



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 7th February, 2023

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Nafsika Butler-Thalassis (Chair)
Cara Sanquest
Ryan Jude
Amanda Langford



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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.

If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

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

**Tel: 07870 548348; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

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 hybrid 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.

(Pages 5 - 8)

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

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

- | | |
|---------------------------------------------------------------------|--------------------------|
| 1. 8-12 WILLIAM STREET, LONDON, SW1X 9HL | (Pages 11 - 56) |
| 2. ST JAMES'S CHURCH, 197 PICCADILLY, LONDON, W1J 9ET | (Pages 57 - 98) |
| 3. GROUND FLOOR, 85 GREAT TITCHFIELD STREET, LONDON, W1W 6RJ | (Pages 99 - 116) |
| 4. CENTURY HOUSE, 100-102 OXFORD STREET, LONDON, W1D 1LL | (Pages 117 - 134) |
| 5. GROUND FLOOR, 48 MARGARET STREET, LONDON, W1W 8SD | (Pages 135 - 156) |

Stuart Love
Chief Executive
27 January 2023

Order of Business

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

Order of Business
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 Applications Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** Committee held on **Tuesday 6th December, 2022**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Nafsika Butler-Thalassis (Chair), Amanda Langford, Cara Sanquest and Md Shamsed Chowdhury

1 MEMBERSHIP

- 1.1 It was noted that Councillor Md Shamsed Chowdhury was substituting for Councillor Ryan Jude.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Nafsika Butler-Thalassis explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, 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 had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillors Butler-Thalassis, Chowdhury and Sanquest declared that in respect of Item 1 they were colleagues with Councillors Jude and Ormsby who had commented on the application, but they had held no discussions with them regarding it.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 4 October 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

The Chair agreed to hear the applications in the following order: 1, 6, 2, 3, 4 and 6.

1 19 UPBROOK MEWS, LONDON, W2 3HG

Conversion of garage into habitable space and erection of a mansard roof extension with raising the height of the party wall with 18 Upbrook Mews.

An additional representation was received from Councillors Ryan Jude and Ellie Ormsby (28.11.22).

Late representations were received from two local residents (06.12.22 and 02.12.22).

Joanne Jong addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

2 THE LONDON PAVILION, 1 PICCADILLY, LONDON, W1J ODA

Use of part basement, part ground, and first to fifth floor plans as a tourist hostel (Class C1). Installation of photovoltaic panels and plant at roof level, internal alterations and replacement of windows with louvres at second floor level on east elevation.

An additional representation was received from Centro (29.11.22).

A late representation was received from Centro (05.12.22).

Luke Raistrick addressed the Sub-Committee in support of the application.

RESOLVED: (Grant – Councillors Butler-Thalassis, Chowdhury and Langford; Refuse: Councillor Sanquest)

- 1) That conditional permission be granted.
- 2) That conditional listed building consent be granted.

- 3) That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

3 16-17 HAY HILL, LONDON, W1J 8NY

Variation of conditions 12 and 13 of planning permission dated 19th June 2018 (RN:17/07518/FULL) for the Use of lower ground, ground and first floors as a restaurant (Class A3) and minor works to connect to existing riser; NAMELY, to amend and extend the permitted opening hours of the restaurant use (from 23:00 to 00:00 (midnight) each day), as well as remove the requirement for an entrance lobby.

James Emblin addressed the Sub-Committee in support of the application.

RESOLVED: (Grant – Councillors Butler-Thalassis, Langford and Sanquest; Refuse: Councillor Chowdhury)

That conditional permission be granted.

4 24-26 MADDOX STREET, LONDON, W1S 1PN

Variation of Condition 13 of planning permission dated 20 April 2021 (RN: 21/00946/FULL) for, 'Use of part basement, part ground and first to fifth floors as a private business members club with office workspace, food and beverage areas, a wellness centre (flexible studio space, hairdressers and spa) with associated external terraces at fourth and fifth floor levels, to allow fourth and fifth floor terrace areas to be used until 22:00 on Monday to Saturday and Bank Holidays' NAMELY, to allow the terrace areas at fourth and fifth floor levels to be used between the hours of 09.00 and 22.00 on Monday to Saturdays and between 09:00 and 20:00 on Sundays and Bank Holidays on a permanent basis. (Application under Section 73 of the Act).

Lucy Pitham addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

5 26D RANDOLPH CRESCENT, LONDON, W9 1DR

Erection of two storey side extension at lower ground and upper ground floors, additional rear window, use of garage as internal floor space, replacement of garage doors with sash windows and brick panels and associated alterations.

