



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (2)**

Meeting Date: **Tuesday 16th February, 2016**

Time: **6.30 pm**

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

Members: **Councillors:**

Peter Freeman (Chairman)
Paul Church
Jonthan Glanz
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, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; email: tfieldsend@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

To note that Councillor Jonathan Glanz has replaced Councillor Melvyn Caplan and Councillor Barbara Grahame has replaced Councillor Ruth Bush.

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. 65-66 FRITH STREET, LONDON W1 | (Pages 3 - 34) |
| 2. 35 CRANBOURN STREET, LONDON WC2 | (Pages 35 - 56) |
| 3. 10-11 GREAT NEWPORT STREET, LONDON WC2 | (Pages 57 - 70) |
| 4. 97-98 MARYLEBONE HIGH STREET, LONDON W1 | (Pages 71 - 88) |

**Charlie Parker
Chief Executive
8 February 2016**

Agenda Item

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE – 16 FEBRUARY 2016
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 14/09094/FULL West End	65-66 FRITH STREET, LONDON W1D 3JR	Demolition of rear façade (Chapone Place) and erection of extensions at rear second and third floor levels and at main roof level to create a new sixth floor in connection with the use of part basement and ground and the first to new sixth floor levels as eleven residential units (Class C3). Use of part lower ground and ground floors as restaurant accommodation (Class A3) and installation of a full height extract duct. Creation of terraces and balconies at second, third, fourth, fifth and sixth floor levels. Installation of plant at rear third floor level with associated screening and at main roof level, photovoltaic cells and alterations to the shopfront, including a bridge over the existing lightwell.	
<p>Recommendation</p> <p>1. Grant conditional permission subject to the completion of a S106 legal agreement to secure the following:</p> <p>i) the provision of two on-site affordable housing units;</p> <p>2. If the agreement has not been completed within six weeks of the date of the Committee's resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; if not, then</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
2	RN 14/09898/FULL St James's	35 CRANBOURN STREET, LONDON WC2N 4AJ	Erection of mansard roof extension with rear terrace at main (fourth floor) roof level and mansard extension at rear third floor level in connection with the use of the basement, ground and first floors as a restaurant (Class A3) and use of the second, third and fourth floor levels as two residential units (Class C3). Installation of replacement windows, kitchen extract duct, replacement rooftop plant and alterations to shopfront to St Martin's Court elevation.	
<p>Recommendation</p> <p>Grant conditional permission.</p>				
3	RN 15/05558/FULL St James's	10-11 GREAT NEWPORT STREET, LONDON WC2H 7JA	Erection of a timber slatted screen to the east side of the existing lightwell at first to fifth floor levels.	
<p>Recommendation</p> <p>Grant conditional permission.</p>				
4	RN 15/09537/FULL Marylebone High Street	97-104 MARYLEBONE HIGH STREET, LONDON W1U 4RJ	Erection of a single storey roof extension at 97-104 Marylebone High Street to provide a 1x2 bedroom flat and a 1x3 bedroom flat (Class C3).	
<p>Recommendation</p> <p>Grant conditional permission.</p>				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	65-66 Frith Street, London, W1D 3JR		
Proposal	Demolition of rear façade (Chapone Place) and erection of extensions at rear second and third floor levels and at main roof level to create a new sixth floor in connection with the use of part basement and ground and the first to new sixth floor levels as eleven residential units (Class C3). Use of part lower ground and ground floors as restaurant accommodation (Class A3) and installation of a full height extract duct. Creation of terraces and balconies at second, third, fourth, fifth and sixth floor levels. Installation of plant at rear third floor level with associated screening and at main roof level, photovoltaic cells and alterations to the shopfront, including a bridge over the existing lightwell.		
Agent	Montagu Evans LLP		
On behalf of	John Lewis Partnership Pension Trust		
Registered Number	14/09094/FULL	Date amended/ completed	12 September 2014
Date Application Received	12 September 2014		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to the completion of a S106 legal agreement to secure the following:</p> <p>i) the provision of two on-site affordable housing units.</p> <p>2. If the agreement has not been completed within six weeks of the date of the Committee's resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers.</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director</p>
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of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

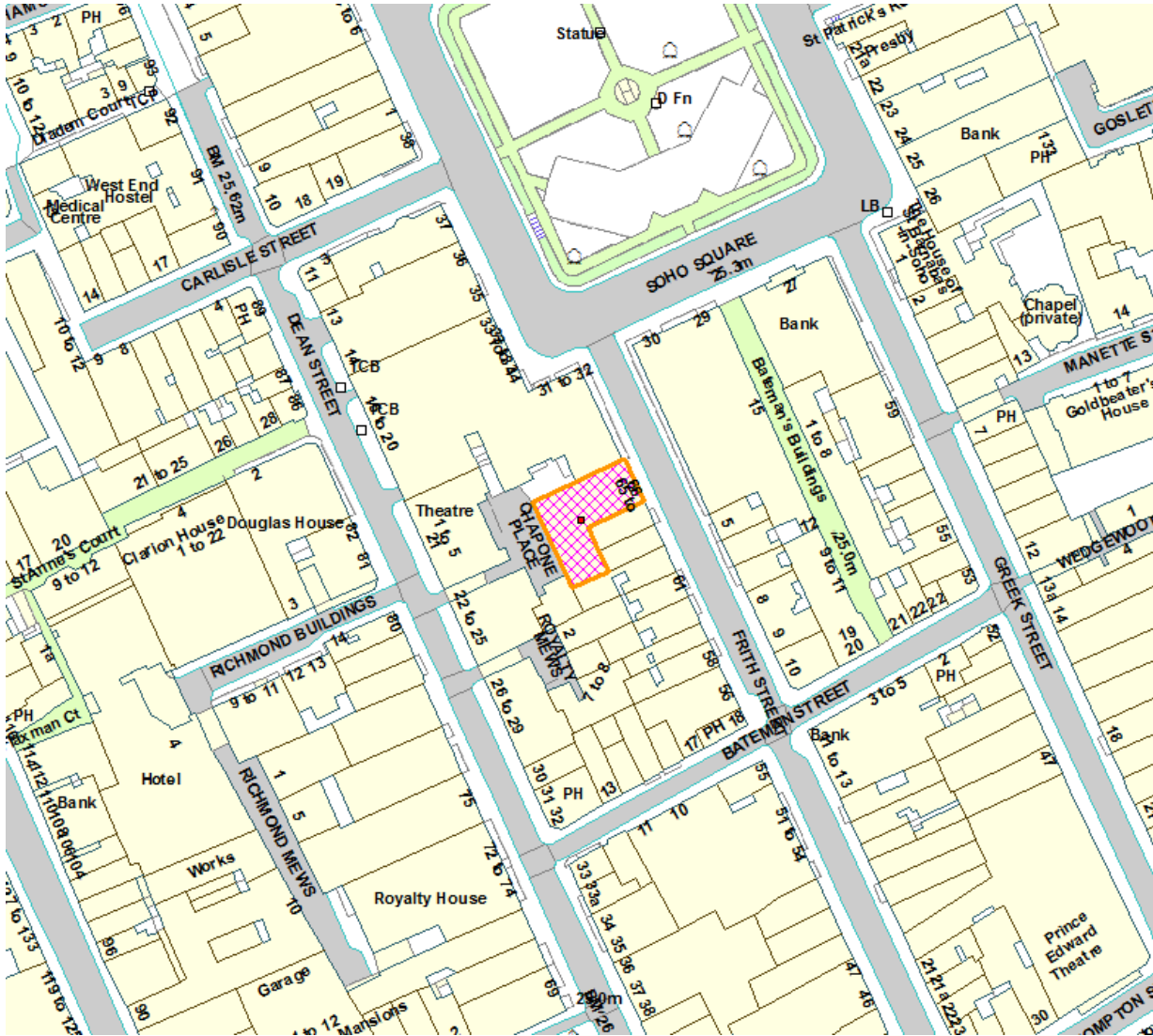
65-66 Frith Street is an unlisted building located in the Soho Conservation Area and the West End Stress Area. The building is located on the west side of the street just to the south of Soho Square. The rear of the site adjoins Chapone Place which is a rear yard area accessed off Dean Street. The building comprises of office accommodation (Class B1) at basement, ground and first to fifth floor levels with a plant area at main roof level. Permission is sought for the redevelopment of the property with extensions at the rear and the creation of a new sixth floor level. It is proposed to use part of the basement and ground floor levels as a restaurant (Class A3) and the remainder of the building as residential accommodation (Class C3). Terraces are proposed at second, third, fourth, fifth and sixth floor levels in association with the residential units, plant is proposed at rear third floor level, with a high level extract duct associated with the restaurant use.

The key issues are:

- * The principle of a new restaurant use in the West End Stress Area;
- * The impact of the proposed extensions and terraces upon residential amenity;
- * The loss of B1 office accommodation;
- * The impact in design terms.

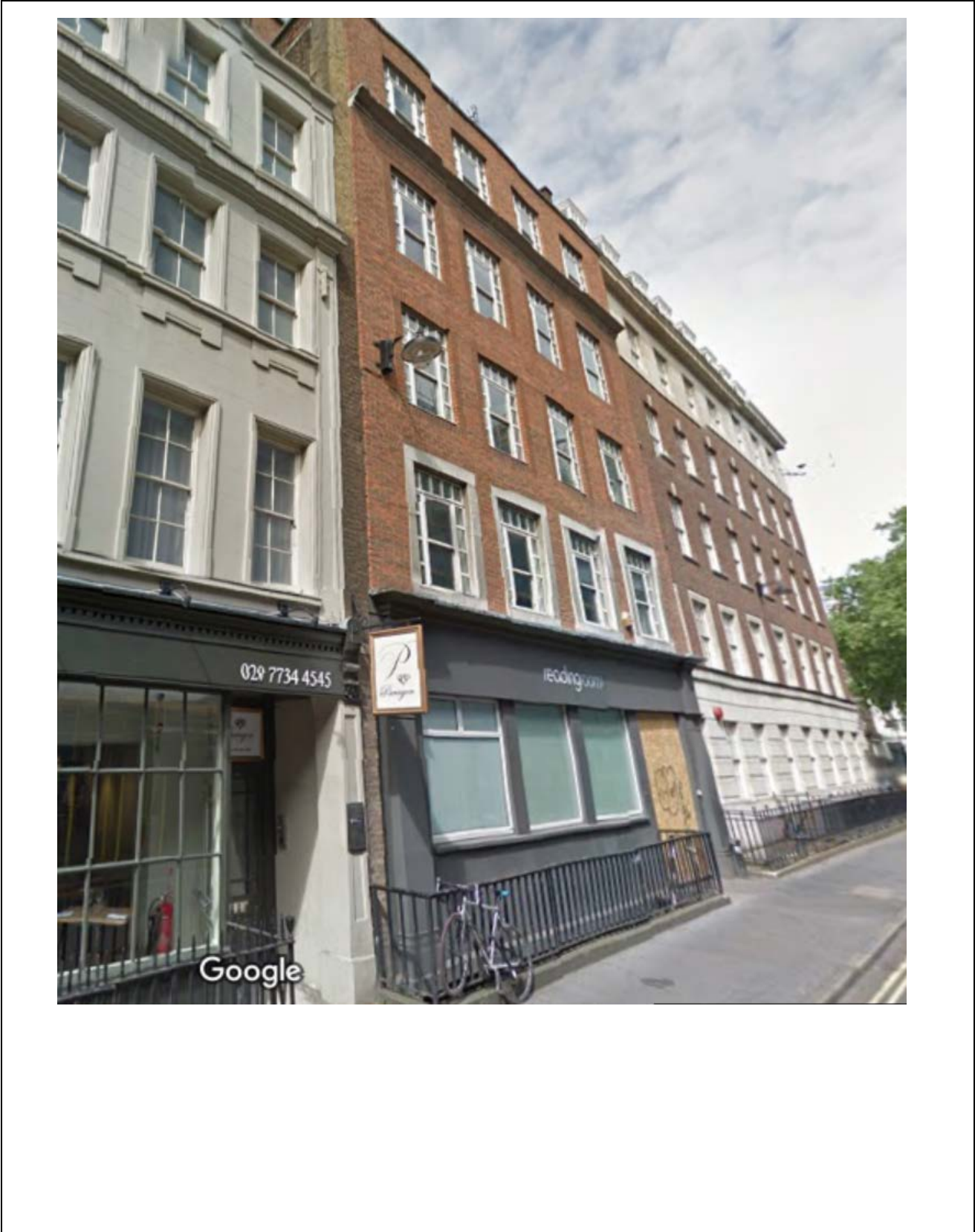
Subject to appropriate conditions, the proposal is considered acceptable in land use, transport, design and amenity terms. The application is therefore recommended for approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS





CONSULTATIONS

SOHO SOCIETY

Object to the loss of office floor space in the Core CAZ; the principle of a new restaurant use in the West End Stress Area and the fact that the introduction of residential units above a restaurant could result in amenity impacts for the future residential occupiers.

MET POLICE

Suggest potential mitigation factors to reduce the likelihood of crime occurring at the property.

THEATRES TRUST

Raises concerns on the grounds that proposed residential use could have an impact on the operation of the Soho Theatre and that the proposed landscaping works would adversely affect the access, servicing and fire escape arrangements for the Theatre. Requests the submission of a Construction Management Plan

CLEANSING MANAGER

Raise no objections subject to conditions.

HIGHWAYS PLANNING MANAGER

Raise no objections subject to conditions.

ENVIRONMENTAL HEALTH

Raise no objections subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 58

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections on some or all of the following grounds:

Transport / Servicing

*Loss of commercial parking spaces in Chapone Place.

*Deliveries to the restaurant may impact upon the use of Chapone Place.

*Landscaping of Chapone Place will impact upon servicing and fire escape arrangements for properties accessed off the yard.

*Disruption of access to Chapone place during construction works.

Other

*Noise disruption during construction works.

*Cleanliness of Chapone Place.

RESPONSES RECEIVED AFTER RE-CONSULTATION

Objections from the Soho Theatre (21 Dean Street) and The Theatres Trust were withdrawn on the basis that a condition requiring the submission of a Construction Management Plan is imposed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The application premises relates to 65-66 Frith Street which is located on the western side of Frith Street south of Soho Square. The building comprises office accommodation over basement, ground and first to fifth floor levels with plant installed at main roof level. The building fronts onto Chapone Place at the rear of the site which is accessed off Dean Street. The property has a wider frontage onto Chapone Place as the application site runs 63 and 64 Frith Street at this point.

The building is unlisted but is located within the Soho Conservation Area, Core Central Activities Zone and the West End Stress Area.

5.2 Recent Relevant History

Planning permission was granted on the 30th April 1996 for the 'extension of two existing windows to form doorways onto existing fifth floor balcony railings; railings to balcony.'

Planning permission was granted on the 6th June 1988 for an 'office extension at rear of the first floor and alterations to front elevation.'

6. THE PROPOSAL

Permission is sought for the demolition of the rear façade fronting Chapone Place at ground and first floor levels and redevelopment of the site with extensions at the rear and creation of a new sixth floor level. The proposed use of the part basement and ground floors is for restaurant accommodation (Class A3) with the main access from Frith Street. Part of the basement is proposed as residential plant and cycle parking, and two residential accesses to the flats are proposed, one being from Chapone Place and the other from Frith Street. The rear residential access provides access to two flats at first floor level which are designated as affordable housing units, whilst the entrance from Frith Street accesses market housing at first to sixth floor levels.

