



City of Westminster

Committee Agenda

Title:

Planning Applications Committee (3)

Meeting Date:

Tuesday 23rd June, 2015

Time:

6.30 pm

Venue:

Rooms 5, 6 & 7 - 17th Floor, City Hall

Members:

Councillors:

Andrew Smith (Chairman)
Peter Freeman
Paul Church
Barbara Grahame

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Joe McBride, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: jmcbride@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

Councillor Peter Freeman is replacing Councillor Louise Hyams.

Councillor Paul Church is replacing Councillor Robert Rigby.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. 96-98 BAKER STREET AND 14 SHERLOCK MEWS, W1 | (Pages 3 - 38) |
| 2. 113-119 CHARING CROSS ROAD AND 1-12 MANETTE STREET, WC2 | (Pages 39 - 58) |
| 3. 4 BERNERS STREET, W1 | (Pages 59 - 88) |
| 4. 19 BEAK STREET, W1 | (Pages 89 - 98) |
| 5. 207 SHIRLAND ROAD, W9 | (Pages 99 - 128) |
| 6. PARKING SPACES 15, 16, 17 AND 18 ROSSMORE COURT, PARK ROAD, NW1 | (Pages 129 - 140) |

Peter Large
Head of Legal & Democratic Services

15 June 2015

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 23 JUNE 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
1	RN 14/10743/FULL RN 14/10745/LBC Marylebone High Street	96-98 BAKER STREET AND 14 SHERLOCK MEWS, W1	Demolition of rear facade of Nos. 96-98 Baker Street and front and rear facades of No. 14 Sherlock Mews, use of first to fourth floors of Nos. 96-98 Baker Street as eight residential flats (Class C3), amalgamation of flats at first and second floors of No. 14 Sherlock Mews into a maisonette (Class C3), erection of replacement shopfronts to Baker Street facade, erection of replacement rear facade to Nos. 96-98 Baker Street, erection of replacement facades to No. 14 Sherlock Mews, alterations at roof level, and other associated external alterations.	
	Recommendation 1. Grant conditional permission including a condition to secure car club membership (for 25 years) for each of the eight flats in Nos. 96-98 Baker Street. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
2	RN 15/02554/FULL West End	113-119 CHARING CROSS ROAD AND 1-12 MANETTE STREET, WC2	Use of 113-119 Charing Cross Road, 1-5 Manette Street and the ground, first and second floors of 6-12 Manette Street as a theatre (sui generis) for a temporary period until 31 December 2015.	
	Recommendation Grant conditional permission.			
3	RN 15/02367/FULL West End	4 BERNERS STREET, W1	Use of the basement, ground and part third floor as a restaurant (Class A3); installation of a new shopfront, a full height extract duct on the rear elevation and plant within an enclosure at rear third floor level.	
	Recommendation Grant conditional permission.			
4	RN 15/02935/FULL West End	19 BEAK STREET, W1	Continued use of basement and ground floor as a mixed use coffee shop and cocktail bar (sui generis).	
	Recommendation Grant conditional permission.			
5	RN 15/01031/FULL Harrow Road	207 SHIRLAND ROAD, W9	Erection of full height side extension facing Malvern Road, demolition of existing mansard roof and mechanical plant and replacement with enlarged mansard roof extension at third floor level across extended building to provide additional hotel accommodation (Class C1).	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 23 JUNE 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
6	RN 15/00207/FULL Regent's Park	PARKING SPACES 15, 16, 17 AND 18 ROSSMORE COURT, PARK ROAD, NW1	Erection of a raised single storey office building adjacent to electricity sub-station fronting Rossmore Road for financial and professional services use (Class A2).	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 June 2015	Classification For General Release	
Report of Director of Planning		Wards involved Marylebone High Street	
Subject of Report	96-98 Baker Street and 14 Sherlock Mews, London, W1U 6TJ		
Proposal	Demolition of rear facade of Nos. 96-98 Baker Street and front and rear facades of No. 14 Sherlock Mews, use of first to fourth floors of Nos. 96-98 Baker Street as eight residential flats (Class C3), amalgamation of flats at first and second floors of No. 14 Sherlock Mews into a maisonette (Class C3), erection of replacement shopfronts to Baker Street facade, erection of replacement rear facade to Nos. 96-98 Baker Street, erection of replacement facades to No. 14 Sherlock Mews, alterations at roof level, and other associated external alterations.		
Agent	Collins + Coward		
On behalf of	Marylebone Investments Limited		
Registered Number	14/10743/FULL 14/10745/LBC	TP / PP No	TP/2904
Date of Application	16.10.2014	Date amended/ completed	31.10.2014
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Portman Estate		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission, including a condition to secure car club membership (for 25 years) for each of the eight flats in Nos. 96-98 Baker Street.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.





2. SUMMARY

The application site comprises Nos. 96-98 Baker Street and No. 14 Sherlock Mews. These buildings date from the mid-1970s and their primary special interest derives from the facade of Nos. 96-98 Baker Street that was built as a facsimile of the wider terrace on the east side of Baker Street.

The applications propose the conversion of the upper floors of Nos. 96-98 Baker Street from offices to eight residential flats (Class C3), internal alterations, the rebuilding of the rear elevation, the installation of replacement shopfronts and alterations at roof level. The two flats within No. 14 Sherlock Mews are proposed to be amalgamated into a large three bedroom maisonette (Class C3) and the front and rear elevations rebuilt.

The key issues for consideration are:

- Whether the design of the proposed rebuilt facades will preserve or enhance the character and appearance of the Portman Estate Conservation Area, preserve the special interest of the listed buildings and not harm the setting of the neighbouring listed buildings.
- Whether the quality of the residential accommodation is acceptable.
- Whether the increase in residential units will give rise to unacceptable impacts on on-street car parking stress.

The proposal is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies. Furthermore, it will not harm the special interest of these listed buildings.

3. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Concern regarding the proposed fenestration pattern for the mews building (No. 14 Sherlock Mews), arguing that the vertical emphasis and the change in material makes the building too grandiose. The tall sections of glazing are out of context with the mews character and the removal of the glazing bars (when compared to the approved scheme) will result in a loss of visual interest.

CLEANSING MANAGER

No objection subject to the imposition of a condition securing the provision and permanent retention of storage facilities for waste and recyclable material.

HIGHWAYS PLANNING MANAGER

Refuse on the impact on on-street car parking stress and loss of existing off street car parking.

ENVIRONMENTAL HEALTH

- No objection to the proposed internal noise levels within the flats provided the proposed secondary glazing is installed.
- Is content that the sound insulation between the cinema and retail uses at ground and basement floor levels is sufficient to not result in noise problems for the occupants of the proposed flats.
- Notes that the flats will have to be mechanically ventilated and therefore requests that a condition is imposed securing the submission of a supplementary acoustic report for the City Council's approval.

ENGLISH HERITAGE

Authorisation provided for the City Council to determine the application as it sees fit.

ANCIENT MONUMENTS SOCIETY

No response.

COUNCIL FOR BRITISH ARCHAEOLOGY

- No objection to the rear elevation subject to detailed design / materials.
- No objection in principle to the installation of a replacement shopfront but believes that the piers and shopfront should better relate to the fenestration pattern on the upper floors of the building.
- There are three steps at first floor level from the lift which is contrary to the Access Statement that states that there are no internal staircases within the flats.
- The internal partitions within Flats 7 and 8 should be clear of the window reveals.

THE GEORGIAN GROUP

No response.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

No response.

TWENTIETH CENTURY SOCIETY

No response.

THE VICTORIAN SOCIETY

No response.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 106; Total No. of Replies: 4.

Design and Conservation:

- The roof extension to No. 14 Sherlock Mews will result in the overdevelopment of the site as it will fail to keep a uniform roof level across the mews.

Amenity:

- Loss of light as a result of the proposed mansard roof to No. 14 Sherlock Mews.
- The daylight / sunlight report submitted with the application is factually incorrect as the ground floor roof of a property opposite the site is not just used as a kitchen but a lounge / play area for children also.

Other:

- Disruption during the course of construction (including from construction traffic).
- Potential damage to neighbouring structures.

ADVERTISEMENT/ SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

Nos. 96-98 Baker Street are Grade II listed buildings on the east side of the street with a linked mews building at the rear in Sherlock Mews (No. 14 Sherlock Mews). The basement of Nos. 96-98 Baker Street is in use as a cinema (Class D1), the majority of the ground floor is in use as a shop (Class A1) and the upper floors is an office (Class B1). The first and second floors of No. 14 Sherlock Mews are in use as two flats (Class C3).

The site is located within the Central Activity Zone (CAZ) but outside the Core CAZ. The site is located within the Portman Estate Conservation Area.

4.2 Relevant History

96 - 98 Baker Street / 14 Sherlock Mews

Planning permission was granted on 15 September 1973 for the redevelopment of the site to provide a part six storey and part three storey building for use as a cinema, shop, office and two self-contained flats. Of interest, Condition 3 states:

'The whole of the car parking accommodation shown on the drawings shall be provided and retained permanently for the accommodation of vehicles of the occupiers (including employees using the building) and persons calling at the building for the purpose of conducting business with the occupiers thereof.'

The approved drawings show provision for three car parking spaces at ground floor level within No. 14 Sherlock Mews between the entrance to the two flats above and the fire escape from the basement cinema.

14 Sherlock Mews

Planning permission was refused on 20 March 2003 on design and conservation grounds for the erection of a mansard roof extension at third floor level to create a new one bedroom flat. An appeal against this decision was allowed on 13 November 2003, with the Inspector reasoning that an additional floor would not make the building unduly dominant within the townscape of the mews and the benefits of the scheme in providing additional housing overcame any concerns in respect to the detailed design of the proposed roof extension. This permission, however, was never implemented and has now expired.

An identical application was granted planning permission on 1 July 2008. This effectively extended the life of the permission until 30 June 2011. This permission was also never implemented and has now expired.

5. THE PROPOSAL

Planning permission and listed building consent are sought to demolish the existing shopfronts, the rear part of the roof, much of the internal fabric, the rear facade of and the roof top staircase housing of Nos. 96-98 Baker Street and the front and rear elevations of No. 14 Sherlock Mews. It is proposed to rebuild these elevations, install replacement shopfronts, erect a replacement roof top structure, install roof top plant and erect a small roof terrace. The upper floors of Nos. 96-98 Baker Street are proposed to be converted into eight flats (2 x 1 bed, 3 x 2 bed and 3 x 3 bed). It is also proposed to amalgamate the two flats at first and second floor levels of No. 14 Sherlock Mews into a three bed maisonette.

The application has been amended during the course of its consideration in the following ways:

- The proposed cycle parking within the flats themselves has been replaced by a communal storage area for eight bicycles (double stacked) at ground floor level within No. 14 Sherlock Mews.
- The proposed mansard roof extension to No. 14 Sherlock Mews has been omitted from the scheme and no increase in the height of this building is now proposed.
- The proposed new front elevation to No. 14 Sherlock Mews has been amended to introduce piers at ground floor level and to alter the proportions and detailing of the window openings.

- The proposed new rear elevation of Nos. 96-98 Baker Street has been amended to: (i) Reduce the amount of glazing; (ii) Omit the balconies from the top floor level; and (iii) Amend the detailed design of the window openings.
- The replacement roof structure to Nos. 96-98 Baker Street is now proposed to be constructed in timber rather than in glazing.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposed conversion of the upper floors of Nos. 96-98 Baker Street from office (Class B1) to residential is acceptable in principle given the lack of policies to protect office floorspace and the policy support for the provision of additional residential units within City Plan Policies S8 and S14 and UDP Policy H3.

The amalgamation of two flats within No. 14 Sherlock Mews into a large three bed dwelling over first and second floor levels is acceptable despite the loss of a residential unit. This is because this loss falls squarely within one of the exceptions to the loss of residential units within City Plan Policy S14; namely, where two flats are being amalgamated into a 'family sized' dwelling (i.e. containing three or more bedrooms).

The net uplift in residential floorspace is 961.6m² (GEA) and therefore there is no requirement to provide affordable housing as the residential uplift is below the 1,000m² (GEA) threshold set out within City Plan Policy S16.

All of the proposed units exceed the minimum size thresholds set out within Policy 3.5 of the London Plan (March 2015) and are therefore acceptable in terms of their size.

There is no objection to the proposed residential mix (2 x 1 bed, 3 x 2 bed and 3 x 3 bed), with 44% being 'family sized' which exceeds the one-third 'family-sized unit' normal requirement set out within UDP Policy H5 and provides a good range of unit sizes, in accordance with City Plan Policy S15.

Amenity space is provided for all of the units with the exception of Flats 5 and 7 which is acceptable given the constraints of the site.

Whilst a number of the proposed flats are single aspect, the deep floorplates of the building mean that it is difficult to achieve dual aspect dwellings without proposing a single very large flat on each floor (which would not optimise the delivery of housing units on this site - as required by City Plan Policy S14). Furthermore, none of the flats face either due north or south and mechanical ventilation is proposed to ensure adequate ventilation and to ensure that the flats meet the noise standards set out within UDP Policy ENV 6. Environmental Health has no objection to the proposed flats from an internal noise perspective. For these reasons, the proposed standard of residential accommodation is acceptable.

6.2 Townscape and Design

The statutory list entry notes that Nos. 96-98 Baker Street are part of a terrace built circa 1798 and that these two buildings are facsimile rebuilds. In heritage asset terms, the special interest of the building is confined to the architecture of the Baker Street facade, the group value the buildings have with the terrace of which they are a part, and in conservation area terms their significance lies in the contribution they make to the surrounding townscape and the Portman Estate Conservation Area as a whole. The mews building at the rear is not of special interest but is considered to be listed because it is within the curtilage of Nos. 96-98 Baker Street.

The buildings fronting Baker Street are to be improved with new shopfronts (anodized bronze finish) and a clear visual presence for the cinema is to be maintained. Whilst the proposed shopfront represents an improvement over the existing situation, it is considered that the opportunity should be taken to install more traditional shopfronts in order to enhance the appearance of the Baker Street frontage. This is in line with the comments of the Council for British Archaeology. Therefore, a condition requiring amendments to the shopfront design is recommended.

The existing sash windows are to be refurbished and secondary glazing provided on the upper floors in order to meet internal noise standards.

The unattractive rear facade of the building offers substantial scope for alterations and it is to be rebuilt in brickwork with attractively framed windows providing a mix of Juliet and projecting balconies. There is a clearly expressed hierarchy of window sizes which is much more appropriate than the existing arrangement. Minor alterations at roof level have no perceptible impact from street level and are acceptable in this case when seen from the upper floors of surrounding properties due to the modern construction of the existing roof and other structures already present at that level. Consequently, this well-mannered and sympathetic design is acceptable and will positively contribute to the character and appearance of the Portman Estate Conservation Area and the setting of neighbouring listed buildings.

The mews building is to be altered to improve its appearance and it will appear similar to the new rear facade of the Baker Street buildings behind. The retained existing brickwork is to be 'sootwashed' and new windows will match the detailed design of others elsewhere on the development. Omission of the initially proposed roof extension on the mews is welcome (and responds to a number of concerns raised by the Marylebone Association and the occupants of neighbouring properties) and the development as a whole is now acceptable in design and heritage asset terms in accordance with UDP Policies DES1, DES 5, DES 6, DES 9 and DES 10 and City Plan Policies S25 and S28.

6.3 Amenity

The proposal raises no amenity concerns. The rear elevation of the maisonette within the mews building only has windows located with a bathroom and a staircase. Conditions are proposed to ensure that these are fitted with obscure glass and restrictors prevent them being opened wide. The proposed roof top terrace is small and will not result in any close or direct overlooking.

A condition requiring the submission of an acoustic report demonstrating that the roof top plant (once specified) will not result in noise disturbance is recommended.

The objections to the proposed mansard roof on daylight and sunlight grounds is not sustainable as this element of the scheme has now been omitted.

6.4 Transportation/ Parking

The proposal results in the loss of one existing car parking space. The retained off street car parking bay is proposed to be demised to the proposed mews house. It is noted that Condition 3 of the original permission dated 15 September 1973 for the redevelopment of this site secures the retention of this car parking accommodation in connection with the use of the buildings as a cinema, shop, offices and two self-contained flats. The use of this car parking for residential purposes in connection with this larger family unit is acceptable on the basis that the City Council seeks to restrict car parking for commercial uses which could currently take place. For this reason, the objection to the loss of off street car parking from the Highways Planning Manager is not sustainable in this instance.

Given the site's excellent location in terms of public transport and, subject to the imposition of a condition securing car club membership for 25 years for the occupants of the new flats within Nos. 96-98 Baker Street, it is considered that it would be difficult to justify refusal of the scheme on the impact on on-street car parking stress.

The proposed cycle parking is located in a secure, convenient and weather proof location and is proposed to be secured by condition.

6.5 Equalities and Diversities

Level access to the ground floor retail unit is retained.

UDP Policy H8 sets out how the City Council will expect all new housing units to meet the Lifetime Homes Standard. Part of this Standard requires entrances to have level access over the threshold. The landings within the stair / lift core of Nos. 96-98 Baker Street are at half storey level and are to be retained, as are the six steps leading up to the lobby from street level for the proposed flats. The result is that the Lifetime Homes Standard will not be met for any of the proposed flats within the building. Given the constraints of the original building and the unacceptability of providing a stair lift in terms of its impact on the appearance of the listed building, the failure to provide level access for the proposed flats is acceptable in this instance.

6.6 Economic Considerations

Any economic benefits generated are welcomed.

6.7 Other UDP/Westminster Policy Considerations

Each of the flats contains storage for waste and recyclable material.

6.8 London Plan

The proposal does not raise any strategic issues.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

None required.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

It is recommended that an amending condition is imposed requiring the new flat roof of No. 14 Sherlock Mews to be a 'living roof', both to add to local biodiversity and to reduce water run-off. This is supported by City Plan Policies S30 and S38 and UDP Policies ENV 4 and ENV 17.

6.12 Other Issues

The objections to the proposal on the ground that it may result in noise and disturbance during the course of the construction works does not represent a sustainable ground for refusing permission.

7. CONCLUSION

The conversion of the upper floors of Nos. 96-98 Baker Street into flats is welcome through providing additional and good quality residential accommodation. The alterations to the rear facade of Nos. 96-98 Baker Street and to the front and rear facades of No. 14 Sherlock Mews represents an improvement over the current facades that offer little contribution to the Portman Estate Conservation Area. For these reasons it is recommended that conditional planning permission and listed building consent be granted.

BACKGROUND PAPERS

1. Application forms.
2. E-mail from the Marylebone Association dated 10 December 2014.
3. Letter from English Heritage (now Historic England) dated 8 December 2014.
4. Memorandum from the Cleansing Manager dated 18 November 2014.
5. Memorandum from the Highways Planning Manager dated 18 November 2014.
6. Memorandum from Environmental Health dated 4 December 2014.
7. E-mail written on behalf of the Council for British Archaeology dated 7 January 2015.
8. E-mail from the occupier of Flat 2, Montagu House, 33-34 Paddington Street dated 24 November 2014.
9. E-mail from the occupier of Flat 3, Montagu House, 33-34 Paddington Street dated 24 November 2014.
10. Online response from the occupier of 2 Sherlock Mews dated 26 November 2014.
11. Online response from the occupier of 6 Sherlock Mews dated 26 November 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – jpalm@westminster.gov.uk

DRAFT DECISION LETTER

Address: 96-98 Baker Street and 14 Sherlock Mews, London, W1U 6TJ

Proposal: Demolition of rear facade of Nos. 96-98 Baker Street and front and rear facades of No. 14 Sherlock Mews, use of first to fourth floors of Nos. 96-98 Baker Street as eight residential flats (Class C3), amalgamation of flats at first and second floors of No. 14 Sherlock Mews into a maisonette (Class C3), erection of replacement shopfronts to Baker Street facade, erection of replacement rear facade to Nos. 96-98 Baker Street, erection of replacement facades to No. 14 Sherlock Mews, alterations at roof level, and other associated external alterations.

Plan Nos: P_01b, 02c, 03b, 04b, 05b, 06b, 07b, 08a, 09c, 10b, 11b, 12b, 13b, 15a, 16b, 17a and 18a, and D_01, 02a, 03a, 04a, 05, 06a, 07a, 08b, 09b, 10, 11b, 12b and 14.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of detailed drawings at 1:10 of the following parts of the development - all new windows, shopfronts and external doors. You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26CB)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 6 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

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

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

Reason:

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

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 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 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 12 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 13 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 14 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of

more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 15 You must only use the garage shown an approved Dwg. No. P_01 Rev. B for people living within the residential maisonette at first and second floor levels of No. 14 Sherlock Mews to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 16 The cycle parking area shown on approved drawing P_01 Rev. B shall be fitted so that it is capable of storing at least eight bicycles prior to the occupation of any of the flats within Nos. 96-98 Baker Street hereby approved. Thereafter the cycle spaces must be retained, access provided to all of the occupants of the flats within Nos. 96-98 Baker Street and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must not use the roof of No. 14 Sherlock Mews for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 18 The glass that you put in the windows serving the second floor bathroom and landing of No. 14 Sherlock Mews must not be clear glass and you must fix restrictors to these windows so that they do not open by more than 100mm.

You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 19 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

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

Reason:

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

- 21 You must provide the waste store shown on the approved drawings before anyone moves into any of the flats hereby approved. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 22 You must apply to us for approval of detailed plans and sections showing the following alteration(s) to the scheme:

- The replacement of the flat roof of No. 14 Sherlock Mews with a 'living roof'.
- Manufacturer's specification and species list for the living roof.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work in its entirety prior to the occupation of any of the flats hereby approved and in accordance with the approved drawings, manufacturer's specification and species list. (C26UB)

Reason:

To increase the biodiversity of the environment and to reduce surface water run-off, as set out in S30 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013, ENV 4, ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policies 5.10, 5.13, 7.19 of the London Plan (adopted March 2015). (R43FB)

- 23 You must not use any part of the development until we have approved appropriate arrangements to secure the following.

- Car club membership for each of the eight flats within Nos. 96-98 Baker Street for a period of 25 years.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To reduce the impact of the increase in residential units on on-street car parking stress, as required by Policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

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

Redesign of the Baker Street shopfronts in a traditional style, in accordance with the City Council's UDP policy DES 5 and supplementary planning guidance 'Shopfronts, Blinds and Signs'.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.

You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

- 3 Conditions 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

DRAFT DECISION LETTER

- Address:** 96-98 Baker Street and 14 Sherlock Mews, London, W1U 6TJ
- Proposal:** Demolition of rear facade of Nos. 96-98 Baker Street and front and rear facades of No. 14 Sherlock Mews, erection of replacement shopfronts to Baker Street facade, erection of replacement rear facade to Nos. 96-98 Baker Street, erection of replacement facades to No. 14 Sherlock Mews, alterations at roof level, and other associated internal and external alterations.
- Plan Nos:** P_01b, 02c, 03b, 04b, 05b, 06b, 07b, 08a, 09c, 10b, 11b, 12b, 13b, 15a, 16b, 17a and 18a, and D_01, 02a, 03a, 04a, 05, 06a, 07a, 08b, 09b, 10, 11b, 12b and 14.
- Case Officer:** Mark Hollington **Direct Tel. No.** 020 7641 2523

Recommended Condition(s) and Reason(s):

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

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

- 2 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 listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must apply to us for approval of detailed drawings at 1:10 of the following parts of the development:

- All new windows, shopfronts and external doors.

You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26CB)

Reason:
To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must apply to us for approval of samples 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 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. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Redesign of the Baker Street shopfronts in a traditional style, in accordance with the City Council's UDP policy DES 5 and supplementary planning guidance 'Shopfronts, Blinds and Signs'.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

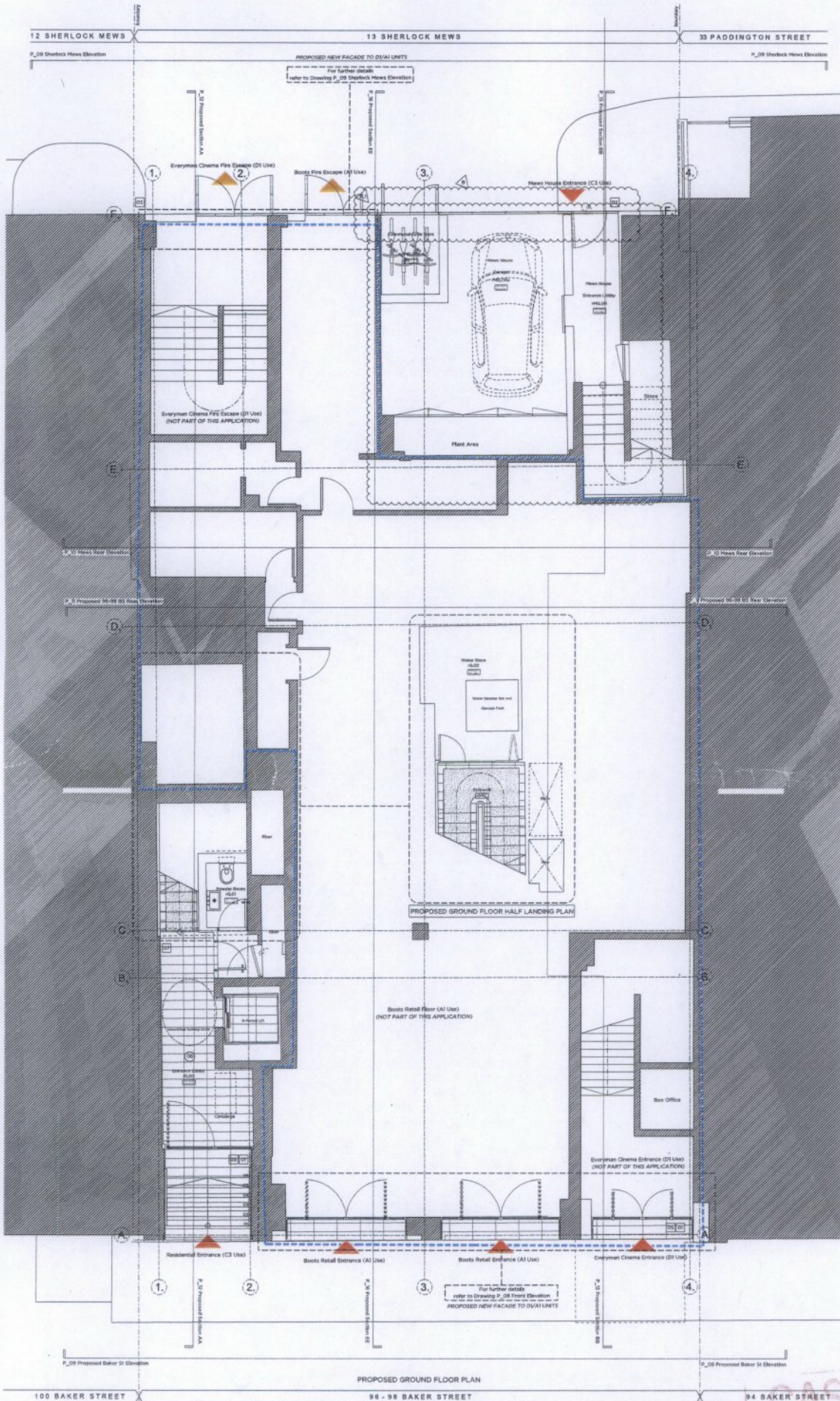
Informative(s):

- 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 March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.



Proposed Legend

[Symbol]	Existing structure / ground	[Symbol]	Proposed floor slab
[Symbol]	New wall / partition	[Symbol]	Proposed floor finish
[Symbol]	Outline of existing building	[Symbol]	Proposed carpet finish
[Symbol]	Line indicating location of A/D/EI walls (not part of this application)	[Symbol]	Proposed floor level
[Symbol]	Proposed access finish	[Symbol]	Block
[Symbol]	Proposed access floor	[Symbol]	Slab roof floor

- Accession Number Column Key**
- 1 Parking space (capacity of 1 vehicle to 2000mm)
 - 2 Street adjacent to front parking
 - 3 Level adjacent to building
 - 4 Accessible threshold - covered and lit
 - 5 Provision for a future step lift
 - 6 Width of steps and full allow wheelchair access
 - 7 Turning circle for wheelchair to ground floor lobby main
 - 8 Entrance level lobby space
 - 9 Potential for temporary entrance level backspace
 - 10 Accessible entrance level WC/盥洗室/盥洗室
 - 11 WC and bathroom with toilet to take adaptations
 - 12 Space for future through-floor lift to bedroom
 - 13 Entry route for lift to level bedroom to bathroom
 - 14 Bathroom adjacent to open plan rooms for WC and bath
 - 15 Live wireless c/s
 - 16 Staircase and service controls at convenient height

- Proposed Notes**
- 1 New proposed facade to DV/A1 units.
 - 2 New proposed facade to DV/A1 units.
 - 3 New proposed facade to DV/A1 units.
 - 4 New proposed facade to DV/A1 units.
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 - 37 New proposed facade to DV/A1 units.

Revisions

Rev A	1. Amendments to New Entrance / Glass Facade - Amendment of 1000mm glass in ground floor lobby & red line drawing area of 300mm	
Rev B	1. Change to corner floor / walling arrangement at rear of main building and walls, refer to P_08 for further details.	
Rev D	05/03/2016	Issued for Planning
Rev A	28/03/2016	Issued for Planning
Rev C	16/03/2016	Issued for Planning

PLANNING

Project No: 14047

Client: Marylebone Investments Ltd.

