



City of Westminster

# Committee Agenda

Title: **Planning (Major Applications) Sub-Committee**

Meeting Date: **Tuesday 21st July, 2020**

Time: **6.30 pm**

Venue: **Please note that this will be a virtual meeting.**

Members: **Councillors:**

Robert Rigby (Chairman)	Jim Glen
David Boothroyd	Louise Hyams
Geoff Barraclough	James Spencer

**This will be a virtual meeting and members of the public and press are welcome to follow the meeting and listen to discussion to Part 1 of the Agenda**

**This meeting will be live streamed and recorded. To access the recording after the meeting please revisit the link**

**If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.**

**Tel: 07870 548 348; Email: [gwillis@westminster.gov.uk](mailto:gwillis@westminster.gov.uk)**

**Corporate Website: [www.westminster.gov.uk](http://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 Committee and Governance 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 pecuniary interests or any other significant interest 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**

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot at the virtual meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

**(Pages 5 - 12)**

To access the recording after the meeting please revisit the Media link

- |   |                          |
|---|--------------------------|
| <b>1. CENTURY HOUSE, 31 - 32 SOHO SQUARE, LONDON, W1D 3AP</b>   | <b>(Pages 17 - 50)</b>   |
| <b>2. THE WATER GARDENS, BURWOOD PLACE, LONDON, W2 2DA</b>  | <b>(Pages 51 - 82)</b>   |
| <b>3. 466 - 490 EDGWARE ROAD, LONDON, W2 1EJ</b>  | <b>(Pages 83 - 112)</b>  |
| <b>4. 1 CLARIDGE HOUSE, 32 DAVIES STREET, LONDON W1K 4ND<br/>2 – 1-7 DAVIES STREET AND 28-30 SOUTH MOLTON LANE, LONDON, W1K 5AB<br/>3 - 58 BROOKSTREET, LONDON, W1K 5DT<br/>4 - 60 BROOKSTREET, LONDON, W1K 5DU</b> | <b>(Pages 113 - 146)</b> |

**Stuart Love  
Chief Executive  
10 July 2020**

## Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

<b>Order of Business</b>
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

## MINUTES

### Planning (Major Applications) Sub-Committee

#### MINUTES OF PROCEEDINGS

Minutes of a virtual meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 26<sup>th</sup> May, 2020**.

**Members Present:** Councillors Robert Rigby (Chairman), Geoff Barraclough, David Boothroyd, Jim Glen, Louise Hyams and James Spencer

**Also Present:** Councillor Tim Barnes, in his capacity as Ward Councillor, addressed the Sub-Committee on Item 4 in support of the application.

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 The Chairman explained that a week before the meeting, all six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report; together with bundles of the letters or e-mails received in respect of this application containing objections or giving support. If an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue has been ignored.

2.2 Councillor Jim Glen declared that in respect of Item 2 he was a Trustee of the Westminster Tree Trust and advised that he had held no discussions with regard to the Application. In respect of Item 5 he had sat on the Licensing Sub-Committee which had granted the application site a premises licence but had held no discussions regarding the application and was approaching it with an open mind.

2.3 Councillor Louise Hyams declared that, in respect of Item 1, she had previously received information briefings from the applicant on this and other application sites but was entering the meeting with an open mind and had not made any statements regarding the application. In respect of Item 5 she had met with the applicant previously as they owned many properties located in her ward but had not discussed with them the application before the Sub-Committee.

- 2.4 Councillor Boothroyd declared that he was the Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes were in Westminster; if there were he would be precluded from working on them under the company's code of conduct. Some Thorncliffe clients had also engaged planning consultants who were separately representing the applicants tonight: DP9 on items 1 and 2, and Rolfe Judd on item 5. However he did not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.
- 2.5 Councillor Boothroyd also declared that one of the representations on item 1 was from Graeme Cottam, who he regarded as a friend. In respect of Items 1, 2 and 4 he also declared that he was a member of previous committees determining applications on these sites.

### **3 MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 11 February 2020 be signed by the Chair as a correct record of proceedings.

### **4 REINTRODUCTION OF PUBLIC SPEAKING**

#### **RESOLVED:**

That public speaking at virtual Planning Application Sub-Committee meetings be reintroduced.

### **5 PLANNING APPLICATIONS**

#### **1 BROADWAY COMPLEX, 55 BROADWAY, SW1H 0BD**

Conversion of buildings for use as hotel (Class C1) with ancillary flexible retail, leisure/spa, restaurant or bar use and other associated facilities, use of 10th floor roof terraces, internal and external alterations including creation of new service bay off St Ermin's Hill, reconfiguration of entrances/exits to St James's Park Underground Station and rooftop plant.

Additional representations were received from Blue Orchid Hotels (20.05.20) and The Thorney Island Society (21.05.20)

Oliver Sheppard addressed the Sub-Committee in support of the application.

Tony Matharu addressed the Sub-Committee in support of the application.

Simon Owen addressed the Sub-Committee and requested that the application be deferred.

Graeme Cottam, representing the Queen Anne's Gate Residents Association, addressed the Sub-Committee and requested that the application be deferred.

**RESOLVED UNANIMOUSLY:**

- 1) That conditional permission and conditional listed building consent be granted subject to:
  - (a) a S106 legal agreement to secure the following:
    - i) Employment and Training Strategy for the construction phase and operational phase of the proposed development.
    - ii) Payment for all necessary highway works including the following to be carried out prior to the occupation of the hotel:
      - Changes to parking and loading restrictions in St Ermin's Hill.
      - Footway widening to retain Pedestrian Comfort Level (PCL) A on Petty France and Broadway.
    - iii) Cost of monitoring.
  - b) The following additional conditions:
    - i) An Operational Management Plan for the hotel, restaurants, bars, retail, event spaces, external roof terraces and spa/gym facilities.
    - ii) The setting up of a Community Liaison Group including the Queen Anne's Gate Residents Association and St Ermin's Hotel and to consult them, where relevant, as part of the discharge of conditions.
    - iii) A requirement to keep the North/South passage open to the public.
  - c) An additional informative making the applicant aware of the desirability to introduce local convenience uses within the designated flexible ground floor areas.
- 2) That if the S106 legal agreement had not been completed within four weeks of the Committee resolution then:
  - a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional condition to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town

Planning was authorised to determine and issue such a decision under Delegated Powers, however, if not

- b) The Director of Place Shaping and Town Planning should consider whether permission be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and the proposal was unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.
- 3) That conditional listed building consent be granted.
- 4) That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

## **2 DEVELOPMENT SITE AT MILLBANK COMPLEX, 21-30 MILLBANK, SW1P 4QP**

Variation of Conditions 1 and 43 of planning permission dated 28th June 2016 (15/07756/FULL) for 'Refurbishment and replacement of facades and erection of 2 additional floors and plant enclosure to both Millbank Tower and 1 additional floor to the Y buildings; excavation of basement levels; demolition of rear car park in association with re-landscaping and reconfiguration of wider site; all in association with the use of the Tower as 207 private residential flats (Class C3) and Skybar (ancillary to adjacent Class C1), the south podium and part of tower as an arts / cultural facility (Class D1) and the north podium and Y buildings as a hotel (Class C1) with restaurant, bar and café at ground floor level. Use of roof of podium building as a terrace with associated alterations' NAMELY to allow changes to list of approved plans to allow an increase in number of hotel bedrooms from 150 to 232, complete demolition and rebuilding of the prow to allow for reconfiguration of arts/cultural facility, amendments to the residential mix/layouts in the tower, re-configuration of basement car parking and servicing area, adjustments to landscaping and associated amendments.

Late representations were received from the Basio Holdings (undated and 22.05.20) and Environmental Health (undated).

The presenting officer tabled the following revised conditions:

### **Revised Condition 46**

You must not start work on site until an updated assessment has been undertaken and submitted to the Council for approval to confirm that the development results in no adverse impacts to local air quality.

Should the updated assessment continue to demonstrate adverse impacts to local air quality, a mitigation scheme to reduce these impacts as far as



practicable, shall be submitted to the Council for approval. No work can start until the further assessment and the mitigation scheme has been approved by the Council.

Should air quality mitigation measures be required these shall be implemented as set out in the approved document, prior to first use of the development, maintained and retained.

#### **Revised Condition 47**

You must not start work on site until a revised air quality neutral assessment has been undertaken and submitted to the council for approval. The air quality neutral assessment should use data taken from the approved transport assessment and use the selected plant required by the energy centre operating at a maximum capacity for a full calendar year and include any back up combustion technology testing maintenance cycles. If the updated Air Quality Neutral Assessment shows that the approved scheme will not be air quality neutral for either transport or building emissions, you must apply for us for approval for of appropriate offsetting and mitigation measures onsite and offsite, where these are not feasible a financial contribution.

You must not start work on the site until we have approved details of the appropriate arrangements.

In the case of each of the appropriate offsetting and mitigation measures, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing.

#### **RESOLVED (For - Councillors Rigby, Boothroyd, Glen, Hyams and Spencer. Against – Councillor Barraclough):**

- 1) That conditional permission, as amended, be granted subject to the views of the Mayor and subject to a deed of variation to the S106 legal agreement dated 28th June 2016 (ref 15/07756/FULL) to secure:
  - i. The provision of a cultural facility on a 125 year lease with a peppercorn rent for 50 years, with the end user to be agreed by the City Council prior to the occupation of the cultural facility;
  - ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility to be paid prior to the proposed occupier of the cultural facility starting its works to fit out the proposed cultural facility;
  - iii. The provision of a publicly accessible 'Skybar' with no admission fee;
  - iv. Costs of all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions, returning the footway on Thorney Street and footway repaving;

- v. Provision of public art to the sum of £100K (index linked);
  - vi. Comply with the Council's Code of Construction Practice, to provide a Site Environmental Management Plan and provide a financial contribution of £110,000 (£55,000 per annum based on 2 year demolition / construction period) prior to commencement of demolition to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - vii. A payment of £59,115.84 (index linked and payable on commencement) towards Employment, Training and Skills Development;
  - viii. Costs of monitoring the S106 agreement;
  - ix. Unallocated parking.
  - x. A payment of £619,000 towards Carbon Offset (index linked and payable on commencement)
  - xi. A payment of £1,685,577 towards the council's affordable housing fund (index linked and payable on commencement of development) with a late stage review mechanism.
- 2) That if the S106 legal agreement had not been completed within six weeks of the date of the Committee resolution (7 July 2020) then:
- a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) That conditional listed building consent be granted.
- 4) That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

**3 65 HORSFERRY ROAD, SW1P 2ED**

This application was withdrawn from the agenda by officers.

**4 46 BERKELEY SQUARE AND 46 HAY'S MEWS, W1J 5AT**

Installation of plant enclosure, mechanical plant and plant screen at roof level, internal alterations at third floor level; and external alterations to 46 Hay's Mews, including retention of roof terrace within the mansard roof (part retrospective).

An additional representation was received from Caprice Holdings (undated).

Jon Dingle addressed the Sub-Committee in support of the application.

Councillor Tim Barnes addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

**RESOLVED UNANIMOUSLY:**

That permission and listed building consent be refused on the grounds that:

- 1) Due to the height, bulk, design and architectural relationship to the listed building, the plant on the roof of the main building, would harm the special architectural and historic interest of this grade 1 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area; and
- 2) Due to its height, bulk and design, the roof level plant would harm the setting of the neighbouring grade 1 listed buildings at 44 and 45 Berkeley Square and grade 2 star listed building at 47 Berkeley Square.

**5 40-42 WILLIAM IV STREET, WC2N 4DD**

Variation of conditions 5 and 6 of planning permission dated 9th April 2019 (RN:18/03910/FULL) for the 'Use of part ground and basement floors as drinking establishment (Class A4).' Namely, to amend the approved Operational Management Plan to allow increase in number of customers permitted on site from 90 to 135.

A late representation was received from Shaftesbury (22.05.20).

The presenting officer tabled a revision to Condition 4 so that servicing could only take place between 08:00 and 20:00 each day.

Jan Donovan addressed the Sub-Committee in support of the application.

Mark Browning, representing the Resident's Association of William IV Street, addressed the Sub-Committee in objection to the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission, as amended, be granted.

The Meeting ended at 9.53 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 21st July 2020  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 19/04164/FULL  West End	Century House 31 - 32 Soho Square London W1D 3AP	Demolition and redevelopment of 31- 32 Soho Square (part retained facade) and 65-66 Frith Street (replacement building comprising of two basement levels, ground and six upper levels of accommodation), alterations and works to 22-25 Dean Street including the erection of a rear extension at 1st and 2nd floors, alterations and works to 10 Chapone Place including the erection of an extension at 3rd floor level. Proposals include the enlargement and improvement to Chapone Place to provide a new public realm and route through the site linking Soho Square and Dean Street. Proposals will provide new, reconfigured and additional B1 (office) accommodation, flexible A1/A3 (retail/restaurant) units, A1 (retail) units, enlarged A3 (restaurant) unit and a flexible D1/D2 (non- residential institutions/assembly and leisure) unit'.	
<p><b>Recommendation</b></p> <p>1 Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>i) Carbon offset payment of £ 24,890 (index linked) to be paid on commencement of development.</li> <li>ii) All highway works immediately surrounding the site required for the development to occur, including changes works to Chapone Place and associated work (legal, administrative and physical) to be agreed prior to commencement of development and highway works to be completed prior to occupation of any of the new floorspace.</li> <li>iii) A financial contribution towards employment, training and skills of £77,589 (index linked) payable on commencement of development.</li> <li>iv) Costs of monitoring the S106 agreement</li> </ul> <p>2 If the S106 legal agreement(s) has not been completed within six weeks of the date of this resolution then:</p> <ul style="list-style-type: none"> <li>a) The Director of Place Shaping and Town Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> <li>b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ul>				
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s):</b> 20/00170/FULL  Hyde Park	The Water Gardens Burwood Place, London, W2 2DA	Erection of a new building at ground and first floor level around a retained concrete pergola to create a new health and fitness studio (Class D2) at basement, ground and first floor, installation of a green roof, plant equipment and associated works.	
<p><b>Recommendation</b></p> <p>Grant conditional permission</p>				
Item No	References	Site Address	Proposal	Resolution
3.	<b>RN(s):</b> 20/01251/FULL	466 - 490 Edgware Road London	Extension of existing retail unit (A1 class) and change of use of permitted petrol filling station (sui generis) to electric vehicle charging facility (sui generis)	.

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Church Street	W2 1EJ		
<p><b>Recommendation</b>                  Grant conditional permission, subject to a unilateral agreement securing the reinstatement of the vehicle crossover/highway on Orchardson Street and the provision of/funding toward an on-street charging station within the Church Street Ward.</p>				
Item No	References	Site Address	Proposal	Resolution
4.	<p><b>RN(s) :</b>                      Site 1 -                      20/02661/FULL                      Site 2 -                      20/02575/FULL                      and                      20/02576/LBC                      Site 3 -                      20/02577/FULL                      Site 4 -                      20/02578/FULL</p> <p>West End</p>	<p>1. Claridge House, 32 Davies Street, London, W1K 4ND</p> <p>2 – 1-7 Davies Street and 28-30 South Molton Lane, London, W1K 5AB</p> <p>3 - 58 Brook Street, London, W1K 5DT</p> <p>4 - 60 Brook Street, London, W1K 5DU</p>	<p>1. Use of part first floor and second floor as 8 x flats (Class C3).</p> <p>2. Use of part first and second floor as offices (Class B1) and internal alterations</p> <p>3. Use of 4th floor as offices (Class B1)</p> <p>4. Use of 2nd and 3rd floor as offices (Class B1)</p>	
<p><b>Recommendation</b></p> <p>Site 1 (Claridge House, 32 Davies Street):                  Grant conditional permission subject to the completion of a legal agreement to secure the following:                  a) Part of the first floor and second floor of Claridge House, 32 Davies Street be ready for occupation as 8 x flats before or within 12 months of part of the first floor and second floor of 1-7 Davies Mews and 28-30 South Molton, the fourth floor of 58 Brook Street and the second and third floors of 60 Brook Street all being ready for occupation as offices.                  b) Costs of monitoring the S106 agreement.</p> <p>Site 2 (1-7 Davies Street and 28-30 South Molton Lane):                  1. Grant conditional permission subject to the completion of a legal agreement to secure the following:                  a) Part of the first floor and second floor of 1-7 Davies Mews and 28-30 South Molton Lane being ready for occupation as office floorspace before or within 12 months of part of the first floor and second floor of Claridge House, 32 Davies Street being ready for occupation as 8 x flats.                  b) The development shall not be commenced until the location for the provision of 6 x Sheffield cycle parking stands in the immediate vicinity of the site have been agreed in writing with the City Council and any necessary changes to traffic orders have been confirmed. The Sheffield stands must be provided prior to occupation of any part of the site for office (Class B1) use.                  c) Costs of monitoring the S106 agreement.                  2. Grant conditional listed building consent                  3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p> <p>Site 3 (58 Brook Street):                  Grant conditional permission subject to the completion of a legal agreement to secure the following:                  (a) The fourth floor of 58 Brook Street be ready for occupation as office floorspace before or within 12 months of part of the first floor and second floor of Claridge House, 32 Davies Street being ready</p>				

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

for occupation as 8 x flats.

- (b) The development shall not be commenced until the location for the provision of 1 x Sheffield cycle parking stand in the immediate vicinity of the site has been agreed in writing with the City Council and any necessary changes to traffic orders have been confirmed. The Sheffield stand must be provided prior to occupation of any part of the site for office (Class B1) use.
- (c) Costs of monitoring the S106 agreement.

Site 4 (60 Brook Street):

Grant conditional permission subject to the completion of a legal agreement to secure the following:

- (a) The second and third floors of 60 Brook Street be ready for occupation as office floorspace before or within 12 months of part of the first floor and second floor of Claridge House, 32 Davies Street being ready for occupation as 8 x flats.
- (b) The development shall not be commenced until the location for the provision of 1 x Sheffield cycle parking stand in the immediate vicinity of the site has been agreed in writing with the City Council and any necessary changes to traffic orders have been confirmed. The Sheffield stand must be provided prior to occupation of any part of the site for office (Class B1) use.
- (c) Costs of monitoring the S106 agreement.

In respect to the planning applications for all four sites:

If the S106 legal agreement(s) has not been completed within six weeks of the date of this resolution then:

- a) The Director of Place Shaping and Town Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

In respect to the planning applications for all four sites:

If the S106 legal agreement(s) has not been completed within six weeks of the date of this resolution then:

- a) The Director of Place Shaping and Town Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

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# Agenda Item 1

Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 July 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>31 - 32 Soho Square, 65-66 Frith Street, 22-25 Dean Street and 10 Chapone Place, W1D 3AP,</b>		
<b>Proposal</b>	Demolition of 31- 32 Soho Square behind partially retained facade and 65-66 Frith Street and redevelopment to provide a building comprising 2 x basements, ground and six upper floors; alterations and works to 22-25 Dean Street including the erection of a rear extension at 1st and 2nd floors, alterations and works to 10 Chapone Place including the erection of an extension at 3rd floor level. Proposals include the enlargement and improvement to Chapone Place to provide a new public realm and route through the site linking Soho Square and Dean Street. Proposals will provide new, reconfigured and additional office (Class B1), flexible retail (Class A1)/restaurant (Class A3), retail (Class A1), enlarged restaurant (Class A3) and flexible Non- residential institutions (Class D1) /Assembly and leisure (Class D2) uses.		
<b>Agent</b>	CBRE		
<b>On behalf of</b>	Royal London UK Real Estate Fund		
<b>Registered Number</b>	19/04164/FULL	<b>Date amended/ completed</b>	25 March 2020
<b>Date Application Received</b>	29 May 2019		
<b>Historic Building Grade</b>	Unlisted Buildings		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>• Carbon offset payment of £ 24,890 (index linked) to be paid on commencement of development.</li> <li>• All highway works immediately surrounding the site required for the development to occur, including changes works to Chapone Place and associated work (legal, administrative and physical) to be agreed prior to commencement of development and highway works to be completed prior to occupation of any of the new floorspace.</li> <li>• A financial contribution towards employment, training and skills of £77,589 (index linked) payable on commencement of development.</li> <li>• Costs of monitoring the S106 agreement.</li> </ul>
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- If the S106 legal agreement has not been completed within eight weeks of the date of this resolution, then:
  - The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2 SUMMARY

The application site comprises four buildings located close to the south western corner of Soho Square. Permission is sought for the complete demolition and redevelopment of 65-66 Frith Street and redevelopment of 31-32 Soho Square behind a partially retained façade with extensions to 22-25 Dean Street and 10 Chapone Place, to provide a mixed- use office led scheme. The proposal includes a new access from Soho Square into Chapone Place in the centre of the site, which will provide a new pedestrian access between Soho Square and Dean Street.

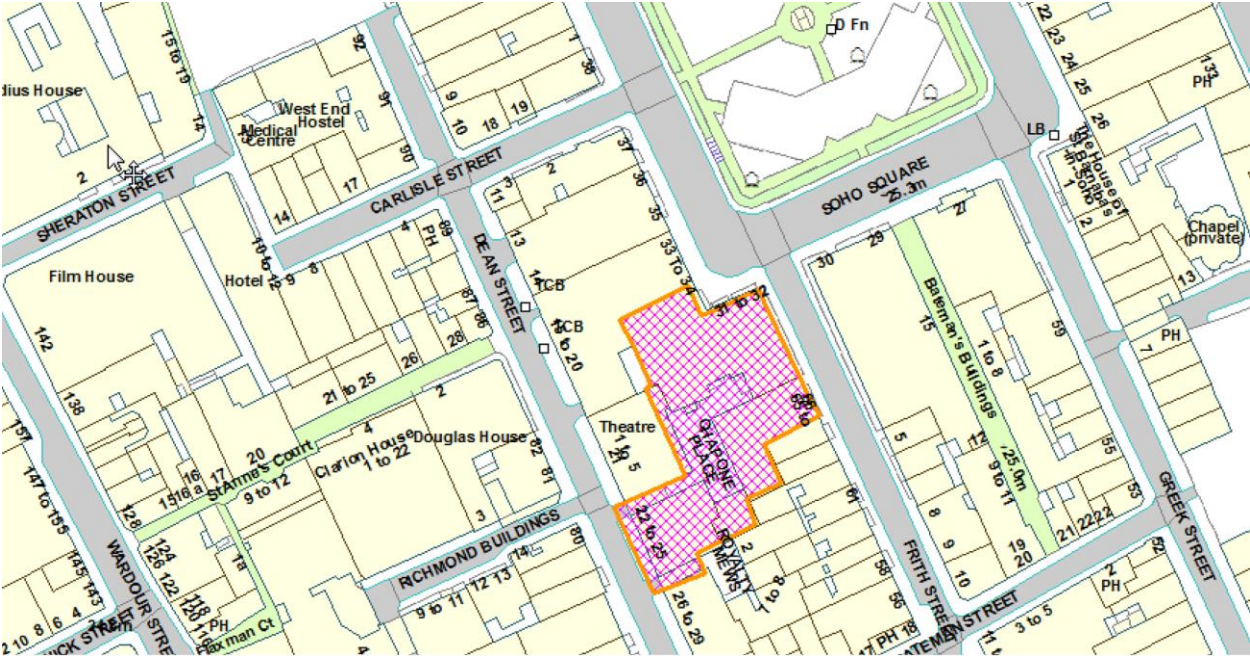
The key issues for consideration are:

- The acceptability of the scheme in townscape and design terms, particularly the partial demolition of 31-32 Soho Square and the impact of the alterations on the character and appearance of the Soho Conservation Area
- The land use implications
- The proposed works to Chapone Place including the impact on residential amenity.

Substantial objections have been received which are addressed in the main body of this report. The principle reason for objection is that 31-32 Soho Square should be retained as the building forms part of Soho's distinctive heritage and culture, due to its occupancy by 20<sup>th</sup> Century Fox and its role in the film industry and the importance of the building and its setting within Soho Square.

The lawful use of 31-32 Soho Square is however offices (Class B1) which will be replaced as part of the scheme. Permission could not reasonably be withheld for the development in an effort to prevent an office tenant vacating the site. Since the original submission significant revisions have been made to the scheme including retaining the majority of the façade of 31-32 Soho Square. It is considered that the development would result in some harm to the townscape, however this is less than substantial and is outweighed by the public benefits including improvements to Chapone Place which are part of a high quality design that would result in a commercial development appropriate to the Soho Conservation Area. Subject to a number of safeguarding conditions the application is considered acceptable in other respects

3 LOCATION PLAN



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**4 PHOTOGRAPHS**



65-66 Frith Street and 31-32 Soho Square looking north on Frith Street.





31-32 Soho Square looking south on Soho Square.

## 5 CONSULTATIONS

(Original Application which involved complete demolition of 31-32 Soho Square and redevelopment).

### SOHO SOCIETY

Objection on heritage, design, environmental and economic grounds

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to comment

### HIGHWAYS PLANNING MANAGER

No objection; welcome the new pedestrian link, and cycle parking, servicing is acceptable subject to a Servicing Management Plan.

### WASTE PROJECT OFFICER

Request further details to be secured by condition.

### ENVIRONMENTAL SCIENCES

Objection: Query the noise assessment for the commercial properties, Construction noise and vibration assessment should be provided, Query the air quality assessment, The termination point of the generator and kitchen extract system should be clearly marked on the plans.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 263

Total No. of replies:

No. of objections: 47

No. in support: 0

47 Objections received on some or all of the following grounds:

#### Land Use

Loss of an important part of film and cinema heritage of Soho.

#### Design:

31-32 Soho Square is a striking iconic piece of 1930's architecture with connections to Soho, replacement with a bland development should be resisted;

Harm to the Soho Conservation Area;

The existing buildings are in good condition and should be retained and refurbished;

Design is inappropriate for Soho Square and harmful to surrounding listed buildings;

Materials are out of keeping with the area;

Building is worthy of listing ;

Unacceptable height bulk and mass.

#### Amenity

Loss of daylight/ sunlight

Noise

Enclosure

Overlooking  
Smells  
Security

#### Other

The development would result in the loss of a recording studio an established creative industry in Soho.

A construction management statement should be submitted dealing with noise and vibration, including piling solutions and methods of demolition

Alterations to Chapone Place are ill thought out, would attract anti social behaviour and would not contribute to the area

Lengthy construction will have a negative impact on local residents and business

Adverse environmental impact associated with demolition

Noise nuisance in Chapone Place to residents

Increased security risk to residents at Townsend House 22-25 Dean Street from activity in Chapone Place

Relocation of the entrance door to flats at Townsend House 22-25 Dean Street from facing onto Dean Street to the side at the entrance to Chapone Place would increase the risk of crime.

No level access is provided.

Congregation of smokers in Chapone Place and adverse impact on Public Health.

Noise from restuarants/ retail unts/deliveries

Increased traffic

Gates to Chapone Place should be locked outside normal office hours

Lack of security to Chapone Place

Light pollution

(Revised scheme, including part retention of façade of 31-32 Soho Square, reduction in height of the redevelopment scheme by 1 floor, amended roof profile, detailed design changes.)

#### SOHO SOCIETY

Objection on the following grounds:

The whole of 31-32 Soho Square should be retained;

31-32 Soho Square is of historical importance to the heritage and culture of Soho due to its occupancy by Twentieth Century Fox and its role n the film industry and the architectural merits of the building;.

Demolition of this unlisted building of merit in the Consevation Area should be resisted, Limited public benefits could be delivered without demolition;

Concern over the demolition and redevelopment of the existing building in relation to the environmental cost;

Noise nuisance from construction;

Detailed design is unacceptable, the existing, stone-faced, 'attic' storey at fourth floor level rebuilt and upwardly stretched is an inelegant solution leading to an overbearing bulky and uniform mansard roof;

Overdominance of the proposed mansard and its detailing;

Weight should be given to the emerging Soho Neighbourhood Plan which seeks to restrain large scale developments.

## ENVIRONMENTAL SCIENCES

Generator flue should be relocated;

Air Quality Neutral Assessment is acceptable;

Construction impacts will be confirmed in a submitted SEMP as required to comply with the COCP;

Based on a noise impact assessment conditions are recommended to ensure that noise from the commercial premises are at an acceptable level

Recommend a condition to ensure suitable mitigation measures are employed during construction

Kitchen extract at 22-25 Dean Street should discharge at high level.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 263

Total No. of replies: 119

No. of objections: 119

No. in support: 0

119 objections on some or all of the following grounds;

### Land Use:

Loss of part of Soho's cultural heritage

A key part of the British Film industry will be lost

No need for additional office space in Soho

The benefits of new office floorspace needs to be given appropriate weight in the current economic circumstances and the very significant change in demand arising from the Covid 19 crisis. Accordingly reduced weight should be given to benefits. Significant weight should be given to protection of the creative industries and specifically film.

