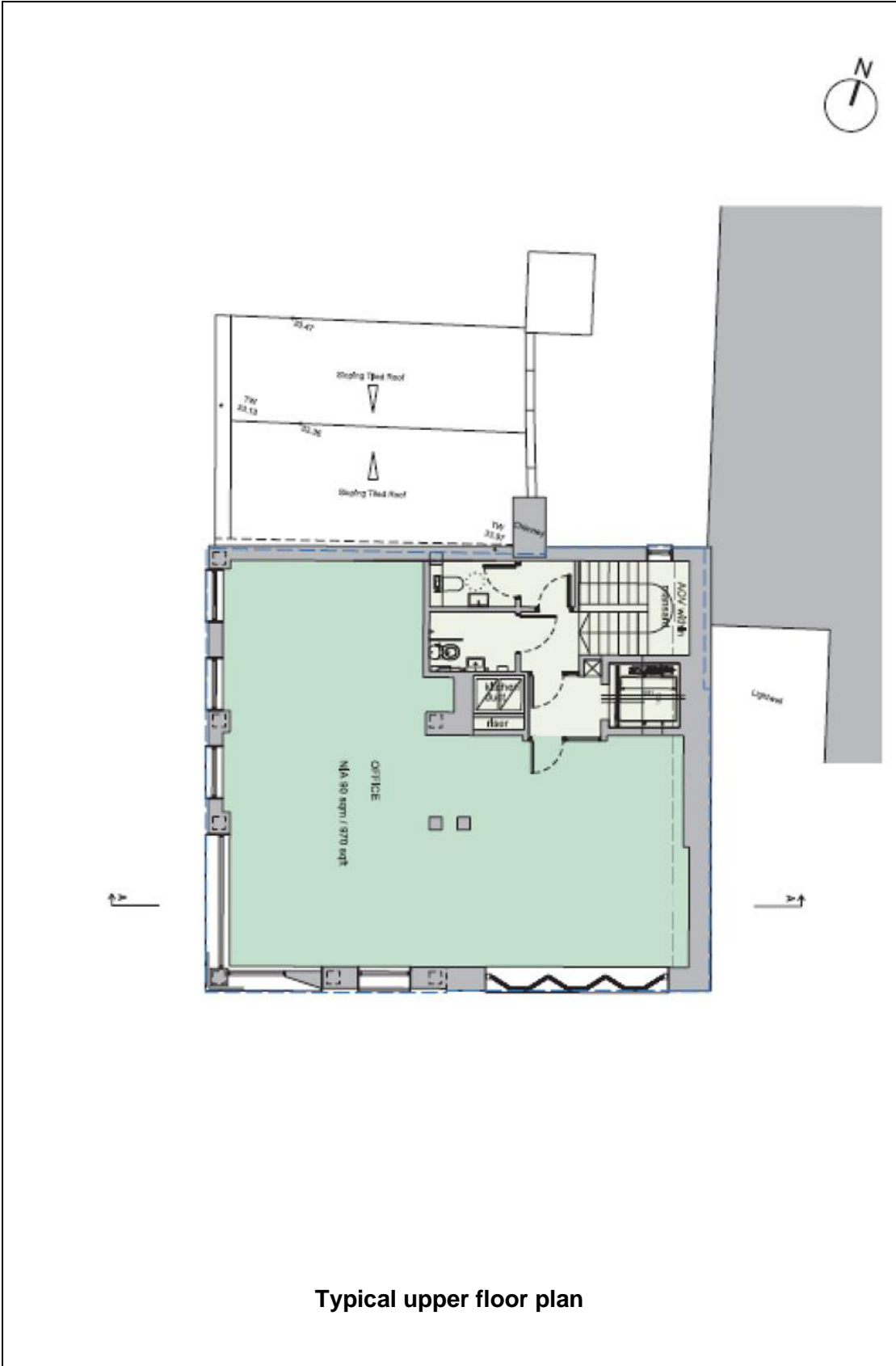
9. KEY DRAWINGS

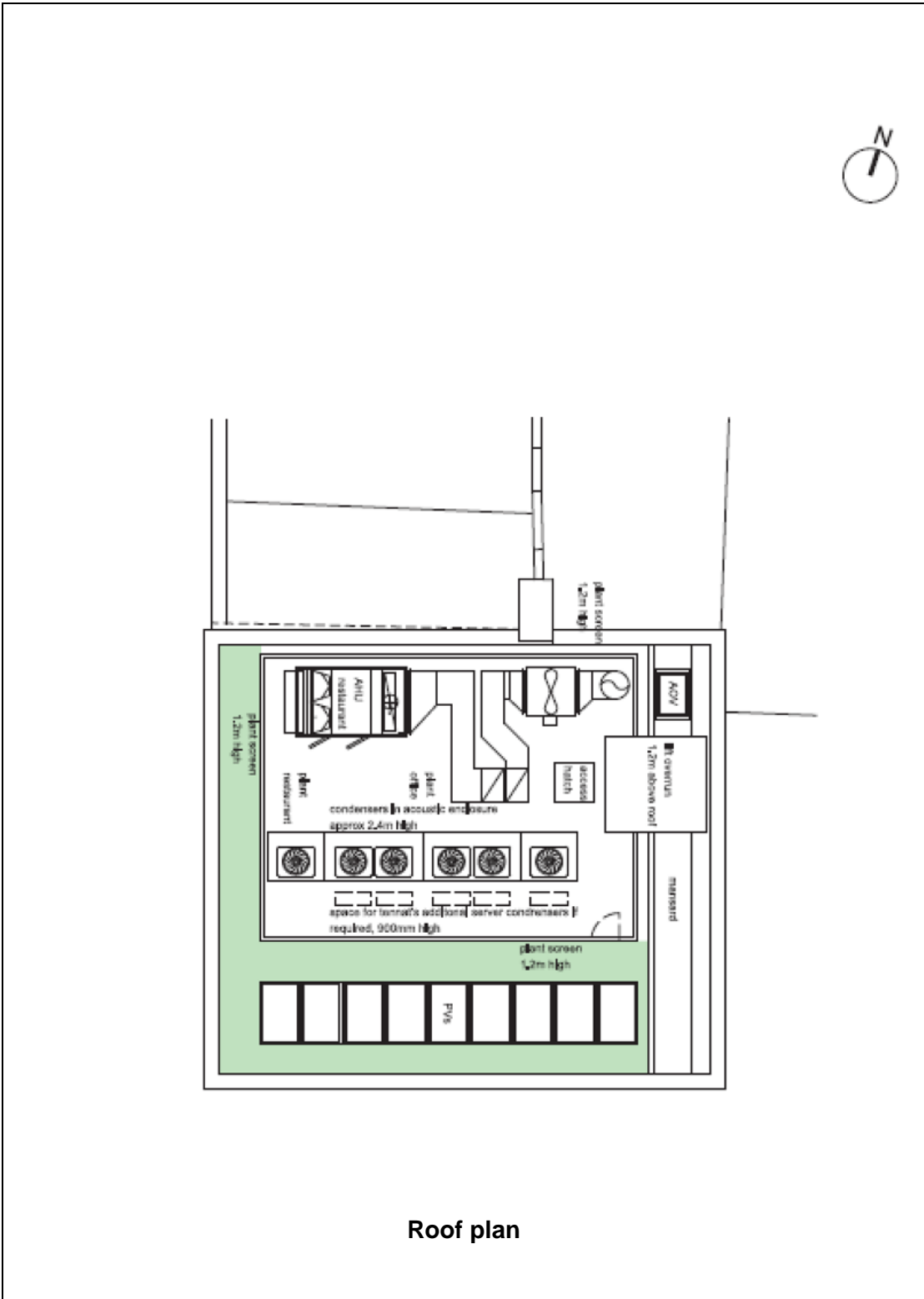
1-2 Barrett Street – proposed