Additional representations were received from eight local residents (24.11.22, 25.11.22, 29.11.22 and 30.11.22)

Carl Falck addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

6 BASEMENT FLAT, 28 ALDRIDGE ROAD VILLAS, LONDON, W11 1BW

Erection of single storey extension at rear lower ground floor level.

An additional representation was received from a local resident (30.11.22).

James Senior addressed the Sub-Committee in support of the application.

Paul Bester addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 8.17 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 7th February 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 22/05835/FULL Knightsbridge & Belgravia	8 - 12 William Street London SW1X 9HL	Works of extension and refurbishment to 8-12 William Street, including the erection of a rear extension across ground and lower ground floors to provide additional Class E floorspace, extension of existing closet wing projection to provide a lift for the residential upper floors and new kitchen extract, removal of existing metal fire escape stairs and reconstruction of terraces, and replacement shopfronts to front elevation	Monoceros Property Holdings Ltd & Monoceros Partners Ltd
	Recommendation 1. Grant conditional permission 2. Grant conditional listed building consent; and 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 22/05329/FULL St James's	St James's Church 197 Piccadilly London W1J 9ET	Alterations to Piccadilly Building including erection of 3-storey extension to east and south and addition of new mansard roof at third floor to provide additional church office and meeting room accommodation; new plant rooms at basement level, plant at new third floor level, new service tower within Piccadilly Building and demolition of vestry link building to create new entry to Church yard from Church Place; relocation of rectory accommodation from Piccadilly Building into Jermyn Street Building and erection of new second floor mansard to Jermyn Street Building to support rectory use; relocation of existing cafe accommodation from ground floor of Jermyn Street Building into ground and part basement floor of Piccadilly Building; alterations to St James's church including repair of spire, installation of plant within former bell tower, excavation beneath the south porch of the church; and reinstatement of south entrance door; alteration of Jermyn Street Building to provide new route between Jermyn Street and the churchyard, new railings to Jermyn Street, and re-landscaping of the North and Green Churchyards, and erection of new single storey garden pavilion in Green Churchyard.	Rev Lucy Winkett
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 7th February 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

3.	RN(s): 22/07417/FULL	Ground Floor 85 Great Titchfield Street London W1W 6RJ	Installation of four air conditioning units within screened enclosures at rear first floor level.	Mr John Suett
	West End	Recommendation Grant conditional permission.		
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 22/04944/FULL	Century House 100 - 102 Oxford Street London W1D 1LL	Use of ground floor as an Adult Gaming Centre (Sui Generis) with external alterations to shopfront including the relocation of access.	Luxury Leisure
	West End	Recommendation Grant conditional permission		
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 22/04870/FULL	Ground Floor 48 Margaret Street London W1W 8SD	Use of ground floor as drinking establishment with expanded food provision (Sui Generis). Installation of extract duct to the rear elevation terminating above main roof level and installation of an air condenser unit at rear ground floor level.	Mr Gabriel De-Vere
	West End	Recommendation Grant conditional permission		

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Knightsbridge & Belgravia	
Subject of Report	8 - 12 William Street, London, SW1X 9HL		
Proposal	Works of extension and refurbishment to 8-12 William Street, including the erection of a rear extension across ground and lower ground floors to provide additional Class E floorspace, extension of existing closet wing projection to provide a lift for the residential upper floors and new kitchen extract, removal of existing metal fire escape stairs and reconstruction of terraces, and replacement shopfronts to front elevation.		
Agent	Mrs Charlotte Yarker		
On behalf of	APML Estate Ltd		
Registered Number	22/05835/FULL and 22/05836/LBC	Date amended/ completed	5 September 2022
Date Application Received	26 August 2022		
Historic Building Grade	II		
Conservation Area	Albert Gate		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

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

2. SUMMARY & KEY CONSIDERATIONS

The site is William Street House, 8-12 William Street. It comprises five adjoining mid-nineteenth century terrace properties which lie on the eastern side of William Street. The properties are grade II

listed (part of a listing for 5-12 William Street) and situated within the Albert Gate Conservation Area. The site is outside of the Central Activities Zone (CAZ). The buildings comprise basement, ground floor and three upper stories. The lower and ground floor levels are in retail, café and restaurant uses (Class E) and the upper floors is in residential use (Class C3).