Additional retail is not required

### Design

Demolition of the iconic 20<sup>th</sup> Century Fox building should be resisted.

The replacement building is out of scale and jarring even with facadism.

The existing building should be retained and refurbished .

The new building would not fit in with surrounding listed buildings including 63-64 Frith Street.

The architectural significance of Soho Square should be protected.

Large windows at Soho Square and massing of the dormer are out of keeping with the area.

Retaining the façade of 31-32 Soho Square would transform the building into a pastiche.

The new building is too big for the Square and overwhelms the buildings around it.

### Amenity

Noise nuisance resulting from increased activity in Chapone Place.

Relocation of residential entrance at 22-25 Dean Street from Dean Street to in Chapone Place is unacceptable

Loss of light

Loss of privacy

Other:



A further building project in Soho would add to inconvenience in the surrounding area. Major construction works immediately adjacent to a sound recording studio would result noise levels that would prevent the studio from being able to operate. Loss of the recording studio an arts and cultural use is contrary to City City Plan policy S1 and S22 ,UDP policy TACE 5 and London Plan policy 4.6. The proposed basement is contrary to City Plan policy CM28.1.

The building should be refurbished without the ecological cost of partial demolition and construction.

Air Quality assessment should include transport assessments

Noise assessments for the A1/A3 uses do not include LAmax levels

Conditions should be imposed controlling hours of use of terraces, servicing and delivery, hours of opening, no music to be played in the external seating areas, hours of access to the external seating areas, kitchen extraction.

Oppose the new archway entrance from Soho Square. The demise of the square should be retained and protected. The entrance will enable further anti-social behaviour

Adverse impact on traffic due to increased deliveries and noise pollution.

Potential increase in anti social behaviour in the evenings.

Noise Impact Assessment is deficient

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6 BACKGROUND INFORMATION

### 6.1 The Application Site

The site comprises 4 buildings within the Soho Conservation Area, situated on the south western corner of Soho Square with frontages onto Frith Street and Dean Street. Chapone Place in the centre of the site is a small cul-de-sac accessed from Dean Street. The buildings on the site are as follows:

- i) 31-32 Soho Square, which comprises basement, ground and 6 upper floors occupied by 20th Century Fox as offices (Class B1). At roof level a brick built plant enclosure and other roof level structures sit above a mansard storey below.
- ii) 65-66 Frith Street also comprises basement, ground and 6 upper floors. The 6<sup>th</sup> floor and plant room are set back significantly from the principal Frith Street elevation. A two storey extension at the rear fronts onto Chapone Place. The building is also in office use (Class B1).
- iii) 22-25 Dean Street, is a mixed use building comprising basement ground and 6 upper floors. The basement is in use as an acting studio (Class D1), a restaurant occupies the ground floor with offices (Class B1) on the first and 2<sup>nd</sup> floors and 12 residential flats on the on the 3<sup>rd</sup> to 6<sup>th</sup> floors. An arched vehicle passageway from Dean Street provides access into and out of Chapone Place, which is located between the Dean Street and Frith Street buildings.
- iv) 10 Chapone Place is a small 3 storey Mews building in use as offices (Class B1).

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<b>1</b>

None of the buildings are listed. No 31-32 Soho Square is identified in the Soho Conservation Area audit as being an unlisted building of merit. The acclaimed botanist Sir Joseph Banks lived in former town house on the site.

The surrounding area is mixed-use character with a diverse range of commercial, retail, entertainment, cultural and residential uses. As well as the 12 flats on the upper floors of 22-25 Dean Street, there are residential dwellings in proximity to this site above the Soho Theatre (at 3rd –5th floor levels), on the upper floors of 63 Frith Street (to the south east of the application site) and at 2 Royalty Mews (to the south of the application site). The Soho Theatre at 21 Dean Street, which faces at its rear onto Chapone Place, immediately adjoins this application site to the west.

The height, massing and character of the buildings in the immediate vicinity of the site varies significantly between Dean Street and Frith Street, and Soho Square.

## 6.2 Recent Relevant History

- i) 31-32 Soho Square, none directly relevant
- iii) 65-66 Frith Street

Planning permission was granted on the 29th April 2016 for the following development: 'Erection of extensions at rear second and third floor levels and at main roof level to create a new sixth floor in connection with the use of part basement and ground and the first to new sixth floor levels as eleven residential units (Class C3). Use of part lower ground and ground floors as restaurant accommodation (Class A3) and installation of a full height extract duct. Creation of terraces and balconies at second, third, fourth, fifth and sixth floor levels. Installation of plant at rear third floor level with associated screening and at main roof level, photovoltaic cells and alterations to the shopfront, including a bridge over the existing lightwell ( RN 14/09094/FULL)'

- iv) 22- 25 Dean Street

The property has an extensive planning history. The existing building was originally constructed in 1965 further to the grant of planning permission for construction of a basement car park; ground floor shop or showroom use; first and second floor office use and residential accommodation at third, fourth and fifth floor levels.

An application for a new extension to the rear at 1st and 2nd floor levels to provide new office areas was granted planning permission in July 1988 ( RN 88/00606/FULL). A certificate of lawfulness for the existing use of the ground floor as a Class A3 restaurant was granted in May 1995 (RN 95/02240/CLEUD).

Planning permission was granted for alterations at sixth floor level to create a penthouse duplex in April 2002 (RN 01/09438/FULL).

Permission was then approved in August 2011 for use of the basement of Townsend House for an acting studio (RN 11/05694/FULL). The decision notice identifies the acting studio as falling within the D1 (Non-Residential Institutions) Use Class. Condition 5 of this planning permission specifically limits the approved use to acting studio purposes only.

- v) 10 Chapone Place

An application for the erection of a roof extension in connection with the provision of additional Class B1 (office) floorspace was permitted in November 2003 (RN 03/06557/FULL). This approved extension has not however been constructed.

## 7 THE PROPOSAL

The application involves part redevelopment and part extension of buildings to provide an office (Class B1) led, mixed use scheme including retail (Class A1), restaurant (Class A3) and Non-residential institution (Class D1) and or Assembly and Leisure (Class D2) uses. The existing and proposed floorspace figures are set out in the table below.

**Land Use Table**

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
<b>Office (Class B1)</b>	5740	7058	+1318
<b>Retail A1/Restaurant A3</b>	0	827	+827
<b>Residential (C3)</b>	644	640	-4
<b>Non residential institution (Class D1)/ Assembly and Leisure (Class D2)</b>	282	248	-34
<b>Retail (Class A1)</b>	0	85	+85
<b>Restaurant (Class A3)</b>	281	445	+164
<b>Substation</b>	0	60	+60
<b>Total</b>	6947	9360	+2413

The key element of the proposed scheme are:

- i ) the demolition and redevelopment of No's 31-32 Soho Square (behind a partially retained façade ) and 65-66 Frith Street to provide buildings of 2 basements ground and six upper floors for use primarily as offices ( Class B1). The proposed office accommodation has large floorplates but has the flexibility for smaller lettings depending on requirements;
- ii) rear 1st and 2<sup>nd</sup> floor extensions at 22-25 Dean Street and a 2<sup>nd</sup> floor roof extension to 10 Chapone Place providing further office floorspace suited to small and medium sized businesses;
- iii) new retail (Class A1) or restaurant (Class A3) floorspace at basement /ground floors of the new buildings at 31-32 Soho Square and 65-66 Frith Street opening onto Chapone Place in the centre of the site;
- iv)the creation of a new east -west pedestrian route through Chapone Place; linking Soho Square and Dean Street. The landscaping of Chapone Place an existing service yard. This is influenced by the former home of the pre-eminent botanist Sir Joseph Banks who lived in one of the former town houses on the site.

v) relocation of the acting studio from 22-25 Dean Street to the basement of 31-32 Soho Square, and the provision of Class D1 or D2 floorspace.

Further to consultation responses and negotiations with Officer's the application has been revised from the original submission. The scheme initially involved the complete demolition and redevelopment of No 31-32 Soho Square and the replacement building included seven upper floors. The amended application retains part of the existing façade of 31-32 Soho Square and the new building at 65-66 Frith Street and 31-32 Soho Square has been reduced by one upper storey. The roof profile has been significantly changed from a tiered approach to a slate clad mansard type roof. In addition to these amendments detailed design changes include introducing plot widths on Frith Street, retention of eight-over-eight sash windows within the retained façade, and the rebuilding of a portico on the Soho Square frontage.

## **8 DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### Offices (Class B1)

The site lies within the Core CAZ where City Policy S6 identifies as being an appropriate location for a range of commercial and cultural uses.

The proposed development will result in the provision of increased and improved new office accommodation. No's 65-66 Frith Street and 31-32 Soho Square are both office buildings that will be redeveloped. The new office reception/ entrance will be on the corner of Frith Street and Soho Square. The proposed office accommodation will be located at part basement and part ground to 6<sup>th</sup> floor levels of 65-66 Frith Street and 31-32 Soho Square, 1<sup>st</sup> and 2<sup>nd</sup> floors of 22-25 Dean Street and the 1<sup>st</sup> -3<sup>rd</sup> floors of 10 Chapone Place.

The proposed development will provide up to 7058 m<sup>2</sup> of office (Class B1) floorspace. New office floorspace is encouraged within the Core CAZ to enhance Westminster's strategic role in London's office sector, and support London's global competitiveness.

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum. The provision of increased commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location. The increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a benefit. The improved quality and increase in quantum of office floorspace is supported in land use terms.

31-32 Soho Square has had a longstanding occupation by Twentieth Century Fox as the tenant of the applicant who is the freeholder. The lease they have on the building expires in September 2021 and at the same time in March 2019 Twentieth Century Fox were acquired by Disney. Over recent times and presently Disney and employees are vacating the building in advance of the lease expiry and are not extending their lease. The building is currently in low occupation and the applicant advises that employees are being relocated to offices in Hammersmith.

Substantial objections have been received on the grounds that the redevelopment of the site would mean that an important historic association with the film British Film industry would be lost and that permission should be refused because a vital part of Soho's heritage and culture would be eroded. Whilst the concerns that an association with the film industry should be maintained on the site are fully understood, the lawful use of the building is offices ( Class B1). The scheme will reprovide flexible office accommodation. Given the circumstances permission could not reasonably be withheld on the basis that the existing office occupant will be vacating the site.

#### Mixed Use

Policy S1 is applicable for development within the Core CAZ, the Named Street, and Opportunity Areas, which includes net additional B1 office floorspace. Residential is required where the increase in office floorspace is more than 30 % of the existing building (for all uses). In this case the increase in offices of 1318 m2. This is an increase of 15.9 % in relation to the existing building. There is therefore no policy requirement to provide residential.

#### Retail (Class A1)

The scheme will provide two ground floor retail (Class A1) units within Chapone Place with the option of another larger basement and ground floor unit at the northern end of Chapone Place and part of the ground and basement of 65- 66 Frith Street also being used for retail purposes. The dual alternative use of the units fronting onto Chapone Place as either retail or restaurant could potentially result in the provision of 827 m2 of retail floorspace .

The site is within the Core CAZ and the West End Special Policy Area (WERSPA). City Plan policy S6 states the Core CAZ is an appropriate location for a range of commercial uses. The policy also states that retail floorspace will be encouraged throughout the area.

City Plan policy S7 seeks to support the West End Special Retail Policy Area through recognising the unique status and offer of the West End through improving retail space and accommodating for appropriate retail growth. City Plan Policy S21 states that new retail floorspace will be directed to the designated shopping centres. The retail element of the proposed development accords with national and strategic policies for town centre uses, and with Westminster's current and emerging policies.

A number of objections have been received on the basis that there is no demand for retail in the area, and retail use would be harmful to the character of the area. The provision of retail uses fronting onto Chapone Place could enliven an under-utilised part of Soho currently used as a back-of house service yard. Improvements to the Public Realm combined with the active frontage to Chapone Place and a new pedestrian route will transform this area. The land use objection to retail is not considered sustainable as the provision of retail accords with adopted City Plan Policies and the objectives for WESRPA.

Due to the potential impact of delivery and servicing, it is recommended that a condition is attached to ensure that the retail (Class A1) is not used as a food supermarket.

#### Restaurants (Class A3)

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m2) is applicable only in exceptional circumstances. City Plan policy S24 requires proposals for

new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any concentrations of entertainment uses and the 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. The proposal states that new large- scale entertainment uses of over 500 m2 floorspace will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of various parts of the City while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

On the site at present there is an existing restaurant which occupies the ground floor of 22-25 Dean Street. The application seeks to provide additional space to this restaurant at basement level. As set out in the planning history permission was granted in 2016 for the use of part of the ground and basement floors of 65-66 Frith Street as a restaurant of 480 m2 with 146 covers. This space which has previously been permitted as restaurant floorspace is now proposed to be used as flexible retail ( Class A1) or restaurant (Class A3) floorspace.

The scheme involves the provision of a further flexible retail ( A1) restaurant (A3) unit located within the new building on the site of 31-32 Soho Square and 65-66 Frith Street at ground and basement levels fronting onto Chapone Place. In total the development could result in the provision of three separate restaurant units. The majority of the floorspace is at basement level. The units would all have active frontages onto Chapone Place.

Objections have been received from residents at Dean Street and Frith Street overlooking the site, that the the increased activity would result in significant noise nuisance to residential flats on the upper floors surrounding the yard. Their concerns are that the underused service yard provides relief for the residential flats from the busy street frontages of Dean Street and Frith Street. Objections are made on the grounds that the site lies within the heart of the West End Stress Area where entertainment uses should be restricted. The concerns are that mechanical plant and customer activity would result in noise nuisance, in addition the likelihood of noise nuisance increases because of the scope for external seating. Furthermore that Chapone Place could be a magnet for anti social behaviour.

The proposal would undoubtedly transform this part of the site. The applicant considers this to be a key benefit in which the combination of the landscaping works and active frontages would result in an attractive destination. The provision of service uses is acknowledged and the landscaping would undoubtedly result in significant physical improvements. The new pedestrian route through Chapone Place linking Soho Square and Dean Street is also welcomed.

The acceptability and success of the proposed changes to Chapone Place will ultimately be dependent upon how the space is managed. The proposal is that it would be gated on Dean Street and Soho Square, with public access on Monday to Saturday between 06.30 and 00.00 and Sunday 07.30 and 23.00. Whilst the concerns from surrounding residents regarding noise nuisance are understood, it is considered that they would only really be justified if the area was to be used either intensively late in the evening or for vertical drinking. If however the main focus of use of the space is during the day and early evening with limited external seating noise nuisance concerns are unlikely to materialise.

The operational details can be secured as part of Operational Management Plans. On the basis that the space is well managed it could be a significant benefit to the locality. It is recommended that all the uses fronting onto Chapone Place are required to adhere to Operational Management Plans which will be secured by condition.

Other more specific objections relating to noise breakout from within the commercial units or from mechanical plant are not considered sustainable. Acoustic reports has been provided and Environmental Health raise no objection subject to the imposition of a number of conditions which will control the operational activities. With relevant safeguarding conditions in place it is considered that the proposed restaurants would not have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. The proposed restaurant uses are considered to be in accordance with UDP Policy TACE10 and City Plan Policy S24.

### Non-residential Institution (D1) Assembly and Lesisure (D2) uses.

The scheme seeks to use an area at 2<sup>nd</sup> basement level at 31-32 Soho Square and 65-66 Dean Street building for flexible occupation for D1 (Non residential Intitution) or Class D2 Asembly and Leisure purposes.

The basement of 22-25 Dean Street is currently occupied by Giles Foreman Centre for Acting. This acting studio took occupation of this space, further to permission being granted in 2011. The college provides private tuition and offers a number of courses. The applicant advises that they are currently in discussions with regards to their relocation on the site. The existing acting studio is a social and community facility. Loss of this use would be contrary to UDP policies SOC1 and SOC3. It is therefore recommended that the educational use is secured by condition. Other uses within Class D1 or D2 would only be considered acceptable in the future if it is demonstrated that there is no prospect of the space being used as an alternative social and community facility.

## **8.2 Townscape and Design**

### **Urban design and conservation issues**

The site lies in the Soho Conservation Area and includes buildings on Soho Square, Frith Street, Dean Street and Chapone Place. This is a sensitive site, in one of the most historic squares in the City of Westminster, and adjacent to a number of important listed buildings. These include: 36 and 37 Soho Square (West side), 29-31 Soho Square (South side), 58-64 Frith Street (West side), 5-7 Frith Street (East side).

It also lies within the Mayor's London Views Management Framework Protected Vista 2B.1, which is the view from Parliament Hill (oak tree) to the Palace of Westminster.

### **Century House, 31-32 Soho Square**

This is a neo-Georgian building designed by Gordon Jeeves in the inter war period. It has a long association with the Soho film industry having been occupied by Twentieth Century Fox since 1937, but they have now largely vacated the building. Until recently the building had a distinctive, circular, neon '20<sup>th</sup> Century Fox' sign at high level facing north onto Soho Square. This has now been removed.

Historic England recently considered a request to include the building on the statutory list, but decided that it was not of sufficient special architectural and historic interest to justify listing. The

Historic England report with respect to listing states:

Degree of architectural interest:

- the neo-Georgian design of the principal elevations, although fitting for its location on the corner of Soho Square, does not display sufficient architectural distinction or detailing to distinguish it from other similar office buildings of this date and style;
- the internal decoration, fixtures and fittings do not demonstrate particularly high levels of quality, rarity or survival.

Degree of historic interest:

- the association with the film industry in Soho, particularly with the internationally renowned Twentieth Century Fox Film Company, although longstanding, is not of sufficient interest in a national context to compensate for its degree of architectural interest as a relatively typical inter-war office development;
- the activities which occurred in Twentieth Century House, although essential to the co-ordination of the company's work, were principally more standardised commercial and administrative practices associated with the wider film industry which do not have the same level of historic interest demonstrated by those listed buildings associated with the film industry that better reflect specialist activities directly related to film making and production.

Degree of group value:

- the group association with several other listed buildings bordering Soho Square and its contribution to the conservation area it stands in is acknowledged but does not confer special interest.

Century House makes a positive contribution to the Soho Conservation Area, as stated in the City Council's Soho Conservation Area Audit. It is an undesignated heritage asset. The building relates to the architectural character of this side of Soho Square, which is characterised by Georgian and neo-Georgian buildings, including the adjoining 33-34 Soho Square. It also relates well to, and contributes positively to the settings of, the grade 2 listed building at 29-30 Soho Square. There is a strong presumption to retain Century House because of its contribution to these heritage assets.

### **65-66 Frith Street**

This is not an unlisted building of merit and it makes a neutral contribution to the conservation area. Its demolition and redevelopment is considered acceptable in principle, subject to an appropriate replacement building which respects the character and appearance of the conservation area and the settings of the listed buildings to the south.

### **Legislation and national policy**

The key legislative requirements in respect to designated heritage assets are as follows: Section 66 of the same Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*



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

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

### **The proposed demolition and redevelopment**

#### **a. Demolition and facade retention**

There have been lengthy pre-application negotiations with respect to demolition and redevelopment of the existing buildings. Officers consistently advised the applicant that Century House should be retained because of its positive contribution to the character and appearance of the Soho Conservation Area and the settings of adjacent listed buildings. As a result of these negotiations, and taking into account local pressure for the retention of the buildings, the scheme no longer proposes total demolition and redevelopment. The proposals have also been reduced significantly in terms of height and bulk.

The current proposal is still for extensive demolition of Century House but with significant parts of the street facades retained. On Soho Square the ground to third floors of the existing facades would be retained. The fourth floor would be rebuilt, 600 mm higher than the existing. The increase in height would be made up between the cills of the fourth floor level windows and the existing string course above the third floor windows.

On Frith Street the five bays of the northern end of the Century House facade would be retained (to third floor level as in Soho Square) but the remaining three bays would be demolished. No. 65-66 Frith Street would also be demolished.

At ground floor level the existing windows would be replaced with larger, shopfront sized windows allowing views into the interior. The existing portico on Soho Square would be relocated very slightly to the west and its projection from the facade reduced. A stained glass window is proposed to be inserted into the portico.

#### **b. New build elements**

The aim of the redevelopment is to provide large office floor plates across the whole site, behind both the retained facades and new facades. The architects have sought to introduce greater variety in the Frith Street frontage by demolishing the southern part of the Century House facade and introducing a new, modern facade, between the retained facade of Century House and the new facade at no. 65-66. This facade would be four bays wide, five storeys high, and faced in a dark brick. The new facade at no.65-66 would be of similar design but five bays wide and faced in faience (glazed terracotta).

#### **c. Roofscape**

The existing roofscape of Century House comprises a traditional mansard-type roof (albeit with a shallower pitch than usual), with a sheer storey above, and roof top plant room. This would all

be demolished. Above the facades of the proposed building is a two storey steeply pitched roof, with projecting dormers at fifth floor level and recessed dormers at sixth floor level. On top is a large plant room, with pitched sides. The height of the proposed plant room is approximately 1 metre higher than the top of the existing plant room. The proposed roof is bulkier than the existing. The largest increase is at the southern end of the building (above No. 65-66). The proposed building is not tall enough to affect the London Views Management Framework Protected Vista 2B.1 - Parliament Hill to the Palace of Westminster.

d. The Chapone Place courtyard

In the south-west corner of Soho Square a new pedestrian entrance is proposed to allow access into Chapone Place, which links through to Dean Street. Chapone Place is an historic yard which is now unattractive and under used. The existing buildings on the south and east sides of Chapone Place would all be demolished, except for the building at no. 10. This would be retained and the windows replaced. A roof extension would be added at third floor level. The utilitarian rear facades of Century House (the east side of Chapone Place) would be replaced with modern facades. At 22-25 Dean Street, including the entrance to Chapone Place, new shopfronts would be installed.

Chapone Place would be lined with retail and café uses on the east and south side, including 10 Chapone Place and the rear of 22-25 Dean Street. The design of the space would take inspiration from the fact that Sir Joseph Banks, the 18<sup>th</sup> century botanist, lived in a house on the site. This is proposed as a planning benefit, which should be considered in the overall NPPF balance of harm and benefits of the proposals.

Consideration and consultation responses

A large number of objections have been received on urban design and conservation grounds. These are summarised and responded to below.

a. Demolition

There is significant local opposition to the proposed partial demolition of Century House. As stated above, Historic England considered whether or not to list the building and decided earlier this year not to add it to the statutory list. If the building had been listed it would have been protected externally and internally, and it is highly likely that the current proposals would have been considered unacceptable and recommended for refusal (because of the extent of demolition and alteration).

However, as Century House is not listed there is no protection for the internal features of the building, which could be removed without approval from the City Council as local planning authority. Nevertheless, planning permission is required for external alterations and demolition of the structure of the building.

The principle of demolishing an unlisted, twentieth century commercial building, such as Century House, behind its retained street facades, and creating new office space behind, is not contrary to the City Council's urban design and conservation policies. The City Council has approved a large number of such schemes over many years, where the street facades (which make a positive contribution to the conservation area) are retained and the floor structures replaced with new floors. In many cases the replacement of floor structures would not, in itself, have a harmful impact on the conservation area. Such schemes are normally considered acceptable provided the new building elements are appropriate and acceptable, and do not harm the character and appearance of the conservation area, or if the overall benefits of a

scheme outweigh any heritage harm.

Although the draft Soho Neighbourhood Plan currently carries little weight in considerations, it noted that it puts greater emphasis on retaining whole buildings and encouraging retrofitting. It states:

**Policy 22: Refurbishment and Retrofitting of Existing Buildings**

Major development must evaluate the potential of options to retrofit and improve the sustainability of existing buildings before considering redevelopment. Retrofitting measures to existing buildings which require planning permissions will normally be strongly supported. Where retrofitting involves adaptations to heritage assets, these may be supported where the impacts have been carefully considered and justified and adverse impacts minimised and which do not cause significant harm.

With respect to new office buildings it includes a presumption against large floorplates. It states:

**Policy 7: New Office Developments**

Office development proposals should be designed to provide flexibly sized workspaces and accommodate a wide variety of business occupiers and large floorplate office developments designed for single occupiers should normally be avoided due to their adverse effects upon the character and heritage of the Plan area.

In line with this approach the Soho Society and others are strongly opposed to the proposals and would like to see a retrofitting approach adopted, with the existing Century House retained and refurbished. While this is considered to be an acceptable alternative, the current proposals for partial demolition and redevelopment are considered, in principle, to be compliant with the City Council's policies and approach to such commercial buildings, for the reasons set out above.

There are also objections to the demolition of the southern part of the Frith Street facade of Century House. The building has a long, eight bay facade to Frith Street, which is at odds with the prevailing narrow plot width pattern of buildings in the street. It is considered that demolishing three bays of Century House and introducing a new, additional, facade is an acceptable design approach as it will break up the street frontage and increase architectural variety into the Frith Street streetscape.

**b. Design of new build elements**

It is considered that the new build elements of the scheme are generally acceptable in urban design and conservation terms. The new facades on Frith Street are of high quality modern design and are appropriate to their context in terms of their scale, proportions, detailed design and the use of materials. The same applies to the proposed rear facades on the east side of Chapone Place. The alterations to 10 Chapone Place and its roof extension are acceptable in principle. All details and materials should be reserved for approval by conditions.

Objections have been received with respect to the proposed alterations to the retained facades and the design of the new build parts, including :

- the design of the new roof.
- the proposed use of diamond-patterned natural slate.
- the 'stretched' Century House façade.

- the changes to the ground floor windows.
- the reduction in the depth of projection of the (existing) portico.

The roofscape of Century House with its mansard roof and sheer brick facade above is an unconventional arrangement. It is considered that the sheer top floor and plant room are not of architectural merit and they detract from the existing mansard roof below. Therefore, the principle of introducing a new roofscape is considered acceptable. Whilst two storey mansard roofs are not characteristic of the Soho Conservation Area, and would be resisted in many cases, there are a number of examples, such as the neo-Georgian buildings immediately to the north on the west side of Soho Square, as well as more recent examples in Wardour Street. The diamond patterned slate is unconventional and if planning permission is to be granted a condition could be imposed to secure a more traditional design.

It is considered that the proposed roof is acceptable in principle, although the increase in height and bulk does cause a small degree of harm (less than substantial) to the conservation area. This increase is visible in views from Soho Square (particularly from the north-west corner) and from the south in Frith Street.

The proposal to 'stretch' the top floor of the façade, inserting approximately 600 mm above the third floor string course, is necessary to accommodate the floor levels of the new building behind. It is considered that this is a relatively small change to the facade which would cause less than substantial harm to the appearance of the building and its contribution to the character and appearance of the conservation area.

The windows in the retained facade will all be small multi-pane sashes to match the existing. Details of these should be required by condition. The windows in the new roof are more modern in detail, although of traditional size and proportions. This is considered an acceptable design approach.

The loss of the existing windows at ground floor level is considered acceptable in principle as this will increase the transparency of the ground floor and enhance street level visual activity. The design of these new windows should be reserved by condition. The alterations to the existing portico are small and not considered harmful. The stained glass should be reserved for approval by condition.

#### c. Chapone Place

The proposed improvements to Chapone Place are, in principle, in accordance with the City Council's urban design and conservation policies and the draft Soho Neighbourhood Plan. The Neighbourhood Plan states:

##### Policy 1: Development Proposals in the Soho Conservation Area

Proposals for development which protect, respect and enhance the character of the Soho Conservation Area in terms of their size and scale will be supported. Public rear yards, courts, back streets and mews all contribute to the distinctive local character of Soho and should be protected and enhanced as part of development proposals.

##### Policy 28: Securing New Pedestrian Routes

Development that provides carefully considered public access through developments over previously private and inaccessible land to improve pedestrian connectivity and

convenience will normally be supported unless there are adverse impacts which cannot be mitigated.

The Soho Society consider that the proposed new building even with a partially retained façade does not deliver significant public benefits to justify its demolition. They consider that the improvements 'are a public benefit but this could be achieved without demolishing Century House which is of historic and cultural significance'.

It is considered that the new route and the reactivation of Chapone Place with new uses are public benefits in urban design and conservation terms. The works improve pedestrian movement patterns and create an attractive place for people to use. Introducing a new route from Soho Square could be considered to be eroding the historic integrity of the original layout of the Square, however, this is a relatively small and discrete pedestrian route which does not have a significant visual impact on the Square.

As the Soho Society suggest, it is possible that an alternative scheme which retained the existing building could also deliver improvements to Chapone Place. However, this application has to be judged on its own merits. The public benefits associated with the improvements to Chapone Place have to be weighed up against any harm to heritage assets.

#### Conclusion on urban design and conservation matters

This is a highly controversial scheme. The initial proposals involving the demolition of Century House were wholly unacceptable in heritage assets terms, because of the impact on the Soho Conservation Area and the settings of adjacent listed buildings. The revised proposals address many of the objections raised by officers to the original scheme, although they do not address the concerns of a large number of objectors.