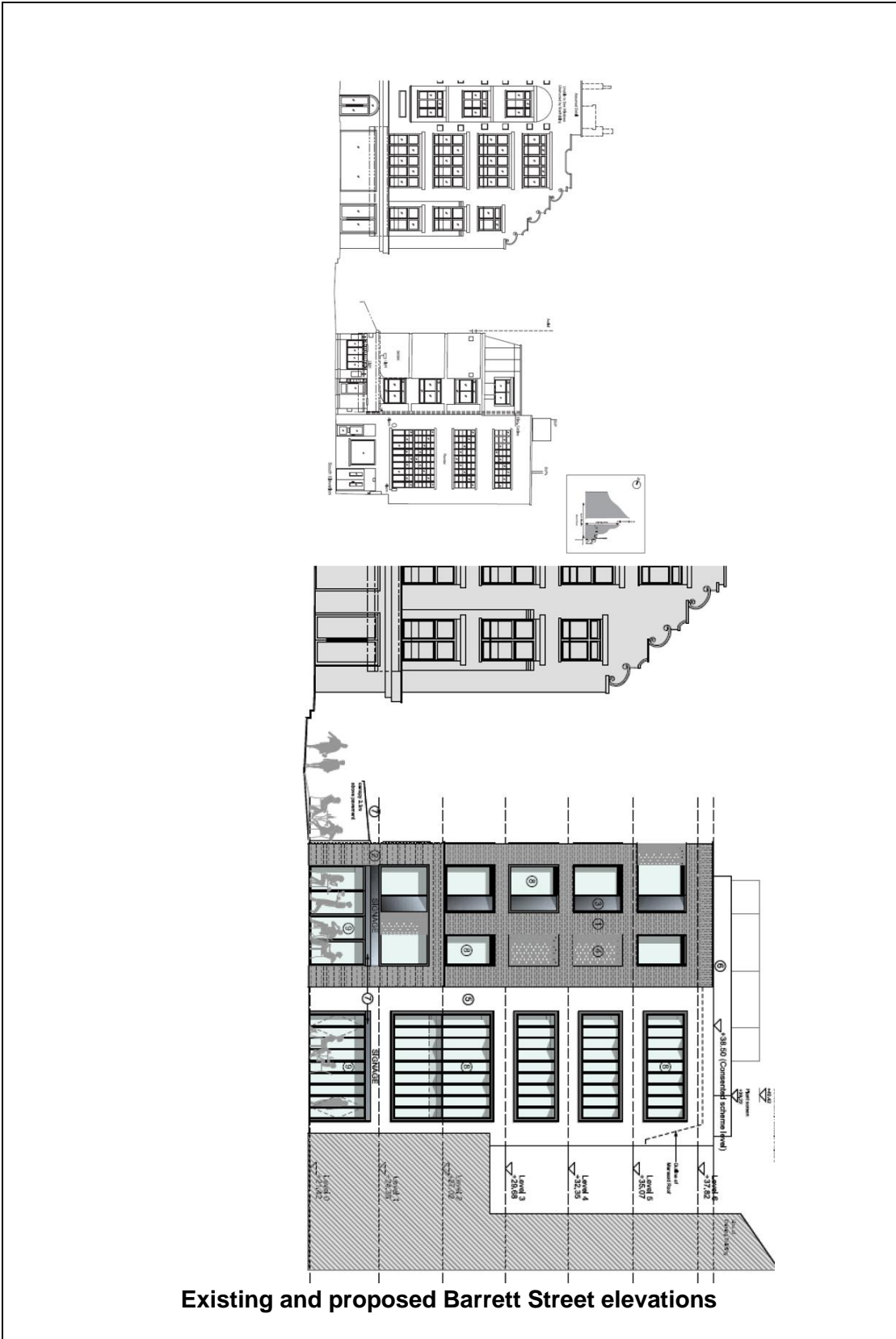


Proposed ground floor

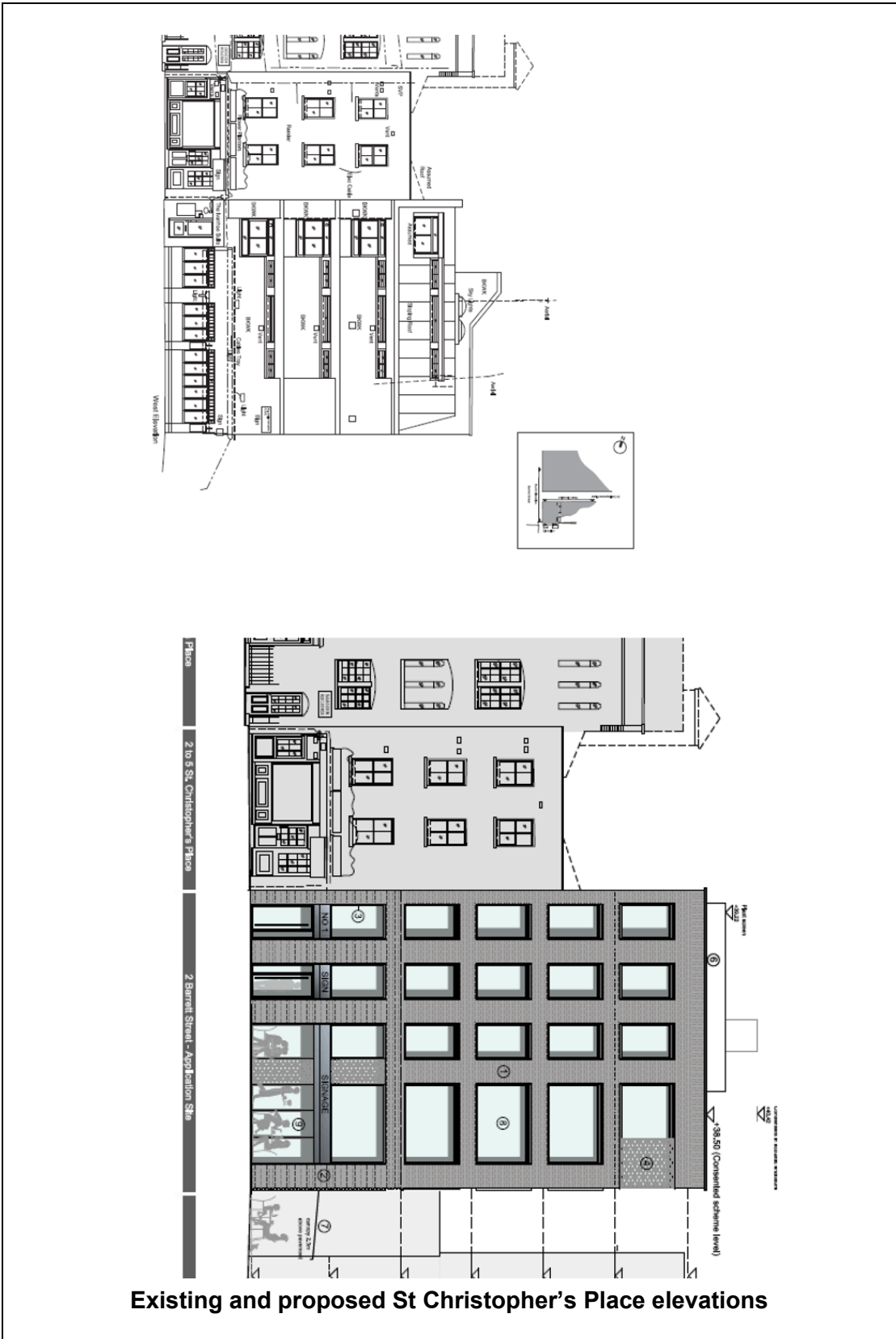




