



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 12th September, 2017

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Andrew Smith (Chairman)
Jonathan Glanz
Louise Hyams
Tim Roca



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 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 any changes to the membership.

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. PART GROUND, FIRST AND SECOND FLOOR, REAR OF 252-258 OXFORD STREET, LONDON, W1C 1DL | (Pages 5 - 26) |
| 2. 25-26 ENFORD STREET, LONDON, W1H 1DW | (Pages 27 - 50) |
| 3. ALHAMBRA HOUSE, 27-31 CHARING CROSS ROAD, LONDON, WC2H 0AU | (Pages 51 - 88) |
| 4. CARLTON COURT, 120 MAIDA VALE, LONDON, W9 1QA | (Pages 89 - 118) |
| 5. 26 - 27 SOUTHAMPTON STREET, LONDON | (Pages 119 - 144) |
| 6. KINGLY COURT, KINGLY COURT, LONDON, W1B 5PW | (Pages 145 - 154) |
| 7. 14 WYNDHAM MEWS, LONDON, W1H 2PN | (Pages 155 - 168) |

8. 402 EDGWARE ROAD, LONDON, W2 1ED

(Pages 169 -
196)

Charlie Parker
Chief Executive
4 September 2017

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 12th September 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/06067/FULL West End	Part Ground, First And Second Floor Rear Of 252- 258 Oxford Street London W1C 1DL	Dual alternative use of part ground floor level, part first floor and part second floor as a composite use comprising a mini-golf leisure facility with associated restaurant and bar (sui-generis) or retail accommodation (Class A1); external works to ground floor entrance on John Prince's Street and replacement roof plant within existing roof plant enclosure and erection of extract duct. (Site known as 15 John Prince's Street)	
2.	RN(s) : 17/05941/FULL Bryanston And Dorset Square	25-26 Enford Street London W1H 1DW	Erection of an extension at rear first floor level, alterations to front and rear facades, including the creation of new terraces at rear lower ground and ground floor levels, changing 3rd floor rear mansard to a sheer elevation, and extension at 4 th floor roof level by creating a secondary pitch to the front mansard, and mansard-style screen at the rear, in association with the creation of a 4 th floor roof terrace, all in connection with the use of the building as 3 x flats (Class C3).	
3.	RN(s) : 17/03318/FULL St James's	Alhambra House 27-31 Charing Cross Road London WC2H 0AU	Use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to ground floor retail unit (Class A1), and associated alterations including the erection of ninth floor extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.	
4.	RN(s) : 16/12165/FULL	Carlton Court 120 Maida Vale London W9 1QA	Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 12th September 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Abbey Road		stair structure in rear garden to provide access to the basement.stair structure in rear garden to provide access to the basement.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/06015/FULL 17/06018/LBC St James's	26 - 27 Southampton Street London	Variation of Condition 1 of planning permission of dated 27 May 2015 and listed building consent dated 30 March 2017 which themselves varied earlier approvals for 'Use of part ground and all other floors at 26-27 Southampton Street from office (Class B1) to residential flats (Class C3) use and part of ground floor from offices (Class B1) to retail (Class A1) use and associated internal and external alterations including the creation of an additional floor above No.26. Associated works including the creation of courtyard at rear basement level installation of plant, solar panels, alterations to windows and doors and creation of terraces to rear and at roof level,' namely to allow for the retention of a larger roof extension, external alterations including to windows, doors, rooflights, roof layout and roof terrace enclosures and internal alterations.	
Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/05109/FULL West End	Kingly Court London W1B 5PW	Retention of retail Units 2.12 and 2.13 as (Class A3) use on a permanent basis.	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/01838/FULL Bryanston And Dorset Square	14 Wyndham Mews London W1H 2PN	Erection of ground floor rear extension and alterations at roof level.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 12th September 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Resolution
8.	RN(s) : 15/09890/FULL Church Street	402 Edgware Road London W2 1ED	Retention of three storey rear building (fronting Venables Street) measuring 0.4m higher than originally approved, to contain four flats (two of which have previously been approved and results in seven flats in total across the whole site) with associated cycle/ refuse and storage facilities at ground and basement level. Change of use of ground and basement of rear building from car parking to a Class A2 (financial and professional services) unit with associated external alterations to shopfront.	
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Part Ground, First And Second Floor, Rear Of 252-258 Oxford Street, London, W1C 1DL. (Site known as 15 John Prince's Street)		
Proposal	Dual alternative use of part ground floor level, part first floor and part second floor as a composite use comprising a mini-golf leisure facility with associated restaurant and bar (sui-generis) or retail accommodation (Class A1); external works to ground floor entrance on John Prince's Street and replacement roof plant within existing roof plant enclosure and erection of extract duct. (Site known as 15 John Prince's Street)		
Agent	Mr Jonathan Drew		
On behalf of	Mr Jeremy Simmonds		
Registered Number	17/06067/FULL	Date amended/ completed	14 July 2017
Date Application Received	10 July 2017		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

1. Does Committee consider that the opportunity to diversify the leisure and entertainment offer within the core Central Activities Zone justifies the loss of first floor ancillary retail accommodation in exceptional circumstances?
2. Subject to 1 above grant conditional planning permission

2. SUMMARY

The application site is a former office unit on John Prince's Street which was, in 1986, incorporated into the now defunct BHS store on Oxford Street to provide a customer restaurant/café, kitchen and plant room ancillary to the retail unit. It is now a separate unit again as the original BHS store (i.e. as it was prior to 1986) has resumed as a shop with a different occupier who has no use for the previously appended restaurant/café and has therefore severed it from their shop. The application site has its own access from John Prince's Street (which was always retained even when it was part of BHS) and comprises ground, first and second floors, although the majority of the floorspace is at first floor level.

The proposal is to use this unit as a dual / alternative use either for mixed leisure/entertainment purposes for mainly miniature golf with associated restaurant and bar or to continue the use as retail accommodation. The key issues for consideration are:

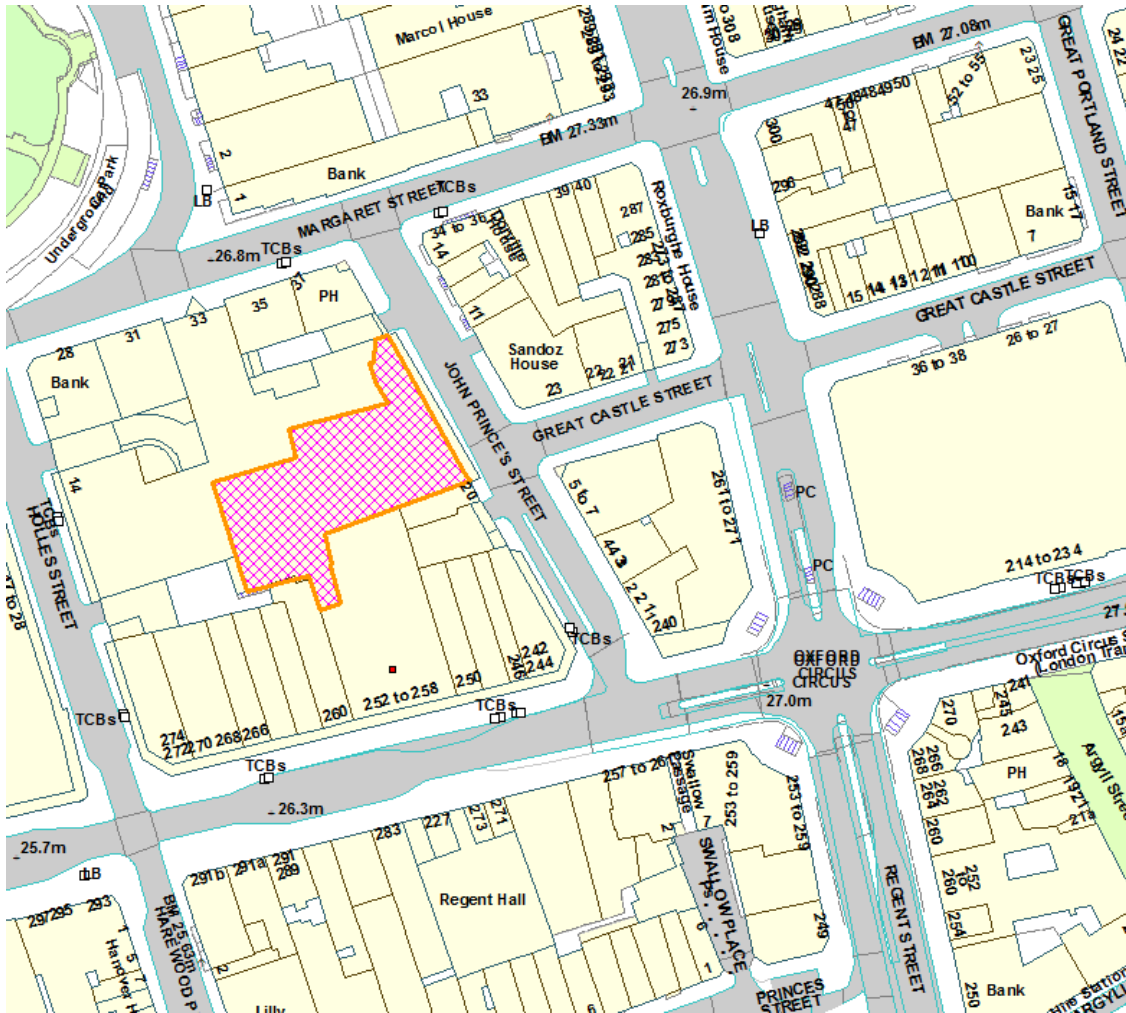
- The loss of the existing ancillary retail floorspace.
- The appropriateness of the proposed use.
- Impact on local residential amenity.

The type of use proposed would be appropriate for this location within the Core CAZ provided that no other policy considerations apply. In normal circumstances former retail floorspace in this location would be protected but members are invited to consider that there are special circumstances in this case to justify allowing the change of use. Specifically, these special circumstances are that the floorspace was never used as retail trading floorspace, having been a customer restaurant/café and before that independent offices, and indeed prior to being annexed to BHS it was not part of Oxford Street shop. In light of this it would be difficult to demonstrate that the loss of this floorspace would result in material harm to shopping in Oxford Street.

A further consideration is that in the City Council's published formal programme of work for the review of its planning policies in advance of its forthcoming local plan, there is the possibility that retail policy may be relaxed to achieve a better mix of uses whilst policies may also provide a more positive approach to the evening and night time economy. Although at this stage this is only a signal of the potential direction of travel of planning policy, it does add support to accepting that there are exceptional circumstances to allow the proposed use in this case, and members are requested to consider whether they agree.

It is considered that with controlling conditions the use would cause no material harm to local environmental or residential amenity.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

CLEANSING

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 98; Total No. of replies: 5

Five letters of support (all sent to the applicant and forwarded to the City Council) on the following grounds:

- Encouragement for leisure activities which support the retail function in the area and encourage 'dwell time'.
- Unit is at risk of becoming vacant which would be damaging to the West End.
- Employment benefits.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site was formerly part of the BHS flagship store on Oxford Street which was amalgamated from four shop units fronting Oxford Street (nos. 252-258) and the application property on John Prince's Street which is located to the rear of the Oxford Street units. Recently, the application site was severed from the Oxford Street properties which have resumed in retail use for the first time since BHS vacated.

The John Prince's Street part of the former BHS store (i.e. the application site) has its own entrance on John Prince's Street which leads to a larger first floor area, then to a second floor with a flat roof which sits below the L-shape of the much taller 20-storey office building at 33 Cavendish Square which encloses it on its other two sides. This part of the former BHS store post-dates the main shop having been granted planning permission to be used as BHS's café/restaurant with associated kitchen and plant in 1986. Although there was an internal access to this facility from within the store, it retained a separate ground floor public entrance direct from John Prince's Street.

This part of the West End just off Oxford Street is within the core CAZ and the application site, being part of the former BHS store, is still technically part of the Primary Frontage of

the West End Special Retail Policy Area (WESRPA) as designated in the City Plan and the West End International Shopping Frontage (WEISF) as designated in the UDP. The surrounding area is mainly commercial in character with few residential properties in the vicinity although there are single flats to the south and north (above The Phoenix public house) of the application site and also flats on the opposite corner of John Prince's Street and Margaret Street.

6.2 Recent Relevant History

In January 1986 planning permission was granted to extend the BHS store into the offices at the current application site to provide a café/restaurant and other ancillary shop uses for BHS.

In February 2017 planning permission was granted for external changes to the ground floor John Prince's Street elevation.

7. THE PROPOSAL

The proposal is to use the application site as an entertainment/leisure facility with the main element being for playing mini-golf comprising two miniature 9-hole golf courses. A complementary part of the operation would involve a food and drink offer for the golf participants in the form of two bars and a restaurant. These core facilities would be located at first floor level along with the kitchen. The ground floor, being a much smaller footprint, would provide just the entrance lobby on John Prince's Street, a cloakroom and a refuse store. The second floor would house the guest toilets and plant, including the kitchen extract duct which would terminate above on a flat roof and would largely follow the route of the existing BHS kitchen plant. Air conditioning plant would also be sited on this flat roof within an enclosure which would utilise the existing BHS plant room as slightly extended.

The operator would be 'Swingers' which is an established provider of a similar concept in the City of London which is aimed mainly at London's professional and corporate community and most bookings are for groups of 6 or more. The emphasis is on the leisure element but food and drink is provided in order to create an entertainment environment where customers can stay in the same place for the entire evening. Most bookings taken are for packages which includes golf plus food and drink.

The proposed opening hours are from 07.00-01.30 Thursday to Saturday and 07.00-01.00 Sunday to Wednesday.

In proportional terms the entertainment / leisure floorspace is divided into 42% golf, 28% dining and 28% bar.

Overall floorspace schedule

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Ancillary retail	1866	0	-1866
Leisure/entertainment	0	1866	+1866

Breakdown of proposed floorspace

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Miniature golf courses	0	455	+455
Restaurant	0	306	+306
Bars	0	308	+308
WCs/plant/kitchen etc	0	797	+797
Total	0	1866	+1866

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail

The key land use consideration is the loss of the existing retail floorspace as the incorporation of the application site into the BHS store following planning permission granted in 1986 changed the use from offices to ancillary retail at that time. However, it is relevant to consider that this undertaking by BHS was not to create additional trading floorspace but to provide mainly refreshment facilities for its customers in the form of a café/restaurant, so the application site has never been used, in the strictest sense, for shopping purposes.

Furthermore, prior to its incorporation into the BHS store whereupon it became part of BHS's overall Oxford Street address, the application site had a John Prince's Street address, with its own independent entrance on that street. The recent severing of the application site from the original BHS store at nos.252-258 Oxford Street has now re-established the position as it was 30 years ago with the application site re-constituted as a separate unit fronting John Prince's Street.

The above facts should be borne in mind when applying current planning policy because the application site, notwithstanding its recent decoupling from the former BHS store, is still technically part of the Primary Frontage (Oxford Street) of the West End Special Retail Policy Area (WESRPA) in the City Plan and also of the West End International Shopping Frontage (WEISF) in the UDP, both designated when the application site was part of BHS. Under City Plan policy S7 retail uses should be retained at basement, ground and first floor levels in the WESRPA Primary Frontage, whilst City Plan policy S21 universally protects A1 retail shopping floorspace. UDP policy SS3 states that in the WEISF Primary Frontage there should be no changes of use at basement, ground or first-floor levels from A1 except in the most exceptional circumstances. So granting planning permission in this instance can only occur if such exceptional circumstances can be identified.

Members are invited to consider whether the circumstances, already stated above; that the application site itself was never used for retail purposes being first offices and then a restaurant/café appended to a pre-existing department store, are sufficiently exceptional to allow the application site to be used for other purposes if the proposed alternative use is itself considered appropriate. In this case the proposed use would fit with Strategic Objective 1 in the City Plan, as it would contribute to "Westminster's role as the heart of a

pre-eminent world class city, building on its internationally renowned business, retail, cultural, tourism and entertainment functions within the Central Activities Zone” an objective which is further developed in policy S6 which states that the Core CAZ is an appropriate location for a range of commercial and cultural uses; whilst the mini-golf element, being a leisure use (a type of social and community use), would comply with City Plan policy S34 which encourages the provision of new social and community facilities throughout Westminster. Officers therefore consider that the proposed use would be beneficial and because there would be no loss of ‘true’ retail floorspace, there would be no material harm to shopping provision on Oxford Street. Five letters of support of the application have been forwarded to the City Council by the applicant from a number of retailers and West End groups which refer to the benefit of the proposed use in supporting the retail function in the area and extending ‘dwell time’ in the West End which will support the viability and vitality of the area. The New West End Company has also written in support of the application and commented on the benefit of the scheme in ensuring the unit did not become vacant and increasing ‘economic vitality’ in the area.

A further consideration is the direction of travel of future City Council planning policy as signalled in the publication of the Council’s formal programme of work, in June 2017, in advance of the preparation of its forthcoming local plan. This includes two references of relevance. First, there is an intention to review policy S21 with the aim of allowing exceptions to it in circumstances which would lead to a better mix of uses in addition to retail. Second, it refers to a more positive approach to the evening and night time economy where entertainment uses are concerned. Whilst this programme does not constitute planning policy, merely the signalling of the potential direction of future policy, and cannot be used as a material consideration in the determination of planning applications, it does, nonetheless, add further to the possibility of accepting of the application proposals in light of the exceptional circumstances already described above and, with this in mind, members are asked to agree with officers that sufficient exceptional circumstances have been identified to justify granting permission.

Entertainment uses

City Plan policy S6 accepts that, in principle, entertainment uses are appropriate for the core CAZ especially in locations such as this outside of the identified Stress Areas.

Policy S24 requires proposals for new entertainment uses 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 on residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale late-night entertainment uses of over 500 sqm floorspace will not generally be appropriate within Westminster.

Given that the size of the proposed facility is over 500sqm, Policy TACE10 of the UDP also applies which only allows such large entertainment uses in exceptional circumstances and where it can be adequately controlled by conditions to avoid environmental or amenity problems. In this case it is important when considering the proposed use under both S24 and TACE10 to appreciate that the primary purpose of the use is leisure, and although it also has significant areas for dining and bars, this would not be so different to some other leisure uses such as bowling alleys which also have large areas of bars and restaurants

incorporated into the business model. Most operations of this type occur without the problems associated with drinking establishments because the primary reason for visits is not to drink but to undertake a leisure pursuit. Given that the proposed use is a combination of leisure and entertainment use, it is considered that there are exceptional circumstances that would allow a facility of this size in this location.

Conditions would be proposed to limit the size of the restaurant and bar areas to those proposed so that each would be subservient to the main purpose of the use which is mini-golf leisure activity.

The proposed opening hours are not excessive given the location. The general advice in the UDP is that, for entertainment uses in predominantly residential areas, conditions will be imposed to prevent customers remaining on the premises after midnight on Sunday to Thursday, and after 12.30 on Fridays and Saturdays. Given that the application site is not located in a predominantly residential area, but in an area mainly commercial in character, it is considered that the applicant's proposed terminal hours of 1.30 Thursday to Saturday and 01.00 Sunday to Wednesday are reasonable.

Other licensed premises in the vicinity include; The Phoenix (37 Cavendish Square) which has licensed opening hours of: 07:00 to 00:00 (Ground Floor), Monday to Sunday, 07:00 to 03:00 (Basement Floor), Monday to Saturday and 07:00 to 00:30 (Basement Floor) on Sundays; The Finery (23 Great Castle Street) with licensed opening hours of 08:00 to 23:30 Sunday to Wednesday and 08:00 to 00:30 Thursday to Saturday; Ponti's Italian Kitchen (5-7 John Prince's Street) has a terminal opening time of 00:00 Fridays and Saturdays and 23:30 Monday to Thursday. Taking this into account it is clear the operation of the premises would not result in the introduction of new late night activity to the street at an inappropriate time.

The applicant has also advised that the operation of the premises is such that people will book individual slots for their team to play so the operation of the use would not result in large numbers of customers leaving the premises at the same time but customers would be leaving the premises in a staggered manner as their games end. The applicant has advised that a maximum of 600 people could use the venue at any one time and a condition is proposed to limit the capacity to this number.

A further condition would be imposed if permission was granted requiring an Operational Management Plan (OMP) to be submitted for approval, so that it can be demonstrated by the operator that all safeguards will be in place to control as much as possible external activity including customer behaviour to limit any impact on surrounding residential amenity.

Despite the site's location in a predominantly commercial area there are few other entertainment uses in very close proximity as Oxford Street itself is almost entirely retail in character whilst John Prince's Street comprises a mix of office, retail and restaurant uses. The nearest other entertainment uses are The Phoenix pub on the corner of John Prince's Street and Margaret Street and The Finery on the corner of John Prince's Street and Great Castle Street. It is not therefore considered that the proposal would have any adverse cumulative impact by contributing to a high concentration of entertainment uses in the vicinity.

8.2 Townscape and Design

The main proposed external changes are relatively minor and are merely alterations to a modern building with no design concerns, and actually follow closely alterations that have been granted planning permission previously.

The existing entrance doors would be moved further along the John Prince's Street frontage towards Oxford Street, which is largely an inconsequential change, and the existing doors would be replaced by windows. There are no objections to this.

Similarly the proposed alterations at second floor level are minor and acceptable.

8.3 Residential Amenity

City Plan policy S29 requires that developments should ensure that there is limited impact on the living environment of residential neighbours and, in respect of this, section 8.1 of this report explains that how in implementing the Council's entertainment use policies planning conditions can be attached to ameliorate any potential harmful impact.

The application is accompanied by a noise report which demonstrates that the external mechanical plant for kitchen extract and air conditioning purposes can comply with the Council's standard noise conditions which require that noise emissions are not audible at any surrounding residential windows. The Council's Environmental Health Officer has assessed this report and agrees with its findings.

With regard to potential internal noise escape the application is proposing to install adequate soundproofing and, at ground floor level, provide a lobbied entrance to contain noise. These matters can be controlled by planning conditions.

8.4 Transportation/Parking

Given the site's central location and easy access to bus services on Oxford Street, the underground at Oxford Circus and taxis, there is likely to be no significant generation of trips by private car and therefore no demand for on or off-street parking facilities. Even if anyone did arrive by car the site is one minute's walk from Cavendish Square public car park.

The proposal includes refuse collection and storage facilities at rear ground floor level, which the Council's cleansing officer considers satisfactory. A condition is imposed to ensure that the waste and recycling storage areas are provided and collections accord with the stipulations in the submitted Refuse Strategy (29.06.17).

To accord with London Plan policy 6.9 cycle parking would be required for the new use, the proposed use is similar to an entertainment use which would require the provision of 8 cycle parking spaces for staff use. There is an existing goods lift from the ground floor to the back-of-house area at first floor level where cycle parking could be provided for staff, as it has not been shown on the drawings a condition is proposed requiring the submission of amended drawings to show the relevant cycle parking requirement. Servicing will also take place via this internal goods lift with any servicing vehicles subject to existing loading restrictions within the Controlled Parking Zone.

An informative is proposed to advise the applicant of the required minimum set-back from the kerb and minimum height of the awning on the ground floor elevation.

8.5 Economic Considerations

The proposal is expected to provide employment for 250 persons, which is to be welcomed.

8.6 Access

The proposals include improvements to assist those with disabilities. A new DDA compliant lift is to be installed adjacent to the ground floor lobby to provide access to the upper floors, and an accessible WC will be provided at first floor level. These access improvements have been secured by condition to ensure they are provided and retained.

The golf courses will be step-free with ramps linking each hole where there is a change in level. All walkways and door openings will be sufficiently wide to accommodate wheelchairs.

8.7 Other UDP/Westminster Policy Considerations

None relevant unless already referred to in this report.

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

An Environmental Impact Assessment is not required for this scale of development.

8.12 Other Issues

None

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health dated 26th July 2017.
3. Response from the Cleansing Manger dated 2nd August 2017.

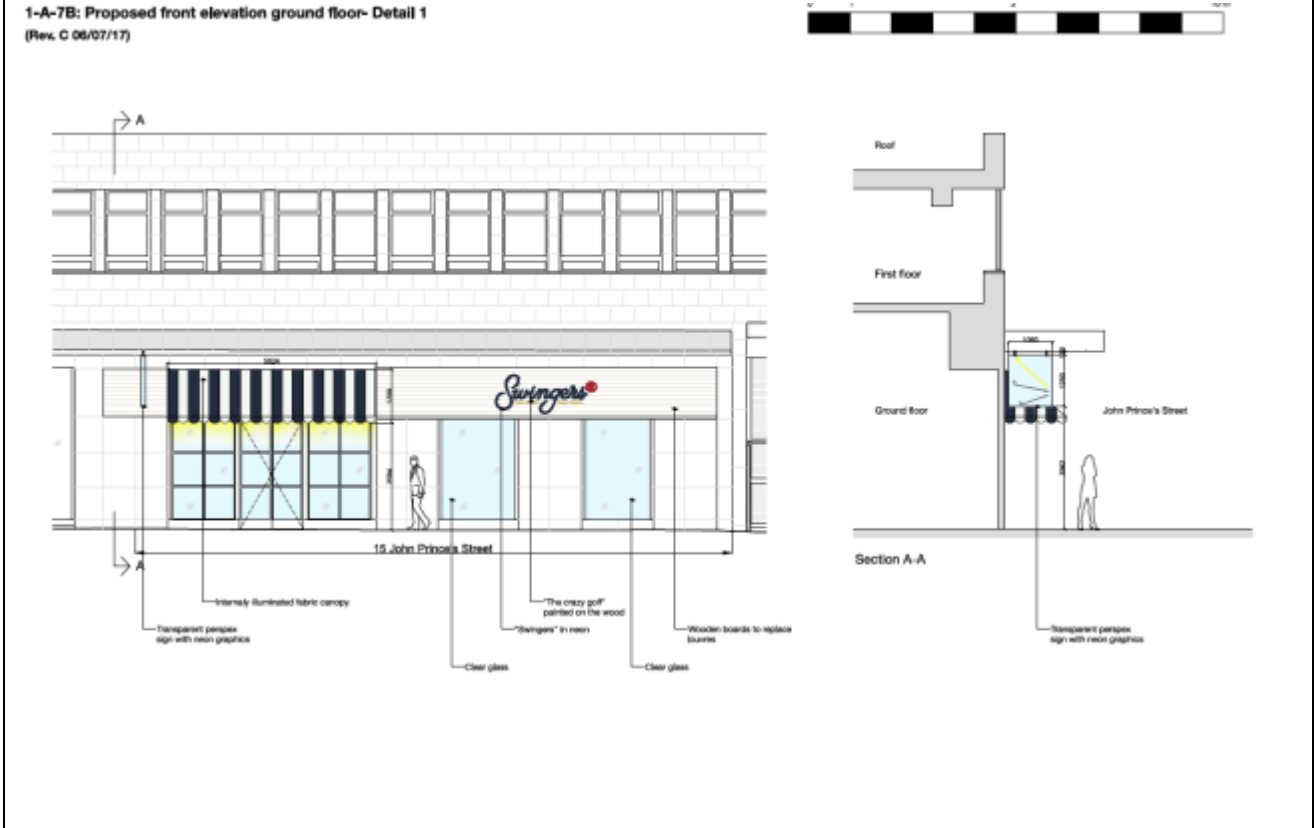
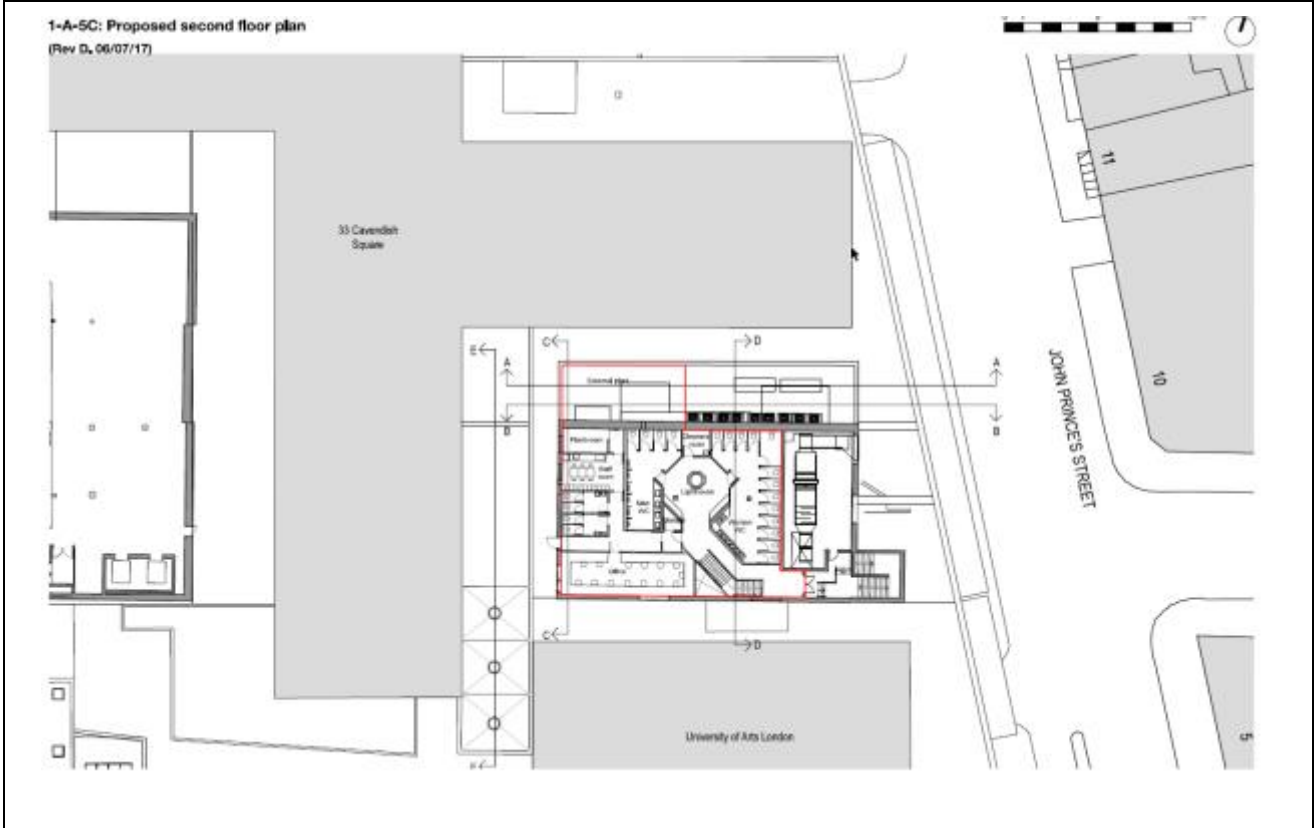
4. Response from the Highways Planning Manager dated 29th August 2017
5. Letter from Paragon Building Consultancy, 7 Swallow Place, London, W1 dated 10th August 2017.
6. Letter from House of Fraser, 27 Baker Street, London, W1 dated 11th August 2017.
7. Letter from New West End Company, Heddon House, 149-151 Regent Street, London, W1 dated 11th August 2017.
8. Letter from Lancer Property Asset Management, 36 Berkeley Square, London, W1 dated 14th August 2017.
9. Email from Tiffany & Co., Level 7, the Shard, London, SE1 dated 15th August 2017.

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

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

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: Part Ground, First And Second Floor, Rear Of 252-258 Oxford Street, London, W1C 1DL,

Proposal: Dual alternative use of part ground floor level, part first floor and part second floor as a composite use comprising a mini-golf leisure facility with associated restaurant and bar (sui-generis) or retail accommodation (Class A1); external works to ground floor entrance on John Prince's Street and replacement roof plant within existing roof plant enclosure and erection of extract duct. (Site known as 15 John Prince's Street)

Reference: 17/06067/FULL

Plan Nos: Acoustic Report (29.06.17), Dispersal Strategy (26.06.17), Refuse Strategy (29.06.17), Drawings; 1-A-5A RevC, 1-A-5B RevD, 1-A-5C RevD, 1-A-5D RevC, 1-A-6A RevC, 1-A-6B RevC, 1-A-6C RevC, 1-A-6D RevC, 1-A-6E RevC, 1-A-7A RevC, 1-A-7B RevC, 1-A-7C RevC, 1-A-8A RevC, 1-A-8B RevC, 1-A-8C RevC, 150286/M/1000 Rev11, 150286/M/1001 Rev11.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: 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. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings and as detailed in the Refuse Strategy (29.06.17). You must clearly mark them and make them available at all times to everyone using

the property.

Reason:

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

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning

permission.

- 5 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.

- 6 You must install the acoustic mitigation measures as detailed within the acoustic report at the same time as the plant is installed and these measures must thereafter be maintained in situ for as long as the plant remains in place.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 If you implement the mini-golf use hereby approved you must not allow more than 600 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 The high level extract ducting shown on the approved drawings shall be fully installed before the mini-golf use commences and thereafter maintained for as long as the approved mini-golf use is in operation.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 You must not open the mini-golf premises to customers, and you must not allow customers on the premises, outside the hours: 07:00 till 01:30 Thursday to Saturday; and 07:00 till 01:00 Sunday to Wednesday.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 11 You must provide the access for people with disabilities as shown on the approved drawings before you can occupy the new unit. The disabled access must thereafter be retained in situ for as long as the unit is in operation.

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 12 If you implement the mini-golf use hereby approved you must provide the acoustic lobby at ground floor level as shown on the approved drawings and fit self-closing doors. You must not leave these doors open except in an emergency or to carry out maintenance.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 13 You must apply to us for approval of a management plan for the approved mini-golf operation to show how you will prevent customers who are leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the approved mini-golf use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the mini-golf use is in operation.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 14 You must apply to us for approval of details of secure cycle storage for the mini-golf use. You must not occupy the mini-golf unit until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 15 If you implement the mini-golf use hereby approved you must operate the use in accordance with the layout shown on the approved ground, first and second floor plans, including the location of the bar and restaurant areas.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 If you implement the mini-golf use hereby approved you must install the internal acoustic mitigation measures as detailed in the approved acoustic report to prevent noise transmission through the building structure.

Reason:

To protect neighbouring occupiers from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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 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. (I54AA)
- 4 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)

- 5 Conditions 4 and 5 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)
- 6 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.
- 7 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.
- 8 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.
- 9 You are advised that the canopy should have a minimum vertical clearance of 2.14m from the lowest point of the awning to the surface of the footway and should also be set back 1m from the kerb edge to ensure that the awning is not damaged by high vehicles and does not pose a danger to the movement of pedestrians and vehicles.
- 10 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the relevant parts of the property can change between the A1 and the mini-golf leisure facility with associated restaurant and bar (sui-generis) we have approved for 10 years without the need for further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.