It is considered that the revised scheme will still cause less than substantial harm to the character and appearance of the Soho Conservation Area but overall the scheme includes public benefits which will outweigh that harm. It is not considered harmful to the settings of adjacent listed buildings. While the scheme does not comply with some of the policies in the draft Soho Neighbourhood Plan, taken as a whole it is considered to comply with the City Council's urban design and conservation policies. It is considered to comply with the NPPF.

### **8.3 Residential Amenity**

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, 'Site layout planning for daylight and sunlight: a guide to good practice' (the BRE Guide). The second edition of this guidance was published in September 2011.

#### Daylight and Sunlight

The applicant has submitted a Daylight and Sunlight Report by Avison Young which assesses the impact on the proposed development on daylight and sunlight levels at the following residential properties: 21 Dean Street, 2 Royalty Mews, 9 Royalty Mews, 63 Frith Street, Townsend House 22-25 Dean Street, 78 Dean Street, 79 Dean Street, 80 Dean Street and 81-

82 Dean Street.

### Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

The layout of the residential properties is not known and therefore, for the purposes of the daylight distribution test, reasonable assumptions have been used.

### Sunlight

With regard to sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

### Assessment

The majority of the buildings tested comply with BRE guidelines in terms of both daylight and sunlight. In the case of 7 of the 9 properties tested there are no material breaches in excess of BRE guidelines. The two exceptions are 3 flats at 21 Dean Street and 2 flats at 63 Frith Street. In both cases breaches in BRE guidelines are to light levels to bedrooms. The BRE guidelines state that 'whilst bedrooms should be analysed they are 'less important'.

At 21 Dean Street windows facing the site relate to flats 3, 4, and 5 located on the top 3 floors of the building. An objection has been received from the occupant of Flat 4 that the 'daylight and sunlight report plays down the real negative impact that the proposals will have on daylight and sunlight enjoyed by adjoining residential properties'.

At Flat 3 which is located on the 3<sup>rd</sup> and 4<sup>th</sup> floors the main living room has sloped back windows which will continue to receive VSC levels in excess of 27 % in compliance with BRE guidelines. A 3<sup>rd</sup> floor bedroom window which is recessed with a balcony above would see a VSC of 6 % reduced to 1.5 %. Although this is a significant percentage reduction the low levels of light to the bedroom window can be attributed to the design of the building. The window is recessed below an overhang which cuts out light to the top of the window. There are also technical breaches in BRE guidelines to windows at 4<sup>th</sup> and 5<sup>th</sup> floor levels of the building which serve separate flats. The breaches occur because the loss in VSC levels exceeds 20%. However, in each case the retained VSC levels are close to 20% which is good for the location.

At 63 Frith Street the building comprises 3 flats on the 1st to 3rd floors. The impact of the development will be similar to the impact on 21 Dean Street described above. The main living rooms to the flats at 63 Frith Street face away from the application site and are not affected by the proposal. There are breaches in excess of BRE guidelines at two bedroom windows. The study indicates that there would be a 44% and 49% loss in VSC levels to first floor bedroom windows, with retained VSC levels of 11%. In terms of sunlight the windows face west where the sun is lower in the sky. Although the percentage loss of sunlight is high the retained levels of sunlight are 18% of annual probable sunlight hours. At flat 2 on the second floor one of two bedroom windows would experience a reduction in VSC levels from 11.87 % to 6.8 % a loss of 42%.

Although the development would not be fully compliant with BRE guidelines with regards to losses to light the impact is limited to rear bedroom windows at two properties. It is considered that the losses referred too would not materially adversely impact on the amenity of these flats. This aspect of the application is therefore considered to be acceptable.

Objections have been received from residents at both Dean Street and Frith Street that the development will result in overlooking and a loss of privacy. The redeveloped building at 31-32 Soho Square and 65-66 Frith Street is on the same rear building line as the existing buildings and the window arrangement at the rear is similar to the existing position. This does not create any new overlooking or privacy issues.

Permission is sought for new terraces at 5<sup>th</sup> and 3<sup>rd</sup> floor levels at the rebuilt 65-66 Frith Street. The proposed terrace at 5<sup>th</sup> floor level presents no overlooking issues. The proposed 3<sup>rd</sup> floor roof terrace is close to the rear of No's 63 and 64 Frith Street. It is recommended that the terrace is screened to prevent overlooking. Details of screening will be secured by condition. It is also recommended that the roof area is only used as a terrace during normal office hours and not beyond 7pm to ensure that there is no noise nuisance.

The proposed extensions rear 1<sup>st</sup> and 2<sup>nd</sup> floor extension to No 22-25 Dean Street and 3<sup>rd</sup> floor extension to No 10 Chapone Place raise no privacy issues.

#### **8.4 Transportation/Parking**

The application is accompanied by a Transport Statement and Delivery and Servicing Plan by TTP Consulting. This details the proposed parking, servicing and waste management arrangements in connection with the development.

##### *Servicing*

The proposal relies largely on on street servicing, albeit that it is possible for a transit- sized vehicle to enter and leave Chapone Place in forward gear from dean Street. This is not in line with policy Trans 20 and City Plan policy S42 which seeks that servicing should be undertaken off street. It is however largely the same as the existing situation which has the same constraints on the size of the vehicle that can get into Chapone Place. The Highways Planning Manager comments that it is estimated that there is likely to be a slight uplift in the number of vehicles visiting the site. However a Servicing Management Plan is offered which is aimed at better managing arrivals of all vehicles. With a Servicing Management Plan in place this aspect of the application is considered to be acceptable.

### *Car Parking*

It is welcomed that the development will have no car parking

### *Pedestrian Link*

Chapone Place is not public highway and will remain in private ownership once the development is complete. The creation of a new pedestrian link between Soho Square and Dean Street is welcomed.

### *Cycle Parking*

The proposal is that 118 cycle parking spaces would be provided across basement levels 1 and 2. This is in line with London Plan standards.

## **8.5 Economic Considerations**

The economic benefits derived from the provision of this mixed use commercial scheme which would deliver an additional 2413 m<sup>2</sup> of commercial floorspace within the Central Activities Zone, are welcomed. This accords with the strategic aim to provide sustainable economic growth.

## **8.6 Access**

At 22-25 Dean Street the scheme involves relocation of an entrance to existing residential on the 3<sup>rd</sup> to 6<sup>th</sup> floors from its location on Dean Street to within the alleyway leading into Chapone Place. This would increase the size of the restaurant frontage on Dean Street. Objections have been received from residents in the building that the proposed change to the position of their entrance would increase the risk crime. The objection is considered sustainable and it would be preferable if the residential entrance is retained in its present location. It is recommended that this is dealt with by way of an amending condition.

Access to the new office building will be relocated from Soho Square further east to the junction of Soho Square and Frith Street. The change to the point of access is acceptable.

## **8.7 Other UDP/Westminster Policy Considerations**

### Plant

Plant is proposed at sub-basement, basement and at main roof level. Subject to the imposition of suitable conditions including securing the submission of a supplementary acoustic report to demonstrate that the operation of plant is capable of complying with the relevant criterion within UDP Policy ENV 7, this aspect of the application is acceptable.

### Refuse /Recycling

Waste storage is provided at sub basement level at 31-32 Frith Street and basement level of 22-25 Dean Street. The scheme will provide refuse storage capacity for two days. Collections on Soho Square/ Dean Street are daily. The Waste Project Officer has requested details of temporary waste holding areas and access routes to waste stores from the uses which will be secured by condition.

### Sustainability

The London Plan states that developments should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:



1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

London Plan Policy 5.1 and 5.2 expects an overall reduction in carbon dioxide emissions by 60% by 2025, and it is expected that under guidance from the GLA, London boroughs will take measures to meet this target. Policy 5.2 requires development to follow an energy hierarchy and seek to reduce carbon dioxide emissions, with a current target for non-domestic Development to minimise emissions by 35% against Part L of the Building Regulations 2013.

The applicant has submitted two energy strategies in support of the application. One relates to the proposed new building on the site of 31-32 Soho Square and 65-66 Frith Street. The other relates to the proposed refurbishment and extension of 22-25 Dean Street and 10 Chapone Place. These energy strategies use the new carbon factors (SAP 10) that were released in July 2018 and apply from January 2019 onwards this is in line with the most recent Energy Assessment guidance (October 2018) published by the Greater London Authority (GLA).

These reports assess the impact of using passive and low energy design technologies to reduce baseline energy demand and carbon dioxide emissions followed by the application of low and zero carbon technologies. It sets out how the principles of the above referenced energy hierarchy in London Plan Policy 5.2 has been incorporated into the proposals.

#### Summary – New Building (31-32 Soho Square and 65-66 Frith Street)

The results of the analysis undertaken indicate that the proposed energy strategy for the new building would result in an overall improvement of 25.4% over the standards set out in Part L of the 2013 Building Regulations. This is below the 35% target as set out in the London Plan but is considered to be the maximum that is reasonably achievable based on a review of all potential options.

The annual shortfall of carbon emission reductions in comparison to this policy target is estimated in the report to be 8.88 tonnes of CO<sub>2</sub>. The applicant proposes to make a payment in lieu in relation to this on the basis of £95 per tonne shortfall for a 30 year period. Applying this methodology to the scheme results in an off-set payment of £25,270. This calculation methodology accords with the GLA's October 2018 Guidance in relation to Carbon Offset Funds

#### Summary – Refurbished/ Extended Buildings (22-25 Dean Street and 10 Chapone Place)

The proposals for the refurbishment and extension of 22-25 Dean Street and 10 Chapone Place will minimise Carbon Dioxide emissions in accordance with the Energy Hierarchy and comply with Building Regulations 2010 Approved Document L2B (AD L2B).

The proposed energy strategy incorporates passive and active design measures, resulting in an area weighted reduction of Carbon Dioxide emissions of 58.73% over the baseline carbon emissions across these two buildings.

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The proposed scheme includes the provision of air source heat pumps. This will provide heating and cooling in all parts of the development. This is expected to contribute an additional 14.95% carbon emissions savings for the new building on the site of 31-32 Soho Square and 65-66 Frith Street and an additional 14% carbon emissions savings for the refurbishment/ extension of 22-25 Dean Street and 10 Chapone Place. Whilst this is below the 20% target as set out in City Plan policy S40, this is considered to be the maximum that is reasonably achievable.

It is considered that the Proposed Development achieves a high level of environmental and economic sustainability and carbon reduction and therefore accords with the Development Plan.

### Basement

The application involves the excavation of an additional basement level beneath the site, which is dealt with under City Plan Policy CM28.1. As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

### Flood Risk

Policy S30 (Flood Risk) of the City Plan states that all development proposals should take flood risk into account and new development should reduce the risk of flooding. A Flood Risk Assessment submitted in support of the application by Waterman identifies the application site as falling within Flood Zone 1 as indicated on the Environment Agency's Flood Map. The site is therefore considered by the Environment Agency to have a low probability of flooding from rivers or the sea.

The risk of flooding from groundwater and artificial sources has also been assessed in the Flood Risk Assessment and found to be low.

### Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service by:

-Helping residents access a wide range of opportunities in a range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.

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-Supports developers to deliver their agreed targets through a service with a proven track record. In the past 2 years the Westminster Employment Service has delivered over 1500 jobs for Westminster residents.

-The note sets out how contributions will be calculated according to the type of development proposed. The applicant has agreed to make contributions in accordance with the guidance note. Based on the increase in floorspace the scheme will generate a financial contribution of £77,589.54 which will be secured as part of the S106 agreement.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

### **8.9 Neighbourhood Plans**

The Soho Society considers that weight should be given to the emerging Soho Neighbourhood Plan which aims to resist large scale developments. Consultation on the Regulation 16 (Submission) Draft Soho Plan closed on 10 July 2020. Following this consultation the proposed plan and representations are due to be submitted to an Independent Examiner later this year for examination. The examiner will determine whether the Plan meets a number of statutory tests and if it can be adopted as part of Westminster's Development Plan. At this stage the plan carries no weight in decision-making.

### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 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.

The NPPF is clear that planning decisions should be made on assessment of the proposed resulting development rather than the processes such as construction which is subject to environmental health controls.

This is set out in Para 183 of the NPPF as follows. 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'.

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

### **8.12 Planning Obligations**

The draft 'Heads' of agreement are proposed to cover the following issues:

- Carbon offset payment of £ 24,890 (index linked) to be paid on commencement of development.
- All highway works immediately surrounding the site required for the development to occur, including changes works to Chapone Place and associated work (legal, administrative and physical) to be agreed prior to commencement of development and highway works to be completed prior to occupation of any of the new floorspace.
- A financial contribution towards employment, training and skills of £77,589 (index linked) payable on commencement of development.
- Costs of monitoring the S106 agreement.

The estimated Westminster CIL payment is : £482,600.

The estimated Mayoral CIL payment is £193,040.

### **8.13 Environmental Impact Assessment**

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

### **8.14 Other Issues**

#### Construction impact

A number of objections have been received on the grounds that construction works and construction traffic will result in significant noise nuisance and would be harmful to the locality. This will be particularly severe given that the development follows a number of a substantial building projects including Crossrail which have resulted in prolonged disturbance within Soho.

A detailed objection has been received on behalf of Soho Square Studios a sound recording studio located at part ground and basement floors of 33 Soho Square. The objection refers to the studio being in operation since 2007 and that the studio is a highly valued location for audio dialogue recording. The business cannot operate if external noise and vibration sources cannot be almost wholly excluded. The objection refers to advice received from a sound and vibration specialist who has advised that given the nature of the development, sound and vibration emanating from the project would make it practically impossible for the studios to continue to trade. The conclusion reached is that permitting the scheme will be highly likely to result in the permanent closure of Soho Square studios.

The objection refers to the fact that studios are an arts and cultural use that are protected by City Plan S22, UDP policy TACE 5 and London Plan policy 4.6. In considering the application and weighing up the merits of the application very significant weight should be given to the

protection of the creative industries. The proposal would harm Soho Square Studios and thus the creative industries and the cultural heritage of Soho. Furthermore that reduced weight should be given to the benefits of the delivery of office space in the light of a very significant change in demand arising from the Covid 19 crisis.

The recording studio is not within the demise of the application and the application does not propose the loss of this use. The application cannot be assessed against the policies referred to above. A recording studio is recognised as being a noise sensitive use and accordingly adequate mitigations measures should be in place to minimise any impact of construction noise. Permission could not however reasonably be withheld due to the impact of construction. The NPPF is clear that planning decisions should be made on assessment of the proposed resulting development rather than the processes such as construction which is subject to environmental health controls.

This is set out in Para 183 of the NPPF as follows. 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'

Prior to June 2016, Construction Management Plans would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. Enforcement of the SEMP will be undertaken by the Environmental Inspectorate.

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance.

The applicant is committed to carrying out the development in accordance with the City Council's Code of Construction Practice and in accordance with the Council's requirements they have completed appendix A in the submission regarding the future requirements regarding the submission and approval of bespoke construction management plans at a point when a contractor is in place. They advise further that a qualified and experienced acoustician has been appointed who would advise through the construction process. Key potential elements of the approach are identified as being :

Future planning between contractor and neighbours and adherence to agreed hours for 'noisy' works and early notification of significant works to allow businesses to plan operations;

- Early and quick severing of structural connections;
- Erection of screens across sensitive areas of the exposed wall to protect internal rooms against airborne noise. This may require scaffolding and sheets of ply/sterling board or proprietary constructions screens, such as Echo Barrier;

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- Planning site access to minimise HGV arrivals/departures outside sensitive buildings;
- Monitoring of noise/vibration (to ensure compliance with established and published limits);
- Community involvement including regular progress meetings and a dedicated line for emergency contact.

In addition to the condition which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) a further condition is recommended which will require specific measures as part of the environmental management plan to control and mitigation of construction noise and vibration as experienced by the recording studio at 33 Soho Square.

#### Air Quality

Objections has been received due to the principle of redeveloping the site and the increase servicing and the associated impacts on air quality. The Air Quality assessment submitted with the application considers the impact of potential dust generation during the construction period, the suitability of the site for the proposed uses and the potential impact of traffic and energy-related emissions associated with the proposed development once operational. The Air Quality assessment concludes that the development is air quality neutral in terms of its on-going operational impact. The mitigation of dust etc during demolition and construction will be managed through compliance with the City Council's Code of Construction Practice.

#### Environmental cost of refurbishment rather demolition.

The Soho Society have objected that an assessment has not been made comparing the environmental cost of a refurbishment scheme against the cost of demolition. Furthermore that the applicant hasn't adequately demonstrated that there is no demand for use the existing buildings on Frith Street and Soho Square. Whilst these points are noted there is no policy requirement for an assessment of the existing buildings energy performance to be made against the proposed scheme. Furthermore the applicant has not advanced the argument that there is no prospect of the existing buildings being occupied and this is not required in the assessment of the scheme.

(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 <a href="mailto:mwalton@westminster.gov.uk">mwalton@westminster.gov.uk</a>
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## KEY DRAWINGS

### 6.01 | Proposed Plans

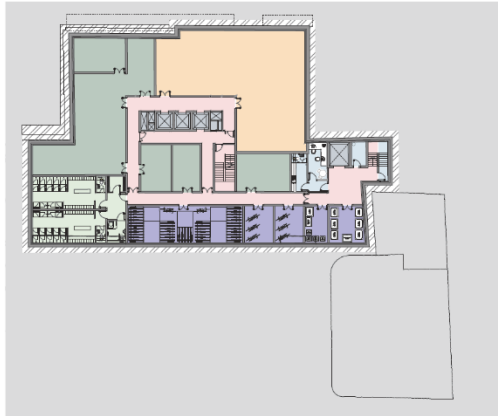


Fig 1 | Proposed Basement Two

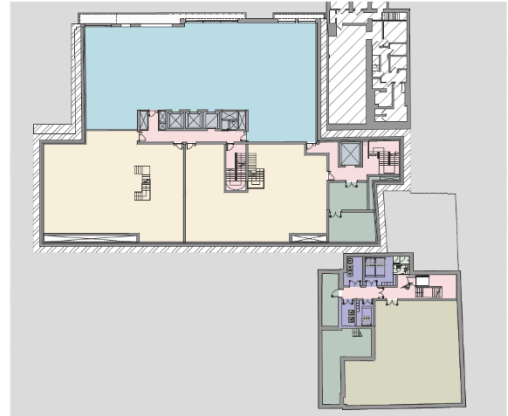


Fig 2 | Proposed Basement One

KEY	
<span style="color: blue;">●</span> Office B1	<span style="color: purple;">●</span> Ground Floor Office Entrance - B1
<span style="color: green;">●</span> Store/plant B1	<span style="color: orange;">●</span> D1/D2
<span style="color: pink;">●</span> Circulation B1	<span style="color: lightgreen;">●</span> Shared Common Parts
<span style="color: lightblue;">●</span> WC/ Shower's B1	<span style="color: blue;">●</span> Bike/ Refuse Store
<span style="color: yellow;">●</span> A1/A3 Unit	<span style="color: lightblue;">●</span> Building Manager's Facilities
<span style="color: olive;">●</span> A1	<span style="border: 1px solid black; border-radius: 50%; padding: 2px;"> </span> No Proposed Works
<span style="color: grey;">●</span> A3	



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### 6.01 | Proposed Plans



Fig 1 | Proposed Ground Floor

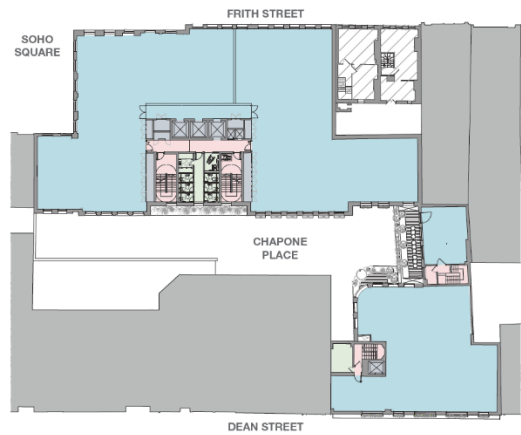


Fig 2 | Proposed First Floor

KEY	
<span style="color: blue;">●</span> Office B1	<span style="color: purple;">●</span> Ground Floor Office Entrance - B1
<span style="color: green;">●</span> Store/plant B1	<span style="color: orange;">●</span> D1/D2
<span style="color: pink;">●</span> Circulation B1	<span style="color: lightgreen;">●</span> Shared Common Parts
<span style="color: lightblue;">●</span> WC/ Shower's B1	<span style="color: blue;">●</span> Bike/ Refuse Store
<span style="color: yellow;">●</span> A1/A3 Unit	<span style="color: lightblue;">●</span> Building Manager's Facilities
<span style="color: olive;">●</span> A1	<span style="border: 1px solid black; border-radius: 50%; padding: 2px;"> </span> No Proposed Works
<span style="color: grey;">●</span> A3	



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6.03 | Proposed Section



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Fig 1 | Proposed Frith Street Elevation



Fig 2 | Proposed Soho Square Elevation

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Chapone Place



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<b>1</b>

# Agenda Item 2

Item No.
<b>2</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 <sup>st</sup> July 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>The Water Gardens , Burwood Place, London, W2 2DA</b>		
<b>Proposal</b>	Erection of a new building at ground and first floor level around a retained concrete pergola to create a new health and fitness studio (Class D2) at basement, ground and first floor, installation of a green roof, plant equipment and associated works.		
<b>Agent</b>	Mr Liam Lawson Jones		
<b>On behalf of</b>	Church Commissioners for England		
<b>Registered Number</b>	20/00170/FULL	<b>Date amended/ completed</b>	10 January 2020
<b>Date Application Received</b>	10 January 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside of a conservation area, although the Bayswater Conservation Area lies immediately to the west.		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

The application site is an area of hard landscaping with planters located to the South of the Water Gardens between the estates South tower and Burwood Road. It includes a basement and a concrete canopy supported by piers. The application site is unlisted and lies outside a conservation area, although the Bayswater Conservation Area lies immediately to the west. It is also located within the Edgware Road Stress Area.

The landscaped area is closed off by railings and is only accessible by residents of the Water Gardens. The basement is currently vacant but has previously been used as porter's storage and back of house uses associated with the Water Gardens.

Permission is sought for the erection of a new building at ground and first floor level around the retained concrete pergola to create a new health and fitness studio (Class D2) at basement, ground and first floor level and the installation of a green roof, plant equipment and other associated works.

Forty-one neighbours have submitted objections on a number of grounds including land use, impact on amenity, design and security. Five representations of support have also been received.

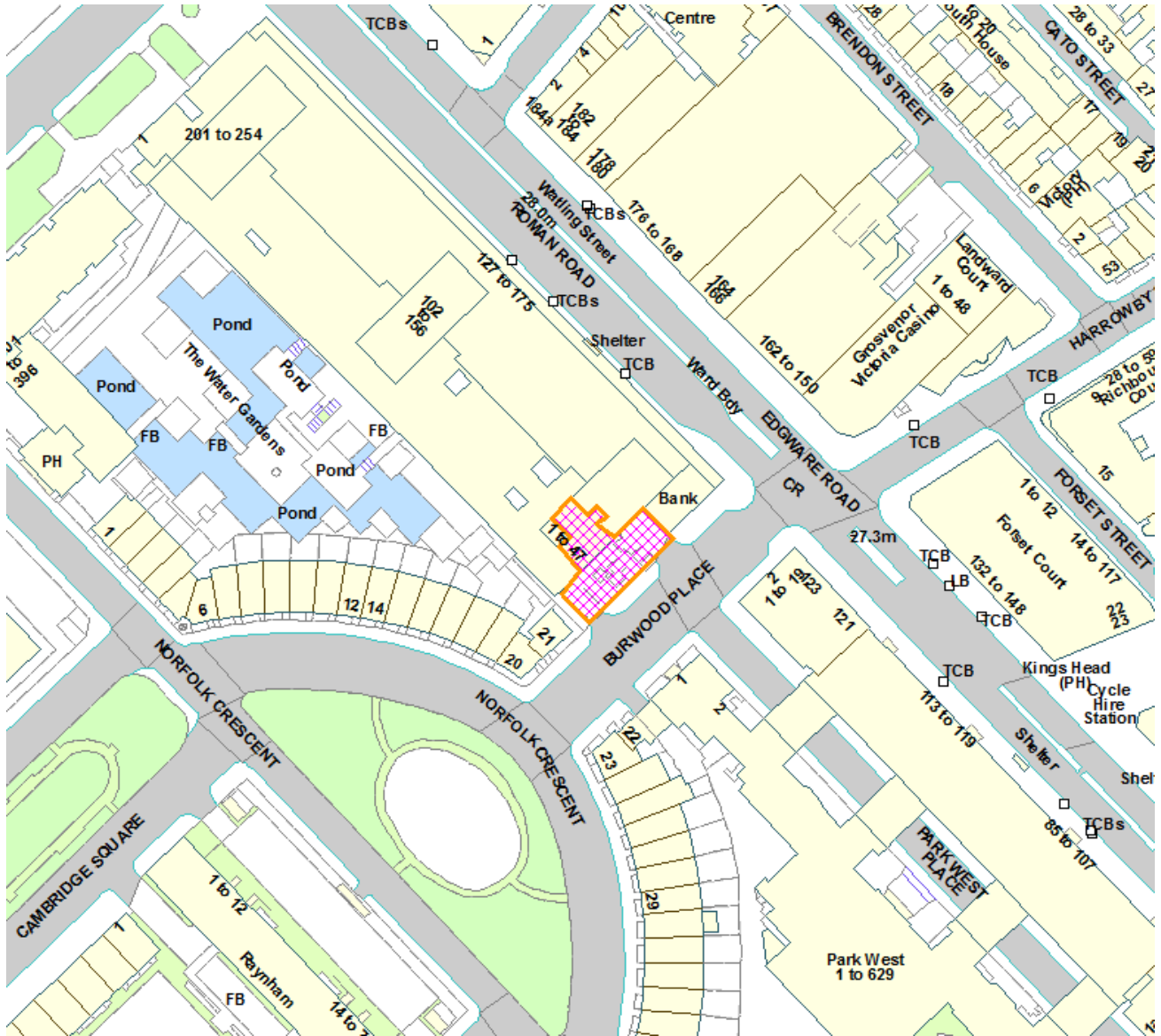
The key issues are:

- The acceptability of the proposals in land use terms.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposals upon the amenity of neighbouring residents.

For the reasons set out in this report, the proposals are considered acceptable in land use, design and amenity grounds and the application is recommended for conditional approval.

The application was due to be considered by Committee on 7 July 2020, however it was withdrawn from the agenda by officers due to a number of complaints being received that notifications of the committee date had not been received in good time giving little opportunity for respondents to register to speak.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Burwood Place looking towards Edgware Road



View from junction of Edgware Road and Burwood Place





View from Burwood Place

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR HYDE PARK

Any response to be reported verbally

### THAMES WATER

No. objection. Advice on water run-off, wastewater and water supply.

### HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally

### DESIGNING OUT CRIME

No objection. The proposed plans would enhance natural surveillance and improve the current appearance of The Water Gardens, Burwood Place, however, would recommend the angled top remains to retained planter to stop unwanted loitering and avoid the planter being used as a seating platform. Planting within this feature also needs careful consideration so it does not become an area of concealment for weapons and drugs.

### ENVIRONMENTAL HEALTH

No objection subject to standard noise conditions.

### HIGHWAYS PLANNING MANAGER

No objection subject to condition securing details and provision of cycle parking storage.

### WASTE PROJECT OFFICER

Objection can be overcome by submission of revised details of waste storage provision.

### ARBORICULTURAL MANAGER

No objection subject to tree protection conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 282

Total No. of replies: 46

No. of objections: 41 (4 of these received after the date of the original publication of the report)

No. in support: 5

#### Objections on all or some of the following grounds:

##### Land use

- No requirement for gym in area, as many exist nearby

##### Design

- Detrimental visual impact including for residents of Water Gardens.
- Covering of driveway entrance will create dark tunnel
- Loss of visual amenity of Burwood Place.
- Blocks signage to residential entrance.
- Green roof unlikely to be maintained well.



### Amenity

- Overshadowing outside South block entrance.
- Impact on views from flats.
- Loss of private gardens for residents.
- Noise and disturbance from customers of the health and fitness studio and juice bar, entering and leaving the facility especially early in the morning and late at night.
- Increased footfall in location resulting to disturbance.
- Disturbance by internal amplified music.
- Noise from proposed plant.
- Loss of light including to Water Gardens, 21 Burwood Place and 19 Norfolk Crescent.
- Loss of privacy
- Entrance to South Entrance will become very dark as result of development.
- Light pollution
- Antisocial hours of operation

### Highways

- Increased traffic and associated pollution.
- Impact on parking.