Roof plan

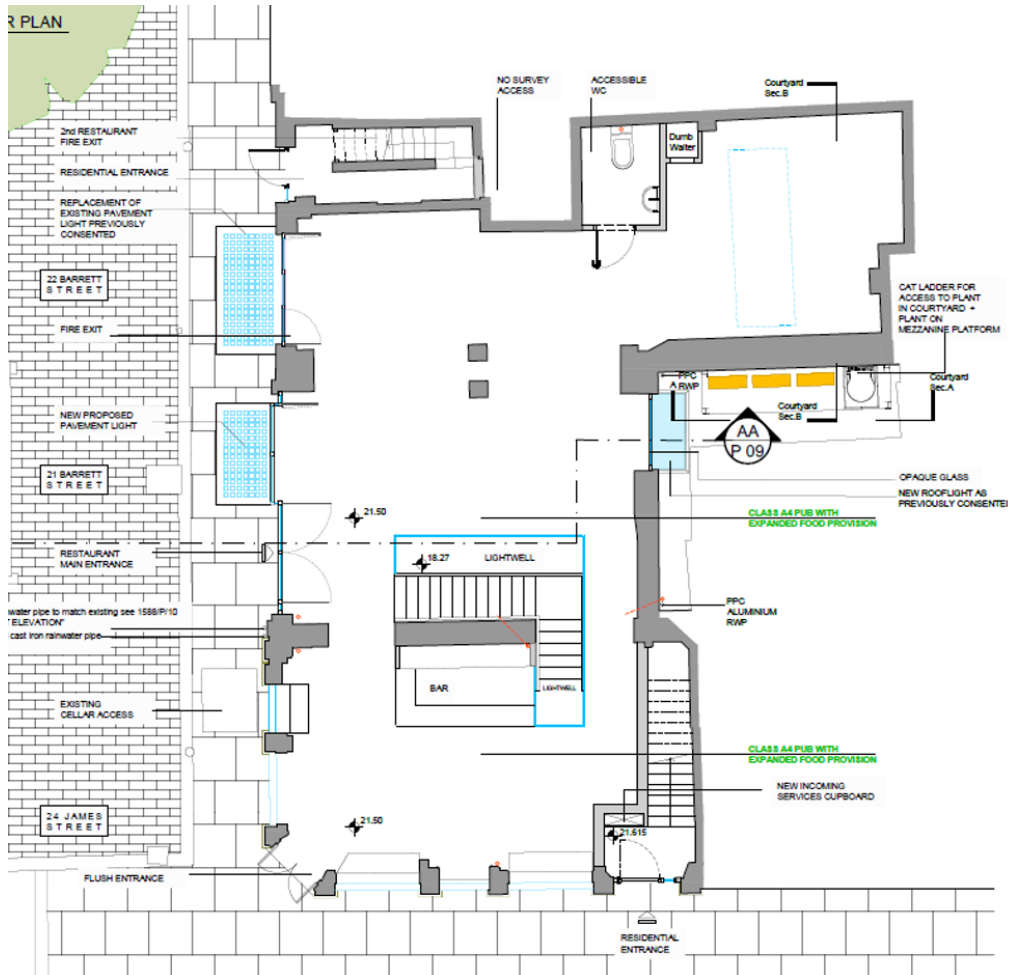


Existing and proposed Barrett Street elevations

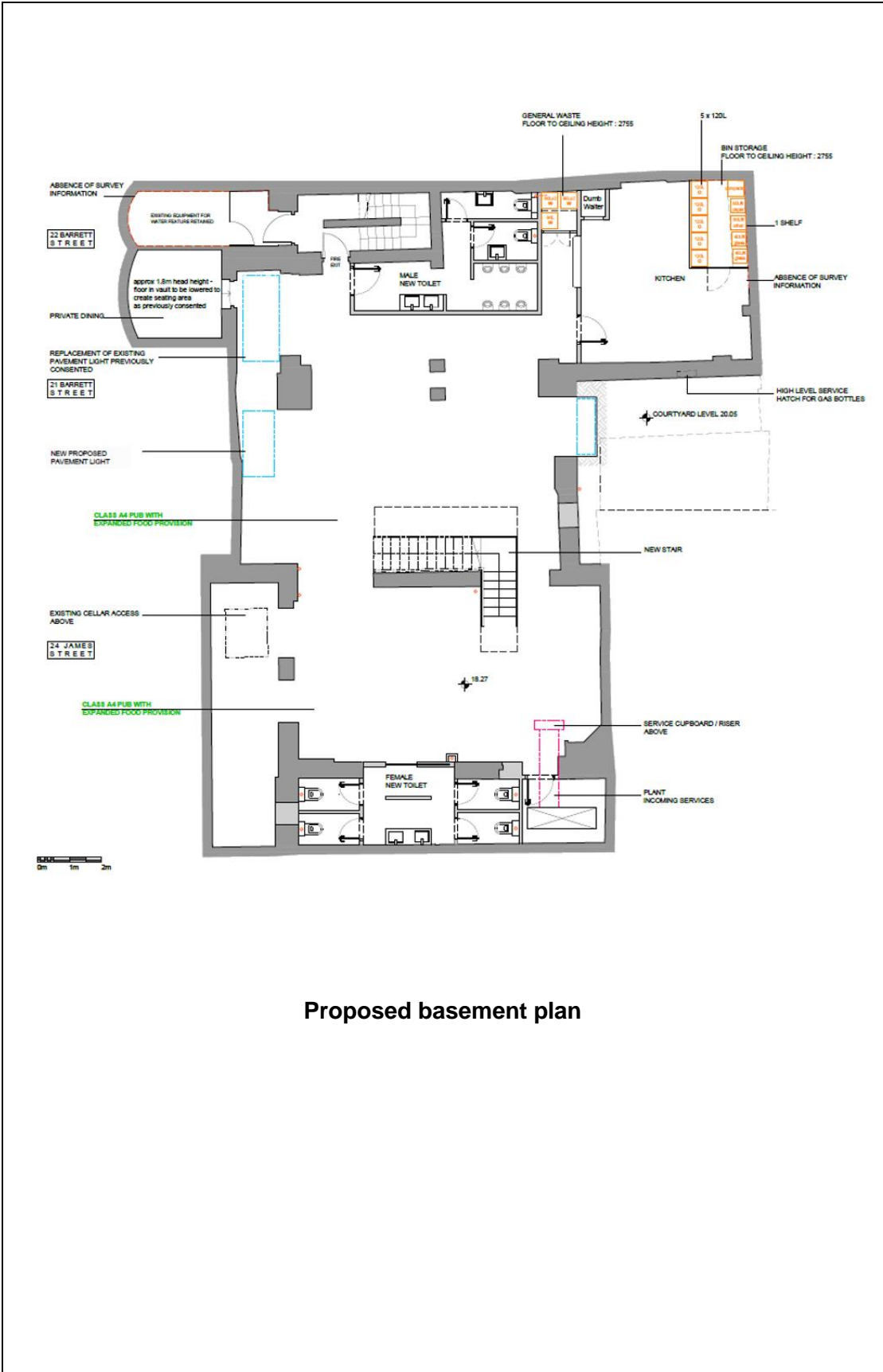