Terraces and balconies are proposed at second, third, fourth, fifth and sixth floor levels associated with the residential units. A new high level extract duct is proposed to ensure acceptable odour dispersal from the restaurant kitchen, external plant with associated screening is proposed at rear third floor level and photovoltaic panels are proposed at main roof level and rear third floor level.

Floorspace Schedule:

Use	Existing	Proposed	+/- difference
Office	1569m ²	0m ²	-1569m ²
Restaurant	0m ²	480m ²	+480m ²
Residential	0m ²	1327m ²	+1327m ²
Total	1569m ²	1807m ²	+238m ²

Restaurant Use Table:

	Proposed restaurant incorporating basement and ground floor levels
Restaurant floor space (m2)	480m ²
No of covers	146
Hours of Operation	10:00 – 00:30 Monday to Saturday 12:00 till 00:00 Sundays and Bank Holidays
Ventilation arrangements	Kitchen extract duct to terminate at high level and plant at rear third floor level.
Refuse Storage arrangements	To be stored within separate refuse and recycling storage areas at basement level.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Loss of office use

The entirety of the property is currently in use as office accommodation (Class B1) and this use is lawful as confirmed by Business Ratings records and previous planning consents relating to the property.

Interim measures (set out in an initial statement dated 1 March 2015) have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floor space. An objection has been received from the Soho Society to the loss of B1 office accommodation which they consider impacts upon the mixed use of Soho when taking into consideration the cumulative impact of other applications in the area. However as the current application was submitted in 2014, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.. Consequently, the loss of the B1 office accommodation is considered acceptable in land use terms.

Residential use

The introduction of residential floorspace on the upper floors of the property is considered favourably when taking into account the proposal will comply with Policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land or buildings in residential use.

Mix

The proposals include an increase in residential floorspace of 1327m² (GEA), providing 11 residential flats. Three of the residential flats will be family sized accommodation (comprising of three or more bedrooms), four will be two bedroom and four will be one bedroom / studio units. Therefore, 27% of the proposed residential flats will be family-sized accommodation. Policy H5 of the UDP states that; 'the City Council will normally require 33% of housing units in housing developments to be family-sized and will require 5% of this family housing to have five or more habitable rooms'. However, paragraph 3.74 states that 'the requirement to provide 33% family-sized units (three or more bedrooms) will be applied with some flexibility. For example, the City Council may accept a lower level of family accommodation where the proposed housing is located in a very busy, noisy environment.' Taking into account the location of the building fronting Frith Street which is busy street within Soho with a vibrant nightlife, it is considered the requirements of Policy H5 can be applied with a degree of flexibility and the provision of 27% family sized accommodation is acceptable in this instance. A condition is proposed to ensure that the three bedroom units are provided and retained as such.

The residential unit sizes accord with the size and space standards of the national technical standards.

Affordable Housing

Policy H4 of the UDP requires the provision of affordable housing within residential developments which propose an increase in 10 residential units or more. Policy S16 of the City Plan reiterates this and states that where housing developments result in 10 new units or increases of 1000m² of residential floorspace, the provision of self-contained affordable housing will be required on site. Where the City Council considers this is not practical or viable the affordable housing can be provided off-site in the vicinity or a payment in lieu to the City Council affordable housing fund may be accepted. The proposed Gross External Area of the residential part of this development measures 1,327m² which equates to a requirement for 160m² of affordable housing (or two residential units).

Following protracted negotiations with the applicant it has been agreed that the required affordable housing provision can be provided on site. There will be a separate entrance to these units from Chapone Place to the rear of the application site with two affordable housing units provided at first floor level within the development. The provision of on-site affordable housing accords with the requirements of S16 of the City Plan and H4 of the UDP.

Westminster Community Homes have expressed an interest in managing the units and have visited the site and confirm that they are willing to accept two units in this location. It is likely that the units will be offered for intermediate rent. Whilst the access to the

affordable housing element off Chapone Place is not ideal, considering this is primarily a servicing yard, Westminster Community Homes confirm that they consider this a suitable location for the units. A legal agreement is required to ensure that the affordable units are provided prior to the occupation of the market units and that the flats for intermediate rent are retained on an affordable basis.

Restaurant

This application proposes a new restaurant premises at part basement and ground floor levels measuring 480m². The proposal must therefore be considered against the relevant City Council policies relating to entertainment uses. Policy S24 of Westminster's City Plan: Strategic Policies states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area.

Due to the size of the restaurant proposed (being 480m²) within the West End Stress Area the application must be determined against the requirements of Policy TACE9 of the UDP. Policy TACE9 considers entertainment uses 'which may be permissible'. Part 1 of the policy requires the proposal to have no adverse impact in terms of noise, vibration, smells, increased late night activity and increased parking / traffic. In determining the acceptability of the proposal the City Council may seek to control the following:

1. The number of customers who may be present on the premises.
2. The opening hours.
3. The arrangements to be made to safeguard amenity and prevent smells, noise and vibration disturbance (including that from the use of ventilation and air conditioning plant) from the premises.
4. Servicing arrangements.
5. Arrangements for the storage, handling and disposal of waste, recyclable materials and customer litter.
6. The positioning of tables and chairs in open areas within the curtilage of the premises.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by commercial uses with most of the neighbouring buildings to the north in use as office / medical accommodation whilst along Frith Street to the south are restaurant and retail units on the lower floors with office or residential uses on the upper floors. The nearest other 'entertainment' premises are a restaurant immediately to the south at 63-64 Frith Street, a bar at 62 Frith Street and the Soho Theatre to the rear of the site in Chapone Place but fronting onto Dean Street.

The nearest residential properties are located on the upper floors of 63 Frith Street to the south with three flats on the first to third floor levels. There are also two residential flats at second and third floor level in 62 Frith Street. Council records do not indicate the presence of any residential units on the opposite side of the street.

The opening hours of the premises are proposed as 10:00 to 00:30 Monday to Saturday and 10:00 to 00:30 on Sundays and Bank Holidays. These proposed opening hours are considered reasonable and accord with Paragraph 8.88 of the UDP which states; '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'. It should also be noted that this is predominantly a commercial area with a restaurant unit at 63-64 Frith Street to the south with licensed opening hours from 10:00 to 00:30 Monday to Saturday and 12-00 till 00:00 on Sundays. There is also a bar at 62 Frith Street with licensed opening hours being 11:00 till 01:00 daily.

A condition is proposed to ensure that there is no takeaway service provided from the property or a home delivery service which might result in increased vehicular movements. Conditions are also proposed to ensure that any bar area provided in the premises does not exceed 15% of the floor area; that all customers consuming alcohol on the premises do so with a meal and that any music played in the premises is not audible externally or within adjacent premises.

The applicant has requested 146 covers, which again is considered modest and a condition is proposed to ensure this is the case.

Environmental Health consider the proposed high level extract duct suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity. It is noted that the duct will oversail the rear of 64 Frith Street to the south but the applicant has provided evidence to prove they also own this building and therefore they have the capacity to install and maintain the duct in this position.

Whilst it is acknowledged that the restaurant premises would be located within the designated West End Stress Area and the Soho Society have objected to the introduction of a restaurant use, the number of covers (146) is relatively modest, the hours of use are similar to other premises in the immediate vicinity and are only slightly later than the City Council 'core hours' for 'entertainment' premises in residential areas. It is therefore not considered that the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality, Suitable conditions are also proposed to ensure the structure of the building will be sufficient to ensure noise transmission from the ground floor restaurant operation to the proposed first floor residential units will comply with the City Council standards. In these circumstances, the application is recommended for conditional planning approval and the objection is not supported.

Given the existing office use, it is considered the new restaurant premises would help to enliven the street frontage which would be considered a benefit of the scheme. The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

7.2 Townscape and Design

The proposals involve roof and rear extensions. At roof level the additional storey, replacing a roof level plant room, is set well back from the Frith Street frontage. The

proposed massing will mean that the bulk is increased on the south side, adjacent to the listed buildings on Frith Street, but lower than the building to the north (in Soho Square). Given the setting back, its visual impact from the street will be limited.

At the rear the additional bulk is also set progressively back and will not harm the character of Chapone Place.

The design of the extensions is in keeping with the architecture character of the building and the proposed duct will be enclosed in brickwork.

The scheme is considered to comply with the Unitary Development Plan urban design and conservation policies, including DES 5, DES 6 and DES 9, and will preserve and enhance the character and appearance of the Soho Conservation Area. It will not harm the settings of the adjacent listed buildings.

7.3 Residential Amenity

Sunlight and Daylight

Policy ENV13 of the UDP states that 'the City Council will normally resist proposals that result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.' Policy S29 of the City Plan states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

No objections have been received to the proposal with regard to loss of daylight/sunlight to surrounding buildings. However, a Daylight and Sunlight Assessment has been submitted which assesses the impact of the proposal on neighbouring sensitive windows in accordance with the Building Research Establishment (BRE) Guidelines. The BRE Guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but bathrooms, toilets, storerooms and circulation areas and garages need not be analysed.

The windows included in the assessment are existing residential flats on the first to third floor levels of 62 Frith Street, the second and third floors of 63 Frith Street to the south and east of the application site and residential flats within 22-25 Dean Street and 21 Dean Street to the west on the opposite side of Chapone Place.

The applicant has considered the impact of the additional bulk on the Vertical Sky Component (VSC) available to these windows. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

One bedroom window at 63 Frith Street would experience a 26% loss in VSC contrary to BRE guidance. However, the main source of light to the bedroom is a patio door for which the VSC losses accord with the BRE Guidance. It also appears that both these windows are obscure glazed. All other assessed windows in 63 Frith Street and the surrounding

residential properties accord with the BRE Guidelines with regard VSC losses. It is also noted that the BRE guidance states that when considering the impact of development on an existing residential building the main rooms of the property should be considered; 'this would include living rooms, dining rooms and kitchens: bedrooms should also be analysed although they are less important.'

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the occupants of the existing building are likely to notice the loss of sunlight.

The losses to the assessed windows are all compliant with the BRE Guidelines except for one window serving a third floor flat at 21 Dean Street which would experience a 25% reduction of its former value from 12% to 9%. However, this window is one of three windows serving the living room of this residential flat and the losses to the other two windows accord with the BRE Guidelines.

Whilst the impact on these flats will be material, the reductions only slightly exceed the BRE guidelines in relation to two windows and for the reasons detailed above it would be unreasonable to refuse the proposal on these grounds. No objections have been received from the residents of these flats.

Proposed flats:

A common issue when converting office buildings such as this to residential is deep floorplates which makes achieving dual-aspect dwellings difficult. In this instance the only way to provide all dual-aspect units would be to provide a small number of large flats running the full depth of the building front to back, but this would not optimise the number of flats created as there would be far fewer. This property is orientated east-west so there would be no single aspect north facing units, however, out of the eleven units proposed six would be single aspect, with all the family sized accommodation being dual aspect. Given the constraints of the site and the need to maximise the number of residential units the number of single-aspect flats is considered acceptable.

Windows are proposed at first, second and third floor level on the boundary of the site overlooking the rear of 64 Frith Street. Windows on boundaries are ordinarily considered unacceptable as they compromise potential future development of adjoining sites and any corresponding impact upon the levels of light to windows on boundaries is subsequently difficult to protect. However, the applicant has provided evidence to show that they own both 63 and 64 Frith Street to the south. In these circumstances the location of these windows is considered acceptable as the applicant has control over any future developments of the neighbouring site and no third party is prejudiced by granting this permission. An informative is attached to advice that as these windows are on the boundary of the site less emphasis will be placed on protecting their levels of daylight and sunlight than would otherwise be the case normally if a future planning application were to be submitted on the neighbouring site.

An internal noise assessment has been submitted with the application to ascertain whether the internal noise levels within the proposed flats would be compliant with the City Council's criteria. The acoustic report makes recommendations for the acoustic performance of the new building facade and glazing. Environmental Health have assessed the report and concluded that if the recommendations were implemented internal noise levels in the proposed flats would be compliant with the relevant criteria. Relevant conditions are proposed with regard to internal and external noise transference to ensure that the recommendations of the report with regard to the building fabric and the performance of the glazing are implemented in the final scheme. Mechanical ventilation is to be provided to the residential units to ensure if the windows are shut for acoustic reasons the units can still be ventilated.

The Soho Society have objected to the introduction of residential flats above a restaurant use due to the potential for noise and disturbance from the restaurant to affect residential amenity. Detailed acoustic information has been provided by the applicant with regard the acoustic mitigation measures to be incorporated into the ceiling of the ground floor and considering the whole site is being redeveloped it is considered these can easily be installed. Conditions are proposed to ensure these measures are incorporated into the property and with these conditions in place it is not considered the objection on these grounds is sustainable.

Initially objections were received to the application from the Soho Theatre who operate at 21 Dean Street and The Theatres Trust. They were concerned that future residents of the proposed dwellings may be detrimentally affected by servicing of the theatre from Chapone Place. Following further information being submitted in relation to the acoustic performance of the building construction and glazing these objections have been withdrawn. The Environmental Health Officer has also confirmed that the internal noise levels will be compliant with the City Council standard requirements and conditions are proposed to ensure this is the case.

Sense of Enclosure

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. The proposal includes extensions on the rear part of the building at second and third floor levels. The nearest residential accommodation to these extensions are the flats in 63 Frith Street which has a single flat on each floor from first to third floor levels. It is noted that the rooms at the back of the property are bedrooms. These would have direct views of the proposed extension at second floor level, which would be approximately 5.5m distant from the bedroom windows. However, the proposal is only for a single storey extension and it is not considered the increase in the sense of enclosure is sufficient to warrant refusal of the application. No objections have been received from these occupiers on these grounds.

Privacy

No objections have been received to the application with regard to the potential for overlooking or loss of privacy resulting from the proposed terraces. Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring

residential or sensitive buildings. To alleviate concerns with regard to overlooking from the proposed terraces at second and third floor level of the residential flats in 62 and 63 Frith Street, privacy screens are proposed on the eastern side of the terraces. Further details of these 'privacy screens' have been secured by condition. It is not considered the creation of terraces at other floor levels would result in any overlooking of other existing sensitive properties.

7.4 Transportation/Parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond designated 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for 11 spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy during the day is 68%, overnight parking occupancy was measured as being 77% and residents can park for free on metered bays and on single yellow lines. Whilst the provision of residential units without off-street car parking is likely to increase these stress levels on the basis of car ownership levels and spare capacity in on-street parking, any additional on-street parking requirements generated by the proposal can be absorbed by the highway network without increasing the stress levels beyond 80%. The development is therefore considered compliant with the requirements of Policy TRANS23.

An objection was received to the application from the commercial occupier of 33 Soho Square who has access to Chapone Place, they currently have two car parking spaces in Chapone Place and they were concerned they should be re-provided as part of any landscaping works in Chapone Place. Initially works were proposed to landscape the whole of Chapone Place but these have now been removed from the application and the objection on these grounds is no longer considered sustainable.

Servicing

Chapone Place to the rear of the application site is currently used to service a number of other nearby commercial uses and it is considered the servicing of the restaurant use can be easily accommodated from this area. A condition is proposed requiring the submission of a Delivery and Servicing Management Plan to co-ordinate the servicing requirements and to ensure the proposal does not detrimentally affect the highways network or residential amenity.