### Other issues

- Concerns about security, antisocial behaviour and littering.
- Increased flow of people will provide cover for people to enter the building.
- Rough sleepers drawn to covered entrance area
- Contrary to statement of consultation residents not provided with feedback form at consultation events.
- Sunlight/daylight report misleading and does not involve accurate internal dimensions of surrounding residential units instead uses assumptions and information gathered from estate agent websites. No consideration given to loss of light and light pollution to residents of South Tower.
- Over-commercialisation of residential area.
- Disruption during construction.
- Potential lack of management of green roof.
- Concerns related to COVID 19 and the increased risk of the enclosed space and people congregating.

### Concerns raised after publication of report (not already summarised above)

- Notifications of the committee date had not been received in good time giving little opportunity for respondents to register to speak.
- The case officers report, available to view on the website, pre-determines the outcome of the proposals and does not effectively weight up the pro's and con's of the application.

### Support

Five letters of support from Portman Estate, Victory Services Club Pilate operator, Knight Frank (office occupier of 1<sup>st</sup> floor water gardens, Marble Arch BID and 1 local resident on the following grounds

- Will bring underused land into a use to benefit local people and diversify offer in area
- Will increase natural surveillance
- Will encourage health and wellbeing
- Design will blend into townscape
- Introduces green space
- Demand for health and fitness facilities locally

PRESS ADVERTISEMENT / SITE NOTICE:  
Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is located at the southern end of The Water Gardens development, on the Burwood Place frontage. It is largely hard landscaped and contains concrete planters and a plant area with a single storey concrete pergola over its entire area. Metal railings surround the area and a vehicular entrance ramp to a basement parking area abuts the application site to the east. The site also includes part of the existing basement area.

### 6.2 Recent Relevant History

Planning permission granted on 03 October 2008 for the installation of railings to all three entrances to the Water Gardens, including Burwood Place. (ref. 08/05065/FULL).

Planning permission granted on 25 July 2017 to use the former NCP Car Park as a self-storage facility (Class B8). (ref. 17/03780/FULL).

In late 2017 planning permission was granted to undertake landscape works and a lighting scheme as part of the rejuvenation of the private gardens, ponds and hard landscaping within the Water Gardens. (refs. 17/08764/FULL and 18/01065/FULL).

## 7. THE PROPOSAL

Planning permission is sought for the erection of a new building with green roof at ground and first floor level beneath and above a retained concrete pergola together with the use of part of the existing basement area of the building, to create a new health and fitness studio use (Class D2) with associated plant equipment and associated works.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
D2 Assembly and Leisure	0	376	+376
Total	0	376	+376

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of ancillary storage and back of house use**

Part of the existing basement to the building, currently in use for ancillary storage and back of house purposes, is proposed to form part of the health and fitness unit. The loss of this ancillary space is not considered to be contentious.

#### **Proposed health and fitness use**

Health and Fitness Uses are classified as a private Social and Community Facility in Westminster's City Plan (November 2016) ("the City Plan"). Paragraph 5.48 of the City Plan sets out that private leisure, social and community facilities play an important role in providing a range of services for visitors, residents and works within the City.

Policy S34 of the City Plan states that new social and community facilities will be encouraged throughout Westminster.

Policy S01 of the UDP states that community facilities must be

- Located as near as possible to the residential areas they will serve;
- Not harm the amenity of the surrounding area, including in terms of the impacts on traffic generation;
- Be safe and easy to reach on foot, by bicycle and public transport.

The site is located close to a large residential population and is in a highly accessible area for public transport. The impact on amenity will be fully assessed in the relevant section of this report.

An objection has been received on the grounds that there is no requirement for a gym in the area as many exist nearby. Whilst this is not a planning consideration, although there are other health and fitness uses in the surrounding area including the Seymour Leisure Centre, the provision is not excessive considering the high density mixed residential/commercial use of the area. The applicant has also stated that there are currently no health and fitness uses, public or private within the Hyde Park Estate.

The proposed health and fitness studio is therefore considered to be an appropriate use in this location and is therefore acceptable in principle in land use terms.

### **8.2 Townscape and Design**

#### **Site and significance**

The application relates to an area of private hard landscaping and associated concrete open canopy structure situated to the southern end of the Water Gardens Estate, fronting onto Burwood Place. The hard landscaping and the canopy are original design

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components of the estate and are situated between the vehicular ramp down to the car park (now a storage business) and the vehicular gate into the rear gardens area of the estate.

The Water Gardens Estate is a late 1960s private development of flats comprised of three 17 storey towers spaced regularly on top of a two-storey podium fronting Edgware Road and bounded to the north and south by Sussex Gardens and Burwood Place respectively. It was part of the Church Commissioners' plans to redevelop much of the Hyde Park Estate which later reverted to a more conservation-led exercise leaving a handful of modernist developments such as the Water Gardens amongst the wider early to mid 19<sup>th</sup> century townscape which characterises the Bayswater Conservation Area to the west.

The estate is named in recognition of its landscaped gardens and lakes which are widely recognised for their quality of design. The estate falls outside of, but is bounded immediately to the south-west by the Bayswater Conservation Area. The buildings are not listed, nor expected to be considered to be of listable quality despite their striking architectural design and integration with the gardens behind.

The gardens are also not currently designated but are currently being considered for Registration by Historic England, as part of a national thematic review of post-war landscapes. It is considered reasonable to consider them to be of potentially registrable quality. The part of the estate which is the subject of this application however is not within the area being considered for Registration.

The site does not fall within the setting of any nearby listed buildings.

### **Legislation and Policy**

As set out above, the application site falls within the setting of the Bayswater Conservation Area, and the setting of the gardens of the Water Gardens Estate as a currently non-designated area of landscape significance.

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that, where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it should not be permitted. In relation to open landscaped spaces, Policy DES 12 of the UDP is also of relevance.

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

## **The proposals and their impacts**

The application proposes to build within and on top of the existing concrete pergola structure which acts as a gateway feature to this southern end of the estate. This area currently contains an area of hard landscaping which has in the past few years been fenced in by the applicants. The proposal would incorporate an entrance foyer to the ground floor, with studio spaces to the first floor. Additional accommodation would be contained within the basement, although this would have no outwardly visible manifestation.

The proposed new building would be constructed of decorative concrete panels to the first floor and rear parts of the ground floor, with the frontage to street level enclosed by curtain-wall glazing. The proposal would incorporate the retained concrete pergola structure.

The proposal would represent a considerable change to this southern end of the estate, and likely the most significant addition to it since it was built. Views into the and out of the estate would be affected, with the upper part of the building in particular extending over the vehicular and pedestrian gateway to the estate from Burwood Place. The key impact however would be the replacement of an area of open hard landscaping with a building, which is regrettable and a loss of some original integrity to the estate.

The quality of the proposed new design is however considered to be significant, with the patterned concrete panels in particular working well with the original architectural design of the estate's buildings and landscape. The manner in which the upper storey is designed as a 'floating box' above the pergola allows this original feature to remain the prominent component of this southern entrance to the estate, particular in the way it would be coupled with the substantially glazed form of the ground floor foyer level.

Whilst the proposals would cause some degree of harm to the setting of the gardens within the estate, this is mitigated for and compensated by the quality of the new design which would complement the architectural design of the estate, and add a new feature of interest to the wider townscape, including the adjacent conservation area. As such it complies with the relevant local and national policies set out above, and with the council's statutory duties and planning permission may therefore be granted, subject to conditions and other issues.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP also seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy S29 of the City Plan states that proposals resulting in an unacceptable material loss of residential amenity will be resisted. Policy ENV7 of the UDP describes how noise from plant, machinery and internal activity should be controlled.

Objections have been received on amenity grounds, as detailed earlier within this report.

#### **Sunlight and Daylight**

A Daylight and Sunlight Assessment has been submitted with the application and

concludes that there are no properties within the vicinity of the proposed development which would be materially impacted in terms of loss of sunlight and daylight.

The first floor of the proposed building would be erected within a meter of the first floor south facing windows in the Water Gardens. These windows do not serve habitable residential rooms within the Water Gardens. The windows serve the landing area of a communal staircase and a void above the communal entrance foyer to the residential south block of the Water Gardens. The first floor windows on the southern elevation of the Water Gardens not obscured by but adjacent to the new building serve offices. The remaining windows in this elevation do serve residential units but are above the roof level of the proposed building. There is also a window facing onto the site adjacent to the ramped vehicular access to the basement of the water gardens. This also serves the bank but is blacked out. The closest residential buildings to the site on Norfolk Crescent have been assessed would not suffer any material loss of daylight and sunlight.

Objections have also been received that the Sunlight/daylight report is misleading and does not involve accurate internal dimensions of surrounding residential units instead using assumptions and information gathered from estate agent websites. It is considered that the assumptions made in the Sunlight and Daylight Report are reasonable for a report of this nature.

Objections have been received to loss of light to the communal entrance areas, however the windows serving these areas cannot be afforded the protection given to habitable private residential areas and therefore these objections cannot be sustained.

### **Sense of Enclosure**

As discussed above the nearest windows to the proposal within the Water Gardens building are above the roof level of the proposed extension. The flank elevation of 21 Norfolk Crescent facing onto the site only has one window which is part of a larger wrap around window at ground floor level the outlook of which is mainly into Burwood Road. It is not considered that the proposal would result in any significant sense of enclosure to surrounding residential windows or any unacceptable loss of views.

### **Privacy**

The first floor studios will be served by a number of obscure glazed rooflights and a low level window which would mean no direct views to surrounding residential properties. The ground floor windows will look out onto Burwood Place to the South, the basement service ramp and blank flank wall to Barclays bank to the east and the vehicle southern entrance to the Water Gardens and flank wall of 21 Norfolk Crescent to the West. The only window in that flank elevation is part of the ground floor wrap around window which would be 10 meters away. The view would also be obscured by the canopy column and would not be directly into the room the window would be serving because of its orientation and angle of view. For this reason, the objections on privacy grounds are considered unsustainable.

### **Light Pollution**

Objections have been received on the grounds of light pollution. The roof lights of the

new building would be in close proximity to some windows in the Water Gardens, however the glazing would be obscured and set in a deep roof profile meaning their impact in terms of direct lighting would be minimal. The first floor and ground floor windows would not be directly visible from the nearest residential windows within the Water Gardens and would be a at least 10 meters from the nearest residential windows that they would be directly visible from. The combination of these factors and the proposed opening times of the building (07.00-21.00 Monday to Friday and 07.00-19.00 Saturday, Sunday and Bank Holidays) would ensure that there would be no significant amenity impact in terms of light pollution of the proposal.

### **Mechanical Plant/ noise disturbance**

It is proposed to install three air conditioning condensers, an extract fan and an intake fan. The condensers will be located within the entrance to the underground carpark of the Water Gardens. Objections have been received on the grounds of the potential noise disturbance from the proposed plant however the City Council's Environmental Sciences Team have assessed the Acoustic Report submitted with the application and have no objection to the proposal subject to standard noise and vibration conditions related to plant.

### **Impact of proposed use on amenity**

Objections have been received on the grounds of the noise and disturbance from customers of the health and fitness studio and juice bar, entering and leaving the facility especially early in the morning and late at night, the alleged antisocial hours of operation and potential disturbance from amplified music.

An Operational Management Statement (OMS) has been submitted with the application. The proposed opening hours of the unit are 07.00-21.00 hours Monday to Friday and 07.00-19.00 on weekends and Bank Holidays. These hours are reduced from the original submission which proposed 06.00 to 22.00 Monday to Friday and 07.00 to 19.00 at weekends and bank holidays. The OMS estimate that the unit would be able to hold classes for a maximum of 60 people with classes managed by an online booking system and states that staff would be trained to ensure that customers leaving the building would do so in a quiet controlled, swift manner. Access to the new building will be only via a single entrance on Burwood Place. Although inevitably the operation of the new use would result in increased activity on Burwood Place especially just before scheduled classes start and after they finish, it is not considered that this would result in a significant loss of amenity to local residents, especially due to the nature of the use as a health and fitness studio, the restricted hours of opening and the proposed management of the facility. The amended proposed hours of use would mean that the unit would not operate during the most sensitive hours of the day and would be significantly less than the opening hours of café and restaurant premises within the nearby Edgware Road.

In terms of uses and potential for operational internal noise, the OMS states that the design of the building ensures that noise will not be audible externally. Environmental Sciences have not objected to the proposal on noise breakout grounds and subject to a condition requiring that noise from internal activity does not breach the City Council's standard noise restrictions it is considered that operational noise of the proposal would not have an unacceptable impact on residential amenity.

### **Loss of amenity Space**

The proposal would result in the loss of a predominantly hard landscaped area, with planters which is surrounded by railings meaning it can only be used as a private amenity space by residents of the Water Gardens. Objections have been received on the grounds of the loss of this amenity space. The amenity value of this area is limited by its largely hard landscaped nature, its position immediately adjacent to Burwood Place and the fact residents have access to the much more extensive and private main Water Gardens landscaped area. This means that the area is not intensively used for recreation. Although not accessible for active recreation the proposed green roof would provide some visual amenity and some ecological benefit. For the reasons set out above it is considered that the loss of this space is acceptable.

### **8.4 Transportation/Parking**

Objections have been received on the grounds of increased traffic and associated pollution and the potential impact on parking in the area. The proposal has been assessed by the City Council's Highways Planning Manager who has concluded that although the proposal will increase the number of trips associated with the site, this is unlikely to be to the extent that would have a detrimental impact on the highway network due to the nature of the use and good public transport accessibility. The site is also within a Controlled Parking Zone 24 hours, 7 days a week, which means that anyone driving to the site would need a valid residents permit. The impact on parking levels will therefore be minimal. However, it is recommended that conditions restricting the number of people allowed on the site at any one time and only allowing gym and fitness use and no other uses within D2 use class is attached to any permission. The latter is necessary because other uses within D2 may have much higher levels of trip generation than the proposed use, and which consequently may have an adverse impact on the highway network.

The proposal includes off street servicing provision including for waste collection which is welcomed. The Waste Project Manager has no objection to the proposed waste storage provision.

The proposal includes 4 short term cycle parking spaces and 2 long stay spaces for staff. This provision is in accordance with the London Plan.

### **8.5 Economic Considerations**

The applicant has stated that the proposed use would create a range of employment opportunities with a total employment for 20 people. These would be advertised to local residents in an effort to promote employment, training and skills.

### **8.6 Access**

All visitors and staff would enter and leave the unit via an entrance on Burwood Place. Internal access between floors will be provided via a lift and staircase to all floors.

### **8.7 Other UDP/Westminster Policy Considerations**



### Trees

There is a field maple street tree located outside the existing pergola, the branches of which would need to be pruned back to facilitate access for construction. The City Council's Arboricultural Officer has no objection to the proposal subject to pre-commencement tree protection conditions

### Biodiversity and Sustainability

The proposal includes a green roof which will provide welcome ecological benefits. Since publication of the report, the applicant has provided details to show that nearly half of the roof is proposed to be greened. Under the condition to secure this green roof, it is recommended to secure adherence to this extent of green roof.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

## **8.9 Neighbourhood Plans**

There is currently no neighbourhood plan in place for this location.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 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.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions in relation to tree protection measures. The applicant has agreed to the imposition of the condition.

**8.12 Planning Obligations**

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

**8.13 Environmental Impact Assessment**

Environmental Impact issues have been covered in section 8.7 above.

**8.14 Other Issues**

Crime and security

A number of objections raise concerns regarding security, antisocial behaviour and littering including fears that the increased flow of people will provide cover for people to enter the building and rough sleepers being drawn to the covered entrance area.

The Metropolitan Police Designing Out Crime officer has been consulted on the proposals and has stated that the proposed plans would enhance the natural surveillance of the area and improve the current appearance of The Water Gardens, Burwood Place.

It is considered that the proposal is likely to have more of a beneficial effect on security and in preventing antisocial behaviour because of the additional natural surveillance of this currently relatively secluded area just off the busy area of Edgware Road. The proposal introduces a glazed frontage at ground floor level looking onto Burwood Place and part of the entrance road and footway to the southern entrance of the Water Gardens and the service road ramp to the basement.

The Metropolitan Police Designing Out Crime officer, recommended that the angled top remains to the retained planter to stop unwanted loitering and avoid the planter being used as a seating platform and that the planting within this feature also needs careful consideration, so it does not become an area of concealment for weapons and drugs. An informative is recommended to be added drawing the applicant's attention to this recommendation.

Noise and Disruption during works:  
Objections have also been received regarding the likely disruption caused during construction. Our standard hours for noisy works condition is recommended.

Concerns have also been raised related to current COVID 19 emergency and the increased risk of people within the enclosed space and congregating around the new use. The proposed use would be similar to other health and fitness uses in terms of its challenges related to COVID 19 or other potential future such emergencies and would similarly be subject to whatever Government restrictions were considered necessary at the time. It is not a valid reason for the proposal to be refused planning permission.

Comments on case officer's originally published report for 7 July committee:  
Letters of objections received after the initial report to committee was published has

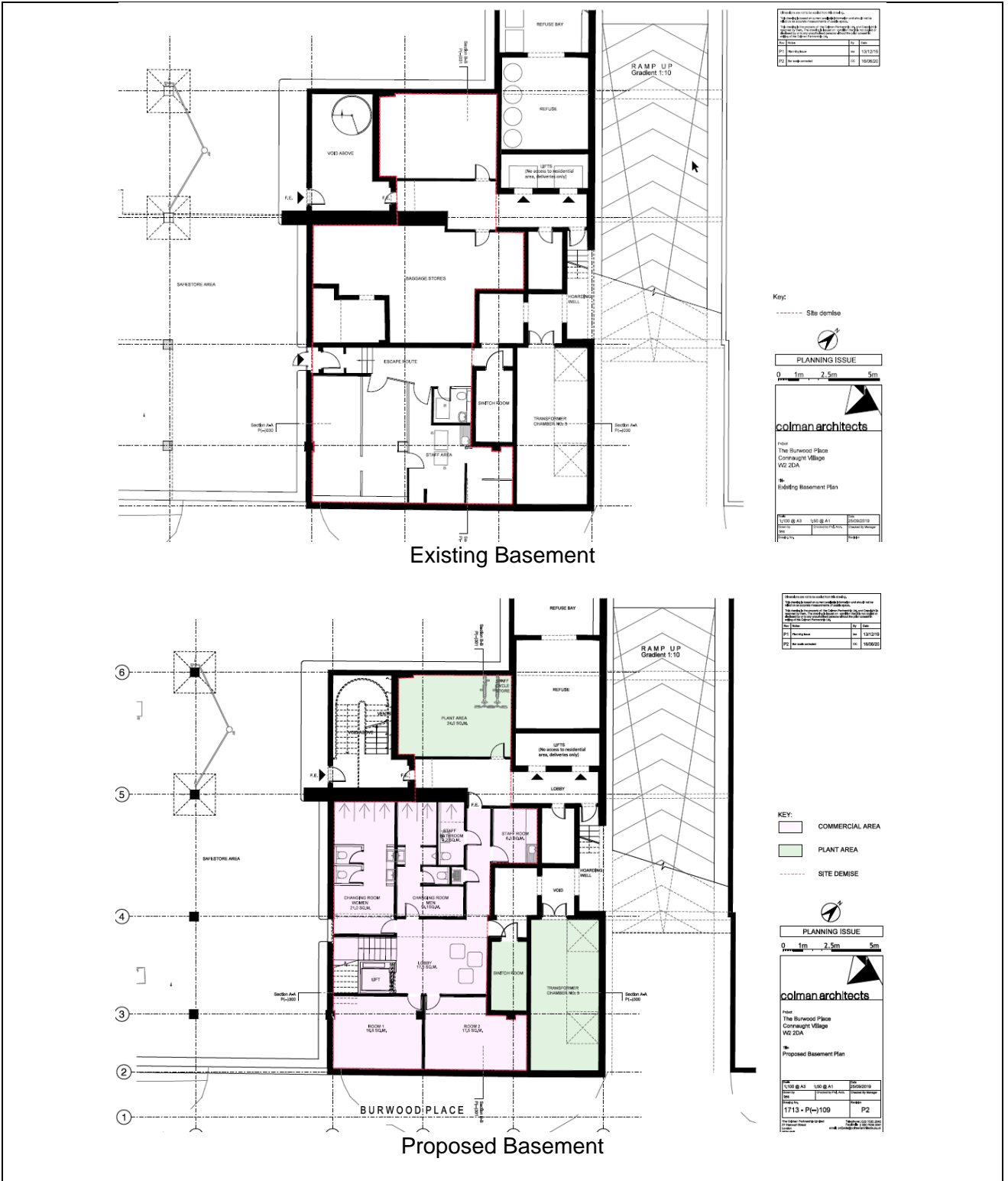
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been received (to be originally be presented as a late representation) argues the officer has already made a pre-determined assessment of the application and that the case officers report does not properly weigh up the 'pro's and con's' of the scheme proposals. The application has been recommended for approval, following full assessment of the proposals, as set out within each section of the report. As set out in the report, officers consider the scheme acceptable in all regards.

(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](mailto:kdavies1@westminster.gov.uk)

9. KEY DRAWINGS



Project Name	1713 - P(-)109
Client	1713 - P(-)109
Scale	1:100
Date	13/12/18
Drawn by	1713 - P(-)109
Checked by	1713 - P(-)109

Key  
 - - - - - Site demise

PLANNING ISSUE

0 1m 2.5m 5m

colman architects

From  
 The Burwood Place  
 Connaught Village  
 W2 2DA

To  
 Existing Basement Plan

1713 - P(-)109	1713 - P(-)109	1713 - P(-)109
1713 - P(-)109	1713 - P(-)109	1713 - P(-)109

Project Name	1713 - P(-)109
Client	1713 - P(-)109
Scale	1:100
Date	13/12/18
Drawn by	1713 - P(-)109
Checked by	1713 - P(-)109

KEY:

- COMMERCIAL AREA
- PLANT AREA
- SITE DEMISE

PLANNING ISSUE

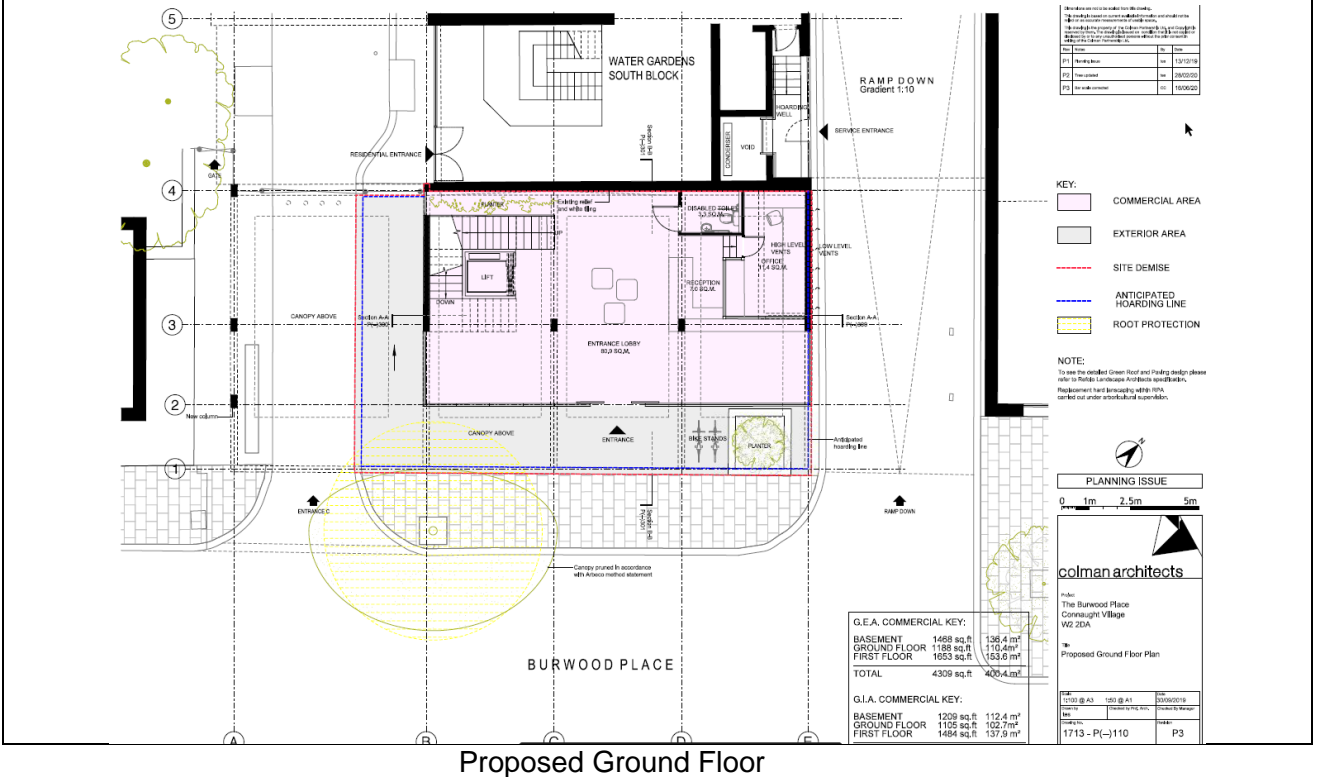
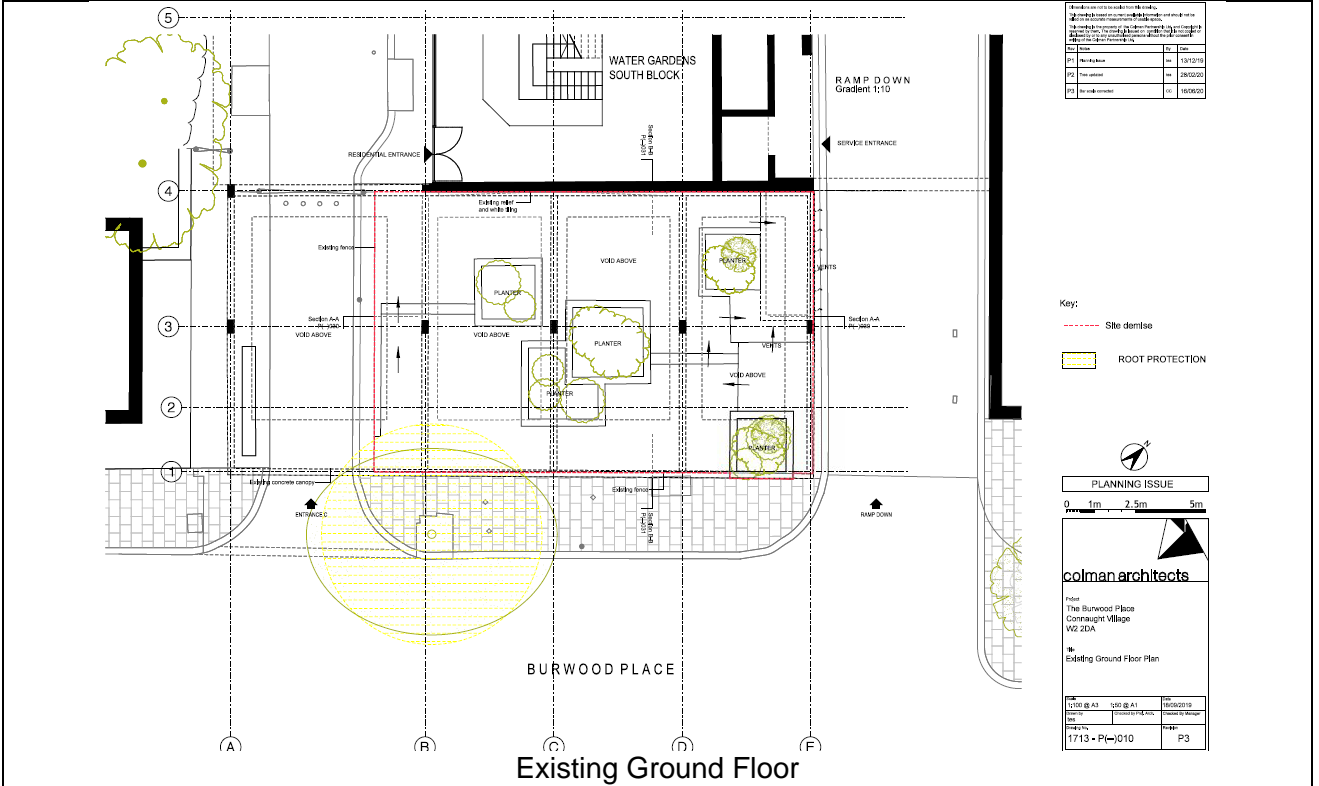
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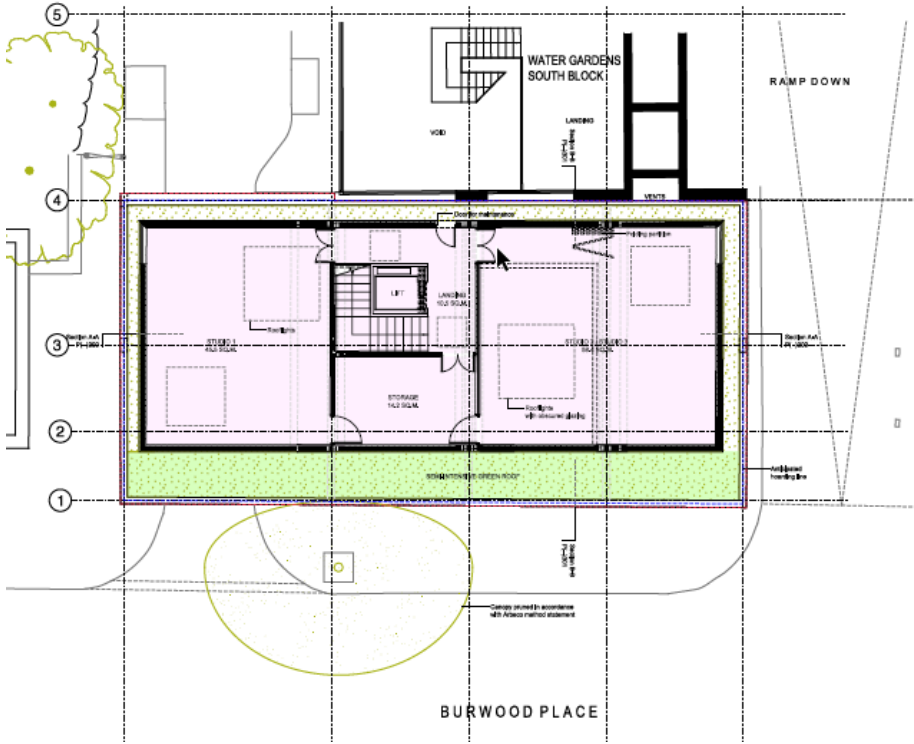
colman architects