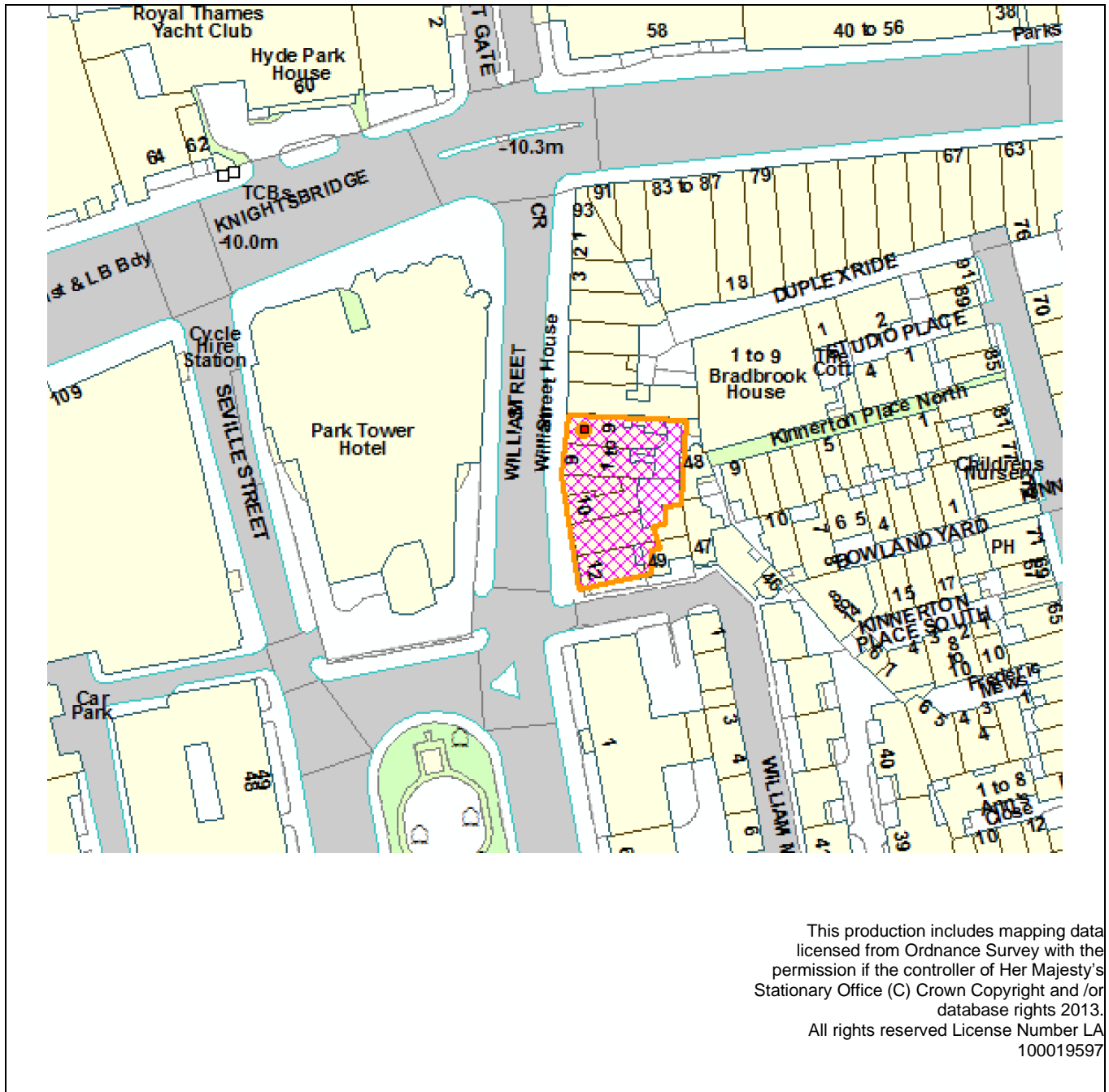
The applicant proposes to erect a rear extension at the basement and ground floor levels to provide additional floorspace for two restaurant (Class E) units, as well as an extension containing a new lift shaft and kitchen extract to the rear of no. 10 through the extension of the rear closet wing, the removal of the existing metal fire escape stairs and rebuilding of terraces to nos. 8, 9 and 11, the replacement of shopfronts to the front elevation and associated internal alterations.