Date: October 2014

Scale: 1:100 @ A3 / 1:50 @ A1

Project: 96 - 98 Baker Street W1U

Drawing Title: Proposed Ground Floor Plan

Drawing No: P_01

Sheet: 1 of 1

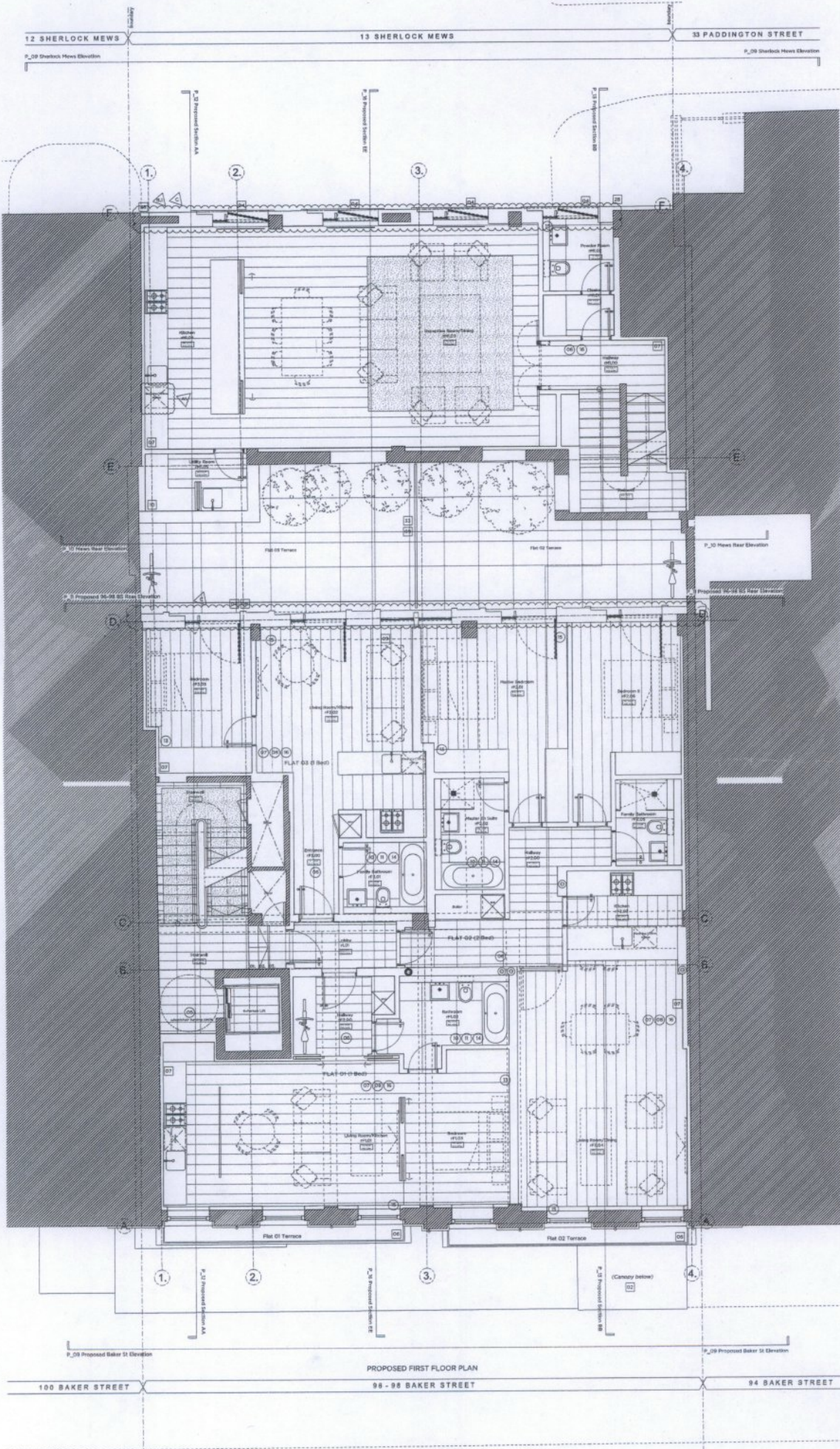
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Checked: MW

Marek Wojciechowski Architects

28 Margaret Street W1P 9LE T: 020 7480 9208 www.mwarc.co.uk

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Proposed Layout

	Existing structure / ground
	New wall / partition
	Outline of existing building
	Outline of new structure / ground
	Proposed stone brick
	Proposed tile floor
	Proposed carpet floor
	Proposed timber floor
	Slab
	Slab roof slab

- Building Human Criteria (BHC)**
- 1. Parking spaces (Capacity of vehicles to 1000mm)
 - 2. Short distance from Parking
 - 3. Level approach to dwelling
 - 4. Accessible threshold - covered and lit
 - 5. Provision for a future car lift
 - 6. Height of stairs not to exceed residential access
 - 7. Turning circle for wheelchair in proposed floor being used
 - 8. Through door being used
 - 9. Provision for temporary entrance level and space
 - 10. Accessible entrance level (WC/shower entrance)
 - 11. WC and bathroom with ability to take wheelchair
 - 12. Space for future through-floor lift to bathroom
 - 13. Day room for toilet from bathroom to bathroom
 - 14. Bathroom planned to give clear access to WC and bath
 - 15. Clear wheelchair lift
 - 16. Details not suitable for wheelchair

- Proposed Plan**
- 17. New residential space to be provided within the site
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 - 100. New residential space to be provided within the site

Revisions

Rev A	1. Rectifying BHC entries for floors below	
Rev B	1. New BHC 300 Access within 10m details of 12 Sherlock Mews & red line	
Rev C	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev D	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev E	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev F	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev G	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev H	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev I	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev J	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev K	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev L	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev M	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev N	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev O	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev P	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev Q	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev R	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev S	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev T	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev U	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev V	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev W	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev X	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev Y	1. Change to landscaping arrangement in rear of main building and new, Rev A	
Rev Z	1. Change to landscaping arrangement in rear of main building and new, Rev A	

PLANNING

Project No. **14047**

Client: **Marylebone Investments Ltd.**

Date: **October 2014**

Scale: **1:100 @ A3 / 1:50 @ A1**

Project: **96 - 98 Baker Street, W1U**

Drawing Title: **Proposed First Floor Plan**

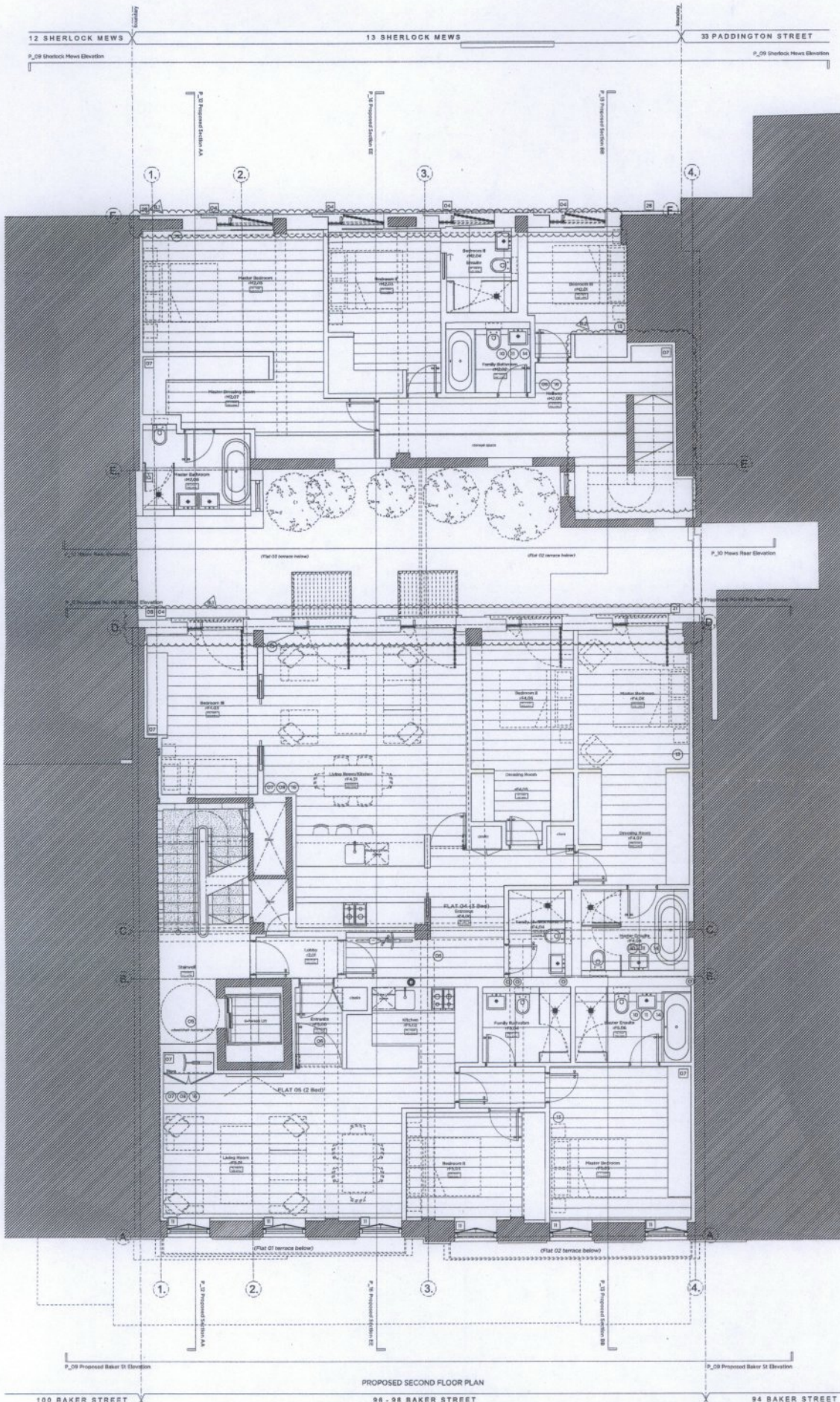
Drawing No.: **P_02**

Drawn	Approved	Checked
TB	MW	

Marek Wojciechowski Architects

28 Margaret Street W1W 8RZ T: 020 7485 9339 www.mwa.co.uk

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Site Plan, Scale 1:500

Proposed Legend

- Existing structure / ground
- New wall / partition
- Outline of existing building
- As per site plan: Line indicates details of ACOI units (not part of this)
- Proposed concrete floor
- Proposed carpet floor
- DNK
- Proposed tile floor
- Proposed timber floor
- Base roof line

Utilities Mains Details Map

- ① Parking space (subject to planning to SDO/DO)
- ② Short distance from Parking
- ③ Level approach to dwelling
- ④ Accessible threshold - covered and lit
- ⑤ Provision for a future car lift
- ⑥ Width of doors and full clear unobstructed access
- ⑦ Turning circle for wheelchair in ground floor living room
- ⑧ Entrance level being raised
- ⑨ Potential for temporary entrance level and space
- ⑩ Accessible entrance level WC/ shower enclosure
- ⑪ WC and bathroom width to be taken into account
- ⑫ Space for future wheelchair access to be built upon
- ⑬ Area clear for wheel from entrance to bathroom
- ⑭ Bathroom adapted in place with access to WC and bath
- ⑮ Live kitchen lift
- ⑯ Stairs and landing cleared in construction height

Proposed Map

- 01 New wall to be erected in accordance with Section 01 for further details.
- 02 New wall to be erected in accordance with Section 01 for further details.
- 03 New wall to be erected in accordance with Section 01 for further details.
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- 100 New wall to be erected in accordance with Section 01 for further details.

Revisions

Rev	Date	Description
Rev A	28.07.2014	Issued for Planning
Rev B	28.07.2014	Issued for Planning
Rev C	14.03.2014	Issued for Planning

PLANNING

Project No. 14047

Client: Marylebone Investments Ltd.

Date: October 2014

Scale: 1:100 @ A3 / 1:50 @ A1

Project: 96 - 98 Baker Street, W1U

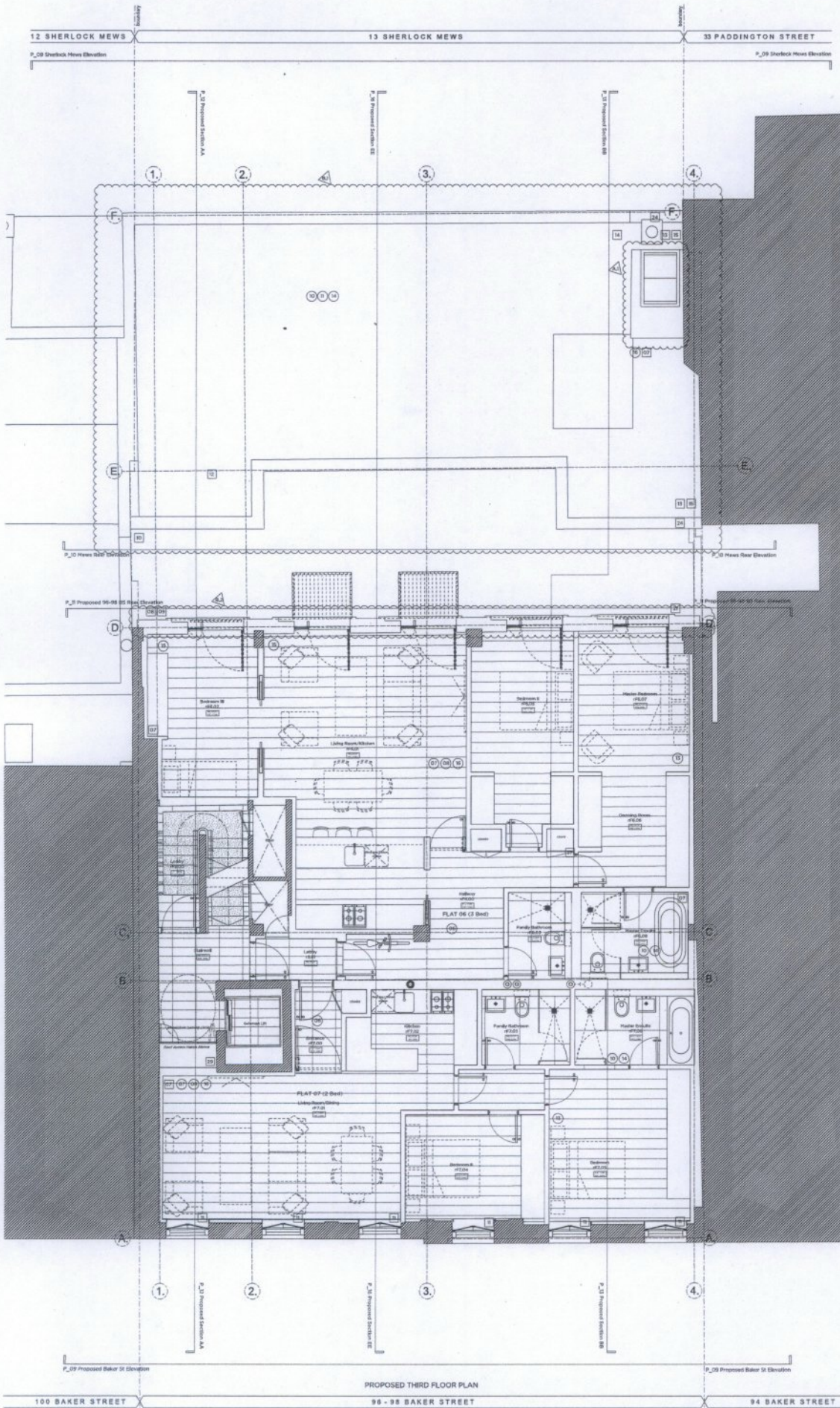
Drawing Title: Proposed Second Floor Plan

Drawing No.: P_03 B

Drawn: TB Approved: MW

Marek Wojciechowski Architects

1, 655 7880 8154 www.mwa.co.uk



Site Plan, Scale 1:2000

Proposed Legend

- Existing structure / ground
- New wall / partition
- Outline of existing building
- Line indicates change of level with cross part of site
- Proposed stone finish
- Proposed carpet finish
- Block
- Proposed tile floor
- Proposed timber floor
- State roof tile

Lineation Number Criteria for:

- 01: Height above ground level of existing to 1000mm
- 02: Short distance from parking
- 03: Level approach to dwelling
- 04: Accessible threshold - covered and R
- 05: Provision for a future stair lift
- 06: Width of access and full access wheelchair access
- 07: Turning circle for wheelchair to ground floor living room
- 08: Entrance level living space
- 09: Potential for temporary entrance level bath space
- 10: Accessible entrance level WC/bathroom change
- 11: WC and bathroom with ability to take adaptations
- 12: Space for future through-floor lift to bathroom
- 13: Easy route for future access to bathroom
- 14: Bathroom planned to offer able access to WC and bath
- 15: Low wall/line etc.
- 16: Details and services details at construction height

Proposed Key:

- 01: New window frame replacement with UPVC
- 02: New window frame replacement with UPVC
- 03: New window frame replacement with UPVC
- 04: New window frame replacement with UPVC
- 05: New window frame replacement with UPVC
- 06: New window frame replacement with UPVC
- 07: New window frame replacement with UPVC
- 08: New window frame replacement with UPVC
- 09: New window frame replacement with UPVC
- 10: New window frame replacement with UPVC
- 11: New window frame replacement with UPVC
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- 13: New window frame replacement with UPVC
- 14: New window frame replacement with UPVC
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- 19: New window frame replacement with UPVC
- 20: New window frame replacement with UPVC
- 21: New window frame replacement with UPVC
- 22: New window frame replacement with UPVC
- 23: New window frame replacement with UPVC
- 24: New window frame replacement with UPVC
- 25: New window frame replacement with UPVC
- 26: New window frame replacement with UPVC
- 27: New window frame replacement with UPVC

Notes

Note A: 1. Wall/door level extended to roof level. 2. Not the finishing area of 12th floor.

Note B: 1. Floor extension to space to be completed.

Note C: Change to floor/ceiling arrangement of use of 12th building and down, refer to P_28 & P_29 for further details.

Rev B	20.12.2019	Issued for Planning
Rev A	08.12.2014	Issued for Planning
Rev -	04.12.2014	Issued for Planning

PLANNING

14047

Client: Marylebone Investments Ltd.

Date: October 2014

Scale: 1:100 @ A3 / 1:50 @ A1

Project: 96 - 98 Baker Street, W1U

Drawing Title: Proposed Third Floor Plan

Drawing No: P_04 / B

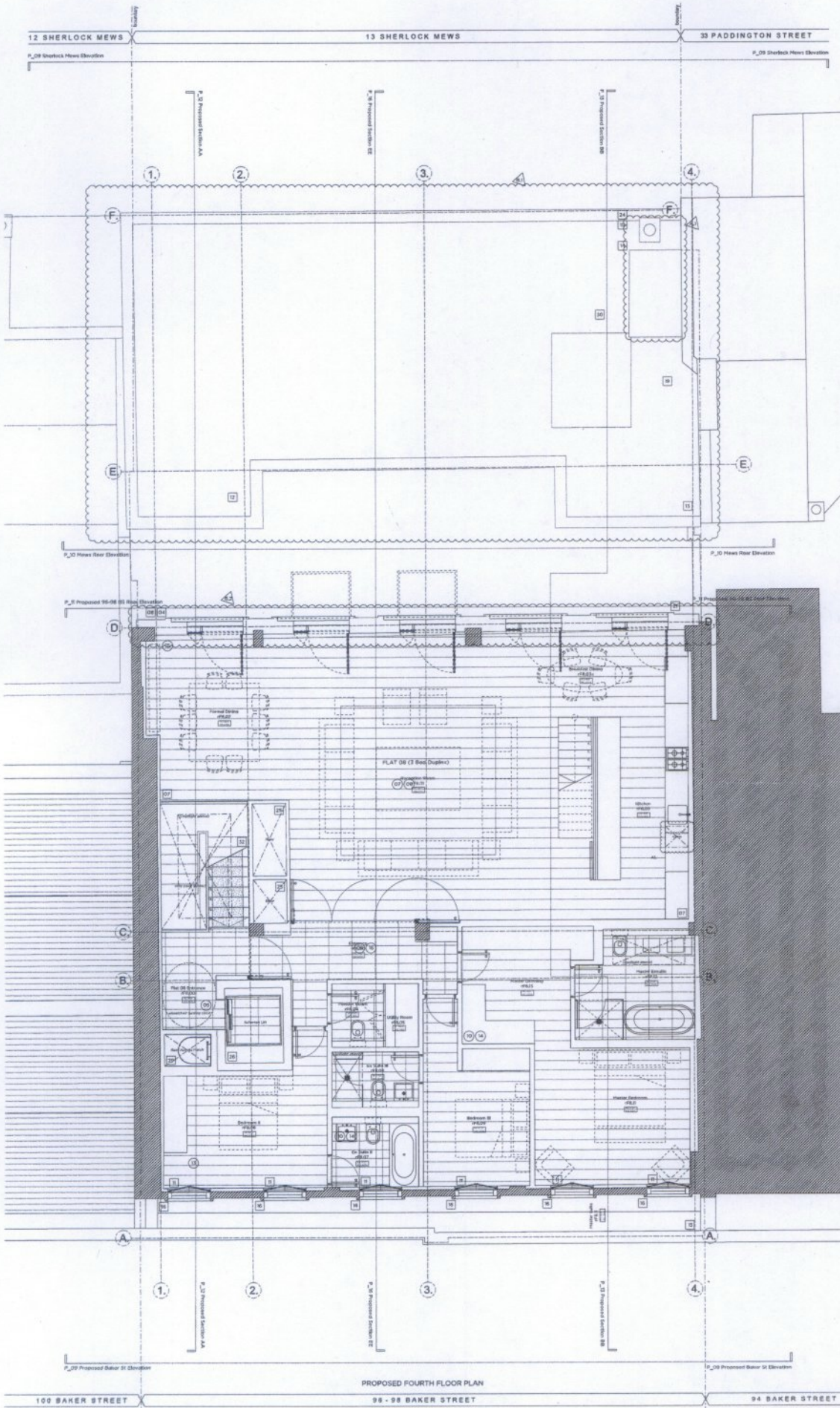
Drawn: TB Approved: MW Signed:

Marek Wojciechowski Architects

1, 222 1080 8330 www.mwa.co.uk

28 Margaret Street W1W 9EJ

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- Proposed Legend**
- Existing structure / ground
 - New wall / partition
 - Outline of existing building
 - Line indicates division of ACP units (not part of the structure)
 - Proposed concrete floor
 - Proposed carpet floor
 - Deck
 - Proposed tile floor
 - Proposed timber floor
 - Glass roof deck
- Building Name Colour Key**
- Parking space (outside of building to 33/35/37)
 - Short distance from parking
 - Level approach to building
 - Accessible threshold - covered and lit
 - Provision for a future cycle BT
 - Width of stairs and full door wheelchair access
 - Turning circle for wheelchair in ground floor living room
 - Entrance front living space
 - Provision for temporary entrance level backdrop
 - Accessible entrance level (WC/ shower change)
 - WC and bathroom with facility to take wheelchairs
 - Space for future through-floor BT to bathroom
 - Stay made for better front entrance to bathroom
 - Bathroom chamber to allow able access for WC and bath
 - Low ceiling height
 - Access and service controls at convenient height
- Proposed Key**
- New window frame proposed with glazing. Note: In consultation with the Council for further details. Note: In consultation with the Council for further details.
 - New window frame proposed with glazing. Note: In consultation with the Council for further details. Note: In consultation with the Council for further details.
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Revisions

- Rev A: Unintentional detail omitted in roof level A and B elevating area of 04, above
- Rev B: Revolving the cabinet to floor level
- Rev C: Detail omitted in plan for kitchen
- Rev D: Change in floor level arrangement in rear of main building and rear, later
- Rev E: Rev A, B, C, D for further details

Rev B	16/03/2016	Issued for Planning
Rev A	17/03/2016	Issued for Planning
Rev C	14/03/2016	Issued for Planning

PLANNING

Project No. **14047**

Client: **Marylebone Investments Ltd.**

Date: **October 2014**

Scale: **1:100 @ A3 / 1:50 @ A1**

Project: **96 - 98 Baker Street, W1U**

Drawing Title: **Proposed Fourth Floor Plan**

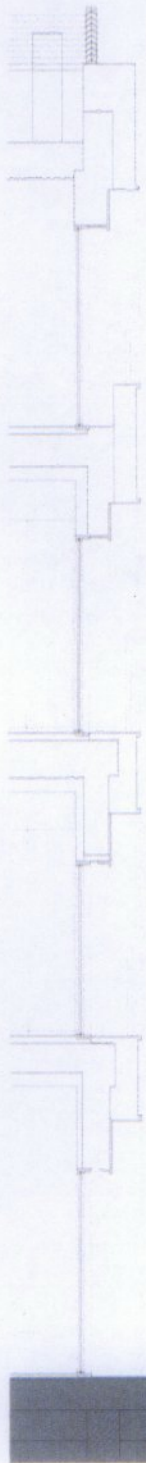
Drawings No. **P_08** Rev. **B**

Drawn: TB	Approved: MW	Checked: MW
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Marek Wojciechowski Architects

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Architectural drawing including a site plan and a detailed list of specifications or notes in Polish.

Specyfikacja Wykonania

- 1. Wykonanie muru ceglany z cegły pełnej, koloru czerwonego.
- 2. Wykonanie tynku zewnętrznej elewacji.
- 3. Wykonanie malowania elewacji farbami.
- 4. Wykonanie stolarki okiennej drewnianej, koloru naturalnego.
- 5. Wykonanie stolarki balkonowej metalowej, koloru srebrnego.
- 6. Wykonanie stolarki drzwiowej drewnianej, koloru naturalnego.
- 7. Wykonanie stolarki drzwiowej metalowej, koloru srebrnego.
- 8. Wykonanie stolarki drzwiowej stalowej, koloru srebrnego.
- 9. Wykonanie stolarki drzwiowej aluminiowej, koloru srebrnego.
- 10. Wykonanie stolarki drzwiowej PCV, koloru białego.
- 11. Wykonanie stolarki drzwiowej PCV, koloru czarnego.
- 12. Wykonanie stolarki drzwiowej PCV, koloru szarego.
- 13. Wykonanie stolarki drzwiowej PCV, koloru czerwonego.
- 14. Wykonanie stolarki drzwiowej PCV, koloru zielonego.
- 15. Wykonanie stolarki drzwiowej PCV, koloru niebieskiego.
- 16. Wykonanie stolarki drzwiowej PCV, koloru fioletowego.
- 17. Wykonanie stolarki drzwiowej PCV, koloru różowego.
- 18. Wykonanie stolarki drzwiowej PCV, koloru brązowego.
- 19. Wykonanie stolarki drzwiowej PCV, koloru złotego.
- 20. Wykonanie stolarki drzwiowej PCV, koloru srebrnego.
- 21. Wykonanie stolarki drzwiowej PCV, koloru czarnego.
- 22. Wykonanie stolarki drzwiowej PCV, koloru białego.
- 23. Wykonanie stolarki drzwiowej PCV, koloru szarego.
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- 41. Wykonanie stolarki drzwiowej PCV, koloru złotego.
- 42. Wykonanie stolarki drzwiowej PCV, koloru srebrnego.
- 43. Wykonanie stolarki drzwiowej PCV, koloru czarnego.
- 44. Wykonanie stolarki drzwiowej PCV, koloru białego.
- 45. Wykonanie stolarki drzwiowej PCV, koloru szarego.
- 46. Wykonanie stolarki drzwiowej PCV, koloru czerwonego.
- 47. Wykonanie stolarki drzwiowej PCV, koloru zielonego.
- 48. Wykonanie stolarki drzwiowej PCV, koloru niebieskiego.
- 49. Wykonanie stolarki drzwiowej PCV, koloru fioletowego.
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- 100. Wykonanie stolarki drzwiowej PCV, koloru szarego.

PLANNING

14047

Spółdzielnia Mieszkaniowa S.M.

100 p. 100 p. 100 p.

Mieszkołub 100-100 Mieszkołub

100-100

Marek Wojciechowski Architects

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 June 2015	Classification For General Release	
Report of Director of Planning	Wards involved West End		
Subject of Report	113-119 Charing Cross Road and 1-12 Manette Street, London, WC2H 0EB		
Proposal	Use of 113-119 Charing Cross Road, 1-5 Manette Street and the ground, first and second floors of 6-12 Manette Street as a theatre (sui generis) for a temporary period until 31 December 2015.		
Agent	Gerald Eve LLP		
On behalf of	Soho Estates Limited		
Registered Number	15/02554/FULL	TP / PP No	TP/4630
Date of Application	25.03.2015	Date amended/ completed	25.03.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





113-119 CHARING CROSS ROAD AND 1-12 MANETTE STREET, WC2
Page 41

2. SUMMARY

This application relates to 113-119 Charing Cross Road, 1-5 Manette Street and first and second floors of 6-12 Manette Street. The buildings are all connected and comprise the former Foyles bookshop. The site is part of an urban block which is bound by Charing Cross Road to the east and Manette Street to the north. The buildings are unlisted and lie within the Soho Conservation Area.

At the time of the original submission, there were a number of temporary uses within the premises including a cafe, retail units, photography studios and a 'laser quest', despite the fact that the applicant claimed the building was vacant. The building is now completely vacant.

Planning permission is sought for the use of the site as a standalone theatre (sui generis) for a temporary period until 31 December 2015.

The key issues in the determination of this case are:

- The land use implications of the scheme.
- The impact of a theatre use upon the amenity of local residents.

The temporary use of the site as a theatre is considered acceptable in land use, amenity and highways terms. The proposals are considered to accord with relevant Westminster City Plan and UDP policies and are recommended for approval.

3. CONSULTATIONS

THEATRES TRUST

Letter of support received.

WESTMINSTER SOCIETY

No objection.

SOHO SOCIETY

No response.

LONDON BOROUGH OF CAMDEN

No objection.

HIGHWAYS PLANNING MANAGER

No objection in principle, however, no cycle parking or waste storage facilities have been provided.

ENVIRONMENTAL HEALTH

No objection. Applicant should be made aware of 'stress area' licensing hours.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 117; Total No. of Replies: 63.

38 letters of objection and a petition received on the following grounds:

- Loss of existing 'creative' businesses and a community cafe.
- The applicant provided false statements in the covering letter of the application.
- Current tenants are being evicted.

25 letters of support, including letters from The Mayor of London, Arts Council England, Royal Opera House, Timeout, The Barbican, Stratford East.com and Shakespeare's Globe received on the grounds that the not for profit You Me Bum Bum Train Theatre Company is an

innovative interactive theatre that would make a significant contribution to London's cultural offer and would provide positive cultural opportunities for local people.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

This application site comprises 113-119 Charing Cross Road, 1-5 Manette Street and the first and second floors of 6-12 Manette Street and measures approximately 5,600m². The site is part of an urban block which is bound by Charing Cross Road to the east and Manette Street to the north.

The buildings on the site are unlisted, although 113-119 Charing Cross Road is a building of merit, and lies within the Soho Conservation Area. The site falls within the City Council's West End Stress Area with regards to entertainment uses and the Core Central Activities Zone (CAZ).

The application site used to be occupied by the Foyles Bookstore until it moved to 107 Charing Cross Road. The building is currently vacant although at the time the application was submitted in March 2015 it was part occupied by a number of small businesses. There are pre-application discussions taking place with officers regarding the redevelopment of this site.

The surrounding area is in mixed commercial and residential use, with the nearest residential being on the top floors of 6-12 Manette Street. The site benefits from the highest level of accessibility to public transport, to almost all parts of London, via the underground stations of Leicester Square and Tottenham Court Road and multiple bus routes.

4.2 Relevant History

There is none.

5. THE PROPOSAL

Planning permission is sought for the use of these vacant buildings as a theatre (*sui generis*) for a temporary period until 31 December 2015.

The applicant 'You Me Bum Bum Train Company' (YMBBT), a not for profit organisation, is an arts project recognised as a leader in innovative theatre which seeks to engage non-traditional theatre audiences and build confidence and skills in a community of volunteers who build and run the show. YMBBT specialises in producing theatre shows in disused buildings which have not previously been used as arts spaces. Rather than being rooted around one stage, the full building is used so that different scenes can be provided in different rooms and audience members are pseudo participants. Previous productions have included full live orchestras and hosting a chat show for example.

Performances are proposed between 19.00 and 23.30 daily. The applicant has confirmed that during the course of an evening entry to the production is staggered with up to 70 audience members at any one time. Audience members are unaccompanied and can walk around the production, therefore can spend as little or as much time as they wish in the production. A bar for audience members only is also proposed within the basement with opening hours until 01.00 Sunday to Thursday and until 02.00 on Friday and Saturday. The entrance and exit for the theatre will be from Charing Cross Road.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Although vacant, the building has a lawful A1 retail use. Policy S21 of Westminster's City Plan states that existing A1 retail will be protected throughout the City except where the Council considers the unit is not viable, as demonstrated by long term viability. Policy SS5 of the UDP also seeks to protect retail floorspace within the CAZ, though it does set out instances where a change of use may be acceptable.

The concerns of objectors relating to the loss the existing businesses on the site are noted. When the application was originally received by the City Council, there were a number of temporary A1 shop units and a cafe in the building, despite the applicant confirming the site was vacant. However, these tenants have now vacated the building, as of 1 May 2015 and the building is currently empty. The application documents have been corrected and the applicant has explained the temporary nature of the retail units and café that previously occupied the site. Details of the lease arrangements have also been provided. Whilst it is acknowledged that the information provided by the applicant relating to the current occupancy status of the building was incorrect, the Council cannot become involved in private lease arrangements and the application must be assessed on its own merits against City Council policy.

Although the loss of the A1 retail floorspace is contrary to policy, given the temporary nature of the proposals and that the site is due for redevelopment in the near future, the principle of a temporary theatre in this location is considered acceptable. The temporary theatre use will contribute to the cultural offer of this part of the City and more to the character and function of the CAZ than a vacant building. The applicant has agreed to a condition stating that the building must revert to its previous A1 use following the vacation of the premises by YMBBT. This will safeguard the lawful A1 use of the building should redevelopment proposals be delayed.

A temporary theatre use is especially appropriate in this location, being so close to the London theatre district, and the unique type of production would complement the areas more traditional theatres. The proposal is therefore considered to comply with TACE5 of our UDP and S22 of Westminster's City Plan. However, this is subject to the theatre use having no adverse effects on amenity, environmental and traffic terms. This is assessed in Sections 6.3 and 6.4 below.

As a final note, the proposal has the full support of the Westminster Society, The Theatres Trust, The Mayor of London and Arts Council England. Other institutions/bodies including Royal Opera House, Shakespeare's Globe, Timeout, The Barbican and Stratford East.com (who put on the first YMBBT production) have also given their full support to the temporary theatre use proposed.

6.2 Townscape and Design

There are no external alterations proposed as part of this application.

6.3 Amenity

General noise and disturbance

Given the type of theatre use proposed and the location of the site within the mixed use Core CAZ with excellent public transport links, the proposals are generally not considered to raise

concerns in terms of noise and disturbance from audience members arriving or leaving the venue. As the main entrance will be from Charing Cross Road, the residential flats in Manette Street should not be affected by increased noise levels.