From  
 The Burwood Place  
 Connaught Village  
 W2 2DA

To  
 Proposed Basement Plan

1713 - P(-)109	1713 - P(-)109	1713 - P(-)109
1713 - P(-)109	1713 - P(-)109	1713 - P(-)109





Proposed First Floor

<small>Prepared in accordance with the Building Act 2004 and the Building Regulations 2006. This document is the property of Colman Architects and should not be used for any other purpose without the written consent of Colman Architects.</small>	
No.	Date
01	13/12/19
02	28/03/20
03	16/09/20

**KEY:**

- COMMERCIAL AREA
- SEMI-INTENSIVE GREEN ROOF
- SITE DEMISE
- ANTICIPATED HOARDING LINE

**NOTE:**  
To see the detailed Green Roof and Parking design please refer to Part 3: Landscape Architecture and Part 4.

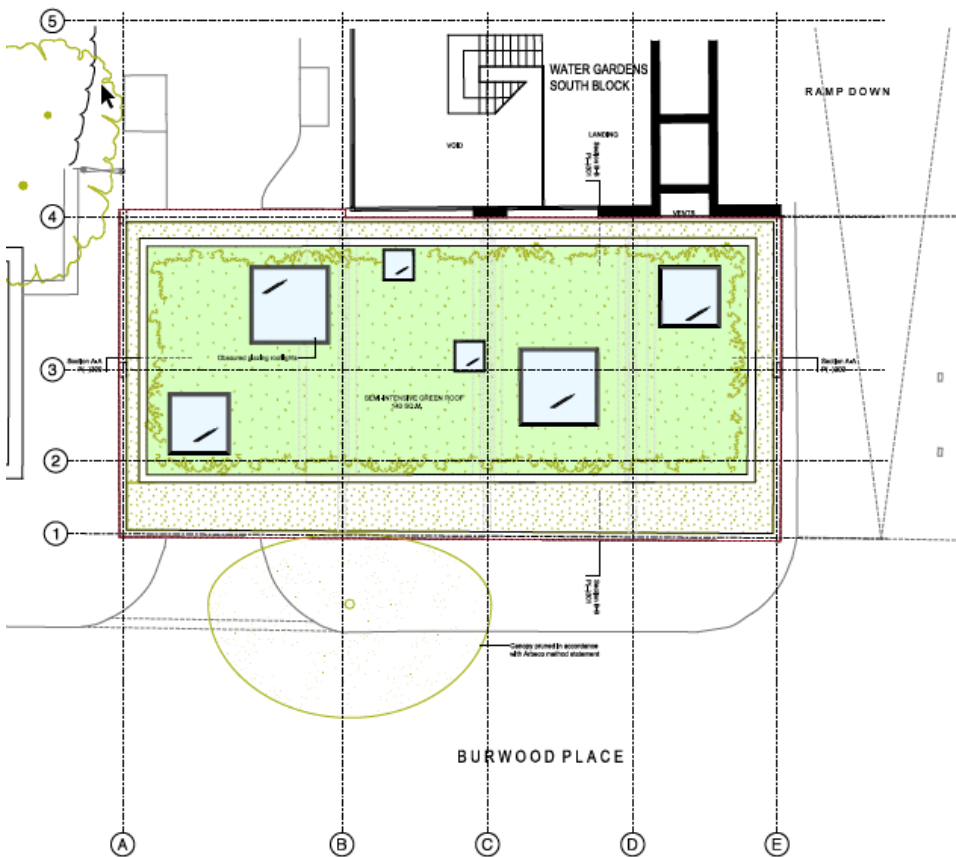
**PLANNING ISSUE**

0 1m 2.5m 5m

**colman architects**

for:  
The Burwood Place  
Comesight Village  
W2 2DA

of:  
Proposed First Floor Plan



Proposed Roof Plan

<small>Prepared in accordance with the Building Act 2004 and the Building Regulations 2006. This document is the property of Colman Architects and should not be used for any other purpose without the written consent of Colman Architects.</small>	
No.	Date
01	13/12/19
02	28/03/20
03	16/09/20

**KEY:**

- SEMI-INTENSIVE GREEN ROOF
- SEMI-INTENSIVE GREEN ROOF
- SITE DEMISE

**NOTE:**  
To see the detailed Green Roof and Parking design please refer to Part 3: Landscape Architecture and Part 4.

**PLANNING ISSUE**

0 1m 2.5m 5m

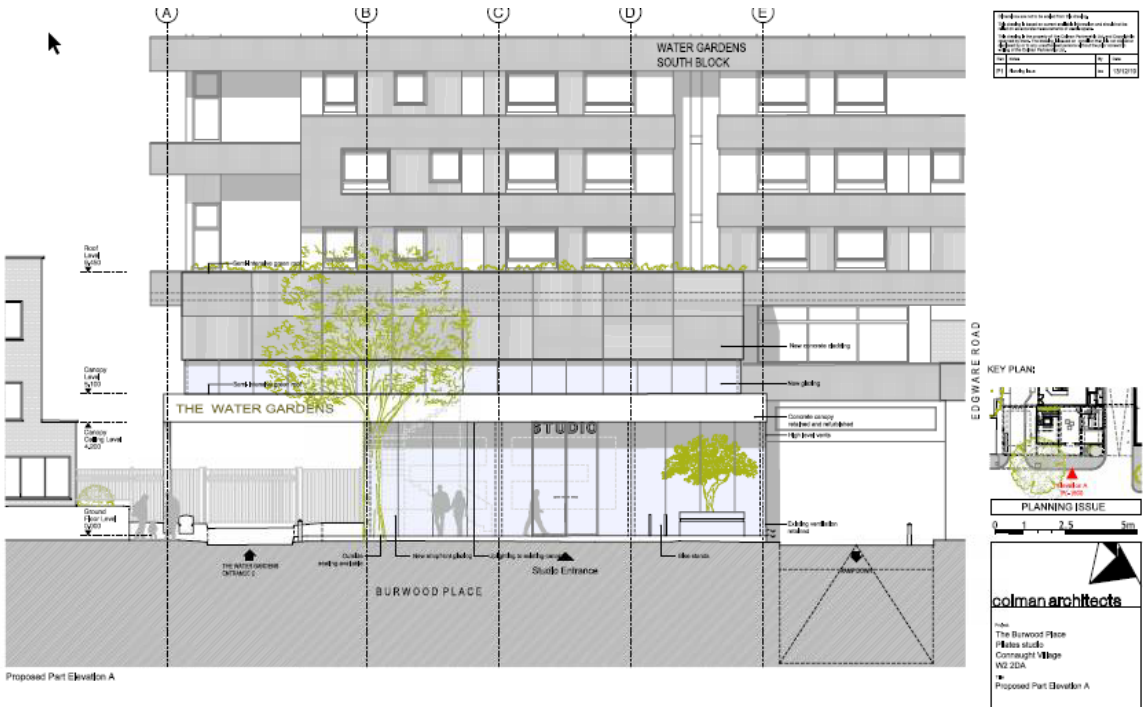
**colman architects**

for:  
The Burwood Place  
Comesight Village  
W2 2DA

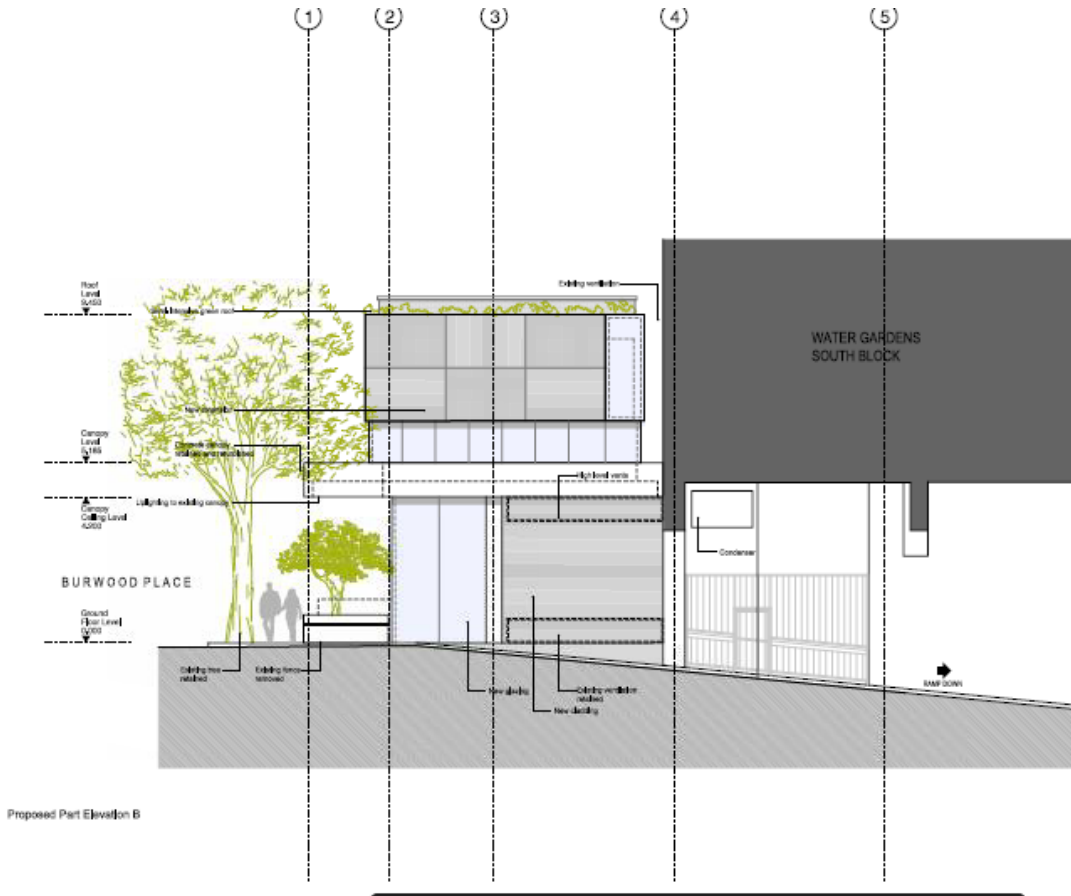
of:  
Proposed Roof Plan

1713 - A3	1713 - A1	1713 - B1
Issue No.	Issue No.	Issue No.
1713 - P1	1713 - P2	1713 - P3

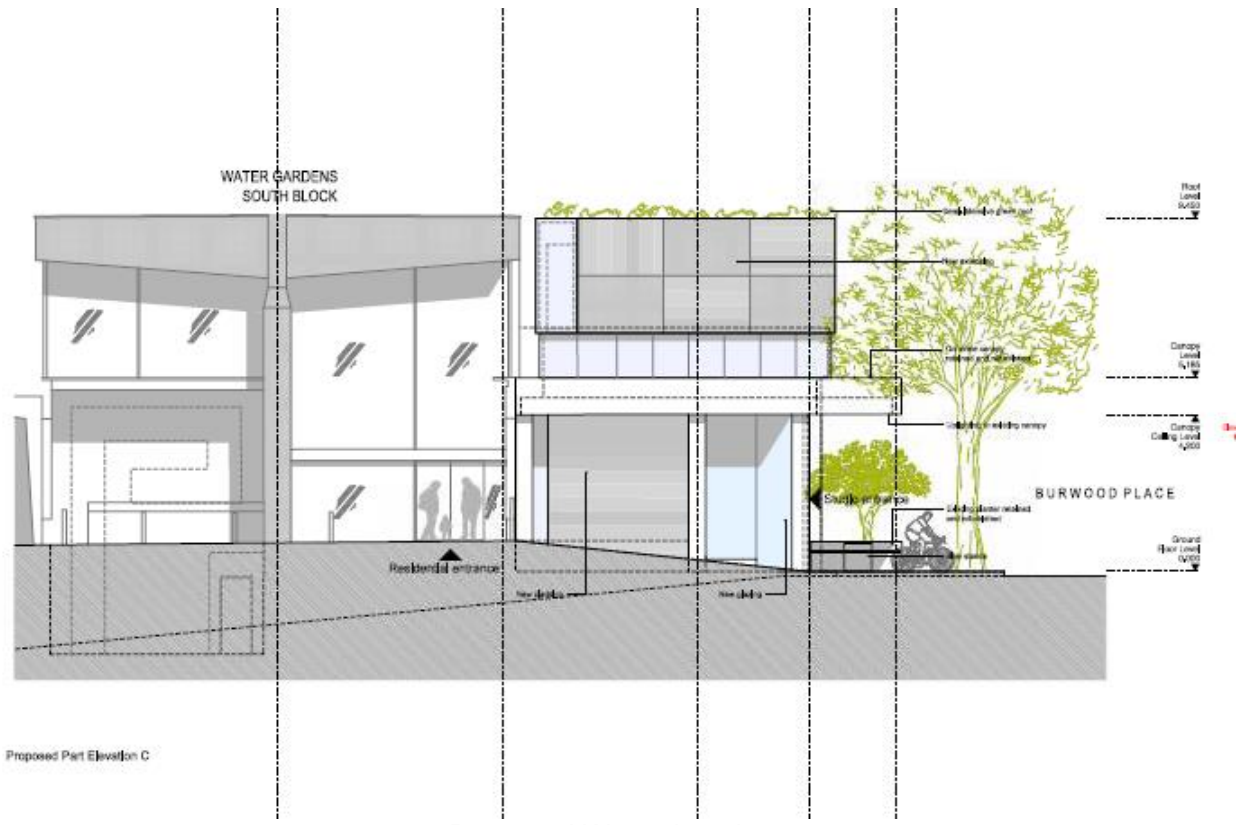
Colman Architects Ltd  
1713 - P1 - 112



Proposed Burwood Place elevation



Proposed East elevation



Proposed West elevation





Visualisation

**DRAFT DECISION LETTER**

- Address:** The Water Gardens , Burwood Place, London, W2 2DA
- Proposal:** Erection of a new building at ground and first floor level around a retained concrete pergola to create a new health and fitness studio (Class D2) at basement, ground and first floor , installation of a green roof, plant equipment and associated works.
- Reference:** 20/00170/FULL
- Plan Nos:** Site location Plan; P(--001P1; P(--002P2; P(--009P2; P(--010P3; P(--011P3; P(--030P1; P(--050P1; P(--051P1; P(--052P1; P(--053P1; , P(--102P1; P(--100P2; P(--107P2; P(--108P2; P(--109P2; P(--110P3; P(--111P3; P(--112P3; P(--300P1; P(--301P1; P(--500P1; P(--502P1; P(--503P1;, Planning Statement, prepared by Gerald Eve; Design and Access Statement, prepared by Colman Architects; Statement of Community Involvement, prepared by Kanda Consulting; Arboricultural Assessment, prepared by Ecology; Heritage Appraisal, prepared by KM Heritage; Acoustic Report, prepared by Cole Jarman; Daylight/Sunlight Assessment, prepared by Colliers International; Operational Management Statement, prepared by the Applicant; Green Roof Specification, prepared by Refolo Landscape Architecture. Cycle Parking Detailed Drawing (ref. 1713-SK(-)107), prepared by Coleman Architects; Waste Storage Drawing (ref. 1713-SK(-)108), prepared by Coleman Architects,

**Case Officer:** Richard Langston

**Direct Tel. No.** 020 7641  
07866036470

**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.

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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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 You must apply to us for approval of a detailed written and photographic schedule and specification of the facing materials you will use, including glazing. This should include key elevations and roof plans annotated to show where the materials proposed would be located on the new building, and you must also refer to any sample panels prepared on-site for our inspection. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

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 You must apply to us for approval of further information (as set out below) about the following parts of the development:
- a. Cladding and other exposed wall and roof junctions, including the relationship with the retained pergola (detailed elevations and sections at 1:20).
  - b. Concrete patternation design (3D axonometrics and 1sqm. site trial panel(s)).
  - c. Glazing, windows and doors (detailed elevations and sections at 1:10, plus product specifications as applicable),
- You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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 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. 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)

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- 6 You must use the new building as a health and fitness studio and not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV6, ENV13, TRANS22 and SOC1 of our Unitary Development Plan that we adopted in January 2007 and S29 and S34 in Westminster's City Plan that we adopted in November 2016.

- 7 The glass that you put in the rooflights of the building must not be clear glass, and you must fix it 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.

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 Customers shall not be permitted within the health and fitness premises before 07.00hrs or after 21.00hrs on Monday to Friday (not including bank holidays and public holidays) and before 07.00hrs or after 19.00hrs on Saturday, Sundays, bank holidays and public holidays.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 9 The total number of customers allowed within the premises at any one time is not to exceed 60.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS22, TRANS 23, ENV 5, ENV 6 ENV13 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

- 10 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 2016 (R22FA)

- 11 You must provide the waste store shown on drawing P(--)-108P2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the

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health and fitness studio. 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)

- 12 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)

- 13 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

In the interests of public safety 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. (R24BC)

- 14 (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

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

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 15 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. (R48AA)

- 16 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the health and fitness studio use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the health and fitness studio use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below

the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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. (R47AB)

- 17 The plant/machinery hereby permitted shall not be operated except between 0700 hours and 2100 hours 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. (R46CB)

- 18 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 include an auditable schedule of arboricultural supervision and this must include the provision to send a written report to us within 5 days of each visit by the arboricultural consultant. , 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

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**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)

- 19 You must apply to us for our approval of any planned digging to make a hard surface underneath any trees that you are going to keep, and the materials you plan to use to make the hard surface and base including a typical cross section showing existing ground level, depth of sub-base and hard surface,. You must not start any work until we have approved what you have sent to us. The surfacing must be carried out according to the approved details.

**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)

- 20 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime (in adherence with the size of the roof shown in the Urban Greening Factor document June 2020). You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

**Reason:**

To reduce the effect the development has on 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. (R43AB)

**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, neighbourhood plan (where relevant), 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 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of



publications to assist you ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide ([www.cae.org.uk](http://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](http://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.

- 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
  
- 4 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
  
- 5 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 email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). 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).
  
- 6 You are advised that the Metropolitan Police Designing Out Crime officer has recommended that the angled top to the retained planter should remain to stop unwanted loitering and avoid the planter being used as a seating platform and that the planting within this feature also needs careful consideration so it does not become an area of concealment for weapons and drugs.
  
- 7 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting

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our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. 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 will be undertaken 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](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

**Water Comments:**

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

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 3

Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 July 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Church Street	
<b>Subject of Report</b>	466 - 490 Edgware Road, London, W2 1EJ,		
<b>Proposal</b>	Extension of existing retail unit (A1 class) with associated elevational alterations and change of use of permitted petrol filling station (sui generis) to electric vehicle charging facility (sui generis).		
<b>Agent</b>	Mr Rob Scadding		
<b>On behalf of</b>	Planning Potential Ltd.		
<b>Registered Number</b>	20/01251/FULL	<b>Date amended/ completed</b>	20 February 2020
<b>Date Application Received</b>	20 February 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No		

## 1. RECOMMENDATION

Grant conditional permission, subject to a unilateral undertaking securing the reinstatement of the vehicle crossover/highway on Orchardson Street and the provision of/funding towards an on-street charging station within the Church Street Ward.

## 2. SUMMARY

This application relates to a vacant retail unit and non-operational 'protected' petrol filling station on the ground floor of a recently completed development with residential accommodation at upper levels.

Permission is sought for the construction of an extension within the forecourt to provide additional storage room/ plant room to be used in connection with the retail unit and change of use of permitted petrol filling station (sui generis) to an electric vehicle charging facility (sui generis) with three rapid charging bays.

Letters of support for an Aldi supermarket have been received. Objections have also been received primarily on the grounds that the new charging station is too small and the whole forecourt should be given over to the electric charging station.

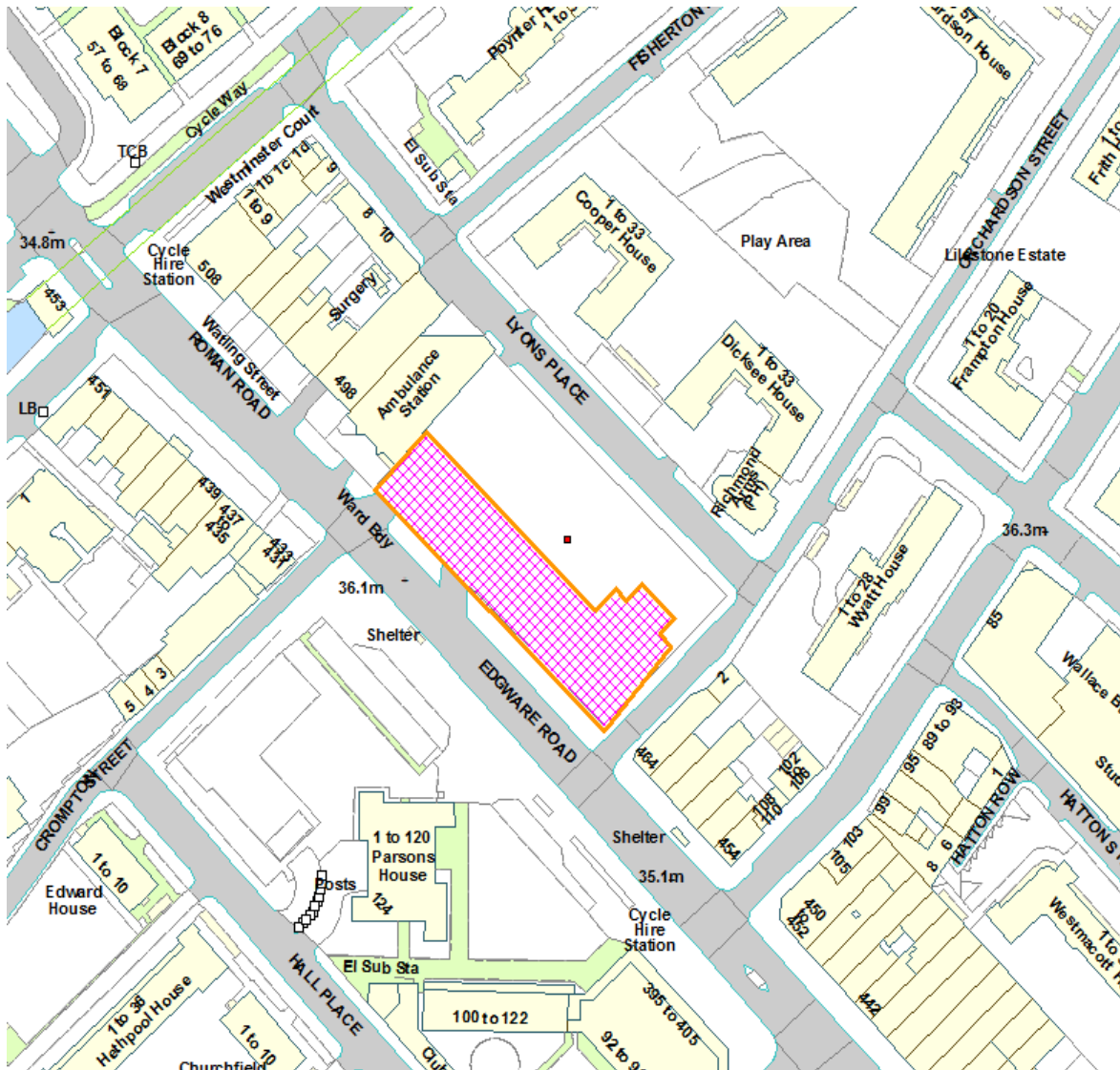
The key issues in the determination of this application are:

- The impact of the proposals in land use terms;
- The impact of the proposals upon the design and townscape of the area;

- The impact of the proposals upon the amenity of nearby residents;
- The impact of the proposals upon the highway network.

For the reasons as set out within the report, officers consider that on balance the loss of petrol station, is, in this exceptional circumstance acceptable and a departure from policy TRANS17 can be agreed. The proposals for an electric charging station and the associated design alterations are all considered acceptable and comply with the City Council Unitary Development Plan (UDP) and City Plan policies.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

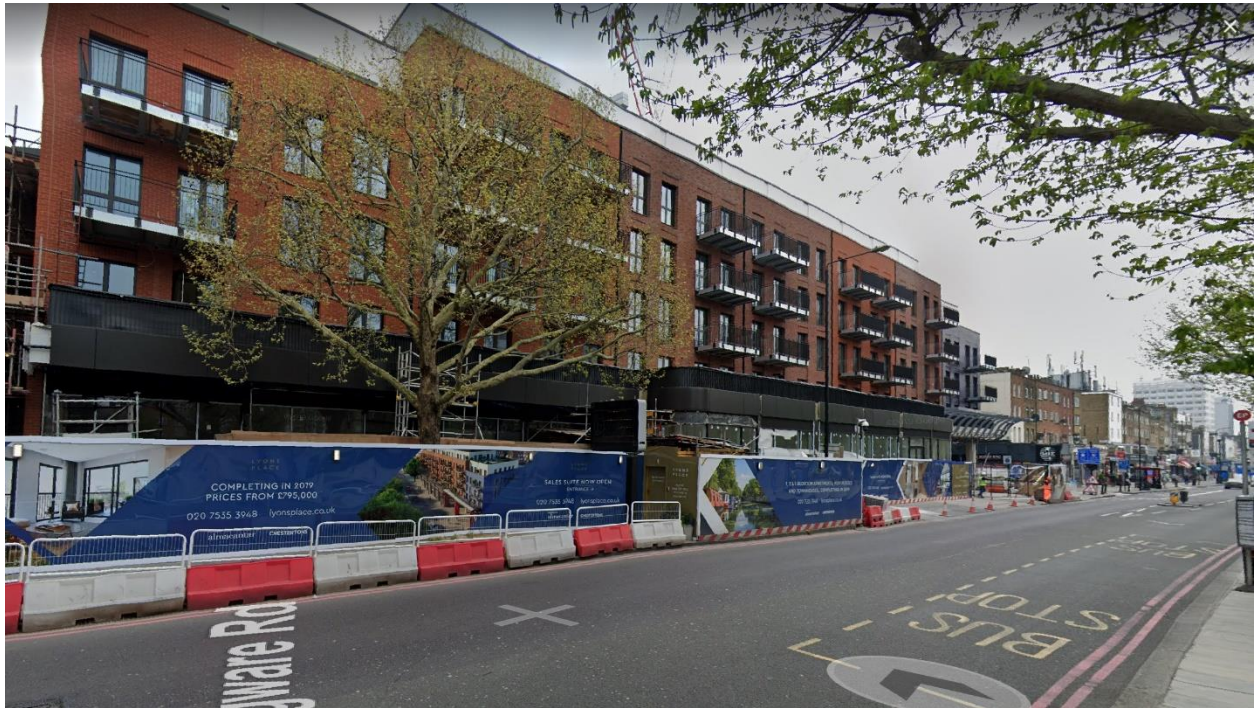
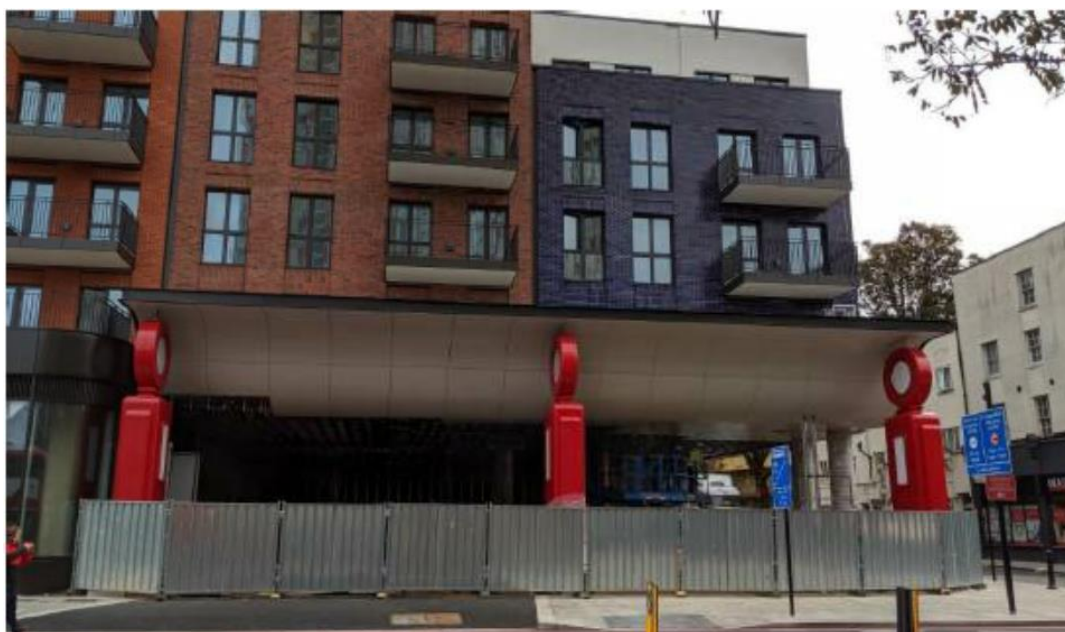


Photo taken from Google Street View to show whole site and context



Completed (but vacant) petrol station forecourt and retail unit (taken from applicants submission)



## 5. CONSULTATIONS

### COUNCILLOR GRAHAME:

Supports the comments raised by the Church Street Ward Planning & Licensing Group.