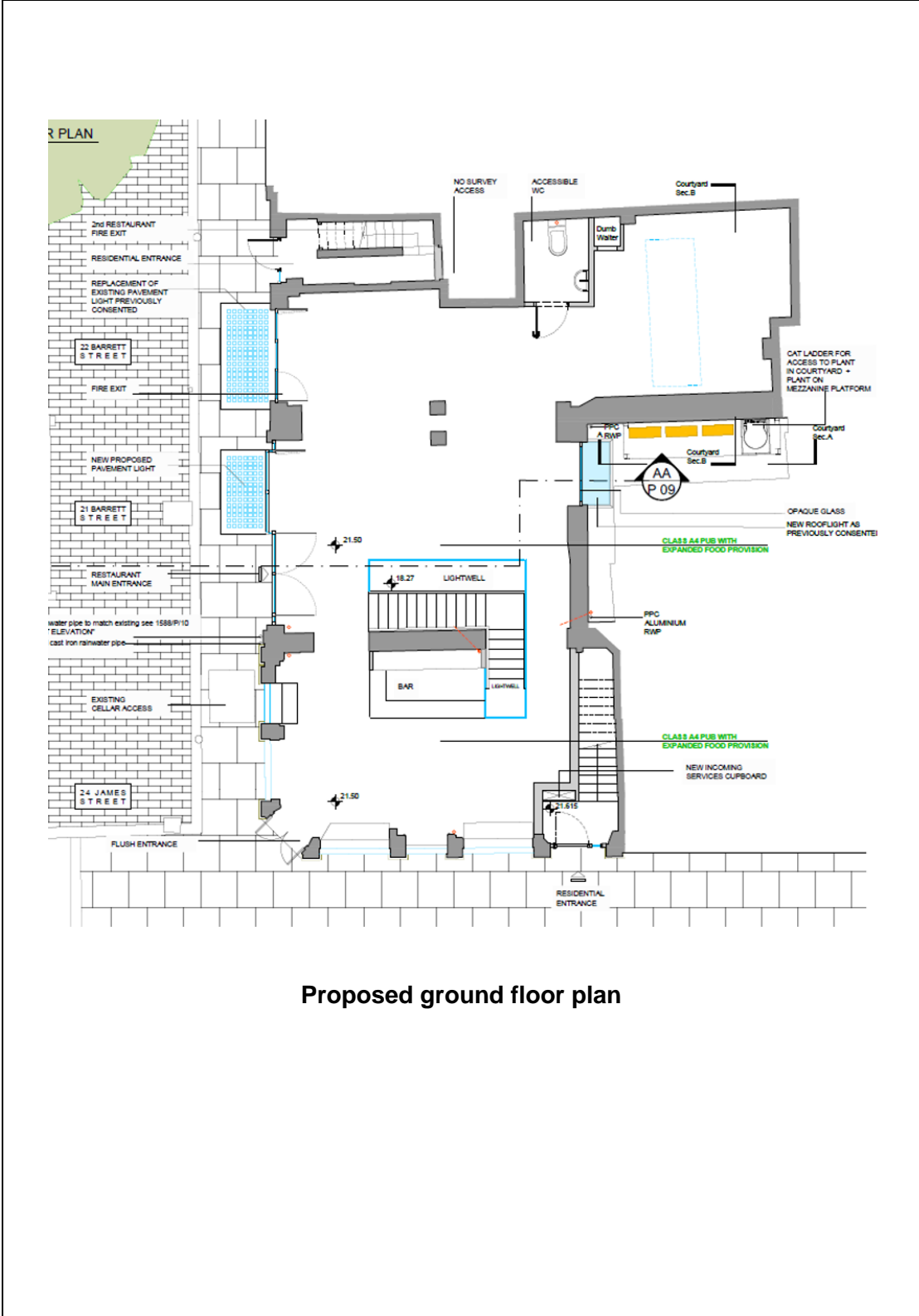
Existing and proposed St Christopher's Place elevations