Whilst the venue is large it must be remembered that the audience numbers are limited to 70 people at any one time and the entry and exit of audience members will be staggered as a result. This contrasts with a more traditional theatre where audiences arrive and depart at the same time. Given that the audience members are staggered in terms of their arrival and that they can leave the production when they wish, the surrounding area will not experience everyone arriving and leaving at the same time.

There is potential for audience members to stay and have a drink in the ancillary bar area until 01.00 Sunday to Thursday and 02.00 on Friday and Saturday. Given the staggered approach it may be that audience members from earlier on in the evening will have stayed in the bar area, so the total amount of people at the end of the evening could be higher than 70. Although the impact of an extended drinking house is considered to be no different to the numerous bars/ nightclubs in the area which would have similar hours of operation, it is recommended that a condition securing no more than 150 patrons in the bar at any one time, to reduce the potential for noise upon neighbours, from those exiting the building at 01.00 or 02.00.

Environmental Health has advised that the proposed licensed bar will be subject to the Council's Licensing Stress Area Policy.

Subject to the imposition of conditions, the proposal is considered to be acceptable in amenity terms in accordance with Policies ENV6, ENV13 and TACE5 of our UDP and Policies S22, S29 and S32 of the City Plan.

Noise from internal activity

The proposed use as a theatre involves theatre, dance, amplified recorded sound and music and amplified and acoustic live music. It is recommended that the internal noise levels associated with these activities are controlled by our standard noise condition which requires no noise to be audible outside the building. The applicant advises that a key part of the show is that it remains a mystery to unsuspecting audience members and soundproofing is an essential part of this process. Environmental Health do not object to the proposal on noise or environmental grounds. Subject to the imposition of appropriate noise conditions the proposal is considered to comply with Policy ENV6 and ENV7 of our UDP and S32 of Westminster's City Plan.

6.4 Transportation/Servicing

The Highways Planning Manager raises no objection to the principle of the proposal in terms of trip generation given that the proposals are for a temporary period and the high levels of public transport accessibility. Furthermore, given the location of the application site in such close proximity to other entertainment uses, the transport impact is likely to be negligible. In terms of servicing, there is an existing servicing area to the rear of the site, accessed from Manette Street which is to be used for deliveries.

Comment is made that no provision for cycle storage or waste facilities are provided.

Policy TRANS 10 requires one cycle parking per 50 seats, therefore two cycle parking spaces are provided. Given the sites location in close proximity to numerous public transport routes, on-street cycle parking stands and cycle hire stands, it is not considered reasonable to request this from the applicant for a temporary use. The property is considered large enough

to accommodate waste internally and there is larger storage bins within the rear service yard and therefore a condition to secure these details, in this instance is not considered necessary.

6.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated by this temporary use are welcomed.

6.6 Access

There is an existing lift within the building that provides level access to each floor.

6.7 Other Core Strategy/ UDP/Westminster Policy Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.9 Planning Obligations

The proposal does not raise the need for planning obligations.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable.

6.11 Other issues

Not applicable.

6.12 Conclusion

The temporary use of the site as a theatre is considered acceptable in land use, amenity and highways terms subject to conditions to control capacity, opening hours and noise transmission. The proposals are considered to accord with relevant Westminster City Plan Policies S21, S22, S32, S29 and UDP Policies ENV6, TACE 5, TACE 6, SS5 and the scheme is therefore recommended for approval.

BACKGROUND PAPERS

1. Application form.
2. Letter from The Theatres Trust dated 20 April 2015.
3. Letter from Westminster Society dated 21 April 2015.
4. Letter from London Borough of Camden dated 26 May 2015.
5. Memorandum from Highways Planning Manager dated 29 April 2014.
6. Memorandum from Environmental Health dated 4 June 2015.

Objections:

7. Letter from occupier of 184 Burrage Road dated 3 April 2015.
8. Letter from occupier of 80 Lynwood Drive dated 3 April 2015.
9. Letter from occupier of 236a Langam Road dated 5 April 2015.
10. Letter from occupier of 11a Ronald Road dated 5 April 2015.
11. Letter from occupier of 12 Booth Close dated 10 April 2015.
12. Letter from occupier of Flat 6, 52 Rupert Street dated 10 April 2015.
13. Letter from occupier of 33 Germander Way dated 11 April 2015.
14. Letter from occupier of 16 Bowers Road dated 13 April 2015.
15. Letter from occupier of A3 Greenman Street dated 14 April 2015.
16. Letter from occupier of 14 Hillcrest Road dated 17 April 2015.
17. Letter from occupier of 25 Goldcrest Close dated 17 April 2015.
18. Letters from occupiers of 74 Kynaston Road dated 20, 21 and 24 April 2015.
19. Letter from occupier of 33 Alderney Road dated 24 April 2015.
20. Letter from occupier of 17 Kenilworth Road dated 23 April 2015.
21. Letter from occupier of 19 Riverton Close dated 24 April 2015.
22. Letter from occupier of 134a Kingsland Road dated 24 April 2015.
23. Letter from occupier of 3 Normanhurst dated 24 April 2015.
24. Letter from occupier of 82 Wentworth Street dated 24 April 2015.
25. Letter from occupier of 83b Voss Street dated 24 April 2015.
26. Letter from occupier of 145 Hunters Hall Road dated 24 April 2015.
27. Letter from occupier of 56 Wicksteed House dated 24 April 2015.
28. Letter from occupier of 54 Taunton Way dated 24 April 2015.
29. Letter from occupier of 22a Sydney Road dated 24 April 2015.
30. Letter from occupier of Flat 12, 36 Hayter Road dated 24 April 2015.
31. Letter from occupier of 75 Coronation Drive dated 24 April 2015.
32. Letter from occupier of 22 Rennie House, Bath Terrace dated 24 April 2015.
33. Letter from occupier of 74 London Road dated 25 April 2015.
34. Letter from occupier of 30 Corfe Avenue dated 25 April 2015.
35. Letter from occupier of 82 Hereford House dated 25 April 2015.
36. Letter from occupier of 38 Stanhope Road dated 27 April 2015.
37. Letter and petition signed on behalf of 133 people dated 28 April 2015.
38. Letter from occupier of 19b Alma Road dated 1 May 2015.
39. Letters from The Old Cafe dated 27, 28 April, 5 May, 28 May and 3 June 2015.
40. Emails from Cyber Art London dated 8, 10 and 14 May 2015.

Support:

42. Letter from The Mayor of London dated 7 May 2015.
43. Letter from The Barbican dated 8 May 2015.
44. Letter from Stafford East.com dated 11 May 2015
45. Letter from The Royal Opera House dated 11 May 2015.
46. Letter from TimeOut dated 13 May 2015
47. Letter from The Arts Council England received 18 May 2015.
48. Letter from Shakespeare's Globe dated 27 May 2015.
49. Letter from occupier of 22 Lea Bridge Road dated 15 April 2015.
50. Letter from occupier of 7 Silver Tree Lane dated 24 April 2015.

51. Letter from occupier of 23 Stanton Road dated 25 April 2015.
52. Letter from occupier of 77b Arbutnot Road dated 7 May 2015.
53. Letters from occupiers of 10 St Peter's Place dated 8 and 9 May 2015.
54. Letter from occupier of Flat 6, 30 Smith Square dated 8 May 2015.
55. Letter from occupier of 8 Glenhurst Court, Farquhar Road dated 8 May 2015.
56. Letter from occupier of 228 Castellain Mansions, Castellain Road dated 9 May 2015.
57. Letter from occupier of 29c Bonnington Square dated 9 May 2015.
58. Letter from occupier 25a Balcombe Street dated 9 May 2015.
59. Letter from occupier of 697 Fulham Road dated 9 May 2015.
60. Letter from occupier of 39 Greville Hall, Greville Place dated 9 May 2015.
61. Letter from occupier of 3 Park House, 2 Albert Bridge Road dated 9 May 2015.
62. Letter from occupier of 9 Eyre Court, 3-21 Finchley Road dated 9 May 2015.
63. Letter from occupier of 253 South Lambeth Road dated 9 May 2015.
64. Letter from occupier of 12 Gladstone Court, 97 Regency Street dated 10 May 2015.
65. Letter from occupier of 10 Bryanston Mews East dated 10 May 2015.
66. Letter from occupier of 20 Westbourne Street dated 11 May 2015.
67. Letter from occupier of Flat 5, 75 York Street dated 11 May 2015.
68. Letter from occupier of 4 The Porticos dated 11 May 2015.
69. Letter from occupier of 60 Inverness Terrace dated 12 May 2015.
70. Letter from occupier of 203B Bravington Road dated 15 May 2015.
71. Letter from Create London received 15 May 2015.
72. Letter from FilmLight, 14-15 Manette Street dated 22 May 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 113-119 Charing Cross Road and 1-12 Manette Street, London, WC2H 0EB
- Proposal:** Use of 113-119 Charing Cross Road, 1-5 Manette Street and the ground, first and second floors of 6-12 Manette Street as a theatre (sui generis) for a temporary period until 31 December 2015.
- Plan Nos:** Covering Letter dated 12 May 2015; Site Location Plan; Existing Plan Level B1 Rev A; Existing Plan Level 00 Rev A; Existing Plan Level 01 Rev A; Existing Plan Level 02 Rev A; Existing Plan Level 03 Rev A; Existing Plan Level 04 Rev A; Proposed Plan Level B1 Rev A; Proposed Plan Level 00 Rev A; Proposed Plan Level 01 Rev A; Proposed Plan Level 02 Rev A; Proposed Plan Level 03 Rev A; Proposed Plan Level 04 Rev A.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The theatre use allowed by this permission can continue until 31 December 2015. After that the land must return to its previous condition and use. (C03AA)
Reason:
As requested by the applicant.
- 3 Customers shall not be permitted within the theatre premises before 18.00 or after 01.00 Sunday to Thursday (not including bank holidays or public holidays) and before 18.00 or after 02.00 Friday and Saturday.
Reason:
To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)
- 4 You must not allow more than 150 customers into the property at any one time. (C05HA)
Reason:
To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)
- 5 The bar area must only be used by audience members and not open to the general public.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the **** use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.


- 8 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

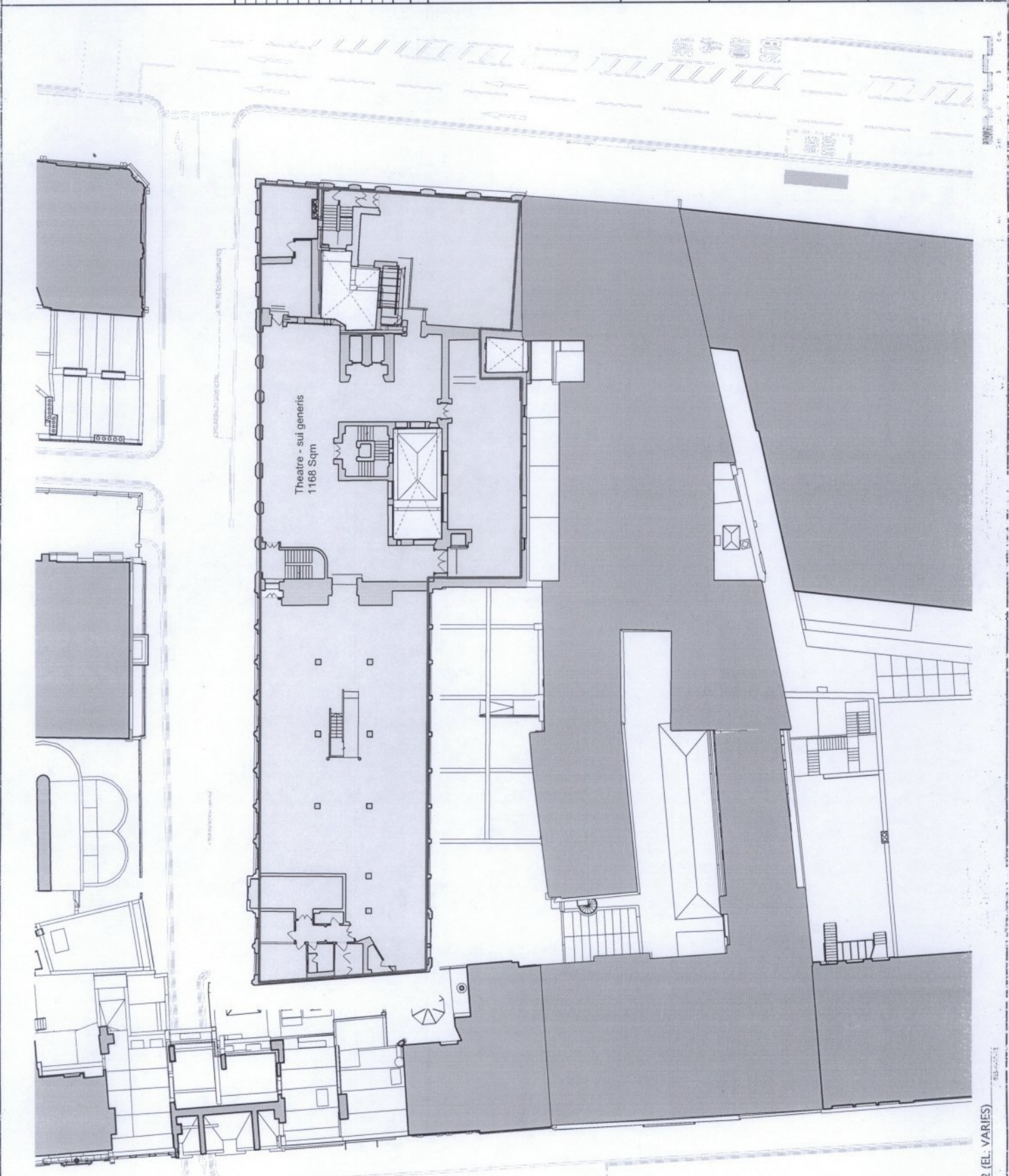
Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

Rev	Date	Reason for Issue	Ck'd	FOR INFORMATION		<p>Client: SOHO ESTATES Soho Estates Portfolio Ltd. 100-102, 104-106, 108-110 Greek Street London W1D 4DL</p>	<p>Project: Theatre - sui generis</p>	<p>Title: Proposed Plan Level 02 EL: VARIES</p>	<p>Scale: @ A1 1:150</p>	<p>Number: 025-A-01-12</p>	<p>Revision: A</p>



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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 June 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	4 Berners Street, London, W1T 3LE		
Proposal	Use of the basement, ground and part third floor as a restaurant (Class A3), installation of a new shopfront, a full height extract duct on the rear elevation and plant within an enclosure at rear third floor level.		
Agent	Rolfe Judd Planning		
On behalf of	Mr G B Boddy		
Registered Number	15/02367/FULL	TP / PP No	TP/5076
Date of Application	17.03.2015	Date amended/ completed	17.03.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





4 BERNERS STREET, W1

2. SUMMARY

Planning permission is sought for the change of use of the basement and ground floor levels of the property to restaurant use (Class A3). External alterations include the installation of a new shopfront and the installation of associated plant, screening and a high level extraction duct at the rear of the property.

The key issues in this case are:

- The loss of the existing retail accommodation and the impact upon surrounding businesses and the character and function of the area.
- The individual and cumulative impact of another restaurant in this location.
- The impact of noise from the proposed plant upon the amenity of nearby residents.

Subject to appropriate conditions, the proposal is considered acceptable in land use, transport, design and amenity terms. The application is therefore recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. CONSULTATIONS

COUNCILLOR GLANZ

Objects to adverse impact upon residents in the vicinity resulting from the operation of the restaurant.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Cycle parking for staff should be provided.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 60; Total No. of Replies: 2.
(Two from one respondent).

Objections raised on the following grounds:

- Loss of retail floorspace.
- Overconcentration of restaurants in this area.
- Noise disturbance from the operation of the plant at the rear of the premises.
- Inaccuracies in the information supporting the planning application.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

4 Berners Street is an unlisted building located within the East Marylebone Conservation Area, West End Stress Area and the Core Central Activities Zone. The property comprises of basement, ground and first to fifth floor levels. The property is currently in use as an A1 retail unit at basement and ground floor levels with residential flats on the upper floors.

4.2 Relevant History

Permission was granted on the 15 May 1996 for the 'use of the basement and ground floor for retail purposes and upper floors as five two bedroom self-contained flats'.

Relevant History on Adjacent Properties:

In relation to 5 Berners Street, planning permission was granted on 29 October 2013 for the 'use of the basement and ground floor for restaurant purposes, installation of full height extract duct (routed internally) venting at roof level, plant at basement level, air intake at rear first floor level, acoustic louvres at rear ground floor. Installation of new shopfronts to Berners Street and Berners Place.'

In relation to 1-2 Berners Street, planning permission was granted on 5 July 2007 for the 'use of basement and ground floor of 2 Berners Street as a restaurant (Class A3), installation of full height extract duct in lightwell and new shopfront.'

5. THE PROPOSAL

Permission is sought for the use of the basement and ground floor as a restaurant premises (Class A3) and to install a high level extract duct on the rear elevation of the premises terminating at main roof level. Plant is also proposed within an acoustic enclosure at rear third floor level and within an existing store / toilet on the communal residential stair. It is also proposed to block up a window serving a residential flat at rear fourth floor level, to facilitate the installation of the high level ductwork.

The total floorspace of the proposed restaurant would be 347.5m² which includes the existing lawful retail unit measuring 335m² (GEA) and a new plant enclosure at rear third floor level measuring 12.5m².

	Proposed restaurant incorporating basement and ground floor level
Total A3 Floorspace (m2)	347.5m ²
No. of covers in restaurant	104
Hours of Operation	08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday and Saturday, 08.00 to 23.00 on Sundays
Ventilation arrangements	Full height kitchen extract duct and a/c units
Refuse Storage arrangements	To be stored within separate refuse and recycling storage areas at basement level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Loss of retail (A1) floorspace:

Planning permission was granted on 15 May 1996 for the use of the basement and ground floor premises as a retail unit. It would appear that the unit has been in retail use since this permission was implemented and is currently occupied by a 'Subway' sandwich bar.

Policy S21 of the City Plan states that 'existing retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long term

vacancy despite reasonable attempts to let'. The supporting text advises that this approach will ensure that the needs of customers and retailers across the city are met through retention of the number of shops and overall amount of retail floorspace.

Policy SS5 of the UDP also seeks to resist the loss of retail floorspace within the Central Activities Zone; outside of the Prime Shopping Frontages the policy aims to encourage a balanced mix of appropriate street level activities, whilst maintaining and safeguarding residential communities.

Policy SS5 (A) states that A1 uses at ground, basement or first floor level in the CAZ and CAZ Frontages will be protected.

Policy SS5 (B) says that planning permission for the introduction of a non-A1 town centre use at basement, ground and first floor level will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Policy SS5 (C) states that proposals for non-A1 uses must not:

1. Lead to, or add to, a concentration of three or more consecutive non-A1 uses.
2. Cause or intensify an existing overconcentration of A3 and entertainment uses in a street or area.

The unit is in very close proximity to the Primary Shopping Frontage of Oxford Street which clearly has a very strong retail character. Whilst the Plaza Shopping Centre occupies the entire western side of Berners Street, the main entrance into the Plaza is from Oxford Street, and there is only a secondary entrance into the shopping centre from Berners Street. On the eastern side of Berners Street (where the unit is located) there is only one other retail unit, namely the Sainsburys at 1-2 Berners Street. The remainder of the eastern side of this part of Berners Street is in restaurant and hotel use. Further north along Berners Street (past the junction with Eastcastle Street) the majority of the ground floor commercial premises are in use as office accommodation, with some sporadic retail and restaurant units. It is therefore not considered that this part of Berners Street has a strong retail character.

It is acknowledged that the proposal would result in five consecutive ground floor premises on the east side of Berners Street in non-A1 use, contrary to Part 1 of Policy SS5. An objection has been received to the application from a residential occupier within Berners Place on the grounds of the loss of retail floorspace. However, this stretch of Berners Street does not have an existing retail character or function which would be detrimentally impacted by the loss of the current retail floorspace. The proposed loss of retail floorspace would consequentially not impact upon the 'vitality or viability of a shopping frontage or locality' as set out in Policy SS5. For this reason it is not considered the loss of retail floorspace can be resisted in this instance and the objections on these grounds cannot be supported.

6.1.2 Loss of residential floorspace:

The proposal involves the creation of a plant room at rear third floor level which incorporates an existing toilet facility within the demise of the residential accommodation. The toilet facility is not associated with any individual flat and instead appears to be a communal facility situated off the main stair for the flats. Whilst the City Council seeks to protect residential floorspace and considers it a priority use within the Borough, it is considered this is an exceptional case and that the loss of this communal toilet would have no impact upon the standard of residential provision in the building. It is also noted that none of the tenants within the block of flats have objected to the application and therefore in the circumstances it is considered an exception to policy can be allowed. A condition is proposed to ensure that this area is only used for plant and is not used for any other restaurant function as this could adversely impact upon the amenity of the residents on the upper floors of the property.

6.1.3 New restaurant use:

As the proposal is for a new entertainment use comprising 335m² it needs to be considered under the TACE policies. Policy TACE9 of the UDP states that permission for restaurant uses (Class A3) of between 150m² – 500m² of gross floorspace inside the Core CAZ and designated West End Stress Area, may be permissible, where the proposed development will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area. Policy S24 of the City Plan also relates to new entertainment uses and has similar policy requirements for units of this size.

Policy TACE9 requires that within Stress Areas, permission will only be granted for restaurant uses (between 150m² and 500m²) where the City Council is satisfied that the proposed development has:

1. No adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of:
 - a) noise
 - b) vibration
 - c) smells
 - d) increased late night activity, or
 - e) increased parking and traffic; and
2. No adverse effect on the character or function of its area.

The site is located on the periphery of the defined West End Stress Area, an area where the numbers of restaurants, cafés, takeaways, public houses, bars and other entertainment uses is considered to have reached a level of saturation. Paragraph 8.89 of the UDP states that “in some parts of the city, particularly in the Stress Areas, there are significant numbers of entertainment premises close together. In such circumstances the City Council will consider whether any additional entertainment proposal, when taken alongside others nearby, will adversely affect residential amenity, local environmental quality, or the character or function of the surrounding area.” An objection has been received to the application stating that the proposal will result in an ‘overconcentration of restaurants’ which could harm residential amenity.

Whilst this proposal would result in five consecutive restaurant premises, it is not considered that Berners Street generally is ‘saturated’ with entertainment premises. Immediately to the south is Oxford Street which is dominated by retail uses whilst to the north there are very few entertainment uses, with the majority of the ground floor commercial premises being in use as office accommodation. It is not therefore considered that an additional restaurant would result in an unacceptable concentration of entertainment uses or harm the character and function of the East Marylebone Conservation Area.

The impact on amenity is considered in Section 6.3.

6.2 Townscape and Design

The existing building is an attractive stone fronted design that makes a positive contribution to the street and surrounding conservation area. While the rear of the building is plain and functional it is typical of buildings of the early 20th century and is pleasant in its simplicity. The external alterations to the rear of the building involve addition of a flue discharging at high level and creation of a screened plant enclosure. At the front, changes to the shopfront are proposed.

In design terms, the proposed duct is sited next to a similar installation on the neighbouring property to the south and it will be painted black. There are also large vertical flues on the rear of the nearby Berners Hotel. Therefore, in this context a further flue would not be out of character and it has been sited to minimise its visual impact in accordance with the City Council's SPG 'A planning guide for food and drink premises'. The faux roof to screen plant at the rear is an acceptable alteration that is considerably better than a louvred screen. However, it should be clad in natural rather than artificial slate. This may be dealt with by condition.

Openable windows to the shopfront are acceptable provided that they are modified so that fixed mullions are retained between each pair of opening windows to accord with relevant supplementary planning guidance in this respect. Subject to this minor revision, the alterations are acceptable in design terms and will accord with UDP Policies DES 1, DES 5, DES 6, DES 9 and DES 10(B), and Westminster's City Plan: Strategic Policies S25 and S28.

6.3 Amenity

6.3.1 Noise

There are a number of residential occupiers within the vicinity of the site including those on the upper floors of the building itself and No. 4 Berners Street, and within the mews at the rear of the site (Berners Place). Permission has also been granted for the residential use of the upper floors of 5 Berners Street to the north.

As set out above, Policy TACE 9 states that permission for new restaurant uses will only be permissible where there would be no adverse effect on residential amenity as a result of noise, vibration, smells or increased late night activity. Councillor Glanz and a residential occupier within an adjacent property object to the application on residential amenity grounds.

It is recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new entertainment uses include the gross floorspace to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

Whilst the application is purely speculative at this stage, the applicant confirms that given the relatively small size of the premises only a total capacity of 104 is proposed. The opening hours of the premises are proposed as 08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday and Saturday and 08.00 to 23.00 on Sundays. This is considered acceptable and in accordance with Paragraph 8.88 of the UDP which states that 'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'. In order to further ensure the protection of residential occupiers in the vicinity, a condition is proposed requiring the submission of an Operational Management Plan to ensure the restaurant is managed effectively. A condition is also proposed to ensure that no more than 15% of the restaurant floor area is used for a bar / bar seating and that drinks can only be served at the bar to restaurant customers, before, during or after their meals. A standard condition is also proposed in relation to noise transference through the building structure to the residential units.

Environmental Health consider the high level extract duct proposed suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity.

The principle of the proposed restaurant is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

6.3.2 Plant

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

As some of the proposed plant will provide refrigeration for the restaurant unit, it would require permission to operate at any time over a 24 hour period. The submitted acoustic report has therefore tested the ability of all of the proposed plant to operate within the stipulated City Council noise criteria over the 24 hour period.

The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows. The report identified a design level criteria of 38dB which is 10dB below the lowest recorded background noise level over the 24 hour period.

The nearest noise sensitive window was identified as being a residential window 2m distant from the plant serving a flat within the property itself.

In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that certain mitigation measures are installed as detailed within the submitted acoustic report. This includes acoustic screening for a number of the units located on the rear third floor flat roof area and the installation of 'in-duct attenuation' for the kitchen extract ducting. With these acoustic mitigation measures in place Environmental Health have confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal subject to conditions. Whilst the objector within Berners Place has objected to the application on the grounds of potential noise disturbance from the proposed plant detrimentally affecting residential amenity, this objection is not considered sustainable given the conclusions of the Acoustic Report and the assessment by Environmental Health.

6.3.3 Shopfront

The proposal includes the installation of a new shopfront which has openable windows above the fixed stallriser. Given that there are residential units on the first floor of the building and within the neighbouring buildings, a condition is proposed to limit the hours of opening of these windows to between 09.00 and 21.30 daily. With this condition in place it is considered the amenity of neighbouring residents is protected.

6.3.4 Residential

To enable the installation of the high level extract duct on the rear elevation of the property it is proposed to infill an existing window serving a bathroom to a residential unit at fourth floor level. The duct would also pass in front of a small window serving a residential kitchen at fifth floor level. (This kitchen is, however, also served by a much larger unobstructed window). No objections have been received to the application from the occupiers of these units and it is noted the applicant is the freeholder of the entire property including the flats. It is considered that the obstruction to these windows would not adversely impact on loss of light or the standard of residential accommodation.

Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that 'vehicular servicing needs of developments are

fully accommodated on-site and off street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development'. No off street servicing is proposed for the proposed use and the site is located within a Controlled Parking Zone, where single yellow lines allow for the loading and unloading of vehicles.

There is no opportunity for off street servicing in this location, however, it is common for premises within this area to be serviced on-street. The application site is within a Controlled Parking Zone (Monday to Friday 08.30 to 18.30) and directly outside the site there are on-street parking bays and a taxi rank immediately to the north (outside the Berners Hotel). The site is also well served by public transport. No objections have been raised by the Highways Planning Manager in relation to impact on parking levels, and despite the objection from a local resident, it is not considered that the use of taxis and private cars would be so significant as to justify refusal on highways grounds. In order to minimise the impact of the proposed use on the road network, it is considered that a delivery service should not operate from the premises, and a condition to this effect has been recommended. A condition is also proposed requiring the submission of a Servicing Management Strategy to ensure that deliveries to the restaurant do not adversely impact upon residential amenity or the road network.

Cycle parking is provided at basement level and a condition is proposed to ensure this is delivered and retained.

6.4 Economic Considerations

Any economic benefits generated are welcome.

6.5 Access

Level access will be provided to the ground floor of the premises and a disabled access toilet will be provided at ground floor level.

6.6 Other UDP/Westminster Policy Considerations

The objector has commented on the accuracy of the land use plan which has been submitted by the applicant in support of their application on the grounds that it does not identify the residential uses on the upper floors of the surrounding buildings. Councillor Glanz supports these concerns. However, the land use plan only shows the ground floor uses of surrounding properties and gives no indication of the uses on the upper floors of surrounding properties. The residential use of the upper floors of surrounding buildings (including the subject building itself) have been taken into account when determining the application and a full assessment of surrounding land uses has been made.

Separate storage areas are indicated at basement level for both waste and recycling materials. A condition is proposed to ensure that these storage areas are provided and retained in place.

6.7 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning

policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.9 Planning Obligations

The application does not raise a requirement for a planning obligation.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The scale of the proposed development does not require the submission of an Environmental Impact Assessment or provide opportunities for additional sustainability measures.

6.11 Conclusion

The proposals are considered acceptable in land use, transport, amenity and design terms and accord with the relevant UDP and City Plan policies. The application is therefore recommended for conditional planning approval

BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Glanz dated 13 April 2015.
3. Memorandum from the Environmental Health Consultation Team dated 14 April 2015.
4. Email from the Highways Planning Manager dated 29 May 2015.
5. Letter and email from the occupier of 9 Berners Place dated 9 April 2015 and 11 April 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – jpalm@westminster.gov.uk

DRAFT DECISION LETTER

Address: 4 Berners Street, London, W1T 3LE

Proposal: Use of the basement, ground and part third floors as a restaurant (Class A3), installation of a new shopfront, a full height extract duct on the rear elevation and plant within an enclosure at rear third floor level.

Plan Nos: Site Location Plan, Acoustic Report dated 11th February 2015, Drawings: (2951) 058, 059, 060, 061, 062, 063, 064, 065.

Case Officer: Matthew Giles **Direct Tel. No.** 020 7641 5942

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 East Marylebone Conservation Area. This is as

set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must 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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- 1) the new plant screen to be clad in natural blue-grey slate,
- 2) the shopfront to have fixed mullions between each pair of opening windows.