### CHURCH STREET WARD PLANNING & LICENSING GROUP:

Support given to the proposals, encouraging green fuels. They note that they raised an initial objection to the siting of a replacement petrol station underneath the affordable housing units.

### ST MARYLEBONE SOCIETY:

Objection raised on the grounds that only 52% of the existing forecourt is to be given over to EV charger bays and this is an insufficient replacement for the protected petrol station. Concerns also raised that as the forecourt is to be shared with deliveries that the EV may not operate as guaranteed or could be misused by users of the retail unit.

### TRANSPORT FOR LONDON:

The development should increase the short-stay cycle parking provision and queries are raised/comments made as to the need of a servicing and management plan; that the EV facility should be closed when servicing is taking place; further swept path analysis should be undertaken for the EV charging spaces; the changes to the cross over must be subject to a S278 agreement and a code of construction practice should be prepared and approved by Westminster in conjunction with TfL.

### HIGHWAYS PLANNING MANAGER:

No objections raised to the loss of car parking, trip generation, waste provision, servicing and vehicle tracking or the proposed works to the highway.

Objection is raised to the loss of the petrol station, on the basis of the submission before the City Council and the justification put forward by the applicant. Whilst the principle of an electric charging station could be supported, the lack of detail surrounding the proposal and the provision of 3 rapid charging spaces means there is no overall material improvement to the highway environment from the proposal. An objection is also raised to the proposals on the grounds that the proposals do not provide access to or provision of sufficient long or short terms cycle parking.

### ENVIRONMENTAL SCIENCES:

No objection.

### ARBORICULTURAL SERVICES:

No objection.

### WASTE PROJECTS OFFICER:

Objection to the waste details submitted. It is recommended that a condition to secure appropriate provision is attached to any future permission.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 248

Total No. of replies: 19

No. of objections: 11



No. in support: 8

Eleven objections have been received on some or all of the following grounds:

- There is a dire need for a continued petrol station within the borough;
- The Council was wrong in its earlier decision to approve a petrol station, when an operator can now not be found and the entire forecourt should now be given over to electric chargers;
- Whilst support is given to the principle of the electric chargers, the proposal does not include enough electric charging stations because of the extension proposed for the supermarket;
- The applicant is missing an opportunity to improve air pollution/air quality.
- This would be an ideal please for a taxi only rapid charging point and should not serve private vehicles

Eight letters of support have been received on some or all of the following grounds:

- An Aldi is a welcome and affordable addition to this area;
- A large supermarket in walking distance is much sought after;
- An Aldi and the three electric charging points proposed outweighs the loss of the petrol station;
- The loss of the petrol station is welcomed given that there are two petrol stations in close proximity;
- The three electric charging points are supported.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application relates to a vacant retail unit and non-operational petrol filling station on the ground floor of a recently completed development with residential accommodation at upper levels. The site lies on the eastern side of Edgware Road and is bounded by Orchardson Street to the south and Lyons Place to the east. To the north is the St John's Wood Ambulance Station.

The site is not listed nor lies within a conservation area. The site is located within the North Westminster Economic Development Area (NWEDA) and forms part of the secondary frontage within the Church Street/ Edgware District Shopping Centre.

### **6.2 Recent Relevant History**

Planning permission was granted in November 2015 (13/12709/FULL) for the *'Demolition of existing buildings and erection of a new building of basement, ground and five upper floors fronting Edgware Road with three storey townhouses to Lyons Place frontage comprising replacement Petrol Filling Station (sui generis), retail unit(s) (Class A1) and 76 (Class C3) residential units (47 affordable housing units and 29 private*

*market units) together with 39 car parking spaces and 118 cycle parking spaces, landscaping, plant and ancillary works'. This permission was linked to the redevelopment of land at 5-9 Marble Arch, 2-20 Edgware Road, 53-59 Bryanston Street (RN 13/12710/FULL).*

The November 2015 permission has subsequently been varied twice, by permissions 16/03528/FULL (14 July 2016) and 17/06290/FULL (21 December 2017) to take into consideration further design refinement; removal of the CHP previously approved; energy changes and to allow the use of the approved retail unit (Class A1) as a car showroom (sui generis) or a retail (Class A1) use. This application was approved on the basis that no retailer had been found for the space and that as the site had had a car showroom on site in recent years, that this would have made a suitable alternative. Whilst not explicit, like with the petrol station and retail unit operating together, it was envisaged that the car showroom and petrol station could operate together.

Details of secure cycle storage for the car showroom/ retail/petrol filling station use(s), pursuant to condition 11 was approved in January 2019.

The development has been completed and residents are in occupation. The retail unit has been built out as a retail unit and the petrol station has a completed, non-operational forecourt.

## **7. THE PROPOSAL**

Planning permission is sought for the extension of the existing retail unit (670m<sup>2</sup>) within the petrol forecourt area by 207m<sup>2</sup>. The extension will accommodate a back of house warehouse and include a storage room and plant room. This in turns requires the reduction in size of the permitted petrol filling station, the loss of 8 car parking spaces and a change of use to an electric vehicle charging facility. The plans show that the charging facility would allow for 3 vehicles to be charging at any one time.

The application has been submitted as a stand-alone application as the development is substantially complete. The applicant is Aldi.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Increase in retail accommodation**

The increase in Class A1 retail accommodation of 207m<sup>2</sup> to accommodate a plant and storage room is supported by policies S12 (NWEDA) and S21 of the City Plan (November 2016) and S6 of the UDP (Jan 2007). Support has been given to the proposals as Aldi is the applicant and many residents are encouraged to see a low cost, local supermarket in the area. It should be noted that this application is not subject to the requirements of a personal permission and any Class A1 retailer could operate from here.

#### **8.1.2 Loss of Petrol Station**

An objection has been received on the grounds of the loss of the petrol station as there are not enough in the area.

The UDP has a list of 'protected' filling stations and UDP Policy TRANS 17 states that under Part A, "the City Council will resist the loss of the following filling stations, or ensure they are replaced when redevelopment takes place." 466 Edgware Road station is included within this list. Part B goes on to state "the City Council will normally refuse applications for new petrol and other vehicle refuelling or recharging stations unless they are accessibly located on the TLRN or Distributor Road Networks". Part C states "the City Council will promote the availability of sustainable fuels such as Liquefied Petroleum Gas (LPG) as well as recharging points for electric vehicles at filling stations".

There has historically been a petrol station on this site for many years. It was vacant from 2004 onwards and as part of the 2015 permission, a replacement petrol station was required as part of the redevelopment as required by TRANS17. This re-provision was robustly tested and considered viable at that time, potentially linked to the operation of the retail unit and was acceptable in terms of the servicing implications on the highway.

The petrol station now on site (currently non-operational as the works to develop this site have only recently been completed) was relocated from the northern part of the site to the southern part of the site abutting Orchardson Street. At the time of that assessment, the replacement petrol station attracted a number of objections questioning the need for its re-provision when there was another petrol station across the road, and there were also objections on the grounds of its new location.

The applicant has submitted marketing evidence to demonstrate that eight petrol station operators (BP, Esso, Mobil, Jet, Texaco, Caltex, Chevron, Shell) were originally approached to see whether there would be any interest in the operation of this unit. All these operators advised that they had no interest in the operation of the petrol station. Further to this, the applicant advises that additional interest was expressed from Euro Garages and Applegreen Plc, but after discussions with these operators, the facility was declined as 'they would require a substantial retail unit to operate alongside the petrol filling stations with a minimum of 10 parking spaces for customers to leave their vehicles and use the retail space.

It appears the applicant has approached petrol station operators on the basis that the retail unit, attached to the petrol station area (and always seen as a potential linked operation), was a separate commercial entity and not part of any discussions. The petrol station was therefore advertised in its reduced form (as this is to be extended within to provide for the plant room/storage area) resulting in a reduction of any form of carparking for retail shoppers (originally approved in this location was 8 car parking spaces). Had the retail unit and petrol station been marketed as a package it is not certain if the outcome of later discussions would have been different.

On the basis of the submission currently before the City Council, Carter Jonas was appointed to assess this marketing evidence and to provide an insight into the wider issue of petrol stations and electric charging hubs.

Carter Jonas firstly confirm that whilst the ownership of electric vehicles is soaring, there is still demand for good quality petrol station sites and moreover the retailer/ petrol station operators are still building larger networks across the UK.

However, having also separately approached the above listed operators (and others) Carter Jonas found that, from the six responses received, that this site was not suitable for those operators because of the existing competition in the area (a petrol station is sited across the road and to the north of the site on the junction with Hall Road/ Maida Vale); the layout of the forecourt is too restrictive; traffic count not high enough and that the site is difficult to serve (despite evidence submitted as part of the earlier application evidencing that the servicing of a petrol station could be done).

Whilst the loss of the existing petrol filling station is contrary to the aims of policy TRANS17 of the UDP and an objection to the proposals has been raised by the Highways Planning Manager; given the findings of the Council's independent consultants it has been demonstrated that there is now insufficient demand for a filling station at this site. Although some of this can be attributed to changes proposed since planning permission was originally granted (namely the severing of the retail unit and the loss of car parking) the other reasons cited by the operators are not controllable by the applicant namely that there are two other petrol stations in close proximity of the site and the volume of passing traffic is too low. It is therefore considered that the loss of a filling station at this site when weighed against the benefits of its replacement with an extended supermarket and the provision of charging points for electric vehicles can be justified if these benefits outweigh that loss. These benefits are discussed below.

(i) An extended supermarket

As previously stated, additional retail facilities are supported by planning policy and are especially welcome in the current uncertain economic situation. Even before the coronavirus crisis the retail sector overall was experiencing an unprecedented downturn, and the significant investment by Aldi therefore shows confidence in the local area that should be supported. This will be the first Aldi store in Westminster and it will significantly improve shopping choice for local people, which is in accordance with NPPF objectives (para. 89 (b)).

There will be significant employment benefits for local people as the store will provide up to 40 new jobs covering a range of opportunities, which Aldi will seek to recruit from the local area.

(ii) Electric Vehicle Charging Station

There has been substantial support for to the principle of an electric charging station at the site, which is overwhelmingly preferred by local residents to a filling station. However, there have been some concerns raised at the way it is proposed to be delivered- specifically that the station is not large enough and the whole of the forecourt, as originally allocated for fuel-filling, should become an enlarged electric vehicle charging station. This view is expressed in a letter received on behalf of the Licensed Taxi Drivers Association (LTDA) stating that the 3 charging points are inadequate and would do little to encourage the electric taxis which according to them are leading the way in zero emission capable vehicles, especially in such close proximity to Marylebone Station and Paddington Station. The LTDA would like to see Marylebone Station converted to an EV taxi only station – a view shared by Chiltern Railways (who manage the station) and it should be encouraged by Westminster Council by providing many more charging points. The LTDA stresses that there is an urgent need for designated taxi-only rapid charging point to support the number

of the new e-taxis on the road. The LTDA also raises concerns that the 3 spaces could be used as car parking for the retail unit, and therefore not used to charge vehicles at all.

Whilst the objectives of the LTDA are understood, the current proposals would still offer 3 more electric charging points than the extant planning permission which offered none. If that planning permission were implemented, the fuel-filling station would eventually have become an irrelevance to the LTDA as taxis gradually become electric only. Therefore, even though the 3 charging points would not be exclusively for taxi use, the current proposal would provide some opportunity for charging electric taxis compared to filling station. These charging points will be prevented from being used for parking by planning condition.

The current City Plan does not set specific targets for the provision of EV charging facilities, however TRANS 17 of the UDP as noted above states “The City Council will promote the availability of sustainable fuels such as Liquefied Petroleum Gas (LPG) as well as recharging points for electric vehicles at filling stations”. Policy S41 of the City Plan ‘Pedestrian Movement and Sustainable Transport’ also heavily support the use of vehicles powered by alternative fuels and the provision of parking that can be used by such vehicles *“Sustainable transport options will be supported and provided for, including the following priorities... Prioritising parking provision for disabled, car sharing and alternative fuel vehicles... Encouraging use of alternative sustainable fuels and technology...”*

The principle of an electric vehicle charging station is therefore supported to enable increased take up for this form of sustainable transport.

The Council’s consultants Carter Jonas invited five electric vehicle charging infrastructure providers to offer potential models suitable for this development site. The detailed responses are contained within the consultant’s report in the background papers, which in summary are:

- one provider confirmed that with only 3 charging spaces this would be financially unviable, but if it allowed for 6 spaces that this would make the site viable;
- one provider stated that a site allowing for either 2 or 8 rapid space would be a feasible option;
- one provider raises concerns that the site for public access could become overloaded and result in queuing and maybe suited to a ‘workplace’ system of charging;
- one provider confirmed that they would entertain further discussion but on a 2 or 6 charger facility;
- one provider says that whilst a 3 charger station could be feasible concerns about ‘passing vehicles’ have been made.

All of the providers responded to the discussions by confirming that they would seek the installation of rapid chargers for use at this site, and the applicant has since confirmed that the three charging spaces would be rapid chargers.

Whilst is clear that providers would prefer larger facilities and sites, this has to be weighed against the requirements of the Aldi store which needs the part of the filling station site to make the site work for them. Similarly, the Highways Planning Manager considers that the limited number of charging points would not ‘compensate’ for the loss of the fuel filling station and that this would not meet the aims of City Council policy.

Whilst these points are understood, it remains the case that given that there is insufficient demand for a filling station, the offer of a 3 bay electric charging station would go some way to improving sustainable transport options in the area and improving air quality, and subject to conditions securing an operational and management plan (which would also overcome concerns raised by objectors), that on balance the proposals are considered acceptable.

The applicant has also offered to fund an on-street charging station, although no further details have been provided on this at present. It is not currently known if there is a suitable location 'within the vicinity' of the application site, however it is considered that this could be explored within the Church Street ward and secured via legal agreement.

## **8.2 Townscape and Design**

Design alterations associated with the development include the minor relocation of the main entrance door to the unit on Edgware Road, the creation of a new fire door on Edgware Road, the blocking up of two existing doors one of which was originally leading to the forecourt area and the extension to the forecourt area.

The elevational changes to the main Edgware Road façade are all considered acceptable given the materials are to match the existing window/door frames.

The extension to the forecourt will be contained within the undercroft area, chamfered to allow for the retention of a charging station but will terminate slightly short of the Orchardson Street residential elevation. The solid element of the extension is proposed to be white render and the louvres to the plant room are proposed to be dark grey. Whilst the full height wall may appear stark, it is considered that given its set back from the pavement and that it has been designed to match the large feature pillars of the forecourt, that this is acceptable in design terms. A condition is recommended to ensure the paint colour matches that exactly of the pillars. The louvres to the plant room are considered to be large. They are proposed to be painted grey and, in that respect will match the underside of the forecourt canopy and the balconies above. Whilst these will be visible when using the charging station and walking along Edgware Road/ Orchardson Street, this area of the site was always intended on being a service/ utility area by the nature of the approval and therefore the large bank of louvres is considered acceptable in this instance.

The proposals are not considered to be harmful to this brand new high quality development or the wider townscape and are considered to be in accordance with DES1 and DES 5 of the UDP and S28 of the City Plan and Chapter 12 of the NPPF which requires great weight be placed on design quality.

Signage and vinyls are shown on the submitted plans, and the extent of vinyls has been reduced and revised due to officer's concerns over the amount of active retail frontage there was proposed. These will be subject to an advertisement application and are shown for information only.

### **8.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of 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. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance. Policy ENV7 of the UDP and S32 of the City plan seeks to protect the amenity of occupiers of adjacent properties from noise.

Permission has already been granted for the use of this unit as retail accommodation and therefore its operation by Aldi raises no concerns. The original permission for the retail unit allowed for servicing between the hours of 7am and 8pm Monday to Saturday. Details of servicing have not been forthcoming and therefore a servicing management plan is to be secured. It is recommended that the hours of servicing are still appropriate and that Sunday servicing should now be allowed also. Sunday servicing should be restricted to between 9am and 5pm.

The new plant room/storage requires grey louvres to allow for ventilation of mechanical plant that will serve fridges/freezers etc. Under the original application a condition securing a supplementary acoustic report was required as the application was speculative. As Aldi are now the applicant, it is known what plant is required and an acoustic report reflecting this has been submitted.

The City Council's Environmental Health officer has assessed the report and considers that the proposed plant is acceptable and will comply with the Council's policies and standard conditions. It is therefore considered that the proposed plant will not affect the amenity of neighbouring properties. A condition is recommended to control the hours of plant and ensure a lower night time operation.

The operation of the filling station as an electric charging station, compared to the approved petrol filling station raises no amenity concerns in terms of noise and comings and goings. Highways related concerns will be address below.

The proposals are considered to comply with the City Council's amenity policies.

### **8.4 Transportation/Parking**

The loss of the petrol station and the provision of an electric charging station have been addressed in the land use section of this report. As a result of these proposals, there are some technical highways issues arising from the application.

#### **8.4.1 Loss of Car Parking**

The current application site has space for 8 off-street car parking spaces for the A1 retail unit (although these have not yet been marked out). The removal of all non-residential

car parking from the site, as a result of the extension of the retail unit and reconfiguration is acceptable and consistent with TRANS1, TRANS21 and TRANS22, as well as STRA25. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls.

#### 8.4.2 Trip Generation

It is accepted that the majority of trips associated with the approved site as a retail unit (excluding servicing) will be via public transport or other sustainable modes (eg walking, cycling). Trip generation modelling indicates that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in floor space (see separate comments below on servicing and cycle parking).

#### 8.4.3 Servicing and Vehicle Tracking

The vehicle tracking for the 13.2 metre service vehicle needed for the retail store, indicates that the vehicle would be able to manoeuvre onto the site and exit, allowing servicing to occur from within the site. As the site was designed to accommodate a petrol tanker, the proposed retail servicing is considered no worse than that for the petrol filling store. It is noted both the proposed retail delivery vehicle and a petrol tanker were larger delivery vehicles than usual for Westminster. The objections raised on this ground can therefore not be sustained. The applicant has confirmed the vertical clearance as 4.2 metres and the Highways Planning Manager considers this protection of space should be conditioned.

The applicant has recently confirmed that all servicing of the retail unit is to occur off-street as previously conditioned under the original approvals (in early discussions of this application it was proposed to service on-street and this was considered wholly unacceptable) and, on balance, the proposal is considered to be consistent with S41, S42, TRANS3 and TRANS20. An updated Servicing Management Plan and Operational Management plan is to be secured by condition (this is also at the request of TfL) and the applicant has agreed to this.

#### 8.4.4 Reinstatement of Redundant Footway

The footway in Orchardson Street currently has a recess and this is no longer required in the development proposed. TfL and the Highways Planning Manager considers that this should be reinstated to improve the environment for pedestrians and other highway users, consistent with S41 and TRANS3. The applicant has agreed to this. This is to be secured by legal agreement.

#### 8.4.5 Cycle Parking

As originally approved under the 2015 permission, the retail unit/ petrol station required 7 cycle spaces for the retail unit but the development actually provided 12 spaces in the forecourt (and this was conditioned to be provided). No long term spaces were proposed for the staff of the retail unit/petrol station and this was therefore conditioned.

Under application 18/07199/ADULL, 5 long term basement spaces were approved, and 12 short terms spaces on the pavement (secured as part of the S278 highways works and agreed by TfL and already in situ).

As required by the draft London Plan policy T5, the A1 retail unit would now generate a



need for at least 6 long term cycle parking spaces and at least 39 short term cycle parking spaces. It should be noted that the applicant's transport consultant argues that this is an inconsistent approach, however given that this is a stand alone application and therefore not reliant on some of the previous conditions/ details approved of the sites full redevelopment, current policy is to be applied.

If applying the standard to the uplift of 207m<sup>2</sup> only (as the applicant argues) 2 long term cycle parking spaces and 12 short term cycle parking spaces are required. While there have been amendments to the cycle parking, there remains no indication that access to the previously approved long stay cycle parking within the basement is part of this application for the retail unit and given the applicants comments with regards to the ground floor refuse/waste storage discussed above, this remains doubtful. Details of long stay cycle parking should be secured by condition.

For short stay provision, the applicant proposes that in addition to the 12 on street spaces approved under 18/07199/ADFULL on the pavement, that an additional 10 spaces are now proposed within the forecourt area. The short terms spaces cannot be guaranteed to be available for shoppers, and this view is echoed by TfL and therefore the additional provision of spaces within the forecourt is welcomed. This provision is significantly less than the 39 short term spaces that 877m<sup>2</sup> of A1 retail space would generate and a 2 space shortfall that the uplift of 207m<sup>2</sup> would generate (12 cycle parking spaces).

The applicant was asked to investigate further provision in the forecourt car parking it remains unclear why part of this could not accommodate the short-term cycle parking requirement. Overall, the applicant's reluctance to meet current cycle parking standards to support this sustainable transport mode is disappointing, however it is not considered that a refusal on this basis, given the marginal benefits of the proposals, could be sustained. A condition to secure the provision of the short terms spaces in the forecourt is recommended.

## **8.5 Economic Considerations**

Any economic benefits associated with the development proposals are welcomed.

## **8.6 Access**

The proposals raise no issues with regards to access for those with disabilities and the shell of both the retail unit and filling station have been built in accordance with the previously approved schemes.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Waste**

The Waste Projects officer has objected to the proposals on the grounds that the proposed plans show waste storage within the filling station forecourt but does not indicate whether this is for general waste and/or recyclable materials and suggests a condition to secure further details of this.

Officers also consider that in design terms this location is not desirable. Whilst a filling

station forecourt is a service and utility area, waste rubbish will inevitably make this area look more untidy. Under the previous applications refuse areas/bulk stores were proposed at ground floor level to the rear of the retail unit accessed by a set of doors from the retail unit and that this serviced all uses within the development. This was conditioned. The submitted floor plans still show a door from the retail unit to the back of house/ residential area and therefore this provision appears to still be possible. The applicant has however confirmed that the retail unit is not afforded any access to the rear waste storage now. The applicant confirms that Aldi's cardboard and packaging is back-hauled to their depot to be recycled, so any waste stored for collection on site will be limited. Waste bins will be kept in a secure bin store that will be locked and the applicant has confirmed that they would be happy to ensure the design of the enclosure is identical to that for the plant. The applicant is also willing to agree a condition to secure a waste management plan, including details of general waste and/or recyclable materials provision. This condition would be applicable if another operator occupied the premises.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

### **8.9 Neighbourhood Plans**

There are no neighbourhood plans for this area.

### **8.10 London Plan**

The proposed electric charging station is compliant with the general aims and aspirations of policies of the London Plan and the draft new London Plan unless discussed otherwise within this report.

### **8.11 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.

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

During the course of this application, a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the submission of an Operational Management Plan and a Servicing Management Plan. The applicant has agreed to the imposition of the condition.

### **8.12 Planning Obligations**

The footway to Orchardson Street, adjacent the side elevation of the undercroft extension will need to be reinstated. Whilst the applicant has agreed to this, it is recommended that this is secured by a unilateral undertaking, despite the applicants request for a planning condition.

Funding for/provision of one on-street charging point has been offered by the applicant. At the time of writing, and as discussed earlier it is unclear whether there is capacity on the surrounding highway network in the vicinity as research into this has not been done. The principle of this offer is welcomed and its location within the wider Church Street ward is to be explored. This is to be secured by unilateral undertaking.

### **8.13 Environmental Impact Assessment**

The proposals are of an insufficient scale to require an Environmental Impact Assessment.

The City Council declared a climate emergency in September 2019 and has committed WCC to becoming carbon neutral by 2030 and for the whole city to follow suit by 2040. The City of Westminster is an Air Quality Management Area (AQMA) where residents frequently are exposed to high levels of particulate matter and nitrogen oxides that can be harmful to human health. It is the City Council's intention to reduce air pollution through a range of methods and the use of Electric Vehicles (EVs) is one of the obvious methods by which pollutants can be reduced.

The use of the approved filling station as an electric charging station, rather than using fossil fuels is therefore welcomed and supported by local and national policy.

### **8.14 Other Issues**

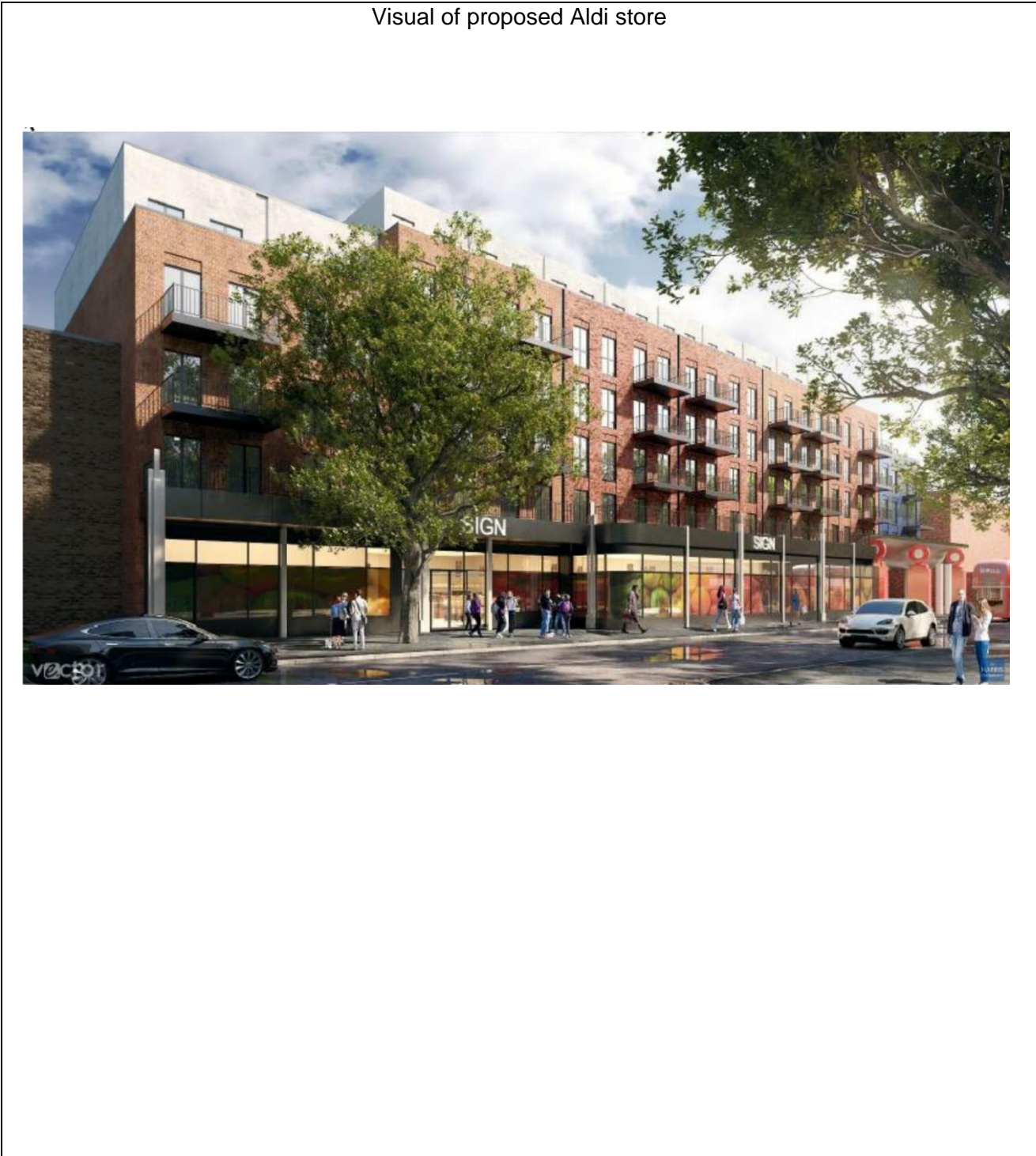
None relevant.