Item No.
1

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	25-26 Enford Street, London, W1H 1DW,		
Proposal	Erection of an extension at rear first floor level, alterations to front and rear facades, including the creation of new terraces at rear lower ground and ground floor levels, changing 3rd floor rear mansard to a sheer elevation, and extension at 4 th floor roof level by creating a secondary pitch to the front mansard, and mansard-style screen at the rear, in association with the creation of a 4 th floor roof terrace, all in connection with the use of the building as 3 x flats (Class C3).		
Agent	Tasou Associates Limited		
On behalf of	Mr Frank Montanaro		
Registered Number	17/05941/FULL	Date amended/ completed	5 July 2017
Date Application Received	5 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application premises is a vacant office building (Class B1). Permission has previously been granted for schemes in 2015, 2016 and in January this year for alterations and extensions in connection with the conversion of the building to a single dwelling house as well as three and four flats.

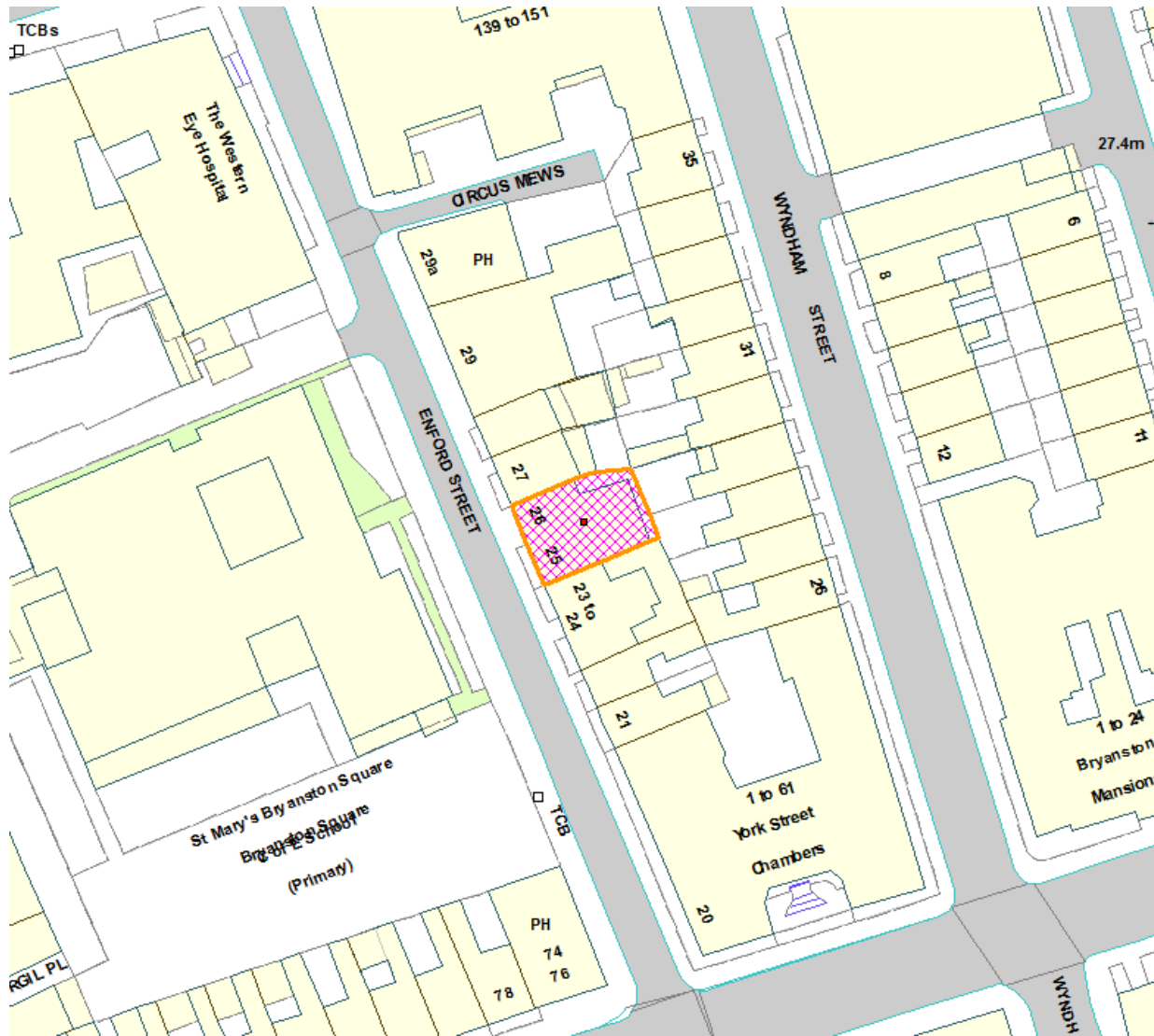
Permission was also refused in November 2016 and an appeal dismissed in June 2017 for an application which included the creation of a 4th floor roof terrace which would be enclosed by a 1.7 m rear timber screen. The provision of a roof terrace was previously considered acceptable provided that it was adequately screened. The previously proposed 1.7m tall screen was considered to be unacceptable in design terms.

The current application seeks to overcome the previous design reason for refusal. The proposed 4th floor roof terrace would be enclosed by a secondary pitched roof at the front and a mansard 'screen' at rear the rear. In addition to the proposed works at 4th floor roof level this latest application includes alterations to the facades, a small rear 1st floor extension and alterations to create rear lower ground and ground floor terraces.

The key issue for consideration is design and the implications that the proposed works at roof level have on the appearance of the building and the character and appearance of the Portman Estate Conservation Area.

It is considered that the proposed 'dummy' 4th floor mansard would provide an effective method of adequately screening the new 4th floor terrace. This is an improvement to the rear timber screen previously proposed, successfully overcoming the design reason for refusal. Other works are also considered acceptable in design terms. The conversion to three flats is again considered acceptable in land use and amenity terms. The application accords with adopted City Plan and UDP policies and is accordingly recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Objection - The faux mansard performing as screen to the roof terrace results in an increase in perceived building height that is not in keeping with the neighbouring roof lines at the rear of the property. A simple acoustic screen and railing set back 1.5 metres from the rear parapet would safeguard neighbouring amenity and address issues of visual bulk.

CLEANSING:

No objection subject to the imposition of a condition securing and retaining the proposed arrangements for waste and recyclable materials.

HIGHWAYS PLANNING:

Objection to the proposed residential units that are likely to add to existing on-street car parking stress in the vicinity of the site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Objections on the following grounds:

Amenity:

- Noise from the roof terrace.
- The increase in height of the building will result in loss of sunlight.
- Overlooking and noise from the proposed flats and the roof-top terrace.

Design and Conservation:

- Concern over the proposed black brickwork at rear ground floor level is in keeping with the host buildings and those surrounding the site.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted building located within the Portman Estate Conservation Area. The site is located within the Central Activities Zone (CAZ) but outside the Core CAZ. The building is vacant but is lawfully within office (Class B1) use.

The Grade II listed buildings to the west (Wyndham Street), which directly back onto the site, are in residential use (with the exception of No. 35). Nos 23 and 24 Enford Street, located directly to the south of the application site, have recently been converted into five residential units. There are also residential units directly to the north at No. 27 Enford Street.

The building covers the entire site at basement level and has a single storey extension at rear ground floor level, which is set in slightly from the rear and northern boundaries. Access to the flat roof of this extension is restricted by Condition 1 of planning permission dated 24 July 2007 (Ref: 07/04912/FULL) in order to protect the amenity of neighbouring residents.

6.2 Recent Relevant History

94/00962/FULL

Use of the building as offices with ancillary bookshop in the basement.
Application permitted - 22 March 1994

95/01853/FULL

Mansard roof extension to form additional floor for B1 office use & lift overrun above.
Application permitted - 29 June 1995.

07/04912/FULL

Retention of door and window frame at rear first floor level.
Application permitted - 24 July 2007

This permission was granted subject to a condition requiring the door to be fixed shut at all times and used only in an emergency and for maintenance. This condition was imposed to protect the privacy and environment for people in neighbouring properties.

14/10138/FULL

Use as single family dwelling (Class C3), partial demolition of existing rear extension and creation of a rear roof terrace at ground floor level and raising of party walls by 1 metre in order to enclose this space. Creation of sheer storey at rear third floor level and installation of dormers at front roof level. Alterations to fenestration on front and rear elevations at all levels and associated external alterations.
Application permitted - 13 January 2015

15/04066/FULL

Demolition of part ground floor rear extension, erection of replacement part single and part two storey extension at rear ground and first floor levels, raising of parapet wall to rear and side boundaries to enclose new patio, installation of replacement windows to front and rear elevation at all levels and replacement of rear roofslope with sheer brickwork. Use of enlarged and altered building as dwellinghouse (Class C3).
Application permitted - 22 December 2015

This permission was identical to that approved in January 2015 with the exception that a shallow (1.2m) rear extension was approved across the majority of the rear elevation at first floor level.

16/04870/FULL

Erection of extension at rear first floor level, alterations to front and rear facades of building and alteration to rear roof form to create sheer rear elevation and use of extended and altered building as 3 x flats (Class C3).
Application permitted - 9 September 2016

In addition to the three flats in lieu of the approved single family dwellinghouse, this permission incorporates design amendments to the extensions and alterations approved in December 2015.

16/08957/FULL

Erection of extension at rear first floor level, alterations to front and rear facades of building and alteration to rear roof form to create sheer rear elevation, use of extended and altered building as 3 x flats (Class C3) and installation of timber screen measuring 1.7m to rear elevation and installation of balustrade to front elevation in order to facilitate use of flat roof at fourth floor level as terrace.

Application refused - 15 November 2016 on the ground that the height, location and materials of the rear timber screen would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Portman Estate Conservation Area.

Appeal dismissed – 7 June 2017. The Planning Inspector agreed that the proposed screen, due to its position, height and use of materials would appear as a dominant and incongruous structure that would not preserve the character or appearance of the Portman Estate Conservation Area.

16/11043/FULL

Erection of extension at rear first floor level, alterations to front and rear facades of building and alteration to rear roof form to create sheer rear elevation and use of extended and altered building as 4 x flats (Class C3).

Application permitted - 24 January 2017

This permission is almost identical to the September 2016 permission, albeit approving four flats instead of three, approving slight design alterations and including a slightly larger cycle / refuse store at lower ground floor level.

7. THE PROPOSAL

The application proposes to reconfigure the existing building including the erection of a shallow first floor rear extension, make alterations to the front and rear elevations, reconfigure the front mansard roof to create a double-pitched mansard and to erect a mansard 'screen' at rear roof level to enclose the roof top terrace. The reconfigured building is proposed to be converted into three flats (Class C3) with refuse and bicycle storage at front basement level. The proposed roof top terrace is to be used by the occupants of the 2nd and 3rd floor maisonette.

As show in Table 1 below, the proposal would see the loss of all of the office floorspace on site and the creation of 380 sq.m (GIA) of residential floorspace.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	406	0	-406
Residential	0	380	+380

Table 1: Existing and proposed land use.

The small loss of floorspace is as a result of the proposed creation of terraces at rear lower ground and rear ground floor levels.

The application has been amended during the course of its consideration through reducing the width of the rear mansard screen so that it better aligns with the fenestration pattern on the floors below and to add a secondary pitch to the existing mansard roof at the front so that this encloses the proposed terrace rather than the formerly proposed railings.

As set in more detail within Section 6.2 of this report, there are a number of permissions to extend and alter this building for use as a single family dwellinghouse, as three flats and as four flats. Indeed, with the exception of the works associated with the creation of the roof top terrace, all of the alterations sought in this application have previously been approved by the City Council. All of these permissions are extant and are material considerations when assessing the acceptability of the current application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The site's location outside of the Core CAZ, Named Street and Opportunity Areas means that the office floorspace is not protected under City Plan Policy S20 and is therefore acceptable.

Residential use

	Size (sq.m GIA)	Required minimum size (sq.m GIA)	Bedrooms
Flat 1 (3b/6p)	170	102	3
Flat 2 (1b/2p)	63	50	1
Flat 3 (3b/6p)	121	102	3

Table 2: Summary of proposed residential units.

The proposed increase in residential floorspace is welcome outside of the Core CAZ, being in accordance with City Plan Policy S14 and UDP Policy H3. The provision of two-thirds 'family sized' units exceeds the normal expectation within UDP Policy H5 that a third of new residential units should be family sized. A good range of unit sizes is proposed and it is considered that the site's capacity has been optimised, in accordance with City Plan Policy S15. This is especially the case in the context of the extant permission to convert the building to a single family dwellinghouse.

All of the proposed flats meet the minimum space standards within the London Plan (March 2016). Each of the flats is dual aspect, which will assist in ensuring that the accommodation is not subject to overheating. Furthermore, the quiet environment of Enford Street means that compliance with the noise standards set out within UDP Policy ENV 6 is unlikely to be an issue (subject to standard conditions).

The family sized flats benefit from outdoor amenity space, in accordance with UDP Policy H10.

The increase in residential floorspace of 380 sq.m (GIA) falls short of the 1,000 sq.m threshold set out within City Plan Policy S16 and therefore the scheme does not generate an affordable housing requirement.

8.2 Townscape and Design

Through occupying a plot which was presumably once occupied by a pair of terrace properties, the building's proportions relate poorly to the character of the wider terrace which is characterised by c. 1800 terraced buildings, some of which have been extended at roof level in the form of double pitched mansard roofs. The application building, together with its neighbour at No's 23 and 24 Enford Street, has been extended at roof level in the form of a flat-topped mansard roof. Railings at roof level which are clearly visible from street level add clutter to the roof line.

The rear elevation of the building is of even less architectural merit, with unsuitably proportioned windows, the rear slope of the mansard overhanging the rear elevation which creates a top-heavy appearance, and a full-width and full-depth single storey rear extension covering the rear of the site.

The above assessment confirms the finding within the Portman Estate Conservation Area Audit (2003) that the building is not an unlisted building of merit and is a building that neither contributes nor detracts from the character and appearance of the Portman Estate Conservation Area. Through already having been extended at roof level, the building is identified as a building where a roof extension is unlikely to be acceptable within the Portman Estate Conservation Area Audit (2003).

The proposed alterations in the form of adding banded stucco at ground floor level, adding sash windows to the rear elevation and replacing the sash windows to the front elevation with six-over-six sash windows will add Georgian detailing. This is acceptable in principle.

The height of the rear first floor extension, and its limited projection, will ensure that it remains subordinate to the host building, in accordance with UDP Policy DES 5.

As set out above, a similar previous application to alter and extend this building to create three flats was refused by the City Council on 15 November 2016 on the ground that the height, location and materials of the 1.7m tall rear timber screen at roof level to enclose the roof top terrace would have been visually intrusive and harmful to the character and appearance of the Portman Estate Conservation Area. This decision was appealed. Whilst the Inspector accepted that the screen was required in order to prevent overlooking to the occupants of the properties to the rear on Wyndham Street, he found that it would appear as a dominant and incongruous structure that would not preserve the character or appearance of the Portman Estate Conservation Area. For this reason, the appeal was dismissed.

This current application attempts to overcome this reason for refusal through proposing the erection of a 'fake' mansard at rear roof level and the creation of a secondary pitch to the existing mansard roof to the front that would create the necessary enclosure to the proposed terrace but would not be a jarring introduction to the townscape. As set out above, the detailed design of the screen has undergone design iterations to enable it to better relate to the fenestration pattern below. Whilst the concerns of the Marylebone

Association in respect to the increase in the height of the building are noted, it is not considered that this increase in height would be harmful in the context of the varied heights and styles present along the rear of this terrace. Furthermore, the alterations to the rear elevation, including the removal of the overhanging mansard roof, are clearly beneficial to the character and appearance of the Portman Estate Conservation.

Finally, the concern from a local resident to the proposed black brickwork at rear ground floor level is not considered to represent a sustainable reason for refusing permission. Whilst yellow stock brickwork is the dominant material in this terrace, the addition of contrasting darker brickwork is not considered to be harmful given the eclectic mix of building styles to the rear of this terrace and the poor quality of the rear elevation of the existing building on site.

Further details are recommended to be secured by condition to ensure correct materials and appearance.

The application is now acceptable in design terms and in accordance with UDP Policies DES 1, DES 6 and DES 9 and City Plan Policies S25 and S28.

8.3 Residential Amenity

Objections have been received from three residents to the rear of the site who are concerned about potential overlooking and noise disturbance from the ground floor patio (and roof terrace) and from loss of sunlight as a result of the proposed mansard screen.

The objections to overlooking and noise from the proposed roof terrace are not considered to be sustainable as: (i) The height of the timber screen is 1.7m tall which would minimise the potential for overlooking (especially in a downwards direction); and (ii) The domestic nature of the terrace is unlikely to generate significant noise and disturbance.

This patio at rear ground floor level will be enclosed by the proposed raised rear parapet wall, the top of which will be 1.8m above patio level. As with the previous approvals, a condition is recommended to ensure that the extension of this parapet wall is undertaken prior to occupation of the basement and ground floor maisonette, preventing the flat roof at first floor level being used as a terrace. As previously, it is not considered that the use of this private amenity space would have a significant impact on neighbours' amenities in respect to noise disturbance.

Finally, in respect to potential loss of sunlight as a result of the proposed mansard screen, although the rear of the properties on Wyndham Street do face within ninety degrees of due south, the modest increase in the height of the proposed mansard roof screen will not result in a material loss of sunlight to the rear windows of these properties or to the rear gardens of these properties.

8.4 Transportation/Parking

The City Council's Highways Planning Team advises that the night time parking stress in the vicinity of the site is 54%, whilst the daytime parking stress is 96%. The daytime parking stress is therefore well above the 80% threshold set out within UDP Policy TRANS 23 and any increase in residential units in this area are likely to increase car parking stress

levels further beyond this threshold; thus making it more difficult for other residents to park during the day.

There are a number of car club spaces within a short walk of the application site, the nearest being on Great Central Street (just to the north of Marylebone Road). Given the the modest number of residential units proposed, it is considered that a 25 year car club membership for the occupiers of each new unit would adequately mitigate the harm to on-street car parking stress levels. A 'Grampian condition' is recommended to be imposed securing appropriate arrangements to secure this mitigation. Identical conditions were imposed on the permissions to convert the building into three and four flats.

The provision of storage for seven bicycles is acceptable, as is the introduction of a cycle 'gutter' in the staircase within the front lightwell which will assist cyclists in transferring their bicycles from the front lightwell.

8.5 Economic Considerations

As set out above, the loss of office floorspace is acceptable given the site's location outside of the Core CAZ.

8.6 Access

UDP Policy H8 requires all housing developments of 25 or more dwellings to have 10% of the units be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The lack of a lift means that none of the proposed units will be wheelchair accessible. This is justifiable given the small number of residential units proposed.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The City Council's Cleansing Manager has confirmed that the proposed storage for waste and recyclable material is acceptable.

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

The proposal does not generate any requirement for planning obligations.

The development is not liable to make a payment under either the Westminster or Mayoral CIL.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. E-mail from the Marylebone Association dated 14 August 2017.
3. Memorandum from the Highways Planning Manager dated 21 July 2017
4. Memorandum from the Cleansing Manager dated 24 July 2017
5. Letter from occupier of 30 Wyndham Street, London, dated 8 August 2017
6. Letter from occupier of 29 Wyndham Street, London, dated 8 August 2017
7. Letter from occupier of 29, Wyndham Street, London, dated 27 July 2017
8. Appeal decision dated 7 June 2017.

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

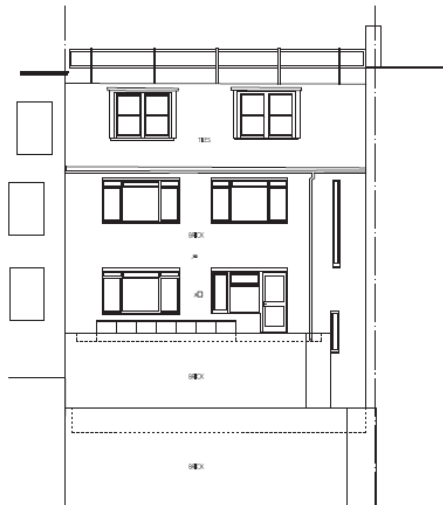
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

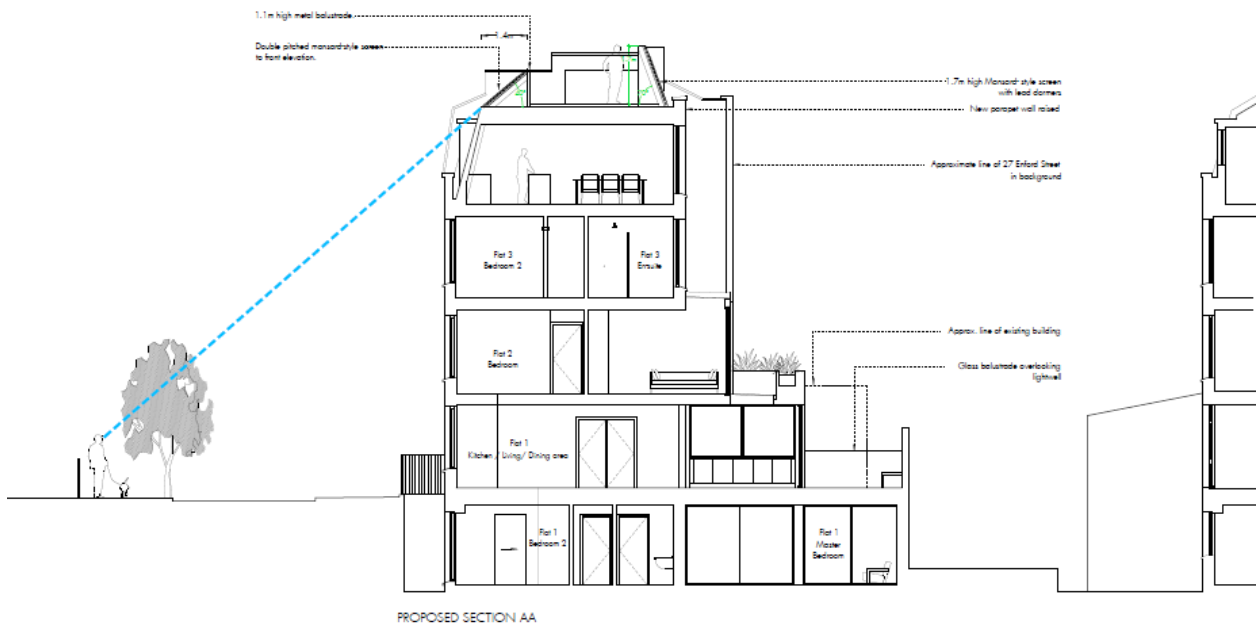
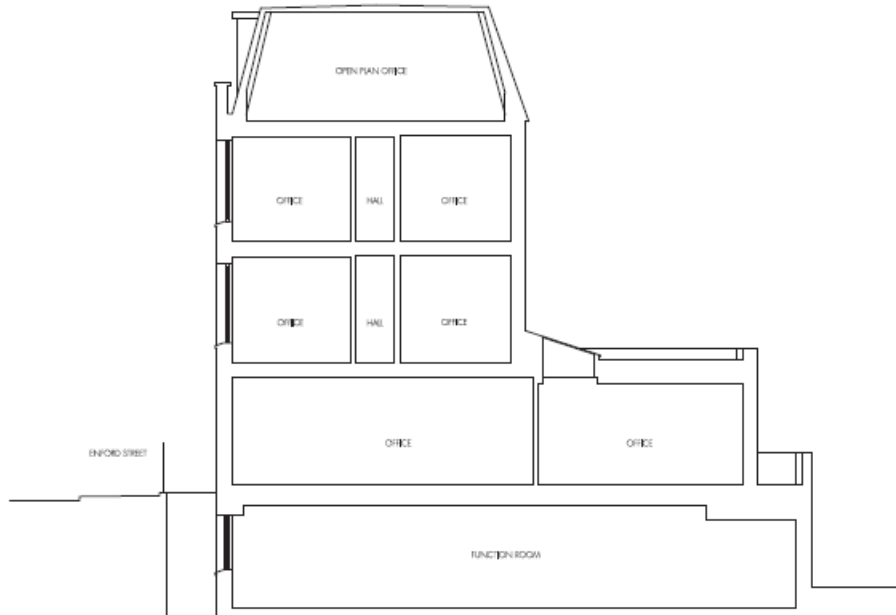
Existing and proposed front elevation:



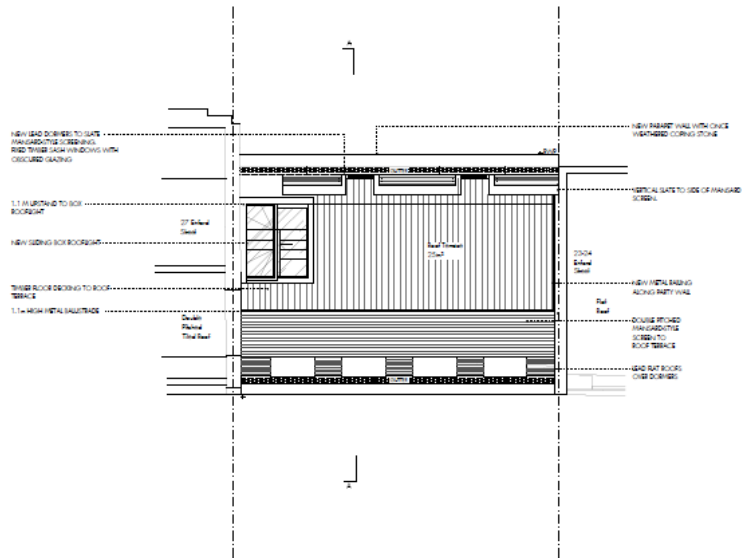
Existing and proposed rear elevation:



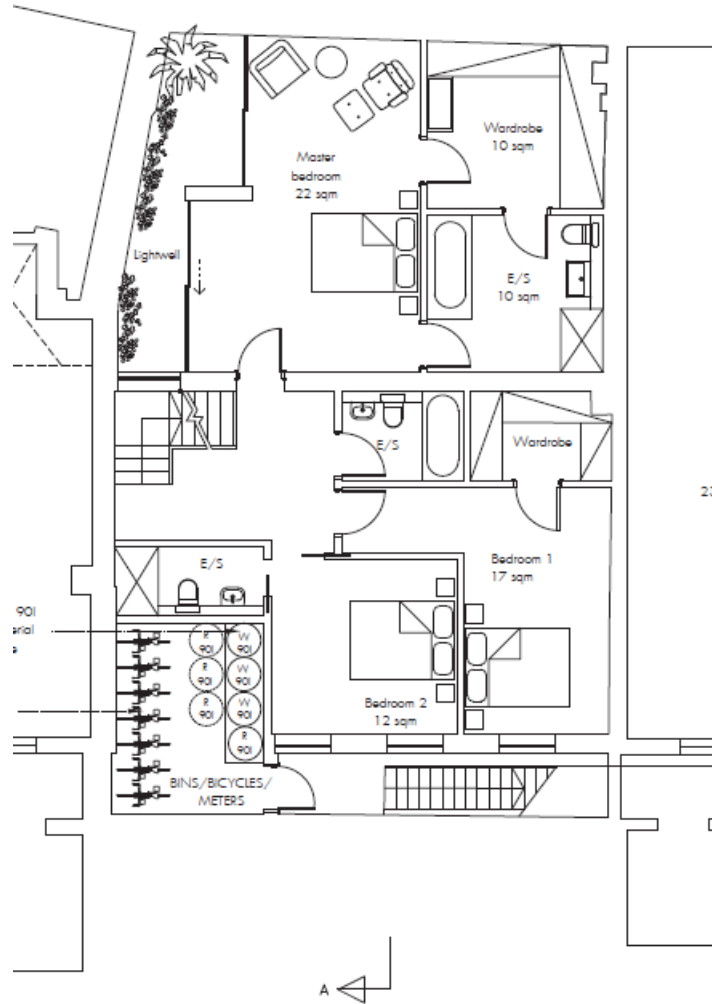
Existing and proposed Section A-A:



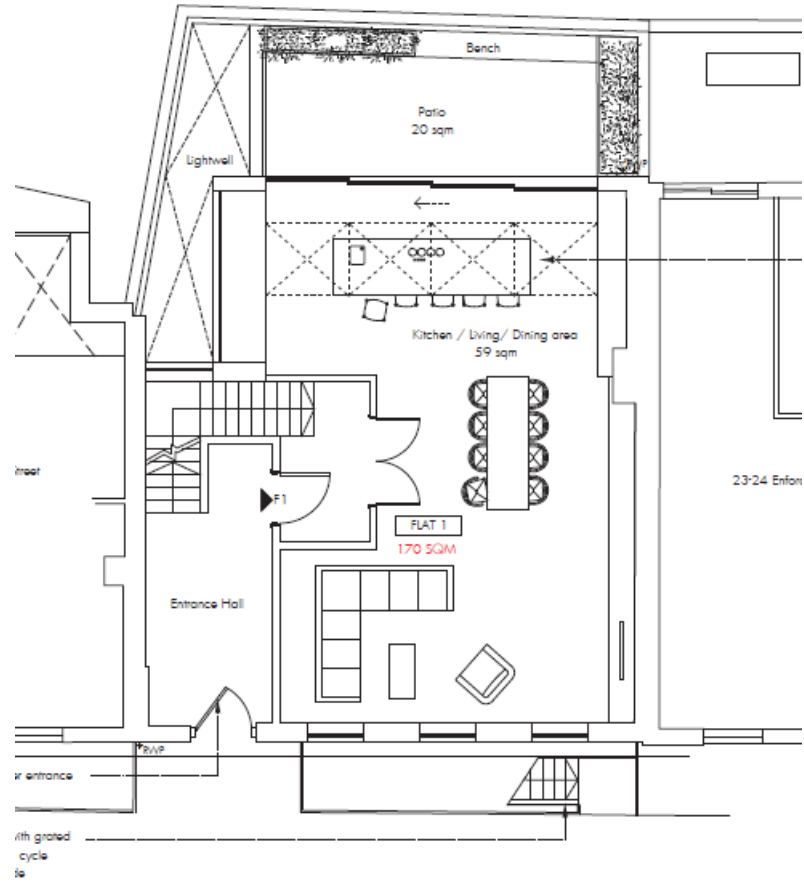
Proposed roof plan:



Proposed lower ground floor plan:



Proposed ground floor plan:



DRAFT DECISION LETTER

Address: 25-26 Enford Street, London, W1H 1DW,

Proposal: Erection of an extension at rear first floor level, alterations to front and rear facades, including the creation of new terraces at rear lower ground and ground floor levels, changing 3rd floor rear mansard to a sheer elevation, and extension at 4th floor roof level by creating a secondary pitch to the front mansard, and mansard-style screen at the rear, in association with the creation of a 4th floor roof terrace, all in connection with the use of the building as 3 x flats (Class C3).

Reference: 17/05941/FULL

Plan Nos: 4-PP/01, 02, 03, 04b, 05a, 06a and 07b.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- 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.

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

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

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

Reason:

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

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

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

Reason:

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

- 5 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 4-PP/01. You must clearly mark them and make them available at all times to everyone using the dwellings hereby approved. (C14FB)

Reason:

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

- 6 You must not use the roof of the ground and first floor rear extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 The boundary walls to the premises must be raised in full and in accordance with the approved drawings

prior to the occupation of the ground and basement floor maisonette. Thereafter the walls must be retained in accordance with the approved drawings.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 8 You must not occupy any of the residential flats hereby permitted until we have approved appropriate arrangements to secure the following:

- Measures to mitigate the impact of the development upon on-street parking demand.

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

Reason:

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

- 9 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 10 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.

- 11 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 (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

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

1. Sections and elevations of the new mansard and dormers at 1:20 and 1:5.
2. Details of facing materials including natural slate, lead and any other major materials.

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.

Reason:

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

13 The glass that you put in the rear dormer windows of the mansard screen hereby approved must not be clear glass, and you must fix these windows permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , 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).
- 3 Under Condition 8 we are likely to accept a Unilateral Undertaking under Section 106 of the Town and County Planning Act to secure car club membership for each of the three flats for a period of 25 years. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,		
Proposal	Use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to ground floor retail unit (Class A1), and associated alterations including the erection of ninth floor extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.		
Agent	DPP		
On behalf of	Criterion Capital Ltd		
Registered Number	17/03318/FULL	Date amended/ completed	4 May 2017
Date Application Received	13 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Leicester Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Alhambra House, 27 - 31 Charing Cross Road is an unlisted building located in the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ). The building comprises of basement, ground and nine upper floors. The building was last used as offices (Class B1) on the upper floors and a retail unit (Class A1) at ground floor level. A class A2 unit at ground floor is occupied and still operating as a bank. The basement provides ancillary storage space.

