

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 23 January 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>82-83 Margaret Street, London, W1W 8LH</b>		
<b>Proposal</b>	Alterations including opening of laundry building within the central courtyard at ground floor level, excavation to lower sections of the existing lower ground floor accommodation. Erection of an infill extension at lower ground floor level with courtyard above. Erection of a replacement roof to east wing. Erection of dummy mansard to the rear of All Saints House to screen new plant. Alterations to access arrangement. All in connection with the use of part lower ground, part ground and part ground upper floors as 24 units for short to medium stay temporary visitor accommodation (sui generis); use of part lower ground as a gym (Class E); use of part lower ground, part ground and part first floor as an event space (Sui Generis), use of part ground floor as lounge/co-working space (Class E) and provision of plant ancillary to the building at basement level.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Unity Group		
<b>Registered Number</b>	23/03130/FULL & 23/03131/LBC	<b>Date amended/ completed</b>	11 May 2023
<b>Date Application Received</b>	11 May 2023		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	East Marylebone		
<b>Neighbourhood Plan</b>	Fitzrovia West Neighbourhood Plan		

## 1. RECOMMENDATION

<p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <ol style="list-style-type: none"> <li>a) Arrangement to secure access to the first floor chapel for non-fee paying, general members of the public for a minimum of 1 day per month for 12 months a year.</li> <li>b) Ensure occupants of the short to medium stay visitor accommodation are permitted to stay for a maximum of 90 days.</li> <li>c) The costs of monitoring the S106 legal agreement.</li> </ol> <p>2. If the S106 legal agreement has not been completed within 3 months of the date of this</p>
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resolution then:

a) The Director of Town Planning & Building Control 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 Town Planning & Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Town Planning & Building Control 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 Town Planning & Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

4. Agree the reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter.

## 2. SUMMARY & KEY CONSIDERATIONS

82 Margaret Street is a Grade II listed building of basement, ground floor and five upper storeys located within the East Marylebone Conservation Area. The site, although now vacant, was last occupied by the administrative arm of the Jesus Fellowship Community Trust (JFCT), with an attached Church community centre and Chapel and 'a church residential hostel use.

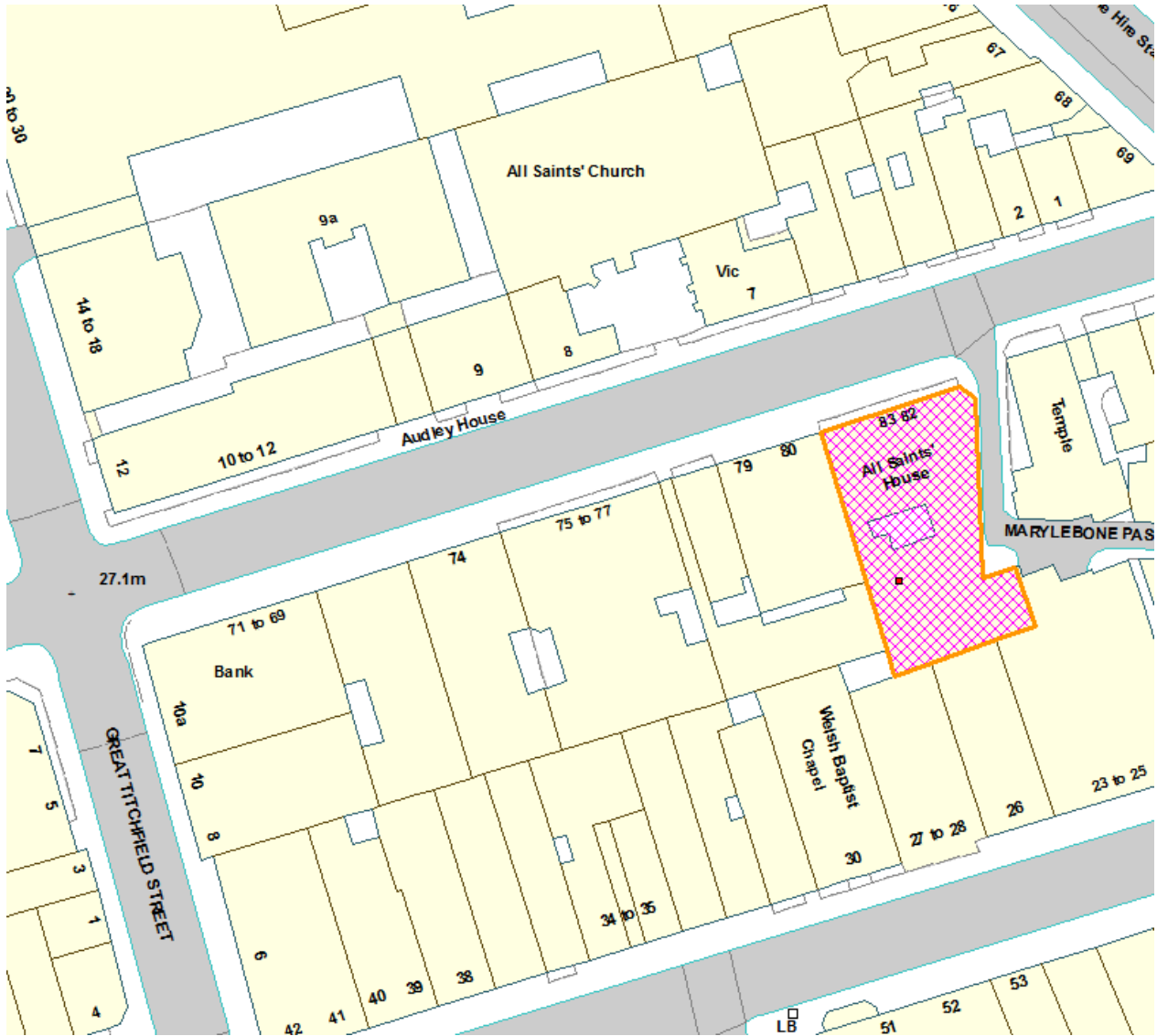
Permission is sought to alter the existing buildings to provide 24 serviced apartments, a gym, a lounge/co-working space and an event space and associated works including the replacement/addition of mechanical plant.

The key issues for consideration are:

- The acceptability of the loss of the existing social and community use/floorspace;
- The acceptability of the uses sought in this location and their impact on local amenity;
- The acceptability of the lack of an active ground floor use nor active frontage; and
- The acceptability of the proposed alterations to the listed building and their impact on the character of the East Marylebone Conservation Area.

As set out in the main report, the previous organisations that occupied the premises for social and community purposes have either disbanded or relocated and there is therefore no longer a demand at this site for the services they provide – in this respect the proposal is considered to comply with the relevant policy. The proposed serviced flats are a type of visitor accommodation that is encouraged in the area generally. However, it must be restricted to 90 days to prevent it being used as permanent residential accommodation, which would trigger housing policies, including a requirement for affordable housing. The configuration of the building and its listed status mean that it is not practical to provide an active frontage for visiting members of the public, which would normally be sought within the town centre. Therefore it is considered that the proposal is acceptable in land use, design, sustainability, highways and amenity terms. As such, the applications are recommended for conditional approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Margaret Street frontage



Marylebone Passage frontage



Overview of Centre Courtyard of the site



## 5. CONSULTATIONS

### 5.1 Application Consultations

AMENITY SOCIETY (Fitzrovia Neighbourhood Association):  
Any response to be reported verbally.

AMENITY SOCIETY (Fitzrovia West Neighbourhood Forum):

- Welcome the restoration of this listed building and particularly in opening the chapel for public access.
- Consider the alterations to the building to be acceptable.
- Objection regarding the use classification of the upper floors and consider that whilst elements of the proposals appear to be like a hotel, the serviced apartments are in effect residential accommodation and that the proposal should provide affordable housing in line with the development plan and there should be fewer, larger flats.
- Considers that the consultation statement is misleading as 4 of the 7 people who attended the consultation were opposed to the introduction residential accommodation on site.

HISTORIC ENGLAND

Authorisation granted - Do not wish to comment.

20th CENTURY SOCIETY - Any response to be reported verbally.

THE VICTORIAN SOCIETY - Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY - Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY - Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDING

Any response to be reported verbally.

THE GEORGIAN GROUP - Any response to be reported verbally.

HISTORIC ENGLAND (ARCHAEOLOGY) - No archaeological requirements

FIRE HEALTH & SAFETY EXECUTIVE - Not necessary to comment.

BUILDING CONTROL - No objection

ENVIRONMENTAL HEALTH - No objection.

WASTE PROJECT OFFICER - No objection.

HIGHWAYS PLANNING MANAGER - No objection.

**ADJOINING OWNERS / OCCUPIERS**

No.of original consultees: 60; No. Replies: 0

SITE & PRESS NOTICE - Yes.