Cycle Parking

14 cycle parking spaces have been provided for the use of the residential occupants at lower ground floor level. It is noted that there is no access to this part of the building for the occupiers of the affordable housing units, but the applicant is showing the provision of six external cycle stands with 12 spaces in Chapone Place. They are also proposing an additional, covered cycle 'shed' in Chapone Place which will be for the use of restaurant staff and have 10 cycle spaces. It is noted that the cycle parking for the two affordable housing units would be uncovered at the rear of the property and a condition is therefore

proposed to ensure that a covered area is provided similar to that for the restaurant. A condition is proposed to ensure all cycle parking is provided and retained in perpetuity.

7.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated are welcomed.

7.6 Access

Level access will be provided to the ground floor restaurant from the main entrance off Frith Street and whilst there are internal steps a platform lift is also shown on the drawings and a disabled toilet is shown at ground floor level for customers.

With regard the affordable housing units to the rear, these are accessed from a separate staircase from Chapone Place. It is not considered a lift could have been installed due to the impact this would have upon the size of the units and the resultant increase in service charges.

It is noted that a new lift is to be installed within the core serving the market housing accessed off Frith Street and the applicant has stated all flats in the building will be designed to accord with the Building Regulations.

7.7 Other UDP/Westminster Policy Considerations

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.

The applicant has submitted an acoustic report to accompany proposals for the new plant. The report considers the projected noise levels from the new plant in relation to the nearest noise sensitive properties. The nearest sensitive properties were identified as being proposed residential units at third and fourth floor levels and properties on the opposite side of Chapone Place.

To accord with the City Council's established noise criteria, noise levels from the plant will have to be 10dB below the lowest recorded background noise level at the nearest noise sensitive window. As the lowest background noise level was measured as being 46dB during the proposed hours of operation (being 24 hours), the noise criteria is 36dB.

An acoustic screen is proposed around the plant at third floor level both for visual screening and for acoustic attenuation. The Environmental Health Officer considers that with the proposed mitigation measures in place the plant noise will be compliant with the City Council's noise criteria. However, in addition to the standard noise and vibration conditions, a supplementary acoustic report is also required to show that with the mitigation measures in place the required reduction in the noise output is achieved.

The proposals are therefore considered acceptable in relation to relevant UDP and City Plan policies designed to safeguard the amenities of neighbouring occupiers.

Refuse /Recycling

The Cleansing Manager considers the provision of waste and recycling storage as shown on the submitted drawings to be acceptable. A condition is proposed to ensure the waste and recycling storage was provided as shown on the drawings and retained in this form in perpetuity.

Biodiversity

Sedum roof areas are proposed at third and fourth levels. The inclusion of these sedum roof areas is welcomed in biodiversity terms and a condition is proposed to require the submission of a management plan and species list and to ensure that the sedum roof areas were provided and retained.

Sustainability

Photovoltaic Panels are proposed to be installed at rear third floor level and at main roof level. The installation of these panels is considered a benefit in sustainability terms and a condition is proposed to ensure that they are installed and retained.

7.8 London Plan

It is noted that Policy 3.12 of the London Plan seeks to maximise the level of affordable housing with private residential and mixed use schemes. Part A of the policy states that the 'maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes' subject to a number of criteria. Part B of the policy states that 'negotiations on sites should take account of their individual circumstances including development viability, resources available from registered providers (including public subsidy), the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.'

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

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

The City Council's approach to and priorities for planning obligations are set out in the Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a

development either on the development site, in the wider locality, or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

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

i) the provision of two on-site affordable housing units;

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

7.11 Environmental Impact Assessment

The application is not of a sufficient scale to warrant the submission of an Environmental Impact Assessment.

7.12 Other Issues

Comments have been received on the proposal from the Met Police and an informative is proposed to advise the applicant of various additional measures which could be incorporated into the design of the development to reduce the likelihood of crime taking place at the property.

An objection has been received from the commercial occupier of 33 Soho Square in relation to the potential for noise and disturbance from construction works to impact upon their working environment. Whilst these concerns are acknowledged, they do not form a basis for the refusal of planning permission. However, the City Council will seek to reduce the impact of building works through mitigation measures. These can, however, only limit disruption and inconvenience and not eliminate it entirely. A condition is proposed to control the hours of building works.

Concern has been raised both by the Soho Theatre at 21 Dean Street and the commercial occupier at 33 Soho Square with regard to access issues to Chapone Place during the course of construction. They have both suggested a Construction Management Plan is submitted to ensure the construction does not obstruct access to Chapone Place or detrimentally impact the servicing requirements of other users. This is considered acceptable and a condition is attached requiring the submission of a Construction Management Plan.

Comments have been received from the occupier of 33 Soho Square with regard the implications of the proposal for the cleanliness of Chapone Place. However, it is not considered the proposal will have any implications for the cleanliness of the area, with no greater or lesser impact than the existing office use.

8. BACKGROUND PAPERS

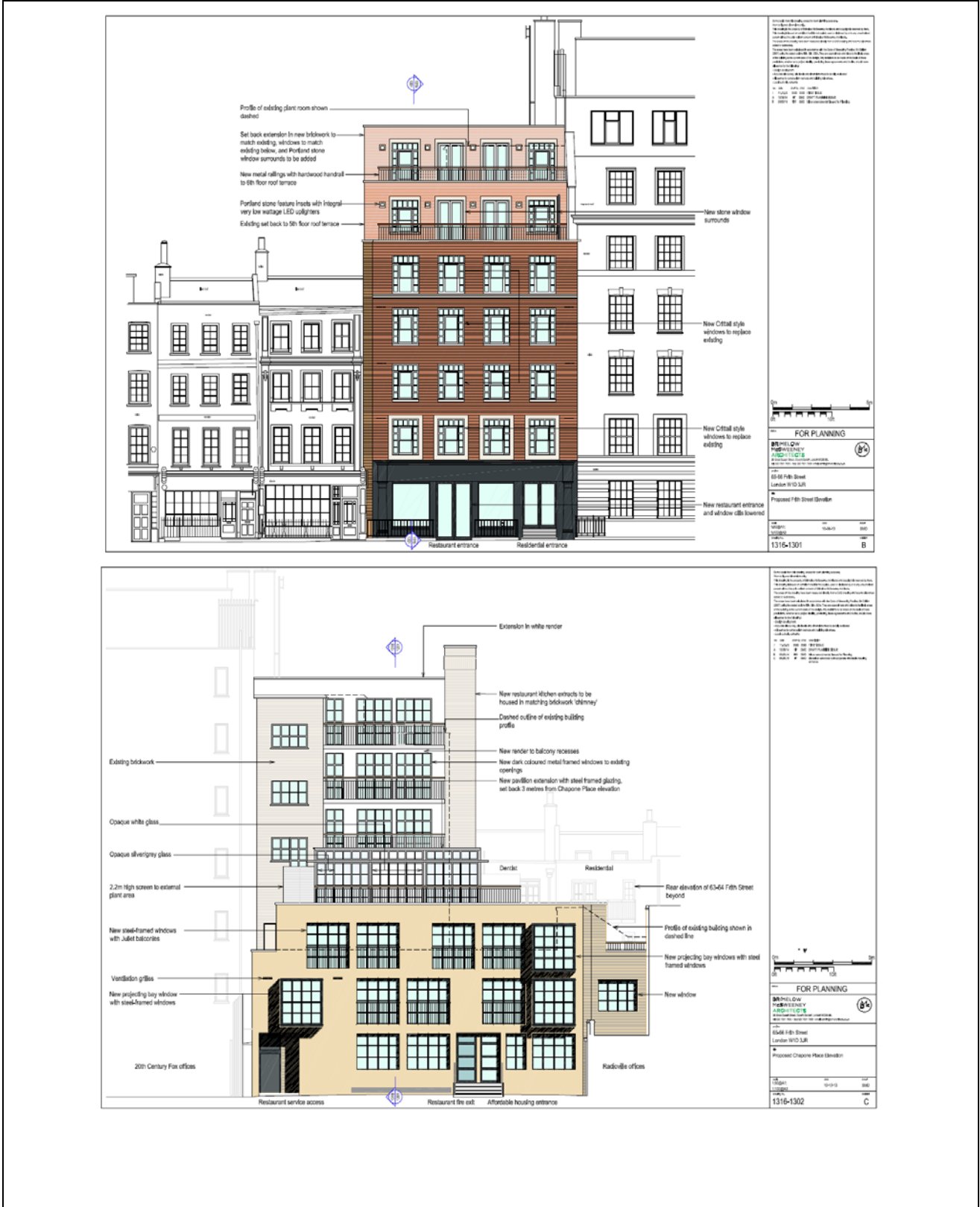
1. Application form.
2. Response from the Soho Society, dated 13 October 2014.
3. Email from Met Police dated 24 October 2014
4. Response from the Cleansing Manager dated 27 October 2014.

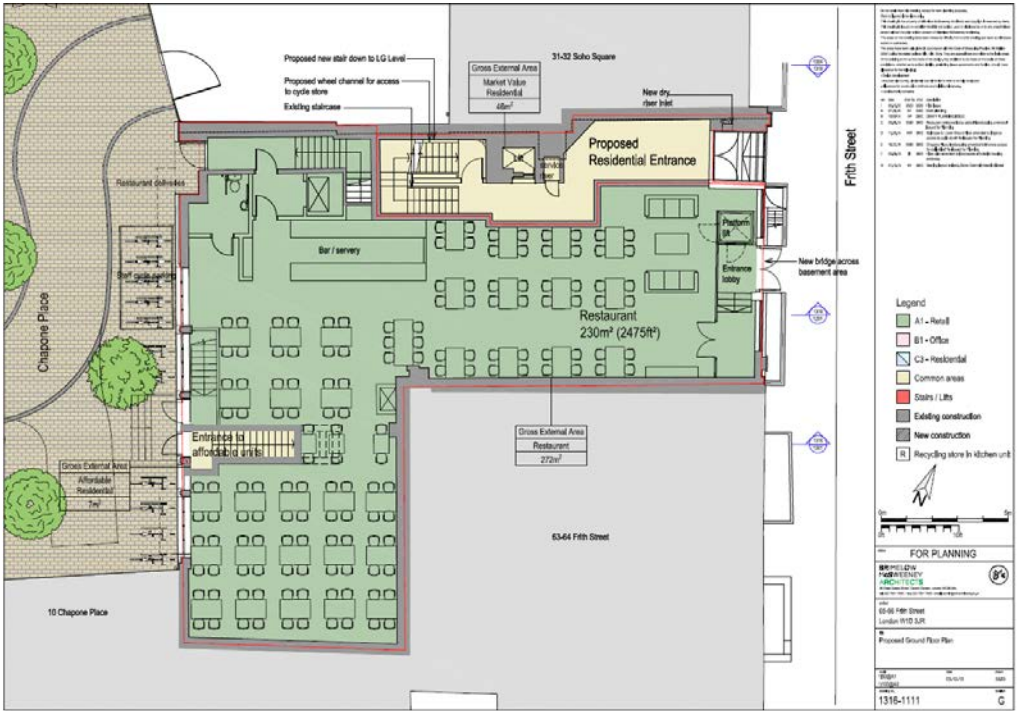
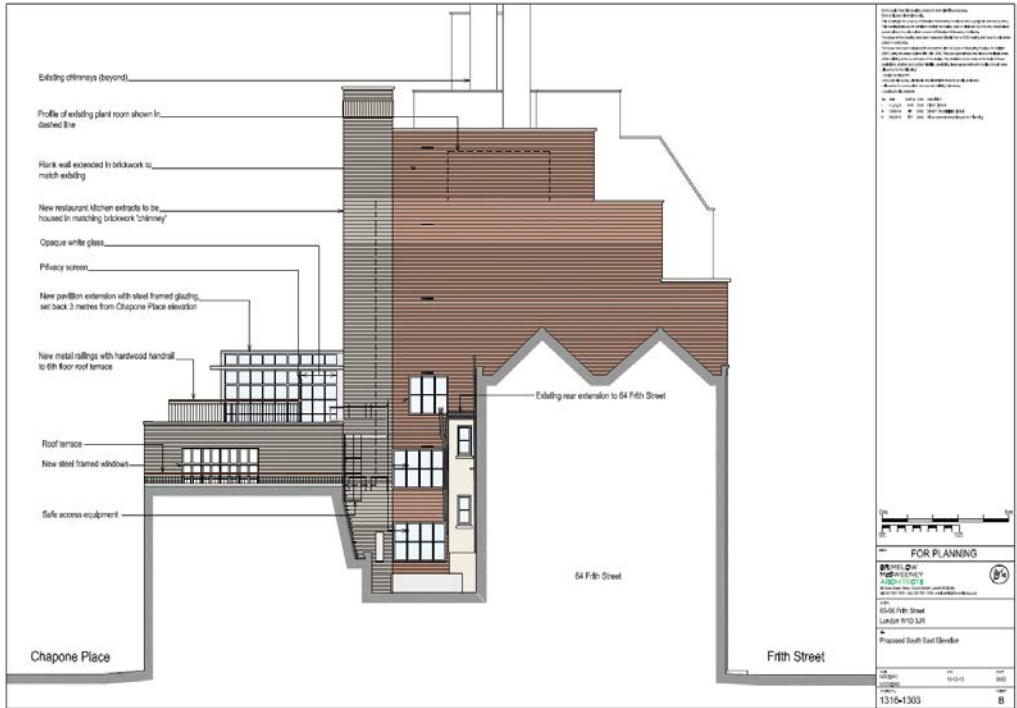
5. Response from Environmental Health - Premises Management dated 27 January 2016.
6. Response from the Highways Planning Manager dated 28 January 2016.
7. Email from Steve Moore, representing Westminster Community Homes dated 26th June 2015.
8. Letter from occupier of 31-32 Soho Square, London, dated 17 November 2014
9. Letter / email from occupier of 7 Swallow Place, London, dated 22 October 2015 and 17 December 2015
10. Letter / email from The Theatres Trust dated 23 October 2015 and 26 January 2016.

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

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

9. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 65-66 Frith Street, London, W1D 3JR,

Proposal: Erection of extensions at rear second and third floor levels and at main roof level to create a new sixth floor in connection with the use of part basement and ground and the first to new sixth floor levels as eleven residential units (Class C3). Use of part lower ground and ground floors as restaurant accommodation (Class A3) and installation of a full height extract duct. Creation of terraces and balconies at second, third, fourth, fifth and sixth floor levels. Installation of plant at rear third floor level with associated screening and at main roof level, photovoltaic cells and alterations to the shopfront, including a bridge over the existing lightwell.

Plan Nos: Acoustic Report dated 04.09.14, Addendum Acoustic Information dated 19.11. 15, Drawings: (1316) 1001 RevG, 1110 RevG, 1111 RevJ, 1112 RevG, 1113 RevF, 1114 RevF, 1115 RevF, 1116 RevE, 1117 RevF, 1118 RevC, 1201 RevB, 1301 RevB, 1302 RevC, 1303 RevB, 1304 RevA.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring 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 provide the waste and recycling storage facilities as shown on the approved drawings

before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. 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.

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)

- 4 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)

- 5 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.

- 6 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.

- 7 You must not sell any hot-food take-away or drink from the restaurant premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet Class TACE 9 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 8 If you provide a bar and bar seating within the restaurant premises, it must not take up more than 15% of the floor area of the restaurant premises. You must use the bar (if provided) 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 Soho Conservation Area. This is in line with S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.