Permission is sought for the use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to the ground floor retail unit (Class A1), and associated alterations including the erection of a ninth floor rear extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to the ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

The key issues for consideration are:

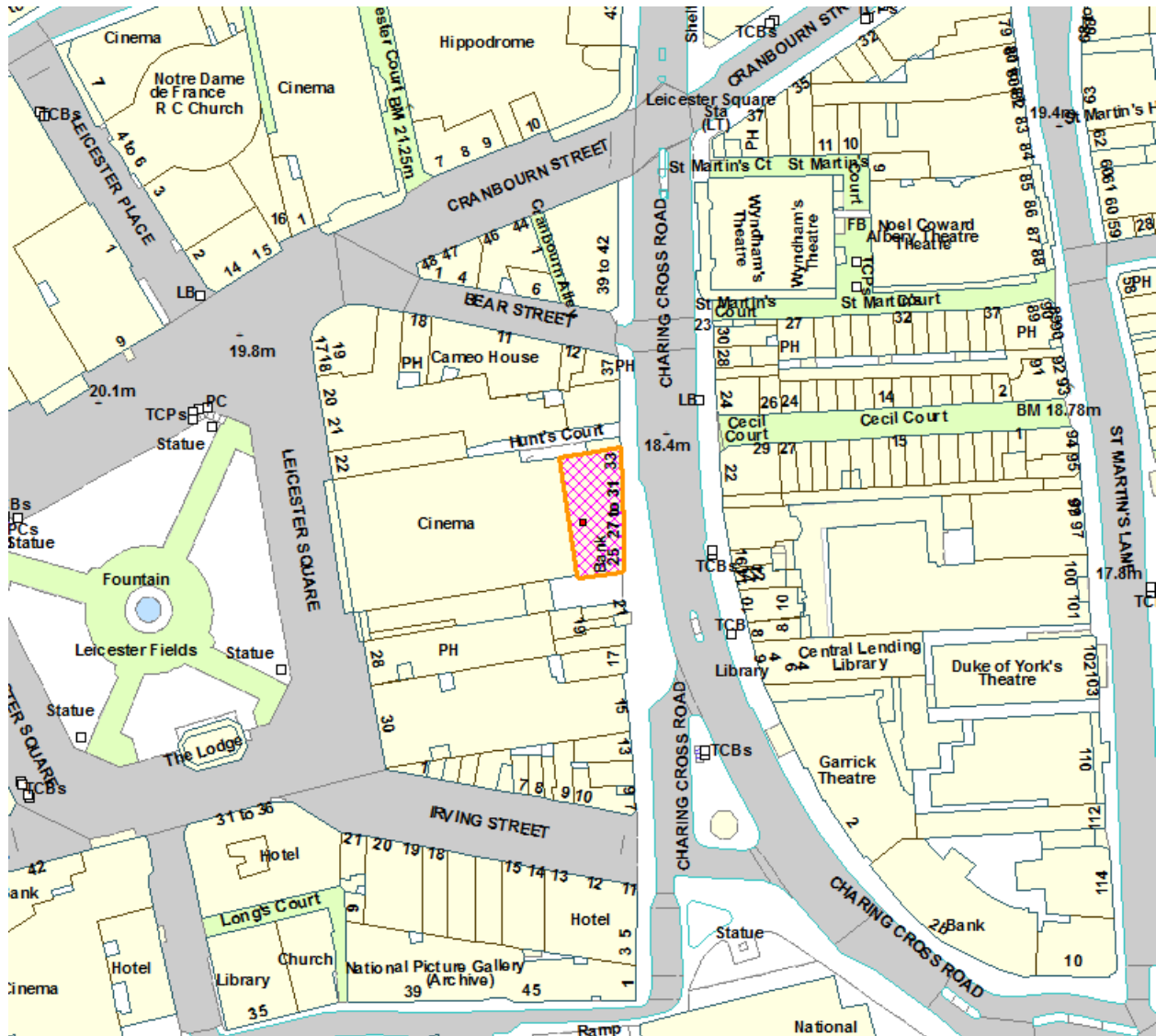
- The impact of the proposals in land use terms;
- The impact of the external alterations on the character and appearance of the Leicester Square Conservation Area;
- The impact on the amenity of neighbouring residential properties;
- The impact of the hotel use on the surrounding highway network.

On 27 March 2017 a similar application was approved by planning applications sub-committee (15/09858/FULL). The key differences in this latest application are:

- Reconfiguration of the internal layout has decreased the number of hotel bedrooms from 123 to 121;
- A reduction in existing A1 and A2 retail floorspace by 3 sqm and 8 sqm;
- New infill extension to the rear of the building at ninth and tenth floor levels to provide additional kitchen/back of house area for food and beverage area and servery space (33m²);
- Alterations to the profile of the tenth floor roof extension; and
- Amendments to the building facades and fenestration.

In summary, the amendments to the previously approved scheme are acceptable in land use, and design and conservation terms. The provision of a hotel in this area of the CAZ is considered acceptable, and subject to conditions controlling the operation and management of the hotel, it is considered that it would neither adversely impact on the character and function of the area, the surrounding road network, residential amenity, or the character and appearance of the building and the Leicester Square Conservation Area. The application is considered to accord with land use, design and conservation, amenity and highways policies and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Alhambra House, 27 – 33 Charing Cross Road

5. CONSULTATIONS

WESTMINSTER SOCIETY:

The proposed changes, when compared to the 2015 consented scheme (to which the Society objected), are minor and do not attract any further comment from the Society.

HIGHWAYS PLANNING MANAGER:

Unacceptable on transportation grounds but could be acceptable subject to conditions to secure a Servicing Management Plan to be submitted and agreed prior to occupation; details of waste; and to secure cycle parking.

TRANSPORT FOR LONDON:

No response to date.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

CLEANSING MANAGER:

Recommend condition requiring details of storage arrangements for general waste, food waste, and recyclable material.

THE THEATRES TRUST:

Request that the 'Theatreland' plaque is reinstated after refurbishment. The plaque identifies the site of the former Alhambra Theatre which played an important role in the development of theatre in the West End, particularly around Leicester Square, from 1860 until its demolition in 1936

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 127;

Total No. of Replies: 2

Objections on one or more of the following grounds:

Transportation/ Highways

- Concerns about servicing arrangements (deliveries, collections and coach parking);
- Surrounding road are already congested and a new hotel would add to problems;
- Hotel use would increase both pedestrian and vehicle congestion.

Amenity

- Hotel is located in an area with a high density of residential units;
- Noise and disturbance from roof terrace;
- Additional floor would overshadow adjacent smaller buildings.

Design

- Additional floor is out of scale with surroundings;

Other

- Concerns about the quality and size of hotel rooms.

ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Alhambra House, 27 - 31 Charing Cross Road is an unlisted building located in the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ). The building comprises of basement, ground and nine upper floors. The building was last used as offices (Class B1) on the upper floors and a retail unit (Class A1) at ground floor level. A class A2 unit at ground floor is occupied and still operating as a bank. The basement provides ancillary storage space.

A large cinema (Odeon, Leicester Square) backs onto the site and an access into the rear of that property is located immediately adjacent to Alhambra House to the south. Hunts Court, a narrow passageway lies to the north of the building. 35 Charing Cross Road adjoins Alhambra House on the upper floors above the access to Hunts Court.

6.2 Recent Relevant History

On 27 March 2017 planning applications sub-committee resolved to grant planning permission for 'Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors' (15/09858/FULL).

Permission was refused on 21 May 2014 for the erection of side and roof extensions, re-clad elevations and conversion of offices at first floor level and above to residential use comprising 56 self-contained flats, with alterations to ground floor entrance and lobby and ancillary accommodation at basement level (13/04922/FULL). This was refused for the following reasons: 1. Height, detailed design, and materials of extensions; 2. Inappropriate housing unit mix, 3. Lack of off-street parking; and 4. Quality of accommodation (internal light levels and noise transfer).

7. THE PROPOSAL

Permission is sought for the use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to the ground floor retail unit (Class A1), and associated alterations including the erection of a ninth floor rear extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to the ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

The hotel would provide 121 rooms located at first to ninth floor levels. Every room would have a window and would be accessed off a central corridor. An ancillary food and beverage area is located at 10th floor level. Ancillary store rooms including waste would be provided at basement level. The hotel entrance will be via the existing office entrance on Charing Cross Road. The applicant advises that a hotel operator has yet to be agreed.

At roof level, an additional storey is proposed in place of the existing plant and core overruns.

At ground floor level, a hotel shop/ café is proposed, replacing the former retail unit (Kingdom of Sweets). The new hotel shop/ café can be accessed from the street as well as internally from within the hotel lobby and will continue to operate as an A1 retail use.

It is proposed to re-clad the elevations of the building in Portland stone, install new double glazed windows, and a granite (or similar) cladding used to divide the hotel from the ground floor retail use.

The table below provides a summary of the existing and proposed floor areas and extension:

Use	Existing sqm (GEA)	Proposed sqm (GEA)	Difference sqm (GEA)
Office (B1)	3,465	0	-3,465
Hotel (C1)	0	3,771	+3,771
Retail (A1)	63	60	-3
Bank (A2)	496	488	-8
Total	4,024	4,319	+295

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal involves a change from one commercial use to another – office to hotel. The reconfiguration of the ground floor layout would result in a slight reduction in Class A1

retail and Class A2 bank floorspace. The extension would result in the provision of an additional 295sqm (GEA) floorspace, primarily through the erection of an additional storey at roof level and a ninth floor rear extension.

Mixed use

On 9 November 2016 the latest version of Westminster's City Plan (Consolidated with all changes since November 2013) was adopted by the Council. This version of the City Plan supersedes the previous City Plan, adopted in 2013 and includes a revision to Policy S1: Mixed Use in the Central Activities Zone.

Policy S1 of the former City Plan (2013) required that where the proposal would increase the amount of commercial floorspace by 200 sqm or more, the provision of an equivalent amount of residential floorspace will be required on-site or off-site in the vicinity of the application site. Where neither option is achievable, a payment in lieu for the amount of floorspace required may be accepted.

The latest version of the City Plan (November 2016) revises this policy by exempting developments within the core commercial areas which are less than 30% of the existing floorspace or less than 400 sqm whichever is the greater. Above those levels a series of triggers apply to determine the amount of residential floorspace required to accompany net gains in Class B1 floorspace and the location and manner of its provision.

The revised Mixed Use Policy S1 requires the provision of residential floorspace only in the case of development which includes net additional B1 office floorspace. This policy does not apply to other commercial uses, such as hotels. On this basis, Policy S1 is not relevant to the proposed change of use and extension of Alhambra House to provide a hotel (Class C1), and does not trigger any requirement to provide on-site or off-site residential floorspace.

Loss of office use

The proposals will result in the loss of 3,465 sqm of office (Class B1) floorspace. The loss of the offices to provide hotel accommodation and associated restaurant and bar facilities, complies with current policy given that the proposed use is another commercial use.

Proposed Hotel

Hotels are important to support the visitor and business economy, and have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities.

Policy S23 of the City Plan directs new hotels to the CAZ and to those streets which do not have a predominantly residential character. The character of this area is mixed with a range of commercial, entertainment and residential uses along Charing Cross Road and surrounding streets.

UDP Policy TACE 2 similarly seeks to ensure that a range of good quality visitor accommodation is available to support London's role as a world visitor destination without adversely affecting the quality of life of local residents and the surrounding environment. The policy sets out the criteria for assessing new hotels and extensions to existing hotels, in relation to their impact on residential areas, traffic and parking. It also directs new hotels to locations within the CAZ which do not have a predominantly residential character.

The London Plan also contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2026, to improve the quality, variety and distribution of visitor accommodation and facilities.

The proposed hotel is considered appropriate in this central area of Westminster, close to many of London's top tourist attractions and with good access to public transport. The principle of a new hotel in this location is considered acceptable subject to amenity, traffic and environmental impacts and subject to the recommended conditions. The amenity effects of the hotel use are assessed in Section 8.3 and the traffic effects are assessed in Section 8.4.

Sound Insulation

The application is supported by an Acoustic Assessment by Hawkins Environmental which assesses the issue of internal noise levels to the new hotel resulting from the cinema which abuts the rear party wall to the existing offices. The Acoustic Assessment refers to attended noise measurements taken during a film showing in the cinema and concludes that there would be limited impact from the cinema. On this basis, the proposals are not considered to threaten the long-term viability of the cinema which makes a valuable contribution to the locally distinctive character of the Leicester Square Conservation Area. Nonetheless, conditions are recommended that will require internal ambient noise levels comply with the Council's standard noise conditions.

Ground floor commercial units (Class A1 and A2)

The reconfiguration of the ground floor layout would result in a slight reduction in Class A1 retail and Class A2 bank floorspace of 3 and 8 sqm. These minor alterations are not considered to harm the character, function or vitality of this part of the CAZ.

8.2 Townscape and Design

Alhambra House is located within the Leicester Square Conservation Area. It is not a listed building.

This application proposes external works consisting of the erection of an additional tenth floor roof storey, a ninth floor rear extension, the re-cladding of the building, the installation of replacement windows, works to the ground floor elevation, installation of mechanical plant and the creation of terraces on the seventh, eighth and tenth floors.

A similar application approved these works on 27 March 2017 (15/09858/FULL). This application seeks to make a number of alterations. In design terms these consist of:

- New infill extension to the rear of the building at ninth and tenth floor levels;
- Alterations to profile of tenth floor roof extension;
- Amendments to building facades and fenestration.

Rear Infill Extension at Ninth and Tenth Floors

The proposed extension would infill the ninth floor and extend the new roof level extension over at tenth floor level. At eighth floor and below the lightwell will be retained and therefore the extension will overhang this space. There may be limited views of this area from Leicester Square, however these will be in glimpses and at some distance. The proposed nature of the extension is unlikely to be evident and therefore whilst unusual, it is difficult to argue that the extension is harmful to the character of the building or conservation area.

Alterations to Tenth Floor Roof Extension

The roof extension is to be raised in height slightly, plant added to the roof and the materials changed. The increase in height is minimal and not considered to harm the appearance of the building or area. The plant is of limited height and located to the rear, which may mean that it is visible from Leicester Square, however any views will be in glimpses and at some distance. The extension itself is to be constructed in glass and grey aluminium. These materials are often used at roof level and in this case are considered appropriate to the building.

Alterations to Building Facades and Fenestration

Alterations are proposed to the elevations, notably the front elevation where the building is to be clad in Portland stone. New windows are to be inserted and a granite (or similar) cladding used to divide the hotel from the ground floor retail use. The materials and revised design are considered acceptable in design terms.

In summary the works are generally considered acceptable in design terms, subject to the recommended conditions.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, overlooking and encourage development which enhances the residential environment of surrounding properties.

Proposed Hotel use

It is acknowledged that the hotel will generate activity outside of normal working hours. The hotel will be open to guests 24 hours a day, seven days a week, with a 24 hour

reception service on the ground floor accessed from Charing Cross Road. Overall, the site is located in a busy part of the City and it is not considered that a hotel use of this size would significantly harm residential amenity to justify a refusal.

Sunlight and Daylight/ Sense of Enclosure

At roof level, an additional storey is proposed in place of the existing plant and core overruns. The additional storey would be no higher than the highest point of the existing roof projections. The applicant's daylight assessment results show that the surrounding residential windows will continue to receive levels of daylight in accordance with the BRE Guidelines criteria. Given the location of the extension and its distance from neighbouring occupiers, it will not give rise to any significant amenity impact in terms of loss of light or increase in sense of enclosure.

Noise (Mechanical plant/ terraces)

At this stage of the design process the proposed plant has not been selected so this will need to be provided by way of a supplementary acoustic report.

At roof level, no details have been provided of the layout of the hotel's restaurant or kitchen extraction equipment because the detailed requirements of the future occupiers are not known at this stage. Conditions are recommended requiring the submission and approval of the full internal layout, means of getting rid of cooking smells, and a supplementary acoustic report.

Objections have been raised in respect of potential noise disturbance from the roof terraces. The terraces at seventh and eighth floor level will be accessed only by the residents of a limited number of hotel rooms. As such it is not considered necessary to impose conditions on its use. The tenth floor terrace is to be used in connection with the hotel's ancillary restaurant and bar. A condition is recommended to control the hours of use of the terrace so that it may only be accessible to between the hours of 0800 to 2300 hours.

Privacy

The terraces are at high level, at seventh, eighth and tenth floors. It is not considered that they will result in any material loss of privacy to neighbouring occupiers given their location and distance (approx. 25 metres) from neighbouring residential properties

8.4 Transportation/Parking

Objections have been raised on the grounds that the proposed hotel use will have an adverse impact on the surrounding highway network.

Policy TACE 2 states that proposals for new hotels should not result in adverse traffic effects. TRANS 22 requires provision to be made for coaches serving hotels.

The applicant has provided a Traffic Assessment to support the application. No off-street servicing is provided and details of servicing activity are limited. The Highways Planning Manager recommends that a detailed Servicing Management Plan should be submitted and agreed prior to occupation. The plan should identify process, storage locations, scheduling of deliveries, staffing arrangements, management of taxis and private hire vehicles, as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must also be provided for waste collection.

The document should also make clear the information that will be provided to guests on how to reach the site via public transport and how this will be prioritised on line and with booking information and confirmation details.

The Highways Planning Manager is concerned that the hotel makes no provision for coaches or mini-buses. The applicant is agreeable to a condition that the hotel will not accept coach parties and guests would not arrive or depart by coach. The applicant advises that the majority of guests are expected to arrive on foot, by public transport or by private taxi. In this context, and having regard to the excellent links to public transport, it is considered that the hotel use can be considered acceptable in transportation terms, provided a condition is imposed preventing guests from being delivered to or collected from the site by coach.

The London Plan requires 1 cycle parking space per 20 bedrooms. 10 cycle parking spaces are proposed which is considered sufficient and is to be secured by condition.

8.5 Economic Considerations

The economic benefits of the hotel in terms of attracting visitors to the City and providing employment are recognised and welcomed in policy terms.

8.6 Access

The applicants have submitted a Design and Assess Statement which sets out the provisions made for inclusive design throughout the premises

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposals include provision of waste stores at basement level. The Cleansing Manager recommends a condition requiring further details of storage arrangements for general waste, food waste, and recyclable material. The details should provide the dimensions of waste stores; the capacity of the storage containers to be used for residual waste, food waste, and recyclable materials; revised basement plan showing the

arrangement of waste containers; and a revised tenth floor plan showing the waste arrangements for the ancillary restaurant.

Sustainability

The application is supported by way of an Energy Statement which demonstrates that features can be incorporated into the building design and improvements made to the building fabric to reduce the overall energy consumption of the building and CO2 emissions rating. No objection is raised provided that the development is carried out in accordance with the measures set out in the Energy Statement. The drawings however do not show any sustainable features. A condition is therefore recommended requiring details of proposed sustainable features.

8.8 London Plan

The proposal accords with London Plan policies to provide additional visitor accommodation and the provision of entertainment and retail uses which are valuable parts of London's economy.

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 not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

The Theatre Trust comment that they do not object but request a condition requiring the 'Theatreland' plaque to be reinstated after refurbishment. An informative is attached to the decision notice advising of this request.

9. BACKGROUND PAPERS

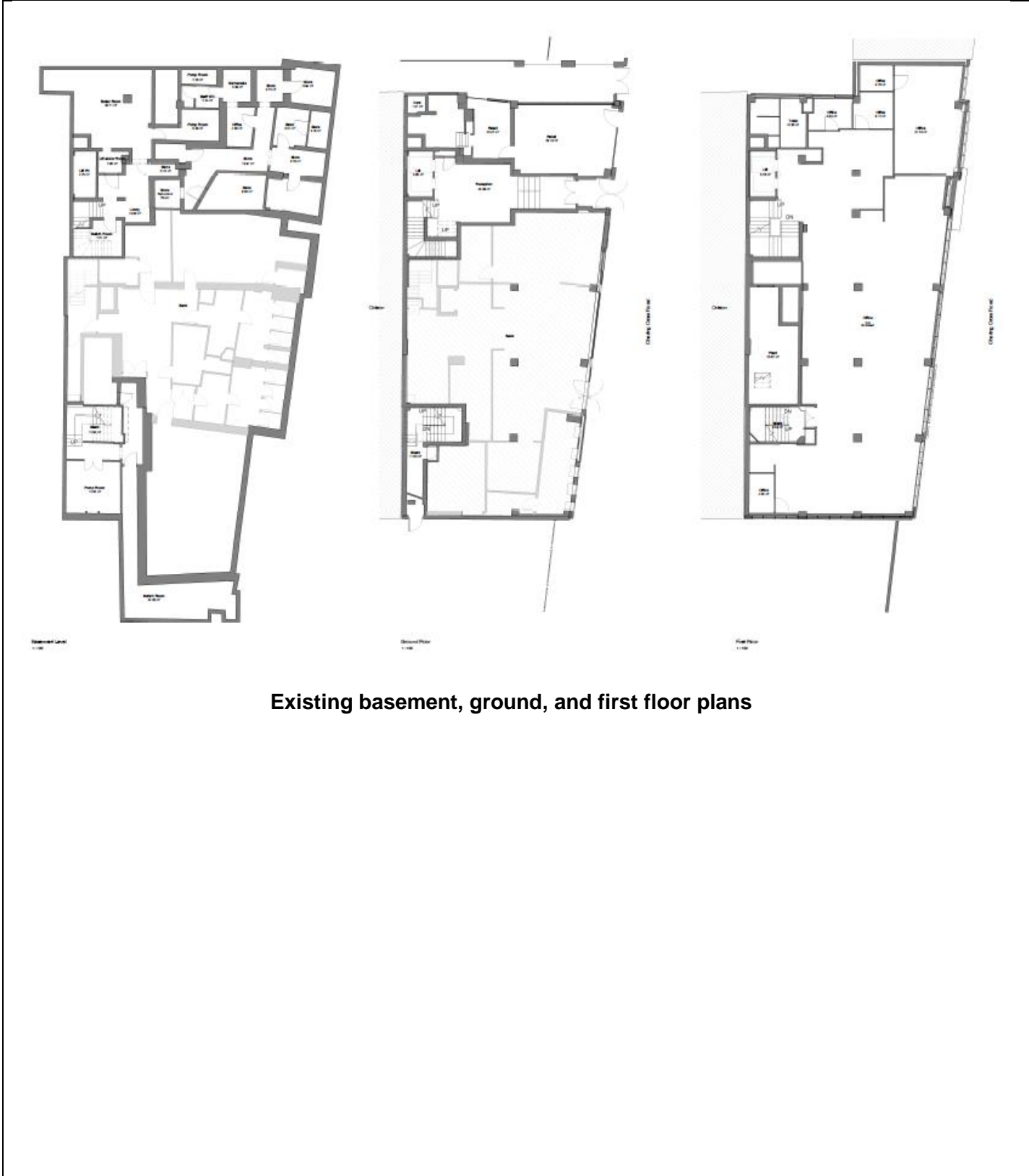
1. Application form
2. Response from Westminster Society dated 23 May 2017
3. Memo from Highways Planning Manager dated 22 May 2017
4. Memo from Cleansing Manager dated 22 May 2017
5. Memo from Environmental Health dated 23 May 2017
6. Response from The Theatres Trust dated 15 May 2017
7. Letter from owner/ occupier of 9 Faraday House, 18 Charing Cross Road dated 29 May 2017

8. Letter from owner/ occupier of 6 Garrick Mansions, 12-16 Charing Cross Road dated 30 May 2017

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

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

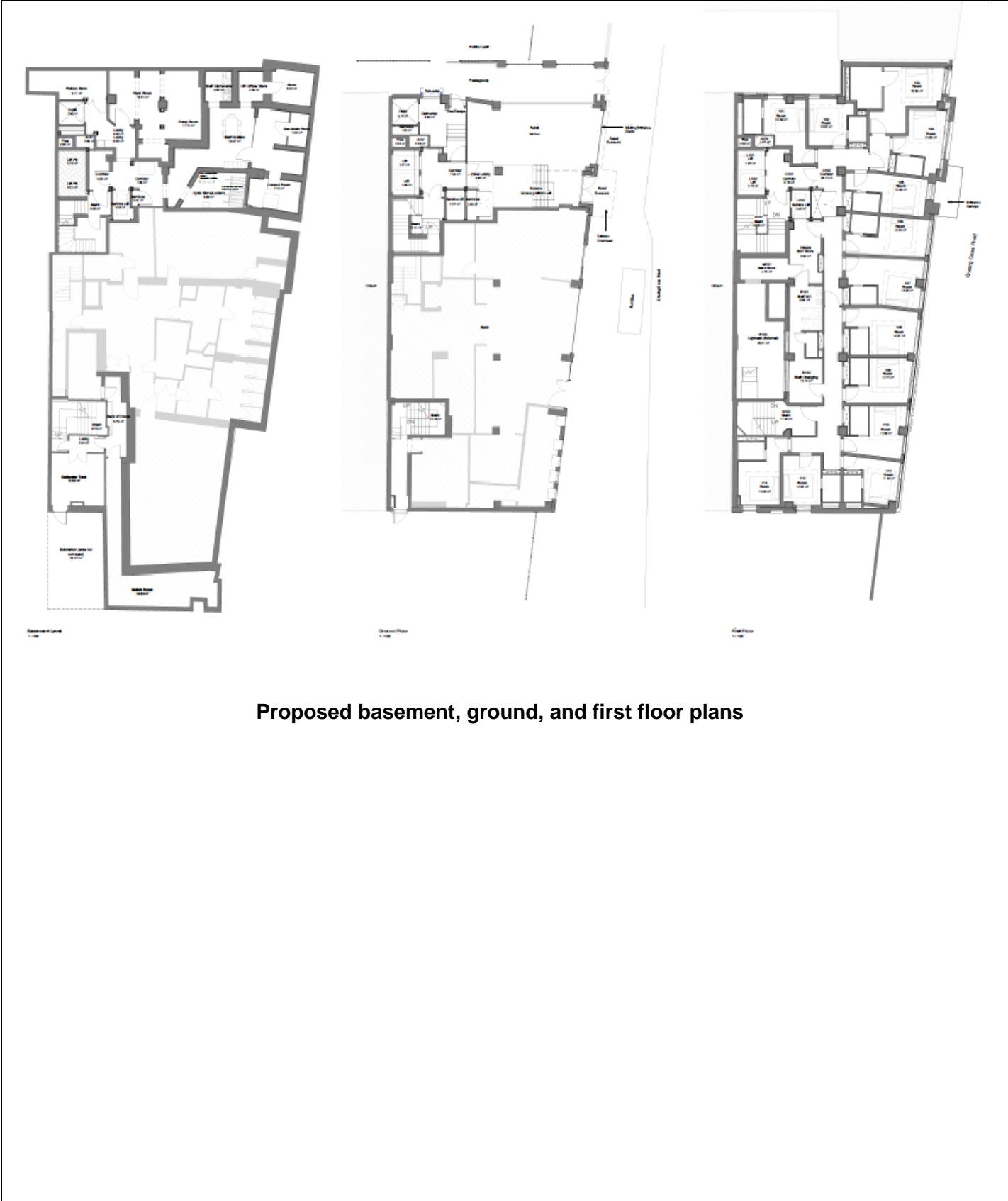
10. KEY DRAWINGS



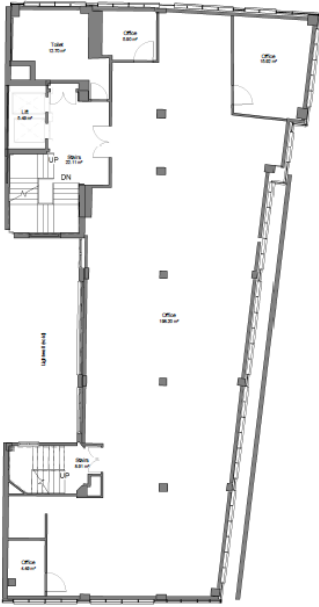
Existing basement, ground, and first floor plans



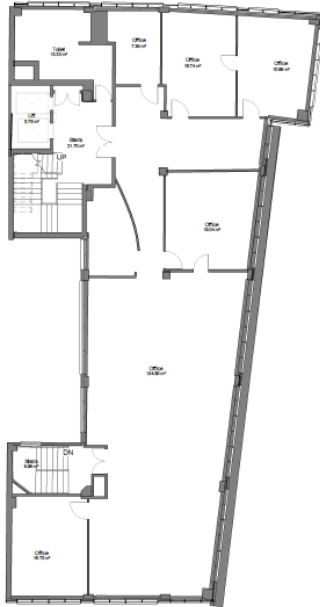
Approved basement, ground, and first floor plans (15/09858/FULL)



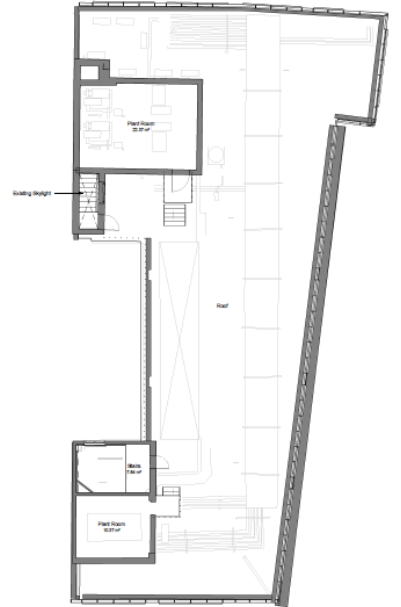
Proposed basement, ground, and first floor plans



Eighth Floor
1:1/8



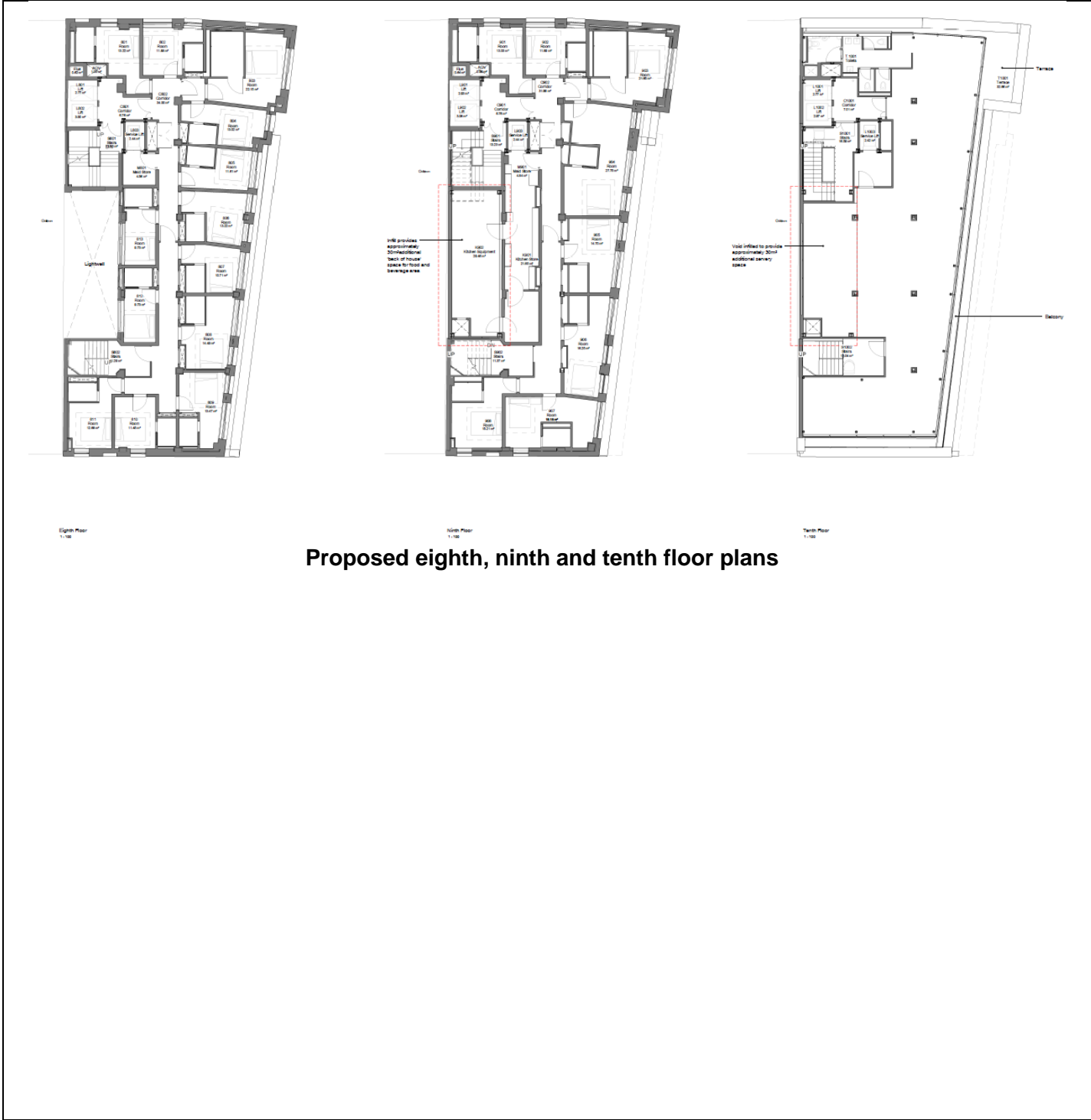
Ninth Floor
1:1/8



Tenth Floor
1:1/8

Existing eighth, ninth and roof floor plans



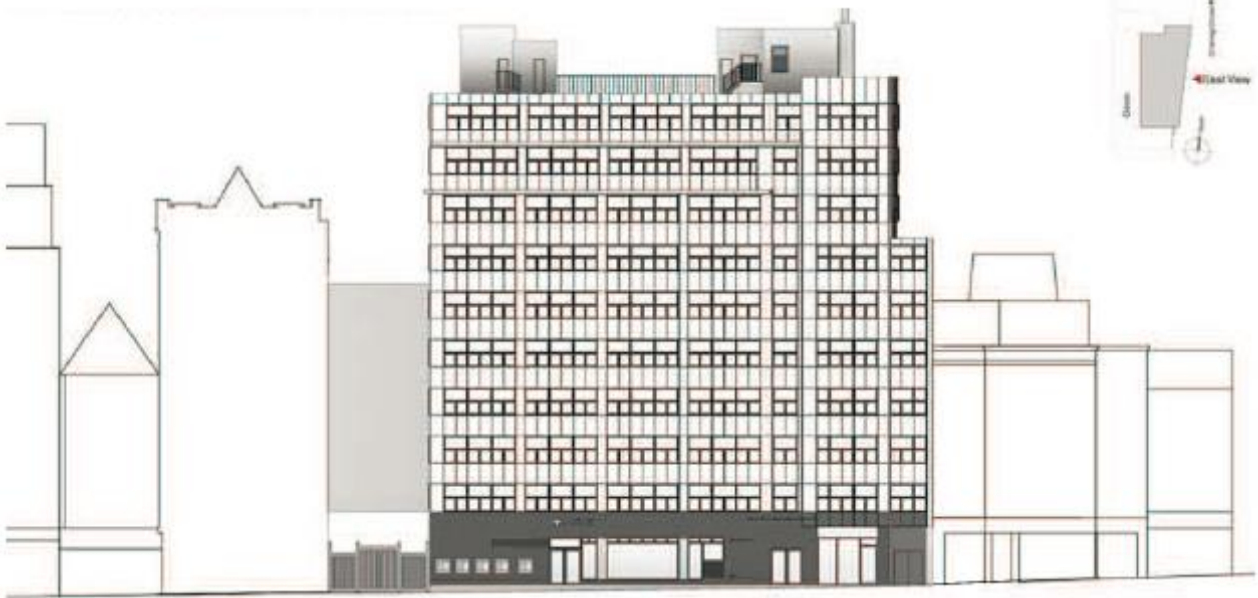


Eighth Floor
1:100

Ninth Floor
1:100

Tenth Floor
1:100

Proposed eighth, ninth and tenth floor plans

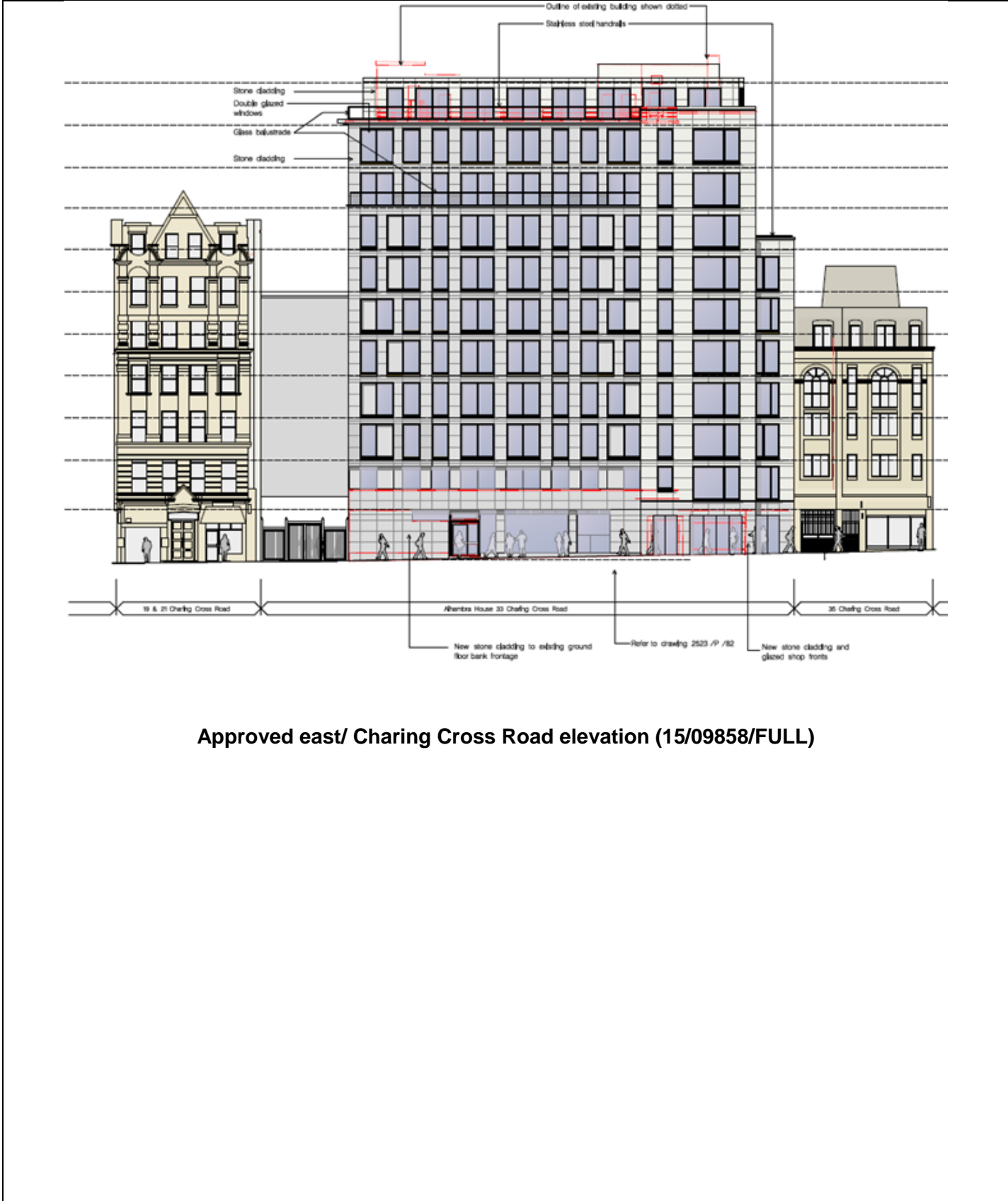


Existing Charing Cross
Plot Width 2017 - Elevation



Proposed Charing Cross
Plot Width 2017 - Elevation

Existing and proposed east/ Charing Cross Road elevations



Approved east/ Charing Cross Road elevation (15/09858/FULL)