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

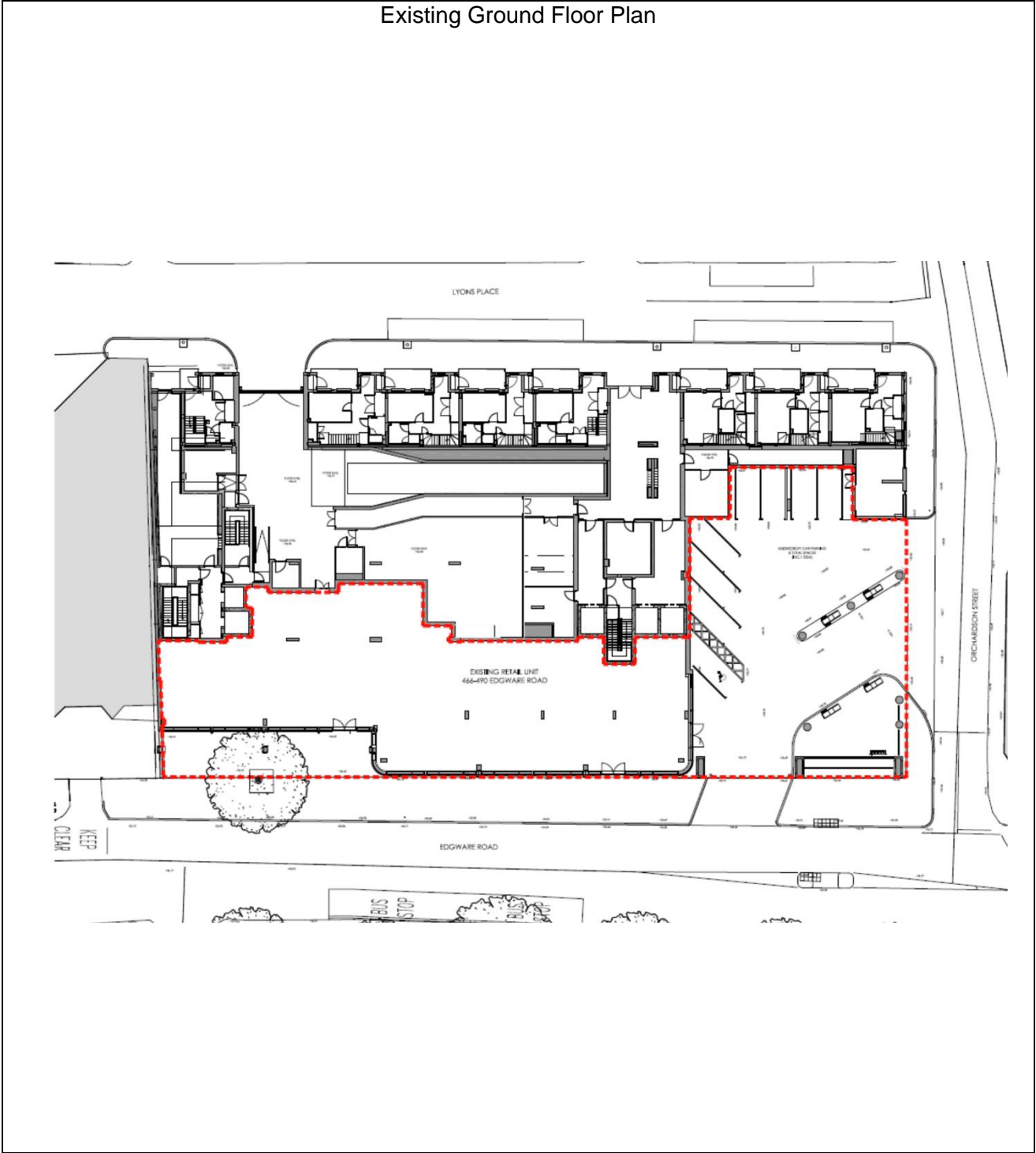
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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9. KEY DRAWINGS

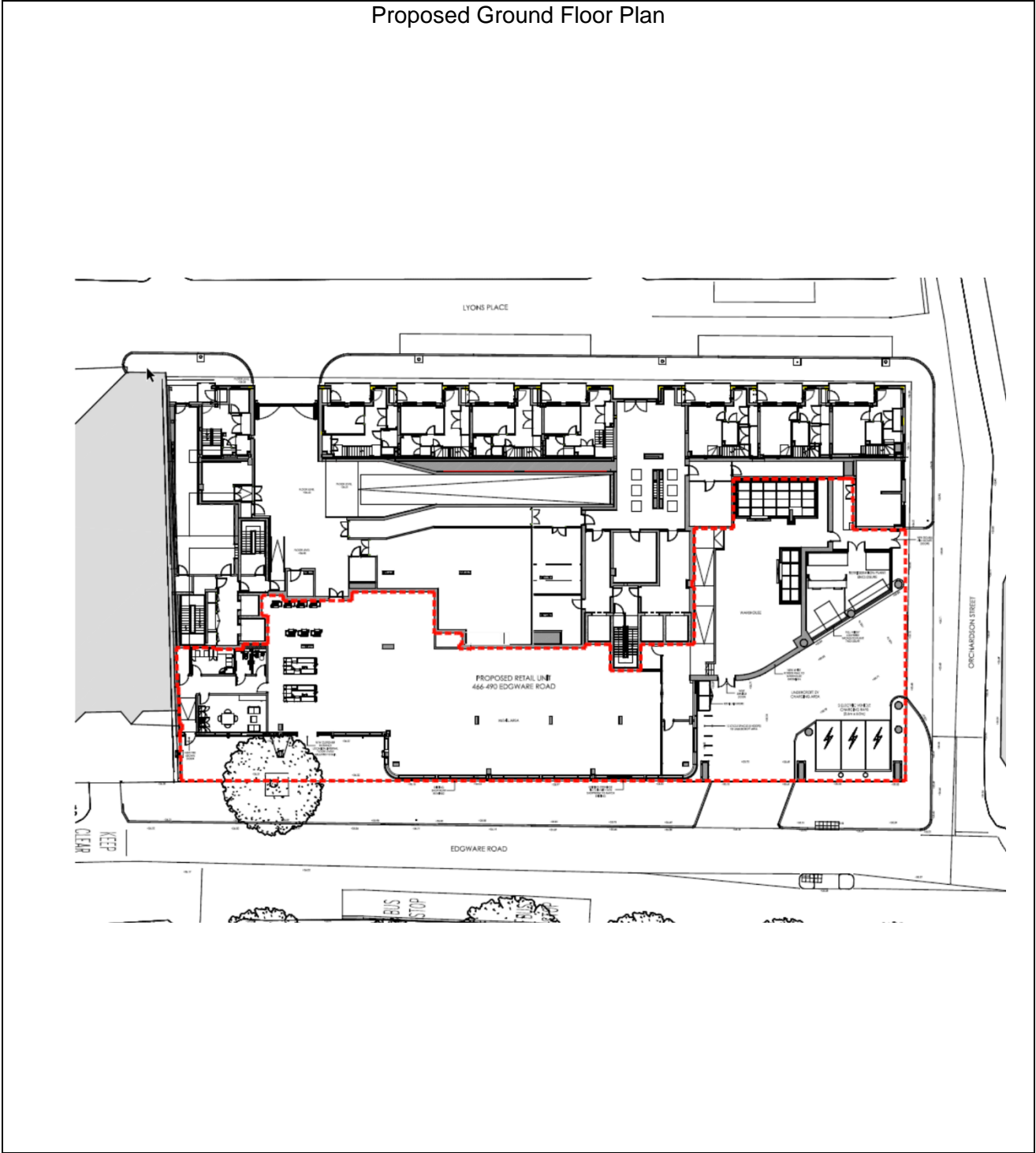
Visual of proposed Aldi store



Existing Ground Floor Plan



Proposed Ground Floor Plan



Proposed Edgware Road Elevation



Proposed Orchardson Street Elevation



**DRAFT DECISION LETTER**

**Address:** 466 - 490 Edgware Road, London, W2 1EJ,

**Proposal:** Extension of existing retail unit (A1 class) and change of use of permitted petrol filling station (sui generis) to electric vehicle charging facility (sui generis).

**Plan Nos:** 2091-2-CHE: 100; 101; 102; 103; 104 A; 105 A; 106; Noise Impact Assessment 1.2 dated 14 May 2020.

For Information Only:  
Cover Letter; Design and Access Statement; Statement from DLB Estates dated 6 Feb 2020; Transport Statement; Letter of Rebuttal from Transport Consultant dated 27 April 2020 , letter of rebuttal from agent dated 5 June 2020 and email correspondence last dated 8 July 2020..

**Case Officer:** Kimberley Davies **Direct Tel. No.** 07866036948

**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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)



- 3 Prior to commencement of development, you must apply to us for approval of an Operational Management Plan. The OMP must include details of management of the Electric Vehicle Charging Points, how access will be managed, how vehicles will not be allowed to stay beyond charging time, how only vehicles cost structure not to exceed borough average for on-street charging facilities and how servicing for the A class unit shall occur in conjunction with access to the Electric Vehicle Points. The site shall only then operate in accordance with the Operational Management Plan.

Reason:

To ensure that the electric charging station can operate effectively without hindering the ability to service the approved retail use, 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, TRANS 3 and TRANS17 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 4 Prior to the occupation of the A1 unit, a minimum of three 50kW rapid chargers shall be installed and operational. They shall be managed and operated in accordance with the approved Operational Management Plan and be retained thereafter.

Reason:

To provide an alternative vehicle fuelling station as required by S41 of the City Plan and TRANS17 of the UDP.

- 5 Prior to commencement of development, you must apply to us for approval of an updated Servicing Management Plan (SMP) which must be followed/maintained for life of development, unless a revised strategy is approved in writing by the Local Planning Authority. The plan must identify process, internal storage locations, scheduling of deliveries and staffing. All servicing shall take place between 07.00 and 20.00 Monday to Saturday and between 09.00am and 17.00 on Sunday. The SMP must thereafter be maintained and followed by the occupants for the life of the development.

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)

- 6 All areas for servicing, including vehicle manoeuvring areas, shall be retained for that purpose. All vehicle manoeuvring areas shall retain a minimum of 4.2 metres vertical clearance.

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, 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. (R23BB)

- 7 All vehicles must enter and exit the site in forward gear.

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)

- 8 No servicing to occur from on the highway; all servicing to occur from within the site.

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 Prior to occupation of the development, a minimum of 10 short stay cycle parking shall be installed in the forecourt, as indicated on drawing 2091-2-che-105 A and thereafter maintained for the life of the development.

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 2016 (R22FA)

- 10 Prior to commencement of development, you must apply to us for approval of details of the long stay cycle parking (minimum 11 long term spaces in total) within the development site, include details of access. These will thereafter be maintained for the life of the development.

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 2016 (R22FA)

- 11 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)

- 12 Prior to occupation of development, you must apply to us for approval of details of a waste strategy for the retail unit. The strategy must include 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 retail unit.

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)

- 13 The louvres to the plant room hereby approved shall be painted grey and be retained in that condition thereafter.

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)

- 14 The white rendered wall of the plant/store room hereby approved shall be painted to match exactly that of the colour of the pillars within the fuelling forecourt and be retained in that condition thereafter.

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)

- 15 The new entrance doors to the retail unit must be constructed in the same materials (frames and glazing) and colour of the existing shopfront.

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)

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

specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

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

Reason:

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

(R46AB)

- 17 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. (R48AA)

- 18 In order to comply with Conditions 16 and 17, you must adhere to the recommendations within the hereby approved acoustic report regarding night time plant operation.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

- i) Reinstatement of redundant vehicle crossover as footway and associated work to the surrounding highway (legal, administrative and physical).
- ii) Funding towards/ the provision of an on-street charging station within the Church Street ward.

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 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 TRANS3, TRANS20, TRANS17 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

**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, neighbourhood plan (where relevant), 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 HIGHWAYS LICENSING:**

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 visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

3 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: vinyls and hanging signs. (I04AA)

4 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)

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

Item No.
<b>3</b>

costs. We will carry out any work which affects the road. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk).

- 6 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
  
- 7 Under condition 19, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure all highways works immediately surrounding the site required for the development to occur, including reinstatement of redundant vehicle crossover as footway and associated work to the surrounding highway (legal, administrative and physical) and the funding towards/ provision of an on-street charging station within the Church Street ward as set out in the letter dated 5 June from Planning Potential and email chain last dated 8 July 2020. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://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)

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# Agenda Item 4

Item No.

4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING (MAJOR APPLICATIONS) SUB-COMMITTEE</b>	<b>Date</b> 21 July 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Site 1 - Claridge House, 32 Davies Street, London, W1K 4ND</b> <b>Site 2 - 1-7 Davies Mews and 28-30 South Molton Lane, London, W1K 5AB</b> <b>Site 3 - 58 Brook Street, London, W1K 5DT</b> <b>Site 4 - 60 Brook Street, London, W1K 5DU</b>		
<b>Proposal</b>	Site 1 - Use of part first floor and second floor as 8 x flats (Class C3). Site 2 - Use of part first and second floor as offices (Class B1) and internal alterations. Site 3 – Use of 4th floor as offices (Class B1). Site 4 - Use of 2nd and 3rd floor as offices (Class B1).		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Grosvenor West End Properties		
<b>Registered Number</b>	Site 1 - 20/02661/FULL Site 2 - 20/02575/FULL and 20/02576/LBC Site 3 - 20/02577/FULL Site 4 - 20/02578/FULL	<b>Date amended/ completed</b>	17 April 2020
<b>Date Application Received</b>	17 April 2020		
<b>Historic Building Grade</b>	Site 2 – Grade II. Sites 1, 3 and 4 – unlisted.		
<b>Conservation Area</b>	All sites - Mayfair		

## 1. RECOMMENDATION

Site 1 (Claridge House, 32 Davies Street):

Grant conditional permission subject to the completion of a legal agreement to secure the following:

- a) Part of the first floor and second floor of Claridge House, 32 Davies Street be ready for occupation as 8 x flats before or within 12 months of part of the first floor and second floor of 1-7 Davies Mews and 28-30 South Molton, the fourth floor of 58 Brook Street and the second and third floors of 60 Brook Street all being ready for occupation as offices.
- b) Costs of monitoring the S106 agreement.

Site 2 (1-7 Davies Mews and 28-30 South Molton Lane):

1. Grant conditional permission subject to the completion of a legal agreement to secure the

following:

- a) Part of the first floor and second floor of 1-7 Davies Mews and 28-30 South Molton Lane being ready for occupation as office floorspace before or within 12 months of part of the first floor and second floor of Claridge House, 32 Davies Street being ready for occupation as 8 x flats.
  - b) The development shall not be commenced until the location for the provision of 6 x Sheffield cycle parking stands in the immediate vicinity of the site have been agreed in writing with the City Council and any necessary changes to traffic orders have been confirmed. The Sheffield stands must be provided prior to occupation of any part of the site for office (Class B1) use.
  - c) Costs of monitoring the S106 agreement.
2. Grant conditional listed building consent
  3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

Site 3 (58 Brook Street):

Grant conditional permission subject to the completion of a legal agreement to secure the following:

- (a) The fourth floor of 58 Brook Street be ready for occupation as office floorspace before or within 12 months of part of the first floor and second floor of Claridge House, 32 Davies Street being ready for occupation as 8 x flats.
- (b) The development shall not be commenced until the location for the provision of 1 x Sheffield cycle parking stand in the immediate vicinity of the site has been agreed in writing with the City Council and any necessary changes to traffic orders have been confirmed. The Sheffield stand must be provided prior to occupation of any part of the site for office (Class B1) use.
- (c) Costs of monitoring the S106 agreement.

Site 4 (60 Brook Street):

Grant conditional permission subject to the completion of a legal agreement to secure the following:

- (a) The second and third floors of 60 Brook Street be ready for occupation as office floorspace before or within 12 months of part of the first floor and second floor of Claridge House, 32 Davies Street being ready for occupation as 8 x flats.
- (b) The development shall not be commenced until the location for the provision of 1 x Sheffield cycle parking stand in the immediate vicinity of the site has been agreed in writing with the City Council and any necessary changes to traffic orders have been confirmed. The Sheffield stand must be provided prior to occupation of any part of the site for office (Class B1) use.
- (c) Costs of monitoring the S106 agreement.

In respect to the planning applications for all four sites:

If the S106 legal agreement(s) has not been completed within six weeks of the date of this resolution then:

- a) The Director of Place Shaping and Town Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

Four application sites are included in this land use package, all of which are located within the Core Central Activities Zone (Core CAZ) and the Mayfair Neighbourhood Plan. Permission is sought to convert part of the first floor and the entirety of the second floor of Claridge House, 32 Davies Street (Site 1) from offices into eight flats. The entirety of the second floor and part of the first floor of 1-7 Davies Mews and 28-30 South Molton Lane (Site 2) are proposed to be converted from five flats to office accommodation. Finally, a flat at fourth floor level of 58 Brook Street (Site 3) and another flat at third and fourth floor levels of 60 Brook Street (Site 4) are proposed to be converted to office accommodation.

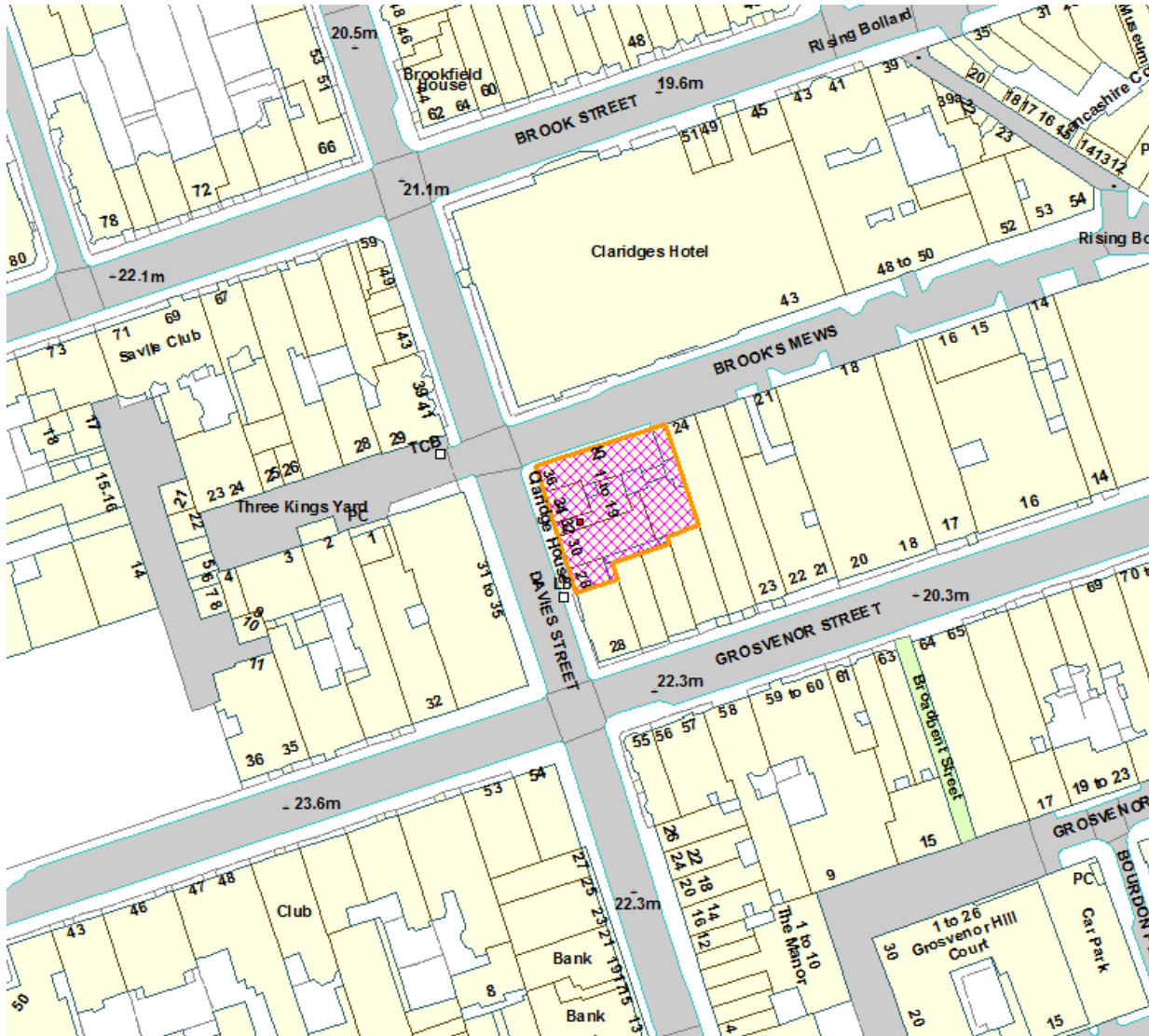
Listed building consent is sought to undertake internal alteration to 1-7 Davies Mews and 28-30 South Molton Lane (Site 2) to facilitate the proposed change of use. This building is Grade II listed.

When taken as a land use package, the result is a net increase in 33 sq.m GIA of residential floorspace and one additional residential unit and a net loss of 38 sq.m GIA of office floorspace. The sites are in close proximity to each other and will result in a more appropriate arrangement of uses, higher quality residential units and an increase in both residential floorspace and units. These benefits outweigh the small loss of office floorspace. Subject to the completion of a legal agreement to ensure the delivery of the land use package as a whole within a 12 month window and to secure some off-site cycle parking provision in connection with the new office floorspace at Sites 2, 3 and 4, it is recommended that conditional permission be granted for all four sites.

Finally, the internal works to 1-7 Davies Mews and 28-30 South Molton Lane (Site 2) will preserve the special interest of this listed building and it is accordingly also recommended that conditional listed building consent be granted.

### 3. LOCATION PLANS

#### Site 1 - Claridge House, 32 Davies Street



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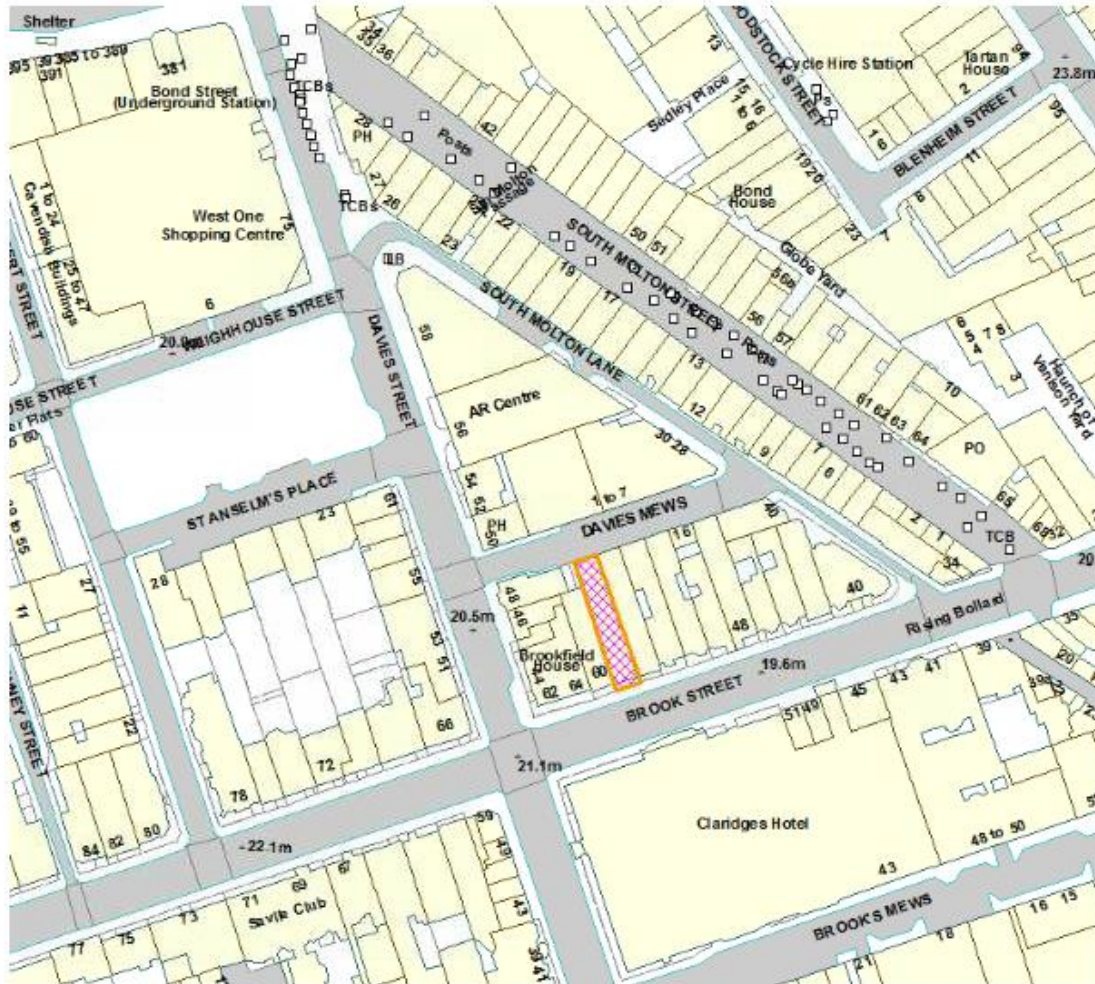
## Site 2 - 1-7 Davies Mews and 28-30 South Molton Lane



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Site 3 - 58 Brook Street



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## Site 4 - 60 Brook Street



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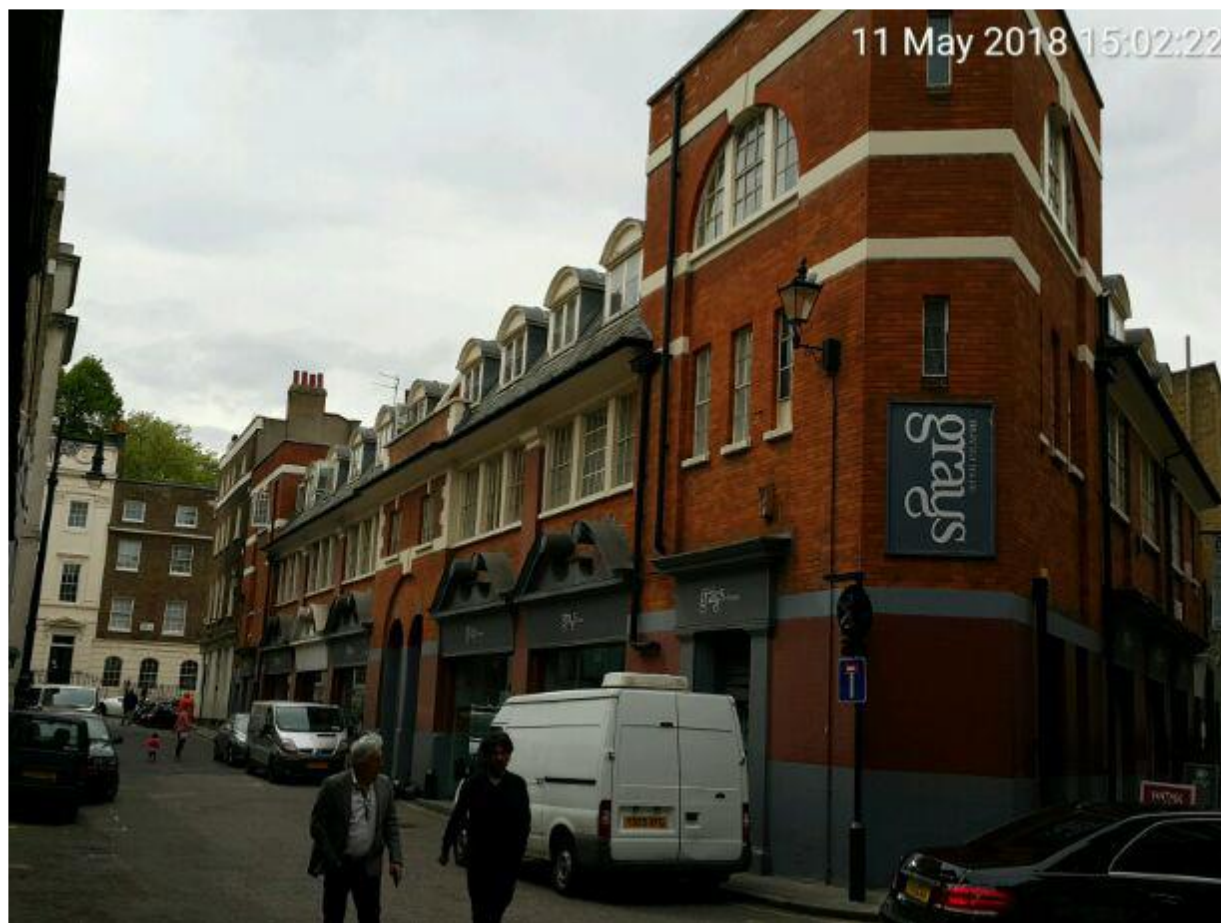
4. PHOTOGRAPHS

Site 1 - Claridge House, 32 Davies Street





Site 2 - 1-7 Davies Mews and 28-30 South Molton Lane



Sites 3 and 4 - 58 Brook Street (right) and 60 Brook Street (left).