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)

- 10 The high level extract duct shown on the approved drawings shall be fully installed before the restaurant use commences and thereafter maintained for as long as the premises are used as a Class A3 restaurant.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 11 You must not allow more than 146 customers into the restaurant premises at any one time.

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)

- 12 Customers are only to be permitted within the restaurant premises between the hours of 10:00 and 00:30 Monday to Saturday and 12:00 and 00:00 on Sundays, bank holidays and public holidays.

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)

- 13 You must apply to us for approval of detailed drawings and a sample of the following parts of the development - privacy screens on the second and third floor terraces. 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. (C26DB)

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)

- 14 You must install glazing that accords with the minimum acoustic mitigation properties as stipulated within the approved acoustic report and maintain the glazing in this form in perpetuity.

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 apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the sedum roof areas to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 16 You must provide the photovoltaic panels as shown on the approved drawings before you start to use any part of the development, as set out in your application.

You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 17 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 Soho 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)

- 18 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development - new steel windows. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho 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)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 20 The duct shall be clad in brickwork to match that of the main building.

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 Soho 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 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.

- 22 (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.

- 23 You must install the acoustic mitigation measures including acoustic screening to the third floor plant at the same time as the plant is installed. The mitigation measures must thereafter be maintained in place for as long as the plant is in situ.

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)

- 24 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 22 of this permission.

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)

- 25 You must construct the property in accordance with the acoustic mitigation measures detailed in the approved acoustic report in relation to the reduction of noise transference through the building structure from the restaurant operation to the residential accommodation at first floor level.

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.

- 26 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.

- 27 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)

- 28 You must apply to us for approval of detailed drawings to show the provision of a covered cycle parking area for the affordable housing units in Chapone Place. You must not start any work on these parts of the development until we have approved what you have sent us.

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

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.

- 29 Prior to the occupation of the restaurant unit, you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the restaurant accommodation to include an assessment of delivery noise combined with mechanical services, servicing hours, noise from doors and gates and activity noise from trolleys and/or human voices. 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)

- 30 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

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.

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 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)
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 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 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 6 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 7 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:
- Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.
- 8 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)
- 9 Conditions 21, 22 and 23 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)
- 10 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.

- 11 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.**

- 12 You are advised to consider incorporating the following features into the design of the scheme to reduce the potential for crime:

- o If the intention is to permit mail delivery and contractor access to the building then a secondary set of access controlled doors must be incorporated to ensure integrity to the remainder of the building
- o Video and audio access systems should be employed at the communal entrance.
- o Guidance from LPS 1175 SR (or equivalent) should be sought for communal door specification.
- o Glazed communal doors should meet the requirement of BS EN 356:2000 class P1A.
- o Individual residential doors should meet the standard of PAS 24:2012.
- o Individual flats should incorporate an independent 13A fused spur (to allow owner installation of alarm systems).
- o Back of house doors should meet the requirements of LPS 1175 SR2
- o External cycle stands should be designed to permit all of the cycle to be attached to it.
- o Gates at the entrance to Chapone Place should be designed to prevent climbing or scaling while permitting natural surveillance into the courtyard.
- o Enhanced security lighting to entrance Chapone Place.

If you need further information you are advised to contact David Fisher on 020 8217 3813.

- 13 The proposed south facing windows at first to third floors are located on or immediately adjacent to the boundary of the site and rely on the adjoining site for daylight, sunlight, outlook and natural ventilation. These windows would prejudice the potential for reasonable development on the adjoining site and for this reason daylight, sunlight, outlook and natural ventilation to them will not be protected if development proposals for the adjoining site comes forward in the future.

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	35 Cranbourn Street, London, WC2N 4AJ,		
Proposal	Erection of mansard roof extension with rear terrace at main (fourth floor) roof level and mansard extension at rear third floor level in connection with the use of the basement, ground and first floors as a restaurant (Class A3) and use of the second, third and fourth floor levels as two residential units (Class C3). Installation of replacement windows, kitchen extract duct, replacement rooftop plant and alterations to shopfront to St Martin's Court elevation.		
Agent	Claire Clark		
On behalf of	Mr Rolfe Judd		
Registered Number	14/09898/FULL	Date amended/ completed	22 October 2014
Date Application Received	7 October 2014		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

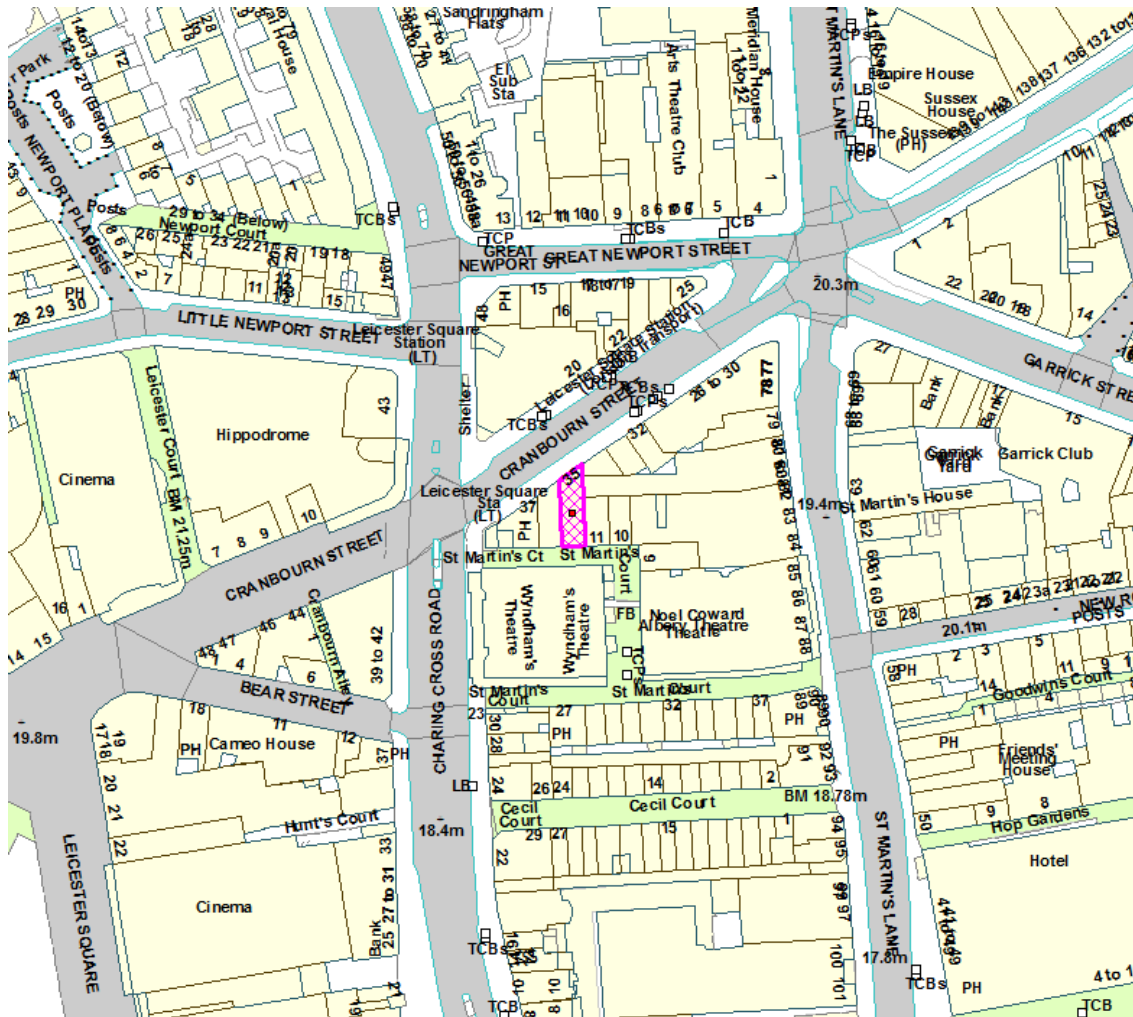
35 Cranbourn Street is an unlisted building currently in use as a restaurant over part basement, ground to third floor levels. Part of the basement is currently used as a bar/restaurant linked to the adjacent commercial unit on St Martin's Court (Café Koha). Plant equipment is located in a poor quality plant enclosure at fourth floor level. Permission is sought for the erection of a roof extension at fourth floor level and rear third floor level, for the use of the basement, ground and first floor levels as a restaurant and for the use of the second, third and fourth floor levels as two residential units with terrace. Associated alterations are proposed including alterations to the shopfronts and installation of plant equipment.

The key issues to consider in this case are:

- * The loss of A3 floorspace and use as residential accommodation.
- * The impact on residential amenity.
- * The impact of the design alterations on the conservation area.

The proposal is considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies and the Unitary Development Plan (UDP) and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear Elevation

Existing rooftop structure

Objectors window

5. CONSULTATIONS

COVENT GARDEN AREA TRUST:

Raise no comments.

COVENT GARDEN COMMUNITY ASSOCIATION:

Raise objections on the following grounds:

- The proposed roof extension is too modern; the roof should be of a traditional roof form to respect adjacent building.
- The replacement of the openable shopfronts is not welcomed and this application should be an opportunity to replace them with a more traditional design in line with Westminster Guidance.
- The projecting sign on St. Martin's Court is inappropriate adding clutter.

ENVIRONMENTAL HEALTH:

Raise no objection subject to conditions and informatives to limit noise from plant, internal noise levels and a condition to demonstrate compliance with these Westminster standard conditions.

CLEANSING:

No objection subject to a condition for the submission of a revised plan to show the storage of waste and recyclable materials.

HIGHWAYS PLANNING MANAGER:

Raise no objection. The surrounding streets are not at stress levels therefore any additional cars resulting from the increase in residential floorspace are likely to be able to be absorbed into the surrounding road network. A condition is recommended for the provision of secure cycle storage.

THEATRES TRUST:

Raise no objection subject to the provision of the noise mitigation measures as outlined within the updated noise report.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 21; Total No. of replies: 8 objections and 1 letter of support raising some or all of the following comments:

Land Use:

- The proposals to subdivide the basement will impact on the adjacent restaurant/bar (Café Koha) who use this space and they will no longer be able to operate as they do currently or as allowed by their current license, namely as a private members club for theatre goers.
- The property is not suitable for residential purposes due to noise transfer from the restaurant on the lower floors and due to the busy/noisy central location which will cause disturbance to future occupiers.
- Insufficient information in relation to noise to the rear of the site to justify that the proposals are acceptable.

Amenity:

- The raising of the roof line will result in a loss of sunlight to an adjacent property.

Design:

- The provision of a roof terrace is out of character with the area.

Other:

- The occupier of the building was not notified of the proposals.
- By subdividing the basement, No.11 will no longer be able to ventilate their basement area.
- Construction noise disturbance to adjacent theatres and businesses could disturb performances and working environments and may impede access when operational changes are required to shows.
- The impact of the proposals on the communal stair within No 34 Cranbourn Street is regrettable.
- Concerns in relation to fumes from the proposed extract duct for the restaurant.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

35 Cranbourn Street is an unlisted building located within the Covent Garden Conservation Area, Central Activities Zone and West End Street Area. The building has frontages on both Cranbourn Street and St Martin's Court. The building is currently in use as a restaurant over part basement, ground to third floor levels, with the main seated areas being located at ground and first floor levels and ancillary facilities including toilets, kitchen and storage located in the remainder of the building. The rear part of the basement is currently used as a bar/restaurant, linked to the adjacent commercial unit on St Martin's Court (Café Koha). Plant equipment is located in a poor quality plant enclosure at fourth floor level.

6.2 Recent Relevant History

No relevant recent history.

7. THE PROPOSAL

The proposals are for the erection of a roof extension, use of the basement ground and first floor levels as a restaurant and for the change of use of the second, third and new roof extension at fourth floor level as two residential units. A new terrace is proposed at rear fourth floor level to serve the duplex flat at third and fourth floor levels. Associated alterations are proposed including alterations to the shopfronts and installation of plant equipment and duct at roof level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Currently the basement has been subdivided, with the rear half linked to the adjacent commercial unit at No.11 St Martins Court which is a bar/restaurant. Objections have been received in relation to the subdivision of the basement to re-link it solely to No.35 on the grounds that this will jeopardise the function of this adjacent unit. It is not considered that refusal on these grounds could be sustained as these internal works do not in themselves require permission and as the works regularise the basement to back within the demise of the host building.

A number of objections have been received relating to the loss of part of the basement of the neighbouring No.11 Café Koha, which is reverting back to the demise of the application site. Planning legislation cannot protect individual occupiers, and instead can only have regard to the use classes in which they operate.

No.11 will retain tradable areas at basement and ground floor level which is a typical layout for this type of unit. As such the proposals should not compromise its ability to function going forward. Questions have been raised over the requirements of the lease and reliance on existing services between No. 11 and the application site. These are private matters between the relevant leaseholder and freeholders.

The established use of the building is a restaurant (Class A3). The introduction of residential accommodation on the upper floors results in a reconfigured restaurant with a floorspace of 242sqm, reduced from 361sqm.

Policy S21 within Westminster's City Plan seeks to protect existing non-A1 uses from changing to uses which do not serve visiting members of the public. As the proposals retain the use of the basement, ground and first floors as a restaurant with two active shopfronts, the continued viability of the unit is considered to be protected and as such the principle of a change of use is considered acceptable in this instance.

Westminster policies actively promote the provision of residential floorspace across the borough namely policies S14 within the City Plan and H3 within the UDP. Both of the units meet the minimum requirements as set out within the national space standards.

Concerns have been raised in relation to the principle of residential accommodation in this location, given the busy nature of the area, the proximity of theatres and due to their location above and adjacent to entertainment uses.

During the course of the application further information has been provided by the applicant in relation to ventilation/overheating and internal noise between the restaurant and residential accommodation. Environmental Health has raised no objection to the information subject to the provision of conditions to ensure that mechanical plant equipment operates in line with Westminster standard noise and vibration requirements, to protect future residents from internal and external noise levels and to prevent overheating. Environmental Health is also satisfied with the proposed full height ventilation duct.

Conditions are recommended to restrict the restaurant use including the provision of self-closing doors and opening hours, in line with the current license, to limit its impact on the residential units above and within the surrounding area. Subject to the conditions outlined above the proposed uses are considered acceptable in this location.

8.2 Townscape and Design

35 Cranbourn Street has two frontages, the second being onto St Martin's Court. It is not a listed building but is within the Covent Garden Conservation Area. In design terms this application proposes to erect a new roof extension at fourth floor level over the Cranbourn Street frontage and a mansard extension at third floor level over the St Martin's Court frontage.

The removal of the large unsightly existing plant enclosure is welcomed. The application has been amended from the original proposals which originally included a modern glass extension at main roof level, which was not in keeping with the area or the character of the building. The proposals have been amended to a traditional mansard facing Cranbourn Street, with dormer windows aligned over the windows below. An additional pitch has also been provided atop the rear third floor mansard to hide the proposed replacement plant on the roof.

The windows on the rear are to be replaced, details of which are to be confirmed by way of condition.

A new flue is proposed which raises up above the main roof level to provide ventilation for the restaurant. The flue is to be clad with brick slips to give the appearance of a chimney. It is set back from the rear elevation and will therefore not be visible from the public realm and is considered acceptable.

Concerns have been raised in relation to the Cranbourn Street shopfront and the projecting sign on St Martins Court. The applicant has subsequently decided to keep the existing shopfront on the Cranbourn Street frontage. The proposals to install a traditional shopfront and projecting sign at fascia level on the St Martins Court frontage are considered acceptable in design and conservation area terms. An informative is recommended to advise the applicant that an application for advertisement consent will be required for any new signage once its content has been prepared for submission.