Existing north and south elevations

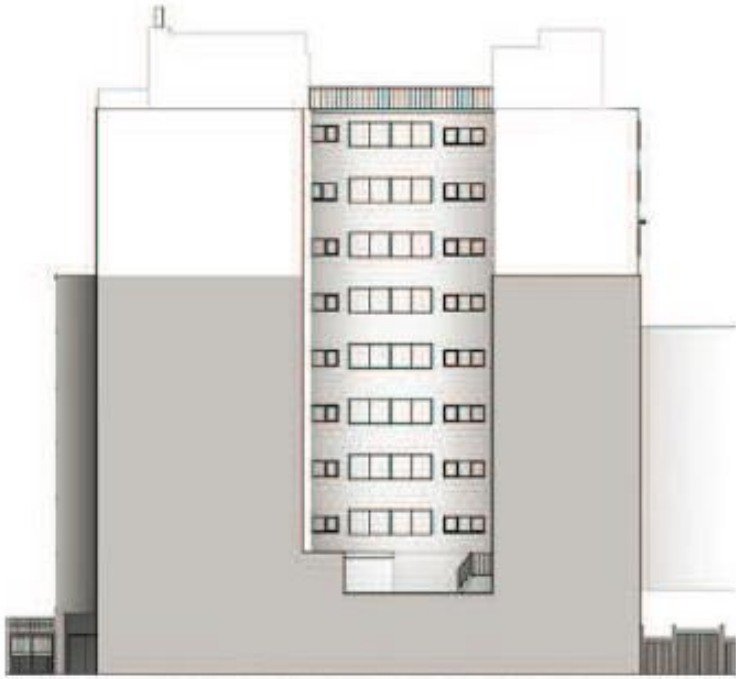


Proposed north and south elevations

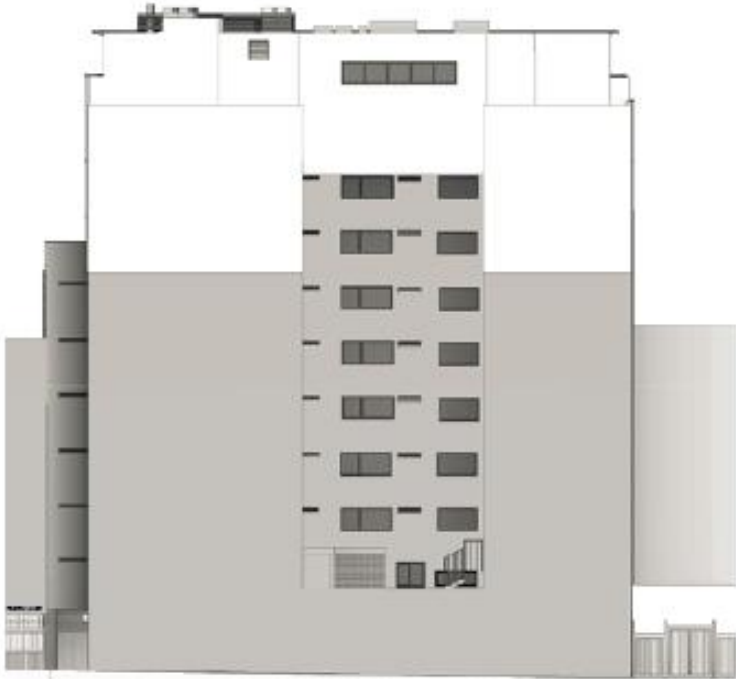
Existing and proposed north and south elevations



Approved north and south elevations (15/09858/FULL)

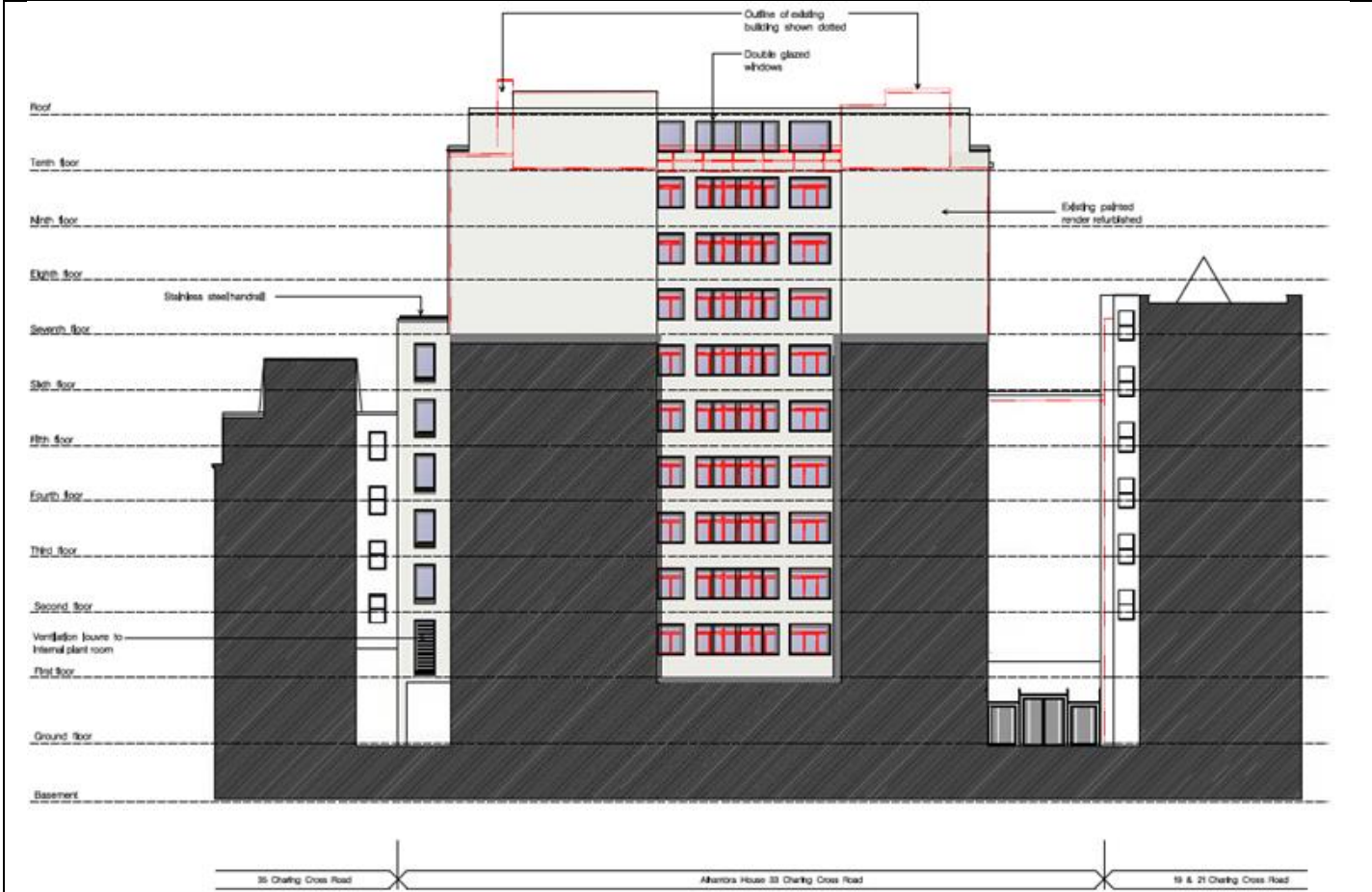


Existing west elevations (to rear)

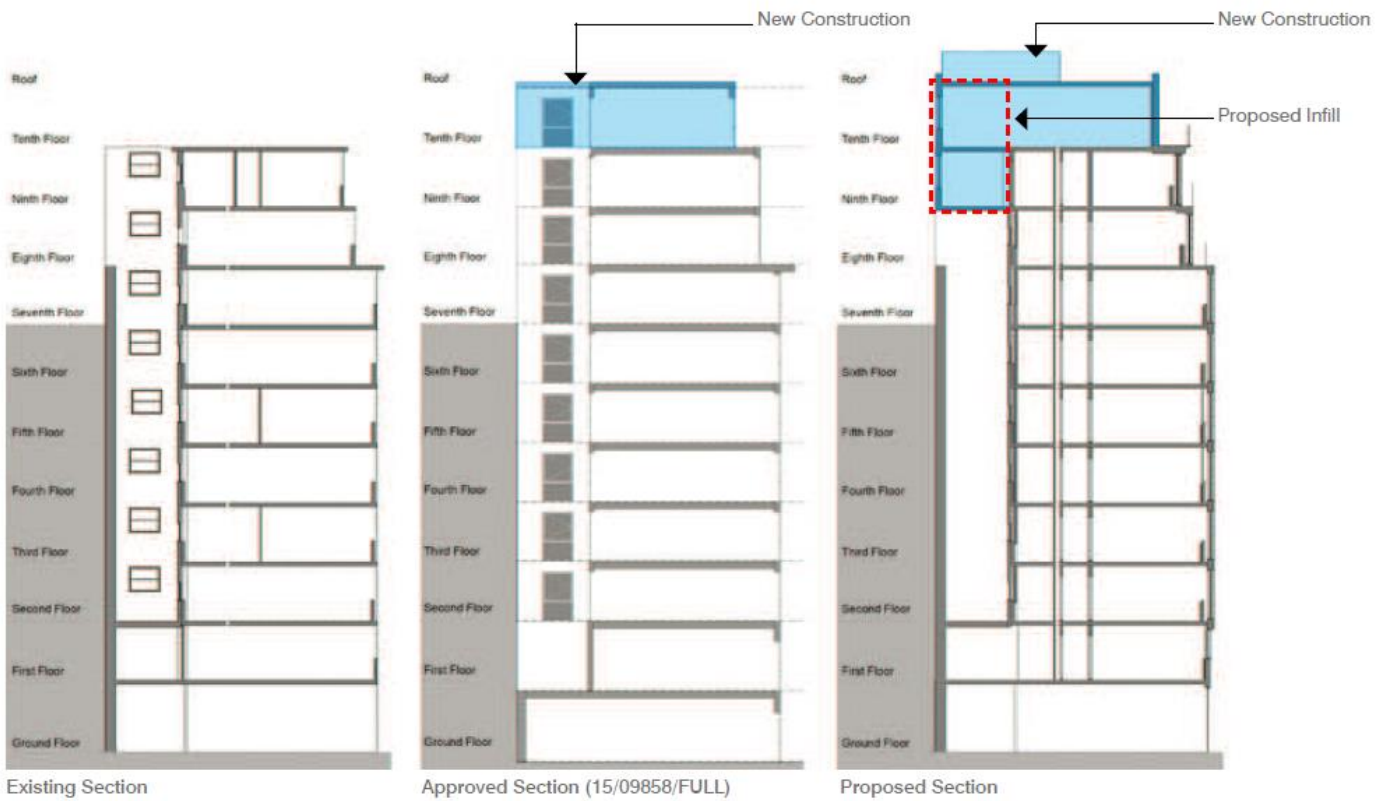


Proposed west elevations (to rear)

Existing and proposed west/ rear elevations



Approved west elevation (15/09858/FULL)



Existing, approved and proposed section

Key difference between approved and proposed – new ninth and tenth floor rear infill extension

Proposed East
Elevation



Proposed east/ Charing Cross elevation

Comparison of Existing with Proposed



Comparison of existing with proposed

DRAFT DECISION LETTER

- Address:** Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,
- Proposal:** Use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to ground floor retail unit (Class A1), and associated alterations including the erection of ninth floor extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.
- Reference:** 17/03318/FULL
- Plan Nos:** Site Plan; Location Plan; 150225-STL-XX-ZZ-DR-A-XXXX-E1001 PL10 (Existing Basement, Ground Floor and First Floor); 150225-STL-XX-ZZ-DR-A-XXXX-E1002 PL10 (Existing Second, Third and Fourth Floor); 150225-STL-XX-ZZ-DR-A-XXXX-E1003 PL10 (Existing Fifth, Sixth and Seventh Floor); 150225-STL-XX-ZZ-DR-A-XXXX-E1004 PL10 (Existing Eighth, Ninth and Tenth Floor); 150225-STL-XX-XX-DR-A-XXXX-E1005 PL10 (Existing Roof Plan); 150225-STL-XX-ZZ-DR-A-XXXX-E2001 PL10 (Existing East Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-E2002 PL10 (Existing North Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-E2003 PL10 (Existing West Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-E3001 PL10 (Existing Sections); 150225-STL-XX-XX-DR-A-XXXX-E3002 PL13 (Existing Section CC); 150225-STL-XX-11-DR-A-XXXX-01010 PL12 (Proposed Basement, Ground and First Floor); 150225-STL-XX-11-DR-A-XXXX-01011 PL12 (Proposed Second, Third and Fourth Floor); 150225-STL-XX-11-DR-A-XXXX-01012 PL12 (Proposed Fifth, Sixth and Seventh Floor); 150225-STL-XX-11-DR-A-XXXX-01013 PL11 (Proposed Eighth, Ninth and Tenth Floor); 150225-STL-XX-11-DR-A-XXXX-01014 PL11 (Proposed Roof Plan); 150225-STL-XX-ZZ-DR-A-XXXX-02001 PL11 (Proposed East Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-02002 PL12 (Proposed North Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-02003 PL09 (Proposed West Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-03001 PL09 (Proposed Sections); 150225-STL-XX-ZZ-DR-A-XXXX-03002 PL09 (Proposed Bay Elevation and Section); 150225-STL-XX-XX-DR-A-XXXX-03003 PL13 (Proposed Section CC); Planning Statement (DPP); Design and Access Statement (Stride Treglown Architects); Schedule of Accommodation (Stride Treglown Architects); Transport Assessment (Odyssey Markides); Noise Assessment (Hawkins Environmental); Daylight and Sunlight Assessment (Hawkins Environmental).

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

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

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 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.

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

Reason:

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

- 6 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 hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

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

- 7 The hotel use hereby permitted shall not be occupied until a servicing management plan has been submitted to and approved by the City Council as local planning authority in consultation with Transport for London. Thereafter all servicing must be carried out in accordance with the approved plan.

Reason:

To ensure that servicing of the hotel does not block the surrounding street 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 TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 8 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 14 or more persons to travel to and from the premises.

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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 9 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows
- ii) Balustrades
- iii) Shop front

You must not start works on these parts of the development 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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 Notwithstanding the approved drawings and information, you must not install uPVC windows. You must submit revised detailed drawings of the following parts of the development:

- i) Elevations annotated to show an alternative window material (scale 1:100)

You must not start works on these parts of the development 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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must provide details of secure cycle parking storage for the hotel use. Thereafter the cycle spaces must be retained in accordance with the approved details, they must be provided prior to the use of the building as a hotel and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 13 The development must be provided in accordance with the Energy Statement dated 07 July 2015. You must apply to us for approval of detailed drawings of environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application. The hotel shall not be occupied by guests until the environmental sustainability features (environmentally friendly features) we have approved have been fully implemented and are operational. You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28, S39 and S40 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 14 Prior to the use of the hotel commences, you must apply to us for approval of full details and detailed drawings of the means for getting rid of cooking smells from the hotel food and beverage area, including details of how it will be built and how it will look. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details and thereafter retain and maintain for as long as the hotel food and beverage area is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S24, S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and 9, ENV 6, 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.

- 15 The food and beverage area indicated on the proposed tenth floor plan 2523/P/74C shall only be used in conjunction with and ancillary to the use of the building as a hotel and not for any independent purpose.

Reason:

An independent restaurant would constitute a material change of use that would have implications for the character of the area which would need to be assessed by the City Council in accordance with policy 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.

- 16 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 3 and 4 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 17 The retail unit indicated on the proposed ground floor plan 2523/P/71 B shall only be used for Class A1 retail purposes.

Reason:

To ensure that the ground floor retail unit is used for Class A1 retail purposes which will contribute to the character and function of this part of the Central Activities Zone. This is as set out in S6 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007.

- 18 You must not use the tenth floor terrace outside the following times: between 0700hrs and 2300hrs on Monday to Saturday (not including bank holidays and public holidays) and between 0800hrs or after 2230hrs on Sundays, bank holidays and public holidays.

Reason:

To make sure that the terrace use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 19 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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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 Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 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)

- 6 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.
- 7 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:
John Firrell MHCIMA,
Secretary - Considerate Hoteliers Association,
C/o Wheelwright's Cottage,
Litton Cheney,
Dorset DT2 9AR
E-mail: info@consideratehoteliers.com
Phone: 01308 482313 (I76AA)
- 8 Conditions 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)
- 9 The Servicing Management Plan (SMP) required by Condition 9 should demonstrate that the proposal is to be closely managed and serviced with the least possible impact on the public highway and its users. The plan should clearly outline how servicing will occur on a day to day basis, identifying the process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.
- 10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 11 The Theatre Trust request that the 'Theatreland' plaque is reinstated after refurbishment.
- 12 The use of UPVC is not considered acceptable within the conservation area. The windows should be powder coated metal or similar.

- 13 In respect of condition 12, the level of proposed cycle parking provision (10 spaces) as set out in the transport assessment would be sufficient.
- 14 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil
- Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**
- CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
- Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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.

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	Carlton Court, 120 Maida Vale, London, W9 1QA,		
Proposal	Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.		
Agent	Mr Alex Cotterill		
On behalf of	Honosa Ltd		
Registered Number	16/12165/FULL	Date amended	11 August 2017
Date Application Received	21 December 2016		
Historic Building Grade	Unlisted (but adjacent to grade II listed buildings to the south)		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

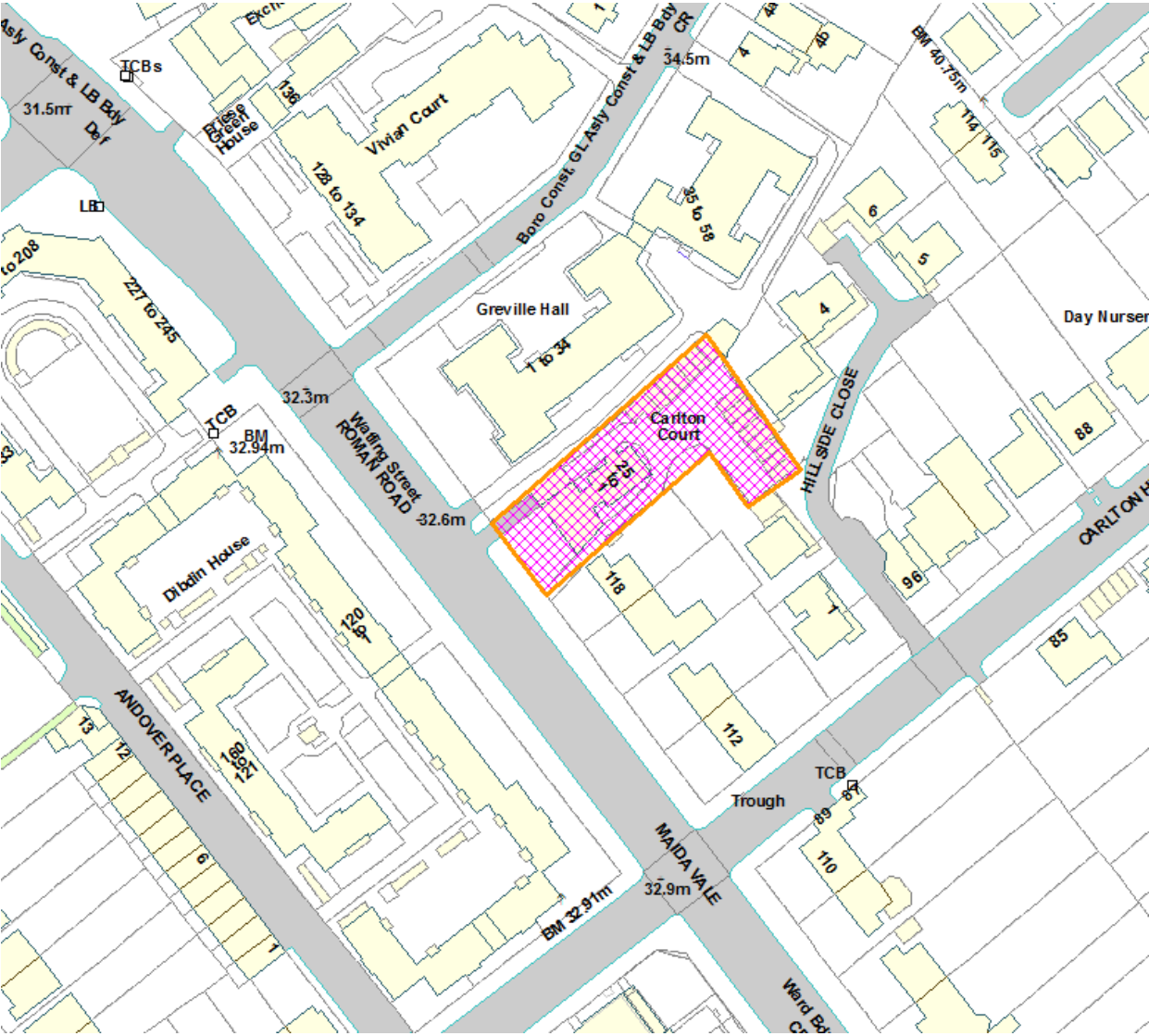
2. SUMMARY

This application was first reported to the Planning Applications Committee on 18 July 2017 when the Committee resolved to defer making a decision on the application to enable officers to obtain consistent plans of the front and side elevations of the building to show the precise details of the fenestration and to permit further consultation with local residents. Revised drawings have been received indicating the location of clear glass, opaque glass and timber panels and neighbours have been consulted on these drawings. Furthermore, following comments made by the committee the number of ground floor tables and chairs for breakfast/dinner has been reduced and the lounge area increased. The hours of use of the rear garden have also been reduced to 9pm at the request of committee members.

Two additional conditions have been added since the previous committee, one for the submission of details of a safety railing shown around the roof, and one to ensure that 1.2m of topsoil is provided above the basement extension.

Six responses have been received as a result of the additional round of consultation, raising issues namely in relation to the basement, design and light (as addressed within the report to committee dated 18 July 2017). No comments have been received in relation to accuracy of the drawings or the details of the windows, which seek to reduce overlooking to adjacent residents. The application is therefore reported back to committee for further consideration.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation above; rear yard below





rear elevation above



view from rear of northern side of buildings adjacent to Greville Hall

5. CONSULTATIONS

Original representations as detailed within report to committee of 18 July 2017.

Additional representations received after the report to committee of 18 July 2017 was published and circulated to members prior to the meeting (blues).

BUILDING CONTROL

Cannot confirm if the fire strategy will comply with building regulations as this cannot take place until a Building Regulations application has been submitted.

Late representations received after the report to committee of 18 July 2017 was published and circulated to members at committee (reds).

HISTORIC ENGLAND ARCHAEOLOGY:

Confirmation that condition as added to the draft decision letter is acceptable.

Representations received after committee of 18 July 2017 following consultation on revised drawings:-

ADJOINING OWNERS/OCCUPIERS AND OTHER PRESENTATIONS:

No. consulted: 37

No. of replies: 6 letters of objection raising no additional issues not addressed within committee report dated 18 July 2017.

6. BACKGROUND PAPERS

1. Report and minutes of Committee dated 18.07.2017, including original representations as detailed in report to committee of 18 July 2017

2. Representations received following consultation on revised drawings:-

- Occupier of 31 Greville Hall, Greville Place dated 4 August 2017
- Occupier of 2 Hillside Close dated 5 August 2017
- Occupier of 46 Greville Hall Greville Place dated 7 August 2017
- Occupier of 26 Greville Hall Greville Place dated 7 August 2017
- Occupier Flat 21 Greville Hall dated 7 August 2017
- Representation on behalf of Greville Hall Management Ltd dated 8 August 2017

3. Representations summarised in report dated 18 July 2017 (greens)

4. Additional representations received after report of 18 July 2017 was published and circulated to members prior to the committee meeting (blues):-

- Email from Building Control, dated 11 July 2017

5. Late representations received after report of 18 July 2017 was published circulated to members at committee meeting (reds):-

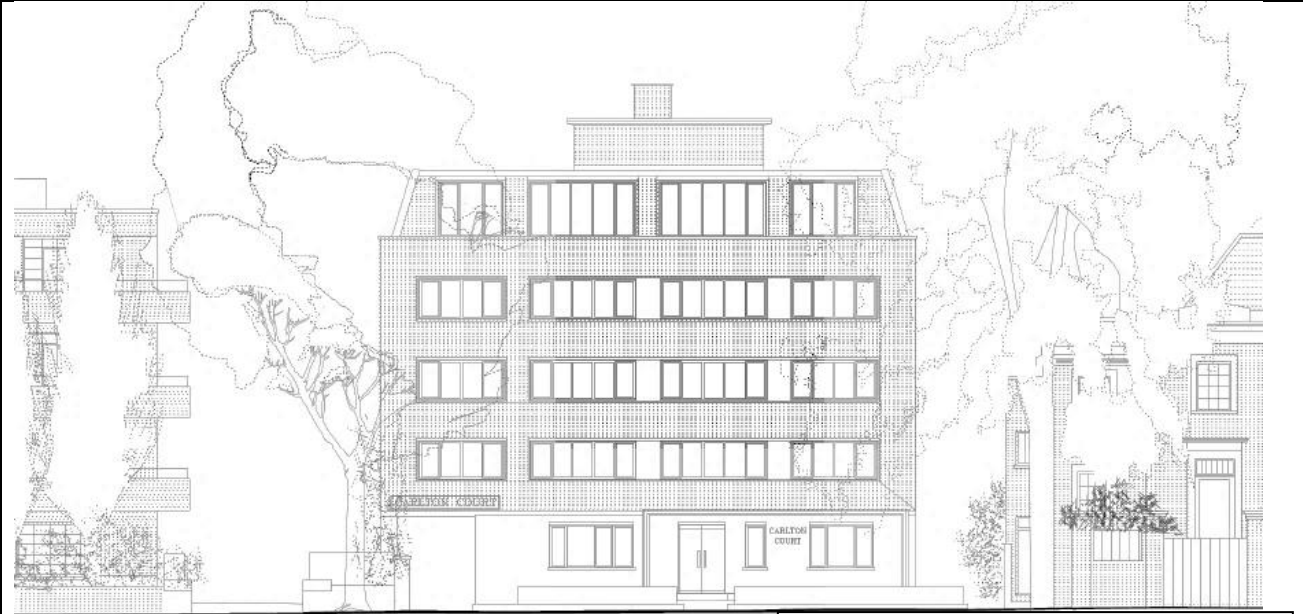
- Email from Historic England Archaeology, dated 17 July 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