The key considerations in this case are:

- The acceptability of enlarged restaurants (Class E) in this location in land use terms;
- The impact of the extension, new kitchen extract and new balconies on the amenity of neighbouring residential properties and local environmental quality; and
- The impact of the proposed alterations upon the appearance of the building and the character and appearance of the Albert Gate Conservation Area.

Objectors are primarily concerned about the potential of the additional restaurant floorspace and new balconies to generate noise and disturbance that will harm nearby residents and the management of waste. As set out in this report and following amendments to the proposal (including removal of bin stores to the side elevation), the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan). The application is therefore considered acceptable in land use, design, heritage, and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear elevation



Rear courtyard and elevation

5. CONSULTATIONS

5.1 Application Consultations

HISTORIC ENGLAND (ARCHAEOLOGY):
No comment.

BELGRAVIA RESIDENTS ASSOCIATION:
No response to date.

THE BELGRAVIA SOCIETY:
No response to date.

BELGRAVIA NEIGHBOURHOOD FORUM:
No response to date.

THE KNIGHTSBRIDGE ASSOCIATION:
Objects on the grounds of the effect the intensification of use would have on the amenity of residents in this quiet residential area, the expansion of the residential terraces adding to the nuisance already experienced, possible increased light leakage impacting the mews residents and health and safety risks (smells and liquid) associated with waste storage at ground floor level.

WASTE PROJECT OFFICER:
Objection - further details required.
Following reception of revised drawings - no objection.

HIGHWAYS PLANNING TEAM:
Undesirable but could be made acceptable.

ENVIRONMENTAL HEALTH:
No objection subject to recommended conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 61
No. of objections: 10 (from 4 individual objectors)
No. in support: 0

In summary, four objectors made representations on the following grounds:

Rear extensions for restaurant use

- noise nuisance from retail units to the rear of the site
- units should be accessed only via William Street
- light pollution
- exhaust should vent out the public / retail area, i.e. William street, and away from the many surrounding residences

Waste provision

- addition of 4 large waste storage to the side elevation would materially damage the appearance of the Grade II listed building and views into and out of the Belgravia Conservation Area, the appearance of the mews entrance.
- impact on amenity of local residents and hotel guests in particular smells.
- technical and safety issues associated with the proposed location of the bins
- encroachment onto a relatively narrow private residential pavement and road, dependent on the use of the neighbouring property's land.
- no information about the day to day practical usage of the new commercial ABP (animal by product) waste disposal bins.
- lack of an accompanying waste management report or risk management relating to the new proposed waste disposal site.
- on rubbish collection nights, waste left on the traffic island on Lowndes Square by the entrance to William Mews, and on the pavement and road of William Mews itself. Attract rodents and other pests.
- a waste management plan from the applicant should prohibit the processing, storage, or transportation of the applicant's waste from the applicant's site on or through any part of William Mews to access waste disposal lorries.
- extend any existing waste management disposal system which services the Knightsbridge buildings to open onto an exit on Kinnerton Street to the public road there.

Balconies

- noise nuisance from new balconies serving flats

Other matters

- application is described as 8-9 William Street but the works are to be carried out at 8-12 William Street.
- lack of consultation.
- illegal and obstructive parking at the entrance to William Mews. This congestion quite significantly reduces visibility on oncoming traffic and cyclists and the ability to safely enter and exit William Mews.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The council has published guidance to assist applicants and developers, their agents, and community representatives to more clearly understand the council's expectations for planning pre-application engagement. The guide supports developers to deliver earlier, more inclusive and more transparent and responsive community engagement in Westminster on their emerging development proposals. It advises engagement is expected for non-major development where the development itself or the scale of construction work would have a significant impact on neighbouring occupiers. The applicant did not carry out pre-application community engagement.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

William Street House, 8-12 William Street, comprises five adjoining mid-nineteenth century terrace properties which lie on the eastern side of William Street. The properties are grade II listed (listing includes 5-12 William Street) and situated within the Albert Gate Conservation Area. The site is not within the Central Activities Zone (CAZ). The property is at the corner with William Mews.

The buildings comprise basement, ground floor and three upper stories and have a considerable parapet which conceals shallow pitched roofs. The terrace maintains much of its 19th century composition and architectural character to the front, other than modern shopfronts which to a certain extent are detracting features. In contrast the rear of the terrace presents much less uniformity and character, with accumulation of rear extensions and alterations, including substantial fire escape stairs, which dominate the facades and detract from the architectural quality of the group.