**5.2 Applicant's Pre-Application Community Engagement**

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application and listed building consent applications in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised below:

- A consultation website (<https://82-83margaretstreet.com>) was created and was live from 16th November 2022 until it expired in December 2023 (one year after the domain was purchased). The planning agent advises that it may be reinstated so the project team can continue to receive comments and take these into consideration when evolving the proposals.
- West End ward members from Westminster City Council were emailed with the purpose of inviting them to a site visit and meeting.
- Recognised amenity societies, neighbourhood forum and other organisations who may be interested in the proposals were invited to engage with the consultation process.
- The Applicant ensured that members of the project team were able to discuss the plans with residents and businesses who wished to be involved in the application process. This was achieved through the targeted delivery of a flyer to an area of addresses in close proximity to the site, which directed people to the website, online webinar and public exhibition. The applicant's communication consultant knocked on doors in the immediate vicinity of the site to gauge support for the proposals. A freephone number was issued to residents within the flyer to ensure those without internet access could still provide comments, ask any questions, and request printed copies of the consultation materials.
- The project team hosted a digital webinar and an in-person exhibition to ensure the local community had different options to engage with the team directly. The exhibition was held at the site - 82-83 Margaret Street W1W 8T on 29th November from 15.00 – 19.00. The webinar was held on 23rd November from 18.00 – 19.00 on Zoom. The planning agent advises that there was one attendee, from the FitzWest Neighbourhood Association.

In terms of engagement with the public consultation process, the following statistics have been cited:

- 401 website views
- 626 flyers distributed to the local area



- 3 briefings with stakeholders
- 7 people attending the public exhibition.
- A live webinar with recording uploaded to website
- 2 signed letters of support
- 8 responses to the survey
- Social media ads reached 9759 people with 227 click-throughs

The applicant believes that stakeholders were broadly supportive of the proposals, recognising that the current site is in need of investment and welcoming the sustainability credentials and proposed design; however, some concerns/comments were made as summarised below:

Theme	Feedback	Applicants Response
Heritage	<p>All Saints Convent Chapel is Grade II listed, and as such, a key consideration for stakeholders and the wider community was how the application would affect the chapel.</p> <p>Residents wanted to ensure that any changes would not damage the heritage of the chapel. The main chapel space at first floor level will be used as an event and community space for both residents and the wider community.</p>	<p>Internally the building looks tired and is in need of refurbishment and updating, so the building can be repurposed for modern use.</p> <p>The main chapel space will be used primarily as an events space and available to hire for further community use and for other events. [Although the Statement of Community Involvement referred to the chapel space being available for free community use on a regular basis, (four times a month), this appears to have been an error and is not being offered.]</p>
Architecture & Design	<p>Those who engaged with the consultation wanted to see minimal changes to the exterior of the property.</p>	<p>To improve the quality of the visitor accommodation at 5th floor level, we are proposing some modest changes at roof level. We are looking to introduce a minor extension and a small area of mansard to the rear of All Saints House.</p> <p>The new mansard will sit behind the existing ridge lines facing Margaret Street and Marylebone Passage and will therefore be almost totally out of view from street level.</p> <p>It will be designed to match the materiality of the existing building, to neatly fit onto the existing structure.</p>

Improved Building Access & Wellness Garden	There was strong support for action taken to improve the public realm and the improved access to the All-Saints Convent Chapel. Support was also received in relation to the wellness garden.	<p>The wellness courtyard is a central part of our proposals. We want to create a tranquil green space to be used by residents of the serviced apartments and the wider community. The plans will sensitively bring together all uses of the building in one place.</p> <p>The courtyard will include extensive planting to encourage biodiversity and support wellness. We are in discussion with local group Wild West End to see how we can best make this courtyard a space for local wildlife.</p> <p>[This is no longer part of the proposals, because of the heritage requirement to retain the laundry building that occupies most of the courtyard.]</p>
Construction	Local residents were especially keen to understand the construction process and timelines, and whether construction would disrupt local residents and businesses.	All construction will be undertaken sensitively to ensure disruption is kept to a minimum. Complying with Westminster City Council's guidance and the Considerate Constructors scheme.

Sustainability	Those who engaged with the campaign were keen to understand the sustainability aspirations and the whole-life carbon implications of the proposals. Particularly, they wished to understand the changes to the roof to allow for solar thermal collectors, to ensure this change would maintain the design and heritage of the site.	<p>Sustainability is at the heart of our redevelopment proposals. We have committed to undertaking an exemplary approach to energy, centred around retaining as much of the building as possible.</p> <p>The proposals seek to sensitively upgrade the fabric of the buildings and introduce energy efficient systems throughout.</p> <p>Replacement of the existing glazing with high-performing double glazing to reduce heat loss</p> <p>Upgrades and replacements made to existing roofs and building fabric to reduce heat loss</p> <p>Introduction of solar thermal collectors to the new mansard area. [Due to the limited roof space available and implication on the listed building, this technology was considered not to be feasible and does not form part of the proposal.]</p> <p>Encouragement of natural ventilation and introduction of monitoring systems to manage and reduce site energy demands</p>
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The Fitzrovia West Neighbourhood Forum considers that the consultation statement is misleading as 4 of the 7 people who attended the consultation were opposed to the introduction residential accommodation on site. Whilst this may be the case, given no residential accommodation is proposed as explained in the land use section, it is not relevant to the development proposal.

## 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) (December 2023) 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 Fitzrovia West Neighbourhood Plan includes policies on a range of matters including promotion of regeneration, provision of housing, entertainment uses, community facilities, provision of small business units, provision of active frontages, open spaces, environmental performance, and servicing.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Fitzrovia West neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

## **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 National Planning Policy Framework (NPPF). They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The site comprises a vacant Grade II listed building of basement, ground floor and five upper storeys located on the south side of Margaret Street, which is to the north of Oxford Street.

It is an imposing Victorian building which was built as a convent affiliated to All Saints Church situated on the other side of Margaret Street and occupied for that purpose by the All Saints Sisters of the Poor until the 1990s.

Although now vacant, the building was last occupied by the administrative arm of the Jesus Fellowship Community Trust (JFCT), an evangelical Christian organisation. According to its website, in May 2019 the Jesus Fellowship church closed following a vote of its members, who also voted to close the Trust in December 2020. Since December 2020, the JFCT has existed solely as a residuary body winding up the administrative affairs of the Jesus Fellowship church. Part of the building was also occupied by the organisation Joining Communities Together (JCT), who carried out social work but have since relocated to alternative premises. (See their letter in the

background papers).

The building had an attached Church community centre and Chapel and 'a church residential hostel' use on the upper floors totalling 1,719 sqm GIA. The residential accommodation was to be used for purposes ancillary to the Church centre, occupied by 20-25 people as a single religious community sharing meals and communal worship/prayer. It was anticipated that 3-4 of the hostel residents would run the Church centre. The remaining residents lived in the religious community but had secular employment. Accommodation was also provided for up to six short-term guests and others connected to the Church and in need of short-term accommodation (not 'homeless' persons).

The area is predominantly characterised by commercial premises; however, records show that there are residential units at 84 Margaret Street, adjacent, as well as at 2, 4, 6 and 7 Margaret Street (opposite), at 30 and 38 Eastcastle Street and at 73 Wells Street, together with larger residential developments on the east side of Wells Street.

In terms of planning designations, the site lies within the Central Activities Zone (CAZ), West End Retail and Leisure Special Policy Area (WERLSPA), the East Marylebone Conservation Area and is in an area covered by the Fitzrovia West Neighbourhood Plan.

## 7.2 Recent Relevant History

### 04/08406/FULL

Use of building as church centre and chapel with ancillary residential accommodation (sui generis); and replacement of ground floor roof lantern with roof terrace [which was when the property was jointly occupied by JCFT and JCT].

Application Permitted 3 March 2005

### 04/08407/LBC

Replacement of lantern light with flat roof terrace; new flue outlet on side elevation; and internal alterations to rooms including removal of walls, new walls and new kitchen.

Application Permitted 3 March 2005

### 06/05379/FULL

Alterations to residential and church centre including infilling courtyard lantern light and extending terminal hour of church centre to allow opening between the hours of 09.00 to 23.00 daily.

Application Permitted 16 November 2006

### 06/05380/LBC

Alterations to rooms, removal of walls, new walls, sanitary fittings, new kitchen and replacement of lantern light with flat roof.

Application Permitted 16 November 2006

### 23/03131/LBC

Alterations including opening of laundry building within the central courtyard at ground floor level, excavation to lower sections of the existing lower ground floor accommodation. Erection of plant within an enclosure to the rear of All Saints House.

Alterations to access arrangement. Provision of plant ancillary to the building at basement level. Internal alterations throughout. (Linked with 23/03130/FULL)

## 8. THE PROPOSAL

In terms of physical alterations, the main aspects of the proposal are as follows:

- Lowering part of existing lower ground floor by 600mm
- Erection of an infill extension with the courtyard at lower ground floor level
- Installation of air condition equipment with acoustic enclosure within lower ground floor lightwell
- Blocking up of existing window to lightwell
- Installation of window in place of door to lightwell
- Enlargement of courtyard at ground floor level
- Installation of doors in place of windows to provide courtyard access
- Creation of opening to ground floor laundry building to increase accessibility between both sides of the ground floor courtyard.
- Installation of replacement door to flat roof at second floor level and installation of perimeter railings
- Installation of plant enclosure, lift overrun at main roof level
- Internal alterations throughout.