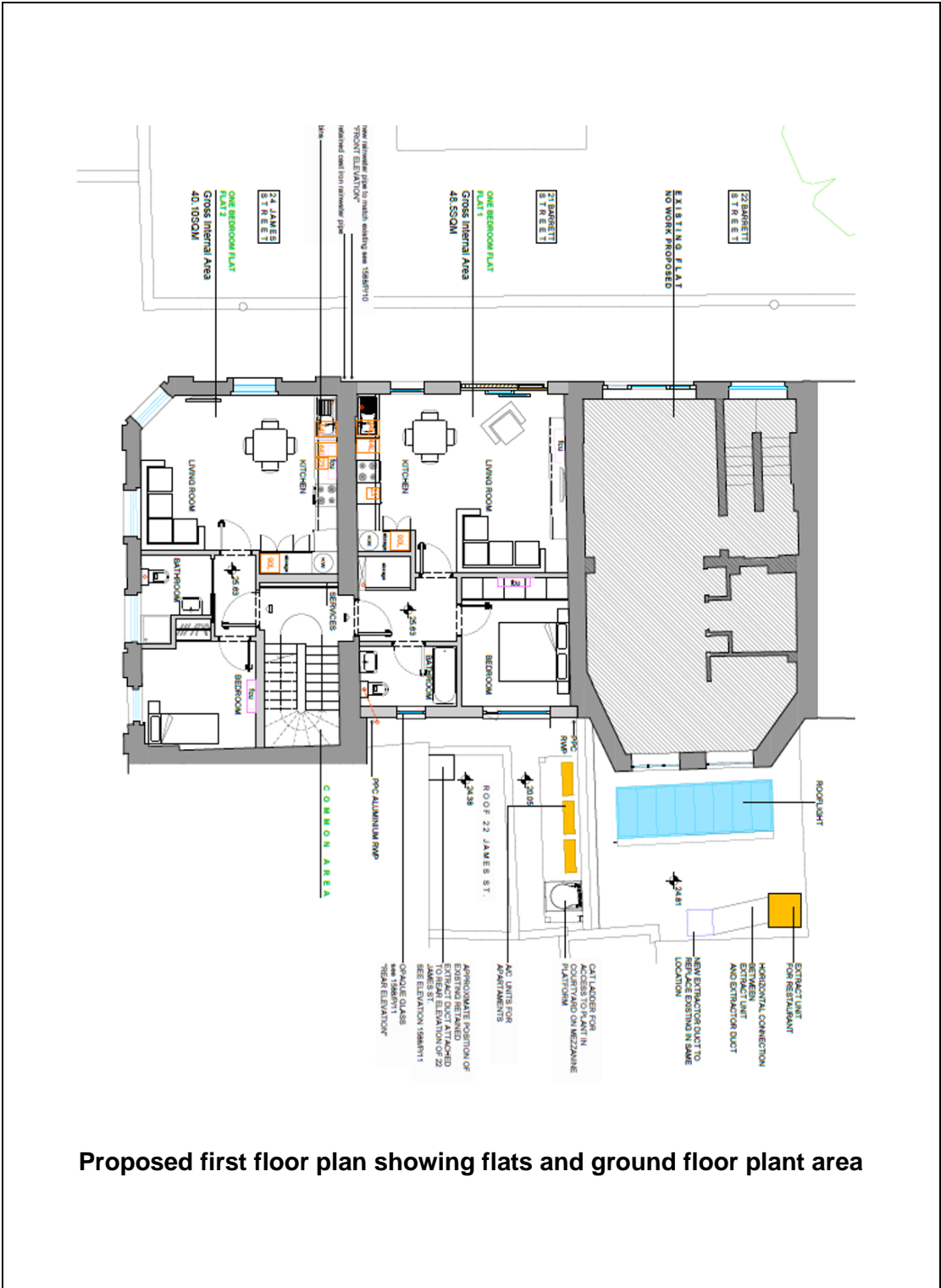


Proposed ground floor plan

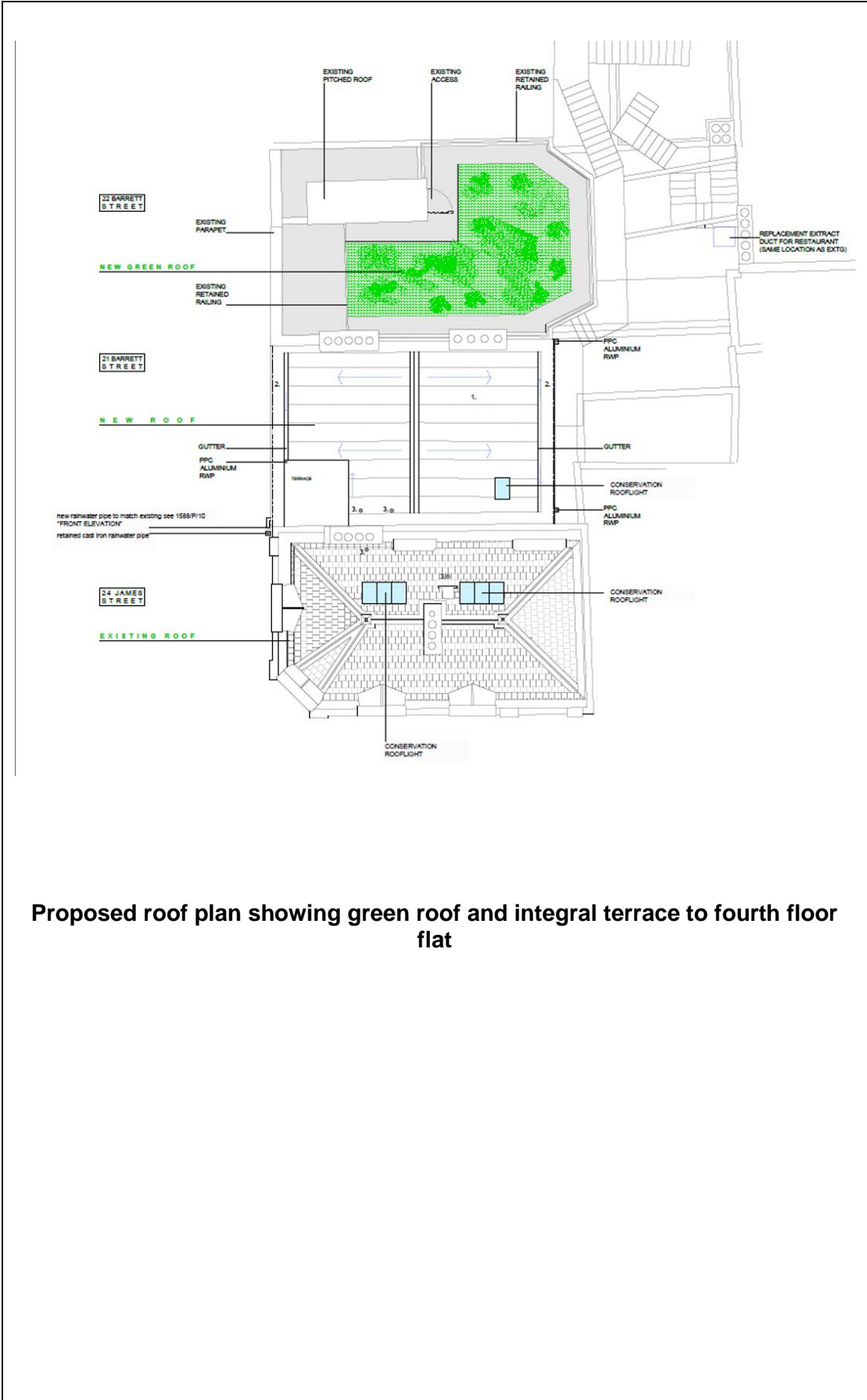




Proposed ground floor plan



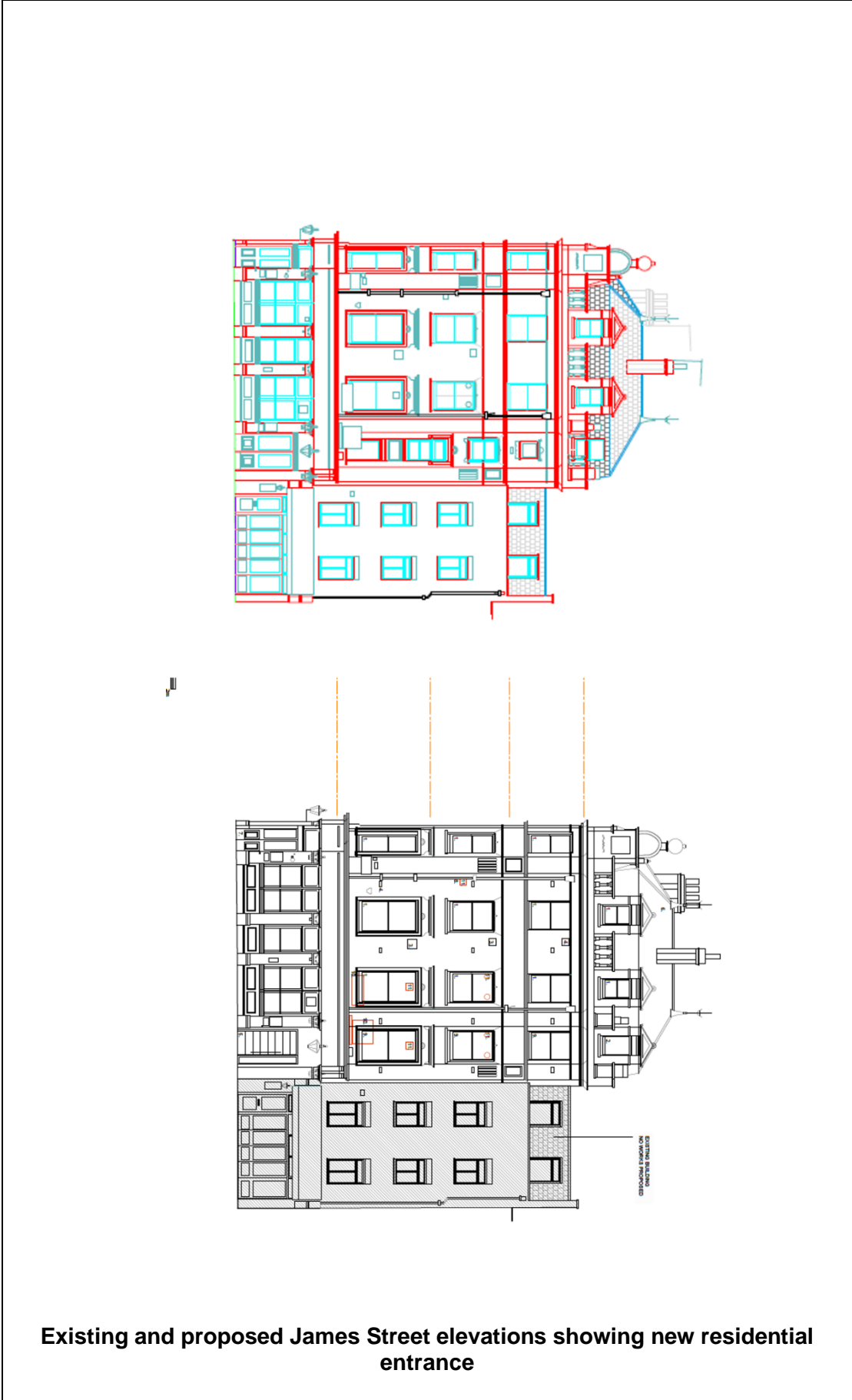
Proposed first floor plan showing flats and ground floor plant area



Proposed roof plan showing green roof and integral terrace to fourth floor flat



Existing and proposed Piazza elevations



Existing and proposed James Street elevations showing new residential entrance

DRAFT DECISION LETTER

Address: 1 + 2 Barrett Street, London, W1U 1AX,

Proposal: Demolition of 1 Barrett Street behind retained façade and retained structural ground floor and demolition of 2 Barrett Street to structural frame and floorplates. Erection of replacement building over basement, ground and five upper floors at 1 Barrett Street and erection of replacement facades and new fifth floor to 2 Barrett Street with roof level plant/plant screen, photovoltaic panels and green roof. Use of part basement and part ground floor level as restaurant (Class A3). Use of first floor as flexible restaurant (Class A3) or office (Class B1). Use of part basement, part ground and second to fifth floor as offices (Class B1). (Application linked via land-use swap with 21-22 Barrett Street & 24 James Street).

Plan Nos: CS_071156 052/110, 111, 112, 113, 114, 115, 116; 310, 311, 312, 313; 410, 411, 412 (demolition)

CS_071156 052/ 200, 201, 202, 203, 204, 205, 206, 207B; 320C, 321C, 322B, 323B, 324, 325, 326; 420C, 510A (proposed).

Case Officer: Sara Spurrier

Direct Tel. No. 07866039795

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 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 Stratford Place 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 not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 7 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -

1. Typical façade details - at all levels
2. Roof level plant screen
3. Decorative metal screens

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 detailed drawings. (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 Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must not paint any outside walls of the building without our written permission. This is despite the fact that this work would normally be 'permitted development' under Class C of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any order that may replace it). (C26WC)

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 9 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Stratford Place Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 10 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Stratford Place Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

11 (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 LA90, 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. (R46AB)

- 12 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 13 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in

noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

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

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 15 You must install the acoustic attenuation measures shown on the approved drawings, and the acoustic enclosure required under condition 15 of this permission, before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance and 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 Stratford Place Conservation Area. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 16 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily. (C46CA)

Reason:

In accordance with the submitted application and to protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 17 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number CS_071156 052 510 Rev A prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the restaurant and offices. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 18 No demolition or development shall take place until a 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, which shall include the statement of significance and research objectives, and

A. 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. Where appropriate, details of a programme for delivering related positive public benefits

C. 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 WSI

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 19 You must not allow more than 114 customers into the restaurant at any one time. (C05HA)

Reason:

In accordance with the submitted application and because we cannot grant permission for an unrestricted restaurant use that would be unacceptable in line with Policies 7, 16, and 33 of the City Plan 2019 - 2040 (April 2021).