The lower ground and ground floors are divided into three commercial (class E) units, one in restaurant use (8-9 William Street), one in retail use (10 William Street) and one in retail and café use (11-12 William Street). The upper floors of the building (first to third) are in residential use as six self-contained flats (Class C3).

This section of William Street is mixed in character. The site directly fronts the Park

Tower Hotel. Directly adjoining to the site 5-7 William Street is occupied by a restaurant and café at ground floor level and residential flats at upper levels. 1 to 4 William Street is currently being redeveloped but the ground floor unit will be in retail/restaurant use. To the rear and the South of the site the buildings are in residential use. The boundary between the City of Westminster and the Royal Borough of Kensington and Chelsea lies down the centre of William Street.

7.2 Recent Relevant History

In 2020, planning and listed building consents were granted for the installation of external lights, CCTV cameras and patio heaters to the different shopfronts (RNs: 20/02519/FULL, 20/02470/LBC, 20/01350/FULL, 19/09102/LBC, 19/09104/LBC, 19/09101/LBC and 19/09100/LBC)

In 2010, planning and listed building consents were granted for the retention and then the relocation of six air conditioning units to beneath pavement level within side lightwell at 11-12 William Street (RNs: 10/04873/FULL, 10/04453/LBC, 10/00410/FULL & 10/00427/LBC).

On 03 June 2010, planning permission was granted for the use of ground floor and basement for mixed retail and cafe use (sui generis) at 11-12 William Street (RN: 10/01715/FULL).

On 26 May 2010, planning and listed building consents were granted for the use of the basement and ground floor of 8 William Street as a restaurant (Class A3) in connection with the existing restaurant within the basement and ground floor of No. 9 and basement of No. 10 William Street. Erection of timber planters to forecourt and installation of louvres to rear elevation and three air conditioning condenser units in rear courtyard. (RNs: 10/00178/FULL & 10/00179/LBC)

On 03 August 2010, planning permission was refused for the use of the basement and ground floor of 8 William Street as a restaurant (Class A3) in connection with the existing restaurant within the basement and ground floor of No. 9 and basement of No. 10 William Street. Erection of timber and glass screens to forecourt and alterations to forecourt on the grounds of loss of retail unit outside in the Central Activities Zone and not showing suitable arrangements for ventilation and getting rid of cooking smells. (RN: 09/02354/FULL).

On 26 July 2005, planning and listed building consents were granted for the erection of wooden trellis around ground floor area (William mews elevation) on the grounds of harm to the character and appearance of this Grade II listed building and the Albert Gate Conservation Area. (RNs: 05/04323/FULL & 05/04324/LBC).

On 22 July 2004, planning permission and listed building consent were granted for the installation of 6 balconies and 2 spiral staircases on rear elevation, French door and formation of the roof terrace at rear first floor level above new steel louvered structure which will enclose air conditioning units. (RNs: 04/01721/FULL & 04/01722/LBC)

On 01 October 2003, planning permission was granted for extension to fire escape platform at second floor level and alterations to window and door openings on rear

elevation. (RN: 03/05467/FULL).

On 04 June 2003, planning permission was granted for alterations including installation of air conditioning unit to rear elevation at first floor level. (RN: 02/08379/FULL).

On 11 December 2001, planning permission and listed building consent were granted for the erection of rear extension at third floor level as extension to flat. (RNs: 01/08754/FULL & 01/08836/LBC).

On 20 October 2000, planning permission and listed building consent were granted for the replacement of a window with a door and installation of railings in connection with use of flat roof at first floor level as a terrace and minor internal alterations. (RNs: 00/05827/FULL & 00/06901/LBC).

On 09 May 2000, planning permission and listed building consents were granted for the use of No.12 as hot food take-away restaurant (Class A3), installation of full height rear extract duct, retention of three no. air conditioning units to basement lightwell fronting William Mews and minor internal alterations (RNs: 00/00504/FULL & 00/00506/LBC).

On 16 November 1998, planning permission was granted for the use of basement/ground floor of No. 11 as a restaurant (Class A3) and continued use of ground floor of No. 12 as retail shop (Class A1) installation of kitchen extract duct. (RN: 98/05090/FULL)

On 12 October 1996, listed building consent was granted for the creation of 3 openings on grounds and basement floors, alterations to shopfront of No. 11 and creation of trapdoor through pavement lights in front of No. 12. (RN: 96/08685/LBC).

On 14 February 1990, planning permission was granted for Alterations to No.10 in connection with use as a retail menswear shop (RN: 89/05724/FULL).