8.3 Residential Amenity

Light and Sense of Enclosure

An objection has been received on the grounds that the additional bulk at roof level would result in a loss of light to a window within the rear of No.34 to the east of the site, located just below the level of the proposed extension.

There is an existing single storey corrugated metal plant room at fourth floor level, which is set back from the roof edge adjacent to No. 34 and projects by approx.3.5m beyond the rear elevation of No. 34. The proposed replacement roof extension extends by approx.9m beyond the rear of No.34 and is set along the roof edge.

The most affected window serves the main open plan living/dining/kitchen area to a flat within the adjacent No. 34. The room includes two other windows, one which faces onto Cranbourn Street and another to the rear. Both of these windows face away from the application site. The third and smallest of the windows is the most affected by the proposals. It is likely that this window provides the majority of sunlight to this room due to its south facing orientation. While no daylight/sunlight report has been submitted with the application, it is accepted that the proposed extension is likely to result in a loss of sunlight to this room. It is also likely that there will be an impact in terms of sense of enclosure due to the additional bulk adjacent to this window, however this is considered less of an issue given the extension is not directly in front of the affected window.

Whilst the impact of the development on this room is regrettable, it is not considered that refusal on amenity grounds could be sustained given that this room is served by two other more generously proportioned windows, with the main window facing onto Cranbourn Street.

Privacy

A terrace is proposed at fourth floor level which is substantially enclosed and set back from the rear roof edge. Due to its location and screening by the proposed roof extension, it is not considered to have a negative impact on the amenity of surrounding residents. A condition is however recommended to ensure that the remainder of the roof extension is not used as a terrace.

8.4 Transportation/Parking

No car or cycle parking has been provided as part of the development proposals. The Highways Planning Manager has not raised objection in this instance given that the most recent parking surveys indicate that the pressures remain below stress level and any additional parking can be absorbed into the surrounding street network.

In relation to the cycle parking, given the constraints of the site it is not considered that secure off street cycle parking could reasonably be provided and therefore a condition for this provision is not recommended in this instance.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed flats are to be accessed by using an existing entrance at 34 Cranbourn Street which currently serves an existing flat within No 34. The existing stairs are to be reworked in order to provide a new opening in the party wall between the two properties, allowing access into No.35 at second floor level.

Representations have been received from the flat that currently has sole use of this staircase, who has had significant issues in relation to crime and disturbance in the past. This occupier has also undertaken a significant amount of work to improve the appearance of this stairwell. As the building is not listed and both No's 34 and 35 are under

the same ownership, any issues in relation to the management of this space are considered to be private between the tenants, leaseholders and freeholder.

8.7 Other UDP/Westminster Policy Considerations

Refuse

A condition is recommended to secure details of waste and recyclable materials.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

The application is of insufficient scale to warrant the submission of an Environmental Impact Assessment.

8.12 Other Issues

Concerns have been raised that noise, dust and disturbance from building works would impact on performances at adjacent theatres. A condition is recommended for a construction management plan (CMP) to be submitted to ensure that disturbance will not be caused to adjacent theatres. The applicant will be advised that the CMP should be compiled in consultation with the Theatres Trust.

9. BACKGROUND PAPERS

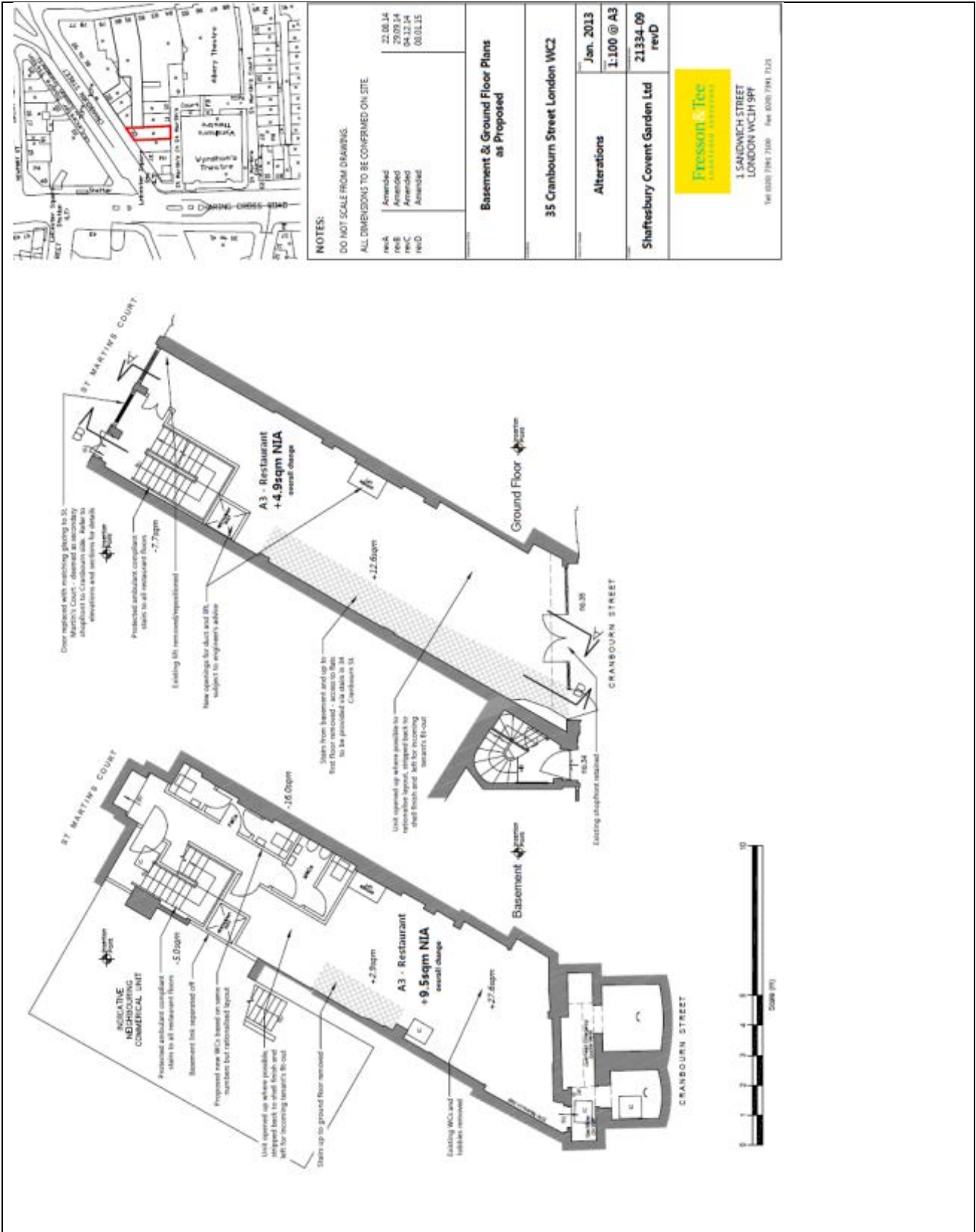
1. Application form
2. Response from Covent Garden Area Trust, dated 19 November 2014
3. Response from Covent Garden Community Association, dated 26 November 2014
4. Response from Cleansing - Development Planning, dated 7 November 2014
5. Response from Environmental Health - Premises Management, dated 31 December 2014
6. Response from Highways Planning - Development Planning, dated 17 November 2014
7. Response from Theatres Trust, dated 11 November 2014 and email dated 13 November 2015
8. Letter from occupier of Flat 47 Charing Cross Mansions, 26 Charing Cross Road, dated 26 November 2014
9. Letter from occupier of 52 Bedford Row, London, dated 25 November 2014
10. Letter from occupier of 4th Floor, Waldorf Chambers, 11 Aldwych, dated 26 November 2014

11. Two letters from occupiers of 26 Charing Cross Road, 47 Charing Cross Mansions, dated 26 November 2014
12. Letter from occupier of 27 Princess Road, London , dated 26 November 2014
13. Letter from occupier of 7 Court Farm Barns, Medcroft Road, dated 19 January 2015
14. Letter from occupier of 10-11 St Martin's Court, London, dated 28 January 2015
15. Letter from occupier of Flat At, 34 Cranbourn Street, dated 25 November 2014

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RUPERT HANDLEY ON 020 7641 2497 OR BY EMAIL AT rhandley@westminster.gov.uk

10. KEY DRAWINGS



Front Elevation - Cranbourn Street

Rear Elevation

35 Cranbourn Street London WC2

Alterations Jan. 2013
1:100 @ A3

Shaftesbury Covent Garden Ltd
 21334-12
 revC

Fresson & Tee
 ARCHITECTS

1 SANDWICH STREET
 LONDON WC1H 9PF
 Tel: 020 7391 7300 Fax: 020 7391 7323

NOTES:
 DO NOT SCALE FROM DRAWING.
 ALL DIMENSIONS TO BE CONFIRMED ON SITE.

revA 22.08.14
 revB 04.12.14
 revC 12.03.15

Plank walls and return to rear shown here in matching brickwork
 Single ply membrane flat roof
 Kitchen dust sewing restaurant below to be in galvanised steel finish
 Proposed extension to be clad in zinc Eurocod standard rain screen panels, with modules as shown.
 Windows to be painted timber framed to match the existing.
 Glazed balustrade to rear elevation to enclose new external amenity space to flat as per plan
 Timber boarded enclosure in similar size/room to existing roof light concealing existing a/c units on roof
 New traditional mansard with dormer windows at correct pitches and proportions to replace existing mansard roof
 Air bricks to match the surrounding to conceal existing the flat as req'd by Building Regs.
 Windows to be replaced to match the others present on this elevation. External shutters removed to all windows.
 A/c unit removed and concealed in new roof pyramid above
 End plates refurbished and new timber shopfront installed to existing openings with traditional features as shown - refer to sections for details.

Single ply membrane flat roof to crown section
 New traditional mansard with dormer windows at correct 70/30deg. pitches and proportions to match those below, to replace existing corrugated metal plate housing
 Kitchen dust sewing restaurant below to be in galvanised steel finish
 Matching brickwork to tank elevation
 Existing shopfront retained unaltered

Scale (m)

DRAFT DECISION LETTER

Address: 35 Cranbourn Street, London, WC2N 4AJ,

Proposal: Erection of mansard roof extension with rear terrace at main (fourth floor) roof level and mansard extension at rear third floor level in connection with the use of the basement, ground and first floors as a restaurant (Class A3) and use of the second, third and fourth floor levels as two residential units (Class C3). Installation of replacement windows, kitchen extract duct, replacement rooftop plant and alterations to shopfront to St Martin's Court elevation.

Plan Nos: Site location plan; Noise Impact Assessment Report by Hann Tucker Associates dated 10 March 2015; 21334-09 revD; 21334-10 revB; 21334-11 revD; 21334-12 revD; 21334-13 revD; 21334-13 revC; 21334-14 revD; 21334-16; 21334-17 received 19 August 2015; 21334-18 received 19 August 2015.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring 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 Covent Garden 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 submit details of the following parts of the development:

- i) drawings at a scale of 1:10 and sections at 1:5 of new windows;
- ii) a sample panel of the brick slips to the rooftop ventilation flue;
- iii) the windows at third floor level on the St Martin's Court elevation reduced in size.

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

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 Covent Garden 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 (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.

- 6 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.

- 7 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 5 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.

- 8 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.

- 9 The design of the separating building fabric should be such that the received value in the residential habitable spaces, with music/entertainment occurring, should achieve a value of 10 dB below that measured/assessed without music/entertainment events taking place, at the quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LfMax in the octave bands of 63 Hz & 125 Hz. The limits of NR 30 (day) , 25 (night) and 40 (LAMax, night time) should be used to demonstrate that the intrusive noise would be effectively inaudible.

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.

- 10 Prior to the occupation of the residential flats, details shall be submitted of a scheme of ventilation to be installed, to prevent overheating with the windows closed, demonstrating compliance to at least the Overheating Standard of CIBSE Guide A (2006), specifically;

i) for living rooms, less than 1% of occupied hours are over an operative temperature of 28 degrees C;

ii) for bedrooms, less than 1% of occupied hours are over an operative temperature of 26 degrees C.

Reason:

To safeguard the amenity of residential occupiers of the development as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 11 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant and residential units. (C14EC)

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)

- 12 Customers shall not be permitted within the A3 premises before 07:00 or after 00:30 on Monday to Saturday (not including bank holidays and public holidays) and before 07:00 or after 23:30 on Sundays, bank holidays and public holidays. (C12CD)

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 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 No live or recorded music shall be played in the Class A3 restaurant that is audible outside of the premises.

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)

- 14 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors at ground floor level. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

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)

- 15 No development shall be carried out until a construction management plan for the proposed development has been submitted to and approved by the City Council as local planning authority. The plan must include a construction programme, a code of construction practice, a 24 hour emergency contact number, hours of building works including restricted hours of noisy works during matinees at the adjacent theatres and environmental/traffic mitigation measures. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

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.

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 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)
- 3 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)

- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 5 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.
- 6 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)
- 7 Overheating Informative: It is recommended that any scheme to prevent overheating is devised using the following Cooling hierarchy:
 1. Minimise internal heat generation through efficient design ;
 2. Reduce the amount of heat entering a building in summer through shading, albedo, fenestration, insulation and green roofs and walls;
 3. Manage the heat within the building through exposed internal thermal mass and high ceilings and particularly from heat sources not directly under the control of the occupiers eg any communal hot water distribution systems;
 4. Passive ventilation;
 5. Mechanical ventilation; and finally,
 6. Active Cooling Systems in the following order of preference;
 - a) Free cooling technologies;
 - b) Mechanical active cooling systems (ensuring the system used is the lowest carbon option, will achieve the agreed temperature range, and will not deliver unnecessary cooling).
- 8 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.
- 9 Approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised
- 10 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 11 With regard to Condition 15, you are advised to compile the Construction Management Plan in consultation with the Theatres Trust. (contact: Ross Anthony 020 7836 8591)

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Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	10-11 Great Newport Street, London, WC2H 7JA,		
Proposal	Erection of a timber slatted screen to the east side of the existing lightwell at first to fifth floor levels.		
Agent	Mr Peter Bovill		
On behalf of	AVIVA INVESTORS		
Registered Number	15/05558/FULL	Date amended/ completed	30 September 2015
Date Application Received	19 June 2015		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