The proposal seeks to change the use of the existing buildings to provide 24 serviced apartments, a gym, a lounge/co-working space and an event space. The following table summarises the proposed floorspace by land use:

Use	Proposed Area
Visitor Accommodation - serviced apartments (Sui Generis)	1,139 sqm GIA
Gym (Class E)	157 sqm GIA
Lounge/co-working space (Class E)	34 sqm GIA
Event Space (Sui Generis)	191 sqm GIA
Plant/Back of House/Storage	198 sqm GA

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Policy Context

The balance of competing interests within the CAZ is underlined by City Plan Policy 1(A)(4) that states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City 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'.

As the site is located within the WERLSPA, City Plan Policy 2 is also applicable. This

states, 'The intensification of the WERLSPA over the Plan period will deliver the following priorities:

- A. Significant jobs growth through a range of commercial-led development including retail, leisure, offices and hotel use..."
- B. An improved retail and leisure experience that responds to innovation and change in the sector, including the transformation of the Oxford Street District.
- C. A diverse evening and night-time economy and enhanced cultural offer...'

City Plan Policy 14 supports the intensification of the CAZ to provide additional floorspace for main town centre uses in principle, subject to any impact on townscape and heritage. The general aim is to enhance and diversify high streets as places to shop, work and spend leisure time. The supporting text to City Plan Policy 14 highlights the objective of growth and diversification. It recognises that there may be a contraction of traditional retail and that to ensure the long-term sustainability it is important that centres can adapt to changing consumer demands and behaviours, and the challenges posed by online retail. The City Plan also envisages, alongside retail growth, a balanced mix of complementary leisure, entertainment, food and drink and cultural and employment offer to help the West End grow, not only as a global shopping destination, but also as an enhanced leisure and employment destination.

City Plan Policy 15(G) states that, 'New hotels and conference facilities will be directed to:

- 1. Commercial areas of the CAZ; and
- 2. Town centres that are District Centres or higher in the town centre hierarchy'.

The supporting text for Policy 15 at paragraph 15.13 also provides guidance on how proposals for new hotel facilities will be assessed, stating that such assessment will, '... take into account the site location, relationship to neighbouring uses, scale of accommodation and facilities proposed (the number of bedrooms and nature of other services the hotel offers), highways and parking.' Para. 15.14 adds, 'There is a need to ensure a balance between hotel and residential uses so that they can all function well, while also ensuring a good quality of life for residents

City Plan Policy 16(A) states, 'Proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those 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'.

Policy 17 A states that 'facilities will be supported where there is an identified present or future need... New facilities will be of a nature and scale to meet identified need and be sufficiently flexible to meet the requirements of providers as they may change over time and 17 B requires the facility to be designed to be flexible to serve the community.' Supporting text in paragraph 17.1 and 17.2 states that such facilities can be either publicly or privately owned and/or operated and that they are integral to supporting

people's everyday lives, being used by residents, workers and visitors, and are a vital resource to support successful places and communities.

City Plan policy 17C allows the loss of social and community floorspace where it can be demonstrated that:

- “1. the loss or relocation is necessary to enable service provision to be reconfigured, consolidated, upgraded, or delivered more effectively as part of a published strategy to improve services and meet identified needs; or
2. there is no demand for an alternative social and community use for that facility or floorspace, evidenced by vacancy and appropriate marketing for at least 18 months.”

Where a reduction in community floorspace is deemed acceptable, policy 17D permits the introduction of other ancillary uses where they support the continued function of the main community use.

Under policy 17 E, within designated town centres, where the loss of community facilities is deemed acceptable, replacement uses with an active frontage will be prioritised. For other sites in the CAZ, including this site, which is not in a designated town centre, other town centre uses will be supported in principle. In all other cases, residential use will be preferred. The definition of designated town centres includes the WERLSPA.

Policy B1 of the Fitzrovia West Neighbourhood Plan states, ‘Applications for redevelopment of existing buildings which include small business units designed for SMEs, start-ups or organisations occupying low-cost units will be supported where the redevelopment involves provision of an equivalent or increased number of such units. Applications for development of buildings for commercial use in excess of 2,500 sqm. gross floor area shall include where possible a range of unit sizes and types suitable for small, start-up and independent businesses.’

Policy B2 of the Fitzrovia West Neighbourhood Plan states that 'retail, commercial, business, hospitality and other service uses are included in Use Class E. Applications involving uses falling into Use Classes E, F1 and F2 will be supported where they meet the following criteria:

- Provide attractive and vibrant street frontages and window displays particularly at street level;
- Maintain and enhance a high standard of design reflecting local character and location particularly in relation to heritage assets, such as shop fronts;
- Facilitate the movement of pedestrians by conforming with all City Council guidance and regulations on design, lighting, advertising and tables and chairs on pavements'

PR3 (1) states that ‘the provision of new tourism and entertainment uses.....will be supported so long as there is no loss of residential floorspace or adverse effects on local amenity. They should be located in the West End Retail and Leisure Special Policy Area (WERLSPA)’, where the application site is located. PR3 (3) states that planning applications for tourism and entertainment uses including all aspects of the night-time economy should fully respect the amenity of residents and other users in terms of noise,



additional traffic generation, servicing arrangements and timing and the location of flues, air extracts and heating/cooling provision’.

Policy PR4 of the Fitzrovia West Neighbourhood Plan states development proposals for new community, health and sports facilities with access arrangements to meet the needs of all user groups and sections of the population will be supported.

Whilst the Fitzrovia West Neighbourhood Forum have referred to the proposed use as having elements of hotel use, they believe that the proposed accommodation is actually residential, and that as proposed this is contrary to the housing policy PR2 in the Fitzrovia West Neighbourhood Plan. Policy PR2 is concerned with protecting existing housing and encouraging good quality new residential accommodation, including affordable housing. However, as set out below, the proposal is considered to be a type of visitor accommodation rather than permanent residential accommodation and thus there is no policy requirement for affordable housing

## **Assessment**

### Social & Community Uses

The loss of the church centre and chapel with ancillary residential has to be considered against exceptions identified with Policy 17 C part 1 or part 2 (set out above) where the loss of the existing community facilities and floorspace is permitted.

With regards to part 1, it is accepted that there is no demand for the existing accommodation from the JFCT, which has disbanded. A letter from the JCT confirms that that charity has recently adopted a more focused ‘outreach’ approach as service imperatives have changed for the provision of homelessness services. The move is to working in multi-agency partnerships, where JCT staff visit clients in multiple locations which they are already visiting - day centres etc – enables the charity to assist more clients, minimises service duplication and reduces costs. The JCT has agreed a partnership with the All-Saints Church, also on Margaret Street, and relocated to that site earlier this year, as its main Westminster base. It anticipates entering into similar partnerships with three other churches in the borough. The JCT has also confirmed that, due to its changing operational focus, the accommodation in All Saint’s House was not ultimately suitable for its operational needs due to its complex layout and large size, ‘as well as being co-located with residential premises’.

It is therefore considered that the proposal satisfies part 1 of policy 17C. Given this, there is strictly no requirement to satisfy part 2, (the policy refers to either part 1 or part 2 being applicable) but the application is supported by a letter from Gerald Eve (February 2022) detailing their involvement with the marketing of the ‘Battle Centre’ (which the building is also known as) in early 2021. The letter confirms that, initially a ‘small number of potential special purchasers’ was targeted, followed by a formal marketing campaign over two months from July 2021, which culminated in an informal bids process. Gerald Eve considers this to be a ‘typical marketing period for such an asset given its wide exposure’ within the traditional and alternative sectors. Of the 31 separate inspections carried out (with approximately 20% inspecting the premises more than once), nearly

80% were based on development for private residential uses, student accommodation or serviced apartments. There was also interest expressed in the front building alone.

In general, the building configuration and level of capital expenditure required were seen as the main reasons for the low level of interest. Two inspections were from the educational /religious sector although these were not interested in the residential accommodation or were not in a position to relocate. With regards to the religious use, the prospective occupiers rejected it based on mixed uses within the building and had no use for the residential elements. With respect to the educational use, a teaching/Theological College were considering use of the building as a 'potential' move from Oxford to London with the intention to use the residential elements as student accommodation. This was explored at length, but it was established that they had other assets that would need to be sold first, and the strategy of relocation to London had not been formalised (or even tabled) with their Trustees or academics. It was therefore shown to be a theoretical exercise.

Whilst this period of marketing does not conform with the 18 month period required by of 17 (C) part 2 it does add to the view the existing community use is likely to be surplus to requirements. However, given Policy 17 C only requires the Applicant to satisfy either part 1 or 2, it is not considered it would be reasonable to resist the loss of the existing social and community floorspace in this instance.

Whilst the majority of the existing social and community floorspace is to be lost, the proposal does provide an event space, a gym and an amenity/co-working space underneath the All Saints Convent Chapel which also has a potential social and community function. These uses are considered to be 'social and community' uses. No information has been provided demonstrating present or future need, but in this location the likely provision of such uses by the private sector would be in response to perceived demand and would not be objectionable; however, the detailed consideration of each of the proposed uses are fully considered below.