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

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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

- (3) Following installation of the plant and equipment, you may apply in writing to the City

Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 9 You must install all the acoustic mitigation measures as described within the acoustic report dated 11th February 2015 at the same time as the plant is installed and maintain it in this manner for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 10 If you choose to provide the bar and bar seating as shown on the submitted drawings, it must

not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the East Marylebone Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 11 The openable element of the shopfront hereby approved shall be fixed shut between the hours of 21.30 and 09.00 daily.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 12 You must not allow more than 104 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 13 Customers shall not be permitted within the restaurant premises before 08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday and Saturday, and 08.00 to 23.00 on Sundays

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 14 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 17 Prior to the occupation of the premises for restaurant purposes, you shall submit and have approved in writing by the local planning authority a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 18 Prior to the occupation of the premises for restaurant purposes, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the restaurant use. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must not operate a delivery service

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 The rear third floor area hereby approved for the installation of plant is only to be used for plant and is not to be used for any other restaurant function.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Conditions 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)

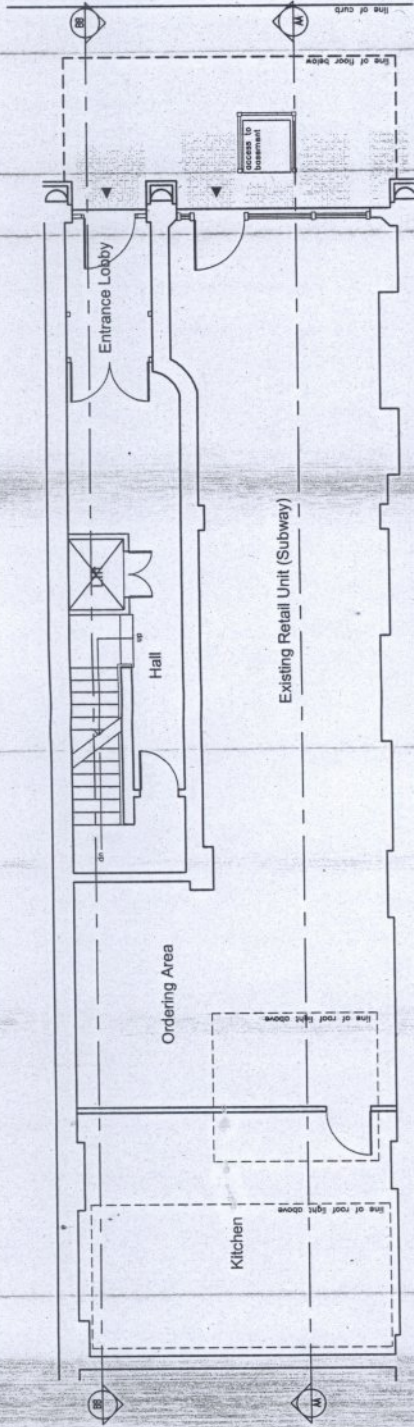
- 3 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
 Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

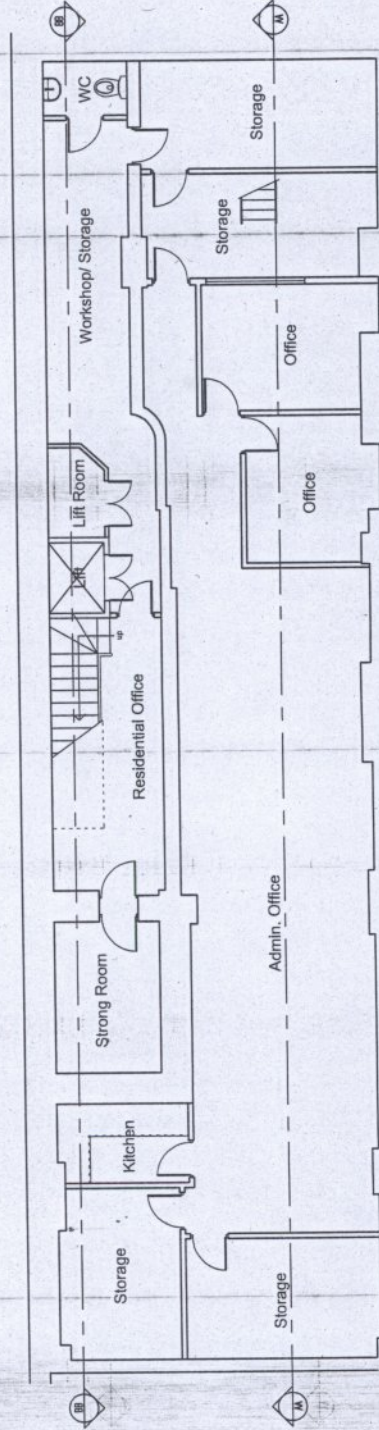
- 5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACMs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (180AB)

- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
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 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 7 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.
Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm
- The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:
- BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances
BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 8 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 9 The kitchen extract duct should be designed to discharge vertically at highest roof level and clear of all existing and proposed windows in the vicinity. We accept systems with a full height level which is higher than any building within 20 metres of the building housing the commercial kitchen.
- 10 All kitchen extract ducts must be fitted with doors/hatches for cleaning, at 3 metre intervals, complying with the H&S safe access standards.

BERNERS STREET



A 051 Ground Floor Plan - Scale 1:100@A3



B 051 Basement Floor Plan - Scale 1:100@A3

SCALE COPY
17 MAR 2015



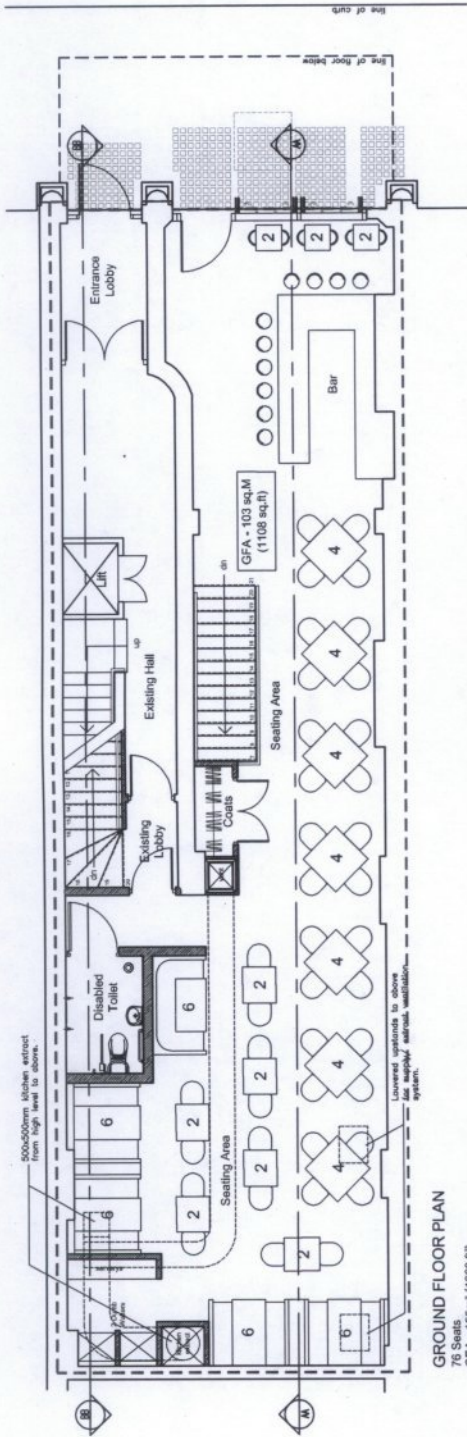
EXISTING BASEMENT & GROUND FLOOR PLAN • SCALE AS SHOWN@A3

NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 051 Rev

M•R PARTNERSHIP
ARCHITECTS AND INTERIOR DESIGNERS

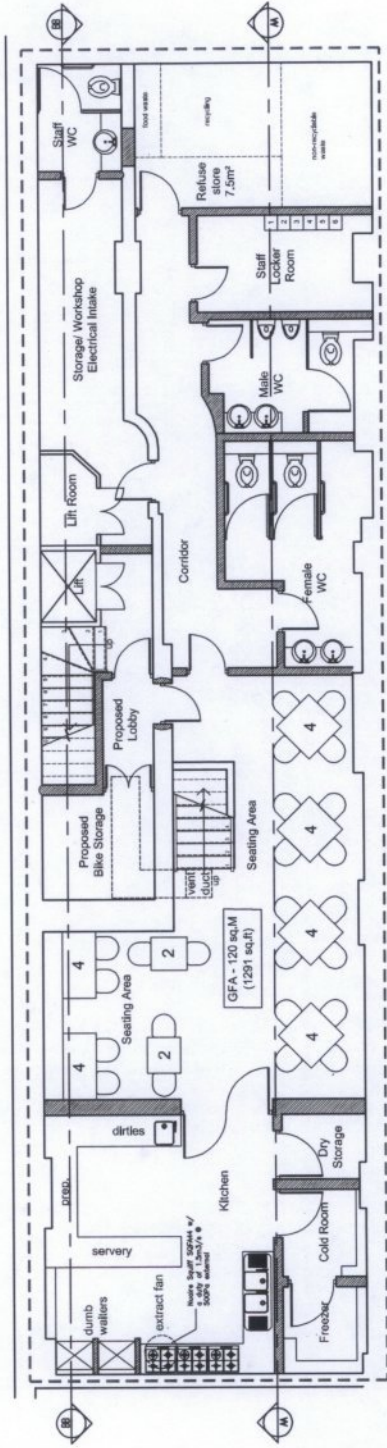


BERNERS STREET



GROUND FLOOR PLAN
76 Seats
GEA - 155m² (1666 ft²)

A
056
Ground Floor Plan - Scale 1:100@A3



BASEMENT FLOOR PLAN
28 Seats
GEA - 180m² (1939 ft²)

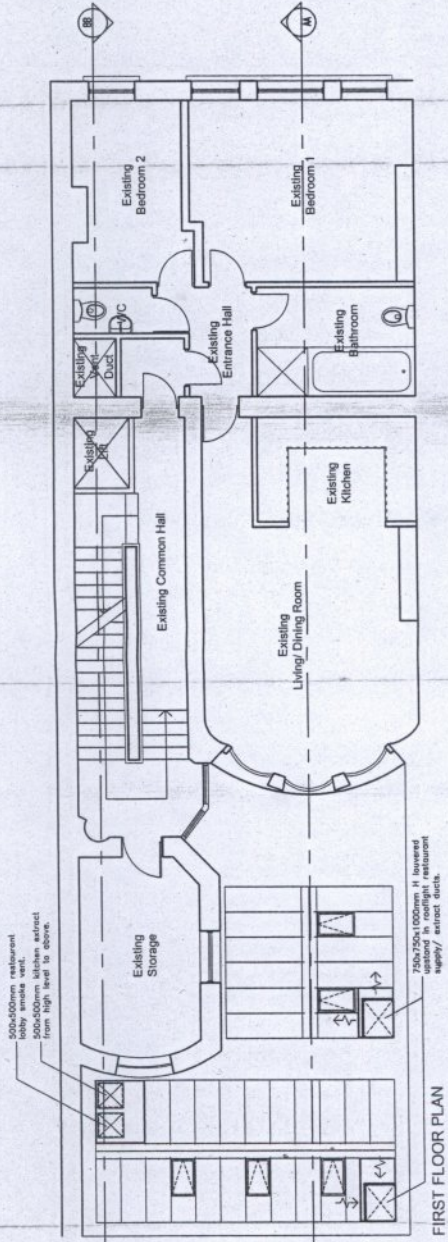
B
056
Basement Floor Plan - Scale 1:100@A3

PLANNING APPLICATION

PROPOSED GROUND & BASEMENT FLOOR PLAN • SCALE AS SHOWN@A3

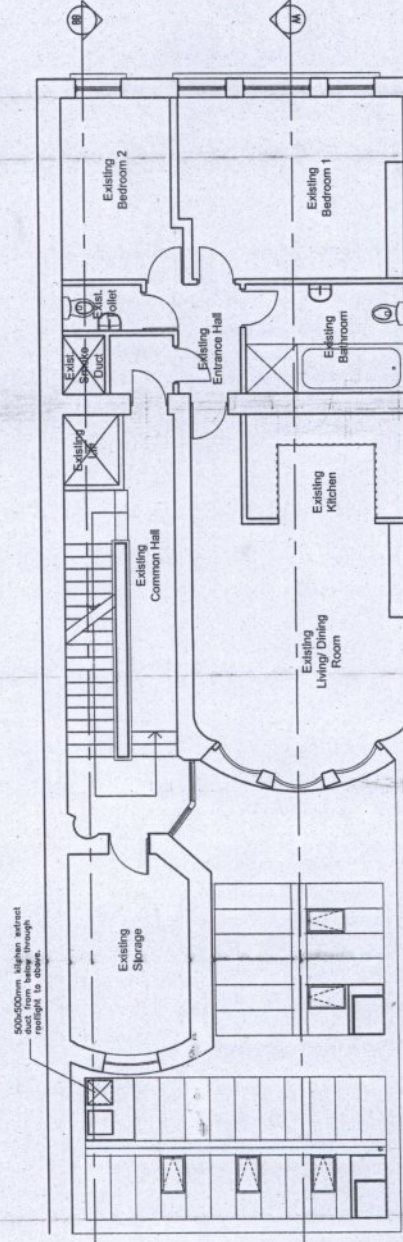
NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: MAY 2015 • DR. No. 2951 058 Rev

M • R PARTNERSHIP
ARCHITECTS AND INTERIOR DESIGNERS



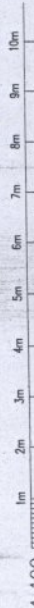
FIRST FLOOR PLAN

A 059 First Floor Plan - Scale 1:100@A3



SECOND FLOOR PLAN

B 059 Second Floor Plan - Scale 1:100@A3



M•R PARTNERSHIP
ARCHITECTS AND INTERIOR DESIGNERS

CASE COPY

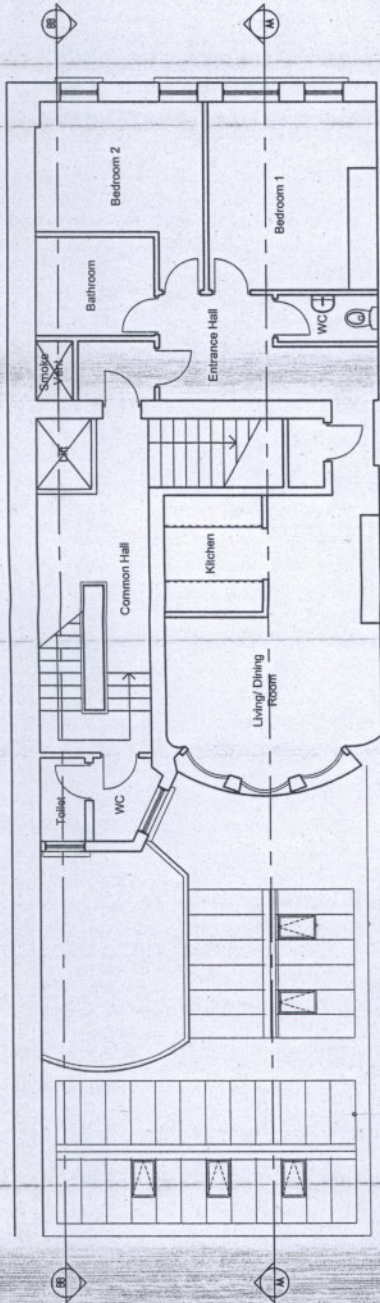
17 MAR 2015

PLANNING APPLICATION

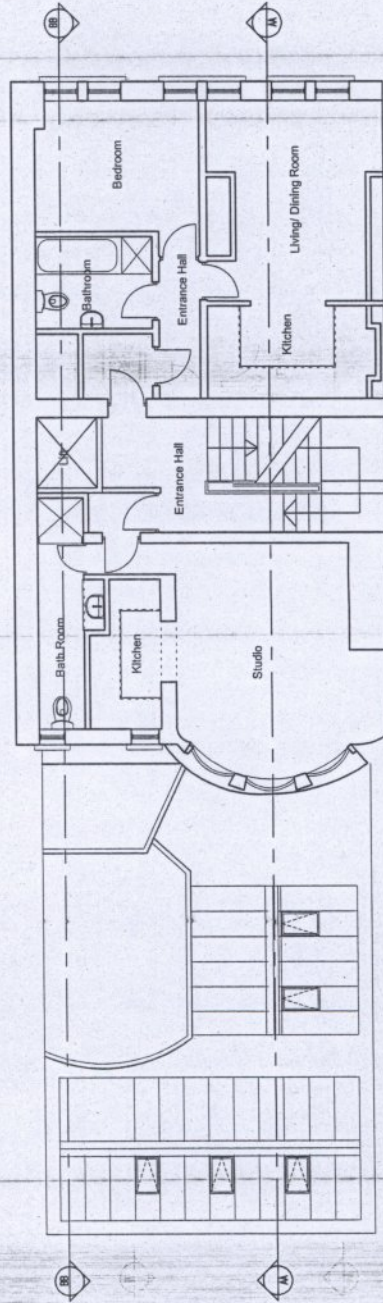
PROPOSED FIRST & SECOND FLOOR PLAN • SCALE AS SHOWN@A3

NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 059 Rev





A 053 Third Floor Plan - Scale 1:100@A3



B 053 Fourth Floor Plan - Scale 1:100@A3

CASE COPY

17 MAR 2015



EXISTING THIRD & FOURTH FLOOR PLAN • SCALE AS SHOWN@A3

NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 053 Rev

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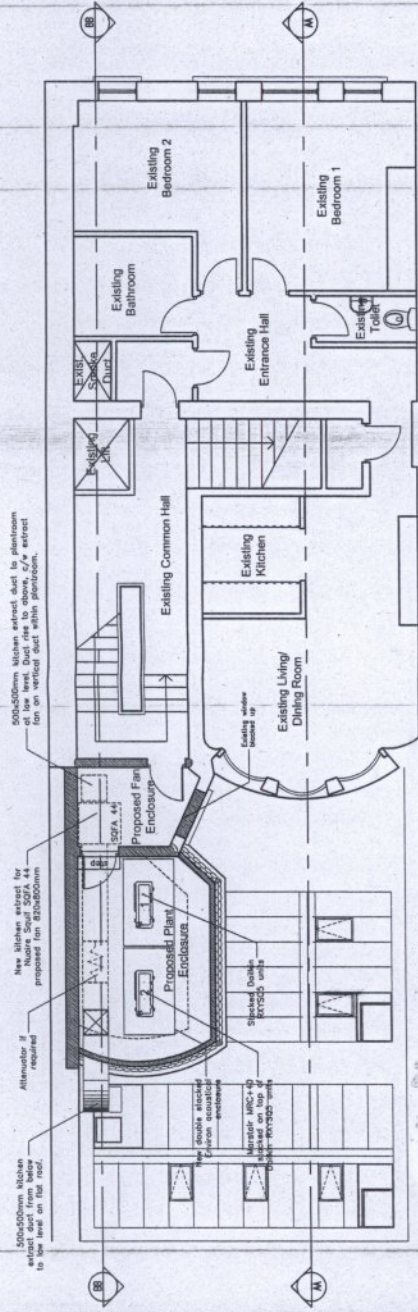
17 MAR 2015



PLANNING APPLICATION

PROPOSED THIRD & FOURTH FLOOR PLAN • SCALE AS SHOWN@A3

NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 060 Rev

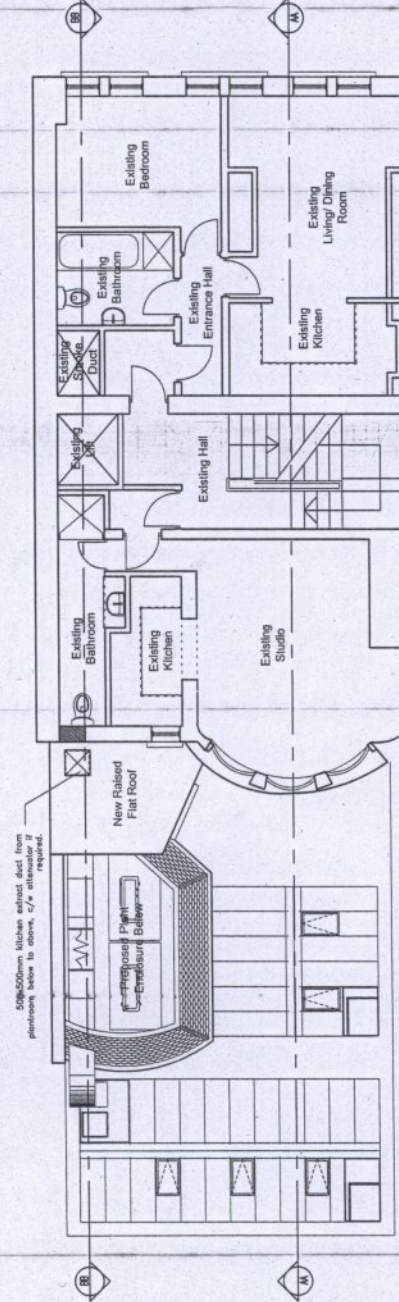


AC Option 1

- 1 - Daktin RYXSOE (No.)
- 2 - Marstair MRCA45 (No.)

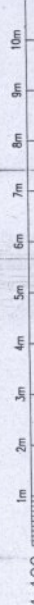
THIRD FLOOR PLAN

A 060 Third Floor Plan - Scale 1:100@A3



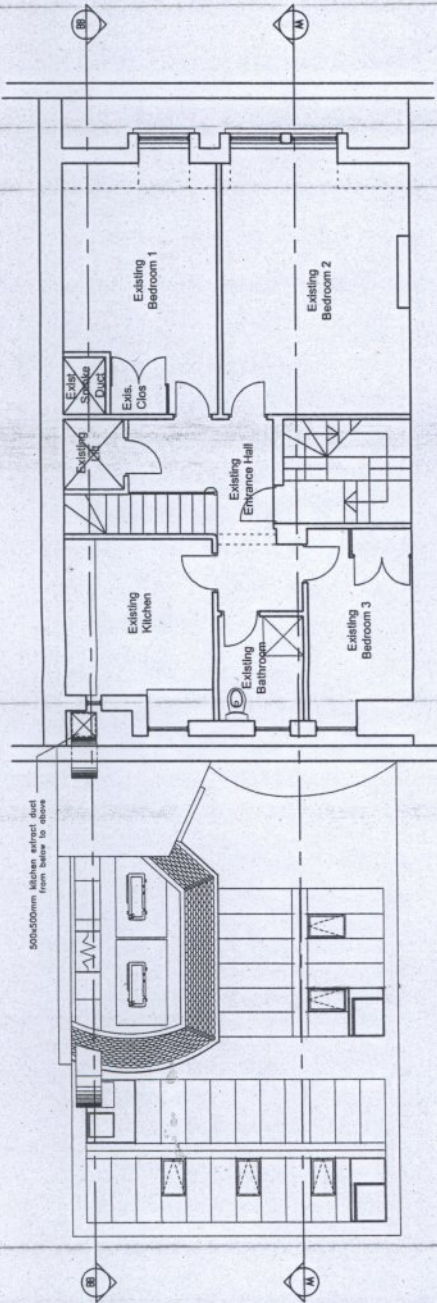
FOURTH FLOOR PLAN

B 060 Fourth Floor Plan - Scale 1:100@A3



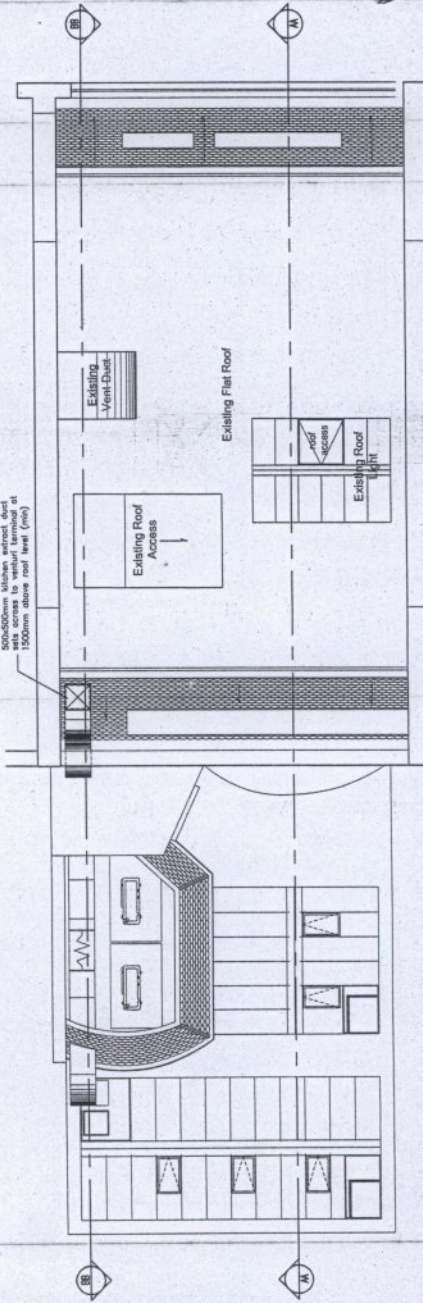
M•R PARTNERSHIP

ARCHITECTS AND INTERIOR DESIGNERS



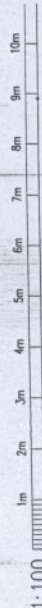
FIFTH FLOOR PLAN

(A/087) Fifth Floor Plan - Scale 1:100@A3



ROOF PLAN

(B/087) Roof Plan - Scale 1:100@A3



M•R PARTNERSHIP
ARCHITECTS AND INTERIOR DESIGNERS

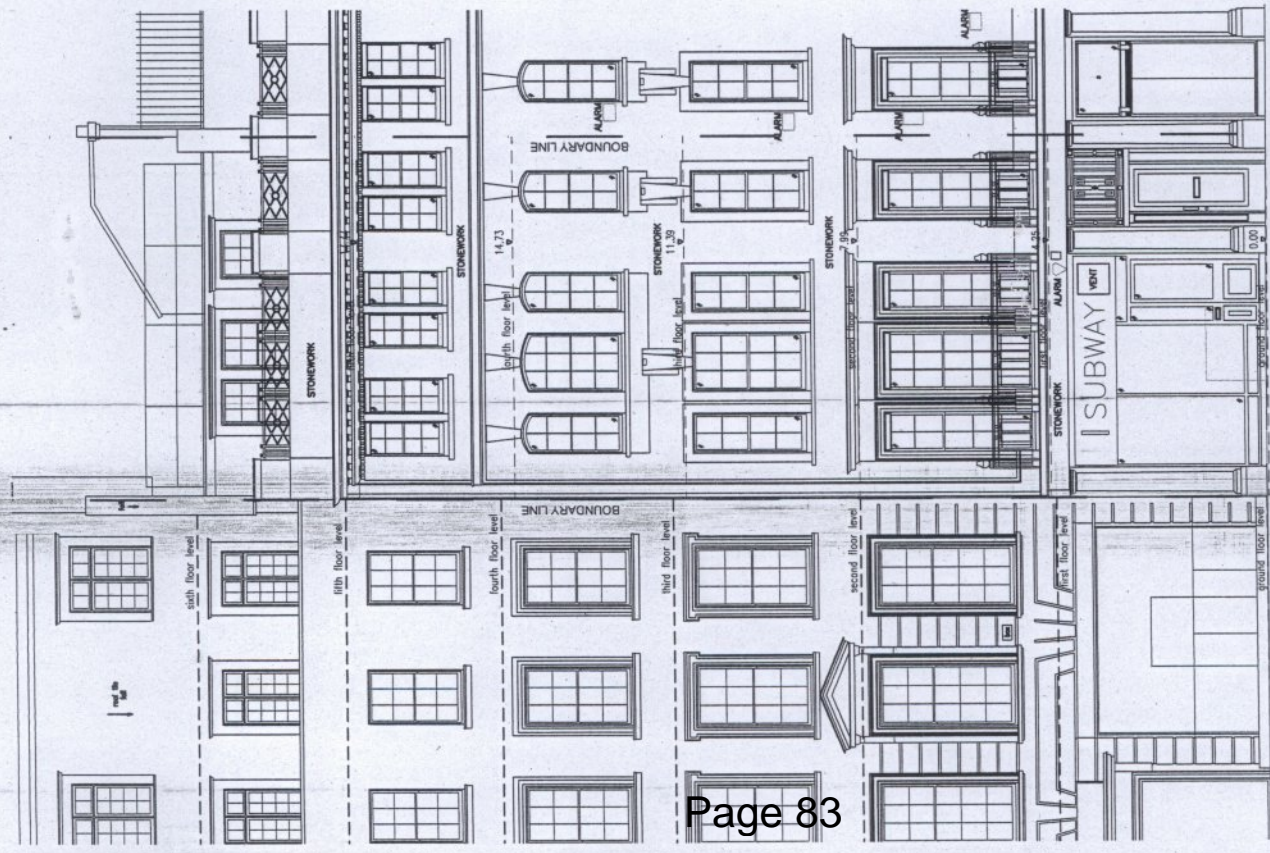
NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 061 Rev

PLANNING APPLICATION



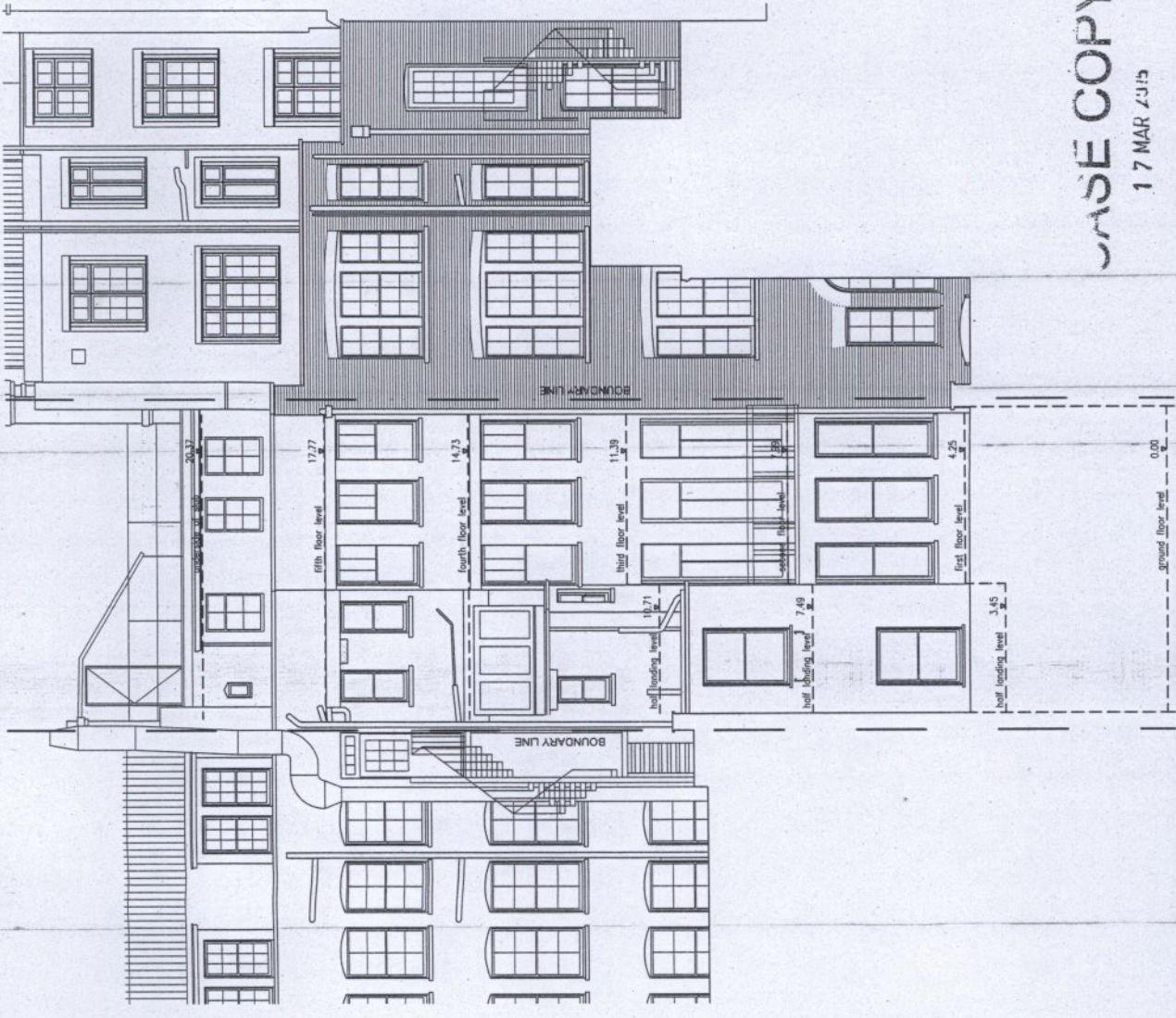
CASE COPY

17 MAR 2015



A 055 Front Elevation - Scale 1:100@A3

M•R PARTNERSHIP
ARCHITECTS AND INTERIOR DESIGNERS

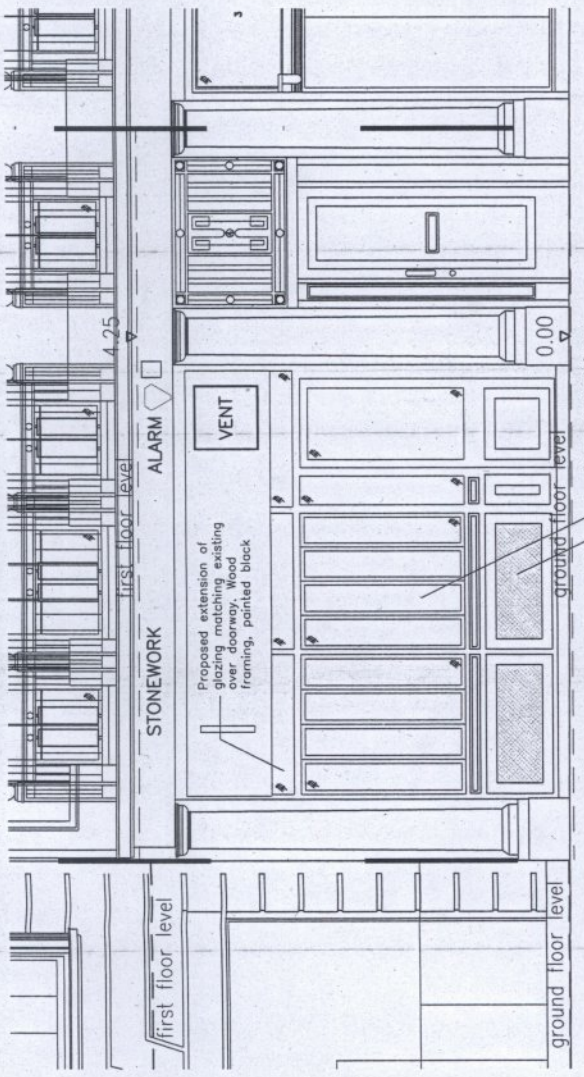


B 055 Rear Elevation - Scale 1:100@A3

EXISTING FRONT & REAR ELEVATIONS • SCALE AS SHOWN@A3

NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 055 Rev

BASE COPY
17 MAR 2015



Proposed wood frame double bi-fold windows. Painted black.
 Proposed height extension of existing wood stall riser, to match height and proportions of existing detail. Painted black.
 Retain existing grill for basement vent.