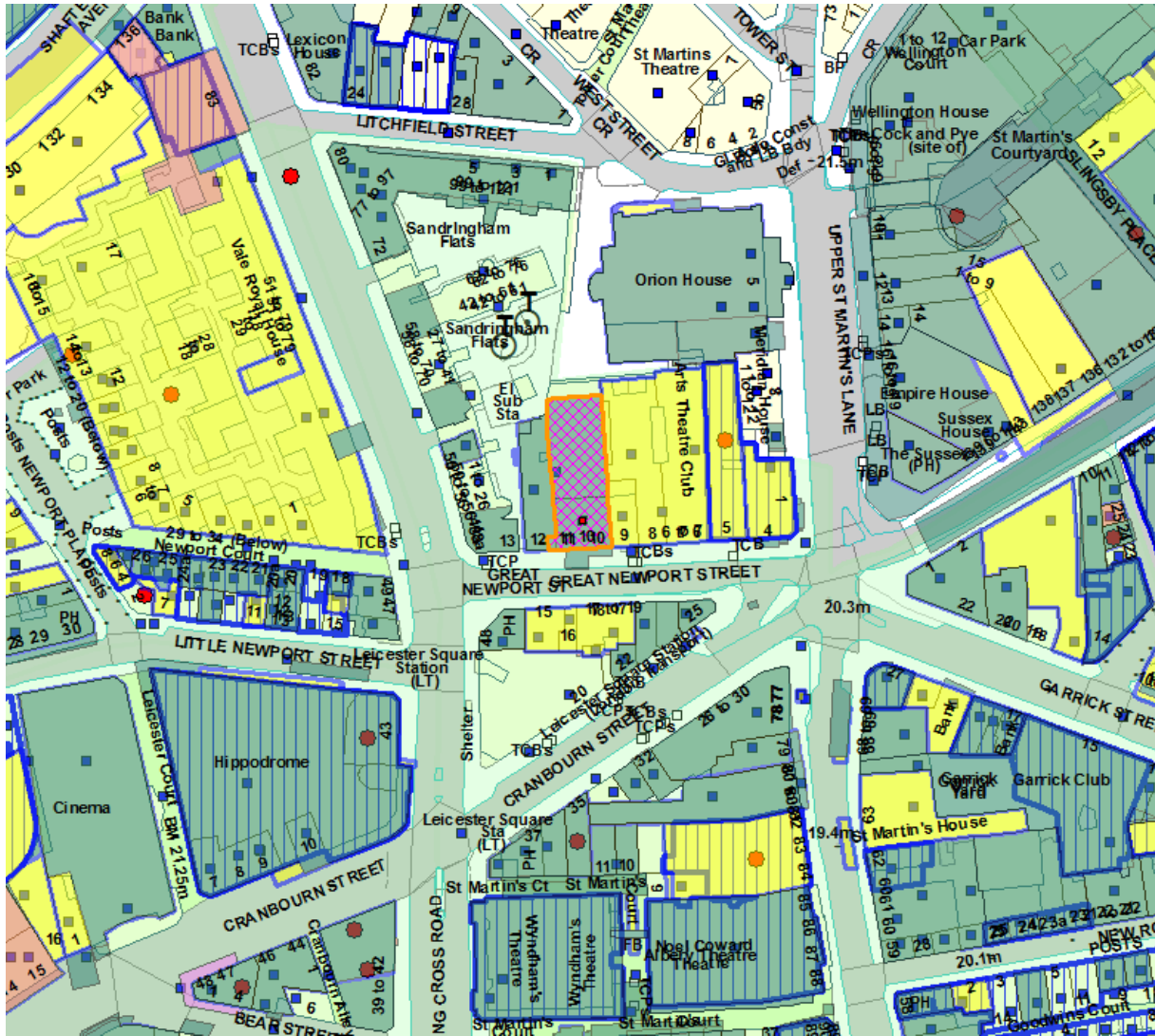
10-11 Great Newport Street is a seven storey building comprising of basement, ground and five upper floors. Permission has been granted in 2013 and 2014 for the use of the basement and ground floor for restaurant purposes (Class A3) and the upper floors for residential use as 15 flats (Class C3). Cllr Tim Mitchel has requested that the application be reported to Committee for a decision.

The key issues in this case are:

- * The impact of the proposals on residential amenity.
- * The impact of the proposals on the character and appearance of the conservation area.

The proposals are considered to comply with the Council's policies in relation to amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:
No objection.

COVENT GARDEN AREA TRUST:
Raise no comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The application property is a seven storey building comprising of basement, ground and five upper floors. Permission has been granted for the use of the basement and ground floor for restaurant purposes and the upper floors for residential use as 15 flats. Works are currently underway to implement this permission.

The site is located on the north side of Great Newport Street between the junctions with Charing Cross Road and Upper St Martin's Lane. Great Newport Street is characterised by restaurants, pub, theatre, club and gallery and two retail units one on the north and one on the south side. The nearest residential properties are located within the upper floors of 16 Great Newport Street opposite the site and within Sandringham Flats on Charing Cross Road. Permission is also in the process of being implemented 12 Great Newport Street to create nine residential flats.

The building is not listed but is located within the Covent Garden Conservation Area. The site is located within the Core Central Activities Zone and West End Stress Area.

6.2 Recent Relevant History

2 July 2013 – Permission granted for use of part basement and part ground floor as a restaurant (Class A3) and installation of mechanical plant at roof level and alterations to the ground floor frontage. (12/06317/FULL)

7 March 2014 – Permission granted for use of part basement, part ground and first to fifth floors as 15 residential units (3 x studios, 1 x 1-bed, 8 x 2-bed, 3 x 3-bed), demolition and rebuild of rear wing at 4th floor level, with associated alterations to facades including ground floor entrances, reconfiguration of roof plant, lift overrun and core services and installation of solar panels on roof. Creation of terraces to lightwell at first floor level and creation of roof terraces at rear second, third, fourth and fifth floor levels and two balconies at rear third floor level. (13/01265/FULL)

Permissions were subsequently granted in 2014 and 2015 for minor material amendments to the permitted schemes.

7 THE PROPOSAL

Permission is sought for the erection of a timber slatted screen to the east side of the existing lightwell from first to fifth floor levels. The proposed screen is sought to provide visual screening between the application site and 5-9 Great Newport Street by partially enclosing the eastward facing lightwell.

8 DETAILED CONSIDERATIONS

8.1 Land Use

The application raises no new land use issues. Permission has been granted for the use of the upper floors of the application site for residential purposes, and the ground and basement for restaurant purposes. Works are being undertaken on site to implement the previously approved schemes. The proposed visual screen is to be installed in connection with the approved residential uses on the upper floors.

8.2 Townscape and Design

The application proposals seek to install a vertical timber slatted screen within the existing lightwell area from first to fifth floor levels between the application site and 5-9 Great Newport Street. The screen is a visual screen between the two properties and will be approximately 14m high formed from Iroko hardwood. The wood colour is initially yellow and weather to a richer brown over time.

The rear of the existing building is of little design merit and includes a peculiar metal arch feature, which measures approximately 10.5m tall. The previously approved schemes allowed the removal of the existing metal arch. The existing arch is not considered in keeping with the character of the conservation area and therefore whilst the proposed screen is slightly larger and also an unusual feature, the replacement of the existing arch when combined with the relatively discrete location is such that it is not considered to harm the character and or appearance of the conservation area.

8.3 Amenity

Policy S29 of the City Plan and Policy ENV 13 seeks to ensure the amenity of neighbouring occupiers is protected. The policies are focused on the protection of residential amenity. No existing residential is located sufficiently close to be affected by the proposed screen.

The screen is located on the boundary of the application site and the nearest adjoining building is Nos. 5-9 Great Newport Street. Nos. 5-9 is in commercial use comprising an Arts Theatre Club, the former site of the Photographers Gallery, restaurant/bar, offices and a language school. Permission is currently under consideration for the redevelopment of Nos. 5-9 to provide a new theatre, restaurant and hotel.

The rear elevation of Nos. 5-9 Great Newport Street contains a number of windows. The most relevant are a column of windows from first to fourth floor located adjacent to the boundary with Nos. 10-11. These windows currently serve the circulation space off a stairway leading into the offices at first to fourth floor levels. Under the proposed scheme to redevelop Nos. 5-9 the proposed hotel rooms at first to fifth floor levels are set back internally from the rear elevation by a circulation corridor running along the perimeter of the rooms. As such the proposals are not considered to cause a material loss of light to Nos. 5-9.

The proposed screen is located on the same line as the previously existing arch. The screen is not solid but will be formed as timber slats arranged in a regular rhythm from first to fourth floor level, with the slats decreasing in number at fifth floor level. As such the proposed screen is unlikely to cause a sense of enclosure to Nos. 5-9. There are no windows directly facing the screen which would be affected by the proposals.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 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.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Not applicable.

9 BACKGROUND PAPERS

1. Application form
2. Response from Covent Garden Community Association, dated 12 November 2015
3. Response from Covent Garden Area Trust, dated 12 November 2015

Selected relevant drawings

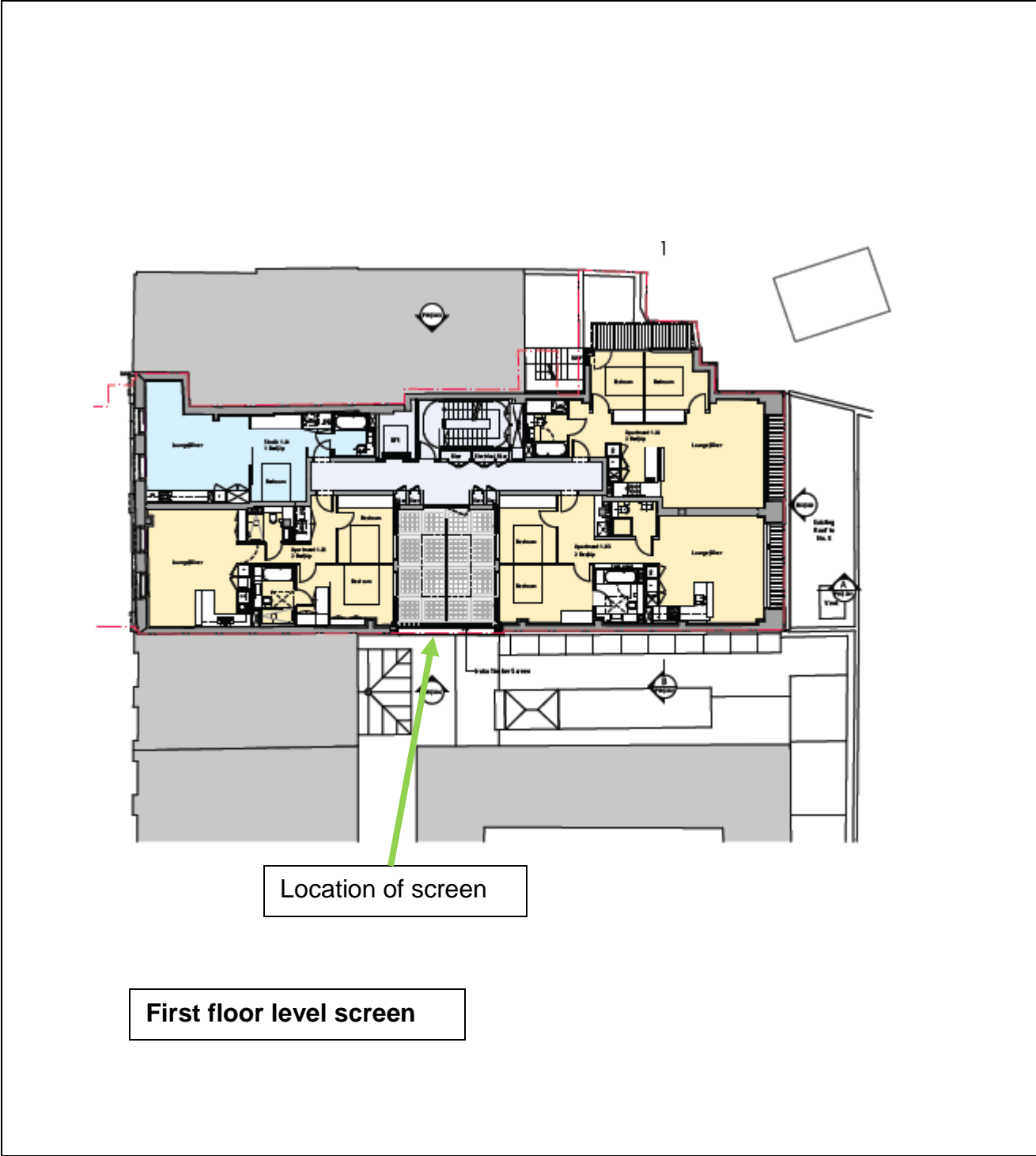
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

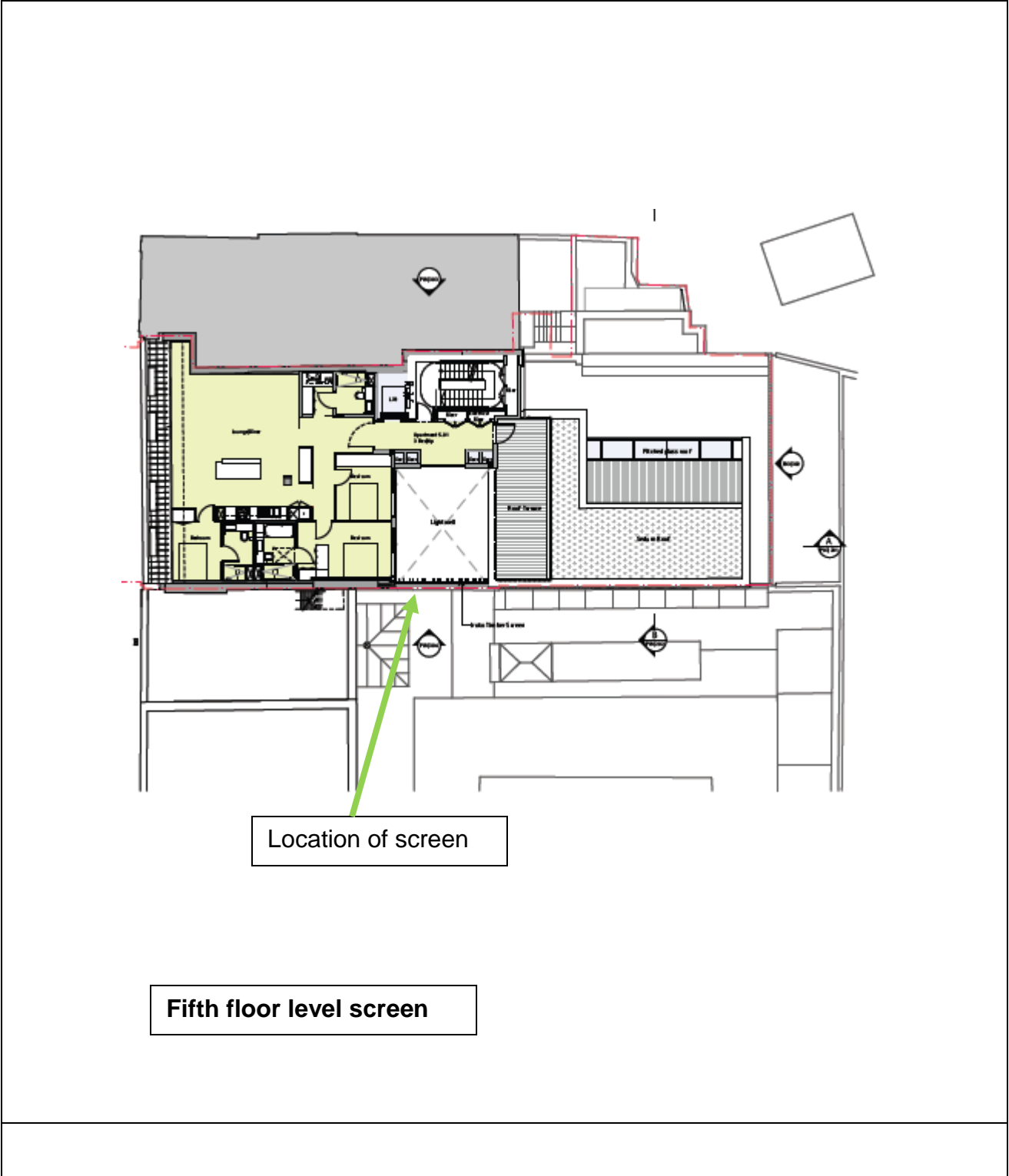
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ZULEKHA HOSENALLY
ON 020 7641 2511 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