#### Provision of an Event Space

The All Saints Convent Chapel space will be available for hire by both occupiers and members of the public on a pre-booked basis only. The All Saints Convent Chapel will be used for a wide range of events including:

- Community events
- Art exhibitions
- Fashion shows
- Marriages (subject to separate approval of premises)
- Civil partnerships (subject to separate approval of premises)
- Baby naming ceremonies
- Proposals
- Celebrations
- Dance performance
- Film screening
- Live or recorded music performance
- Product or book launches
- Corporate hire (for example meetings, seminars, presentations, workshops)

The opening hours of the premises will be from 07:30 to 23:30 Monday to Saturday and Sundays before bank holidays and from 07:30 to 23:00 on all other Sundays. In the event that licensable events are taking place, a Temporary Event Notice will be applied for, and the opening hours will reduce to from 10:00 daily and will terminate 30 minutes earlier than the typical opening hours being applied for.

The event space capacity will be limited to 60 people.

Event catering facilities will be provided on site in the small kitchen located in the amenity space underneath the All Saints' Convent Chapel. The equipment will be configured for conference and banqueting style catering with facilities for heating and refrigeration of pre-prepared food. No commercial primary cooking will take place on site.

The Fitzrovia West Neighbourhood Forum requested further operational information in relation to the event space. During the course of the application, the Applicant updated the submitted operational management plan to provide further detail, as outlined above, which was reconsulted upon. No further comments were subsequently received on this element of the proposals.

Given that the application site is located within a primarily commercial part of the CAZ, there is a general policy presumption that the proposed event space, which includes an entertainment element, is generally appropriate. Although located in a predominantly commercial area, there are no entertainment uses on this section of Margaret Street. As such, it is not considered that the proposal would result in an over-concentration of entertainment uses in the vicinity of the site nor would it be harmful to the character of the area.

Internal reconfigurations are proposed to the existing stair in order to install a lift between lower ground floor level and first floor level to ensure that the event space is fully accessible to all in accordance with policy.

As stated above, the site is in a commercial area and there is therefore less potential that the use would have a detrimental impact on the living conditions of neighbouring residents nor upon local environmental quality. However, to ensure that the limited residential properties and other occupants are not unduly impacted by the proposal, conditions are recommended to ensure that the use is operated in a well-managed way without any detriment to the locality. These conditions include the following:

- The submission of an updated Operational Management Plan to provide additional procedures to ensure customers remain in the premises until taxis arrive, management of customers wishing to smoke, include details of measures to ensure live or recorded music is not audible in nearby premises or indeed within the serviced apartments proposed within the development site, measures to manage customers utilising the communal terrace.
- Ensuring no music is played within the ground floor courtyard of the site;
- Ensuring windows to the event space are closed from 21:00 daily;

- Ensuring no patrons take drinks outside;
- Restricting the hours of operation to between 07:30 to 23:30 Monday to Saturday and Sundays before bank holidays and from 07:30 to 23:00 on all other Sundays
- Limiting the maximum combined capacity of the event space to 60 people at any one time (excluding staff);
- Restricting primary cooking being carried out on-site (other than within the serviced apartments).

Subject to these conditions, the introduction of an event space on-site is considered to be acceptable as it would be neither harmful to residential amenity nor the prevailing character and function of the area.

#### Provision of employment floorspace

The co-working spaces underneath the All Saints Convent Chapel are available to members of the public who wish to join on a membership basis to use the space for working on a Monday to Friday basis from 07:30 to 18:30. However, they will also be accessible as an amenity space for occupiers of the visitor accommodation to work, socialise, entertain and dine.

Access by members of the public who have workspace membership will be managed via access controlled doors.

This aspect of the proposal increases the suitability of the site to accommodate start up or other small businesses without the extensive overhead which are typically required when creating a new business and therefore is welcome in this predominantly commercial area within the CAZ.

Given the small scale of the co-working/amenity accommodation and the proposed hours it is available for visiting members of the public, it is not considered that it would have any adverse amenity or traffic implications.

#### Provision of a Gym

The gym at basement level is available to members of the public who wish to join the gym on a membership basis but will also act as an amenity for occupiers of the visitor accommodation.

The operator will provide bespoke one-2-one personal training sessions for occupiers of the serviced apartments and members of the public who have booked a personal training session. The operator will also offer small group (4-6 people) training sessions for occupiers and members of the public who are gym members.

The limited size of the gym and its changing facilities mean that the facility will only be open to members of the public who are gym members when they are attending a scheduled class or personal training session booked with the operator. The operator is

expected to offer classes and personal training sessions between the hours of 06:30 to 18:30 on a daily basis, 7 days per week. Access by gym members will be controlled by access controlled doors.

Given the location of the site and the high level of local transport accessibility, it is considered that it is easily accessible to all potential users. Given the hours of use proposed and the small size of the gym it is not considered that members of the public entering/exiting the premises will create a nuisance for people in the area. Further conditions are recommended to limit the hours of gym to those other than occupants of the visitor accommodation onsite to between 06:30 and 18:30 daily, ensuring music is not perceptible within neighbouring properties and ensuring that all windows are closed after 21:00 daily. Subject to these conditions, it is not considered that a fitness facility at lower ground floor level would have a material impact on the amenity of neighbouring occupants, including the effect of any traffic generated.

#### Provision of Visitor Accommodation

The proposal includes short to medium stay temporary visitor accommodation (sui generis) in the form of 24 self-contained units. This accommodation will be open and accessible to occupiers 24 hours a day, 7 days a week. Staff will be present for guests to check in on arrival and check out on departure and will ensure that this process takes place with minimal disturbance to neighbouring occupiers.

A housekeeping team will visit twice daily to clean and maintain the lobby and amenity spaces on the ground floor and clean common parts of the building.

Housekeeping services (room cleaning, changing of towels and bedlinen, provision of toiletries, removal of waste) will be provided weekly for all serviced apartments as standard. A daily housekeeping service will be available on request (at extra charge to the occupier).

Maintenance staff will attend the property weekly to carry out routine planned preventative maintenance and will also attend as required to carry out any unplanned maintenance and repairs. Out of hours emergency support would also be provided to attend to any urgent issues.

The Fitzrovia West Neighbourhood Forum raise concerns regarding the use classification of the upper floors and consider that the units fall within residential use within Class C3 of the Use Class order; they request that the proposal should provide affordable housing in line with the development plan and that there are fewer but larger units that would provide better quality housing accommodation. Given the intended nature of the proposed units, officers believe that the units are serviced accommodation and not permanent residential use. The proposed use is aimed for visitors and is a sui generis use. To ensure that the units remain accessible to visitors only and do not become more permanent in nature, it is considered necessary to require the Applicant to enter into a S106 legal agreement to limit customers to a maximum stay of 90 days. As such, comments relating to the provision, size and quality of permanent residential accommodation or affordable housing are not relevant to this proposal.

Given the transient nature of the proposed guests, the development plan policies relating to a hotel are considered to be the most appropriate policies to assess the acceptability of the proposed visitor accommodation.

As detailed above, the application site is located in a predominantly commercial area within both the WERLSPA and the CAZ. Therefore, the principle of visitor accommodation in this location is acceptable.

The Applicant has set out measures with the submitted OMP to ensure people coming to and leaving the premises are carried out in a sensitive manner. It is not considered that the facilities proposed, due to their nature, will be harmful to residential amenity.

#### Lack of ground floor use serving visiting members of the public nor active frontage

The proposed ground floor accommodation would not provide an active frontage nor serve visiting members contrary to Policy 14 (b) and 17 (e) of the City Plan and Policy B2 of the Fitzrovia West Neighbourhood Plan.

Given that the site is located within the WERLSPA and the CAZ this would normally be unacceptable; however, in this case the lack of the use serving visiting members of the public would not be considered to be detrimental to the character and function of the area for the following reasons:

- Whilst the previous permission allowed the presence of a tea room as part of the social and community use, given this was ancillary to the community use, no condition required it to function in that manner.
- The ground floor is raised and therefore does not have a typical relationship with the street.
- The ground floor does not have a 'shop window' display.
- The locality is not characterised by retail or retail type units.
- The provision of traditional shopfront would be harmful to the special interest of the listed buildings.

#### Implications of Use Class Order

The government introduced changes to Town Centre Uses in the Use Classes Order which came into effect from 01 September 2020. This places gyms and co-working facilities within a wide range of other uses within Class E. Due to the limited information with regards to the increased flexibility, it is considered necessary to restrict the Class E use by condition to the uses specified only.

## **9.2 Environment & Sustainability**

Policy 36 of the City Plan requires that all development aims to reduce on-site energy demand and maximise the use of low carbon energy sources. An Energy Statement has been submitted in support of the proposal.

Overall, the whole development has undergone electrification with no fossil fuel used on site to meet any of the regulated and unregulated loads. A combination of efficient lighting, ventilation, heating/cooling and hot water systems are proposed.

Additionally, improved fabrics U values and air permeability have been proposed for the building to lower its on-site regulated carbon emissions.

Individual high efficiency air source heat pumps providing heating and hot water are proposed which will replace the gas boiler system which currently exists.

Given the listed nature of the site and due to the limited roof space available, it is not considered that the inclusion of PV panels is appropriate in this instance.

For the most part, overheating risk will be mitigated through passive design measures in line with the cooling hierarchy including the additional of secondary glazing to reduce solar glare. However, some of the units of visitor accommodation are single aspect, south facing and front on to the rear of the site which contains function space such as communal courtyard, event space and a gym which, although mitigated through conditions detailed above, can be the source of some noise if windows are open, so it is not possible to rely solely on fresh air ventilation. As such, some comfort cooling is proposed. The cooling system proposed will be ran by three outdoor condensing units operating as a communal system, in contrast to the standard air-conditioning approach of individual condensing units for individual serviced apartments. This communal approach benefits from load diversity, significantly less equipment, operational carbon and lower embodied carbon.