B 062 Front Elevation - Scale 1:50@A3

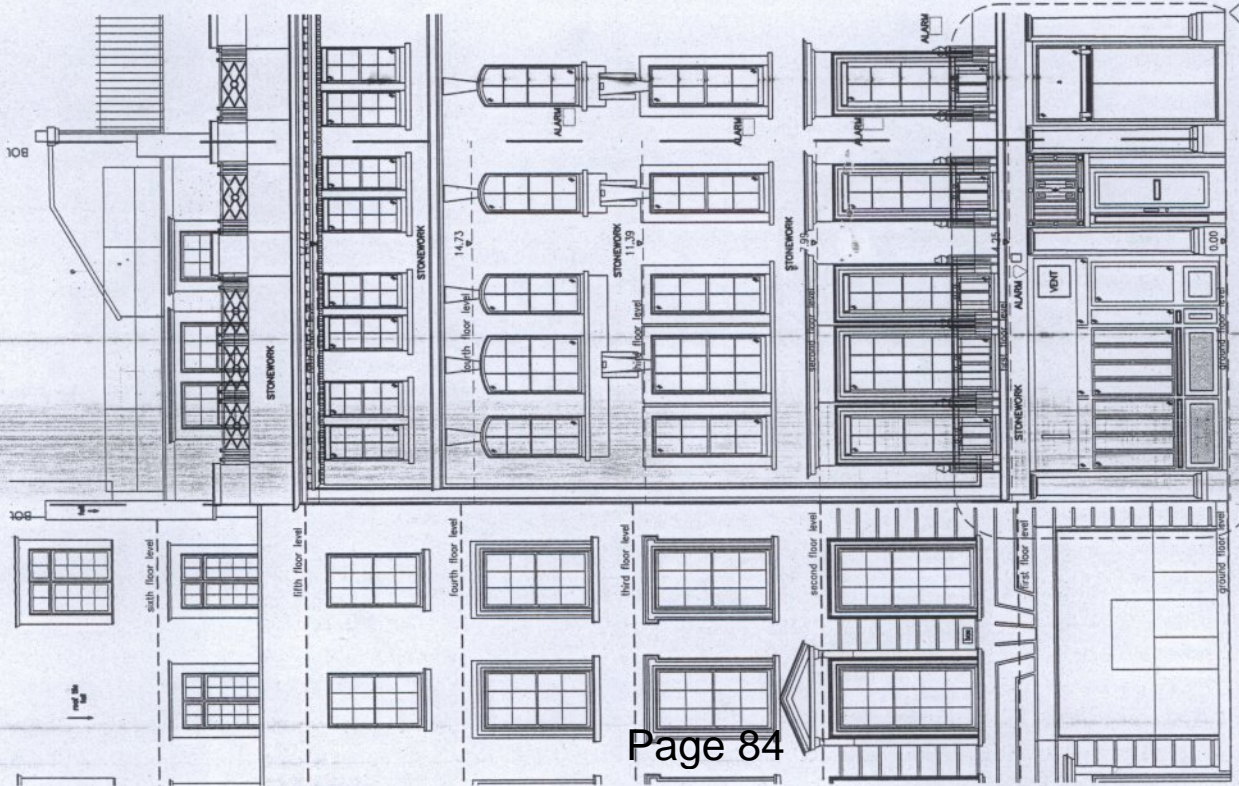
CASE COPY
 17 MAR 2015

PLANNING APPLICATION

1:100

PROPOSED FRONT ELEVATIONS • SCALE AS SHOWN@A3

NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 062 Rev

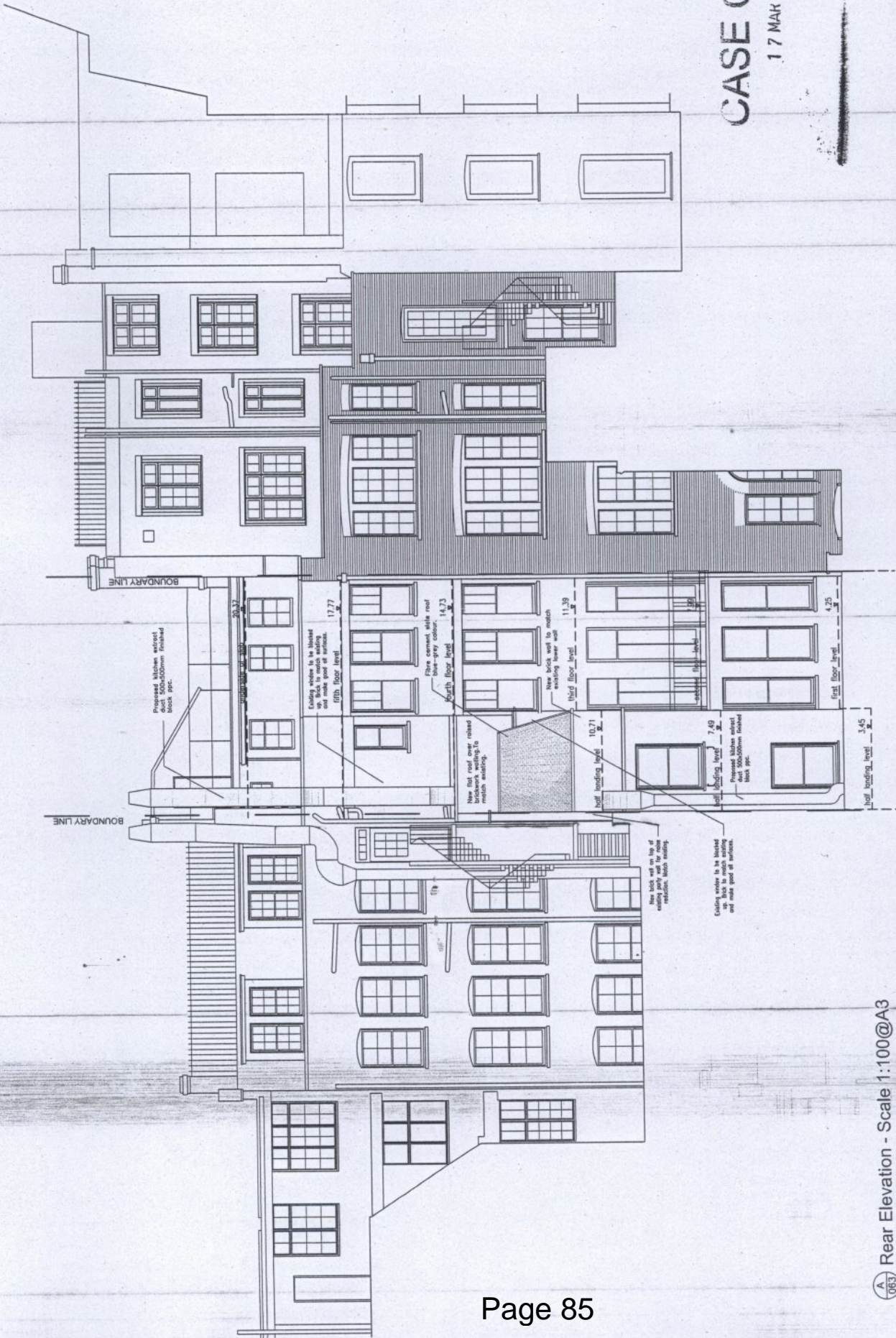


A 062 Front Elevation - Scale 1:100@A3

M•R PARTNERSHIP
 ARCHITECTS AND INTERIOR DESIGNERS

CASE COPY

17 MAR 2015

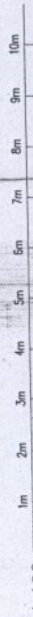


PLANNING APPLICATION

PROPOSED REAR ELEVATIONS • SCALE AS SHOWN@A3

NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 063 Rev

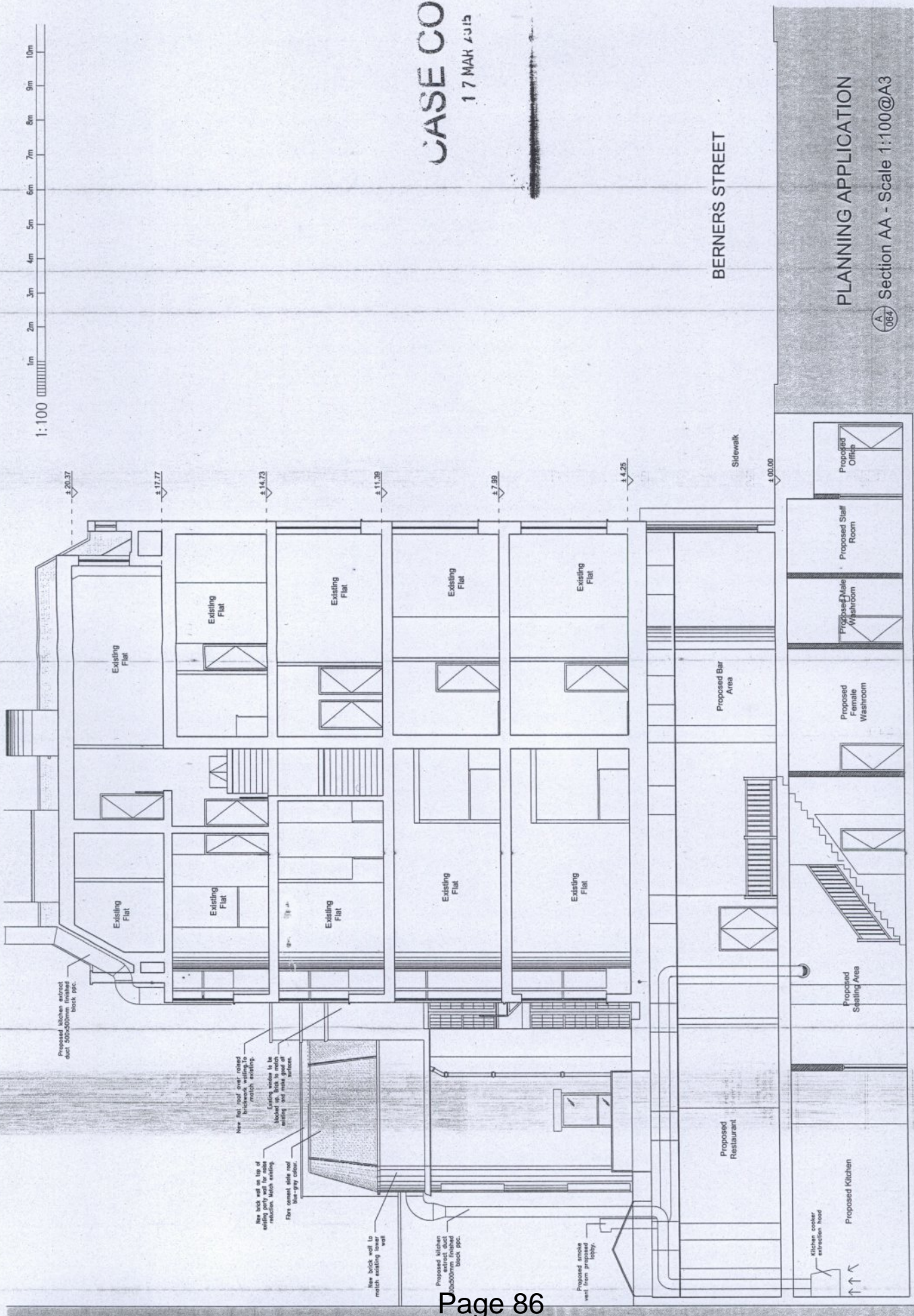
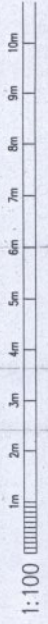
063 Rear Elevation - Scale 1:100@A3



M•R PARTNERSHIP
ARCHITECTS AND INTERIOR DESIGNERS

CASE COPY

17 MAR 2015



BERNERS STREET

PLANNING APPLICATION

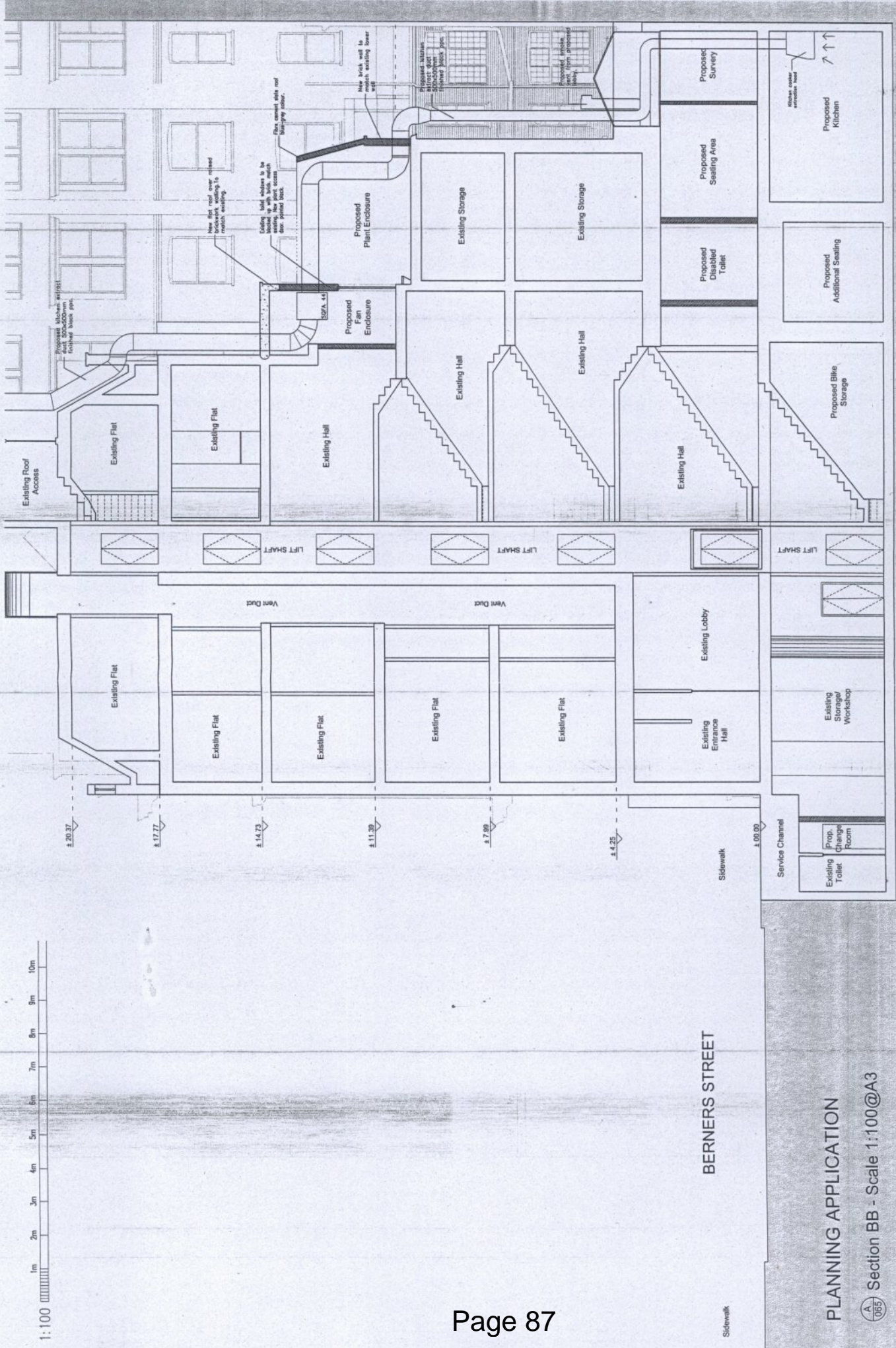
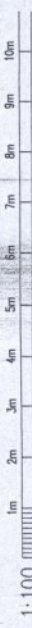
Section AA - Scale 1:100@A3

PROPOSED SECTION AA • SCALE AS SHOWN@A3

NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 064 Rev

M•R PARTNERSHIP

ARCHITECTS AND INTERIOR DESIGNERS



PLANNING APPLICATION

Section BB - Scale 1:100@A3

M•R PARTNERSHIP
ARCHITECTS AND INTERIOR DESIGNERS

PROPOSED SECTION BB • SCALE AS SHOWN@A3

NO. 4 BERNERS STREET • NO. 4 BERNERS STREET • DATE: 01.02.2015 • DR. No. 2951 065 Rev 7 MAK 4/13

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Agenda Item 4

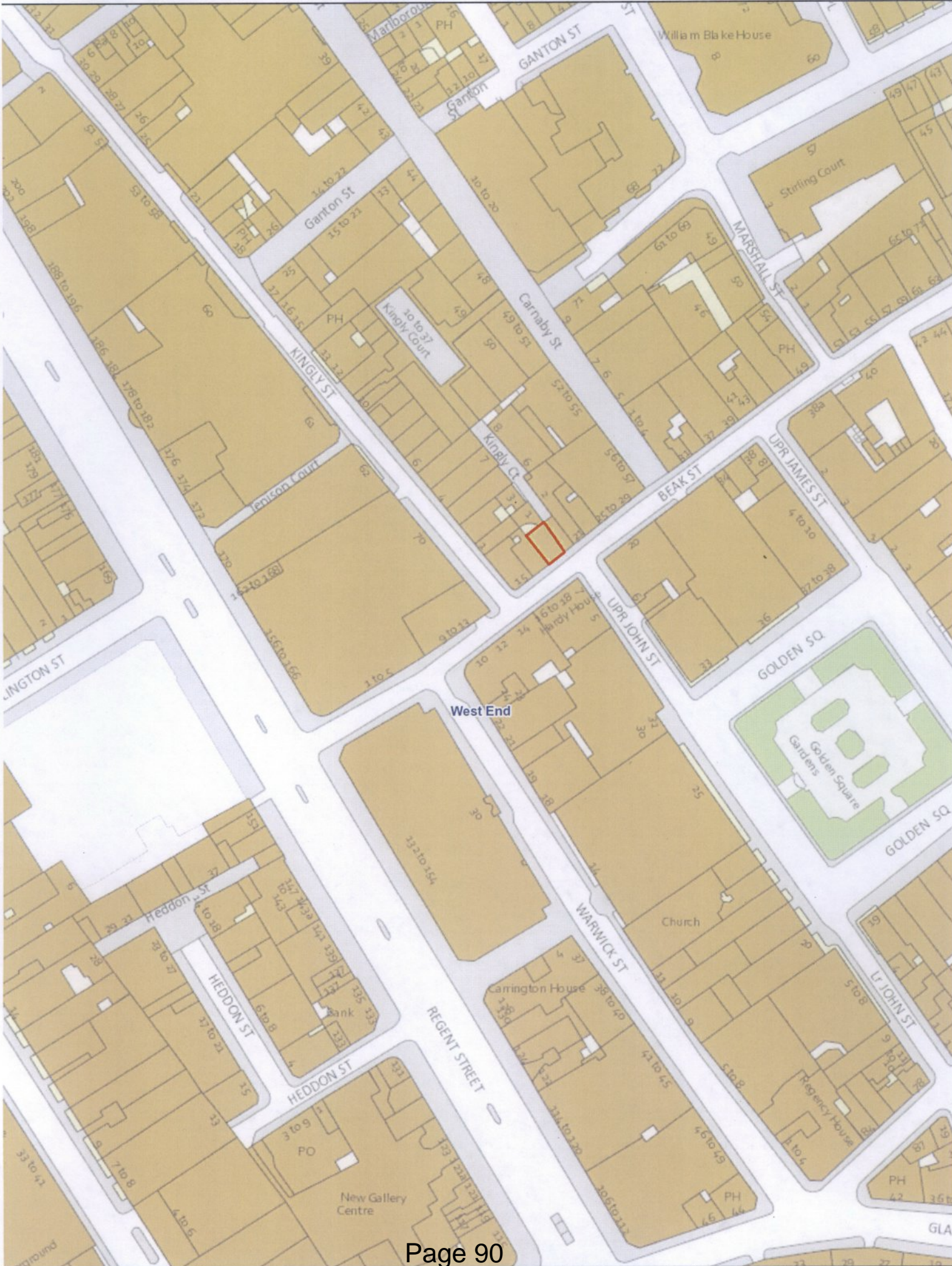
Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 June 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	19 Beak Street, London, W1F 9RP		
Proposal	Continued use of basement and ground floor as a mixed use coffee shop and a cocktail bar (sui generis).		
Agent	Freeths LLP		
On behalf of	Grind & Co Ltd		
Registered Number	15/02935/FULL	TP / PP No	TP/1389
Date of Application	02.04.2015	Date amended/ completed	13.04.2015
Category of Application	Other		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Premises Licence granted October 2014		

1. RECOMMENDATION

Grant conditional permission.





2. SUMMARY

The application relates to a small (62m²) commercial unit occupying the basement and ground floor on the north side of Beak Street, close to the junction with Upper John Street. Located in the West End Stress Area, there are a number of restaurants, bars and public houses along Beak Street and in nearby Kingly Court. There are also important retail areas nearby (Carnaby Street to the east, Regent Street to the west). Residential accommodation is scattered throughout the area, the nearest being diagonally opposite at 6 Upper John Street (approximately 14 flats). On the other corner of Beak Street/Upper John Street is a restaurant (basement and ground floor) with ancillary bar and conditions restricting capacity to 146 covers and opening hours until 23.30 Monday-Thursday, midnight Friday-Saturday and 23.00 on Sundays and Bank Holidays. There are two restaurants to the west of the site and (beyond the pedestrian passage to Kingly Court) there is a retail shop.

Formerly used as a toy shop, the site changed ownership in early 2014, opening in May 2014 as primarily a take-away coffee shop, including the sale of some cold foods as well as hot drinks, and a small amount of seating. In itself, this probably constitutes a lawful retail use (Class A1). However, in the summer of 2014 the premises also started selling alcohol for consumption on the premises (principally in the basement) and led to a complaint to the Planning Enforcement Team, subsequently leading to this application. No external alterations are proposed. The sole issue, therefore, is the acceptability of the proposed mixed use.

Given the partial use as a bar and size below the 150m² threshold for medium sized entertainment uses, Policy TACE 9 of the UDP is applicable. This states that such entertainment uses will only be granted where the City Council is satisfied that the proposed development has no adverse effect (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, or increased parking and traffic. Nor should there be any adverse effect on the character and function of the area. In reaching a decision on such applications, the Council will take account of such factors as number of customers, opening hours, arrangements for handling and disposal of waste, etc. Policy S24 of 'Westminster's City Plan: Strategic Policies' is very similar.

UDP Policy SS 5 seeks to protect retail use at ground and basement level, only allowing non-A1 uses if they are not detrimental to the character and function of an area, nor leading to a concentration of three or more consecutive non-A1 uses nor increasing an overconcentration of entertainment uses in a street or area. The more recent strategic Policy S7 seeks to maintain and enhance the retail character and function of the area (which is within the West End Special Retail Policy Area), including entertainment uses where appropriate in terms of scale and location, to support the main retail area.

Planning permission has previously been refused for the use of the basement as an extension to an adjoining nightclub, accessed from 4 Kingly Court, a decision subsequently upheld at appeal. However, in that case Policy TACE 10 was applicable (because of the size of the enlarged unit), namely that the proposal would only be acceptable in exceptional circumstances. The relevant policies are therefore different.

It is noted that the City Council has already granted a Premises Licence, in October 2014, notwithstanding objections from local residents. This is subject to a number of restrictions, including the total capacity (excluding staff) of 50 persons (with no more than 30 persons on the ground floor and no more than 20 persons in the basement), closing times set at 23.30 Mondays to Thursdays, midnight Fridays and Saturdays and 22.30 on Sundays, and no alcohol to be dispensed from the ground floor.

The use is an unusual one in that it has a strong retail element, particularly during the day, with the bar use being more predominant at night. Whilst acknowledging objectors' concerns, it is not considered that there are reasonable grounds for refusing the application. The unit, and capacity, are small and subject to conditions controlling the capacity and opening hours (to the same as the approved licence), it is considered unlikely that there would be no demonstrable harm arising from the proposal. It is considered important to maintain the retail element and a condition is proposed requiring the ground floor to be used only as a retail coffee bar during the day (until 17.00 hours). This, and the small size of the premises, would help ensure that the mixed use has a negligible cumulative effect on the amenity of the area. Subject to these restrictions, the objections are not considered to be sustainable. The proposal is considered to be acceptable and approval is recommended.

With regard to the objection that it is wrong to grant permission for an unauthorised use, whilst it is unfortunate that the use has already commenced, this in itself does not constitute grounds for refusing the application.

3. CONSULTATIONS

COUNCILLOR ROBERTS

Request that the case is reported to the Planning Applications Committee.

SOHO SOCIETY

Objection to addition of a Class A4 drinking establishment in the West End Stress Area. No objection to continued A1 retail use.

ENVIRONMENTAL HEALTH

No objection. Comment that the premises have no suitable extract ventilation and should not be permitted to provide substantial hot food.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 52; Total No. of Replies: 4.

Four representations raising objections on some or all of the following grounds:

- Adverse impact on residential amenity, particularly from increased problems of noise, anti-social/rowdy behaviour, on-street drinking, illegally parked minicabs.
- Cumulative impact of entertainment uses in the West End Stress Area.
- Loss of retail.
- Wrong to grant permission for an unauthorised use.

ADVERTISEMENT/SITE NOTICE: Yes

BACKGROUND PAPERS

1. Application form
2. Email from Cllr Glenys Roberts dated 5.5.15
3. Representation from the Soho Society dated 11.5.15
4. Memorandum from Premises Management Environmental Services dated 20.4.15
5. Representation from the occupier, Flat 1, 6 Upper John Street dated 23.4.15
6. Representation from the occupier, Flat 2, 6 Upper John Street dated 29.4.15
7. Representation from Mr D Jobbins (on behalf of the owners, Penthouse Apartment and No. 5, 6 Upper John Street) dated 29.4.15
8. Representation from an occupier, 6 Upper John Street dated 1.5.15

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – jpalme@westminster.gov.uk

DRAFT DECISION LETTER

Address: 19 Beak Street, London, W1F 9RP

Proposal: Continued use of basement and ground floor as a mixed use coffee shop and a cocktail bar (sui generis).

Plan Nos: R1 P011 and R1 P012.

Case Officer: Paul Quayle **Direct Tel. No.** 020 7641 2547

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Customers shall not be permitted within the premises before 07.30 or after 23.30 on Mondays to Thursdays (not including bank holidays and public holidays), before 07.30 or after 00.00 (midnight) on Fridays and Saturdays (not including bank holidays and public holidays) and before 08.00 or after 23.00 on Sundays and bank holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 You must not allow more than 50 customers into the property at any one time. (C05HA)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 You must use the ground floor of the premises only as a Class A1 retail coffee shop between the opening time in the morning and 17.00 hours and not sell nor allow consumption of any alcoholic drinks on the ground floor during these hours.

Reason:

Given the special circumstances of the cases (namely the unique use of the premises), to maintain the retail character of the premises throughout the day, and to prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S7 and S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and DES 9 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to

unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 6 No music shall be played (live or electronic) that is audible in any adjoining premises.

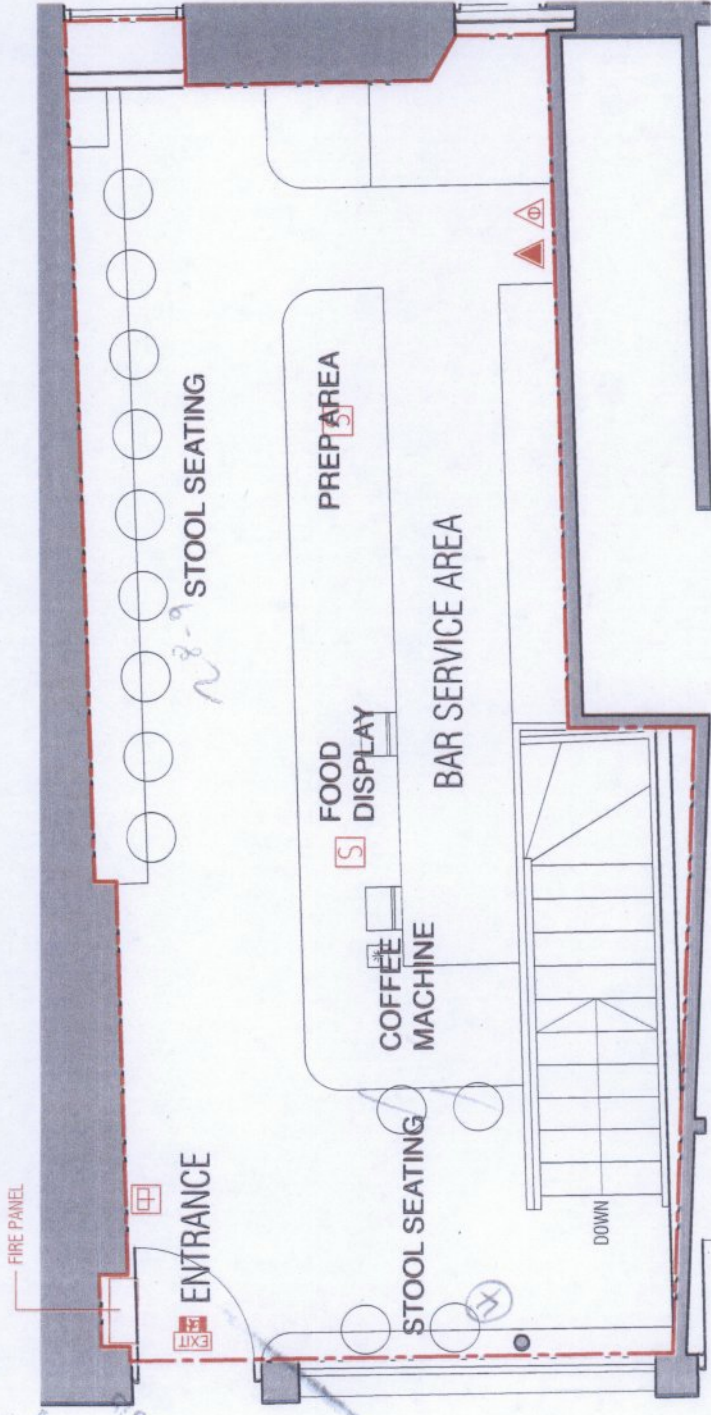
Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under condition 5 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. But you can reheat food by microwave or convection oven as long as you do not need extractor equipment.
- If you want to remove this condition you will need to send us full details of all the extractor equipment needed to get rid of cooking fumes. We will also consider the design and effect on neighbouring properties of any new ducts. (I72AA)
- 3 It is noted that separate licence approval has already been granted for the sale of alcohol on the premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 4 It is noted that it is a requirement of your licence that food is served with alcohol. You must make sure that any provision of food for consumption on the premises is so minor that it does not alter the unique mixed use as a retail coffee shop and cocktail bar. If the scale of food provision on site is more substantial than this, it is likely that a material (significant) change of use will have taken place, which will need a new planning permission (for example, if it becomes more of a restaurant). However, you are allowed to sell cold foods, primarily for consumption off the premises, within Class A1 (retail) of the Use Classes Order; small amounts of reheated food (see Informative 2 above) and some on-site consumption are also acceptable, subject to these being ancillary to the main use of the premises.