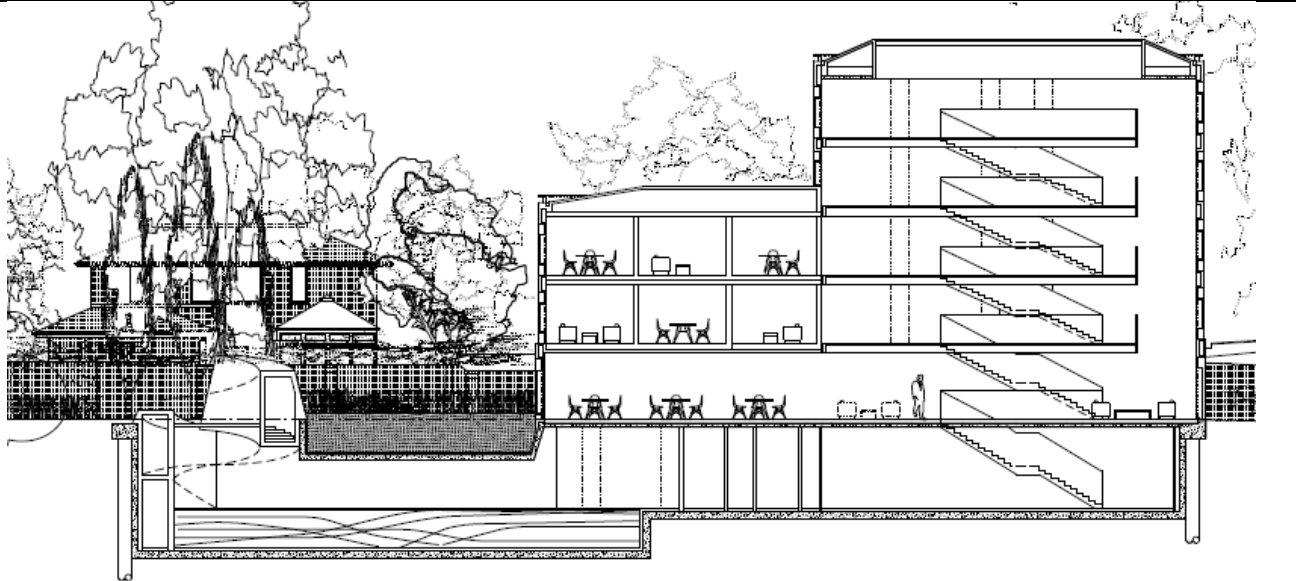
7. KEY DRAWINGS



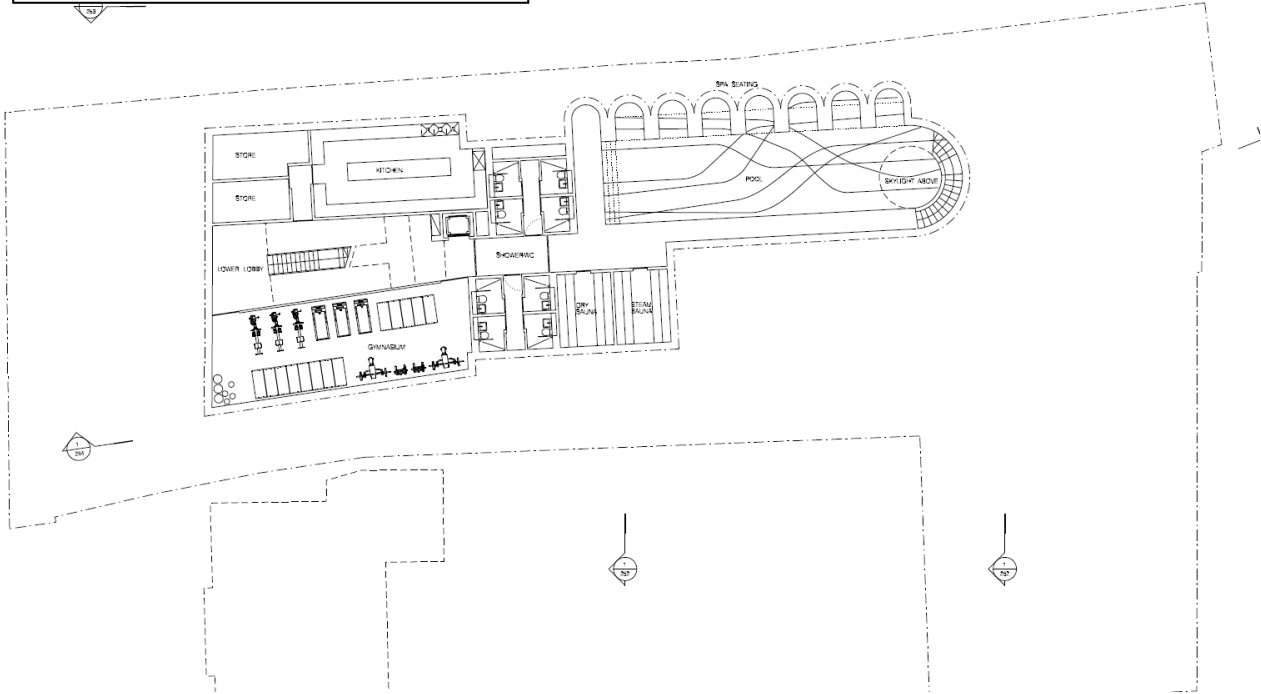
EXISTING MAIDA VALE ELEVATION



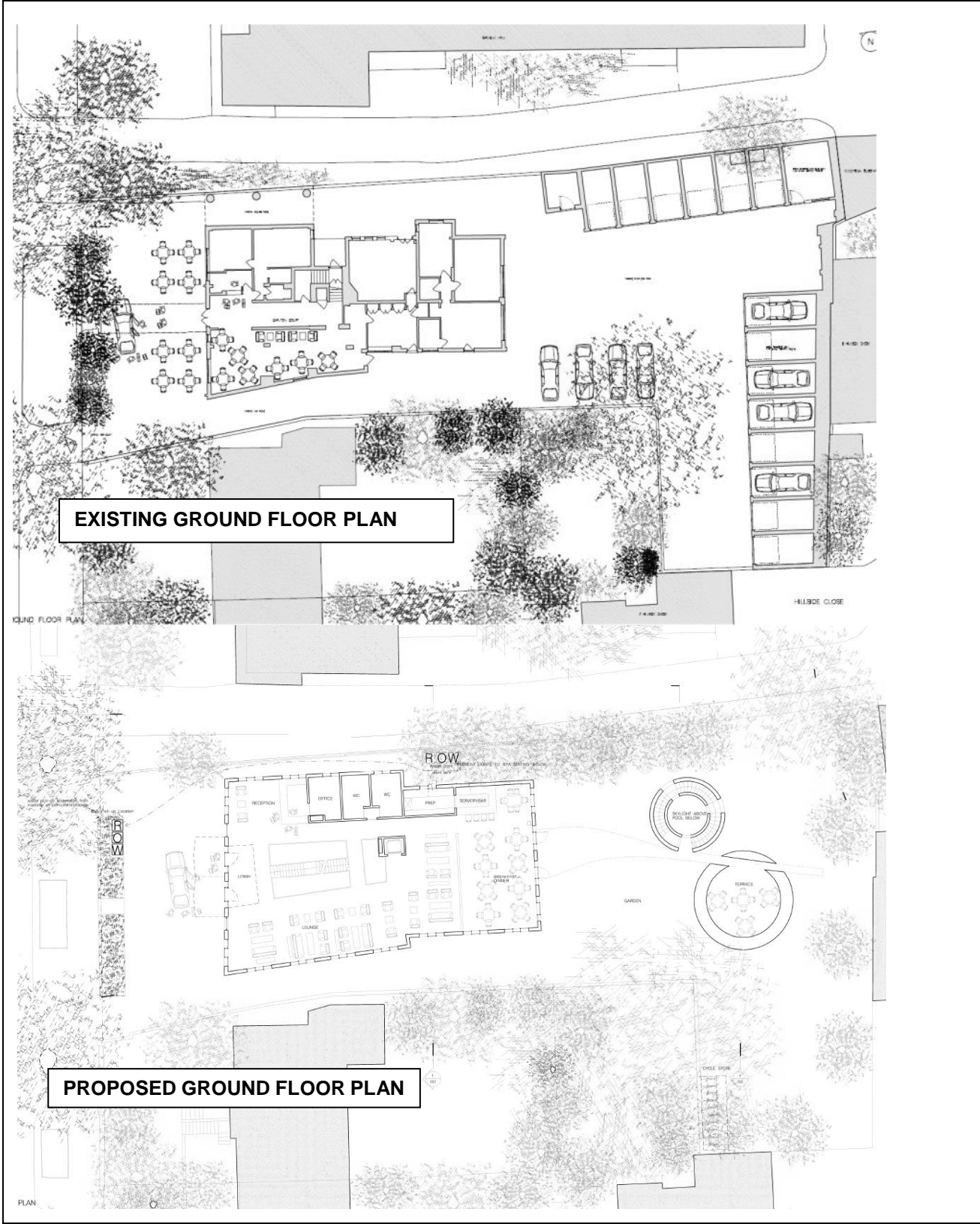
PROPOSED MAIDA VALE ELEVATION



PROPOSED LONG SECTION

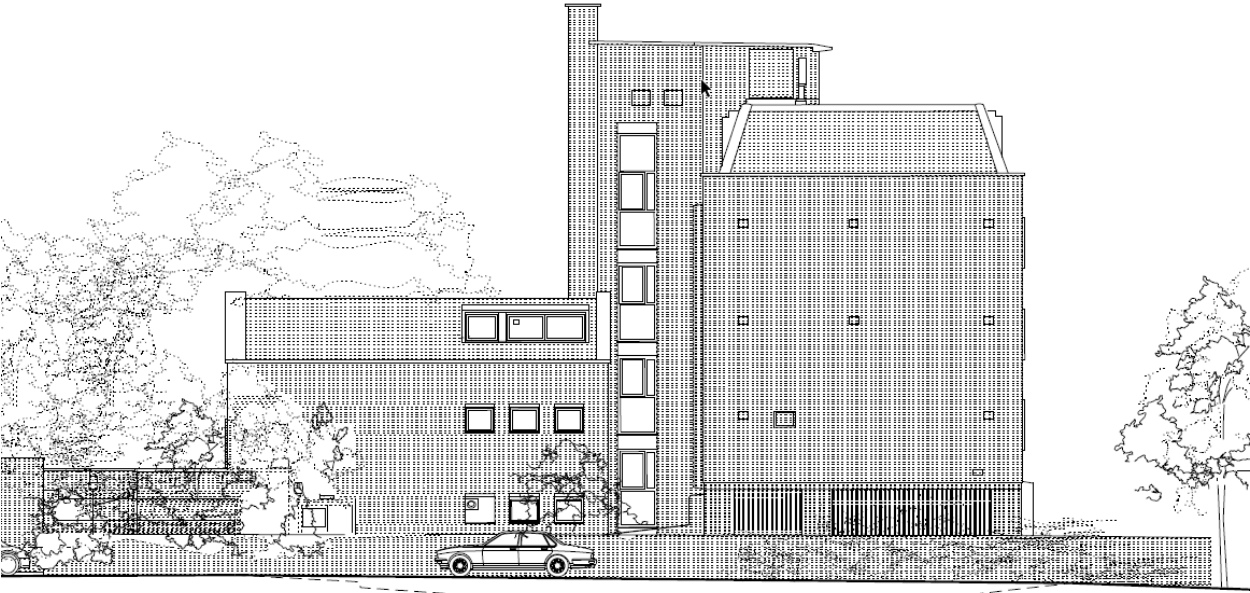


PROPOSED BASEMENT





Existing north elevation



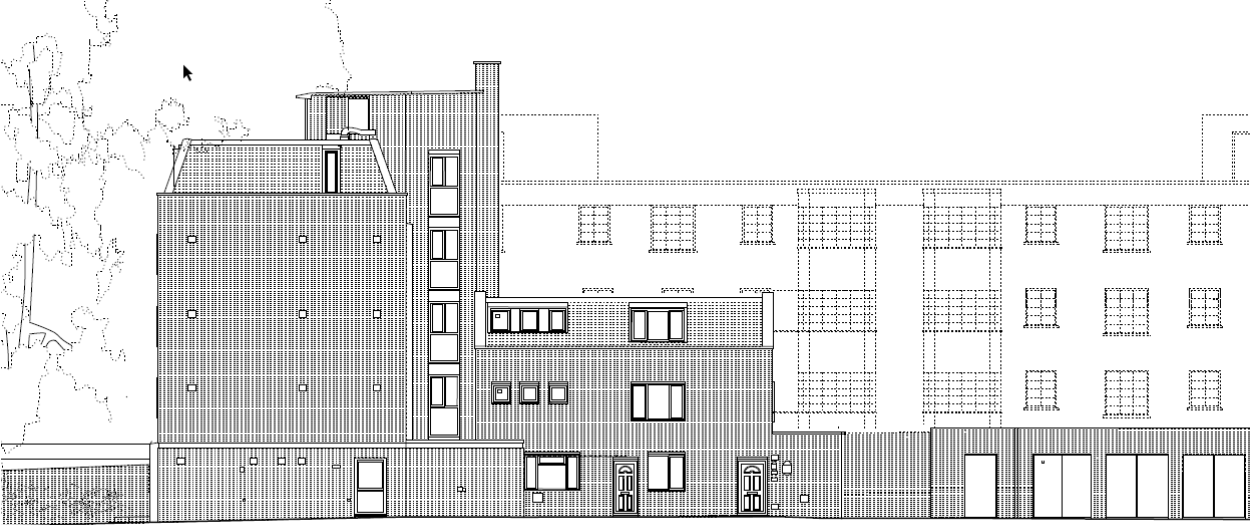
Proposed north elevation



Roof Parapet
 Fourth Floor
 Third Floor
 Second Floor
 First Floor
 Street Level

MATERIALS KEY	
1	Clear glazing unit
2	Opaque glazing unit
3	Timber panel unit
4	Brick

Existing South elevation



Proposed South elevation



MATERIALS KEY	
1	Clear glazing unit
2	Opaque glazing unit
3	Timber panel unit
4	Brick

The drawings below (Fig. 36-39) describe how overlooking is mitigated through window infill panels. Critically, used in the South and North elevations in order to respect neighbouring properties and to avoid overlooking. Where neighbouring windows could potentially face each other, frosted glazing is used to restrict views whilst admitting a consistent gain of ambient daylight. Clear views are aimed towards Malda Vale enhancing the outlook in addition to introducing direct sunlight throughout the year. In each elevation, the infill panel would be carefully orientated to direct views away from neighbouring properties, reducing any potential for overlooking and privacy issues.



Fig. 37
Double Glazed unit with overlooking control infill

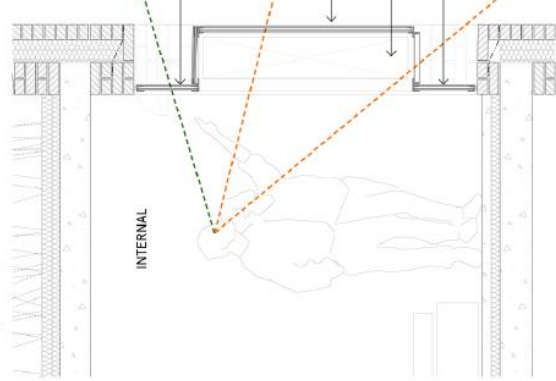


Fig. 36

Window details



Fig. 38
CGI external view of privacy window detail

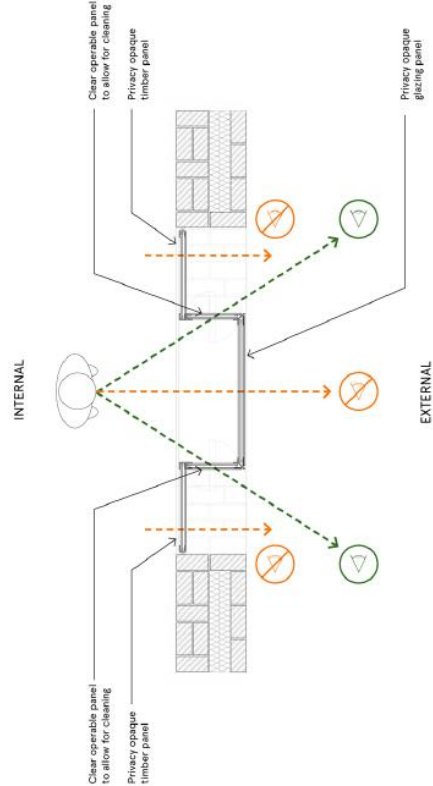


Fig. 39

DRAFT DECISION LETTER

Address: Carlton Court , 120 Maida Vale, London, W9 1QA

Proposal: Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.

Plan Nos: 000A; 001; 050 C; 052 C; 053 C; 054 C; 055 C; 100 C; 101 C; 102 C; 103 C; 151 C; 202 H; 203 K; 204 F; 205 G; 206 H; 207 H; 208 F; 210 C; 211 B; 212 B; 213 A; 214 B; 215 A; 250 D; 251 H; 252 J; 253 H; 254 I; 255 D; 300 I; 301 K; 900 300; Design and access statement dated December 2016; Energy Assessment by eight associates Issue number 2; overheating analysis by eight associates issue number 2; transport statement by Honosa Ltd; Daylight and Sunlight Assessment by GL Hearn dated 3 November 2016; Arboricultural Impact Assessment by Oisin Kelly dated 25 October 2016; Optigreen Pitched green roof details; details of Max bespoke air handling units; Plant Noise Assessment by RBA Acoustics dated 17 March 2017.

For information only: SK01; Structural Engineering Report by Fluid Structures; Suggested sequent of construction by Fluid structures.

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

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

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

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

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Reason:

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

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

Reason:

To maintain the character of the St John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 4 You must not paint any elements of the outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

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

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

Reason:

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

- 6 The brick facing material shall be formed of complete bricks and not brick slips or other panelised brick cladding system

Reason:

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

January 2007. (R26BE)

- 7 You must apply to us for approval of two sample panels of brickwork which show the colour, texture, face bond and pointing. One panel shall show the brickwork to ground floor level, and one shall show the brickwork to an example area of the upper floor levels. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

- 8 You must apply to us for approval of elevation drawings and/or other clarification statement to show the brick bond proposed to each element of the exterior of the building. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings/clarification statements. (C26DB)

Reason:

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

- 9 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street, or solar panels to the main roof level, unless they are shown on drawings we have approved. (C26MA)

Reason:

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

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

Front boundary to the site shown with boundary wall comprising a structure formed of brick or railings or a combination of the two

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

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Reason:

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

- 11 You must apply to us for approval of detailed plan, section and elevation drawings (annotated to show materials) of the following parts of the development:-

- Front entrance canopy to ground floor level

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 drawings. (C26DB)

Reason:

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

- 12 The roof finishes, including skylight and green roofs, as shown to the application drawings shall be installed prior to the use of the plant equipment at roof level, and shall be retained insitu thereafter

Reason:

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

- 13 You must apply to us for approval of elevation drawings (annotated to show materials) of the new bin store to the front forecourt area at ground floor level. 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 drawings. (C26DB)

Reason:

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

- 14 Notwithstanding the handrail shown to above the parapet to the elevation drawings, a scheme for any handrailing to roof level or other installations for edge protection or in association with window washing or other external maintenance equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment. 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 You must apply to us for approval of detailed elevation and section drawings of the skylight structure within the rear garden of the site. 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 drawings. (C26DB)

Reason:

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

- 16 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 17 The glass that you put in the windows in the north and south elevation of the building must not be clear glass (unless otherwise shown on the approved drawings). You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

green roofs

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 (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 19 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 20 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.

- 21 The following plant/machinery hereby permitted (as referred to in the acoustic report by RBA Acoustics dated 19 January) shall not be operated except between the hours:

1 Air handling unit (HRU.01): 09:00 - 21:00 daily
Kitchen Extract Fan (KEF.01): 07:00 - 23:00 daily

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 22 The plant equipment must not operate until the mitigation measures specified in Part 5.6 of the Plant Noise Assessment by RBA acoustics dated 17 March 2017 have been installed and shall be retained for as long as the air conditioning unit remains in use.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be

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approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 23 You must apply to us for approval of details of secure cycle storage (location and how it will look) for the hotel use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015. And to make sure that its appearance is suitable and contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must provide the waste store shown on drawing 208-203 I before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 25 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 26 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- i) identification of individual responsibilities and key personnel.
- ii) induction and personnel awareness of arboricultural matters.
- iii) supervision schedule, indicating frequency and methods of site visiting and record keeping
- iv) procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any

equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 27 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 2 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

28 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 29 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 30 Before the use is commenced, you must provide an Operational Management Plan to include the following details:

- i) how guests arriving and departing from the site will be managed;
- ii) how guests using the rear garden will be managed.

The use must then operate in accordance with the approved statement.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan (November 2016), and TACE2, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 31 No live or recorded music shall be played that is audible outside of the building.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 32 You must not use the rear or side garden for sitting out or for any other purpose after 9pm daily. You can however use the garden to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Item No.
4

- 33 The spa/pool/fitness facilities at basement level and bar/lounge/breakfast room/restaurant at ground floor level, shall only be used as an ancillary part of the hotel use and must only be used by hotel guests.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan (November 2016), and TACE2, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 34 You must provide the environmental sustainability features (environmentally friendly features) as outlined within the Energy Assessment prior to the occupation of the building and must be retained thereafter.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 35 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) 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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the expectation with regards to condition 5 is that samples will be submitted demonstrating that the building is faced in yellow stock brickwork, or brickwork of similar quality and tone.

- 3 You are advised that condition 13 of this decision is intended to secure both an accurate and consistent set of drawings, and to secure an arrangement of window detailing considered appropriate to the site. You are advised that the plan, section and elevation drawings submitted with the application were not consistent with regards to the size and proportioning of the window openings (including the extent to which the central section projected forward).
- 4 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)
- 5 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)

- 6 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.
- 7 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There is a Thames Water main crossing the development site which may/will need to be diverted at the Developers Cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services Contact Centre on 0800 009 3921 for further information.

- 8 Conditions 19-22 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)

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

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form**

immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

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

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

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

- 10 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 11 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. (I54AA)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 13 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 14 Condition 25 requires you to submit a method statement for works to a tree(s). The method

statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- * the order of work on the site, including demolition, site clearance and building work;
- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

- 15 Some of the trees on/ adjacent to the site the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 7761 or 020 7641 2922.
- 16 With regards to condition 14, the strong expectation is that any protection for persons towards the edge of roof level shall be achieved through the use of a fall protection system which does not rise above the height of the parapet

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	26 - 27 Southampton Street, London		
Proposal	Variation of Condition 1 of planning permission of dated 27 May 2015 and listed building consent dated 30 March 2017 which themselves varied earlier approvals for 'Use of part ground and all other floors at 26-27 Southampton Street from office (Class B1) to residential flats (Class C3) use and part of ground floor from offices (Class B1) to retail (Class A1) use and associated internal and external alterations including the creation of an additional floor above No.26. Associated works including the creation of courtyard at rear basement level installation of plant, solar panels, alterations to windows and doors and creation of terraces to rear and at roof level,' namely to allow for the retention of a larger roof extension, external alterations including to windows, doors, rooflights, roof layout and roof terrace enclosures and internal alterations.		
Agent	Gerald Eve LLP		
On behalf of	Capital & Counties CG Limited		
Registered Number	17/06015/FULL and 17/06018/LBC	Date amended/ completed	7 July 2017
Date Application Received	7 July 2017		
Historic Building Grade	No. 26 is listed grade II and No. 27 is listed grade II STAR		
Conservation Area	Covent Garden		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The applications relate to a pair of listed buildings located within the Covent Garden Conservation Area. No. 26 is listed grade II, while No. 27 is listed grade II star. The site is located south of the Piazza

and opposite the junction of Southampton Street and Tavistock Street.

In February 2014 planning permission and listed building consent were granted for 'Use of part ground and all other floors at 26-27 Southampton Street from office (Class B1) to residential flats (Class C3) use and part of ground floor from offices (Class B1) to retail (Class A1) use and associated internal and external alterations including the creation of an additional floor above No.26. Associated works including the creation of courtyard at rear basement level installation of plant, solar panels, alterations to windows and doors and creation of terraces to rear and at roof level.'

The original permission and consent have been amended several times to allow for various alterations including to the roof; to windows, doors and railings; and to allow for the extension of a first floor terrace; a new plant room; and several internal alterations. The history is set out in Section 6 of this report.

The building works have been completed. However, planning enforcement recently received a complaint stating the roof extension to No. 26 had been built larger than approved. Following an investigation into the matter, officers considered that a planning application to regularise the situation was the appropriate way forward.

Accordingly, the current applications seek retrospective permission and consent to allow for the larger roof extension, for external alterations including to windows, doors, rooflights, roof layout and roof terrace enclosures and for internal alterations.

The most significant amendments to the approved scheme are those at roof level where the depth and height of the extension has increased. In terms of the impact on the listed buildings, given the existing mansards are all later fabric, there is no impact upon or loss of original or historic fabric as a result of these roof level changes. The increase in height of the roof and rooflight is perceptible in high level and some street views. However, the approved scheme already permitted an extension to the mansard which is visible in street views and is taller than the adjoining mansard at No. 27. The increase in height of 390mm does not represent a significant change to this and does not significantly increase the impact or visibility of the permitted extension. The impact on street views, the character of the building and character and appearance of the conservation area is therefore negligible.

A number of other alterations have been undertaken at other levels of the buildings. The buildings were previously internally linked with openings created in the party walls. These amendments would reduce the size of a non-original opening within the party wall and an area of cupboards at fifth floor level is also being reconfigured. These minor changes do not affect original fabric and are acceptable. A window within a later extension to no. 26 has also been reduced in size. This is within a later extension to the building and the detail proposed is acceptable.

In heritage terms the proposed amendments to these properties are relatively minor and would not cause harm to the significance of the building or character of the conservation area. They would accord with policies in particular DES 5, DES 6, DES 9 and DES 10 of the Unitary Development Plan; S25 and S28 of the City Plan and guidance set out in the NPPF and within the listed buildings SPG.

One objection has been received from a resident who lives opposite the site. The resident objects on the grounds that the higher roof extension, and rooflight on top of it, harms their amenity in terms of loss of outlook, and because the applicant should have applied for permission and consent before the changes were implemented, as is required and expected of them.

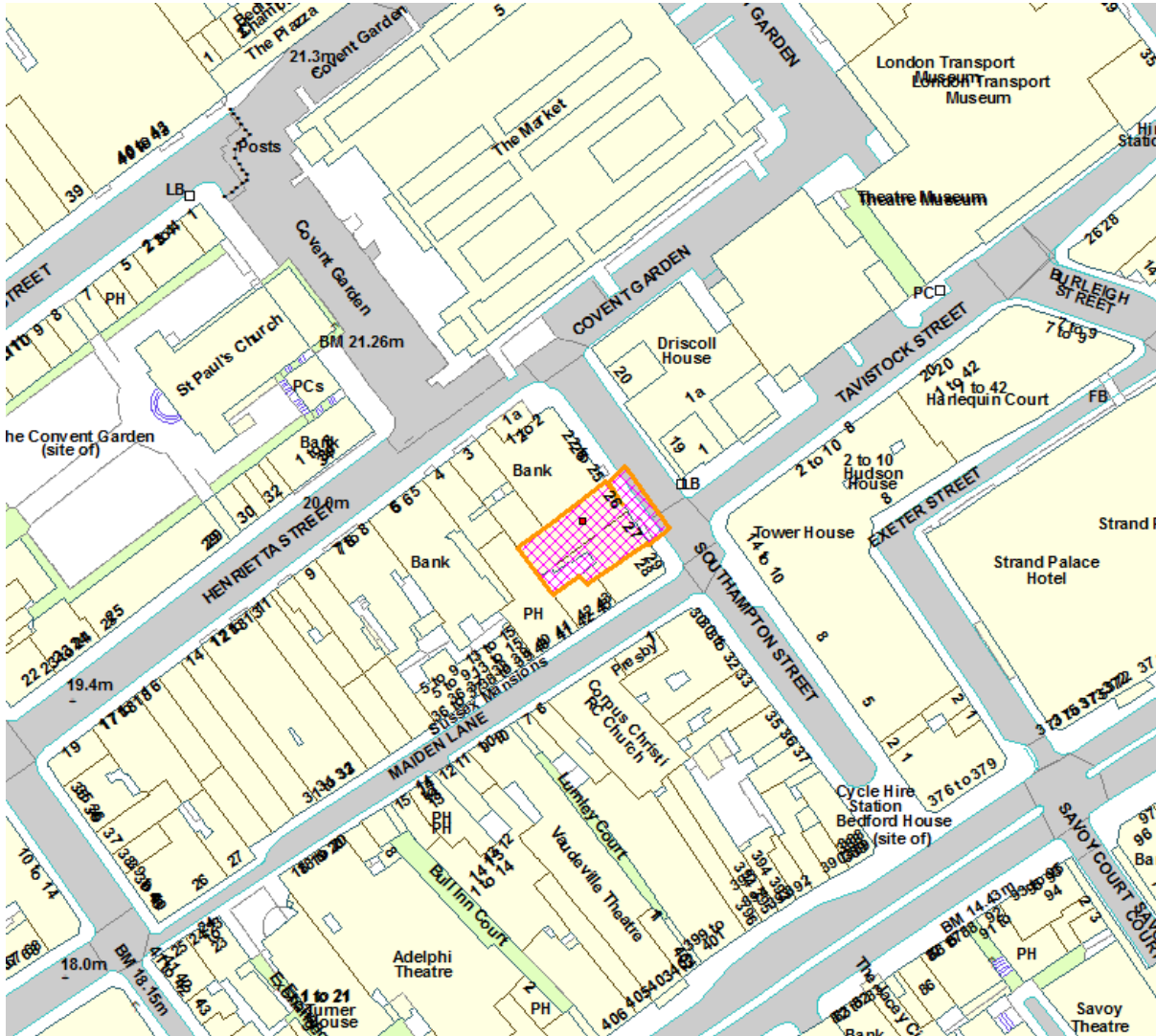
Whilst the extension is clearly visible from the objector's home opposite, given the relatively large distance between the properties and the relatively modest height increase compared to the approved scheme, it is not considered that the larger roof extension results in a significant increase in sense of enclosure or loss of outlook to justify a refusal. Nor have the changes resulted in any loss of light or loss of privacy. As such, the proposal accords with S29 of Westminster's City Plan and ENV 13 of the Unitary Development Plan and officers do not consider there to be a sustainable reason to resist the amendments on residential amenity grounds.

Officers understand the objector's frustration that the development was not built in accordance with what had been approved – the objector is correct to note that permission and consent should be sought for works prior to implementation. In circumstances where this has failed to occur, however, the City Council can invite a retrospective application to regularise the situation. Such an application must be considered in the normal way.

Since the grant of permission in February 2014 the council adopted revised policies as part of the City Plan (November 2016) including Policy S20 which seeks to protect office accommodation in the CAZ. Although the application site was previously used for office purposes, given that the February 2014 permission has been implemented the proposed residential use is considered acceptable.

For the reasons set out above, the amendments are considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 and Westminster's City Plan adopted in November 2016. As such, it is recommended that planning permission and listed building consent are granted, subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of roofs of Nos. 27 and 26 Southampton Street

5. CONSULTATIONS

HISTORIC ENGLAND:

No comment.

COVENT GARDEN COMMUNITY ASSOCIATION:

No objection.

COVENT GARDEN AREA TRUST:

No response to date.

PLANNING ENFORCEMENT TEAM:

This property forms the subject of an open enforcement investigation with respect to the erection of an additional storey contrary to planning permission 14/11523/FULL and listed building consent 14/11922/LBC. Further to warnings from the City Council's Planning Enforcement Team, applications 17/06015/FULL & 17/06018/LBC have been submitted in an attempt to regularise the breach of planning control.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 145

Total No. of replies: 1 (objection)

In summary, the neighbouring resident objects for the following reasons:

- The larger extension harms their residential amenity in terms of a reduction in outlook; and
- The applicant should have applied for permission and consent before the works were implemented.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RECENT RELEVANT HISTORY

On 26 February 2014 permission and consent was granted for use of part ground and all other floors at 26-27 Southampton Street from office (Class B1) to residential flats (Class C3) use and part of ground floor from offices (Class B1) to retail (Class A1) use and associated internal and external alterations including the creation of an additional floor above No.26. Associated works including the creation of courtyard at rear basement level installation of plant, solar panels, alterations to windows and doors and creation of terraces to rear and at roof level.' (RN: 13/10869/FULL and 13/10870/LBC)

On 27 May 2015 and 10 March 2015 permission and consent (respectively) was granted to allow amendments to the original scheme. Namely, to allow an extension to first floor terrace, installation of plant boiler room at roof level, provision of 9 Photovoltaic panels, alterations to and installation of windows and doors, installation of vents, alterations to railings, internal alterations. (RN: 14/11524/FULL and 14/11922/LBC)

On 10 August 2016 consent was granted to allow further amendments. Namely, to vary the approved drawings to allow dry lining of area of the lower ground floor including enclosing the historic sink in situ. (RN: 16/05691/LBC)

On 30 November 2016 consent was granted to allow further amendments. Namely, to re-position the PV panels on the building's roof; removal of access ladder and walkway and to re-position the doors to the terrace from the reception room at 5th floor level. (RN: 16/09856/LBC)

On 30 March 2017 consent was granted to allow further amendments, namely to alter internal joinery and a fireplace. (RN: 17/01483/LBC)

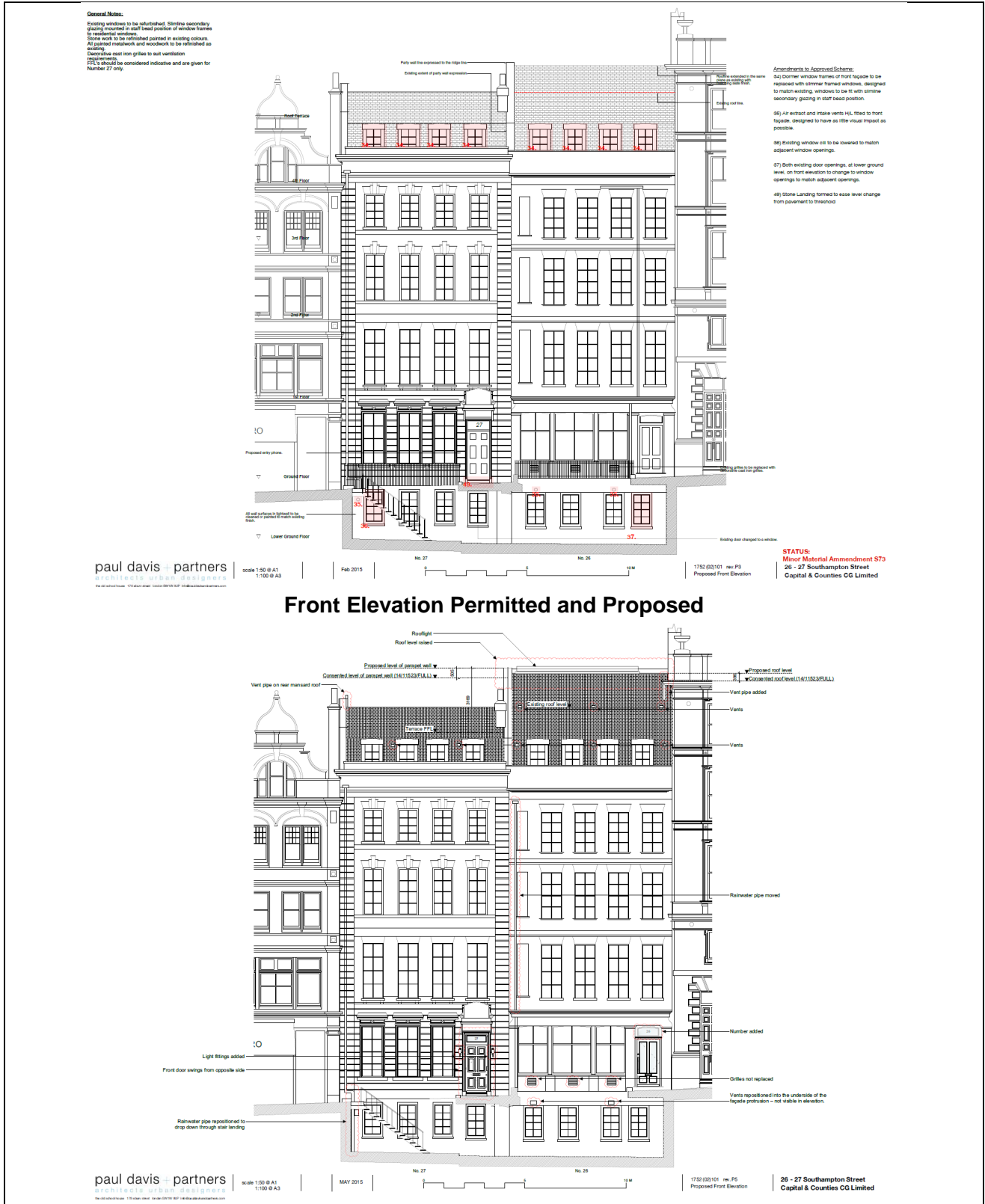
7. BACKGROUND PAPERS

1. Application form
2. Response from Historic England, dated 17 July 2017
3. Response from Covent Garden Community Association, dated 30 July 2017
4. Response from Planning Enforcement Team, dated 7 August 2017
5. Objection from occupier of 20 Driscoll House, 19 Southampton Street, dated 17 July 2017

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

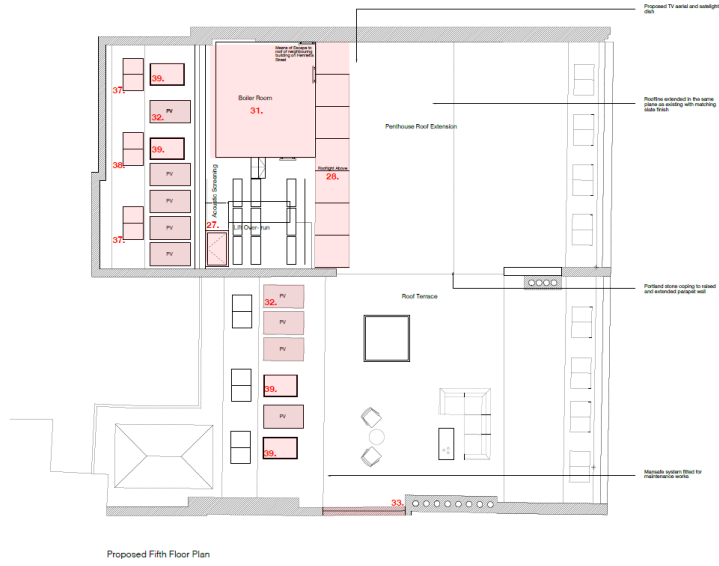
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

8. KEY DRAWINGS



General Notes:

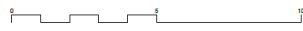
Existing ceilings are modern metal grid plasterboard ceiling and will be replaced where damaged or replaced to match the existing and adopted to suit the proposal.
 Unfinished flooring will be laid between grids. New timber flooring will replace existing. Existing floor areas to be retained subject to acoustic treatment. All D.U.P.s to be noted in taking account of any existing paneling detail.