## 5. CONSULTATIONS

### Site 1 - Claridge House, 32 Davies Street

#### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

#### MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

#### WASTE PROJECT OFFICER:

- Objection – further information requested.

#### HIGHWAYS PLANNING MANAGER:

- No objection from an on-street car parking stress perspective.  
- No objection to the proposed cycle parking.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 63

Total No. of replies: 2

No. of objections: 1

No. in support: 1

Support for the proposal on the basis that it will return Claridge House back to a residential apartment building.

Objection to the proposal on the grounds that the works required could be detrimental to the health of the existing residents of Claridge House during the current COVID-19 pandemic.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

### Site 2 - 1-7 Davies Mews and 28-30 South Molton Lane

#### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

#### MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

#### WASTE PROJECT OFFICER:

- No objection.

#### HIGHWAYS PLANNING MANAGER:

- No objection to on-street servicing for this small office.  
- No objection to cycle parking being provided off-site (but within close proximity) provided the location(s) have been agreed by the City Council in its capacity as

Highways Authority.

CROSS LONDON RAIL LINKS:

- No comment.

HISTORIC ENGLAND:

- Does not consider it necessary for the application to be referred to Historic England.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

**Site 3 - 58 Brook Street**

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

WASTE PROJECT OFFICER:

- No objection.

HIGHWAYS PLANNING MANAGER:

- No objection to on-street servicing for this small office.

- No objection to cycle parking being provided off-site (but within close proximity) provided the locations has been agreed by the City Council in its capacity as Highways Authority.

CROSS LONDON RAIL LINKS:

- No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

**Site 4 - 60 Brook Street****RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:**

- Any response to be reported verbally.

**MAYFAIR RESIDENTS GROUP:**

- Any response to be reported verbally.

**WASTE PROJECT OFFICER:**

- Objection to proposed storage for refuse and recyclable materials.

**HIGHWAYS PLANNING MANAGER:**

- No objection to on-street servicing for this small office.  
 - No objection to cycle parking being provided off-site (but within close proximity) provided the locations has been agreed by the City Council in its capacity as Highways Authority.

**CROSS LONDON RAIL LINKS:**

- No comment.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 16

Total No. of replies: 0

No. of objections: 0

No. in support: 0

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

**6. BACKGROUND INFORMATION****6.1 The Application Sites**

All four sites are located within the Core CAZ and the Mayfair Conservation Area. For the purposes of the Mayfair Neighbourhood Plan (2019), the sites are all located within Central Mayfair.

**Site 1 - Claridge House, 32 Davies Street**

Arranged over basement, ground and six upper floors, it is understood that this unlisted residential mansion block has commercial uses at basement and ground floor levels, offices at first and second floor levels and flats on the remaining upper floors.

As set out in more detail within Section 6.2 of this report, planning permission was granted in 1981 to: (i) Consolidate the unauthorised (although in some cases lawful) office suites throughout the building to the first and second floor levels; and (ii) To revert the unauthorised office suites over some of the remaining upper floors back to flats. This permission was subject to a legal agreement that ensured that the development was completely in its entirety. Due to the COVID-19 pandemic, it has not been possible to

visit the site in order to check whether the entirety of the third-sixth floors are solely in residential use and the first and second are solely in office use. The applicant, however, has confirmed in writing that this is the case. Council tax and electoral roll records support this position. It therefore appears that the 1981 permission has been implemented in its entirety and the current situation on site is in compliance with the legal agreement

### **Site 2 - 1-7 Davies Mews and 28-30 South Molton Lane**

This Grade II listed building has commercial uses over the majority of the ground and first floors levels. The second floor is made up of four flats with independent access from Davies Mews. There is also a flat at first floor level at the corner of Davies Mews and South Molton Lane, with independent access from South Molton Lane.

### **Site 3 - 58 Brook Street**

Arranged over basement, ground and four upper floors, the lower floors are in commercial use whilst the fourth floor is in use as a flat. This flat shares with the commercial occupiers of the building a communal area at front ground floor level for access.

### **Site 4 – 60 Brook Street**

Arranged over basement, ground and three upper floors, the lower floors are in commercial use and the third floor is in use as a flat. Again, this flat shares with the commercial occupiers of the building a communal area at front ground floor level for access.

## **6.2 Recent Relevant History**

### **Site 1 - Claridge House, 32 Davies Street**

Residential roof extension at 7<sup>th</sup> floor together with alterations at 6<sup>th</sup> floor level to form the lower part of a new maisonette. Use of 1<sup>st</sup> and 2<sup>nd</sup> floors as offices. Uses of 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floors as residential.

Permitted – 22 December 1981. This decision was subject to a legal agreement that secured:

- Upon commencement of the approved office use at first and second floor levels, all office uses on the third to sixth floor levels shall cease and those floors forthwith be used for residential purposes. This is with the exception of:

- a) Flat 10 (fourth floor level) that was permitted to remain in mixed office and residential use only for the three-year duration of the temporary planning permission granted at appeal dated 17 April 1979; and
- b) Flats 8 (third floor level) and 15 (fifth floor level) that were permitted to be continued to be used as offices only on the condition that one or two suites (as

the case may be) at first and/or second floor shall continue to be used for residential purposes. When Flats 8 and/or 15 cease to be used for office purposes, the suites at first and/or second floor may then be used as offices.

### **Site 2 - 1-7 Davies Street and 28-30 South Molton Lane**

None.

### **Site 3 - 58 Brook Street**

03/05942/FULL

Use of lower basement, basement and ground floor as Class A1 (retail) and/or Class B1 (office) use.

Permitted – 1 October 2003.

The reconstruction behind existing façade to provide office accommodation on the basement, ground, first and third floor with a residential flat at fourth floor.

Permitted – 20 July 1971.

### **Site 4 - 60 Brook Street**

94/04363/CLEUD

Use of basement, lower ground, ground, upper ground and first floor as exhibition and retail art gallery and ancillary offices, all within Class A1.

Permitted – 27 July 1994

Redevelopment by the erection of a building comprising basement, ground and part four and part one upper floors to provide shop, office and residential accommodation.

Permitted – 27 July 1976.

The approved drawings show a shop at front ground and rear basement, offices over rear ground, first and second floor level, and a maisonette over third and fourth floor levels.

## **7. THE PROPOSAL**

Planning permission is sought to convert the seven residential flats within Sites 2, 3 and 4 into office accommodation and the convert part of the first floor and the entirety of the second floors of Claridge House, 32 Davies Street (Site 1) into eight flats. The remainder of the first floor will remain in use as offices.

Listed building consent is sought to undertake internal alterations to 1-7 Davies Mews and 28-30 South Molton Lane (Site 2) in order to facilitate the conversion of this floorspace to office accommodation.

The applications have been submitted as land use package. Table 1 below sets out the land use implications if all four development proposals are built out in their entirety.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	871.03	833.28	-37.75
Residential (Class C3)	833.28 (7 x flats)	866.7 (8 x flats)	+33.45 (+1 x flat)
<b>Total</b>	<b>1,704.31</b>	<b>1,699.98</b>	<b>-4.33</b>

Table 1: Land use summary of proposed land use package.

The slight decrease in the total floor area of the four sites is as a result of some increases in wall thickness within Claridge House, 32 Davies Street (Site 1).

A comparison between the residential unit types and the overall number of flat is summarised in Table 2 below.

Residential unit types	As existing	As proposed	+/-
Three-bed	2	2	0
Two-bed	3	2	-1
One-bed	2	4	+3
<b>Total</b>	<b>7</b>	<b>8</b>	<b>+1</b>

Table 2: Residential units summary of proposed land use package.

The proposed size of the residential units proposed at Claridge House, 32 Davies Street (Site 1) is summarised below:

Unit	Flat Unit Type	Proposed Floor Area (sqm GIA)
1A	3b6p	143.9
1B	2b4p	77.0
1C	1b1p	41.4
2A	3b6p	143.9
2B	1b2p	52.9
2C	1b1p	40.6
2D	1b1p	40.6
2E	2b4p	154.1

Table 3: Floorspace of proposed residential units within Claridge House, 32 Davies Street (Site 1).

No external alterations are proposed to any of the sites.

The application forms part of the applicant's preparation for the redevelopment of the wider South Molton Triangle (SMT) site (site bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) and 10, 15-25, 27 and 42 South Molton Street). This application was received on 24 June 2020 and is therefore at a very early stage in its assessment.

If the current applications are granted, officers have agreed that the baseline for assessing the wider SMT application will be based, not on the current uses on the SMT site, but as if the current package of applications have been implemented in full. If the City Council resolves to grant permission for the wider SMT application, there will be a need to ensure that the residential units at Claridge House, 32 Davies Street (Site 1) are



delivered at an appropriate point in time in relation to the redevelopment of the SMT site. As is recommended in the current package of applications, ensuring that the replacement residential floorspace / units and corresponding replacement office floorspace are delivered in a timely manner would be secured by legal agreement.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use and Amenity**

In isolation, the loss of the residential floorspace and residential units at Site 2, 3 and 4 is contrary to City Plan Policy S14. Furthermore, the loss of office floorspace to provide flats within Claridge House, 32 Davies Street (Site 1) is contrary to City Plan Policy S20 and Mayfair Neighbourhood Plan Policy MC2.

However, City Plan Policy CM47.1 allows the City Council to assess land use packages for site within the CAZ as though the development is on a single site. The four sites that are the subject of these application are within the CAZ and within close proximity to each other. There is therefore no in-principle objection to assessing them as a land use package.

Whilst there is a small (38 sq.m GIA) loss of office floorspace which in contrary to City Plan Policy S20 and Mayfair Neighbourhood Plan Policy MC2, there are a number of reasons why the proposed distribution of land uses within this part of Mayfair is beneficial. The replacement of the isolated residential units that share awkward access arrangements with other commercial parts of the building within 58 Brook Street (Site 3) and 60 Brook Street (Site 4) with good quality residential units in a residential mansion block at Claridge House, 32 Davies Street (Site 1) is welcome. The proposal will also result in the almost all of the Claridge House, 32 Davies Street (Site 1) returning to its historic residential use (above ground). This will be of benefit for the current residential occupants of the building through reducing potential conflict with commercial users of the building and associated security concerns.

Whilst one occupier of a flat within Claridge House has raised concern over the works taking place during the COVID-19 pandemic, this does not represent a sustainable reason for refusing permission.

Furthermore, whilst none of the residential units within Sites 2, 3 and 4 are of poor quality, the proposed replacement residential units within Claridge House, 32 Davies Street (Site 1) are considered to represent an improvement, with the majority being dual aspect, all meeting minimum space standards and benefitting from good layouts and with good access to daylight. This is despite two of the existing flats within 1-7 Davies Mews and 28-30 South Molton Lane (Site 2) having outdoor amenity space whereas none of the replacement units would enjoy such a facility. The number of 'family-sized' units (i.e. containing three or more bedrooms) would remain unchanged and, whilst there is a more of a focus on smaller sized units within Claridge House, 32 Davies Street (Site 1), this is more than compensated by the net increase in one residential unit and an increase in residential floorspace of 33 sq.m GIA.

The proposed uses are considered to be suitable for each site, not resulting in any loss of residential amenity or intensification of a use into an area.

Overall, the proposal is considered to be in accordance with City Plan Policies S14, S15 and CM47.1, UDP Policy H5 and Mayfair Neighbourhood Plan Policies MSG2 and MRU2.2. Departing from City Plan Policy S20 and Mayfair Neighbourhood Plan Policy MC2 in respect to the small loss of office floorspace is considered to be justified in this instance.

## **8.2 Townscape and Design**

As set out above, no external alterations are proposed to any of the sites and therefore there will be no impact on the character and appearance of the Mayfair Conservation Area.

### **Site 2 - 1-7 Davies Mews and 28-30 South Molton Lane**

The building dates to 1902-03 and was designed by Reginald Blomfield in the manner of a Georgian stable block. It was originally used as workshops. In the 1930s the workshops were converted into a warehouse and garages, with flats on the second floor. In the late 1970s the building became an indoor antiques market at ground and basement level. The interior has been extensively altered over the years. The plan form has been changed and there are little or no historic features of interest.

The proposed internal works are modest. The works at first floor level include removing a modern bathroom, creating a new bathroom and rebuilding a staircase. At second floor level it is proposed to reinstate a corridor, which is likely to be part of the original plan. New traditional doors in keeping with the date of the building will be used. These works will be beneficial to, and will not harm, the special interest of the building.

The proposals comply with the City Council's listed building policies and supplementary planning guidance, 'Repairs and Alterations to Listed Buildings', and are considered appropriate and acceptable. A recommendation to grant conditional consent would therefore be compliant with the requirements of the NPPF and the statutory duty set out within Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **8.3 Transportation/Parking**

### **Site 1 – Claridge House, 32 Davies Street**

The evidence of the Council's most recent parking survey in 2018 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200m radius of Claridge House, 32 Davies Street (Site 1) is 74.2% at daytime and 53.6% overnight. This is below the 80% parking stress level set out within UDP Policy TRANS 23. Given that there is a net increase in the number of residential units across the four sites of just one, this will not result in the parking stress levels exceeding 80%. As such, the proposal is policy compliant in terms of its impact upon on-street car parking stress.

The provision of on-site cycle parking for the new residential units within the basement of Claridge House, 32 Davies Street (Site 1) is acceptable and it is recommended to be secured by condition.

### **Sites 2, 3 and 4.**

It is accepted that it is not physically possible to accommodate cycle parking within these three sites. Whilst officers do not normally accept off-site cycle parking provision, the Highways Planning Manager is prepared to make an exception in this instance. It is recommended that a legal agreement secures a total provision of 8 x Sheffield stands prior to occupation in location(s) to be agreed in writing with the City Council.

#### **8.4 Economic Considerations**

The small loss of office floorspace is acceptable for the reasons set out within Section 8.1 of this report.

#### **8.5 Access**

The residents of the eight new flats within Claridge House, 32 Davies Street (Site 1) will benefit from level access from the street and lift access to all eight flats.

The access arrangement for Sites 2, 3 and 4 will remain unchanged, with level access not possible without significant alterations that are not considered necessary to make the development acceptable.

#### **8.6 Other UDP/Westminster Policy Considerations**

##### **Refuse /Recycling**

Following comments from the Projects Officer (Waste), amendments and additional details has been provided by the applicant which overcome any concerns. The provision and retention of the storage facilities for waste and recyclable material are recommended to be secured by condition.

#### **8.7 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

#### **8.8 Neighbourhood Plans**

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at

referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

### **8.9 London Plan**

This application raises no strategic issues.

### **8.10 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.

No pre-commencement conditions are proposed.

### **8.11 Planning Obligations**

The draft 'Heads' of agreement are proposed to cover the following issues:

- Secure the delivery of all four developments in full within a 12-month window.
- Secure the provision of 8 x Sheffield cycle parking stands in the vicinity of Site 2, 3 and 4 prior to occupation of any part of these sites as offices (location to be agreed in writing with the City Council and any necessary changes to traffic orders having been confirmed).

### **8.12 Environmental Impact Assessment**

The proposal is of insufficient scale and impact to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **8.13 Other Issues**

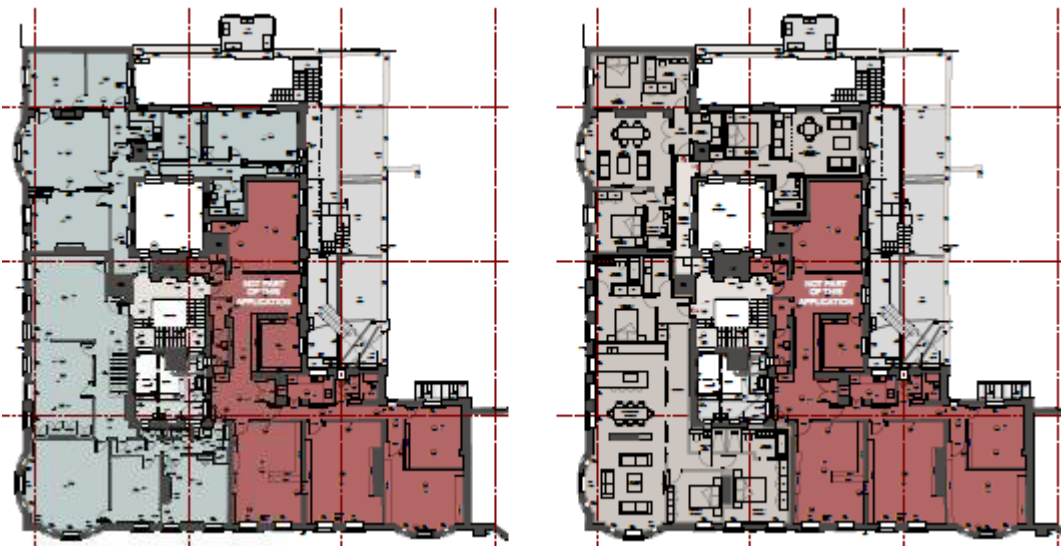
None.

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

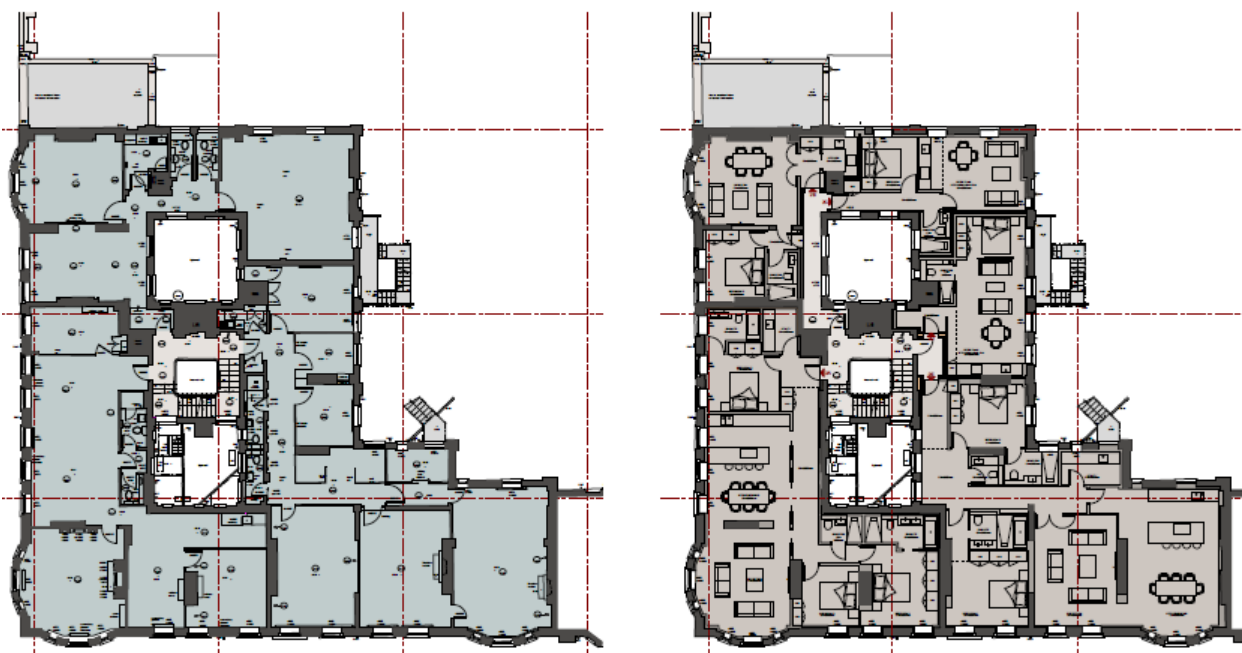
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

9. KEY DRAWINGS

Site 1 - Claridge House, 32 Davies Street.



Existing and proposed first floor plan.



Existing and proposed second floor plan.

Site 2 - 1-7 Davies Mews and 28-30 South Molton Lane.

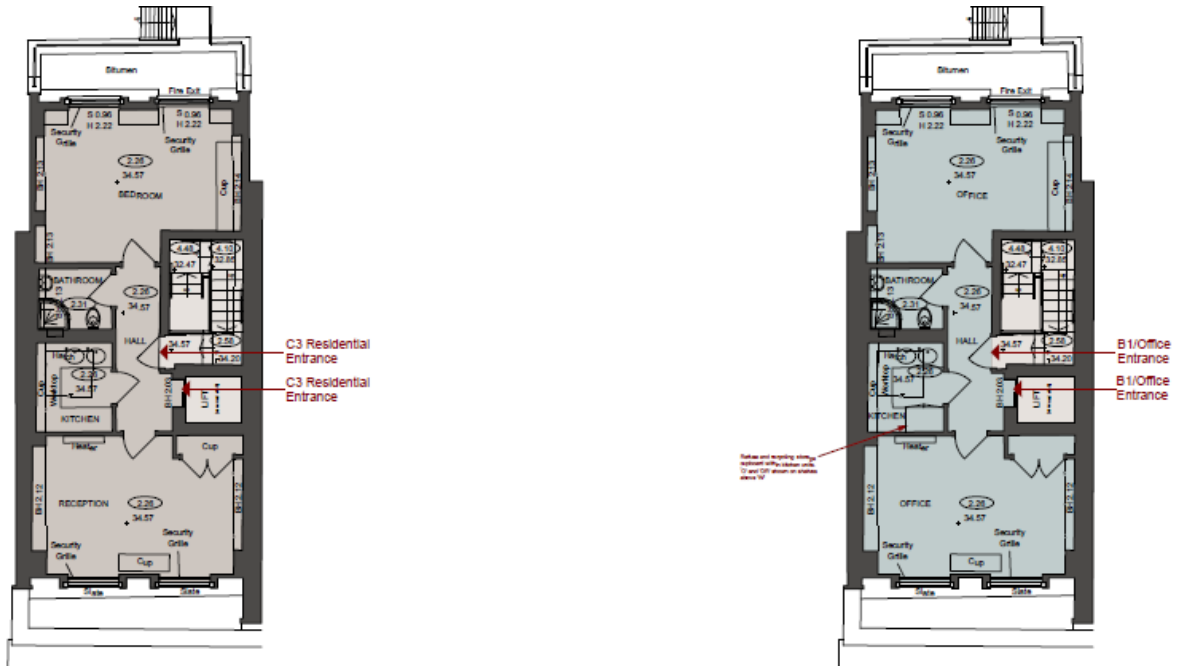


Existing first floor plan.



Existing second floor plan.

Site 3 - 58 Brook Street



Existing and proposed fourth floor plan.

Site 4 - 60 Brook Street, London, W1K 5DU



Existing and proposed third and fourth floor plans.

**DRAFT DECISION LETTER (SITE 1)**

**Address:** Claridge House, 32 Davies Street, London, W1K 4ND

**Proposal:** Use of part first floor and second floor as 8 x flats (Class C3).

**Plan Nos:** 0506.101.03B, 0506.102.03B and 0506.100.02 Rev. A.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 07866040156

**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:**

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.

- 2 Before anyone moves into any of the eight flats hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 0506.100.02 Rev. A. You must clearly mark them and make them 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.

**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)

- 3 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.

**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 2016 (R22FA)

- 4 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. (R49AA)

- 5 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. (R49BA)

#### **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, neighbourhood plan (where relevant), 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 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](http://www.westminster.gov.uk/cil)

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

**Commencement Form**

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

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Forms can be submitted to [CIL@Westminster.gov.uk](mailto: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.**

- 3 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:
  - a) Part of the first floor and second floor of Claridge House, 32 Davies Street be ready for occupation as 8 x flats before or within 12 months of part of the first floor and second floor of 1-7 Davies Mews and 28-30 South Molton, the fourth floor of 58 Brook Street and the second and third floors of 60 Brook Street all being ready for occupation as offices.
  - b) Costs of monitoring the S106 agreement.

**DRAFT DECISION LETTER (SITE 2 – FULL)**

**Address:** 1-7 Davies Mews, London, W1K 5AB

**Proposal:** Use of part first and second floor as offices (Class B1).

**Plan Nos:** 0506.1.101.03 Rev. A and 0506.1.102.03.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 07866040156

**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 Prior to occupation of the office floorspace hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 0506.1.102.03. You must clearly mark them and make them available at all times to everyone using the offices. 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)

**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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This 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:
- a) Part of the first floor and second floor of 1-7 Davies Mews and 28-30 South Molton Lane being ready for occupation as office floorspace before or within 12 months of part of the first floor and second floor of Claridge House, 32 Davies Street being ready for occupation as 8 x flats.
  - b) The development shall not be commenced until the location for the provision of 6 x Sheffield cycle parking stands in the immediate vicinity of the site have been agreed in writing with the City Council and any necessary changes to traffic orders have been confirmed. The Sheffield stands must be provided prior to occupation of any part of the site for office (Class B1) use.

**DRAFT DECISION LETTER (SITE 2 – LBC)**

**Address:** 1-7 Davies Mews, London, W1K 5AB

**Proposal:** Internal alterations.

**Plan Nos:** 0506.1.101.02, 0506.1.102.02, 0506.1.101.03 Rev. A and 0506.1.102.03.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 07866040156

**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.

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

**DRAFT DECISION LETTER (SITE 3)**

**Address:** 58 Brook Street, Mayfair, London, W1K 5DT

**Proposal:** Use of 4th floor as offices (Class B1).

**Plan Nos:** 0506.2.104.03.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 07866040156

**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 Prior to occupation of the office floorspace hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 0506.2.104.03. You must clearly mark them and make them available at all times to everyone using the offices. 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)

**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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This 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:
- (a) The fourth floor of 58 Brook Street be ready for occupation as office floorspace before or within 12 months of part of the first floor and second floor of Claridge House, 32 Davies Street being ready for occupation as 8 x flats.
  - (b) The development shall not be commenced until the location for the provision of 1 x Sheffield cycle parking stand in the immediate vicinity of the site has been agreed in writing with the City Council and any necessary changes to traffic orders have been confirmed. The Sheffield stand must be provided prior to occupation of any part of the site for office (Class B1) use.

**DRAFT DECISION LETTER (SITE 4)**

**Address:** 60 Brook Street, Mayfair, London, W1K 5DU

**Proposal:** Use of 2nd and 3rd floor as offices (Class B1).

**Plan Nos:** 0506.3.102.05 Rev. A and 0506.3.103.03.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 07866040156

**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 Prior to occupation of the office floorspace hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 0506.3.102.05 Rev. A. You must clearly mark them and make them available at all times to everyone using the offices. 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)

**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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.



- 2 This 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:
- (a) The second and third floors of 60 Brook Street be ready for occupation as office floorspace before or within 12 months of part of the first floor and second floor of Claridge House, 32 Davies Street being ready for occupation as 8 x flats.
  - (b) The development shall not be commenced until the location for the provision of 1 x Sheffield cycle parking stand in the immediate vicinity of the site has been agreed in writing with the City Council and any necessary changes to traffic orders have been confirmed. The Sheffield stand must be provided prior to occupation of any part of the site for office (Class B1) use.

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