CHOF CURT
- 2 APR 2014



	FIRE ALARM CALL POINT
	CARBON DIOXIDE FIRE EXTINGUISHER
	WATER FIRE EXTINGUISHER
	SMOKE ALARM
	EXIT SIGN

0m 1m 2m

FROM THE DESK OF:

Blasol Design Studio

PO Box 327
Preston Vic 3181
Australia

T: +61 3 9838 3951
M: +61 422 773 773
Info@blasol.com.au

PROJECT:

Licensing Plan - Ground Floor
H043 Sono Grand: London

Kaz James
David Abrattamovitch

19 Beak Street
London

DRAWING:

R1 P011
19.06.2014

Drawn By: TN /
Checked By: JP / -
Authorised By:

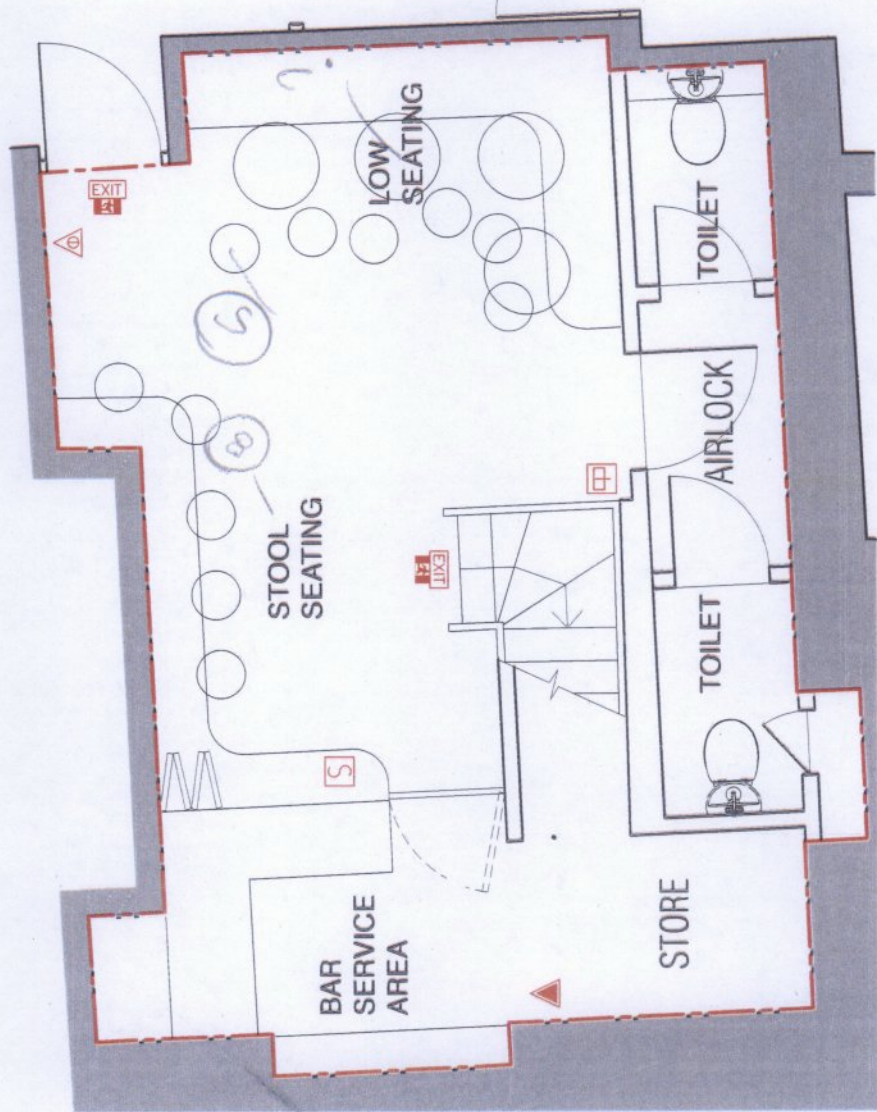
NOTES:

All work to be in accordance with local authority's building codes and standards. The client is responsible for obtaining all necessary permits and approvals. Do not scale off drawings. Use figured dimensions only. These plans remain the property of Blasol Design Studio. © Copyright Blasol Design Studio.

REVISION: DESCRIPTION:

DATE: BY:

CASE COPY
 2 APR 2013



	FIRE ALARM CALL POINT
	CARBON DIOXIDE FIRE EXTINGUISHER
	WATER FIRE EXTINGUISHER
	SMOKE ALARM
	EXIT SIGN



REVISION: DESCRIPTION: DATE: BY:

NOTES:
 All work to be in accordance with local authority's building codes and standards. The standards to be used are the highest possible standard and to the satisfaction of the B.O.S.
 Do not scale off drawings. Verify all dimensions on site before entering materials or commencing construction.

DRAWING:
 R1 P012
 19.06.2014
 Drawn By: TN /
 Checked By: JP / -
 Authorised By:

Scale: 1:50
 Print Size: A4
 Orientation: N

PROJECT:
 Licensing Plan - Basement
 H043 Soho Grind: London
 Kaz James
 David Abramovitch
 19 Beak Street
 London

T: +61 3 9636 3951
 M: +61 422 773 773
 info@biasol.com.au

FROM THE DESK OF:
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Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 June 2015	Classification For General Release	
Report of Director of Planning		Wards involved Harrow Road	
Subject of Report	207 Shirland Road, London, W9 2EX		
Proposal	Erection of full height side (facing Malvern Road) and rear extension, demolition of existing mansard roof and mechanical plant and replacement with enlarged mansard roof extension at third floor level across extended building to provide additional hotel accommodation (Class C1).		
Agent	Brooks Murray Architects		
On behalf of	Brooks Murray Architects		
Registered Number	15/01031/FULL	TP / PP No	TP/1846
Date of Application	06.02.2015	Date amended/ completed	19.02.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone Within North Westminster Economic Development Area		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





207 SHIRLAND ROAD, W9

2. SUMMARY

The application site comprises the upper floors of a four storey unlisted former Victorian public house, which has been in use as a hotel. The building is not listed and is not located within a conservation area.

Permission is sought for the erection of a full height side extension facing Malvern Road, demolition of the existing mansard roof and mechanical plant and its replacement with an enlarged mansard roof extension at third floor level across the extended building below to provide additional hotel accommodation (Class C1). The scheme would enlarge the hotel premises from 11 guest bedrooms to 21 guest bedrooms.

The key issues in this case are:

- Whether the extension and consequential intensification of the hotel use is acceptable in land use terms.
- Whether the extensions and alterations to the building are acceptable in design terms.
- The impact of the proposed development on the amenity of neighbouring residents.
- Whether the proposal is acceptable in terms of its impact on the surrounding highway network.

The proposed development is considered to comply with the relevant land use, design, amenity and transportation policies set out in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP). As such, it is recommended that permission is granted subject to the conditions set out in the draft decision letter.

3. CONSULTATIONS

COUNCILLOR PRENDERGAST

Requested information regarding ground floor of building and its future use.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

LONDON BOROUGH OF BRENT

Any response to be reported verbally.

CLEANSING MANAGER

No objection, recommended condition requiring compliance with approved locations for storage of waste and recycling material.

ENVIRONMENTAL HEALTH

No objection, subject to conditions relating to noise and vibration from plant to protect neighbouring residents.

HIGHWAYS PLANNING MANAGER

Application is undesirable in highways terms but could be considered acceptable. Recommended condition requiring submission of a servicing management plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 40; Total No. of Replies: 7.

Seven letters/emails received from four respondents raising objection on all or some of the following grounds:

Land Use

- Concern about intensification of existing hotel use and impact of likely hotel residents on local services, transport and shops.
- Lack of information submitted relating to servicing and storage associated with hotel use.

Design

- Inappropriate design in terms of height and bulk.
- Extension is too big, engulfing main building contrary to DES 5.
- Concern about loss of features of building including chimneys and interior of the building.

Amenity

- Impact on daylight and sunlight.
- Overlooking to residents of 195-205a Shirland Road.

Highways

- Concern about impact of additional hotel users on highway network and traffic issues associated with extended hotel.

Other Matters

- Absence of information relating to ground floor use.
- Impact of building works including noise and structural issues to adjoining properties.
- Concern about applicant/ownership of property.

ADVERTISEMENT/ SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The Chippenham Hotel was built in the mid 19th century as part of the predominantly residential development of the area around Shirland Road, Chippenham Road and Walterton Road. It had a long established use as a public house with visitor accommodation on the upper floors in an arrangement typical of such establishments. However, the public house has now closed and the use of the ground floor has changed to a retail shop (Class A1). The upper floors are now used as a self-contained hotel containing 11 rooms in total with en-suite facilities in each room. There is a communal dining room and a separate entrance from Malvern Road.

The building is not listed and is not located in a conservation area. The application site forms part of a group that also includes Nos.195-205 Shirland Road, a late 20th century development with retail uses at ground floor level and residential flats above. It is located on the borough boundary, with the area immediately to the north (rear) of the application site being part of the London Borough of Brent.

To the rear of the site within Brent there is a vacant doctor's surgery and permission has previously been granted by Brent for the demolition of the doctor's surgery and erection of a five storey building to provide a replacement Class D1 use and four self-contained flats (Brent Ref No.10/0047); however, this does not appear to have been implemented and has now lapsed. A revised scheme for redevelopment of this site to provide a five storey building containing nine residential flats was submitted to the London Borough of Brent on 11 March 2015 (Brent Ref No.15/1050) and their Planning Committee resolved to grant permission for this redevelopment scheme subject to the completion of a S106 agreement on 3 June 2015.

4.2 Relevant History

25 July 2014 – Planning permission was granted for the removal of rear/side gates and fire escape stair and erection of extension to provide a hotel entrance and associated works (14/04536/FULL). See copy of this decision in the background papers. This permission has not been implemented to date.

5. THE PROPOSAL

The application proposes the erection of a full height side (facing Malvern Road) and rear extension, demolition of the existing mansard roof and mechanical plant and replacement with an enlarged mansard roof extension at third floor level across the extended building to provide additional hotel accommodation (Class C1).

The proposed development would increase the total number of rooms within the hotel from 11 to 21. The enlarged hotel premises would retain a communal dining area at first floor level, with staff facilities, waste storage and ancillary office space provided at ground floor level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The upper floors of this building have been used as bed and breakfast accommodation since at least 1988. Environmental Health have confirmed that the building has never been registered as a House of Multiple Occupation (HMO) and there is no evidence to suggest the site has been in use as a hostel. The accommodation on the upper floors of the building has been marketed on the internet since at least 2013 as budget guest accommodation in individual rooms with private facilities. Accordingly, the lawful existing use of the upper floors is considered to be Class C1 hotel accommodation.

The application site is located within the North Westminster Economic Development Area (NWEDA) and Policy S12 of the City Plan supports development that increases economic activity within the area and provides employment opportunities for local people. Policy S23 of the City Plan states that proposals to improve the quality and range of hotels will be encouraged. For the purposes of the UDP, the site falls within the North West Westminster Special Policy Area and Policy TACE 2(B) also applies. This states that planning permission will be granted for extensions to existing hotels where the proposals are of an appropriate scale to their surroundings, there are no adverse effects on residential amenity and no adverse environmental and traffic effects would be generated.

The proposed development would result in an increase in the number of rooms from 11 to 21. This is to be achieved by the erection of a rear extension and through the erection of a larger replacement mansard extension. A defined entrance to the hotel accommodation is to be provided in Malvern Road (as per the scheme previously approved in 2014), with waste storage, a reception area and office facilities on the ground floor level and a lift to the upper floors. The entirety of the upper floors would be used as bedrooms, with a breakfast room with a preparation area (37m²) on the first floor. The standard of accommodation shown on the proposed floor plans and the additional facilities proposed for the hotel would represent a significant improvement upon the existing hotel accommodation provided on this site and as such the enlarged hotel accommodation would address the requirements of Policies S23 and TACE 2.

Further consideration is given later in this report to the transport and amenity impacts of the enlargement of the hotel accommodation, but in principle the extension of the existing hotel

use is considered to meet the objectives of Policies S12 and S23 in the City Plan and TACE 2 in the UDP.

6.2 Townscape and Design

The building is not listed and is not located within a conservation area. It is, however, a landmark building within the local area that has significance as a part of the original development of this part of the City. It is a typical example of a late Victorian public house.

Whilst the form of the original Victorian building has been retained, the building has been substantially altered to the rear by the installation of a visually prominent metal fire escape staircase and to the roof by the erection of the existing mansard roof form and mechanical plant, which is highly prominent in surrounding views. The building is therefore an attractive building in street views from the south, but is somewhat cluttered and untidy in views from the rear (north) of the site.

This side/rear extension extends to the full height of the building, although it is stepped back in part at first and second floor levels where it would be closest to the neighbouring properties at Nos.195-205 Shirland Road. The proposed mansard roof extension would comprise an 'L' shape and extend across the full extent of the extended building.

In views from Shirland Road to the south, the appearance of the building would be largely unaltered, other than the replacement mansard roof extension, which would be marginally more prominent than the existing roof extension. Notwithstanding this, the proposed mansard would be traditionally detailed with four small dormer windows that relate well to the hierarchy of fenestration within the building.

To the Malvern Road elevation, the proposed side/rear extension has been designed to replicate the detailing of the existing building, and this is to be secured by a number of conditions to ensure that the facing materials, windows and detailed design of the elevation accurately replicates the detailed appearance of the existing building.

In views from the north and east, the building would be extended in an 'L' shape, set back from the boundary with neighbouring properties at Nos.195-205 Shirland Road. The extension would be stepped to minimise the bulk adjacent to the neighbouring properties in Shirland Road and the extensions would generally tidy up the cluttered rear elevation, which has historically been added to and extended in an ad-hoc form. The proposed roof extension would not appear overly dominant in these views and it would be appropriately detailed in terms of its height, form and detailed design.

Given the modeled form of the side/rear extension, it is not considered that the bulk and height proposed is excessive in design terms. An objector draws attention to the fact that this is a full height extension, and Policy DES 5 states that extensions should normally not exceed the penultimate storey of the building. However, in this case a full height extension is considered to be an appropriate design solution as it has been designed as a coherent addition to the original building in terms of its form and detailed design. As such, the proposed extension would accord with Policy DES 5 in the UDP.

In summary in design terms, the proposed development is acceptable and, subject to the recommended conditions, it would accord with Policy S28 in the City Plan and Policies DES 1, DES 5 and DES 6 in the UDP.

6.3 Amenity

The application would result in an increase in the bulk and height of the building to the side and rear elevations. The adjoining site to the north at Nos.2-8 Malvern Road is currently occupied by a single storey medical facility, which has been vacant for a number of years. As set out in Section 4.1 of this report, this building is located within the London Borough of Brent and permission has been previously granted by Brent for the erection of a five storey residential development on this site, although this permission has now lapsed, apparently without being implemented. The London Borough of Brent's Planning Committee resolved to grant permission for a revised scheme comprising a five storey building providing nine residential flats on 3 June 2015.

The proposed extensions to the rear of the application site would not have any adverse impact on the existing medical facility that is currently on the 2-8 Malvern Road site. In terms of the redevelopment scheme for this neighbouring site, which Brent have resolved to approve, the proposal would be unneighbourly and would cause a loss of light and increased sense of enclosure to the ground floor residential unit within that development, which is shown to have its living accommodation served solely by south facing windows (the upper floor flats are less reliant on windows in the south facing elevation). However, the redevelopment scheme for Nos.2-8 Malvern Road would have a similar deleterious effect on the ability of the application site to be extended and altered.

Given that the residential development at Nos.2-8 Malvern Road has yet to be built and is being planned concurrently with the scheme for extension and alteration of the application site, it is not considered that permission could reasonably be withheld on the basis of the impact the proposed development would have on the redevelopment scheme at No.2-8 Malvern Road. Furthermore, the London Borough of Brent has been consulted on the current application and has not responded to the consultation. Brent is responsible for consultation of neighbouring residents within their borough and there have been no objections to the current application from the owners of this neighbouring site as a result of Brent's consultation exercise. Finally, it is noted that as the development at Nos.2-8 Malvern Road has not been commenced, the internal arrangement of the ground floor flat that would be most affected by the proposed development is capable of being amended to ensure that the main living accommodation receives additional daylight via windows in the front (west facing) elevation.

Directly adjacent to the building to the north east is a large block of residential flats at No.245 Kilburn Park Road which also falls within Brent. The proposed extension would be visible from the west facing windows of this block and would have a reduced outlook as a result of the development. The applicant has submitted a daylight and sunlight report that demonstrates that any loss of daylight and sunlight to these properties would fall within acceptable limits in respect of the Building Research Establishment (BRE) guidelines (2011).

Immediately adjoining the application site to the east is a row of upper storey maisonettes above shop units at Nos.195-205 Shirland Road. These have a raised access deck/terrace area to the rear at first floor level and rear facing windows. The additional bulk of the proposed side/rear extension, which would be stepped back from the boundary with these properties, would be apparent from the access deck and parking area to the rear of these properties. However, modeling of the bulk of the extension and given the distance from neighbouring windows and the access deck, the rear extension would not cause a loss of light or increased sense of enclosure to these neighbouring properties. The daylight and sunlight report submitted by the applicant confirms that the proposed extension would not cause a material loss of daylight or sunlight.

Item No.
5

The windows proposed in the east facing elevations of the rear extension would be sufficiently distant from neighbouring windows and would be at an oblique angle to neighbouring windows at Nos. 195-205 so as not to cause any significant overlooking to these neighbouring properties.

A condition is recommended to prevent the two areas of flat roof to the rear at ground and first floor levels being used for sitting out or as roof terraces to prevent overlooking.

No new mechanical plant is proposed as part of this development. The applicant has submitted an acoustic report in support of this application although this largely deals with internal noise levels within the proposed hotel rooms. Environmental Health have raised no objections to this application. The control of noise within the proposed hotel rooms falls outside the scope of planning legislation and as such there are no grounds to impose conditions in this regard.

Subject to the imposition of conditions as set out in this report, the application is considered to be acceptable in amenity terms and meets the objectives of Policies S29 and S32 of the City Plan and ENV6 and ENV13 of the UDP.

6.4 Highways/Parking Issues

A number of objections relate to concerns about the increase of hotel rooms at this location on the surrounding highway network. As discussed earlier in this report, the existing premises are well served by public transport with numerous facilities for short term guests within walking distance of the hotel. The Highways Planning Manager has commented that the proposal is unlikely to have a significant impact on on-street parking in the area.

Whilst no cycle parking is provided for staff, such a facility is not currently provided within the hotel and as such, it is not considered that permission could be reasonably be withheld on that ground.

The proposal would result in an intensification of the existing hotel use and as such, it is likely that some additional demands will be placed on servicing. This is a particularly important issue given that there is no direct vehicular access to the site and is reflected in views expressed by a number of respondents to the consultation exercise. The Highways Planning Manager has recommended that a servicing management plan is developed that demonstrates that the enlarged hotel use can be serviced without an unacceptable detrimental impact on the surrounding highway network. This is to be required by a condition.

In respect of waste, a room for waste storage is shown on the plans, which demonstrates adequate provision for the future use of the site.

The application is considered acceptable in highways terms and meets the requirements of the relevant policies in the City Plan and UDP.

6.5 Equalities and Diversities (including Access)

The proposed development would improve access to this hotel use, with level access to the building and a lift to all floors.

6.6 Economic Considerations

The economic benefits of the expansion of the existing hotel are welcomed and would accord with Policy S12 in terms of providing additional employment within the NWEDA.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposals do not raise strategic issues.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.10 Planning Obligations

Not required given the limited scale of this application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Not relevant.

6.12 Other Issues

A number of respondents have expressed concerns regarding the impact of building works. The standard condition restricting noisy works to daytime hours Monday to Friday and on Saturday mornings only has been recommended in the draft decision letter and this is as far as this matter can be addressed through planning controls.

Concerns about the motivations of the applicant in pursuing this application cannot be taken into account as material planning considerations.

The applicant maintains that the change of use of the ground floor of the building to a public house has been undertaken under permitted development rights. This matter is the subject of a review by the Planning Enforcement Team. The ground floor of the building does not in any case form part of the current application site.

7. CONCLUSION

In summary, the proposed development is considered to be acceptable in land use, design, amenity and highways terms and would accord with the relevant policies in the City Plan and UDP. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

BACKGROUND PAPERS

1. Application form.
2. Copy of decision letter dated 25 July 2014 and associated drawings.
3. Email correspondence with Councillor Prendergast dated 15 April 2015.
4. Memo from the Cleansing Manager dated 24 February 2015.
5. Memo from the Highways Planning Manager dated 25 February 2015.
6. Memo from Environmental Health dated 19 March 2015.
7. Emails from the occupier of 21 Chippenham Mews dated 27 February and 21 April 2015.
8. Email from the occupier of 205a Shirland Road dated 4 March 2015.
9. Emails from the occupier of 229B Shirland Road dated 14 April 2015, 15 April 2015 and 20 April 2015.
10. Email from the occupier of 49A Fernhead Road dated 17 April 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – ogibson@westminster.gov.uk

DRAFT DECISION LETTER

Address: 207 Shirland Road, London, W9 2EX

Proposal: Erection of full height side (facing Malvern Road) and rear extension, demolition of existing mansard roof and mechanical plant and replacement with enlarged mansard roof extension at third floor level across extended building to provide additional hotel accommodation (Class C1).

Plan Nos: 985.10.100, 985.11.0201 (Approved Ground Floor Plan), 985.11.0202 (Existing First Floor Plan), 985.11.0203 (Existing Second Floor Plan), 985.11.0204 (Existing Third Floor Plan), 985.11.0205 (Existing Roof Plan), 985.11.0301 (Existing Section AA), 985.11.0401 (Existing South Elevation), 985.11.0402 (Existing West Elevation), 985.11.0403 (Existing North Elevation), 985.11.0404 (Existing East Elevation), 985.11.201 (Proposed Ground Floor Plan), 985.11.202 (Proposed First Floor Plan), 985.11.203 (Proposed Second Floor Plan), 985.11.204 (Proposed Third Floor Plan), 985.11.205 (Proposed Roof Plan), 985.11.301 (Proposed Section AA), 985.11.401 (Proposed South Elevation), 985.11.402 (Proposed North Elevation), 985.11.403 (Proposed West Elevation), 985.11.404 (Proposed East Elevation), Planning Statement by KR Planning dated February 2015, Daylight and Sunlight Statement by Price and Myers dated 24 December 2014, Design and Access Statement dated January 2015, Noise survey by Sound Advice Acoustics limited dated 27 January 2015.

Case Officer: Neil Holdsworth

Direct Tel. No. 020 7641 5018

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must not occupy the enlarged hotel premises hereby approved until a servicing management plan for the enlarged hotel has been submitted to and approved in writing by the City Council as local planning authority. The servicing management plan should include information about the scheduling of deliveries to the hotel and how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. You must then operate the enlarged hotel premises in accordance with the approved servicing management plan, unless or until we approve in writing an alternative servicing management plan.

Reason:

To protect the environment of residents and the area generally and avoid obstruction of the public highway as set out in S29 and S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2, TRANS 3, TRANS 20 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must provide the waste store shown on drawing 985.11.201 (Proposed Ground Floor Plan) before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 6 You must not use the roofs of the rear extensions at ground and first floor levels and the 3rd floor level mansard roof extension hereby approved for sitting out or for any other purpose. You can however use these roofs to escape in an emergency.

Reason:

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

- 7 You must apply to us for approval of samples of the facing materials you will use, including

glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development:

- (a) Typical window details (elevations at 1:20, with section details at 1:5).
- (b) The new entrance bay on Malvern Road.
- (c) Details of any movement joints proposed within brickwork.

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 details.

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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You are advised that the reinstallation of the telecommunications equipment, which is currently located on the roof of the existing roof storey, on the roof of the new mansard roof extension, does not form part of this application and may therefore require the benefit of separate planning permission.
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.



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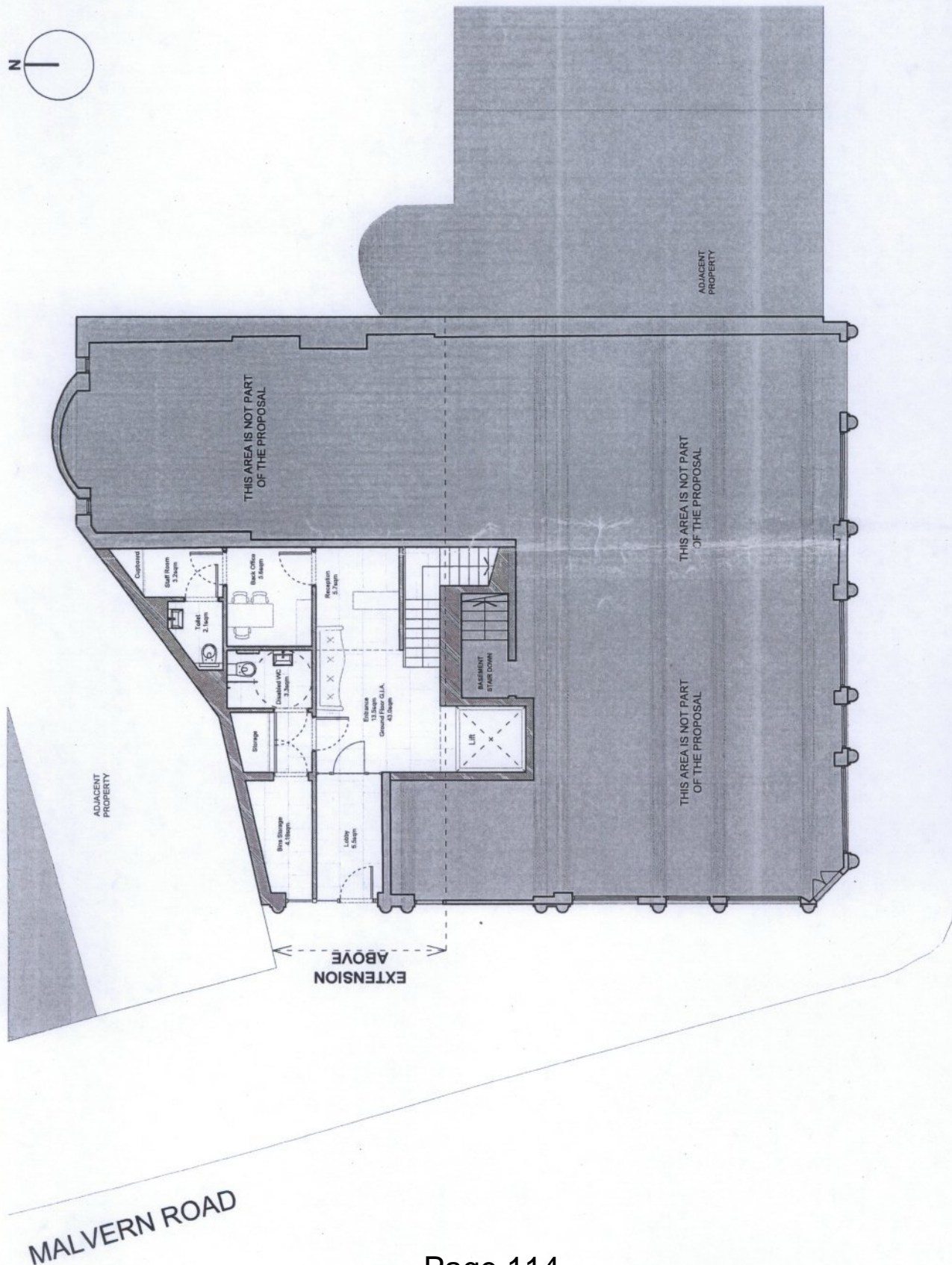
CLIENT:
IRC

JOB:
The Chippenham
207 Shirland Road
London, W9 2EX

DATE: FEB 2015
SCALE: 1:100 @ A3

DRAWING TITLE:
Proposed
Ground Floor Plan

DRAWING NUMBER:
985.11.201



SHIRLAND ROAD

MALVERN ROAD

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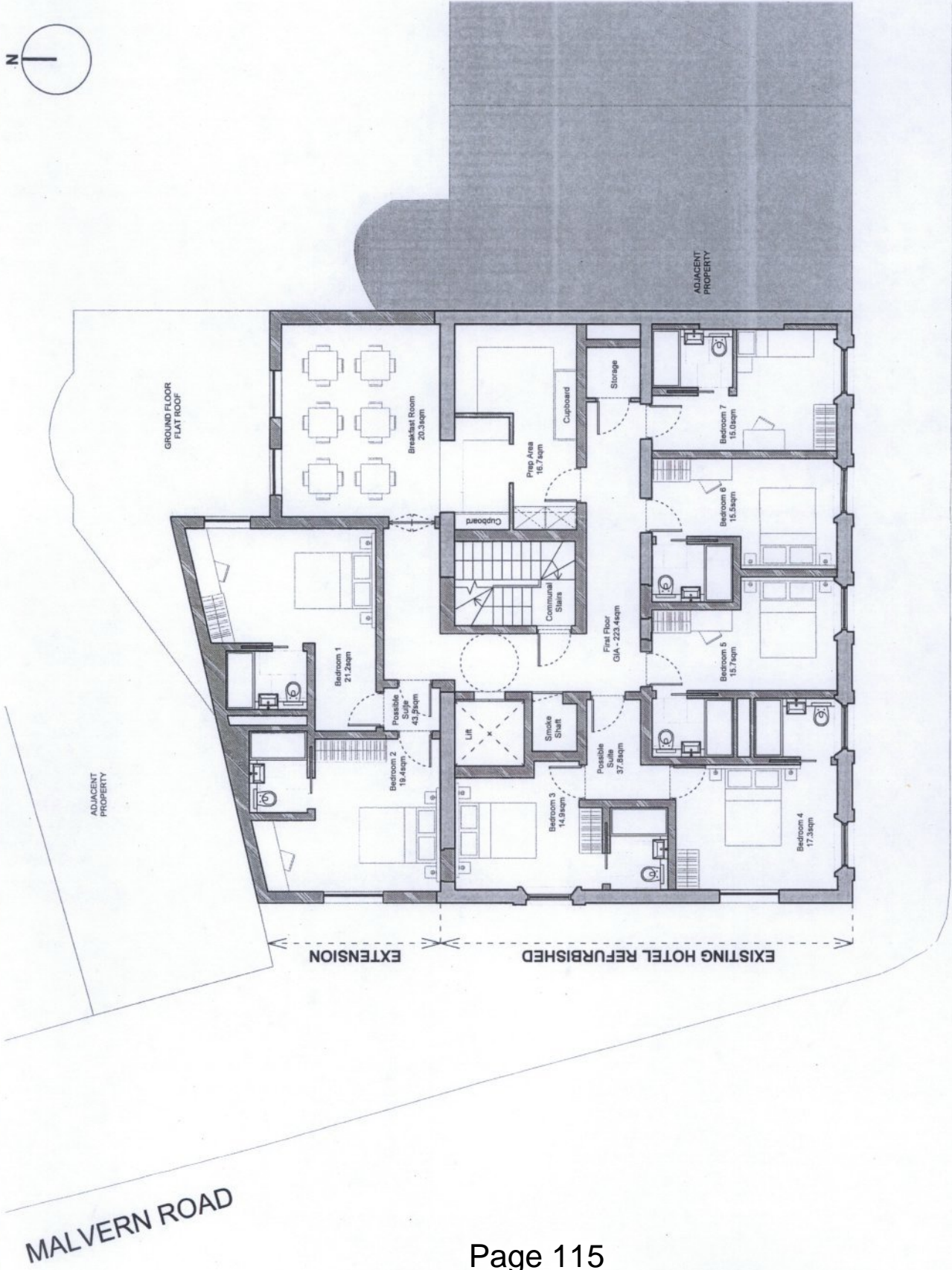
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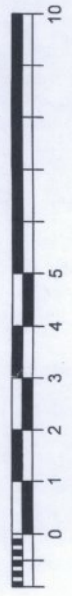
DATE: FEB 2015
SCALE: 1:100 @ A3