- Amendments to Approved Scheme:**
- 27) Plant access hatch from below for maintenance to roof plant area.
 - 28) Enlargement of consented roof light above 10th floor apartment roof extension.
 - 31) Boiler room relocated from Lower Ground Level to roof plant area. Plant area to be clad in Acoustic paneling.
 - 32) Area of proposed Photovoltaic panels**
 - 33) Protective glass canopy/roofs installed to create barrier between roof terrace and adjacent Lane roof.
- Please see Floor Elevation for more information on: 31, 37, 38 and 39
 **Please see accompanying Acoustic Report on noise impact.
 ***Please see accompanying Photovoltaic Strategy Report.

paul davis + partners
 ARCHITECTS URBAN DESIGNERS

Dec 2014

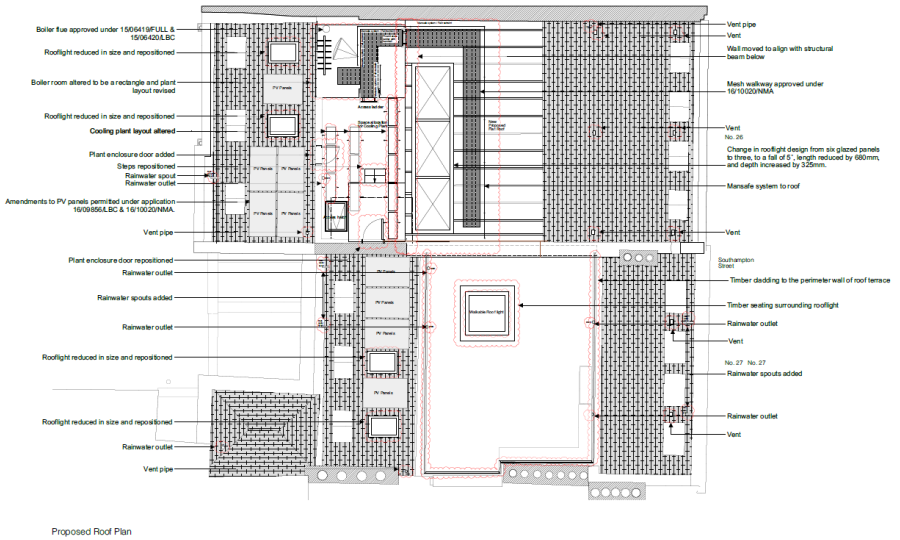


175102008 rev P2
 Proposed Roof Plan

STATUS:
 Minor Material Amendment S73
 26 - 27 Southampton Street
 Capital & Counties CC Limited

Roof Plan Permitted and Proposed

1.0 GENERAL NOTES:
 DO NOT SCALE FROM THIS DRAWING. DRAWING TO BE PRINTED IN COLOR.
 This drawing is the property of Paul Davis + Partners. It is to be used only for the project and site specified. It is not to be used for any other project or site without the written consent of Paul Davis + Partners.
 The building site is shown in red. The roof structure is shown in grey. The roof plan is shown in black. The roof plan is shown in black. The roof plan is shown in black.



paul davis + partners
 ARCHITECTS URBAN DESIGNERS

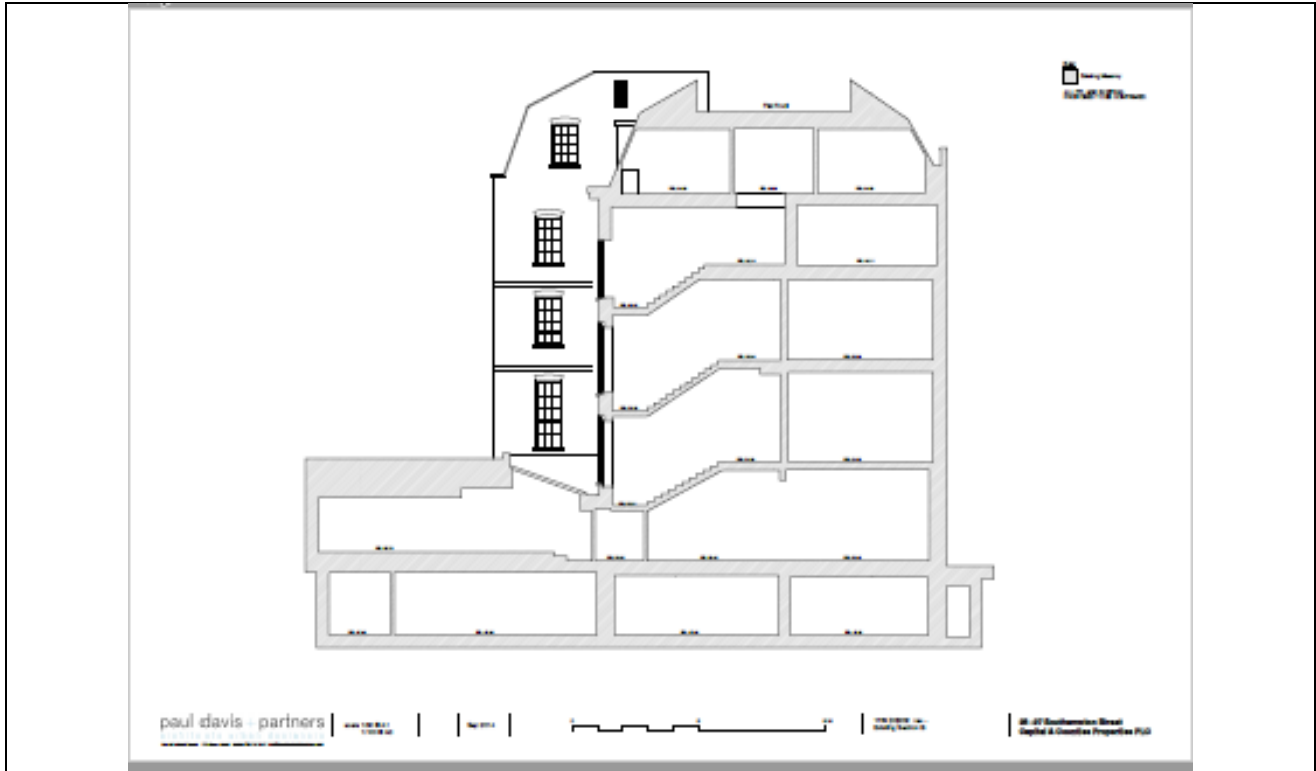
scale 1:50 @ A1
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SEPT 2016

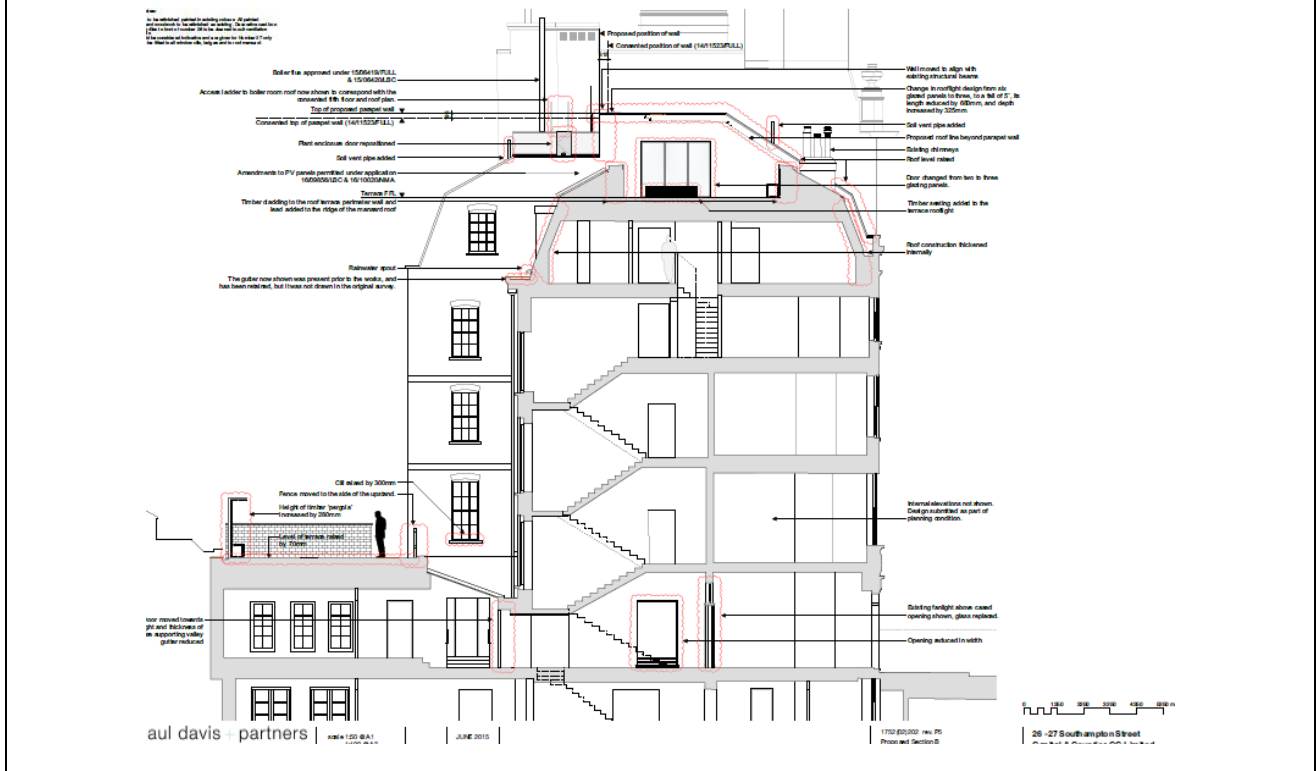


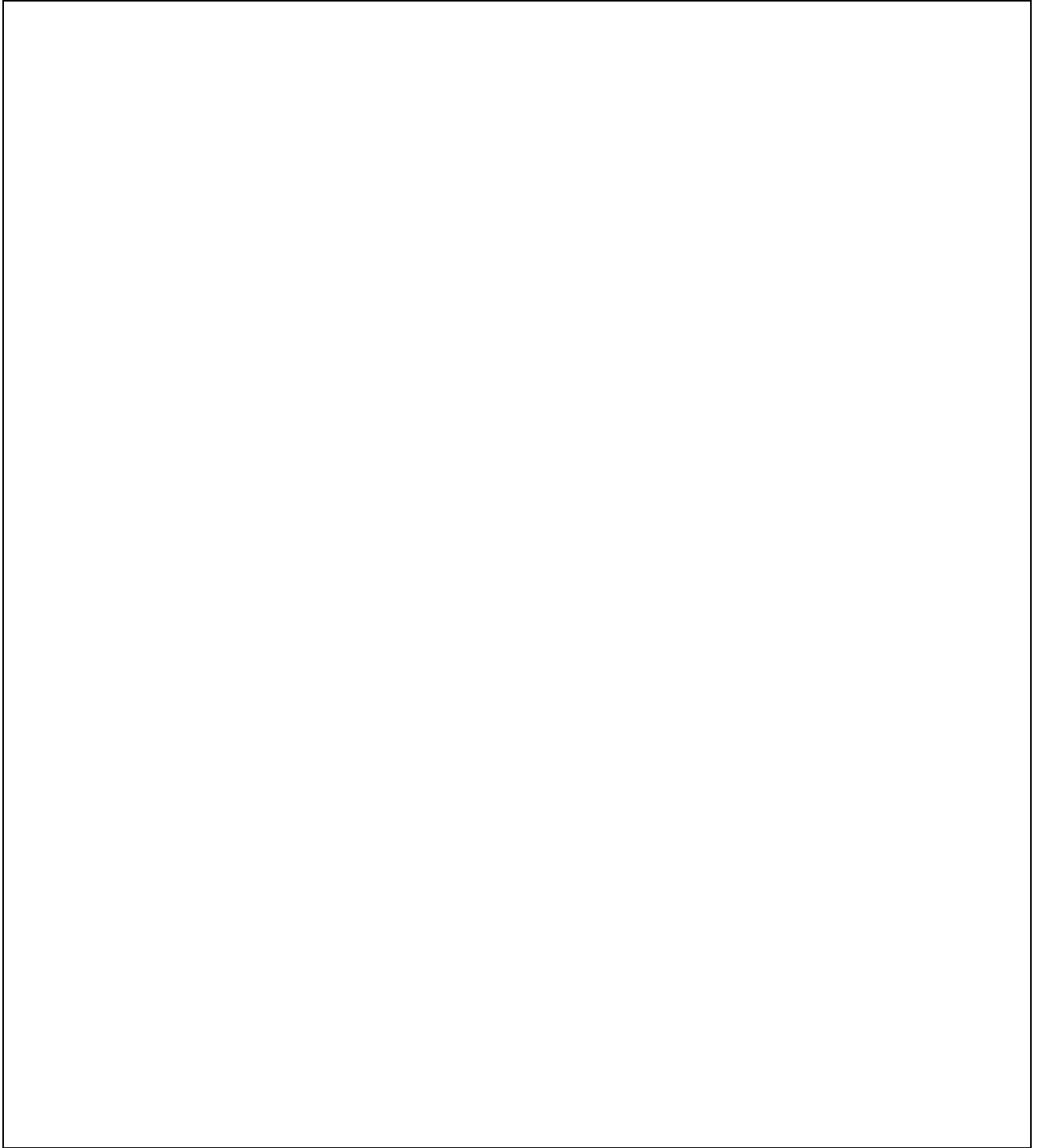
175102008 rev P10
 Proposed Roof Plan

26 - 27 Southampton Street
 Capital & Counties CC Limited



Section BB Permitted and Proposed





DRAFT DECISION LETTER

- Address:** 26 - 27 Southampton Street, London, ,
- Proposal:** Variation of Condition 1 of planning permission dated 27 May 2015 (RN: 14/11523) which itself varied an earlier permission dated 26 February 2014 (RN: 13/10869) for 'Use of part ground and all other floors at 26-27 Southampton Street from office (Class B1) to residential flats (Class C3) use and part of ground floor from offices (Class B1) to retail (Class A1) use and associated internal and external alterations including the creation of an additional floor above No. 26. Associated works including the creation of courtyard at rear basement level installation of plant, solar panels, alterations to windows and doors and creation of terraces to rear and at roof level.' Namely, to allow for a larger roof extension and for external alterations including to rooflights and roof terrace enclosure (retrospective).
- Reference:** 17/06015/FULL
- Plan Nos:** 17/06015/FULL:
 Site Location Plan; 1752 (00)007; 1752 (00)101; 1752 (00)102; 1752 (00)202; 1752 (02)007 P2; 1752 (02)008 P2; 1752 (02)101 P3; 1752 (02)102 P2; 1752 (02)202 P2; 1752 (02)101 P5; 1752 (02)102 P13; 1752 (02)007 P9; 1752 (02)008 P10; 1752 (02)202 P5; Design and Access Statement; Cover Letter.
- 14/11523/FULL:
 1120-0001 A, 1120-0100 C, 1120-0101 C, 1120-0102 C, 1120-0103 C, 1120-0104 C, 1120-0105 C, 1120-0106 C, 1120-0200 A, 1120-0201 B, 1120-0202 A, 1120-0300 A, 1120-0301 B, 1120-0930 B, 1120-0931 B, 1120-0932 B, 1120-0933 B, 1120-0934 B, 1120-0935 B, 1120-0936 A, 1120-0940 B, 1120-0941 B, 1120-0942 B, 1120-0945 A, 1120-0946 A, 1120-1190 B, 1120-1191 C, 1120-1192 B, 1120-1193 B, 1120-1194 B, 1120-1195 B, 1120-1196 A, 1120-1197 A, 1120-1220 B, 1120-1221 B, 1120-1222 B, 1120-1310 A, 1120-1311 B, 1120-1312 B, 1120-1320 A, Planning Statement dated October 2013, Heritage Assessment dated October 2013, Supplementary Heritage Assessment dated 23 January 2014, Historic Buildings Report dated November 2011, Design and Access Statement dated October 2013, Daylight and Sunlight Impact Assessment Revision No. 3.0 dated 21 October 2013, Noise Survey Report Revision No. 1.1 dated 11 October 2013, Ecohomes Prediction Report Revision No. 5 dated 22 October 2013, Energy Strategy Revision No. 4 dated 22 October 2013, Archaeological Desk-Based Assessment dated October 2013, Outline Structural Engineering Stage A/B Report dated 18 October 2013 (for information only). Written scheme of investigation for an archaeological investigation prepared by MOLA dated 16 September 2014, Letter from GeraldEve dated 21.11.14, Email from GeraldEve dated 06.03.15, 1752 (01): 001 P2, 002 P2, 003 P2, 004 P2, 005 P3, 006 P2, 008 P2, 101 P2, 102 P2, 202 P2, 1752 (02): 001 P2, 002 P2, 003 P2, 004 P2, 005 P2, 006 P2, 007 P2, 008 P2, 009 P1, 101 P3, 102 P4, 202 P2, Design and Access Statement Rev P1, Planning Amendment Noise Report M0002-A, Photovoltaics Summary Note dated 18.11.14.
- 13/10869/FULL:
 1120-0001 A, 1120-0100 C, 1120-0101 C, 1120-0102 C, 1120-0103 C, 1120-0104 C, 1120-0105 C, 1120-0106 C, 1120-0200 A, 1120-0201 B, 1120-0202 A, 1120-0300 A,

1120-0301 B, 1120-0930 B, 1120-0931 B, 1120-0932 B, 1120-0933 B, 1120-0934 B, 1120-0935 B, 1120-0936 A, 1120-0940 B, 1120-0941 B, 1120-0942 B, 1120-0945 A, 1120-0946 A, 1120-1190 B, 1120-1191 C, 1120-1192 B, 1120-1193 B, 1120-1194 B, 1120-1195 B, 1120-1196 A, 1120-1197 A, 1120-1220 B, 1120-1221 B, 1120-1222 B, 1120-1310 A, 1120-1311 B, 1120-1312 B, 1120-1320 A, Planning Statement dated October 2013, Heritage Assessment dated October 2013, Supplementary Heritage Assessment dated 23 January 2014, Historic Buildings Report dated November 2011, Design and Access Statement dated October 2013, Daylight and Sunlight Impact Assessment Revision No. 3.0 dated 21 October 2013, Noise Survey Report Revision No. 1.1 dated 11 October 2013, Ecohomes Prediction Report Revision No. 5 dated 22 October 2013, Energy Strategy Revision No. 4 dated 22 October 2013, Archaeological Desk-Based Assessment dated October 2013, Outline Structural Engineering Stage A/B Report dated 18 October 2013 (for information only).

16/05233/ADFULL:

Post-excavation assessment and updated project design report dated May 2016 prepared by Archaeology South-East. Email from Andrew Leonard to Historic England sent 28 July 2016 11:22.

15/07136/ADFULL:

1752(02)332 P2.

15/06248/ADFULL:

1752(02)320; 1752(02)321revP1; 1752(02)630revP2; 1752(02)130revP1; 1752(02)131revP1; 1752(02)132revP1; 1752(02)323revP3; 1752(02)325revP1; 1752(02)420revP2; 1752(02)421revP3; 1752(02)423revP2; 1752(02)430revP2; 1752(02)330revP1. 1752(02)331revP1.

15/04864/ADFULL:

1752(02) 133, 1752(02) 134, 1752(02) 135 Rev P1, 1752(02) 300 Rev P1, 1752(02) 301 Rev P1, 1752(02) 302 Rev P1, 1752(02) 303, 1752(02) 304, 1752(02) 305, 1752(02) 306, 1752(02) 307, 1752(02) 308, 1752(02) 309, 1752(02) 310, 1752(02) 311, 1752(02) 312, 1752(02) 313, 1752(02) 314, 1752(02) 315, 1752(02) 316, 1752(02) 317 Rev P1, 1752(02) 621, 1752(02) 622, 1752(02) 623, 1752(02) 624, 1752(02) 625 Rev P1, External Plant Noise Assessment dated 29 May 2015, External Noise Ingress Assessment dated 29 May 2015.

14/09572/ADFULL:

Written scheme of investigation for an archaeological investigation prepared by MOLA dated 16 September 2014.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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

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

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must keep to the terms of the detailed drawings of external windows, doors, front steps and balustrades approved by the City Council as Local Planning Authority on 28 August 2015 under RN: 15/07136/ADFULL, on 3 September 2015 under RN: 15/06248/ADFULL, and on 31 July 2015 under RN: 15/04864/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council.

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

- ii) New decorative cast-iron grilles (at 1:5).

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must provide the waste storage in accordance with the details approved by the City Council as Local Planning Authority on 3 September 2015 under RN: 15/06248/ADFULL, or in accordance with other details as submitted to and approved by the City Council.

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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 9 You must maintain and operate the plant equipment in accordance with the supplementary acoustic report approved by the City Council as Local Planning Authority on 31 July 2015 under RN: 15/04864/ADFULL, or in accordance with another acoustic report as submitted to and approved by the City Council.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 10 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.

- 11 You must provide and maintain the sound insulation measures and the keep to the terms of the Noise Assessment Report approved by the City Council as Local Planning Authority on 31 July 2015 under RN: 15/04864/ADFULL, or in accordance with other details as submitted to and approved by the City Council.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 12 You must provide and maintain the noise transfer mitigation measures (between flats) as approved by the City Council as Local Planning Authority on 3 September 2015 under RN: 15/06248/ADFULL, or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 13 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 (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 14 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 15 The residential part of the development shall achieve a rating of at least 'very good' under BREEAM Domestic Refurbishment 2012 (or any such national measure of sustainability for house design that replaces a scheme of the same standard). Then within 3 months of completion of the scheme, a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification confirming that the development has achieved this standard shall be submitted and approved in writing by the City Council. If the scheme does not achieve this standard, a schedule of remedial works must be implemented on site within 3 months of the approval of the schedule or appropriate mitigation provided for offsite remedial actions.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 16 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall only be used for non-food retail purposes.

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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 17 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , photovoltaic panels at roof level, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 18 You must adhere to the archaeological details as approved by the City Council as Local Planning Authority on 4 August 2016 under RN: 16/05233/ADFULL and on 17 November 2014 under RN: 14/09572/ADFULL, or in accordance with other details as submitted to and approved by the City Council.

Reason:

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

- 19 You must keep to the terms of the detailed drawings of vents and fire surrounds approved by the City Council as Local Planning Authority 3 September 2015 under RN: 15/06248/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , 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).
- 3 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. (I54AA)
- 4 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)

- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 6 Conditions 7, 8 and 10 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)
- 7 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of affordable housing and the provision of arrangements to mitigate the demand for on-street parking as a result of the development. (I55AA)

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.

DRAFT DECISION LETTER

- Address:** 26 - 27 Southampton Street, London, ,
- Proposal:** Variation of Condition 1 of listed building consent dated 30 March 2017 (RN: 17/01483) which itself varied consent dated 29 November 2016 (RN: 16/09856) which varied consent dated 10 August 2016 (RN: 16/05691) which varied consent dated 10 March 2015 (RN: 14/11922) which varied consent dated 26 February 2014 (RN: 13/10870) for 'Use of part ground and all other floors at 26-27 Southampton Street from office (Class B1) to residential flats (Class C3) use and part of ground floor from offices (Class B1) to retail (Class A1) use and associated internal and external alterations including the creation of an additional floor above No.26. Associated works including the creation of courtyard at rear basement level installation of plant, solar panels, alterations to windows and doors and creation of terraces to rear and at roof level.' Namely, to allow for a larger roof extension, for external alterations including to rooflights and roof terrace enclosure, and for internal alterations (retrospective).
- Reference:** 17/06018/LBC
- Plan Nos:** 17/06018/LBC:
Site Location Plan; 1752 (00)007; 1752 (00)101; 1752 (00)102; 1752 (00)202; 1752 (02)007 P2; 1752 (02)008 P2; 1752 (02)101 P3; 1752 (02)102 P2; 1752 (02)202 P2; 1752 (02)101 P5; 1752 (02)102 P13; 1752 (02)007 P9; 1752 (02)008 P10; 1752 (02)202 P5; Design and Access Statement; Cover Letter.
- 17/01483/LBC:
1752 (02)009 rev. P1, 1752 (02)001 rev.P8. 1752 (02)121 rev.P1, 1752 (01)001 rev.P6; 1752 (00)001 rev -. and file note regarding drylining vs plaster proposal dated 13 June 2016. 120P2; 430 P3
- 16/09856/LBC:
1752(02)007 REVP7; 1752(02)008REVP8; 1752(02)102REVP11.
- 16/05691/LBC:
1752 (02)009 rev. P1, 1752 (02)001 rev.P8. 1752 (02)121 rev.P1, 1752 (01)001 rev.P6; 1752 (00)001 rev -. and file note regarding drylining vs plaster proposal dated 13 June 2016.
- 14/11922/LBC:
1120-0001 A, 1120-0100 C, 1120-0101 C, 1120-0102 C, 1120-0103 C, 1120-0104 C, 1120-0105 C, 1120-0106 C, 1120-0200 A, 1120-0201 B, 1120-0202 A, 1120-0300 A, 1120-0301 B, 1120-0930 B, 1120-0931 B, 1120-0932 B, 1120-0933 B, 1120-0934 B, 1120-0935 B, 1120-0936 A, 1120-0940 B, 1120-0941 B, 1120-0942 B, 1120-0945 A, 1120-0946 A, 1120-1190 B, 1120-1191 C, 1120-1192 B, 1120-1193 B, 1120-1194 B, 1120-1195 B, 1120-1196 A, 1120-1197 A, 1120-1220 B, 1120-1221 B, 1120-1222 B, 1120-1310 A, 1120-1311 B, 1120-1312 B, 1120-1320 A, Planning Statement dated October 2013, Heritage Assessment dated October 2013, Supplementary Heritage Assessment dated 23 January 2014, Historic Buildings Report dated November 2011, Design and Access Statement dated October 2013. Letter from GeraldEve dated 21.11.14, Email from GeraldEve dated 06.03.15, 1752 (01): 001 P2, 002 P2,

003 P2, 004 P2, 005 P3, 006 P2, 008 P2, 101 P2, 102 P2, 202 P2, 1752 (02): 001 P2, 002 P2, 003 P2, 004 P2, 005 P2, 006 P2, 007 P2, 008 P2, 009 P1, 101 P3, 102 P4, 202 P2, Design and Access Statement Rev P1.

13/10870/LBC:

1120-0001 A, 1120-0100 C, 1120-0101 C, 1120-0102 C, 1120-0103 C, 1120-0104 C, 1120-0105 C, 1120-0106 C, 1120-0200 A, 1120-0201 B, 1120-0202 A, 1120-0300 A, 1120-0301 B, 1120-0930 B, 1120-0931 B, 1120-0932 B, 1120-0933 B, 1120-0934 B, 1120-0935 B, 1120-0936 A, 1120-0940 B, 1120-0941 B, 1120-0942 B, 1120-0945 A, 1120-0946 A, 1120-1190 B, 1120-1191 C, 1120-1192 B, 1120-1193 B, 1120-1194 B, 1120-1195 B, 1120-1196 A, 1120-1197 A, 1120-1220 B, 1120-1221 B, 1120-1222 B, 1120-1310 A, 1120-1311 B, 1120-1312 B, 1120-1320 A, Planning Statement dated October 2013, Heritage Assessment dated October 2013, Supplementary Heritage Assessment dated 23 January 2014, Historic Buildings Report dated November 2011, Design and Access Statement dated October 2013.

15/04863/ADLBC:

1752(02) 318 Rev P5, 1752(02) 319 Rev P1, 1752(02) 133, 1752(02) 134, 1752(02) 135 Rev P1, 1752(02) 300 Rev P1, 1752(02) 301 Rev P1, 1752(02) 302 Rev P1, 1752(02) 303, 1752(02) 304, 1752(02) 305, 1752(02) 306, 1752(02) 307, 1752(02) 308, 1752(02) 309, 1752(02) 310, 1752(02) 311, 1752(02) 312, 1752(02) 313, 1752(02) 314, 1752(02) 315, 1752(02) 316, 1752(02) 317 Rev P1, 1752(02) 621, 1752(02) 622, 1752(02) 623, 1752(02) 624, 1752(02) 625 Rev P1.

15/06267/ADLBC:

1752(02)110revP1; 1752(02)111revP1; 1752(02)112revP1; 1752(02)113revP1; 1752(02)114revP1; 1752(02)115revP1; 1752(02)116; 1752(02)117; 1752(02)118; 1752(02)119; 17852(02)120; 1752(02)330revP1, 1752(02)331revP1; 1752(02)320; 1752(02)321revP1; 1752(02)130revP1; 1752(02)131revP1; 1752(02)132revP1; 1752(02)323revP3; 1752(02)325revP1; 1752(02)430revP2; 1752(02)400revP2; 1752(02)400revP2; 1752(02)401revP2; 1752(02)402revP2; 1752(02)403revP3; 1752(02)404revP2; 1752(02)405revP2; 1752(02)611revP2; 1752(02)612revP2; 1752(02)613revP3; 1752(02)614revP2; 1752(02)616revP2; 1752(02)410revP1; 1752(02)411; 1752(02)412.

15/07137/ADLBC:

1752(02)332 P2

16/05889/ADLBC:

1752(02)118 REVP1; 1752(02)119 REVP1; 1752(02)120 REVP1.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must keep to the terms of the detailed drawings of external windows, doors, front steps and balustrades approved by the City Council as Local Planning Authority on 31 July 2015 under RN: 15/04863/ADLBC, on 3 September 2015 under RN: 15/06267/ADLBC and on 2 September 2015 under RN: 15/07137/ADLBC, or in accordance with other detailed drawings as submitted to and approved by the City Council.

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

- ii) New decorative cast-iron grilles (at 1:5).

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must keep to the terms of the detailed drawings of internal joinery, plasterwork and doors and secondary glazing approved by the City Council as Local Planning Authority on 3 September 2015 under RN: 15/06267/ADLBC, on 31 July 2015 under RN: 15/04863/ADLBC, and on 14 July 2016 under RN: 16/05889/ADLBC or in accordance with other detailed drawings as submitted to and approved by the City Council.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must keep to the terms of the detailed drawings of vents and fire surrounds approved by the City Council as Local Planning Authority on 3 September 2015 under RN: 15/06267/ADLBC, or in accordance with other detailed drawings as submitted to and approved by the City Council.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, , * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

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.

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Kingly Court, Kingly Court, London, W1B 5PW,		
Proposal	Retention of retail Units 2.12 and 2.13 as s restaurant (Class A3) use on a permanent basis.		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury AV Ltd		
Registered Number	17/05109/FULL	Date amended/ completed	23 June 2017
Date Application Received	9 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Kingly Court is a three storey block of shop units situated between Carnaby Street and Kingly Street within Soho. It is occupied primarily by restaurant and cafe' uses. The application relates to the use of two adjacent units (no's 2.12 and 2.13) on the 2nd floor at the northern end of Kingly Court. In addition to other restaurants cafe's there are a small number of retail uses and a yoga studio on the 2nd floor. The application premises have been occupied by 'Dirty Bones' as a restaurant (Class A3) since September 2015 pursuant to a temporary flexible use.

In 2013 an amendment to the General Permitted Development Order introduced a change to permitted development rights to allow a building of less than 150 m2 within Class A1 to change to Class A3 (restaurants and cafes') for a temporary period of 2 years. A condition of the temporary permitted development is that the site reverts to its previous lawful use at the end of the 2 year period. In September 2015 the Council received a formal notification for the implementation of a temporary Class A3 restaurant/café at the application premises. The restaurant use commenced on 28th September 2015 and will therefore expire on 28 September 2017. Permission was also granted for a ventilation extract duct in September 2015 which has been installed. Permission is now sought for permanent use of the units as a restaurant (Class A3).

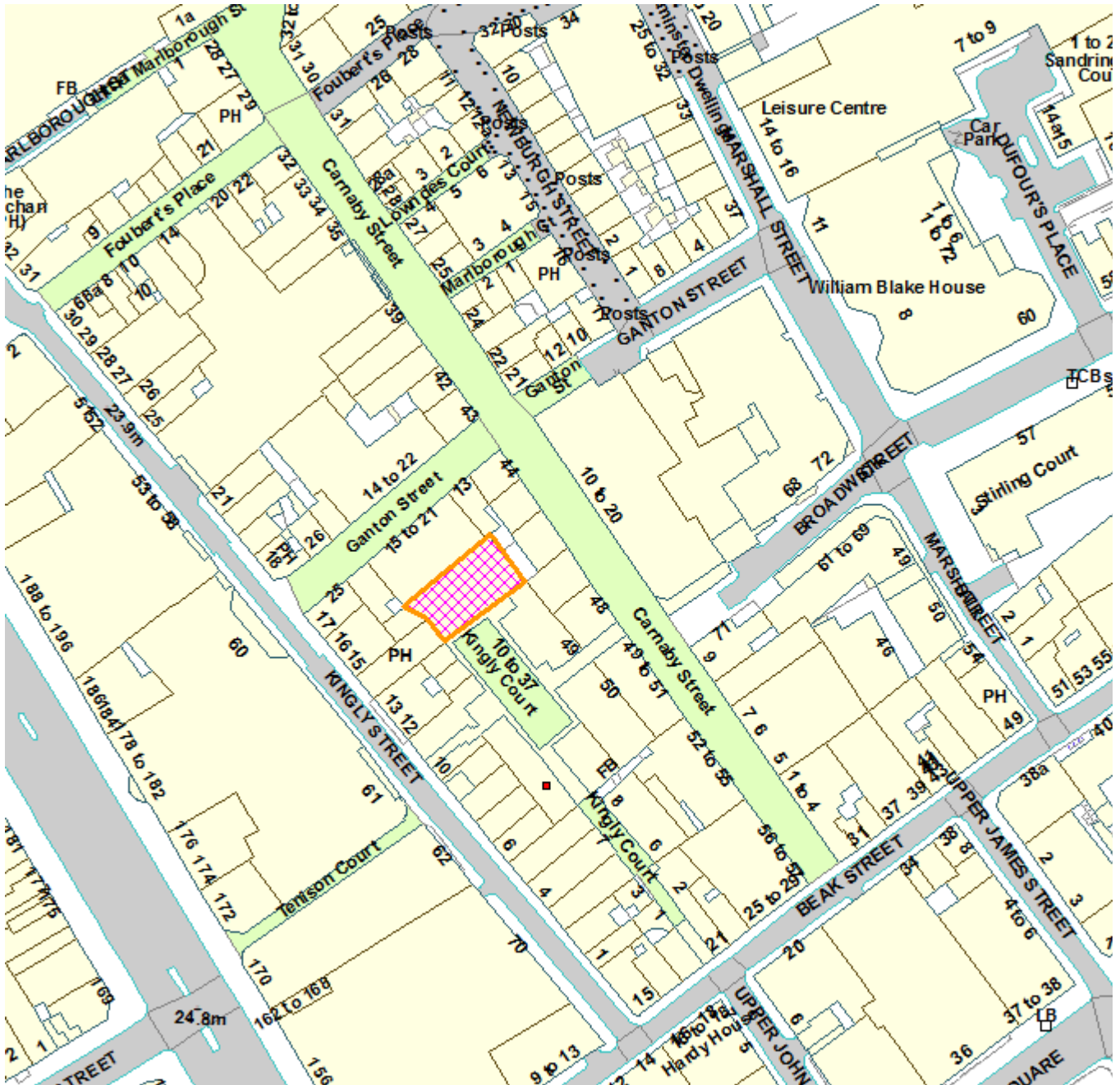
Prior to the existing restaurant use the premises was used for retail Class A1 purposes. The site lies within the West End Special Retail Policy Area (WESRPA), City Plan policy S7 seeks to maintain and enhance the unique status and offer of the WESRPA. Policy S21 of the City Plan states that existing A1 uses will be protected throughout Westminster.