- 20 Customers shall not be permitted within the restaurant premises before 07.00 hours or after 23.00 hours each day. (C12AD)

Reason:

In accordance with the submitted application and because we cannot grant permission for an unrestricted restaurant use that would be unacceptable in line with Policies 7, 16, and 33 of the City Plan 2019 - 2040 (April 2021).

- 21 Any opening elements within the shopfronts shall be closed between 23.00 hours and 07.:00 the following morning.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 22 You must apply to us for approval of a management plan for the restaurant including measures to show how you will prevent nuisance to neighbouring occupiers, including people who live in nearby buildings, from customer activity/customers leaving the premises; servicing and deliveries (including delivery hours), noise from delivery trolleys, the collection of waste and bottles; the management of any delivery/takeaway service; the management of the outside spaces, including smokers, and measures to keep the outside area clean. You must not start the restaurant use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 23 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)
- Reason:
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)
- 24 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.
- Green/living roof
- You must not remove any of these features. (C43FA)
- Reason:
To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)
- 25 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green/living roof to include construction method, layout, species and maintenance regime.
- You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)
- Reason:
To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)
- 26 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.
- i) photovoltaic panels, ii) air source heat pumps
- 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 Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)
- 27 The development hereby permitted shall not be commenced until detailed design and method statements), have been submitted to and approved in writing by the local planning authority (in consultation with London Underground) which:
o provide an Impact Assessment- an Impact Assessment would need to be undertaken to demonstrate that
the works will not impact on London Underground structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy T3 of the London Plan 2021.

- 28 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

the provision of 9 cycle spaces for the office use and 2 cycle spaces for the restaurant use.

You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the restaurant and offices. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021) and policy T5 of the London Plan 2021.

- 29 Those parts of the development identified for restaurant and office use shall only be occupied for those purposes, in the areas designated for each use, and for no other purpose.

Reason:

In accordance with the submitted application and to ensure that the development is not used for other purposes, or in a different configuration of the uses approved, that may have different or unacceptable land use, waste storage, servicing, amenity or transportation requirements and/or amenity impacts, contrary to Policies 7, 14, 16, 25, 29, 32 and 33 of the City Plan 2019 - 2040 (April 2021).

- 30 A minimum vertical depth below the footway or carriageway of 900mm must be maintained between the highway surface and vault structure.

Reason:

In accordance with Policy 45 of the City Plan 2019 - 2040 (April 2021).

- 31 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of historic building 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 WSI

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF.

- 32 You must install the zero carbon and/or low carbon energy generation and/or heating equipment hereby approved prior to occupation. You must not install any energy generation or heating equipment within the approved development that is reliant on on-site burning of fossil fuels. (C17DA)

Reason:

To ensure the development minimises its operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17DA)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 the relocation of residential floorspace to 21-22 Barrett street/24 James Street and s106 monitoring costs. (I55AA)
- 3 The written scheme of investigation 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.
- 4 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells

or other types of nuisance.

- 5 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 6 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)
- 7 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 8 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 9 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.
- 10 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 11 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 12 You must make sure that any other activities taking place in the class restaurant/café such as small amounts of takeaway sales or small bar areas, do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use will have taken place, which will need a new planning permission.
- 13 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 14 Because building contracts are complicated, we must see the contract needed under condition 10 at least six weeks before you need our decision. (I75AA)
- 15 Under the Construction (Design and Management) Regulations 2015, clients, the CDM

Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

16 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

17 Conditions 11 and 12 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)

18 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

19 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including

appropriate cleaning) in efficient working order.

B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems.

Particular attention should be given to;

Section 2 - New ductwork system cleanliness

Section 3 - Design and access to the internal surfaces of the ventilation system

Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning).

Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.

- 20 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature:
www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening. You are advised that a sedum roof is unlikely to be considered acceptable due to its limited contribution to biodiversity.

- 21 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 22 You are reminded that the placing of tables and chairs outside the premises would require separate planning permission
- 23 You are reminded of the requirement to obtain Technical Approval for any works to the highway supporting structure prior to the commencement of the development. You should contact the Westminster Highways Infrastructure and Public Realm Team to discuss any future application.

- 24 The written scheme of investigation 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.
The 18th century vaults underneath the pavement are highlighted of interest within the historic environment assessment report as warranting historic building recording
- 25 You are encouraged to produce a pre-demolition audit for 2 Barrett Street and to increase demolition waste diversion targets to achieve >95% in accordance with targets set down in the London Plan.

DRAFT DECISION LETTER

Address: 21-22 Barrett Street and 24 James Street, Marylebone, London, W1U 1EL

Proposal: Demolition and redevelopment of 21 Barrett Street to provide a drinking establishment with expanded food offer on the basement and ground floors, in association with the basement and ground floors of 22 Barrett Street and 24 James Street, (Sui generis) ; use of the first to fourth floors at 21 Barrett Street and 24 James Street as six flats (4 x 1 bed flats and 2 x 2 bed); alterations to 22 Barrett Street including installation of opening shopfront; replacement of all windows on James Street facade; installation of new plant to the rear and alterations to the second means of escape. (Application linked via land use swap with 1-2 Barrett Street)

Plan Nos: 1588 P01E, P02D, P03F, P04E, P05D, P06D, P07B, P09A, P10A, P11B, P12, P13A, P14B all as amended by email dated 8 September 2021; Acoustic Design Statement 26361/ADS1. Rev 1 (9 June 2020)(proposed)

1588/P15, P16, P17, P18, P19, P20, P21A (demolition)

Case Officer: Sara Spurrier

Direct Tel. No. 07866039795

Unconditional or if an Advert Application only the standard advert conditions

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control

of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3 Pre Commencement Condition. Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

5 You must apply to us for approval of detailed drawings at a scale of 1:10, of the following parts of the development at 21 Barrett Street:

- 1 New windows
- 2 New external doors
- 3 New shopfront
- 4 New Juliet balcony railings

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 detailed drawings. (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 Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 Contrary to anything shown on or implied by the drawings hereby approved, you must apply to us for approval of a sample panel of facing brickwork in Flemish bond showing its colour, texture, 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.

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 Stratford Place Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the building, except that shown on the approved drawings, as amended/clarified by condition 18 of this permission.