On 25 May 1989, listed building was granted for the refurbishment of restaurant at No.9/9A including shopfront. (RN: 89/00344/LBC).

8. THE PROPOSAL

The applicant proposes to erect a rear extension at the basement and ground floor levels to provide additional floorspace for the Class E units, as well as an extension containing a new lift shaft and kitchen extract to the rear of no. 10 through the extension of the rear closet wing, the removal of the existing metal fire escape stairs and the rebuilding of terraces to nos. 8, 9 and 11, the replacement of shopfronts to the front elevation. The scheme includes associated internal alterations to accommodate the enlarged restaurants and extended lift shaft. The resultant building will contain two (rather than the existing three) commercial units. There would be no change to the number or size of the residential units on the upper floors.

Originally the proposal included the creation of bin stores to the side elevation on William Mews. Upon officers' advice the bin stores have been relocated within the building.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail and restaurant use (E)	829	965	136
Residential use (C3)	1,105	1115	10
Total	1,934	2,080	146

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy overview

Policy 1 of Westminster's City Plan 2019-2040 (April 2021) outlines that Westminster will continue to grow, thrive and inspire as a World City by: 3) supporting the growth, modernisation and adaptation of a variety of business space including commercial growth.

City Plan Policy 16(A) (*Food, drink, and entertainment*) states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location.

Other relevant policies are the related residential amenity policies:

City Plan Policy 7(B) (*Managing development for Westminster's people*) requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality.

City Plan Policy 33(C) (*Local environmental impacts*) relates to noise and states development should prevent adverse effects of noise, with particular attention to:

- i. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
- ii. minimising noise from plant machinery and internal activities;
- iii. minimising noise from servicing and deliveries; and
- iv. protecting the relative tranquillity in and around open spaces.

Increased restaurant floorspace (E use class)

Objections have been received from the Knightsbridge Association and two local residents on intensification of use, noise nuisance to the rear of the site and light pollution.

The existing three commercial units are outside the CAZ and are not located within a local or district centre – although they are close to the boundary of the CAZ which runs behind the properties on Knightsbridge, approximately 20 metres to the north. The proposal will increase by 136 sqm the existing commercial floorspace at lower ground and ground floor levels, creating a total of 965 sqm of floorspace for restaurant use. This corresponds to a 16% increase in floorspace. The internal works will also reduce the number of commercial units from three to two, effectively an amalgamation.

The two new restaurants would operate over these two floors. The plans show that the main dining area will be at ground floor level and private dining area, the kitchen and staff facilities will be located at lower ground level. The restaurant customers will only be able to access the premises through the front elevation facing William Street, as per the existing situation.

The lower ground and ground floors unit at 8-9 William Street are lawfully in restaurant use (RN: 10/00178/FULL), the ground floor unit at 10 William Street is in retail use and the lower ground and ground floor unit at 11-12 William Street is lawfully in a mix of retail and café use (RN: 10/01715/FULL), therefore they all now fall within the E use class.

Class E (*Commercial, Business and Service*) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It combined a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health, or medical services, creche, nursery and office uses. A review of the planning history shows that there are no conditions preventing the amalgamation of the units or their use as restaurants.

Due to the proposed amalgamation and the rear extension, the development will create two larger restaurant units. The applicant has submitted a draft operational management plan. The scoping document details that the restaurants would be open from 07:00hrs to Midnight Monday to Saturday and 10:00hrs to 23:00hrs on Sundays and on bank holidays. It also sets out an active management of patrons leaving the venue late at night, no patrons will be permitted to access the rear courtyard area and the maximum customers capacity for unit 1 (8 and 9 William Street) which is 130 internally. Upon officer's advice the agent specified that the maximum customers capacity for unit 2 (amalgamated units at 10, 11 and 12 William Mews) will also be 130 internally.

The planning history is set out in section 7.2 of this report. Of particular relevance, a 2010 permission (RN: 10/00178/FULL) controls the hours of operation (12:00hrs to Midnight Monday to Saturday and from 12:00hrs to 23:00hrs on Sundays) and the maximum customer capacity (90 covers inside the premises and no more than 20 covers externally) at unit at 8-9 William Street. Another 2010 permission (RN: 10/01715/FULL) controls the hours of operation (08:00hrs to 23:00hrs Monday to Saturday and between 10:00hrs and 22:30hrs on Sundays) and the maximum customer capacity (27 internally and on the forecourt outside to no more than 24) for the unit at 11-12 William Street.