The design also includes a water saving strategy to reduce on site water consumption.

Having regards to the above, and the listed status of the building, it is considered that the efforts to reduce on-site energy demand and to make the proposal as sustainable as possible has been maximised.

Policy 38E of the City Plan relates to sustainable design and requires that non-domestic developments of 500 sqm of floorspace (GIA) or above will achieve at least BREEAM "Excellent" or equivalent standard. The agent has advised that the BREEAM Pre-assessment included in the original submission achieved 70.94% (marginally above 70% Excellent level), but was based on the original scheme which had a far greater level of demolition and new fabric than the current scheme, and on the understanding the chapel was the only listed element of the building. They now advise that a 'Very Good' rating is a more realistic target (informed by Sustainability consultants Webb Yates) that is achievable following the incorporated amendments following discussions with officers. It is recommended that this is secured by condition.

### **9.3 Biodiversity & Greening**

City Plan Policy 34 requires developments, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Opportunities to incorporate biodiversity features should be maximised and it a management plan is required to ensure its long term resilience.

The application submission includes documents which introduces a green roof to the existing first floor flat roof within the courtyard area; however, this is not shown on the latest revised drawings. An amending condition is imposed requiring the installation of

an intensive green roof in this location. Subject to this condition, it is considered that opportunities for green have been maximised when considering the competing needs of the site, whilst respecting the significance of the listed buildings.

A condition has been imposed required detailed drawings of the biodiversity features and a management plan to ensure their ongoing upkeep.

Whilst initial proposals included planting in the courtyard, the heritage requirement to maintain the small laundry building that occupies most of this space means that those proposals have had to be omitted.

#### **9.4 Townscape, Design & Heritage Impact**

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or 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 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."*

The proposals have been subject to significant negotiation and consequent revision to make it a more conservation lead set of proposals. The demolition has been reduced and the plan form is retained to a greater extent than earlier proposals. The scheme as it stands is, on balance acceptable, in listed building and design terms subject to conditions.

Having regard to the above, it is not considered that the proposal will be harmful to the listed building nor the East Marylebone Conservation Area and therefore, the recommendation to approve permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **9.5 Residential Amenity**

Policy 7 of the City Plan 2019-2040 seeks to protect and, where appropriate, enhance amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Policy S33 of the City Plan 2019 - 2040 states that; 'development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to: minimising noise impacts



and preventing noise intrusion to residential developments and sensitive uses'

It is considered that visitor accommodation is a sensitive use. Given the relationship between the proposed courtyard and the windows to this accommodation with a direct outlook to the courtyard, it is necessary to restrict the hours of use to between 08:00 and 22:00 daily.

The proposal includes a new plant enclosure to the rear of the roof of the main part of the building fronting onto Margaret Street. Given the relationship between the small additional bulk proposed within the application site and neighbouring residential properties is not considered to give rise to any amenity issues.

Subject to the imposition of suitable conditions, Environmental Health has no objection from an environmental nuisance perspective, agreeing that the plant is capable of complying with the relevant criterion within Policy 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

## **9.6 Transportation, Accessibility & Servicing**

### Car Parking and Trip Generation

Policy 27 supports development without car parking provision. The Highway Planning officer advises that the site has a high level of public transport accessibility and is also within a Controlled Parking Zone. Given this and the nature and small size of the proposal, he considers that the proposal is unlikely to have a significant impact on on-street car parking. He also considers that the majority of trips associated with the use of the site as proposed will be made by public transport or other sustainable modes such as walking or cycling. Further conditions have also been imposed to limit the permissible uses to those described in the description of development as other Class E uses, given the limited information that has been provided, as other uses may have a different or unacceptable impact on the local highway/pedestrian network.

### Servicing

City Plan Policy 29 requires the servicing, collection and delivery needs of a development to be fully met. Policy 29 does also make an allowance for development where it is not possible to fully meet these needs within the site itself and states (part D) that in this situation the needs 'must be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity'.

Off-street servicing is not provided within the application site currently nor does it form part of the development proposal. It is considered that the provision of off-street servicing would not be possible without substantial harm to the listed building. The application is supported by a Delivery and Service Plan (DSP) which contains measures that should help to minimise the impact of the proposed development on the highway network and its users. The proposed arrangement should help deliveries be moved off-

street quickly and waste would not need to be left on-street awaiting collection and therefore is considered acceptable in this instance.

### Cycle Parking

The Highways Officer considers that the cycle parking requirement for the proposal utilising the most comparable uses identified within London Plan Policy T5 should provide two long stay cycle parking space with a further one short stay cycle parking space within the site but accessible clear of the public highway.

The proposal includes provides two long term stay spaces at lower ground floor level which has been secured by condition; however, it is not considered possible in this instance to provide short term stay spaces within the site given constrained nature of the site and without causing detrimental harm to the listed building.

### Waste

The applicant has indicated waste storage in accordance with the Council's waste storage requirement which is welcome.

## **9.7 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local procurement and spending. Further, the West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by bringing the building back into use. Although dependent on the types of events taken place, the proposal is anticipated to create a number of jobs. The increase in jobs supported by this site 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**

None.

## **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**

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement, as set out in the officer recommendation in Section 1:

- Arrangement to secure access to the first floor chapel for non-paying, general members of the public for a minimum of 1 day per month for 12 months a year.
- Ensure occupants of the short to medium stay visitor accommodation are permitted to stay for a maximum of 90 days.
- The costs of monitoring the S106 legal agreement.

As detailed in the land use section, these planning obligations are considered necessary to secure benefits for the local community as required under City Plan Policy 16 and to ensure the visitor accommodation does not become permanent in nature.

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. During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions requiring site investigation to find out if the building or land are contaminated and ensuring that the Applicant signs up to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

## **10. Conclusion**

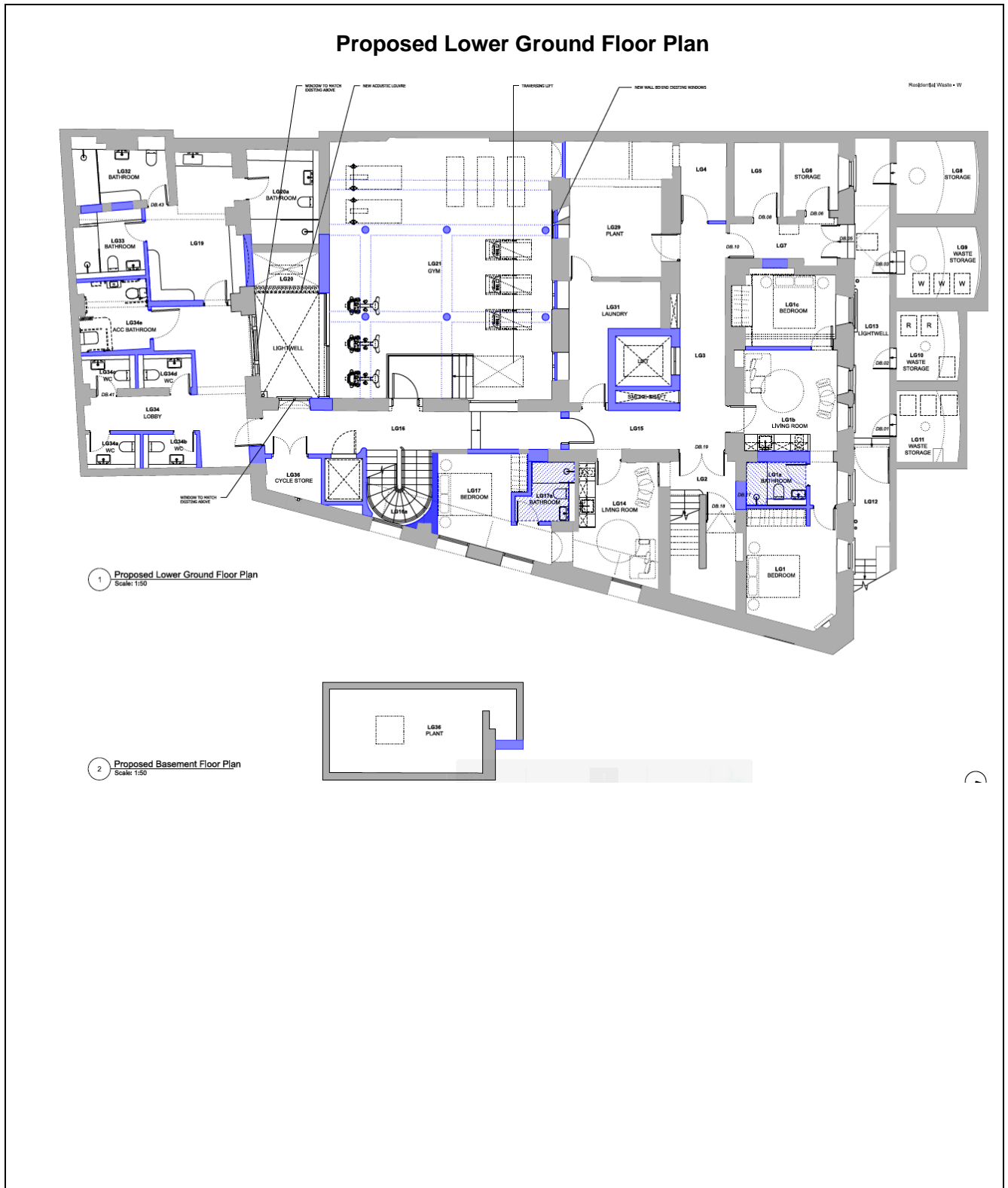
Whilst recognising the concerns raised by the Fitzrovia West Neighbourhood Forum, the proposal is considered acceptable in land use, design, conservation, sustainability, highways and amenity terms. The proposed alterations and extensions are considered to protect the character and appearance of the Conservation Area and the special interest of this Grade II listed building.