10 KEY DRAWINGS



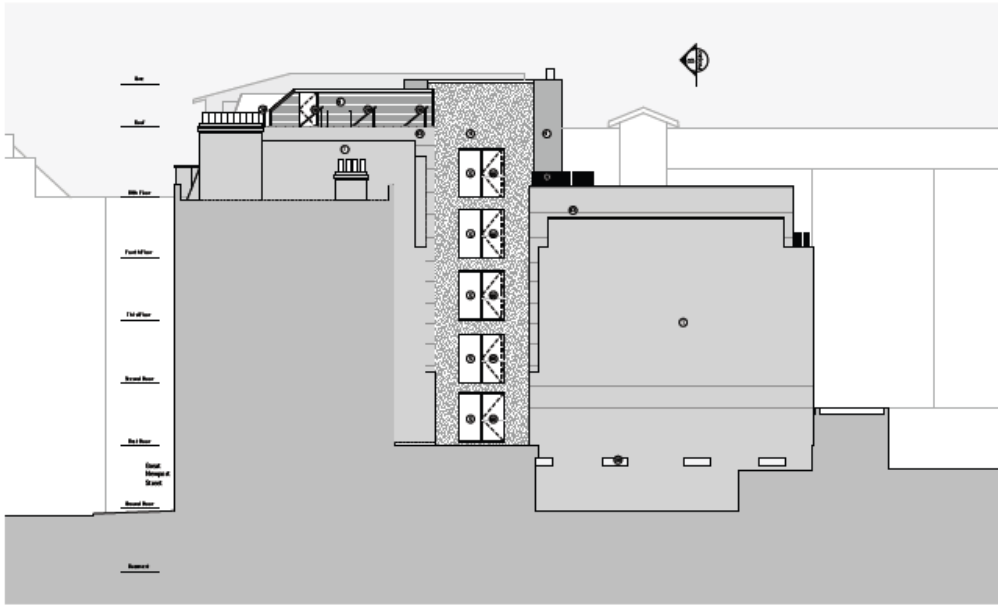
Proposed screen from Nos. 10-11 Great Newport Street



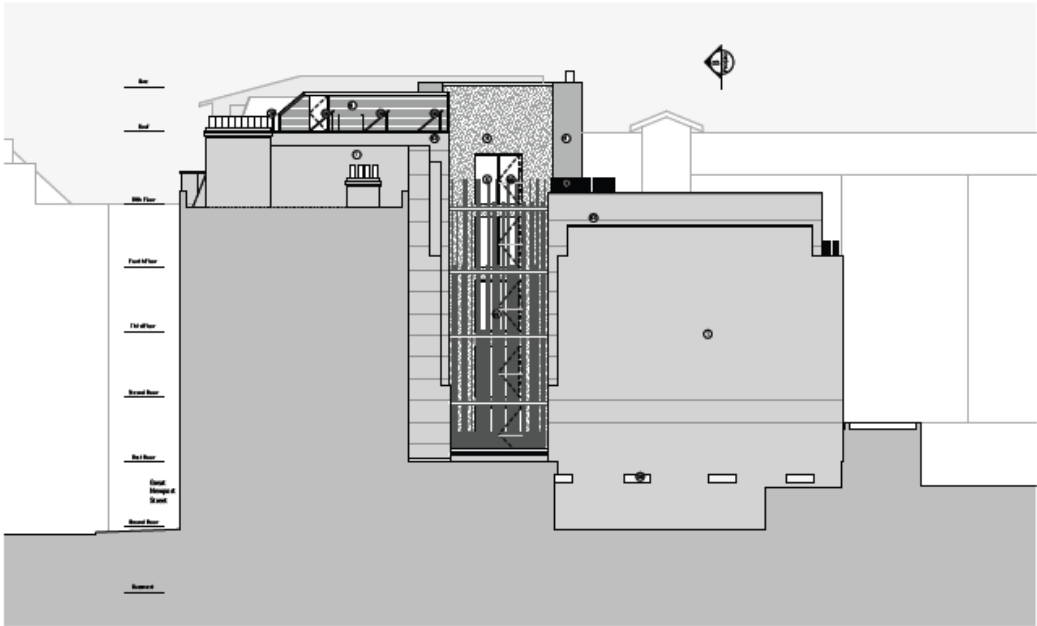


Location of screen

Fifth floor level screen



Approved East elevation



Proposed East elevation

DRAFT DECISION LETTER

Address: 10-11 Great Newport Street, London, WC2H 7JA,

Proposal: Erection of a timber slatted screen to the east side of the existing lightwell at first to fifth floor levels.

Reference: 15/05558/FULL

Plan Nos: E00/001 Rev. P1, E01/201 Rev. P1, E01/202 Rev. P1, E01/203 Rev. P1, E01/204 Rev. P1, E01/205 Rev. P1, E01/206 Rev. P1, P01/501 Rev. P1, P01/502 Rev. P1, P01/503 Rev. P1, P01/504 Rev. P1, P01/505 Rev. P1, P01/506 Rev. P1, L03/400 Rev. P1, P03/404 Rev. P1, P03/604 Rev. P1, A05/002 Rev. C2, Daylight and Sunlight Assessment for proposed application for full planning permission prepared by Jones Lang LaSalle Ltd dated 18 June 2015 and Design and Access Statement Revision P1 dated 4 June 2015 prepared by John Robertson Architects.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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 Covent Garden 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 a sample panel of timber screen. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden 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.

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	97-104 Marylebone High Street, London, W1U 4RJ,		
Proposal	Erection of a single storey roof extension at 97-104 Marylebone High Street to provide a 1x2 bedroom flat and a 1x3 bedroom flat (Class C3).		
Agent	Howard de Walden Management Ltd		
On behalf of	Howard de Walden Estate Ltd		
Registered Number	15/09537/FULL	Date amended/ completed	18 December 2015
Date Application Received	13 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

- | |
|---------------------------------|
| 1. Grant conditional permission |
|---------------------------------|

2. SUMMARY

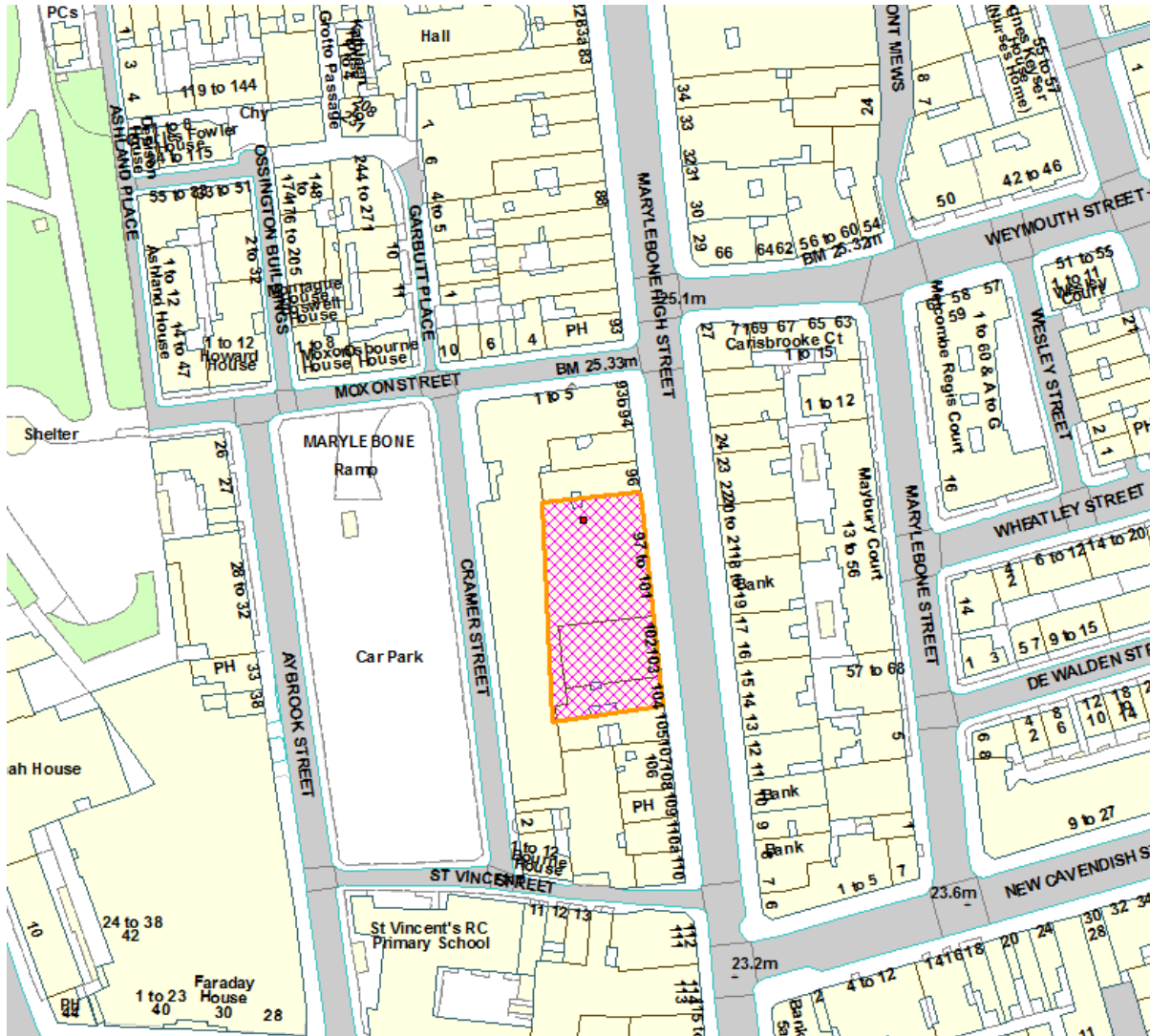
The site comprises three separate buildings all in retail use at ground floor with residential flats at first to fourth floor level. Permission is sought for the erection of a roof extension to all three buildings to accommodate two residential units.

The key issues for consideration are:

- The loss of daylight and sunlight to neighbouring residential occupiers;
- The impact of the extension and terraces on overlooking; and
- The impact of the roof extension on the Harley Street Conservation Area.

The proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Welcome the creation of two additional flats but raise concerns on the grounds of overlooking and loss of privacy from the terraces, lack of information about the layout of the flats below and potential noise impact, requirement for a structural statement, loss of fire escape and the incongruous use of zinc roofing. Consider that this is a lost opportunity for either solar panels or PV's and believe that an environmental performance statement is required to demonstrate that the thermal performance, ventilation and sustainability have been considered. Request that residents parking permits should be restricted and a CMP should be conditioned.

HIGHWAYS PLANNING MANAGER

Objects to the scheme on the grounds that the provision of two flats with no off street parking will add to parking pressures in the area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 206

Total No. of replies: 13

No. of objections: 13

No. in support: 0

Design

*Height should not exceed adjoining properties

*Adverse impact on Marylebone High Street

* Significant change to roofline through raising chimneys and raising the ridge line

Amenity

* Loss of daylight and sunlight

* Loss of privacy

* Overlooking

* The location of roof terraces above bedrooms and light wells will result in noise disturbance

* Proposal would result in single aspect housing which could result in overheating, lack of ventilation and lack of adequate daylight

Highways

*Disruption to local traffic

* Cycle storage for the flats is impractical

Other

*Noise and dust during construction

* Proposal will be visible from upper floors of buildings opposite

* Structural impact of an additional floor

* Loss of fire escape

* Use of common stairs will result in loss of privacy

- * Proposals fail to provide inclusive suitable access for residents and visitors and contravenes Housing policies and Building Control legislation
- * Impact on plumbing connections, extract ventilation, boiler flue locations and general disturbance
- * Roof terraces are of limited value being only 1m deep

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application lies on the western site of Marylebone High Street within the Harley Street Conservation Area. The site comprises three separate buildings all in retail use at ground floor with residential flats at first to fourth floor level.

The buildings are identified as unlisted buildings of merit in the Harley Street Conservation Area Audit. The view north along Marylebone High Street towards St Marylebone Church is also identified as significant.

6.2 Recent Relevant History

In February 1994 planning permission was granted for the installation of a lift in the central lightwell at 101-102 Marylebone High Street.

In March 1996 planning permission was granted for the part demolition (rear) and re-construction of basement, ground & 3 upper floors for retail, restaurant and residential use with parking (no's 93-110 Marylebone High Street).

In March 2000 planning permission was granted for the use of the first floor of 101 Marylebone High Street as a 2-bedroom flat.

7. THE PROPOSAL

The application involves demolition of part of the rear roof and raising of the existing ridge height of all three properties and rear extensions with terraces to form a new three-bedroom flat above 97-100 Marylebone High Street and a new two-bedroom flat at 101-104 Marylebone High Street.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

Policies S14, S15 and S16 relate to residential use. This use is a priority across Westminster, and residential developments are expected to provide an appropriate mix of units in terms of size, type and affordable housing provision to create mixed communities and to meet housing needs. UDP Policies H3, H4, H5 and H8 are also relevant.

Policy H3 of the UDP seeks to maximise the amount of land in housing use, where appropriate, within the CAZ.

The application provides two new residential units. UDP Policy H5 requires the provision of a range of unit sizes in new housing schemes, including at least 33% family-sized (i.e. 3+ bedrooms). The proposals would provide one family-sized flat to meet the requirements of the policy.

The uplift in residential floorspace is below 1,000sqm and therefore the proposal does not trigger a requirement to provide affordable housing.

Unit sizes and standard of accommodation

The proposed 2-bedroom flat measures 101sqm in size and the new 3-bedroom flat is 122sqm in size and comply with the size and space standards of the national technical standards. Concerns have been raised on the grounds that the proposal would result in single aspect housing which could result in overheating, lack of ventilation and lack of adequate daylight. The Marylebone Association is also concerned that the proposal fails to provide a ventilation strategy. However, the application has been amended to incorporate rooflights to the front roofslope ensuring that both flats are dual aspect and would have good levels of natural light and ventilation.

Small terraces are proposed at the rear, however, neighbours are concerned that the terraces are of limited value being narrow in depth. Whilst the Mayor's Draft Interim Housing SPG makes reference to a minimum 1.5m depth for terraces, it is recognised that in conversion schemes this is not always possible to achieve. The provision of terraces is in accordance with policies H10 and S29

8.2 Townscape and Design

The application site is on the west side of the street and comprises a group of finely detailed buildings of red brick with slate roofs. The rear facades are plain by comparison and feature a large and incongruous concrete access walkway at high level. Nevertheless, they make a positive contribution to the street and surrounding Harley Street Conservation Area.

The roof level alterations envisage creation of additional accommodation by removing the upper part of the roofs and replacing them with a shallow, secondary mansard pitch. The new roof will raise the ridges by varying amounts across the properties, and objections have been received on these grounds and on the impact this would have on Marylebone High Street. However, the increase in height will not be visible from street level and in views from the upper floors of properties on the opposite side of Marylebone High Street the new roof will not appear out of character with the buildings or surrounding roofscape.