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 8 (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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 9 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 10 The design and structure of the building 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 11 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(s) 10 of this permission. You must not start work on this part of the development until we have approved in writing 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. (C51BB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 12 The design and structure of the building 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. Inside bedrooms 45 dB LAmax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 13 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the drinking establishment use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the drinking establishment use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 14 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(s) 12 and 13 of this permission. You must not start work on this part of the development until we have approved in writing 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. (C51BB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 15 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

the provision of acoustic plant enclosure(s) detailed in the Acoustic Design Statement 26361/ADs1.Rev 1 (9 June 2020). You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 16 You must install the acoustic attenuation measures shown on the approved drawings, and the acoustic enclosure(s) which are the subject of condition 15 of this permission, before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 17 The plant/machinery hereby permitted in association with the basement and ground floor drinking establishment shall not be operated except between 07.00 and 24.00 hours (midnight). (C46CA)

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 18 Notwithstanding the details/annotations on the drawings hereby approved, as confirmed by the email dated 8 September 2021 from Rolfe Judd Planning, this permission does not grant approval for the replacement of the existing kitchen extract duct at the rear of 21-22 Barrett Street(attached to the rear wall of 8 Gees Court)

Reason:

In accordance with the submitted application and as no information has been submitted in respect of a replacement duct to demonstrate that this would protect the environment of people in neighbouring properties and that its appearance is suitable and that it contributes to the character and appearance of this part of the Stratford Place Conservation Area. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 19 No waste or recycling shall be stored on the highway. Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing numbers 155/P01E, P03F, P04E, P06D prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the drinking establishment and flats.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 20 You must not allow more than 220 customers into the drinking establishment at any one time.

Reason:

In accordance with the submitted application and because we cannot grant permission for an unrestricted public house use that would be unacceptable in line with Policies 7, 16, and 33 of the City Plan 2019 - 2040 (April 2021).

- 21 Customers shall not be permitted within the drinking establishment before 07.00 or after 23.00 on Monday to Thursday; before 07.00 and after 24.00 (midnight) on Thursday and Friday and before 07.00 or after 23.00 hours on Sundays, Punic holidays or Bank Holidays

Reason:

In accordance with the submitted application and because we cannot grant permission for an unrestricted public house use that would be unacceptable in line with Policies 7, 16, and 33 of the City Plan 2019 - 2040 (April 2021).

- 22 The drinking establishment hereby approved shall operate as a single premises.

Reason:

In accordance with the submitted application and to ensure the provision of adequate waste/recycling storage and ventilation/plant equipment to serve the proposed use and to protect the environment of occupiers of neighbouring buildings in accordance with Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 23 The development hereby approved must be carried out in its entirety prior to the occupation of the first to fourth floor flats.

Reason:

To prevent the loss of public house/drinking establishment floorspace in order to ensure that the continued operation of the premises is not compromised in accordance with Policy 16 of the City Plan 2019 - 2040 (April 2021).

- 24 You must apply to us for approval of layout plan of the basement and ground floor drinking establishment, showing all customer seating/dining areas associated with the extended dining offer and the retention of a traditional bar on the ground floor of 24 James Street.

You must not commence the use of the drinking establishment until we have approved what you have sent us. You must then occupy the drinking establishment in accordance with the approved layouts.

Reason:

In accordance with the submitted application, to prevent a use that would be unacceptable because of the character and function of this part of the Stratford Place Conservation Area in line with Policies 7, 16, 33 and 39 of the City Plan 2019 - 2040 (April 2021).

- 25 The openable shopfronts at 21-22 Barrett Street shall be closed at 22.00 hours each day

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 26 You must apply to us for approval of a management plan for the proposed drinking establishment including measures to show how you will prevent nuisance to neighbouring occupiers, including people who live in nearby buildings from customer activity/customers leaving the premises; servicing and deliveries (including delivery hours), noise from delivery trolleys, the collection of waste and bottles); the management of any delivery/takeaway service; the management of the outside spaces including smokers and measures to keep the outside area clean. You must not start the public house use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the public house is in use. (C05JC)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 27 The accessible ground for WC shown on drawing 155/P02D shall be provided prior to the commencement of the use of the basement and ground floors as a drinking establishment and maintained at all times that the premises is in that use.

Reason:

To ensure that the public house is fully accessible for all customers in accordance with the design principles set down in policy 38 of the City Plan 2019 - 2040 (April 2021).

- 28 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.

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. Where appropriate, details of a programme for delivering related positive public benefits.

C. 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 Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 29 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

Green/living roof

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 30 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green/living roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved

what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 31 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Air source heat pumps

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 Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 32 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:
o provide a desk study/ structural statement to consider the potential impact of the development on London Underground assets.

The development shall thereafter be carried out in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T 3 of the London Plan 2021.

- 33 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 34 You must apply to us for approval of detailed drawings showing the following alteration to the scheme

The provision of minimum of 3 staff cycle space for the drinking establishment use.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawing and must provide each cycle parking space shown on the approved drawings prior to occupation of the

development. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021) and policy T5 of the London Plan.

- 35 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Stratford Place Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

Reason:

Pre Commencement Condition. You must not start any demolition work on site until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Stratford Place Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 37 The basement and ground floor unit shall only be occupied as a drinking establishment with expanded food provision

Reason:

In accordance with the submitted application, to prevent a use that would be unacceptable because of the character and function of this part of the Stratford Place Conservation Area in line with Policies 7, 16, 33 and 39 of the City Plan 2019 - 2040 (April 2021).

- 38 You must install the zero carbon and/or low carbon energy generation and/or heating equipment hereby approved prior to occupation. You must not install any energy generation or heating equipment within the approved development that is reliant on on-site burning of fossil fuels. (C17DA)

Reason:

To ensure the development minimises its operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning

Document (February 2022). (R17DA)

- 39 The residential unit(s) hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

- 40 The development hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 the replacement of office floorspace, highway works and s106 monitoring costs.
- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior

permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 6 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

- 7 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 8 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 9 Under 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 10 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 11 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).
- This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.
- 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).
- 12 The lettering on the canopy has 'deemed' consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This means that you do not need to apply for planning permission for the canopy. However, if you want to light up the lettering by spotlight or other means, you will need to apply for 'express' consent under the advertisement regulations. And if you remove the lettering, the canopy will require planning permission. (I43AA)
- 13 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please

contact our District Surveyors' Services if you need more advice on 020 7641 6500 or email districtsurveyors@westminster.gov.uk.

- 14 You may need separate licensing approval for the public house premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 15 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 16 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 17 Conditions 8 and 9 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)
- 18 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 19 In relation to the green roof condition, you are advised that the installation of a sedum roof would not make any significant contribution to the biodiversity of the area and is unlikely to be considered acceptable. You should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature:
www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 20 Condition 10 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 21 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies,

including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 22 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 23 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 24 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 25 You are reminded at the provision of tables and chairs outside the premises would require separate planning permission.
- 26 Written schemes of investigation 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.
- 27 You are reminded of the requirement to obtain Technical Approval for any works to the highway supporting structure prior to the commencement of the development. You should contact the Westminster Highways Infrastructure and Public Realm Team to discuss any future application.
- 28 Thames Water aims to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. You are advised to take account of this minimum pressure in the design of the proposed development.
- 29 Because building contracts are complicated, we must see the contract needed under condition 36 at least six weeks before you need our decision. (I75AA)

- 30 You are encouraged to adopt a longer demolition programme for the development to ensure that recycled concrete aggregates are retrieved for demolition waste and re-used either on or off-site.