As such, the proposal is considered acceptable, mindful of policies 1, 7, 14, 15, 16, 17, 18, 24, 25, 27, 29, 33, 34, 36, 37, 38, 34, 36, 38, 39, 40 and 43 of the City Plan 2019-2040 and policies B1, B2, PR1, PR3 and PR4 of the Fitzrovia West Neighbourhood Plan and therefore, a recommendation to grant conditional planning permission and listed building consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

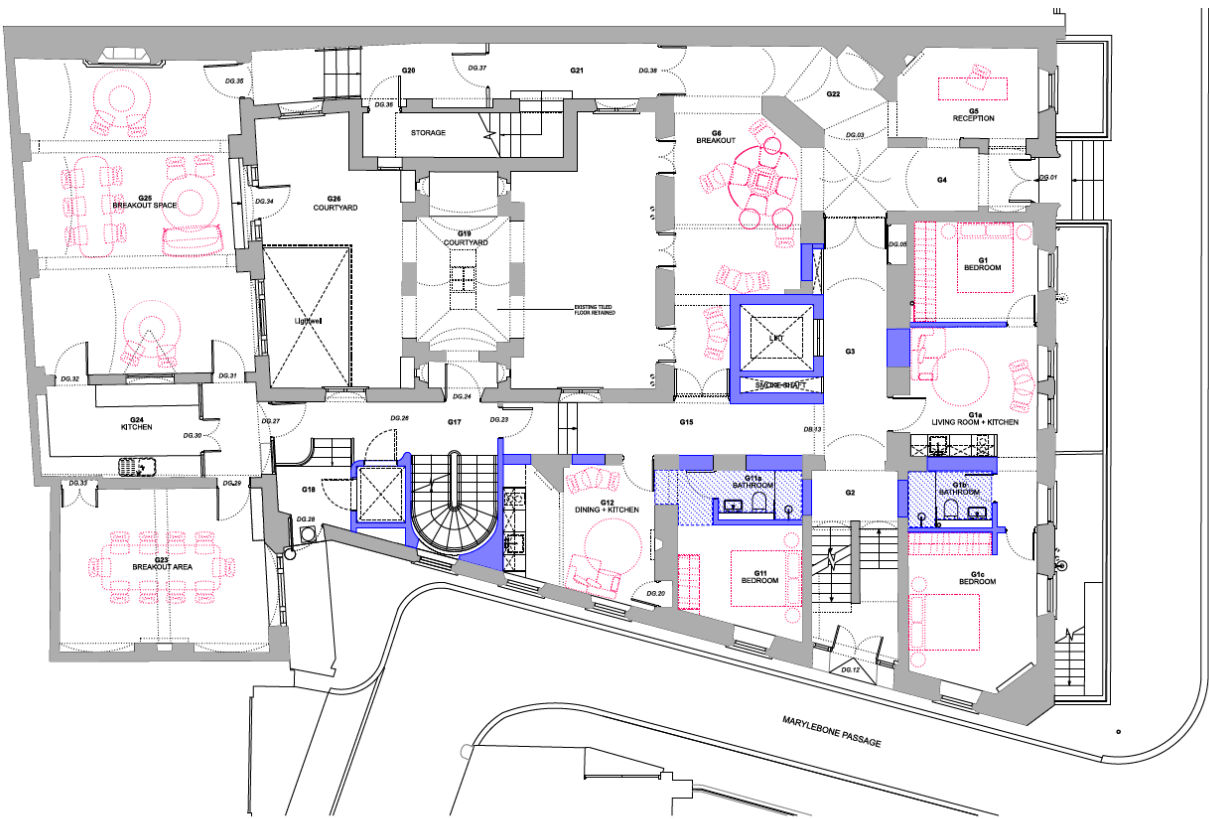
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [PQUAYLE@WESTMINSTER.GOV.UK](mailto:PQUAYLE@WESTMINSTER.GOV.UK)