At the rear, the alterations will be more obvious from ground level because the cleared site in Moxon Street allows much wider and longer views of the buildings. However, in these views the new roofscape with metal-framed windows, zinc roof and living walls would, despite the concerns of the Marylebone Association, suit the appearance of the buildings and surrounding conservation area. The alterations are technically contrary to

the conservation area audit which states that the buildings are unsuitable for a roof extension. However, the roofscape is not so precious that it cannot be altered and the design of the proposed alteration is sensitive to the character and appearance of the building and conservation area. However, the uncharacteristic glass balustrades should be omitted in favour of black-painted metal railings. This may be dealt with by condition. Subject to this, the proposals are therefore considered to accord with UDP policies DES 6 and DES 9 and it will maintain the character and appearance of the conservation area.

8.3 Residential Amenity

Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. The policy also seeks to safeguard the amenity of existing residential occupiers by not allowing proposals that would result in an unreasonable sense of enclosure or overlooking.

The closest residential to the site are the existing flats on the fourth floor immediately beneath the proposed flats, the flats at the rear within the upper floors 14-16 Cramer Street and those on the opposite side of Marylebone High Street. The application is supported by a sunlight/daylight report that demonstrates that there would be some material losses of light to kitchen and bedroom accommodation to flats immediately beneath the proposed extensions. However, in each case, the affected windows are secondary windows facing internal lightwells within rooms which are served by west facing main windows that are unaffected by the proposals. It is not considered that these losses would materially impact on the amenity of existing residents. There would be no material loss of sunlight to any facing residential windows.

Sense of Enclosure

The proposals involve the raising of the existing ridge and the rear projection of the roof would subsequently introduce additional bulk at roof level. The extensions would be visible from an oblique angle from secondary kitchen windows to flats immediately beneath the proposed extension (the flats at fourth floor level), however, the additional bulk and massing would not be directly in front of any main windows to these flats. It is therefore considered that there would be no material adverse effect on sense of enclosure.

Privacy

Objections have been raised on the grounds that the proposals would result in a loss of privacy and cause overlooking to neighbouring windows. The flats immediately at the rear (14-16 Cramer Street) are served by a number of rooflights that would be overlooked from the new flats and proposed terraces. However, the closest rooflights serve a hallway and therefore the proposals would not introduce overlooking of any main habitable accommodation. There are other rooflights within this roof that do serve bedroom accommodation but these are high level rooflights and therefore any overlooking would be extremely restricted.

The new windows and terraces at the rear would be in close proximity to lightwell windows to the flats at fourth floor level and whilst there would be some overlooking of these windows, these are mainly non-habitable bathroom windows or secondary windows to kitchen accommodation. A condition however is proposed seeking the addition of privacy screens to limit overlooking. Subject to this, it is considered that the application would not result in any adverse increase in overlooking.

8.4 Transportation/Parking

No off-street car parking is proposed for the new flats. UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement of five spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is 91%. During the day, the uptake is 49% meaning that on-street parking is already at 'stress level'. The Highways Planning Manager has objected to the scheme on the basis that the absence of any off-street parking provision would exacerbate existing parking stress levels in the vicinity of the site and neighbours are concerned that the proposals would result in disruption to local traffic.

The new flats will be in a location which is very well served by public transport and it is considered that the benefit of an increase in residential accommodation in this location outweighs the impact on parking. The Marylebone Association request that future residents should not be entitled to applying for parking permits, however, this is not the Council's policy.

One cycle space is provided for each of the residential flats. However, this is at fifth floor level and it is unlikely, particularly within the new flat at 101-104 which has no lift access, that this will be a useable space. An objection has been received on these grounds. As the flats will be built above the Class A1 use there is no space of the cycle parking to be accommodated at ground floor level. On this basis it is not considered reasonable to request ground floor cycle parking to be accommodated in this building.

8.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated are welcomed.

8.6 Access

Residents have raised concerns on the grounds that the new flats do not comply with Lifetime Homes requirements as the proposals do not incorporate inclusive access. 97-100 Marylebone High Street has lift access only to fourth floor level and the flats at 101-102 and 103-104 have no lift access at all. The applicant argues that there is no existing reasonable space to provide a lift within the common parts of the buildings at 101-102 and 103-104 and that it is not possible to extend the lift at 97-100 given that this would result in additional height to the existing lift enclosure. Given the constraints of

the existing building it is considered that there is no reasonable means to provide fully inclusive access to the proposed flats. The Lifetime Homes Standard has now been superseded by the Building Regulations and this issue will now be entirely dealt with by Building Control.

8.7 Other UDP/Westminster Policy Considerations

Noise

Residents are also concerned that the application would cause noise disturbance as the proposals would result in living rooms over bedrooms and terraces outside bedrooms. However, the terraces are relatively small in depth and it is not considered that the use of these terraces would result in noise disturbance. The Council's standard internal noise condition is imposed to ensure acceptable internal noise standards.

Sustainability and Biodiversity

The Marylebone Association consider this is a lost opportunity for the provision of either solar or PV panels and that sustainability and thermal performance has not been considered. Whilst these concerns are acknowledged, the proposal is of an insufficient scale to require an Energy Assessment and given the retention of the front roof slope, it is considered that there is limited space for the provision for renewables. In any event, the application will have to meet the energy efficiency and thermal performance requirements under the Building Regulations.

The addition of green walls is welcomed.

Construction impact

Objectors are also concerned by the potential noise and dust during construction. Whilst these concerns are acknowledged, they do not form a basis for the refusal of planning permission. However, the City Council will seek to reduce the impact of building works through mitigation measures. These can, however, only limit disruption and inconvenience and not eliminate it entirely. Conditions are proposed to control the hours of building works and for the requirement of a construction management plan.

Refuse /Recycling

The proposed arrangements for storage of refuse and recyclable materials are considered acceptable and would be secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Residents have raised concerns regarding the structural impact of the proposed extensions however this is a matter for the Building Regulations.

Concerns regarding impact on plumbing connections, extract ventilation and boiler flue locations are a landlord/tenant matter.

The proposal involves the raising of the three existing common stairs to enable either access or a secondary means of escape for the proposed flats. However, neighbours are concerned that the use of the common stairs would result in a loss of privacy and the alterations to the roof would result in the loss of an existing fire escape across the existing roof. It is not considered that the use of the existing stairs for either access or means of escape for only two new flats would cause a material loss of privacy. The loss of means of escape is a private matter between the two parties and little weight can be given to this within the determination of the application. Nevertheless these concerns are a matter for Building Control. An Informative has been proposed to inform the applicant of this issue.

9. BACKGROUND PAPERS

1. Application form and letter from applicant dated 2 February 2016
2. Email from The Marylebone Association dated 1 December 2015
3. Memorandum from Highways Planning Manager dated 4 December 2015
4. Letter from occupier of Flat 3, Cecil House, dated 6 November 2015
5. Letter from occupier of Penthouse, Falmer House, dated 29 October 2015
6. Letter from occupier of Flat 4, Falmer House, 16-17 Marylebone High Street, dated 29 October 2015
7. Letter from occupier of 16 Cecil House, 100 Marylebone High Street, dated 6 November 2015
8. Letter from occupier of Flat H, 101 Marylebone High Street, dated 7 November 2015
9. Letter from occupier of 4 Markwell Place, Bishop's Stortford, dated 12 November 2015
10. Letter from occupier of Penthouse, 16-17 Marylebone High Street, dated 29 October 2015
11. Letter from occupier of 101E Marylebone High Street, London, dated 3 November 2015
12. Letter from occupier of Flat 1 Cecil House, London, dated 11 November 2015
13. Letter from occupier of Flat 6, Falmer House, dated 27 October 2015
14. Letter from occupier of 61A Regent's Park Road, London, dated 29 October 2015

15. Letter from occupier of 16 / 17 Marylebone High Street, London, dated 30 October 2015
16. Letter from occupier of Flat D, 101 Marylebone High street, London, dated 17 November 2015

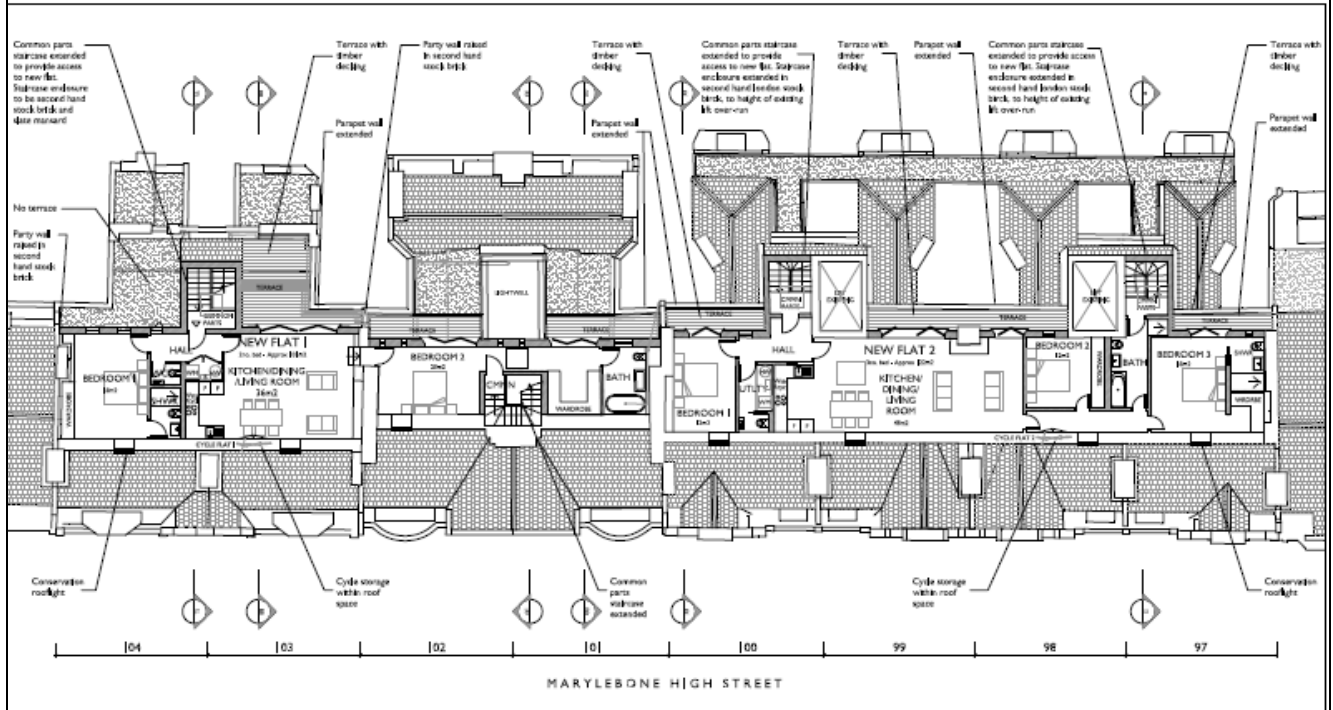
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JO PALMER ON 020 7641 2723 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



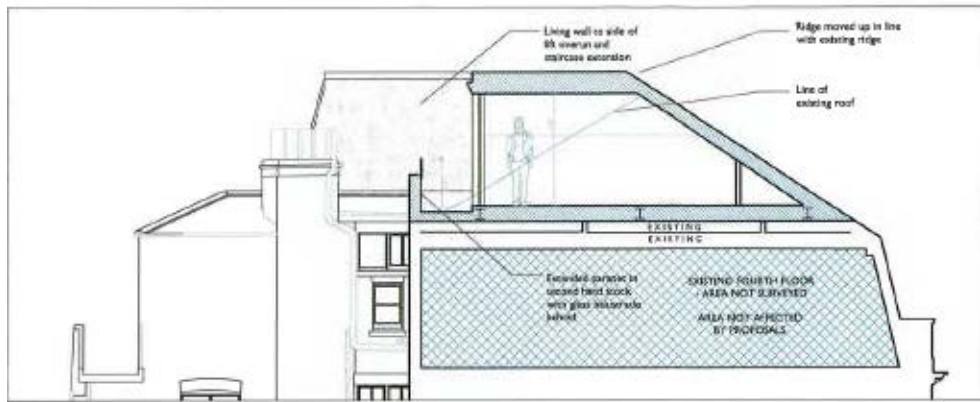
PROPOSED FRONT ELEVATION 1:100



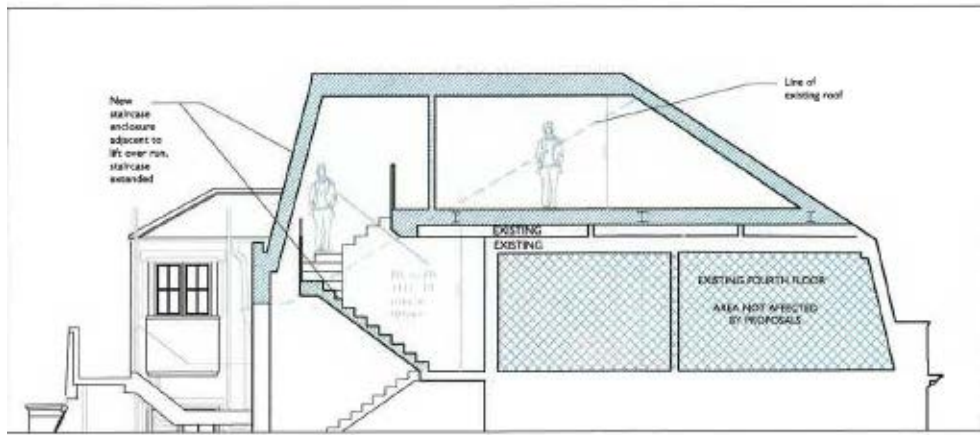
PROPOSED FIFTH FLOOR PLAN 1:100



PROPOSED REAR ELEVATION 1:100



SECTION KK - 100 MHS 1:100



SECTION II - 97 MHS 1:100

DRAFT DECISION LETTER

Address: 97-98 Marylebone High Street, London, W1U 4RJ,

Proposal: Erection of a single storey mansard roof extension at 97-104 Marylebone High Street to provide additional residential floorspace (Class C3) incorporating a 1x2 bedroom flat and a 1x3 bedroom flat. (SITE INCLUDES 97-104 MARYLEBONE HIGH STREET)

Reference: 15/09537/FULL

Plan Nos: 15B PL PRO 02 Rev C, 03 Rev C, 04 Rev A, 05 Rev A, 01 Rev A, 06 Rev A, 07 Rev A, 08, 09, 10, 12, 13; 15B PL DEM 01, 02, 03, 04, 05, 06, 07

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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 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 Harley Street 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)

- 3 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 Harley Street 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 Harley Street 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 put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies.

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 Harley Street 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 to the scheme:

- 1) Omission of all glass balustrades in favour black-painted metal railings.

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 Harley Street 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 apply to us for approval of detailed drawings (at scale 1:50) showing the following alteration to the scheme:

- 1) Installation of privacy screens on the party wall lines between 102 to 103 and between 100 to 101 and the internal lightwell at 101 to 102 Marylebone High Street to prevent overlooking to neighbouring 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 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)

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

living walls

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

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 9 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

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.

- 10 You must provide the waste store shown on drawing 15B PL PRO 02 Rev C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. 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)

- 11 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.

- 12 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 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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 You are advised to address the impact of your proposal on the means of escape in relation to the residents of 97-104 Marylebone High Street. You are advised of the need to maintain any established means of fire escape from adjacent flats. Please contact our Head of District Surveyors' Services and/or The London Fire Authority regarding this aspect of your proposal.