The draft operational management plan states that there are currently 105 covers internally and 24 externally for 8-9 William Street unit. Whilst not in compliance with the 2010 permission it is recognised that it may have been operating with those figures for some years.

Food, drink, and entertainment uses need to be carefully managed to prevent harmful impacts on residential amenity and local environmental quality. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. In this case, with appropriate conditions to control its operation, it is considered that the restaurant could operate without causing notable harm.

It is considered that the proposed maximum number of customers internally at any one

time of 130 for each unit will not detrimentally impact the local environment.

Given the proximity of residential properties it is considered that a 08:00hrs start Monday to Saturday would not be unreasonable and would protect the amenity of local residents whilst allowing longer hours of operation for the restaurants. The terminating hours are in line with the current operating hours for the unit at 8-9 William Street and adjoining restaurant at 5-6 William Street. Given the long history of restaurant operating at this location, these hours are also considered suitable.

There are existing external seating areas associated with the units, but the current applications do not propose any new or amended external seating areas, which will require separate permission. The applicant will be reminded of this with an informative.

The Council's Environmental Health team has been consulted and recommends controlling by conditions the number covers, the hours of operation and an operator specific operational management plan for each unit. The officer points out that number of patrons and hours for the outdoor seating area need particular attention, however as noted above they are not of this scheme.

The officer also notes that due to changes to the operational hours and the increase in the number of covers, it is recommended a noise condition for noise breakout and sound transmission between the Use Class E units and residential units in the same building and neighbouring buildings.

The draft operational management plan states that the existing daily deliveries are carried out between 06:00hrs and 12:00hrs on William Mews. The Environmental Health officer commented that they are not aware of issues with the current arrangements, and they should be formally controlled through a planning condition. Whilst the hours will be secured by condition, an informative will remind the applicant that William Mews is a private street so the servicing and delivery strategy should not rely on that street. As detailed in the highway section of this report, a Servicing Management Plan will be secured by condition.

Conclusion

Overall, it is considered that the day-to-day operation and activity level of the restaurants as submitted would be such that it would not be materially different to how the former restaurant and café with retail have operated. The proposals are considered to be a refurbishment/upgrade to modernise the existing commercial uses, in line with Policy 1 of the City Plan. Therefore, it is not considered that the intensification of the restaurant use would materially affect the character of the local area or significantly worsen the amenity of the local residents.

This planning application also provides an opportunity through the recommended conditions to ensure suitable management over the use of the units and the rear courtyard, which would not otherwise have been possible if the existing building was not extended.

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021), it is considered both appropriate

and necessary to impose conditions to control the use of the building and operation of the restaurant. The recommended conditions are set out below:

- Operational Management Plan to show the operators will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings (condition 9)
- Hours of use – 08h to Midnight Monday to Saturday and 10h to 23h on Sundays (condition 10)
- Maximum customers capacity – 130 in each unit (condition 17)
- Restricting use of the rear courtyard and roof extension for emergency escape and maintenance (conditions 13 and 14).
- Details of a Servicing Management Plan (condition 6)
- Waste storage provision (condition 11)
- Kitchen Extract Ventilation (condition 7)
- Restricting hours of servicing (condition 12)
- Internal acoustic (condition 8)

Subject to the recommended conditions it is not considered the increased restaurant floorspace will cause harm to the local environment quality or nuisance to the adjoining residential properties.

Residential Use

There would be a modest increase in communal residential floorspace created by the extended rear closet wing to accommodate a new lift serving the residential floors at upper level, and this would improve the quality of the building for those residential occupiers.

9.2 Environment & Sustainability

Sustainable Design

City Plan Policies 36 and 38 expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change and seek to ensure development responds to the likely risks and consequences of climate change by incorporating principles of sustainable design.

The proposed scheme gives the opportunity to enhance the insulation level through the new envelope to the rear of the building and incorporate more efficient building services. The proposals seek to ensure an improved U-Value and high performance glazing and low air leakage in the new parts of the envelope. This will help the building reduce its on-site energy demand and is therefore welcomed.

Odour

City Plan Policy 33 City Plan Policy 33 (D) (*Local environmental impacts*) relates to Odour, and states development will effectively address the adverse impact of odour through the incorporation of appropriate mitigation measures using a precautionary approach.