11. KEY DRAWINGS



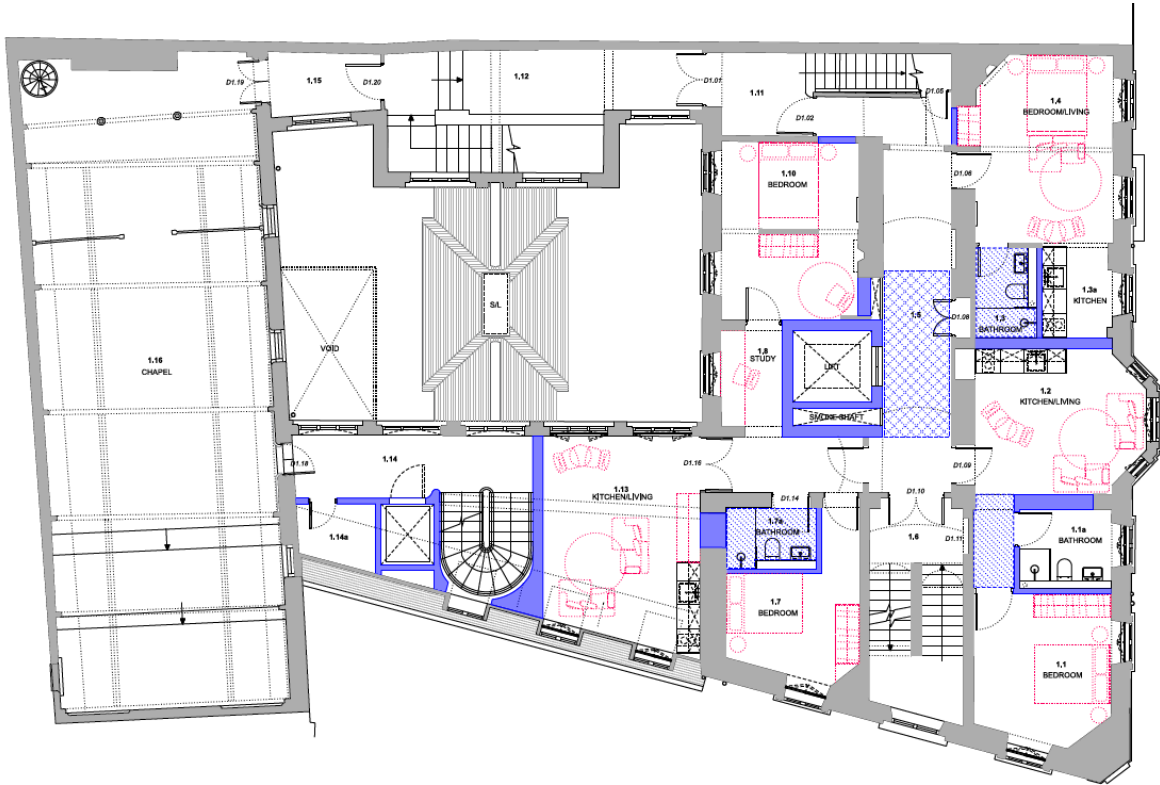
### Proposed Ground Floor Plan



1 Proposed Ground Floor Plan  
Scale: 1:50

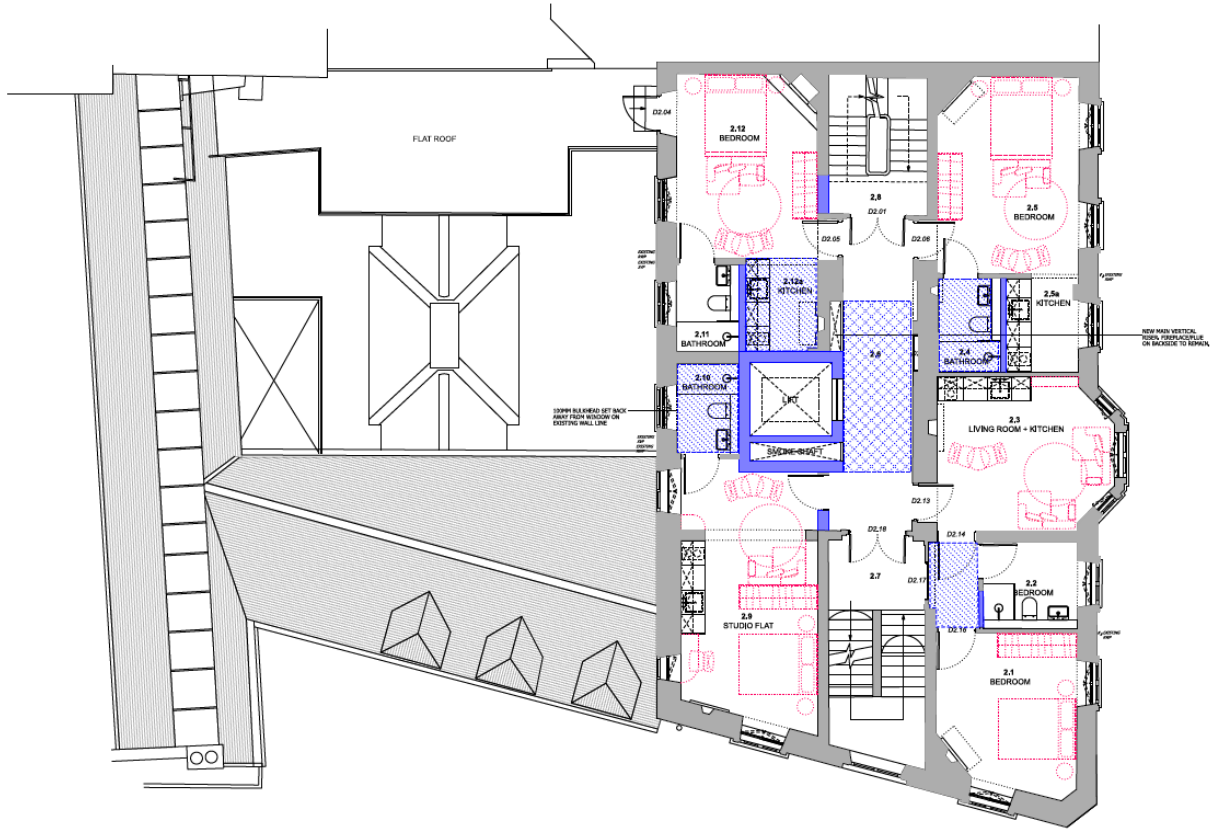


### Proposed First Floor Plan



1 Proposed First Floor Plan  
Scale: 1:50

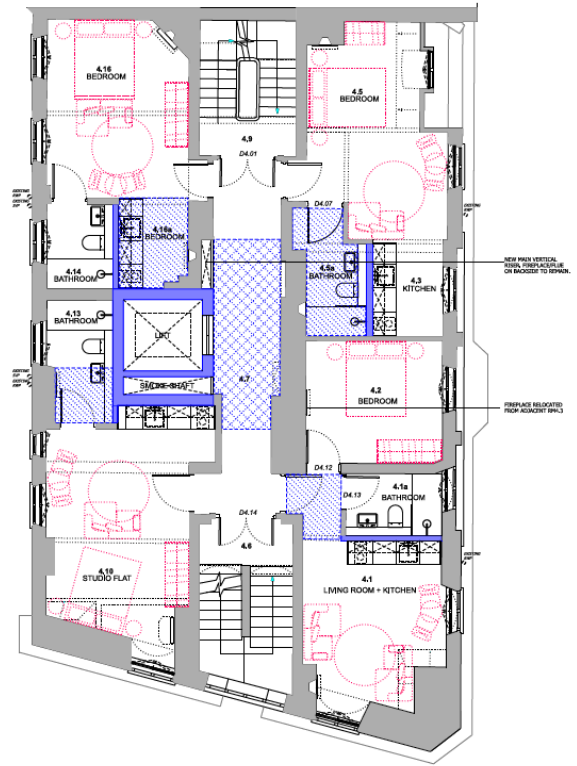
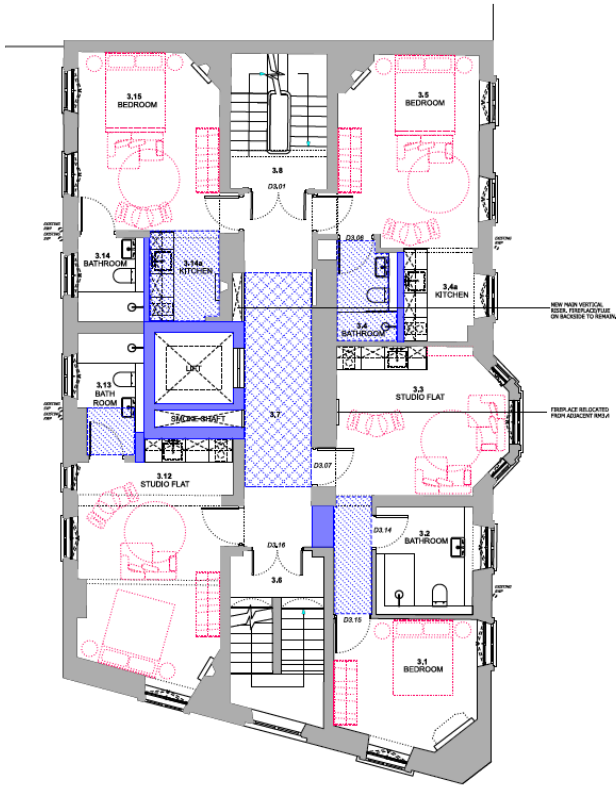
**Proposed Second Floor Plan**



1 Proposed Second Floor Plan  
Scale: 1:50



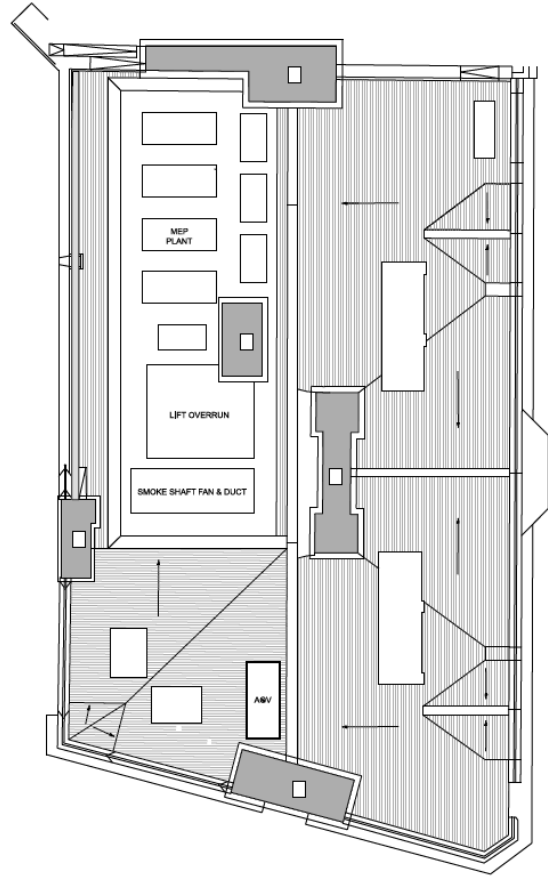
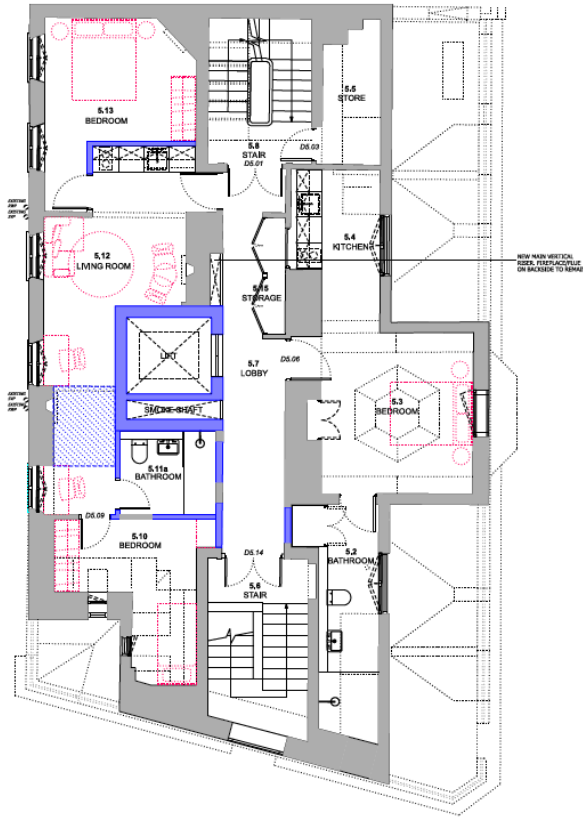
### Proposed Third and Fourth Floor Plans



1 Proposed Third Floor Plan  
Scale: 1:50

2 Proposed Fourth Floor Plan  
Scale: 1:50

### Proposed Fifth Floor and Roof Plans



1 Proposed Fifth Floor Plan  
Scale: 1:50

2 Proposed Roof Plan  
Scale: 1:50

**DRAFT DECISION LETTER – PLANNING PERMISSION**

**Address:** 82 Margaret Street, London, W1W 8LH,

**Proposal:** Alterations including opening of laundry building within the central courtyard at ground floor level, excavation to lower sections of the existing lower ground floor accommodation. Erection of an infill extension at lower ground floor level with courtyard above. Erection of a replacement roof to east wing. Erection of dummy mansard to the rear of All Saints House to screen new plant. Alterations to access arrangement. All in connection with the use of part lower ground, part ground and part ground upper floors as 24 units for short to medium stay temporary visitor accommodation (sui generis); use of part lower ground as a gym (Class E); use of part lower ground, part ground and part first floor as an event space (Sui Generis), use of part ground floor as lounge/co-working space (Class E) and provision of plant ancillary to the building at basement level.