DRAWING TITLE:
Proposed
First Floor Plan

DRAWING NUMBER:
985.11.202



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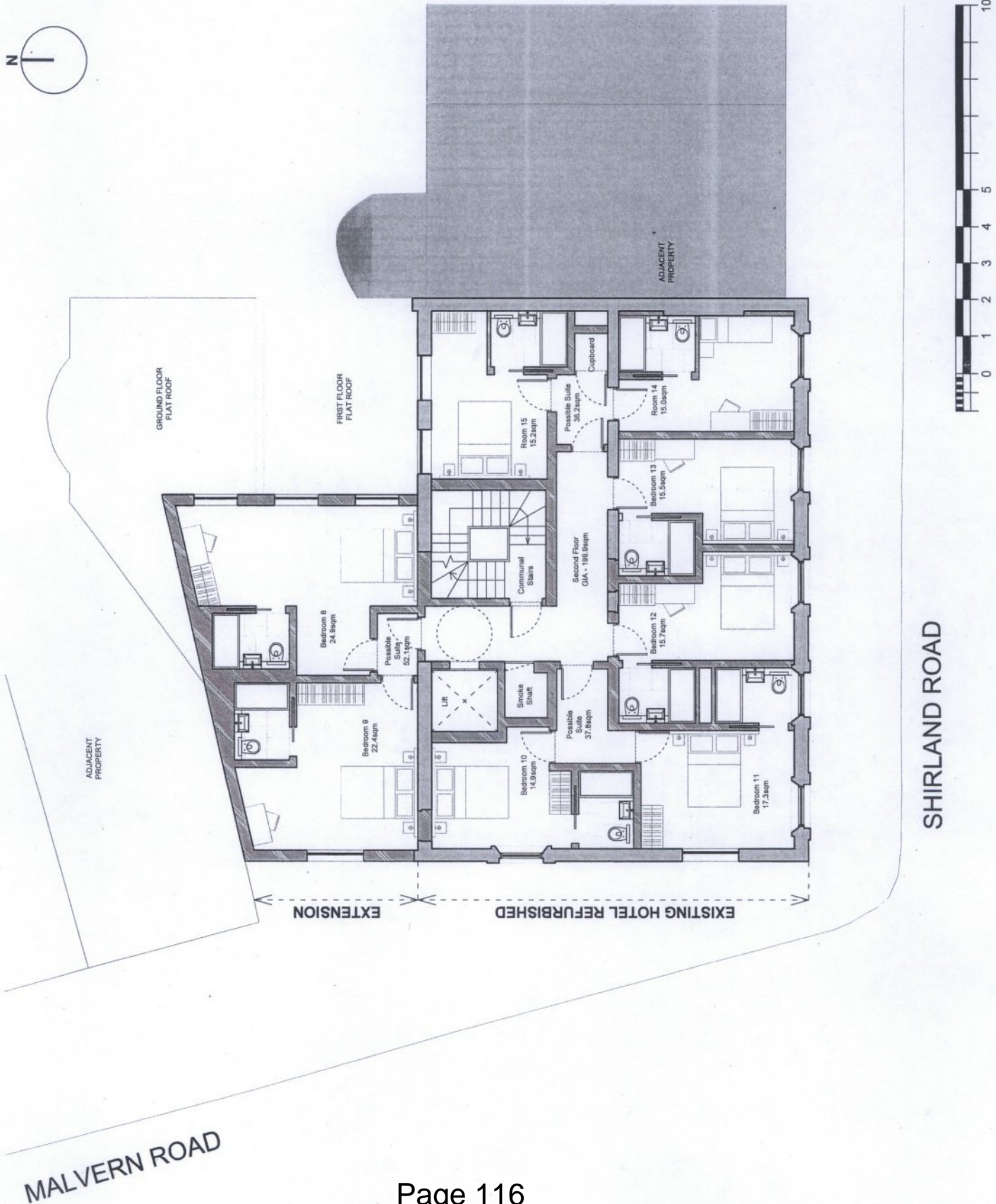
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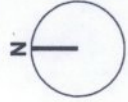
DATE: FEB 2015
SCALE: 1:100 @ A3

DRAWING TITLE:
Proposed
Second Floor Plan

DRAWING NUMBER:
985.11.203

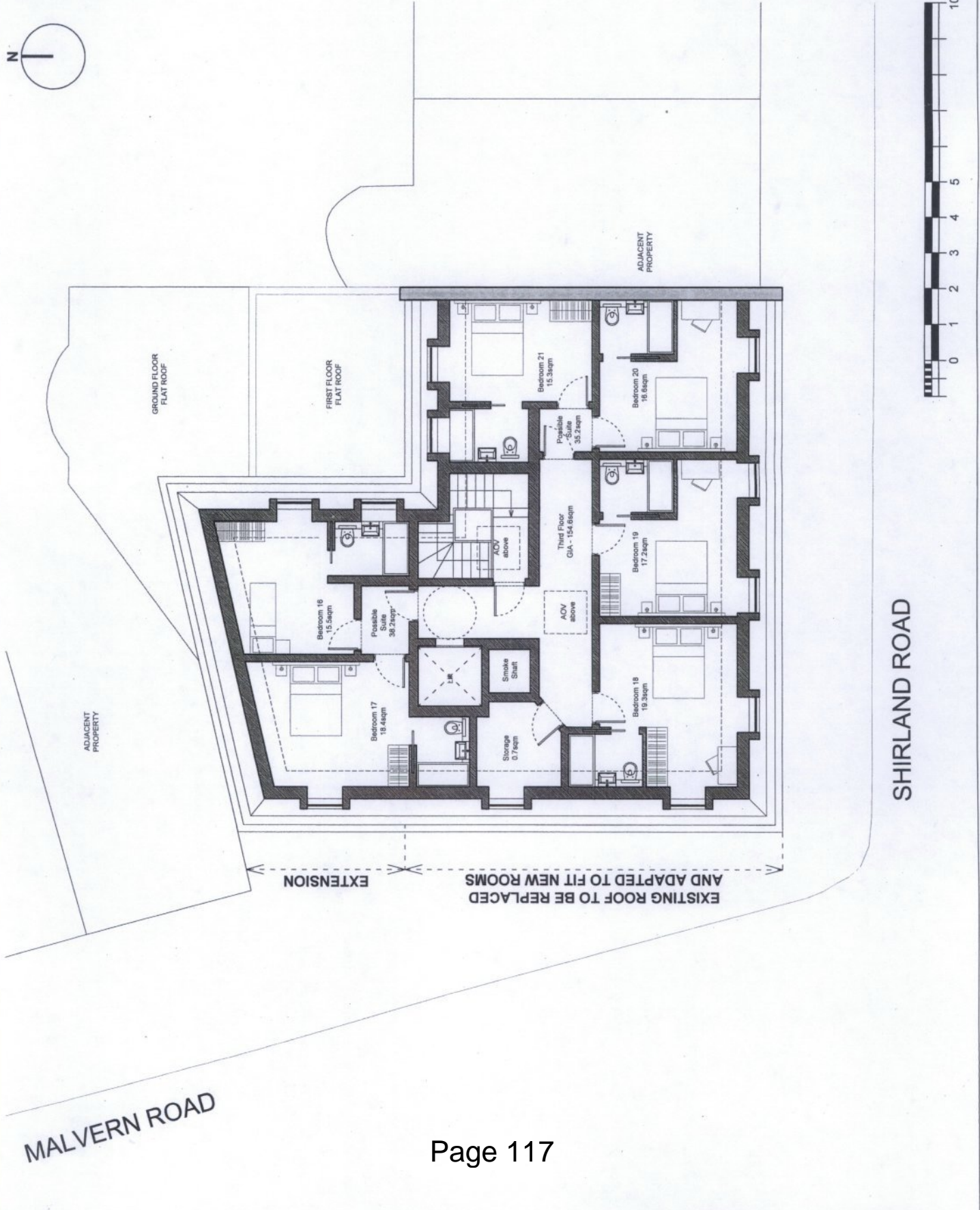


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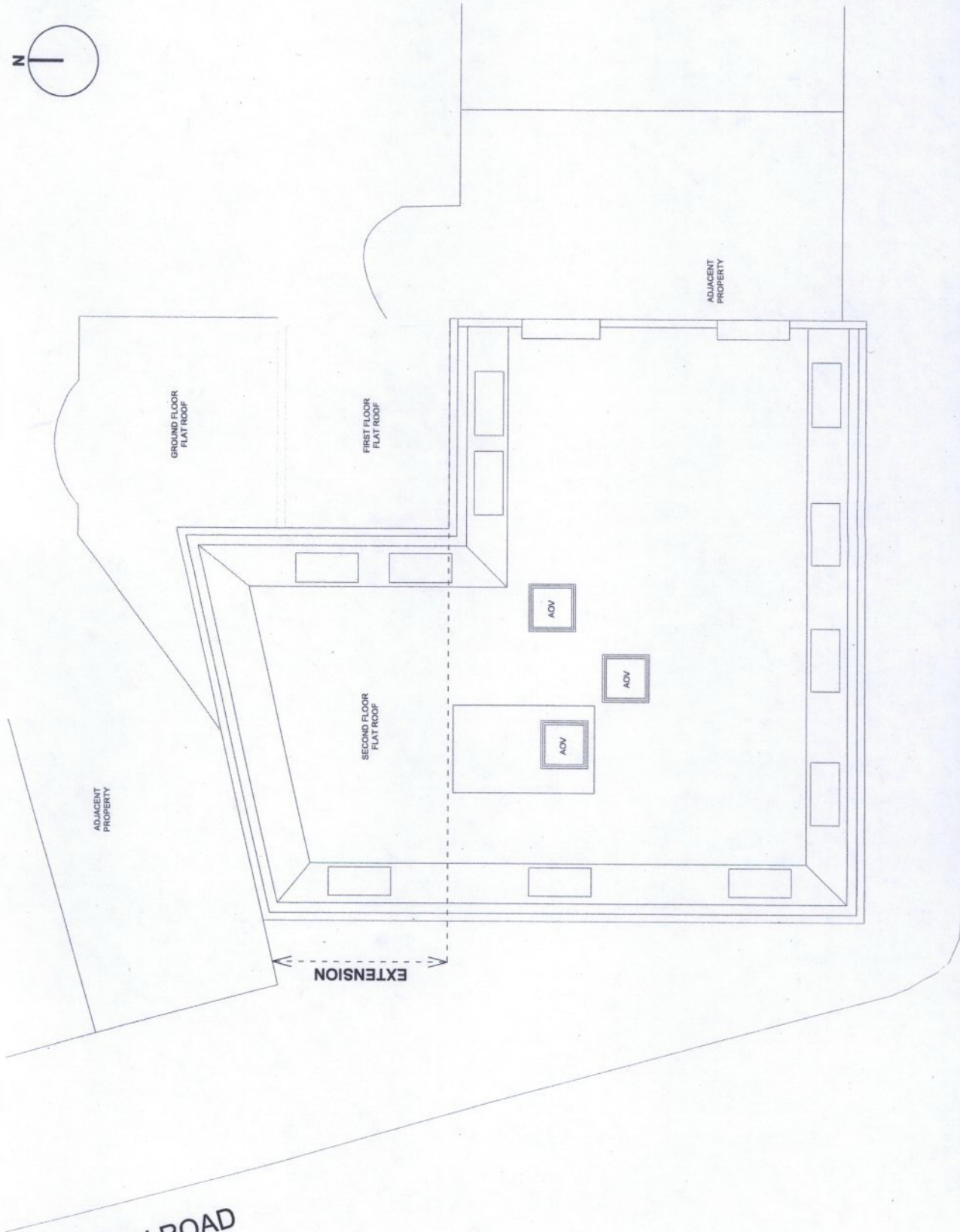
CLIENT:	IRC
JOB:	The Chippenham 207 Shirland Road London, W9 2EX
DATE:	FEB 2015
SCALE:	1:100 @ A3
DRAWING TITLE:	Proposed Third Floor Plan
DRAWING NUMBER:	985.11.204



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SCALE:	1:100 @ A3
DRAWING TITLE:	Proposed Roof Plan
DRAWING NUMBER:	985.11.205



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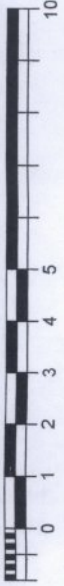
Proposed
South Elevation

DRAWING NUMBER:

985.11.401



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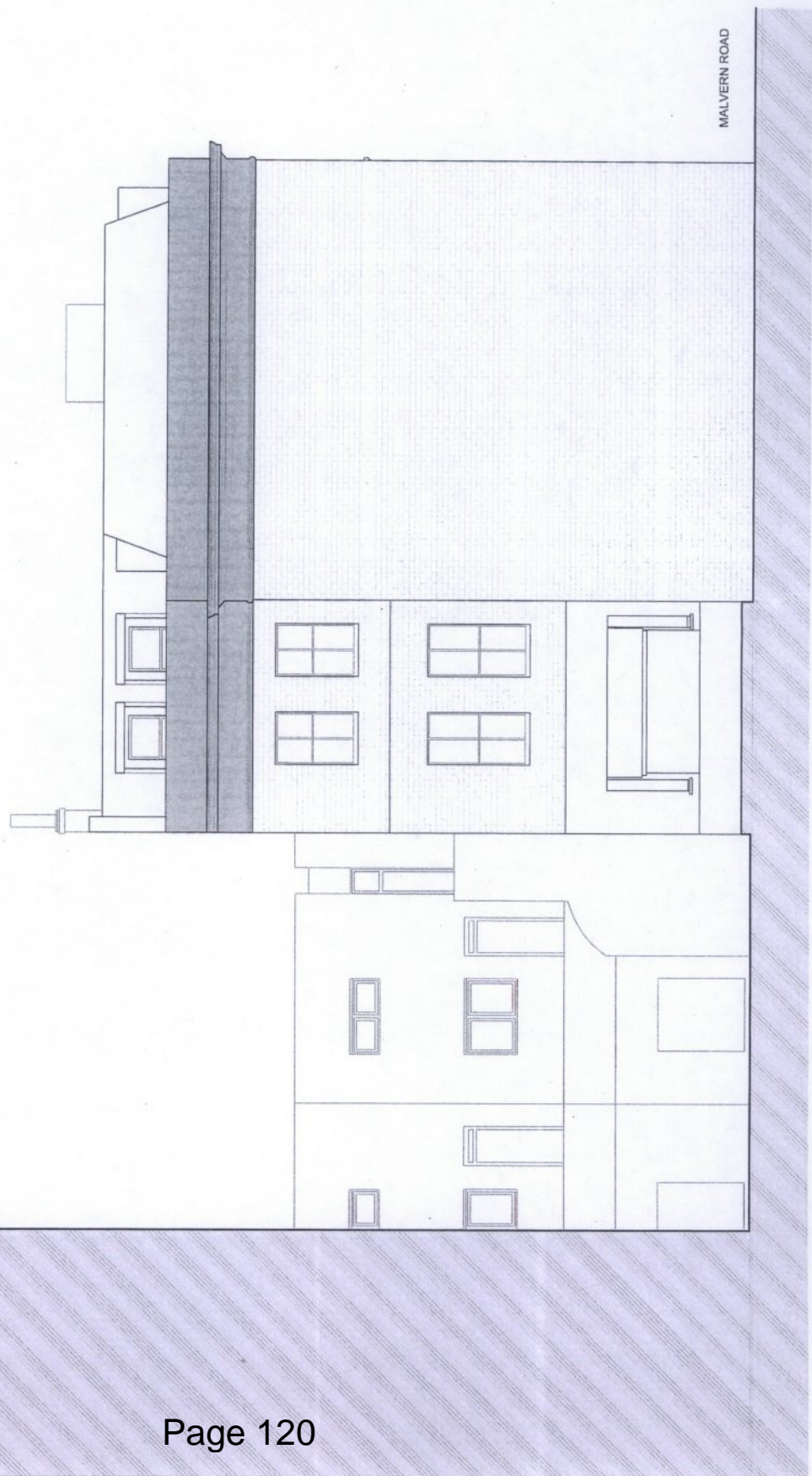
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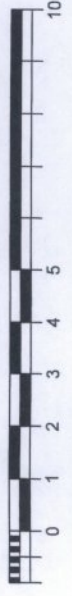
DATE: FEB 2015
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DRAWING TITLE:
Proposed
North Elevation

DRAWING NUMBER:
985.11.402



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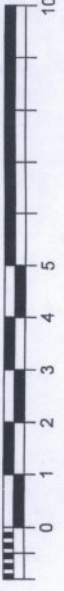
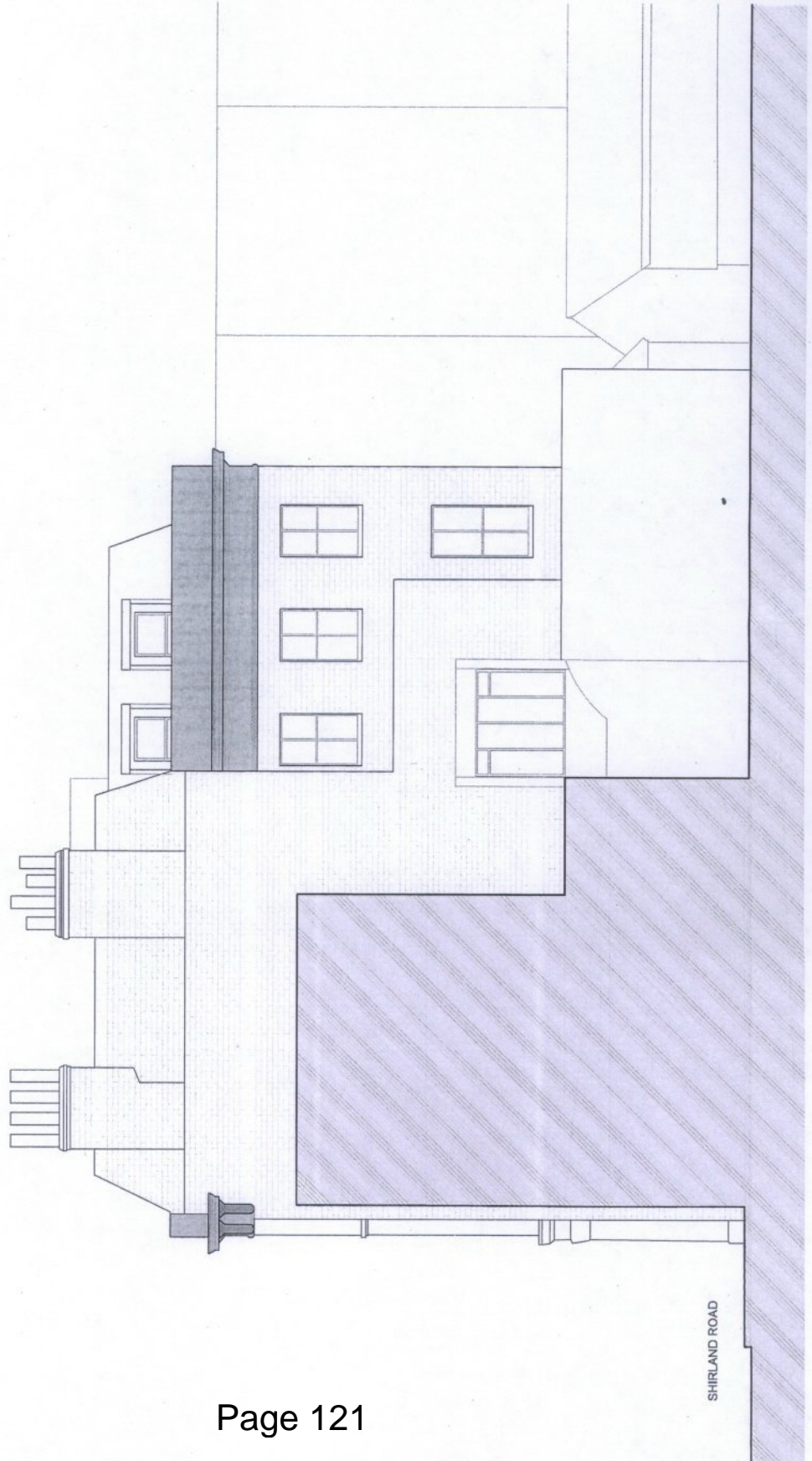
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DRAWING TITLE:
Proposed
East Elevation

DRAWING NUMBER:
985.11.404



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DATE: FEB 2015
SCALE: 1:100 @ A3

DRAWING TITLE:
Proposed
West Elevation

DRAWING NUMBER:
985.11.403



SHIRLAND ROAD

8 - 2 Malvern Road
Approved Application outline

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DRAWING TITLE:
Proposed
Section AA

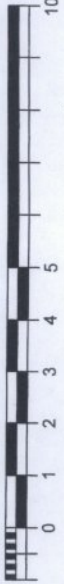
DRAWING NUMBER:
985.11.301

EXTENSION

APPROVED
P14/04536/FULL



SHIRLAND ROAD



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DATE:

FEB 2015

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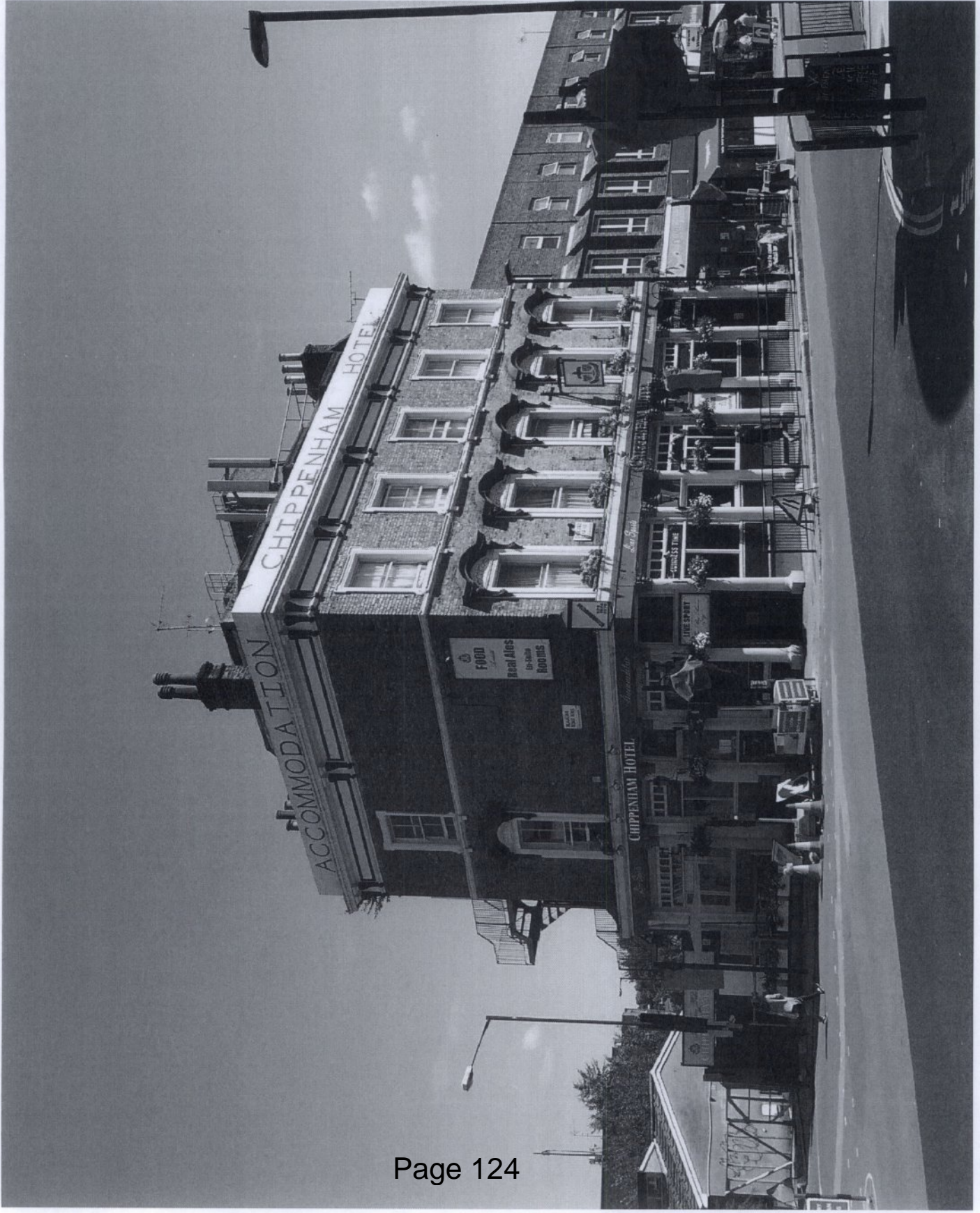
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DRAWING TITLE:

Photos 1
Main Street View

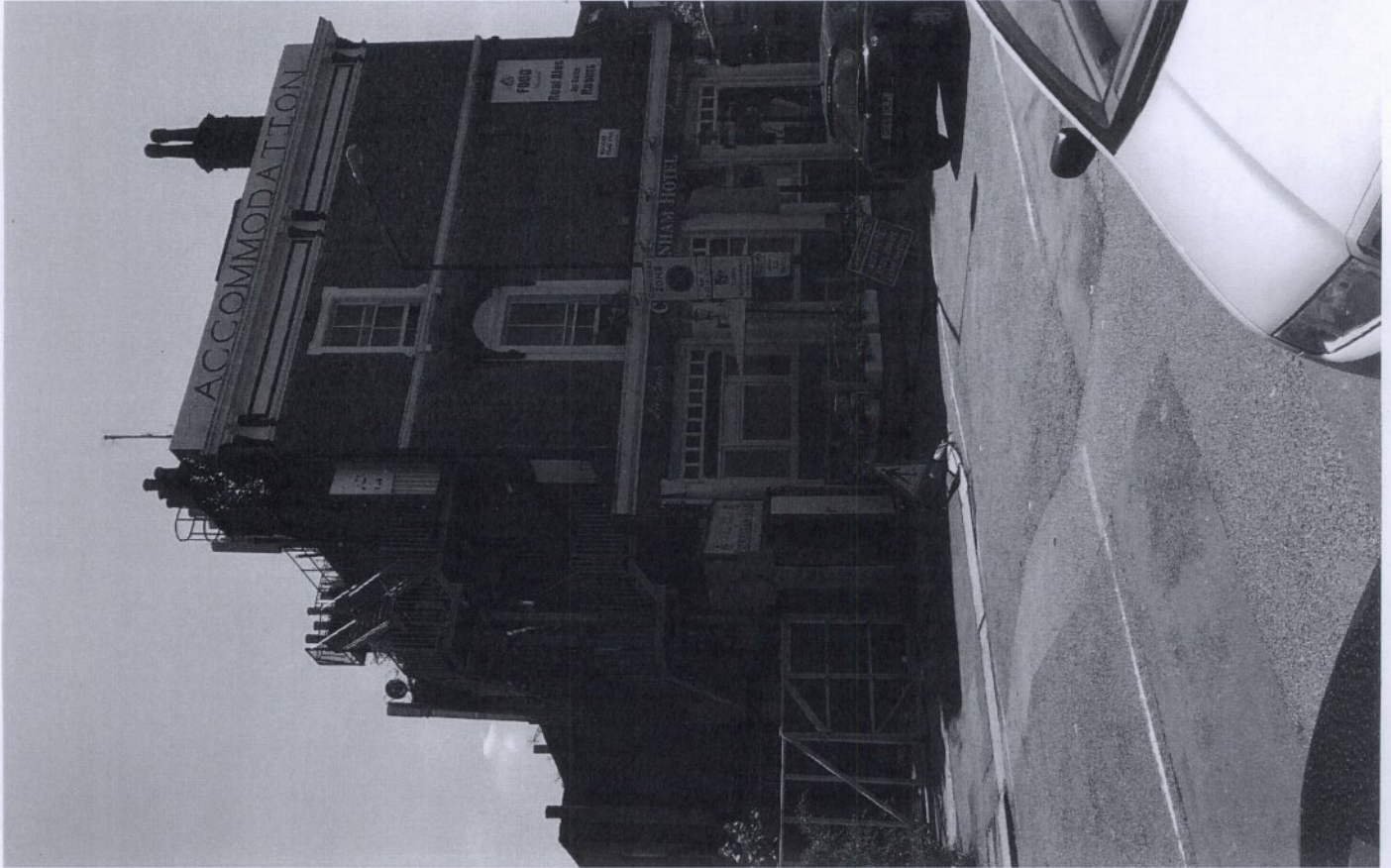
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985.11.601



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207 Shirland Road
London, W9 2EX

DATE:

FEB 2015

SCALE:

no scale

DRAWING TITLE:

Photos
Rear and West Elevations

DRAWING NUMBER:

985.11.602

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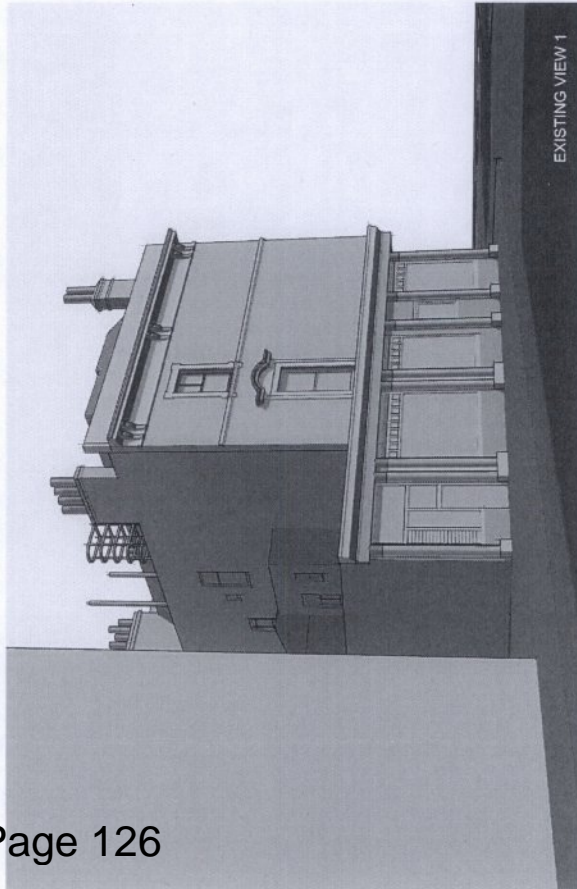
DATE: FEB 2015
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DRAWING TITLE:
CGI
View 1

DRAWING NUMBER:
985.11.603



PROPOSED VIEW 1



EXISTING VIEW 1

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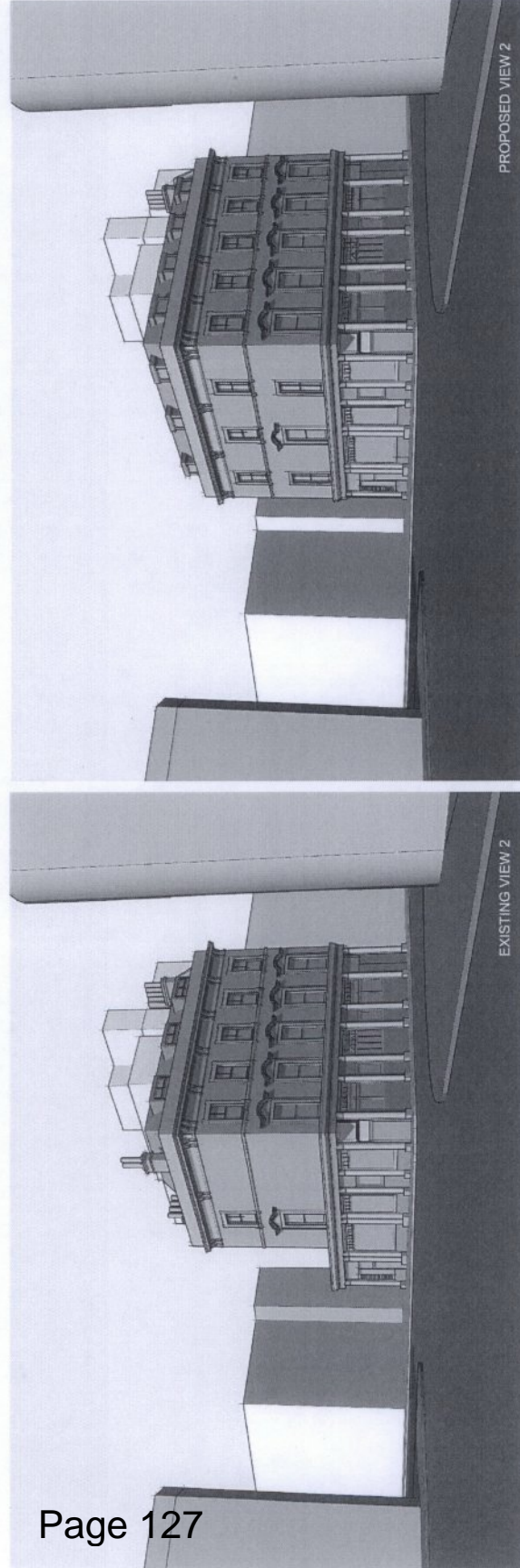
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DATE: FEB 2015
SCALE: no scale