Kingly Court operates as a successful food court destination, providing an area of casual dining which supports the strong retail offer on Regent Street and Carnaby Street. The applicant argues that requiring the premises to revert back to retail would be inconsistent with the offer now provided in Kingly Court.

The application needs to be assessed against UPD policy TACE 8 and City Plan policy S24. These policies allow restaurants provided that there is no adverse impact on the environment or residential amenity. The existing restaurant has 50 covers within a demise of 112 m². The opening hours are 10.00am to 00.00pm (midnight) Monday to Thursday, 10.00am to 00.30 (the following morning) Friday and Saturday and 12.00 to 23.00 on Sunday in accordance with the licence. Servicing is from Kingly Street, which is the case for the other units within Kingly Court. Refuse and waste is managed through the Kingly Court waste management centre.

Kingly Court has developed into a well known food, retail and dining destination within Soho. The premises has been operating as a restaurant for the past 23 months without harm to residential amenity or the character of the area. Retention of the use on a permanent basis is consistent with the character of Kingly Court as a catering destination in support of the nearby shopping streets. The application is considered to accord with adopted UDP and City Plan Policies and is accordingly recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

No objection (provided that acoustic mitigation is provided to the satisfaction of Environmental Health department)

ENVIRONMENTAL HEALTH:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 71

Total No. of replies: 1

No. of objections: 0

No. in support: 0

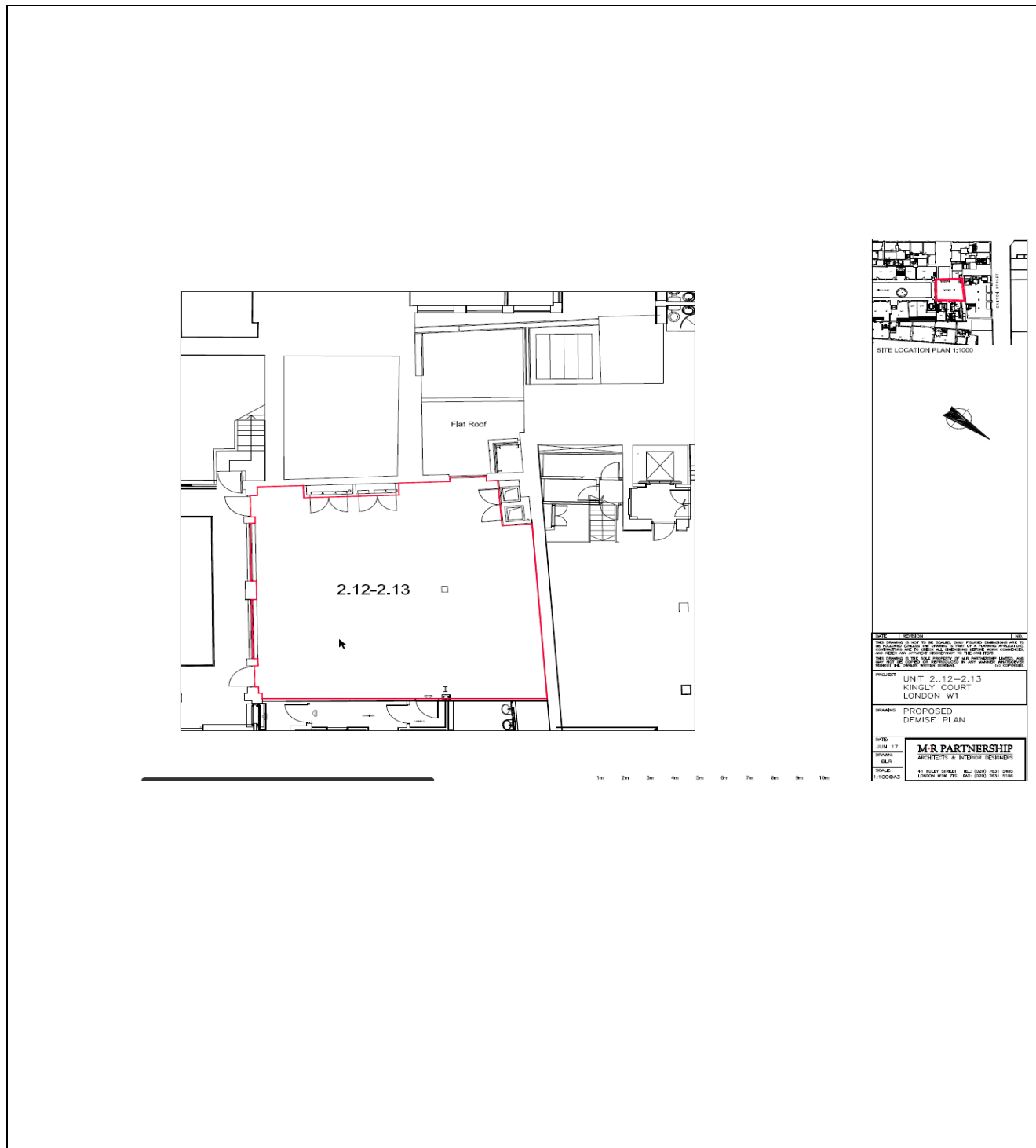
6. BACKGROUND PAPERS

1. Application form
2. Response from EH Consultation, dated 10 July 2017
3. Letter from occupier of St Anne's Tower, 55 Dean Street, dated 28 July 2017

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

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

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Kingly Court, Kingly Court, London, W1B 5PW,

Proposal: Retention of retail Units 2.12 and 2.13 as (Class A3) use on a permanent basis.

Reference: 17/05109/FULL

Plan Nos: 3041 D02, 3041 04, 3041 006

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Customers shall not be permitted within the restaurant premises outside the hours: before 10.00 or after 00:00 (midnight) on Monday to Thursday, before 10.00 or after 00.30 the following morning on Friday and Saturday and before 12.00 or after 23.00 on Sunday

Reason:

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

- 3 The high level extract duct shown on the approved drawings shall be retained as long as the restaurant use is in operation

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 4 You must not allow more than 50 customers into the property at any one time

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet of our

Unitary Development Plan that we adopted in January 2007. (R05AB)

- 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 LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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 Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 Conditions 5 and 6 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)

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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Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	14 Wyndham Mews, London, W1H 2PN		
Proposal	Erection of ground floor rear extension and alterations at roof level.		
Agent	Mr Stephen Richter		
On behalf of	Mr Christopher Morrell		
Registered Number	17/01838/FULL	Date amended/ completed	3 March 2017
Date Application Received	1 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application premises is a two storey mews building in use as a single family dwelling. Permission is sought for the erection of rear ground floor extension infilling a small courtyard area and removal of a water tank at roof level and repositioning of an access hatch at roof level.

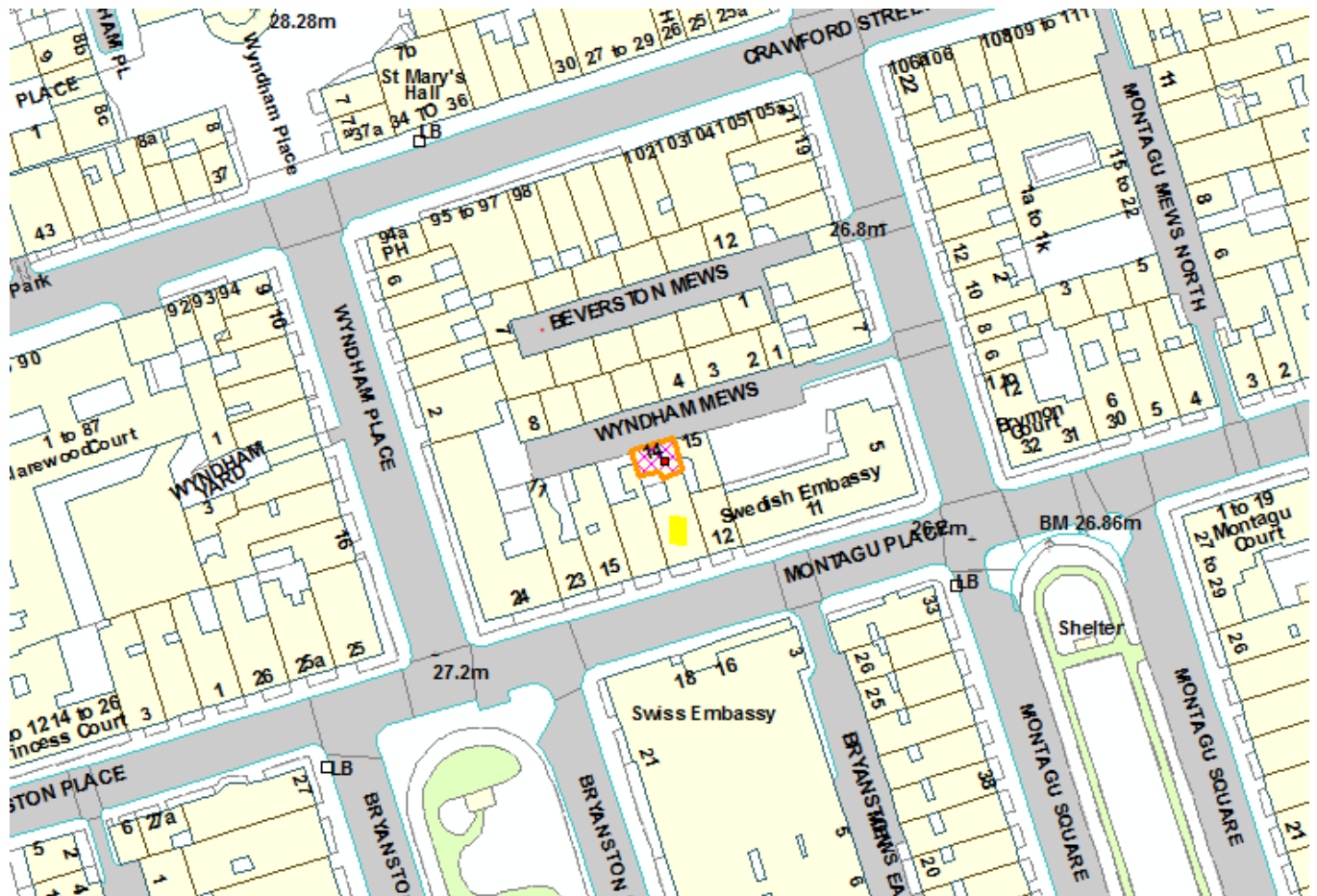
The key issues for consideration are:

- The impact on residential amenity.
- The impact on the townscape and the character and appearance of the Portman Estate Conservation Area.

The proposed extension would slope away from a rear boundary wall. Although this will result in the boundary wall being increased by 0.7m, it is a modest addition that would not have an adverse impact on the amenity of neighbouring residential properties situated at Montagu Place directly to the rear of the site. The extension will not be visible from street level views and is considered to be acceptable in design terms.

The application accords with adopted policies in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan), accordingly the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Concerns regarding the party wall being raised. Requested that in the absence of a daylight sunlight report the applicant should provide diagrams/drawings to support the argument that the scheme does not adversely impact on amenity.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 4

No. of objections: 4

No. in support: 0

4 letters of objection raising some or all of the following issues:

- Increased sense of enclosure
- Loss of outlook
- Loss of light
- Increase dampness by any gutter from proposed extension

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No 14 Wyndham Mews is a two storey mews house situated to the north of larger residential buildings at Montagu Place. The application premises is directly to the rear of No. 13 Montagu Place; both properties have small open courtyards separated by a rear boundary party wall.

The building is not listed but is located within the Portman Estate Conservation Area.

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

Permission is sought for the erection of a rear ground floor extension infilling a small open rear courtyard. The application involves the removal of metal railings ontop of the existing rear boundary wall that separates 14 Wyndham Mews and No 13 Montagu Place and raising the height of the boundary wall by 0.7m. The

proposed extension has a glazed pitched roof that would sit behind the boundary wall sloping up to the rear building line.

The proposal also includes minor alterations at roof level; removing a water tank and repositioning a roof access hatch.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The increase in residential floorspace accords with policies in the UDP and City Plan and is considered acceptable in land use terms.

8.2 Townscape and Design

The mews building is a modern re-build. The proposed small rear addition will not be visible from street level views, and would only be seen from a limited number residential flats on Montagu Place at the rear. The proposed infilling of an existing small rear courtyard would not detract from the appearance of the Mews building and would not be harmful to the wider Portman Estate Conservation Area. The works are considered acceptable in design terms in accordance with adopted Unitary Development Plan policies DES 1; DES 9; and City Plan policies S 25 and S 28.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

As summarised in the consultation section of this report four objections have been received from neighbouring residents that the extension would result in a loss of light, and outlook and increased sense of enclosure. Three of these objections are from the occupants of residential flats at No 13 Montagu Place which is situated directly to the rear of the application premises and a single objection has been received from a resident at No 14 Montagu Place to the south west of the site.

In addition to the specific objections from the neighbours the Marylebone Association commented that the applicant should demonstrate that there would be no adverse impact on daylight and sunlight to neighbouring properties.

The application as initially submitted did not include a daylight and sunlight report. Further to Marylebone Associations comments a report has now been submitted which assesses five windows at a lower ground and ground floor and 1st floors at No 13 Montagu Place (although referenced as ground, 1st and 2nd floors). These

are the closest windows to the application premises. The lower ground and ground floor of No 13 Montagu Place is a maisonette which has bedrooms on the lower floor with living room windows above. These windows do not face within 90 degrees of due south and do not receive direct sunlight. With regards daylight the report shows that in case of all the windows assessed the existing vertical sky component is low there will be no change to the existing position. There is therefore no breach in Building Research Establishment (BRE) guidelines. Increasing the boundary wall and the extension would not have an adverse impact on daylight.

The rear aspect of No 13 Montagu Place is enclosed and has a constrained outlook. The proposed would be noticeable at the windows of the lower ground floor bedrooms. However any impact would be very minor and there would be no material sense of enclosure and no loss of amenity.

8.4 Transportation/Parking

This application raises no transportation issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The access arrangements to the mews dwelling will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

None relevant

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.

The proposal is not CIL-liable.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Structural issues

With regards to structural impact, an objection has been received that the works could result in drainage problems. Works to the boundary wall would be subject to a party wall agreement. Furthermore this issue is a matter dealt with under building regulations and permission could not reasonably be withheld for this reason.

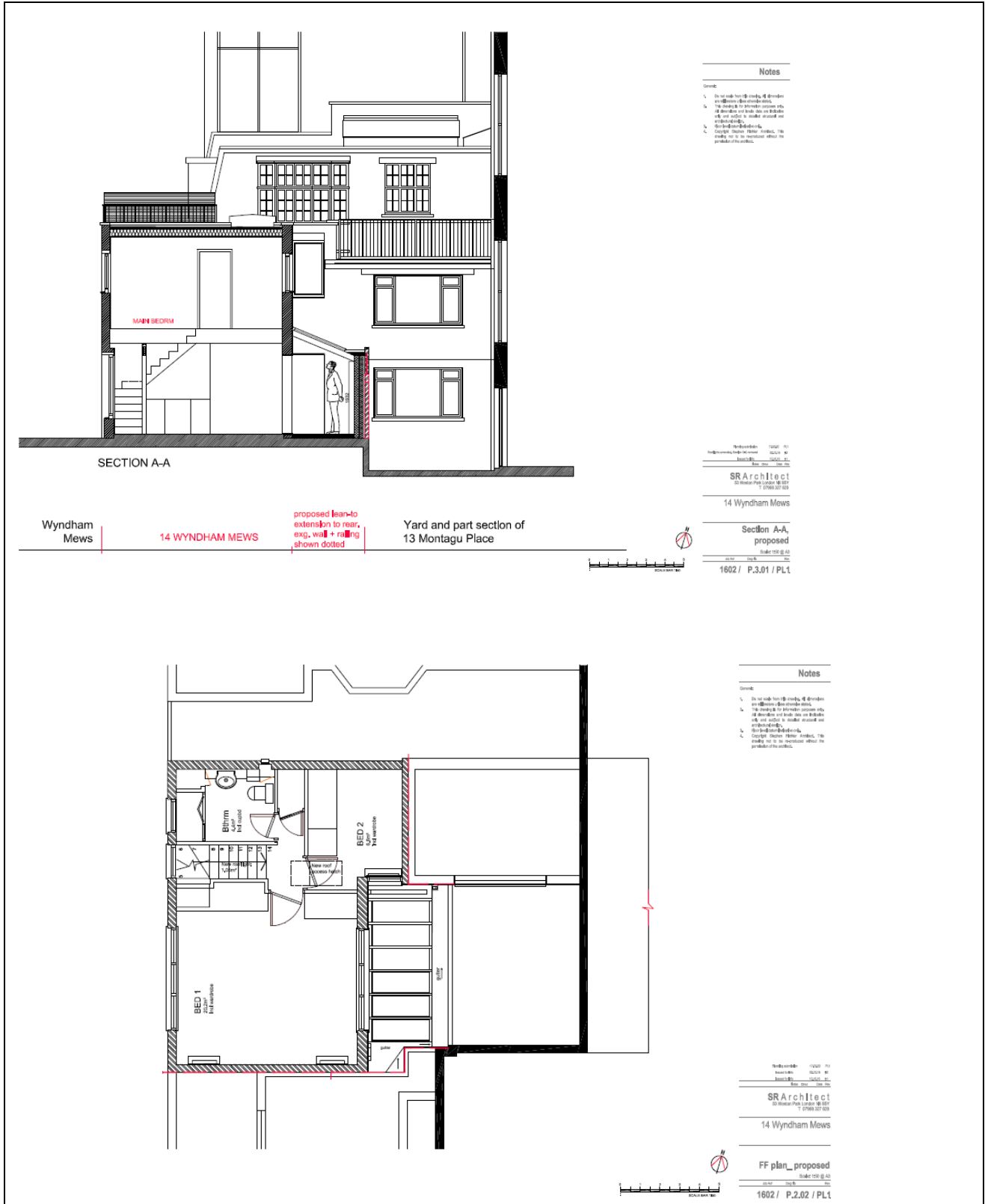
9. BACKGROUND PAPERS

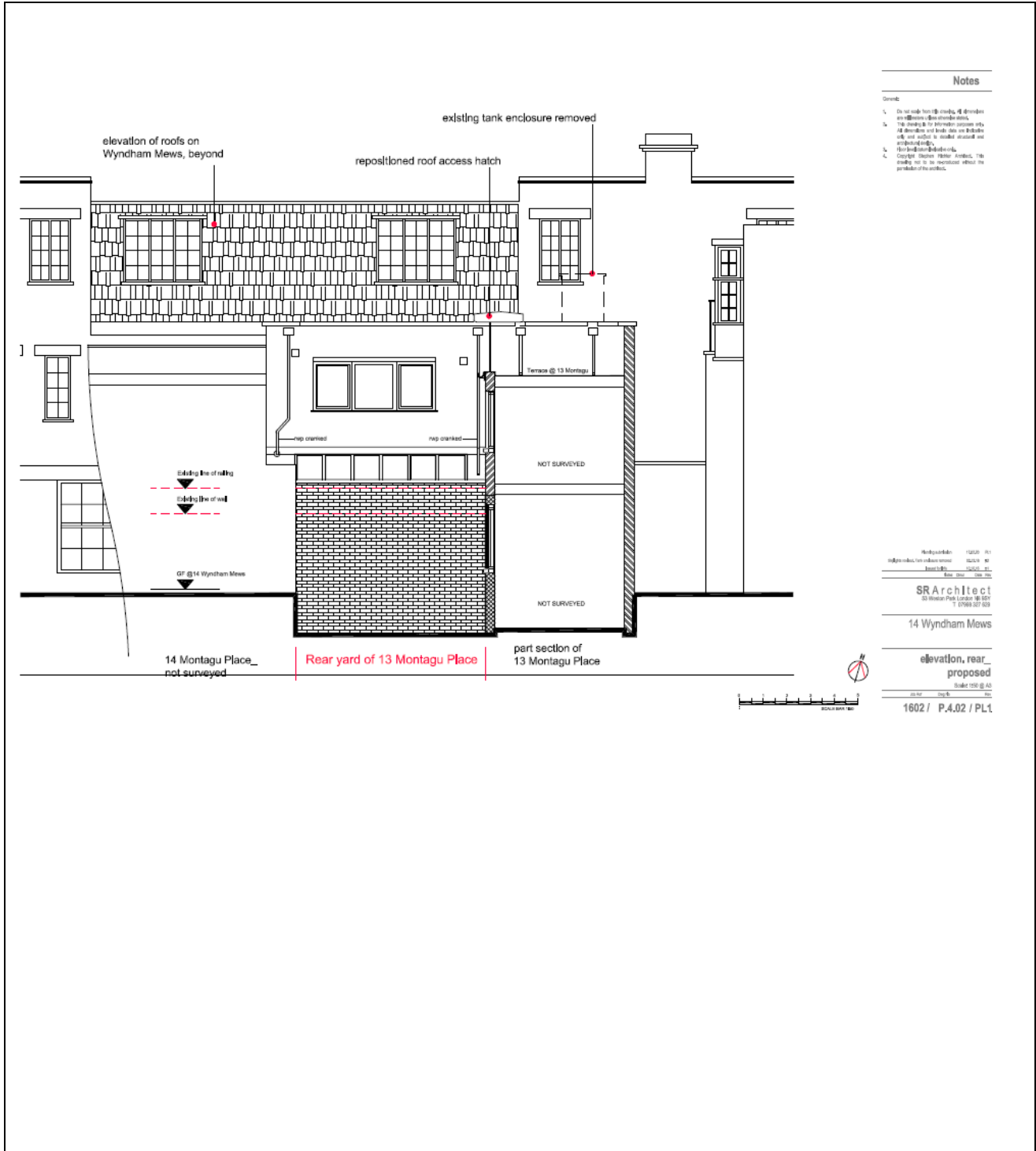
1. Application form
2. Response from Marylebone Association, dated 13 March 2017
3. Letter from occupier of Flat D, 13 Montagu Place, dated 29 March 2017
4. Letter from occupier of 13 Montagu Place, London, dated 29 March 2017
5. Letter from occupier of Flat 3, 14 Montagu Place, London, dated 10 June 2017
6. Letter from occupier of 13 Montagu Place, London, dated 29 March 2017

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

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

10. KEY DRAWINGS





Notes

- General
1. Do not scale from this drawing. All dimensions are given in millimeters. Round up to the next millimeter.
 2. The drawings are for information purposes only. All dimensions and levels shall be verified on site and used to construct, install and commission the works.
 3. All work shall be in accordance with the Building Regulations.
 4. Complete details shall be provided. The drawings are to be reviewed against the provisions of the contract.

Project Number: 1602 / PL1
 Design/Drawn: SR Architect
 Date: 10/20/21
 Scale: 1:50 @ AS

SR Architect
 20 Wyndham Place London W8 5DF
 T: 07989 327 633

14 Wyndham Mews

elevation, rear_ proposed

Scale: 1:50 @ AS
 Date: 10/20/21
 1602 / P.4.02 / PL1

DRAFT DECISION LETTER

Address: 14 Wyndham Mews, London, W1H 2PN

Proposal: Erection of ground floor rear extension.

Reference: 17/01838/FULL

Plan Nos: P.4.01 REV PL1, P.4.02 REV PL1, P.3.01 REV PL1, P.2.03 REV PL1, P.2.02 REV PL1, P.2.01 REV PL1, Daylight and sunlight report ref: 59123/IM/DTO/cs

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday; ,
 - o between 08.00 and 13.00 on Saturday; and ,
 - o not at all on Sundays, bank holidays and public holidays. , ,
- You must carry out piling, excavation and demolition work only: ,
- o between 08.00 and 18.00 Monday to Friday; and ,
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

- 5 You must apply to us for approval of materials of the following parts of the development; lean-to. You must not start work until we have approved what you have sent us.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more

information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	402 Edgware Road, London, W2 1ED,		
Proposal	Retention of three storey rear building (fronting Venables Street) measuring 0.4m higher than originally approved, to contain four flats (two of which have previously been approved and results in seven flats in total across the whole site) with associated cycle/ refuse and storage facilities at ground and basement level. Change of use of ground and basement of rear building from car parking to a Class A2 (financial and professional services) unit with associated external alterations to shopfront.		
Agent	Mr Tim Murrery		
On behalf of	Mr Y SARODIA		
Registered Number	15/09890/FULL	Date amended/ completed	5 May 2016
Date Application Received	22 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>The application relates to the rear part of an unlisted building located on the eastern side of Edgware Road. The existing front building comprises a betting office at ground floor level with three flats at upper levels (approved under application 13/12520/FULL – detailed below). The rear part of the site was originally a single storey with a flat roof (this part of the site is wider than the front as it wraps around the back of 404-406 Edgware Road) with rear ground floor garages/workshop appearing to have been annexed to the betting office (although the use of the internal space was not/ has been made clear). An extension to the rear part of the building has been built, as originally approved under application 13/12520/FULL, however this is higher than originally approved and is proposed to contain two more units than originally approved (a total of four units in the rear part of the building and seven across the whole site).</p>

Retrospective permission is sought for the erection of the three storey rear building (fronting Venables Street) to contain four flats and to use of the ground and basement of rear building fronting Venables Street from garages/ workshop to a Class A2 (financial and professional services) unit with associated external alterations to shopfront.

Objections to the proposals have been received primarily on the grounds of harm to neighbouring residential amenity.

The key issues in the determination of the application are:

- The implications of the proposals in land use terms;
- The implications of the proposals in design and townscape terms;
- The impact of the proposals upon the amenity of neighbouring properties.

The proposals are considered with City Council policies in regards to land use, design, amenity and highways terms and are therefore recommended for approval.

4. PHOTOGRAPHS

Rear building facing Venables Street



Front building of application site facing Edgware Road



5. CONSULTATIONS

THE ST MARYLEBONE SOCIETY:

Please defer to planning officer.

TRANSPORT FOR LONDON:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Objection on the grounds of lack of carparking for the residential units, that there are limited details given in relation to the A2 unit proposals, that the waste and cycle parking provision is poor and that doors open out over the highway.

CLEANSING MANAGER:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

No. of objections: 2

Two objections received on behalf of the owners of the adjacent property on the following grounds:

Amenity:

- Loss of sunlight and daylight as a result in the increase in height of the rear building;
- Sense of enclosure from the increased height;
- Loss of privacy;
- Noise impact of residential units upon neighbouring residential and commercial properties.

Other:

- Missing and inaccurate drawings;
- Incorrect description of development;
- Noise impact.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

REVISED APPLICATION

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

No. of objections: 1

One further objection received on behalf of the owners of the adjacent property sustaining their original amenity objections and claiming that the amendments are still inaccurate and there are missing drawings.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to the rear part of an unlisted building located on the eastern side of Edgware Road. Prior to the implementation of the works approved (detailed below), the existing front building comprised a betting office at ground floor level with offices above. The betting office still exists. The rear part of the site was single storey with a flat roof (this part of the site is wider than the front as it wraps around the back of 404-406 Edgware Road) and the rear ground floor garages/workshop appear to have been annexed to the betting office (although the use of the internal space was not made clear).

The recladding works to the front part of the building and the construction of the extension above the garages/workshop has been substantially completed, however the extension has not been built in accordance with the approved plans. A number of the residential units in both the front and rear building of the application site are now occupied. Unauthorised works have also taken place to the rear ground floor elevation in association with the shopfront required as part of the A2 use.

6.2 Recent Relevant History

13/12520/FULL

Planning permission was granted in March 2015 for the recladding of the elevations and alterations to fenestration, construction of first floor rear extension in association the use of upper floors as 5 x 1 bed flats with associated terraces, PV panels and green roofs.

15/06328/FULL

Use of the basement and part ground as an office Class B1 with associated alterations to rear elevation.

This application was withdrawn as the use being applied for was incorrect and the proposals relating to the basement and part ground floor have now been amalgamated with the proposals sought under this application.

7. THE PROPOSAL

Permission is sought for the erection of a three storey rear building (fronting Venables Street) to contain four flats (resulting in seven flats in total across the whole site) with associated cycle/ refuse and storage facilities at ground and basement level (Retrospective permission sought). It is also sought to use of the ground and basement of rear building fronting Venable Street from garages/ workshop to a Class A2 (financial and professional services) unit with associated external alterations to shopfront.

During the course of the implementation of the March 2015 permission, the applicant discovered that the internal floor to ceiling height of the approved first floor extension in the rear part of the building was excessive in height and with the reconfiguration of the mezzanine level, an additional floor could be constructed and another two flats created. This has increased the overall height of the building by 0.4m, when compared to the approved height of the first floor extension as approved in March 2015, resulting in a three storey building fronting Venables street rather than two. This has resulted in a net increase in two residential units, one of which has been built out yet unoccupied and the other has yet to be constructed or any existing concrete knocked through/, as can be seen from the rear elevation of the Venables Street building, where concrete is still visible externally behind the external cladding.

It should be noted that the original consultation of the application incorrectly referred to a 'mansard roof' extension to the rear part of the building and this was incorrect, hence the re-consultation as listed above, when officers discovered discrepancies in the application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential Accommodation

Permission was granted in March 2015 for the use of the upper floors of the building fronting Edgware Road and the building fronting Venables Street at five residential units. The proposed increase in height of the building fronting Venables Street and the reconfiguration of the internal mezzanine level has resulted in a net increase in two residential units. There are no changes to the number of flats in the front of the building. The principle of additional residential accommodation is supported by policies S14 of the City Plan (adopted November 2016) and H3 of the UDP (adopted January 2007).

The scheme will now include seven, one bedroom flats and whilst this does not comply with S15 of the City Plan or H5 of the UDP which requires 33% of all developments to be family sized accommodation of three bedroom or more, given the 2015 permission allowed five, one bedroom units on the basis of the sites location and as the building was being converted rather than fully redeveloped, it is not considered in this instance reasonable to require the applicant to reconfigure the internal floor layouts.

The four flats in the rear part of the building are all considered to meet the standards as set out in the Nationally Prescribed Technical Standards, for one bedroom units and are all considered to offer an acceptable standard of accommodation. The units will receive acceptable levels of natural lighting and all benefit from a private outdoor amenity space.

A2 Unit

At basement and ground floor level to the rear of the site fronting Venables Street it is proposed to use the rear garage/workshop as an A2, financial and professional unit, although the applicant has not confirmed as to exactly what operation is to take place, despite requests from officers. A variety of operations fall within Class A2 and could include for example an estate agents. There are no land use policies protecting the existing unit and therefore in principle the proposed unit is considered acceptable, subject to conditions as discussed in the amenity section of this report.

The proposals are considered to accord with City Council policies and are acceptable in land use terms.

8.2 Townscape and Design

As described above, the application purely relates to the rear section of the site. This application seeks permission to retain discrepancies between the approved plans and the site as built, namely the overall building height is 0.4 metres higher than approved and the buildings reads as 3no storeys as opposed to 2no storeys, the design of the shopfront fronting Venables Street and omission of the sedum roof and skylights.

In addition to the alterations above the extension was constructed with a bulk head to the eaves on the rear of the building. Concern was raised with the bulk of this element and as such this has now been rectified and constructed in accordance with the approved plans from 2015.

The overall design approach is in keeping with the approved scheme which in general has a high quality of design and detailing. Space has been borrowed from generous internal floor to ceiling heights to create an additional floor level, resulting in a 3no storey building with the associated amount of new fenestration on the front and rear elevations. The new fenestration and alterations to the scale of the approved fenestration are considered to be acceptable in design terms as they are of a scale which is not visually dominant and a design in keeping with the contemporary nature of the building. Similarly the design of the shopfront fronting Venables Street (as shown in the drawings and not what has been built on site) has been amended during the course of the application and is reflective of the host building and still creates an active frontage which is welcomed. It is recommended that a condition securing the revised shopfront details are installed within 3 months of any permission being granted.

Whilst the building is higher than the approved scheme, this marginal increase in height is not considered to be so detrimental to the appearance of the building as to be harmful to the townscape; the mass and height of the building is considered to be in accordance with DES 5.

Whilst the loss of the approved sedum roof is regrettable, the introduction of PV panels across both flat roofs achieves a level of sustainability, in accordance with the aims of DES 1. The panels, although partially concealed by a parapet will be visible in some angles from street level, however they are relatively discreet and are considered acceptable.

As a point to note, a sitting tenant in one of the upper floor flats in the front part of the building has installed a brown framed window, thus enclosing the balcony. There is an on-going dispute with the tenant and applicant/ freeholder and officers have been ensured that as soon as access is given to the flat, the window will be removed.

The works are considered to be in accordance with the relevant UPD and City Plan policies and will have a limited impact on the townscape.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Objections have been received on behalf of the occupiers of the flats in 404-406 Edgware Road on the grounds of loss of daylight and sunlight and loss of privacy as a result of the increase in height and the additional windows overlooking their properties. The objectors claim that the extension previously approved was in a mansard roof rather than a 'square extension' and that this had less impact than the proposals now sought.

The first floor of 404-406 Edgware Road is in commercial use and the second and third floors are in use as four flats. The objectors have provided floorplans of these properties, and officers have visited the second floor flats.

The overall height of the rear building is some 0.4m higher than first floor extension approved in 2015. Submitted with the approved scheme was a Daylight and Sunlight Assessment carried out in line with the BRE guide. There were minimal losses of daylight and sunlight to the properties in 404-406 Edgware Road however these were all well within the tolerances of the BRE guidance. Whilst the proposals have not been formally tested again, as objected to, it is not considered that an increase in 0.4m would result in any further unacceptable levels of harm and a further assessment has not be requested of the applicant.

In terms of sense of enclosure it is not considered that an increase in height of 0.4m significantly harms the residential occupiers of the flats opposite the site in 404-406 Edgware Road to warrant refusal.

Approved under the 2015 permission were two windows in the rear elevation of the first floor extension, looking back to the rear elevation of the front building of the application site and rear windows of the office and upper floor flats of 404-406 Edgware Road. The window approved opposite the first floor of 404 -406 Edgware Road was a high level window to a kitchen and partly obscured by the existing boundary wall and resulted in no harmful overlooking to the office opposite or flats upwards. At second floor level a window has been installed and this serves a kitchen. This window is some 4.2m from the windows of the flats at second floor level of 404-406 Edgware and does result in some overlooking, when no blinds/curtains in either property are drawn. It is therefore recommended that a condition to secure an obscure glazed film is attached to the window within 3 months of any permission granted to prohibit any overlooking. The window already has a restrictive mechanism so if opened, this wouldn't negate the obscure glazed film.