**Plan Nos:** Drawings: 22051-101 P1, 22051-101 P2, 22051-102 P1, 22051-102 P2, 22051-103 P1, 22051-103 P2, 22051-104 P1, 22051-104 P2, 22051-105 P1, 22051-105 P2, 22051-106 P1, 22051-106 P2, 22051-120 P3, 22051-121 P3, 22051-122 P3, 22051-130 P3, 22051-131 P3, 22051-132 P3, 22051-133 P3, 22051-210 P1, 22051-211 P1, 22051-212 P1, 22051-213 P1, 22051-214 P1, 22051-215 P1, 22051-220 P1, 22051-221 P1, 22051-222 P1, 22051-230 P1, 22051-231 P1, 22051-232 P1, 22051-233 P1, 22051-234 P1, 22051-951 P1, 22051-978 P1.

Document titled '82-83 Margaret Street Servicing Management Plan' dated April 2023; Operational Management Plan

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 07779431364

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 3 You must apply to us for approval of specification details and photographs 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

- 1, new windows and roof lights including key junctions with existing or adjoining fabric and details of open ability
- 2, new external doors, including key junctions with existing or adjoining fabric
- 3, railings, including key junctions with existing or adjoining fabric
- 4, detailed study of the 'laundry' with detailed drawings of proposals, including key junctions with existing or adjoining fabric and proposed openings
- 5, plant screens/louvres

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 approved 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 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 not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

- 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:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 8 All new doors, windows and roof lights must be capable of being openable or must have the ability to provide natural ventilation

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 9 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)

- 10 **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)

- 11
- i. The lower ground floor accommodation referred to as 'Gym' on drawings 22051101 P2 must not be used for any other purpose other than as a fitness facility, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it.
  - ii. The ground floor accommodation referred to as 'Breakout', 'Breakout space' and 'Breakout Area' on drawings 22051-102 P2 must not be used for any other purpose other than as for occupiers of the visitor accommodation to work, socialise, entertain and dine or as a co-working space for members of the public who wish to join on a membership basis including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, in accordance with Policies 16, 17, 18, 24, 26, 28, 29, 25, 32, 33, 34 and 37 of the City Plan 2019 - 2040 (April 2021)

- 12
- The visitor accommodation hereby approved shall be operated in accordance to the layout shown on the approved drawings.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 7 and 27, 28, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 13
- You must apply to us for approval of an updated Operational Management Plan to provide additional procedures to ensure customers utilising the event space remain in the premises until taxis arrive, management of customers wishing to smoke, include details of measures to ensure live or recorded music does not cause a nuisance and achieves the criteria required under condition 14, measures to manage customers utilising the communal terrace and ensure that the detailed operational elements do not conflict with the requirements of other conditions listed on this decision notice. You cannot occupy the building until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times for

all of the uses hereby permitted for the lifetime of the development.

Reason:

To make sure that the use will not cause nuisance for people in the area nor occupants of the development. This is as set out Policies 7, 15 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 14 The design, structure and building fabric of the building shall be of such a standard that it will protect residents or occupants of other noise sensitive receptors (including those with the visitor accommodation hereby approved) within the same building or in adjoining buildings from noise and vibration from the development, so that:
- i) 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.
  - ii) the received noise value in the habitable spaces (including the visitor accommodation units), with music/entertainment occurring, should achieve a value of 10 dB below that measured/assessed without music/entertainment events taking place, at the quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LFMmax in the octave bands of 63 Hz & 125 Hz. The limits of NR30 (day), NR25 (night) and NR40 (LFMmax, night time) should be used to demonstrate that the intrusive noise would be effectively inaudible.
  - iii) Maximum noise levels generated by the proposed new development in terms of LFMmax should be demonstrated not to exceed the NR 15 curve inside the adjoining residential dwellings and other noise sensitive properties which include the visitor accommodation hereby approved. This includes noise from all sources (including amplified sound, music, and impact noise from gym activities).

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents or occupants of the visitor accommodation hereby approved of with 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)

- 15 Notwithstanding the annotation on the approved drawings, the areas of flat roof at second floor level referred to as 'flat roof' must not be used for sitting out or for any other recreational purpose.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 16 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if

the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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

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

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

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

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 17 (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)

- 18 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)

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 14 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. (C51AB)

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)

- 20 Servicing of the development shall be carried out in accordance with the approved Servicing Management Plan (SMP) titled '82-83 Margaret Street Servicing Management Plan' dated April 2023, unless carried out in accordance with an alternative SMP which has been submitted and approved by the City Council.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 21 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained, and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 22 You must apply to us for approval of details of a post construction stage report which demonstrates that the development meets a 'Very Good' and targets an "Excellent" rating under BREEAM UK Refurbishment and Fit-Out (RFO) 2014. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 23 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 (ASHP)

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)

- 24 Notwithstanding the detail shown on the approved drawings, you must amend your proposal to include an intensive green roof in the area referred to a 'flat roof' on drawing number 22051-104 P2. You must apply to us for approval of a detailed planting scheme and an associated biodiversity management plan to this intensive green roof. You must not start work on these parts of the development until we have approved in writing what you have sent us. You must install the planting scheme in accordance with the approved details and carry out the measures in accordance with the approved biodiversity management plan before you start to use the building for the uses hereby approved

Reason:

To increase the biodiversity of the environment and to improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021).

- 25 The event space hereby permitted shall only be accessed by customers between 07:30 to 23:30 Monday to Saturday and Sundays before bank holidays and from 07:30 to 23:00 on all other Sundays.

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)

- 26 Other than occupants of the visitor accommodation hereby approved, the gym space hereby permitted shall only be accessed by customers between 06:30 and 18:30 Monday - Sunday.

Reason:

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

- 27 Other than staff, no more than 60 people are permitted within event space at any one time.

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)

- 28 Other than occupants of the visitor accommodation hereby approved, no more than 10 customers are permitted within the gym space at any one time.

Reason:

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

- 29 Except for cooking taking place within the 24 visitor accommodation units, raw or fresh food

shall not be cooked on the premises.

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)

- 30 The windows to both gym space and to the event space must be closed from 08:00 to 21:00 daily.

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)

- 31 No live or recorded music is permitted to be played within the ground floor courtyard of the site.

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)

- 32 No patrons are permitted to take drinks outside including the external courtyard.

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)

- 33 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 22051-101 P2 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 building. (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)

#### **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 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](mailto: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.

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information, please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 With reference to condition 10 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://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](mailto: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.

- 5 Under condition 29 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.
- 6 Condition 16 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at [www.westminster.gov.uk/contaminated-land](http://www.westminster.gov.uk/contaminated-land). For further advice you can email Public Protection and Licensing at [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).
- 7 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](http://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.

- 8 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.

**DRAFT DECISION LETTER – LISTED BUILDING CONSENT**

**Address:** 82-83 Margaret Street, London, W1W 8LH,

**Proposal:** Alterations including opening of laundry building within the central courtyard at ground floor level, excavation to lower sections of the existing lower ground floor accommodation. Erection of an infill extension at lower ground floor level with courtyard above. Erection of a replacement roof to east wing. Erection of dummy mansard to the rear of All Saints House to screen new plant. Alterations to access arrangement. Internal alterations throughout.

**Plan Nos:** Drawings: 22051-101 P1, 22051-101 P2, 22051-102 P1, 22051-102 P2, 22051-103 P1, 22051-103 P2, 22051-104 P1, 22051-104 P2, 22051-105 P1, 22051-105 P2, 22051-106 P1, 22051-106 P2, 22051-120 P3, 22051-121 P3, 22051-122 P3, 22051-130 P3, 22051-131 P3, 22051-132 P3, 22051-133 P3, 22051-210 P1, 22051-211 P1, 22051-212 P1, 22051-213 P1, 22051-214 P1, 22051-215 P1, 22051-220 P1, 22051-221 P1, 22051-222 P1, 22051-230 P1, 22051-231 P1, 22051-232 P1, 22051-233 P1, 22051-234 P1, 22051-951 P1, 22051-978 P1.

Document titled '82-83 Margaret Street Servicing Management Plan' dated April 2023

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 07779431364

**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:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 4 You must not disturb existing original fireplaces, floor boards, doors, ceilings unless changes are shown on the approved drawings. (C27MA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 5 Notwithstanding what is shown on the drawings the removal or alteration of doors and ceilings is not approved until a detailed explanation, justification and comprehensive door schedule for each door/ceiling location is submitted for approval by the City Council .

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

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

- 1, new windows and roof lights including key junctions with existing or adjoining fabric and details of open ability;
- 2, new doors, including key junctions with existing or adjoining fabric ;
- 3, railings, including key junctions with existing or adjoining fabric;
- 4, detailed study of the 'laundry' with detailed drawings of proposals, including key junctions with existing or adjoining fabric and proposed openings;
- 5, conservation strategy and restoration/conservation detail for the chaplet including method statements and reports;
- 6, floor build ups including key junctions with existing or adjoining fabric and threshold junctions; and
- 7, coordinated and accurately detailed services and distribution including key junctions with existing or adjoining fabric.



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 approved drawings (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the East Marylebone Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance: Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.