DRAWING TITLE:
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View 2

DRAWING NUMBER:
985.11.604



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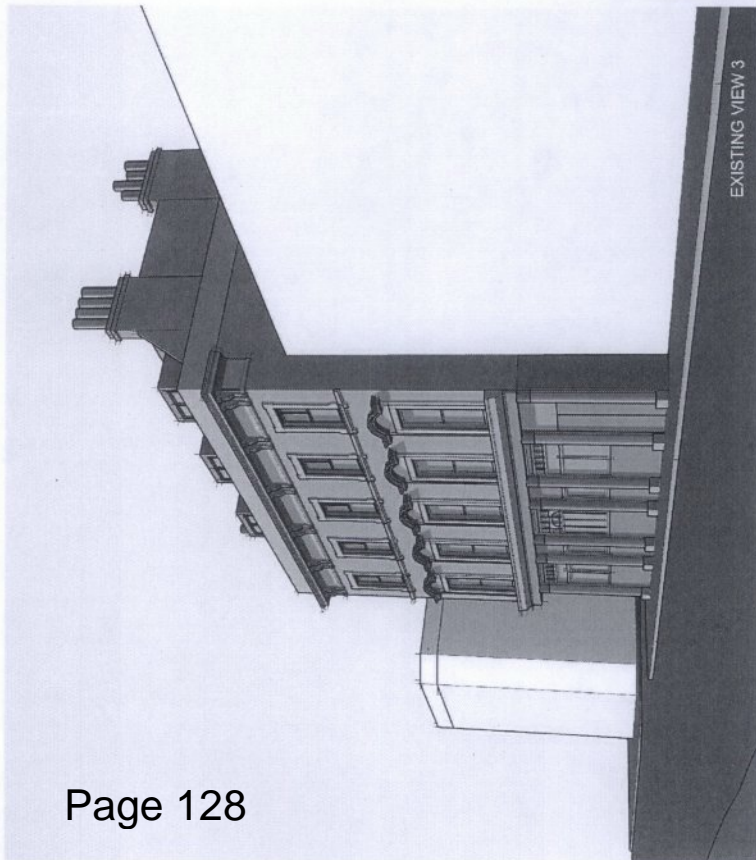
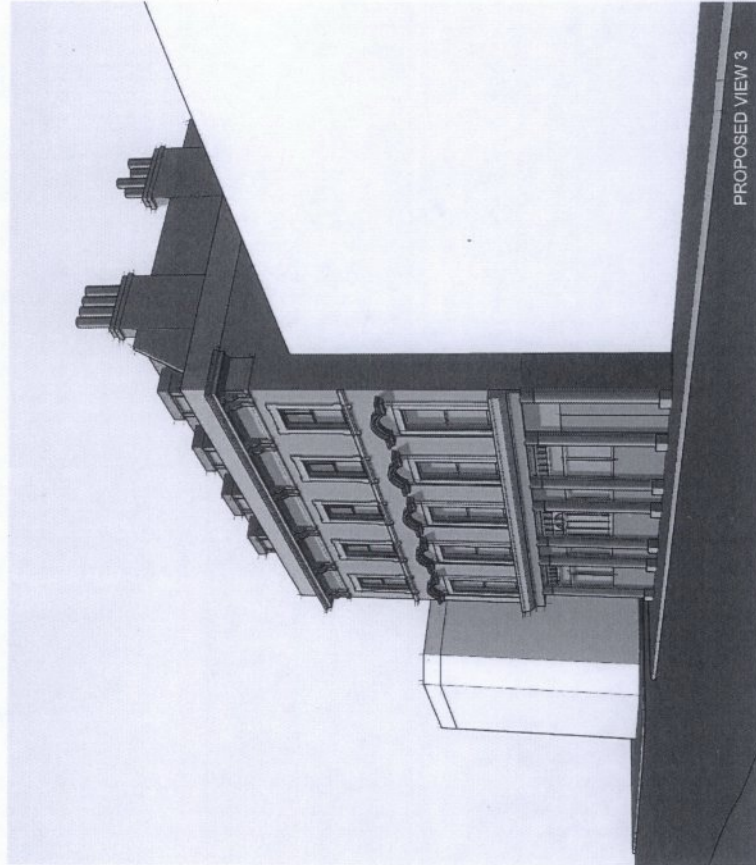
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JOB:
**The Chippenham
 207 Shirland Road
 London, W9 2EX**

DATE: **FEB 2015**
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DRAWING TITLE:
**CGI
 VIEW 3**

DRAWING NUMBER:
985.11.605



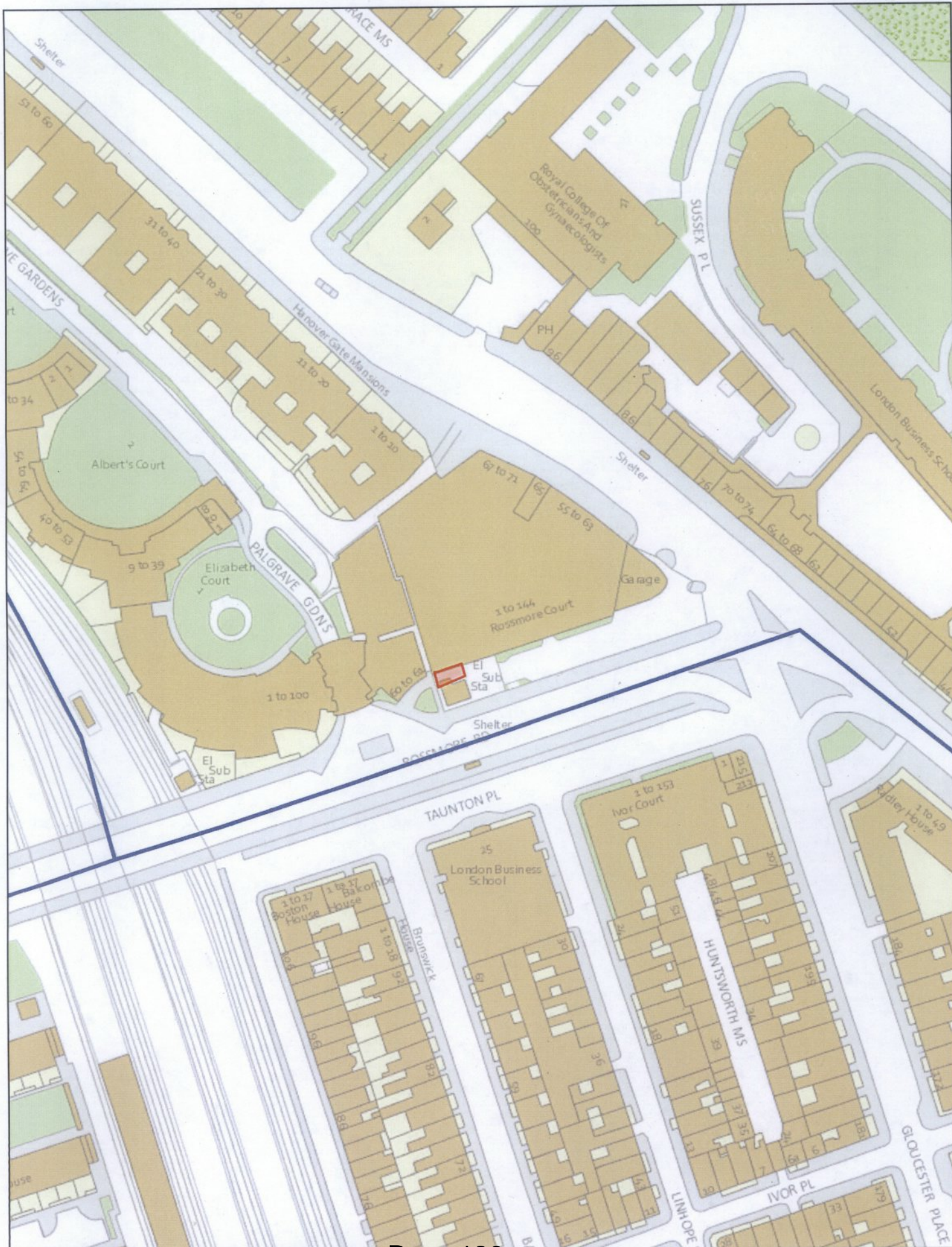
Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 June 2015	Classification For General Release	
Report of Director of Planning		Wards involved Regent's Park	
Subject of Report	Parking Spaces 15, 16, 17 And 18 Rossmore Court, Park Road, London, NW1		
Proposal	Erection of a raised single storey office building adjacent to electricity sub-station fronting Rossmore Road for financial and professional services use (Class A2).		
Agent	Keith Pepper Associates		
On behalf of	Ultra Properties		
Registered Number	15/00207/FULL	TP / PP No	TP/25206
Date of Application	10.01.2015	Date amended/ completed	10.02.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.



N





PARKING SPACES 15, 16, 17 AND 18 ROSSMORE COURT, PARK ROAD, NW1

2. SUMMARY

The application site comprises a small yard area that formed part of an access road located to the side of Rossmore Court that provided access to a railway goods yard on the site now occupied by Palgrave Gardens. The site is not listed and is not located within a conservation area.

Permission is sought for the erection of a raised building to be accessed from the retail forecourt of the adjoining Palgrave Gardens development to provide additional Class A2 financial and professional services accommodation.

The key issues in this case are:

- Whether the provision of an additional Class A2 unit is acceptable in this location in land use terms.
- Whether the proposed building is acceptable in design terms.
- The impact of the proposed development on the amenity of neighbouring residents.

The proposed development is considered to comply with the relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP) and as such, it is recommended that permission is granted subject to the conditions set out in the draft decision letter.

3. CONSULTATIONS

ST. MARYLEBONE SOCIETY

No objection to design of the proposed development. Query regarding the legal implications of access to the proposed building.

HIGHWAYS PLANNING MANAGER

Undesirable in transportation terms but could be considered acceptable. Recommend conditions relating to cycle parking and waste storage.

ENVIRONMENTAL HEALTH

No objection. Suggest conditions relating to hours of building works and vibration.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 372; Total No. of Replies: 3.

Three responses received raising objection on all or some of the following grounds:

- Concern about the impact of the setting of the entrance to Palgrave Gardens and apartments.
- Concern about impact on the setting of Rossmore Court.
- Concern about security implications of structure.
- Request for parking space.

ADVERTISEMENT/ SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The site comprises part of a small yard area in between Rossmore Court and Rossmore Road, which is understood to have originally served as an access road for a goods yard which was redeveloped as part of the Palgrave Gardens redevelopment in the late 1990s. The

space in question is located between the wall of a car park below Rossmore Court and an electricity sub-station. None of the buildings adjacent to the site are listed and the site does not fall within a conservation area.

4.2 Relevant History

8 November 2013 – Permission was refused for the erection of a single storey extension to the sub-station at Rossmore Court to provide office unit (Class B1) (13/02437/FULL). Permission was refused on land use and design grounds. The reasons are set out below:

'Under CS 20 of Westminster's City Plan: Strategic Policies which is to be adopted by Full Council on 13 November 2013 and CENT 1 and COM 1 of our Unitary Development Plan that we adopted in January 2007, new office development will be directed to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, specified locations within Marylebone and Fitzrovia, and the North Westminster Economic Development Area. We consider that these areas are more suitable for office development and we do not consider that the circumstances of your case justify an exception to our policies.'

*'Because of its detailed design and relationship to the yard and adjoining buildings the proposed office building would harm the appearance of this building and this part of the City. This would not meet CS 28 of Westminster's City Plan: Strategic Policies which is to be adopted by Full Council on 13 November 2013 and DES 1 and **** of our Unitary Development Plan that we adopted in January 2007.'*

5. THE PROPOSAL

Permission is sought for the erection of a single storey structures for use as a Class A2 office (financial and professional services). The structure is proposed to be constructed above an existing parking space and would be accessed by pedestrians from the small retail forecourt in front of the Palgrave Gardens development.

It is understood that it is intended that the unit would be used to provide additional floorspace (22m²) for the estate agency business (Ultra Estates), which currently operates from the ground floor area of the Palgrave Gardens development. However, the unit would be capable of being used independently of the existing Class A2 use in the neighbouring retail unit.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The site is currently used for parking and there are no planning controls that would restrict the use of this parking space.

The forecourt area in front of the Palgrave Gardens development is not a designated shopping frontage or centre. The proposed building would be formed on a raised platform that sits on supporting posts so that the parking space below within the yard area will continue to be usable.

One of the reasons for refusal of the previous application was that the location in question was considered inappropriate for new Class B1 office accommodation. This application confirms the office use proposed will be a Class A2 (financial and professional services) use serving visiting members of the public.

Whilst Policy S21 in the City Plan states that new retail floorspace will be directed to the designated Shopping Centres, the increase in Class A2 accommodation proposed would only

be 22m² and this floorspace would be provided in conjunction with an existing small retail frontage that meets local shopping and services need. In this context, it is not considered that the small amount of additional Class A2 floorspace proposed would significantly undermine the aims and objectives of Policy S21.

Policy SS8 in the UDP states that permission will not be given for proposals outside District and Local Centres that would significantly harm residential amenity or local environmental quality as a result of smells, noise, increased late night activity and disturbance or increased parking or traffic. Due to the point of access to the new unit being from an existing forecourt that serves other Class A1 and A2 uses, and as the unit would be of a very small size and located a significant distance from neighbouring residential windows, it is not considered that the proposed use would be contrary to Policy SS8 in the UDP.

6.2 Townscape and Design

The site comprises part of a redundant access road, which is of limited use, other than to provide surface level parking. As a result it fails to make a positive contribution to the surrounding townscape. Its proximity to Rossmore Court and the existing electricity sub-station acts as a constraint on the large scale redevelopment.

Objections have been raised expressing concern regarding how the proposed building would affect the setting of the surrounding buildings at Palgrave Gardens and Rossmore Court. The curved design of the copper clad structure is influenced by the sculpture located within the forecourt area of the Palgrave Gardens development.

The design approach has sought to maximise the potential of the space whilst being in keeping with the height of the buildings in the immediate setting (currently in retail use) and subservient within the wider setting. The form of the building has sought to reinforce its subservience through the curved roof. In design terms, curved roofs are not characteristic within the immediate setting, however, it is recognised that the form is not uncommon as some surrounding buildings have curved elements including the neighbouring building at Nos.60-61 Rossmore Road, which has a curved façade and curves have been created through surrounding hard and soft landscaping, including the area from which the Class A2 use will be accessed. Therefore the form is considered to reflect design characteristics found within the immediate setting and will not have an adverse impact on the appearance of the area.

The materials proposed are considered to introduce a modern element which will sit comfortably against the existing built form and materials. A condition is recommended requiring approval of a sample of the copper cladding to be used in the construction of the curved roof of the proposed building.

Overall in design terms, whilst the curved copper clad structure is unconventional in its form and detailed design, it is considered to be an innovative design response to this constrained site that is of modest scale. The St. Marylebone Society have commented favourably and support the proposed design.

For the reasons set out in this section of the report, the proposal is considered to comply with Policy DES1 in the UDP and Policy S28 in the City Plan.

6.3 Amenity

The structure would be isolated and located a significant distance from both the residential apartments on the upper floors of the Palgrave Gardens development and those on Rossmore

Court. The distance from the development to the nearest residential windows is such that any loss of daylight or increase in the sense of enclosure would not be material.

The site is located directly adjacent to a number of windows on Rossmore Court at ground floor level, however, these windows serve a car park. The increased sense of enclosure and loss of light that would be caused to these windows is not a ground on which permission could reasonably be withheld.

The application is considered to be acceptable in amenity terms and meets the objectives of Policy S29 in the City Plan and Policy ENV13 in the UDP.

6.4 Highways/Parking Issues

The proposal would retain the existing parking space beneath the raised office building and as such there would be no loss of parking. The additional 22m² of Class A2 floorspace would be accessed from the existing retail forecourt with vehicular access for servicing purposes from the rear which is considered to be a satisfactory arrangement. A condition has been added requiring details of waste storage facilities to be provided prior to occupation of the unit.

The application is considered acceptable in highways terms and meets the requirements of the relevant policies in the City Plan and UDP.

6.5 Equalities and Diversities (including Access)

The floor level of the proposed building would be higher than the forecourt area from which it would be accessed so that the parking space below the structure can be retained. Details of temporary step free access (for example, the provision of a temporary ramp to the building) are to be provided by condition.

6.6 Economic Considerations

Not applicable.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposals do not raise strategic issues.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to

their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.10 Planning Obligations

Not relevant given the limited scale of the proposed development.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

None relevant.

6.12 Other Issues

The legal issues associated with constructing a development on one piece of land that has an entrance from another, as reflected in the response from the St Marylebone Society, are not material planning considerations and are rather a private legal matter for resolution between the relevant land owners should permission be granted.

One objection has been raised regarding the impact of the structure on the security of Rossmore Court. It is understood that this relates to concerns that it may be possible to access the flat roof of the Rossmore Court car park from the curved roof of the new building, undermining the security fencing that has been erected by the residents of Rossmore Court. In response to this understandable concern it is noted that the building would slope away from the car park wall and there would be a gap of 1.5 metres from the roof of the adjoining car park to the top of the proposed building. As such, it is considered that this issue has been addressed to a reasonable extent by the curved design of the roof of the proposed building. Accordingly, the objection raised on security grounds cannot be supported as a ground on which to withhold permission.

6.13 Conclusion

In summary, the proposed development is considered to be acceptable in land use, design, amenity and highways terms and would accord with the relevant policies in the City Plan and UDP. As such, the application is recommended for approval, subject to the recommended conditions.

BACKGROUND PAPERS

1. Application form.
2. Letter from the St. Marylebone Society dated 12 March 2015.
3. Memo from the Highways Planning Manager dated 12 February 2015.
4. Memo from Environmental Health (undated).
5. Email from the occupier of 48 Rossmore Court, Park Road dated 18 February 2015.
6. Email from the occupier of 1-4 Palgrave Gardens, Rossmore Road dated 23 March 2015.
7. Letter from the occupier of Flat 11, Ivor Court, Gloucester Place dated 17 February 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – ogibson@westminster.gov.uk

DRAFT DECISION LETTER

Address: Parking Spaces 15, 16, 17 And 18 Rossmore Court, Park Road, London, NW1

Proposal: Erection of a raised single storey office building adjacent to electricity sub-station fronting Rossmore Road for financial and professional services use (Class A2).

Plan Nos: 2109-P500 and plan titled: 'Plans/sections/site plan/3d's'.

Case Officer: Neil Holdsworth **Direct Tel. No.** 020 7641 5018

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 4 You must apply to us for approval of a sample of the copper to be used to clad the curved roof of the building. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

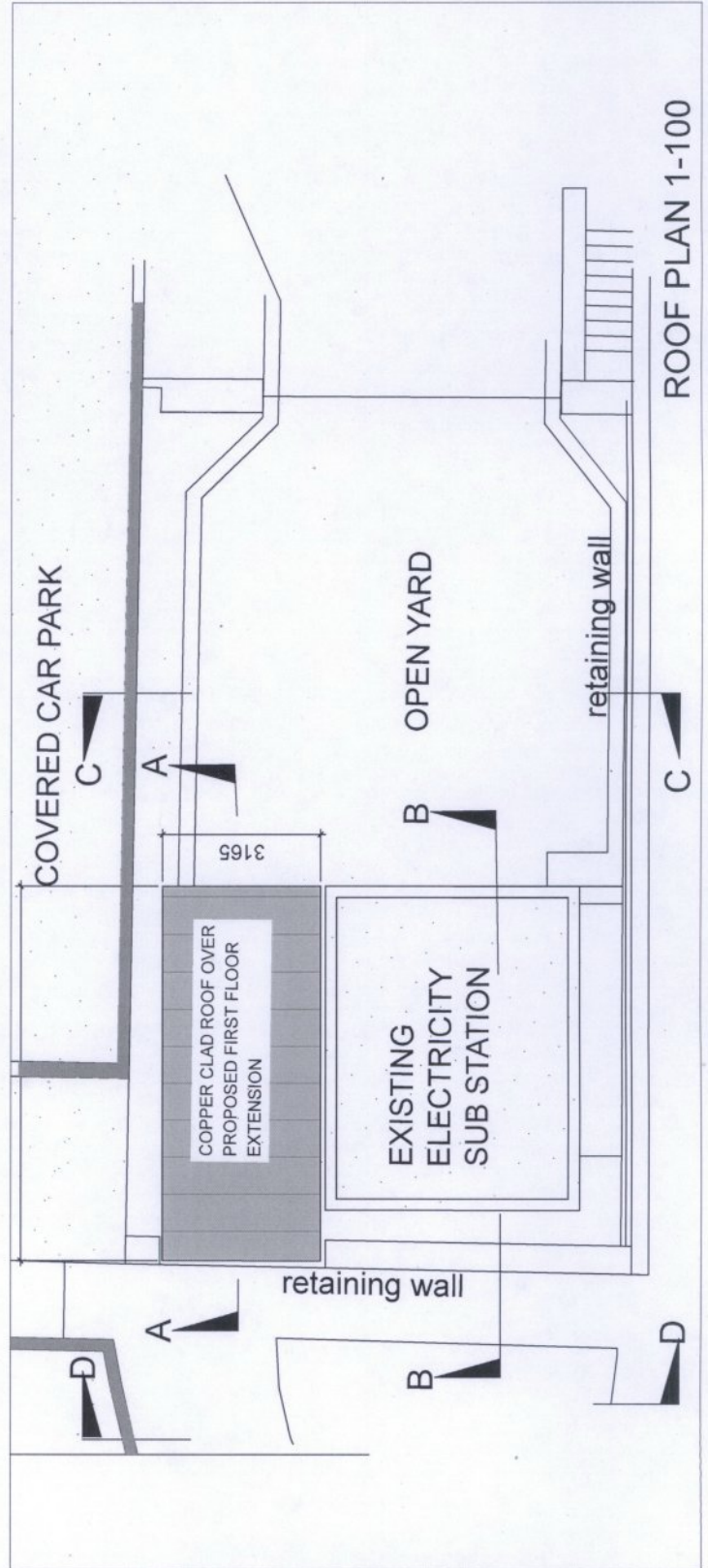
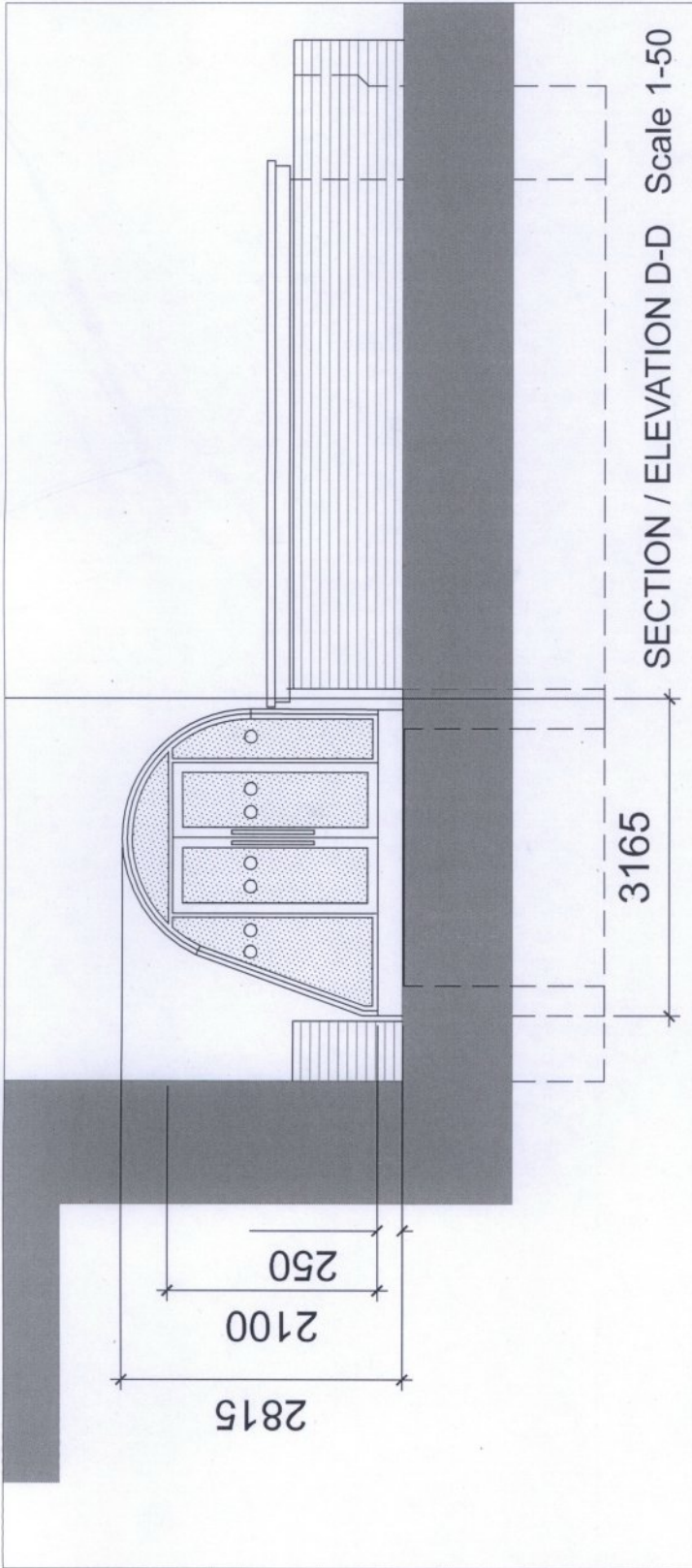
- 5 You must apply to us for approval of details of temporary/ removable step free access to the building hereby approved (including details of where/ how it will be stored). You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details and you must not use the Class A2 office accommodation until you have provided the step free access. (C26DB)

Reason:

To ensure that the new building is accessible to all in accordance with Policy S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

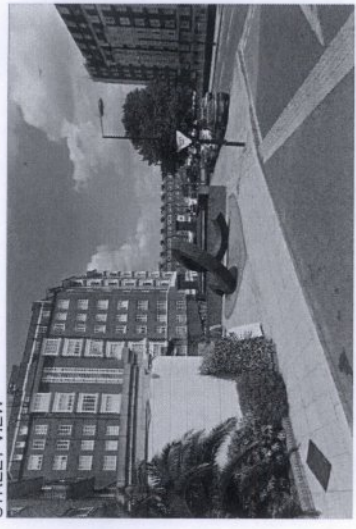


Date	Rev	Revision
PLANNING APPLICATION Project: Parking spaces 16,17,18 Rossmore Court, Park Road, London NW1 6RB Proposed: Raised Single Storey Office Drawing: ROOF PLAN AND WEST ELEVATION AS PROPOSED		
2109-P500		
Drawn: LB	Date: 18.3.13	
Scale: 1-100 & 1-50@A3		
ULTRA ESTATES 60-61 ROSENTHORPE ROAD LONDON NW1		

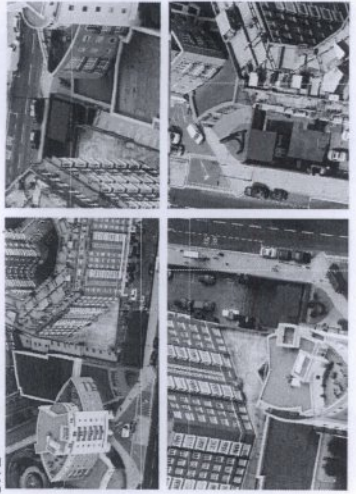
60-61 Rossmore Road ,NW16RB	
Title Plans/sections/site plan/3Ds	
CLIENT	Mr Peracha
DRAWN BY	CHECKED BY
DATE	08/01/2015
PROJECT NUMBER	4300007
SCALE (B/A)	1:100
Project Number	



STREET VIEW



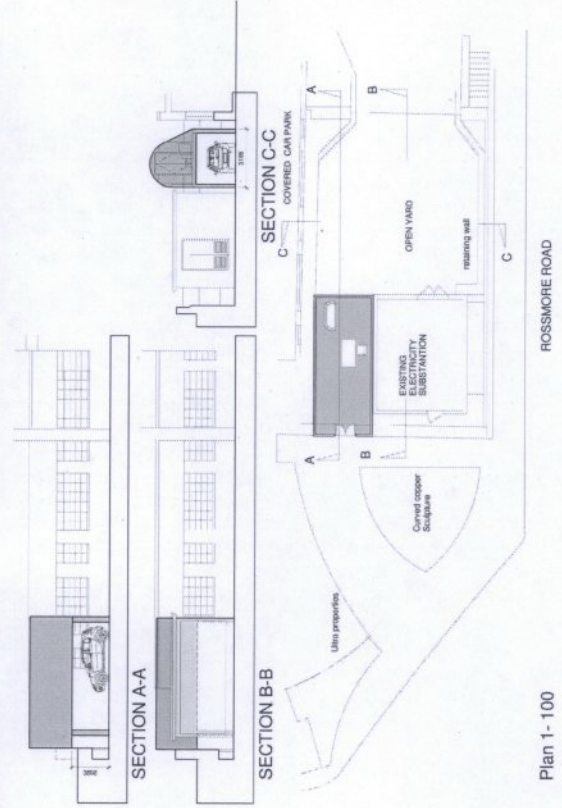
SITE



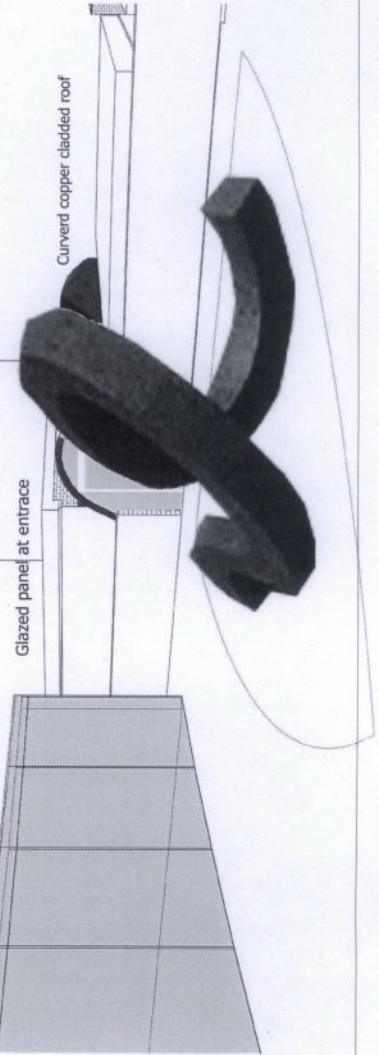
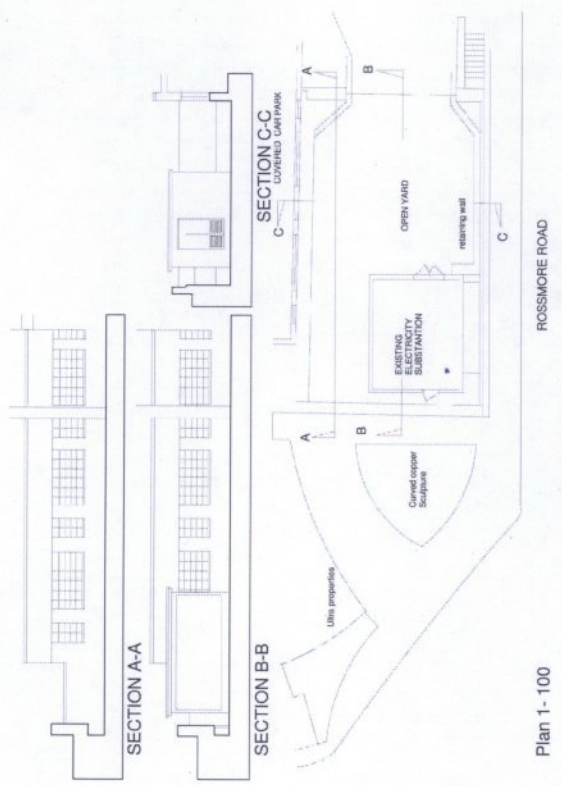
SITE LOCATION



PROPOSED



EXISTING



3D