The proposed increase in height and the additional windows as a result of the creation of two additional residential units is not considered to give rise to any amenity concerns to other neighbouring properties.

In terms of the implications on an A2 financial and professional service operating on the ground floor, it is generally envisaged that uses falling within this class do not cause harm to neighbouring properties. Uses of this nature are generally of an office nature, keeping daytime working hours and result in little noise impacts from comings and goings and internal activities. However in the absence of any details within the application, it is recommended that a condition securing details of the use and hours of operation are secured.

The proposals, subject to conditions are considered to comply with City Council amenity policies.

8.4 Transportation/Parking

Car parking

Policy TRANS23 of the UDP requires the provision of off-street car parking for residential developments, in line with recommended standards. No off-street parking is proposed within the scheme and the Highways Planning Manager has objected to the application as the existing parking stress levels in the area already exceed the recommended 80% threshold levels. Based on the most recent parking survey, the parking occupancy within a 200m vicinity of the site at nighttime are 100% although with the ability to use single yellow lines the level reduces to 62%. During the daytime, the occupancy level is 92%.

The concerns of the Highways Planning Manager regarding the impact of the lack of parking are noted, however on the basis of the high public transport accessibility of the site, and that under the 2015 permission there was proposed mitigation measures such as a financial contribution towards parking surveys it would not be reasonable to refuse permission in this case for an additional 2 units. It should be noted that whilst a number of the units are occupied, the applicant has not yet entered a legal agreement as required under Condition 10 of the previous permission and therefore this condition is still relevant, however given a change to recent legislation it is not considered reasonable to request a contribution towards parking surveys in respect of the two new units created.

It is considered that the impact of the A2 use on parking levels in the vicinity of the site is expected to be minimal and no objections are raised to this element.

Cycle Parking

Four cycle storage stands are shown in a store at ground floor level, for the seven flats. Whilst this results in a shortfall of three spaces, this area was dedicated as cycle storage under the approved scheme and there is now limited to scope to increase the store size to accommodate the additional units.

No cycle parking is shown for the proposed A2 use. An A2 use requires 1 space per 175m² with a minimum of 2 spaces for the 1st 100m². Given the size of the proposed units, 2 spaces should be provided and the Highways Planning Manager has requested a condition to secure these spaces. There is limited scope within the development site to provide these spaces and whilst regrettable it is envisaged that any staff with cycles could store these within the unit.

Servicing

The proposed additional residential flats raise no servicing concerns.

No off-street servicing is provided for the proposed A2 use and an A2 use is expected to generate significantly less servicing/vehicle trips than the existing use. As such it is not expected to generate a level of servicing which would have a significant adverse impact on the public highway.

The largest regular service vehicle expected to be associated with the proposed development as a whole is the refuse collection vehicle. This will service the site in a similar fashion to the existing use and those in the surroundings.

Waste & Refuse Storage

Waste storage for the residential units (both as approved in the front part of the building and now proposed in the rear part of the building) is shown on the submitted plans to be accessed externally from Venables Street and this is acceptable.

No waste storage is shown for the A2 use. Given the size of the unit and that the unit is likely to be of an 'office based' operation it is not envisaged that there would be substantial refuse and that this could be accommodated within the building itself until collection.

Doors

Several doors open outwards and over the public highway (including the vehicular carriageway) which is unacceptable and contrary to the Section 153 of the Highways Act, TRANS2, TRANS3 and S41. A condition is recommended to revise the door openings to inward opening.

8.5 Economic Considerations

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

8.6 Access

The residential units in the front and rear part of the building, as approved and as proposed whilst benefiting from level access from Edgware Road to within the building are then all access via stairs internally. This is considered acceptable.

8.7 Other UDP/Westminster Policy Considerations

None.

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.

A CIL payment will be required in relation to the two additional units in the rear part of the building and this is yet to be calculated. An informative advising the applicant of the need to contact the City Council to progress this will be attached.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Objections have been received on the grounds of noise and disruption, inaccurate drawings, that the drawings do not accurately show the neighbouring properties and that the works are unauthorised.

In terms of noise and disturbance it is unclear whether the objector is referring to noise and disturbance from construction works or from the increase in number of residential units on site. In terms of construction, the majority of the works have been completed and there have been no complaints of works taking place outside of the standard hours allowed. Some further works and remedial works would be required if permission was to be granted and these would be subject to the same hours of working condition. It is not considered that an application could be refused on this basis.

During the course of the application, officers requested amended plans and these now accurately show the rear part of the building, as built. Neighbours were notified of these amendments.

It is not a statutory requirement for the development to be shown in context of neighbouring properties, however officers consider that the drawings submitted (as amended) are accurate in showing what is proposed and to establish the relationship to neighbours.

Whilst it is regrettable that the works are unauthorised and nearly complete, this is not considered a justifiable reason in which to withhold the granting of planning permission.

9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society, dated 4 June 2016
3. Memorandum from Cleansing Manager dated 20 May 2016
4. Memorandum from Highways Planning Manager dated 23 August 2017.

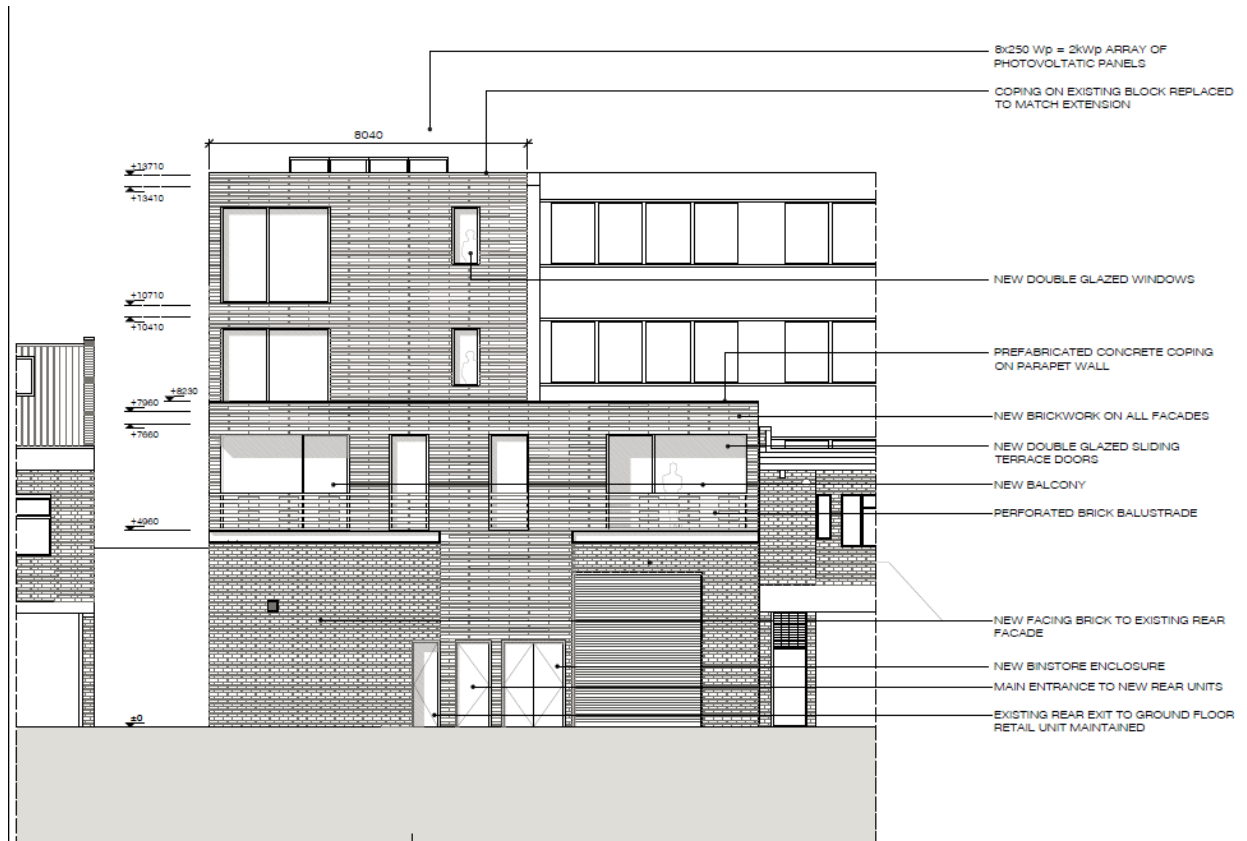
5. Letters on behalf of the owner of 404-406 Edgware Road dated 18 May 2016; 14 June 2016 and 6 July 2017.

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

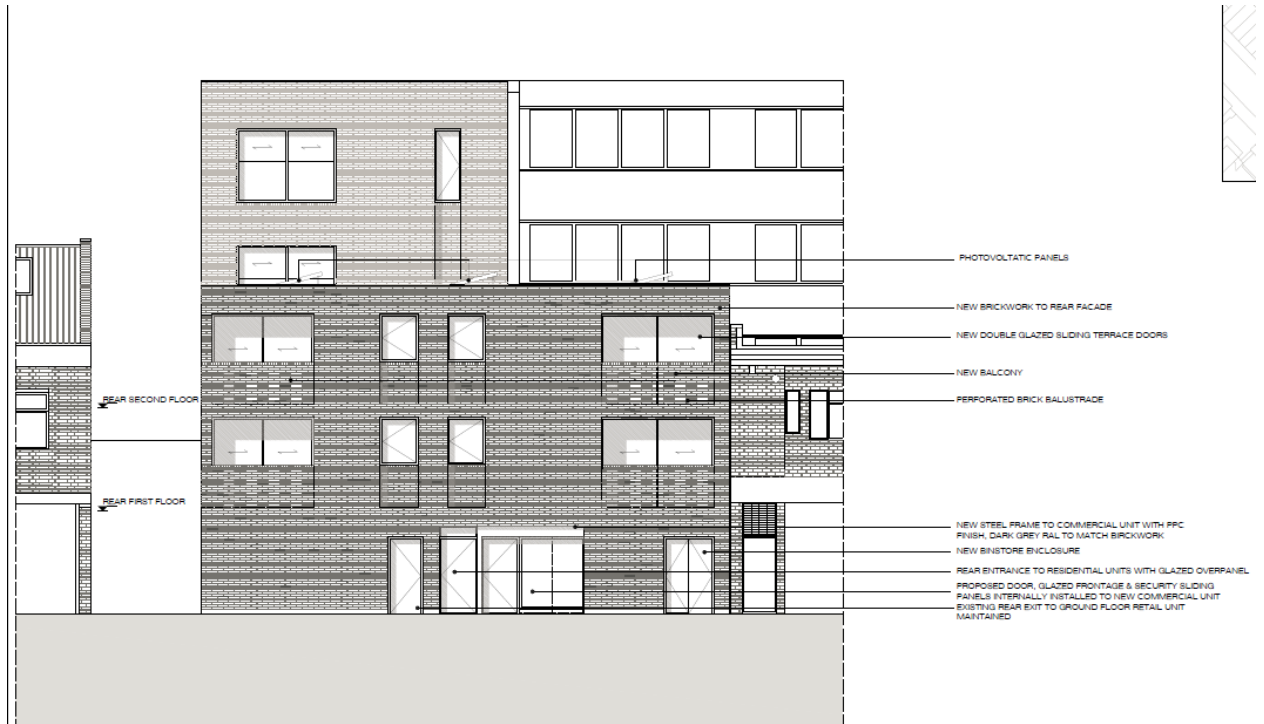
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

10. KEY DRAWINGS

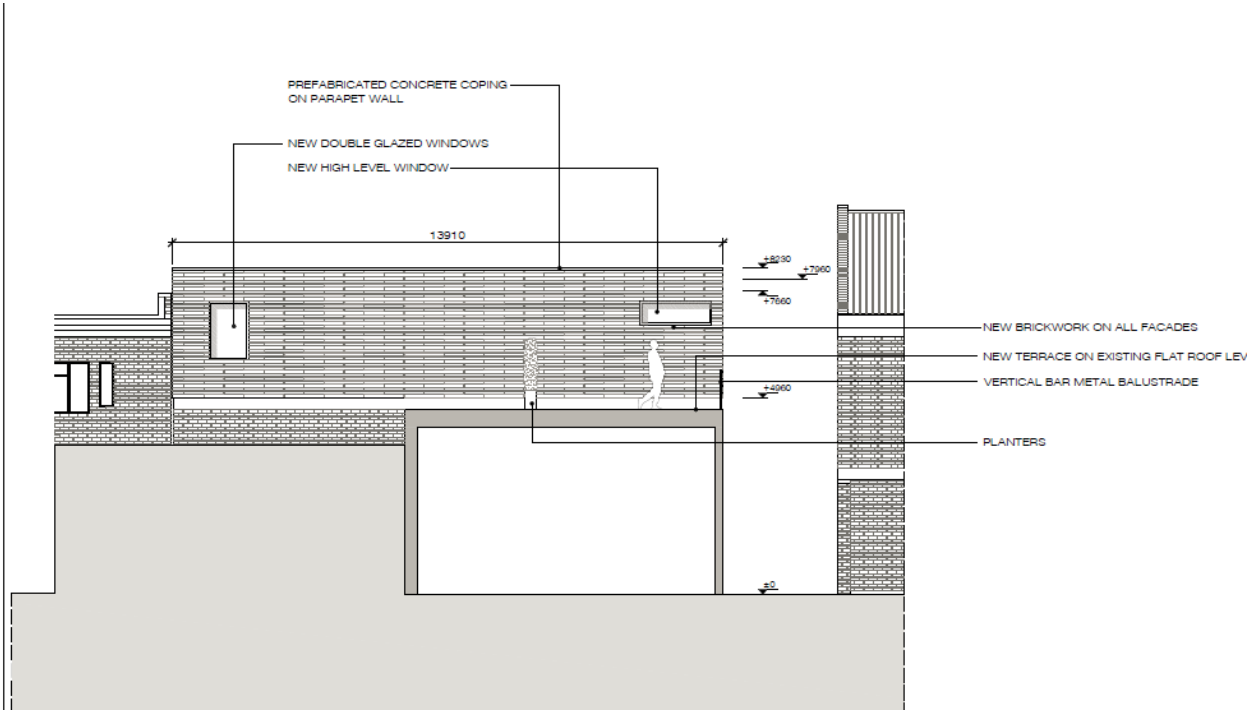
As approved Venables Street elevation



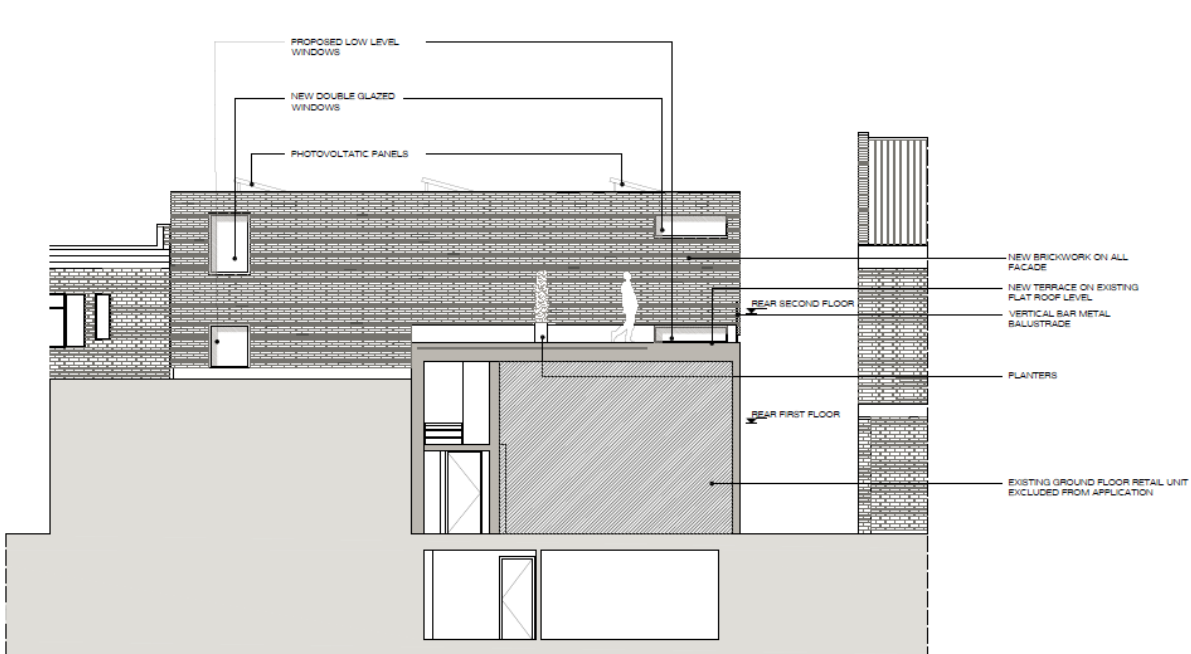
As proposed Venables Street elevation



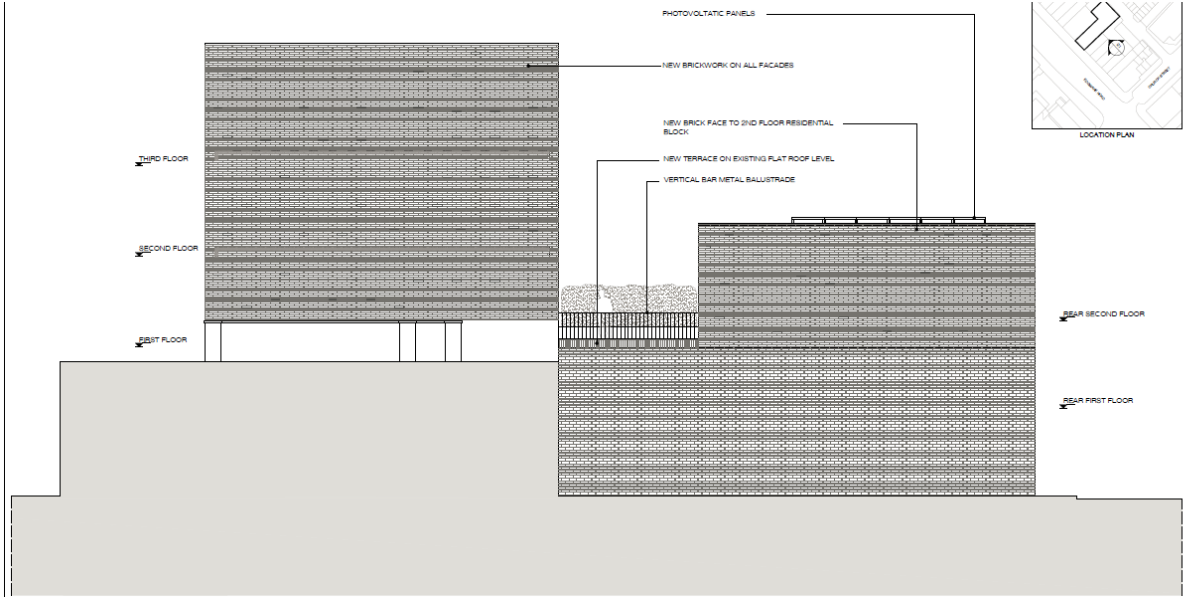
As approved – rear elevation of Venables Street building as seen from 404-406 Edgware Road



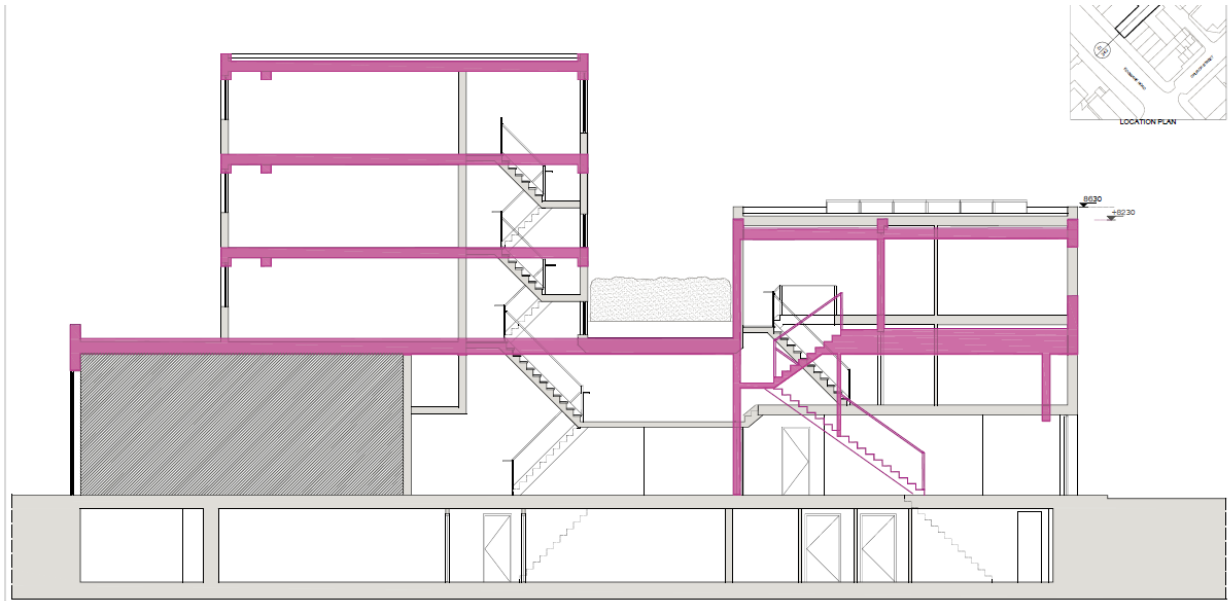
As proposed – rear elevation of Venables Street building as seen from 404-406 Edgware Road



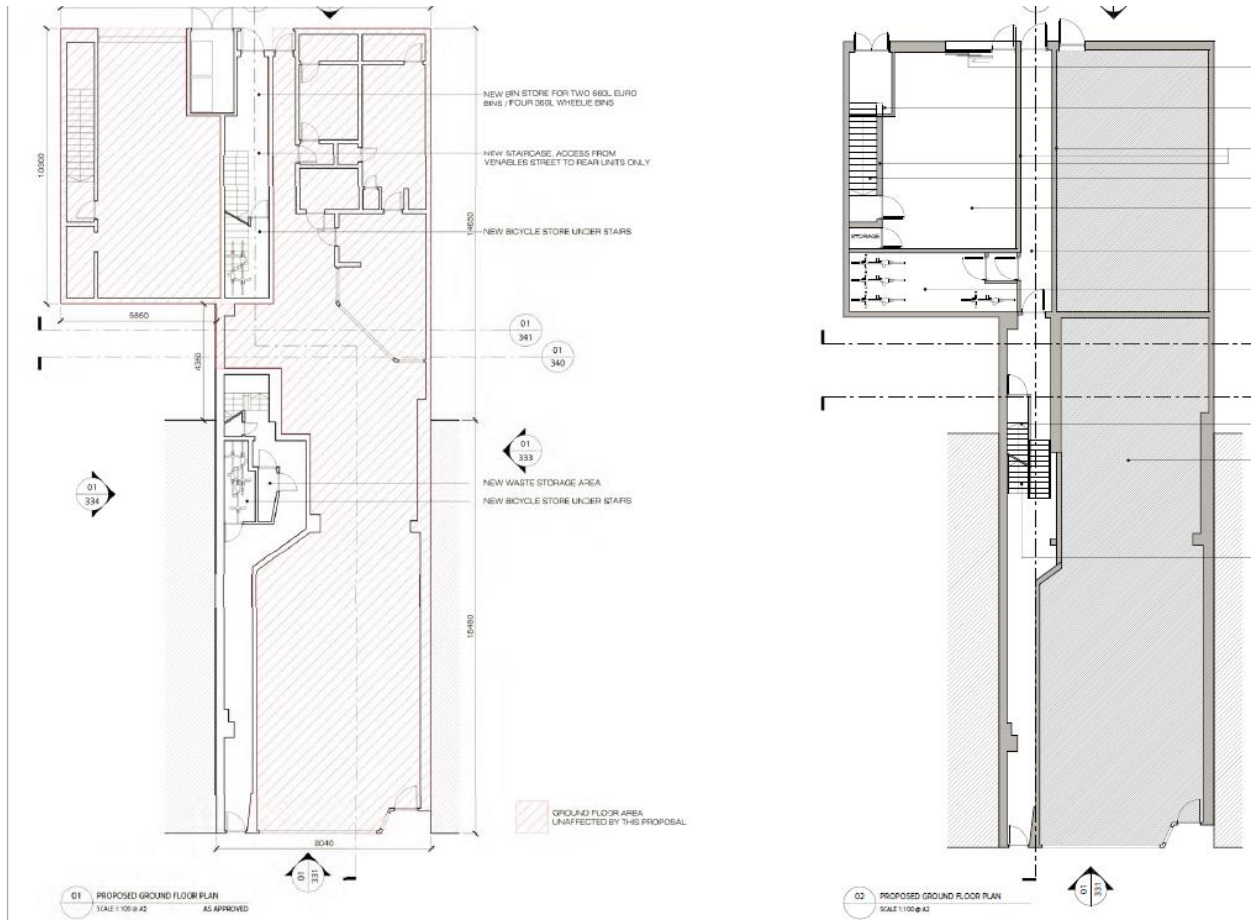
Proposed side elevation / section showing relationship of front part and rear part of application site



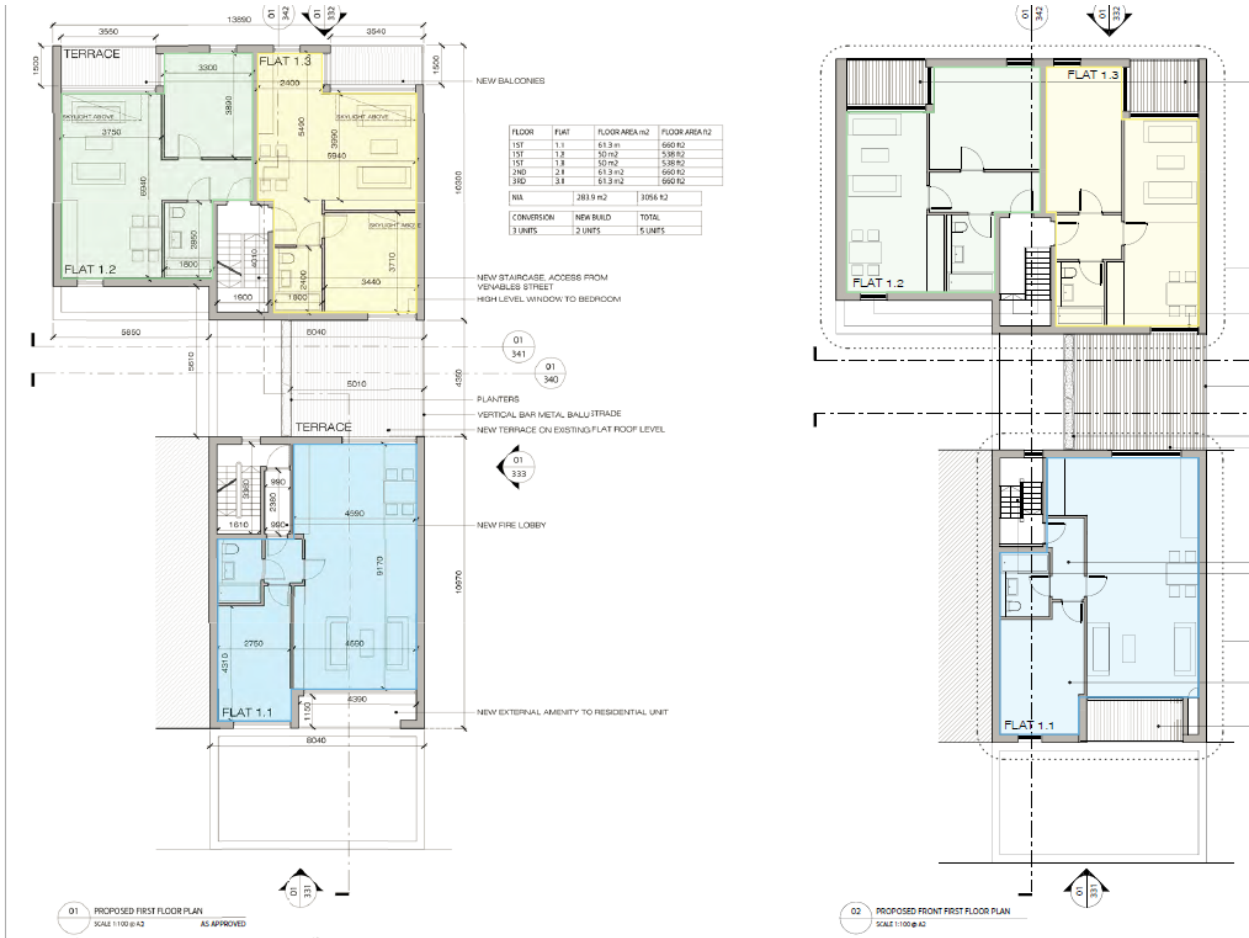
As approved (highlighted in purple) and as proposed section



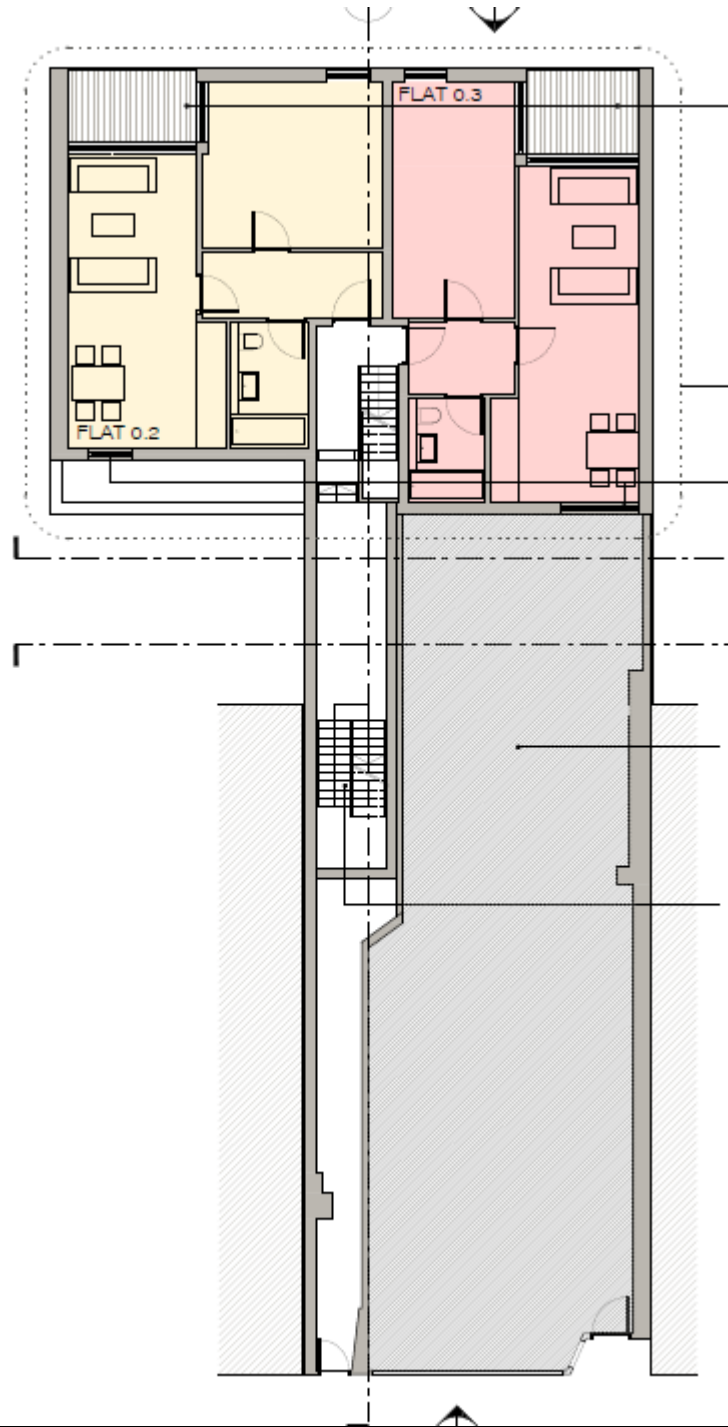
As approved (left) and as proposed (right) ground floor plan



As approved (left) and as proposed (right) first floor plan



As proposed second floor plan



DRAFT DECISION LETTER

Address: 402 Edgware Road, London, W2 1ED,

Proposal: Erection of a three storey rear building (fronting Venables Street) to contain four flats (resulting in seven flats in total across the whole site) with associated cycle/refuse and storage facilities at ground and basement level (Retrospective). Use of the ground and basement of rear building fronting Venable Street from garages/workshop to a Class A2 (financial and professional services) unit with associated external alterations to shopfront.

Plan Nos: Site location plan; Existing front elevation; existing rear elevation; existing section AA; existing side elevation - all numbered 0 A; 041.15 01; 041.15.02; 041.15.03; 041.15.04; 041.15.04; 041.15.06; 600_321 B; 600_322A; 600_323 A; 600_324 A; 600_325A; 600_326A; 600_332B; 600_333A; 600_340A; 600_341A; 600_342A; 600_350A; 600_351A; 600_352A; 600_421B; 600_422A; 600_423A; 600_424A.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 Within 3 months of the date of this permission you must remove the as installed shopfront facing Venables Street and install the shopfront as approved.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 Within 3 months of the date of this permission you must install an obscure glazed film to the rear elevation second floor window opposite 404-406 Edgware Road and this must be retained in that condition therefore. You must provide the City Council with evidence that this film has been applied to this window.

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

- 1) all doors onto Venables Street opening inward and not over the highway.

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

Reason:

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

- 7 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 8 You must provide the waste store shown on drawing 600_321 B 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 of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 Within 3 months of the date of this permission we must have approved appropriate arrangements to secure the following.

- Mitigation of the impact of the development on on-street residents car parking in the vicinity of the site.

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

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 10 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.

- 11 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.

- 12 You must apply to us for approval of details of the exact nature of the approved Class A2 use and the hours proposed. You must not let the A2 unit until we have approved what you have sent us.

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

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

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

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

- 7 With regard to Condition 9, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a contribution of £1,000 per flat (only in relation to the 5 flats approved under the 2015 scheme) towards parking surveys to monitor parking stress levels for on-street residents parking bays within the vicinity of the site. Please look at the

Item No.
8

template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

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