The current kitchen extract discharges at low level into the courtyard. It is now proposed to relocate the kitchen extract internally within the new extended rear closet wing, and discharging at roof level. An odour risk assessment has been submitted in support for the proposed relocation of the kitchen extract. Grease, particulate and carbon filtration systems are recommended to remove grease, particles and residual odours from the airstream. The Environmental Health officer has reviewed the information provided and considers that if appropriate maintenance regimes are followed, the risk of adverse odour impacts at nearby sensitive properties is insignificant. The drawings include the location for the kitchen extract hood and duct, however as the system has not been fully specified, the Environmental Health officers recommends a condition securing the details and locations of any proposed kitchen extract system. It is therefore considered not reasonable to request relocation of the extract as requested by one of the objection letter.

Other

The Environmental Health officer also recommended the Code of Construction Practice and land contamination pre-commencement conditions, however the proposal does not involve any basement excavation works, it is therefore not considered reasonable to attach those conditions.

9.3 Biodiversity & Greening

It is proposed to introduce a green wall to the rear courtyard separating wall and a green roof to part of the two-storey extension. Those measures are welcome as they contribute to the greening of the City in line with the objectives of Policy 34. Their provision will therefore be secured by a condition and a maintenance management plan will also be required to ensure that those elements provide long term benefits.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 66 of the LBCA Act requires that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 72 of the LBCA Act requires that "*In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of*

preserving or enhancing the character or appearance of that area.”

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 take into account the relative significance of the affected asset and the severity of the harm caused.

Design and impact on heritage assets

The upper stories of William House have a consistent parapet which conceal shallow pitched roofs. The terrace maintains much of its 19th century composition and architectural character to the front, other than modern shopfronts which to a certain extent are detracting features. In contrast the rear of the terrace presents much less uniformity and character, with accumulation of rear extensions and alterations, including substantial fire escape stairs, which dominate the facades and detract from the architectural quality of the group.

The rear of the terrace, whilst heavily altered, is not entirely without significance, and still maintains some elements of historic interest. The proposals include a considerable amount of demolition at lower ground and ground floor level; however, this would largely affect later additions and fabric, including the modern shopfronts.

The two-storey rear extension would span across nos.9-11, with the lower ground floor projecting in line with the existing rear wing of no. 8, and the ground floor set back to ease its bulk. Any semblance of a uniform and traditional building line has been eroded along the rear of the terrace, therefore the principle of a rear extension across the rear of nos.9-11 is not felt to diminish the building's significance. The extension has been pulled back to align with the bay at no. 8. To some extent the solidity and bulk of the extension is eased by the full height glazing at lower ground floor level and the metal framed arrangement at ground floor level. The contemporary design of the extension allows it to read as a clear addition and is not felt to detract from the architectural character of the host buildings. In townscape terms the extension is concealed from public vantage points, therefore the impact on the character and appearance of the conservation area is minimal.

No. 10 currently accommodates a very small internal lift. The proposals seek to replace the current lift, which sits within the centre of the stairwell, with a more functional lift within a new lift shaft extension to the rear of no. 10. The new shaft would sit alongside the existing bayed projection on the building. The lower section of the lift shaft would replace an existing modern outrigger which currently projects forward of the bay. Given the terrace has little uniformity at the rear, the addition of the full height lift shaft, would have a modest impact on the building's architectural form and appearance. Clad in brick with traditional fenestration details, the new shaft would sit more comfortably alongside the existing bay, and whilst there would be a modest impact on the exterior of the building, this is felt to be sufficiently balanced by the benefits of improving accessibility to the flats on the upper floors of the buildings.

New balconies/terraces on the rear of no. 8-9 and 11, will replace existing external fire escape stairs - which are bulky and currently amount to harmful visual clutter and greatly diminish the appearance of the buildings. The new balconies provide a more ordered appearance and replicate the arrangement exhibited on no. 5-7. The proposed terraces would result in an overall visual improvement, and therefore are supported.

The interiors of the buildings at ground floor level are much altered, with only no. 8 maintaining some remnants of a traditional compartmental arrangement. Therefore, the internal reconfiguration of the spaces and the removal of sections of party walls is not felt to diminish the special interest of the buildings. The reinstatement of more traditional shopfront frontages is a welcome improvement and would enhance the appearance of the buildings and the townscape.

9.5 Residential Amenity

Extended rear closet wing

The rebuilt and extended (to 3rd floor level) rear closet wing to provide the new lift shaft to the rear of No.10 William Street would not impact the adjoining residential windows in terms of sense of enclosure or loss of light due to its size and position, and that it would be viewed in the context of the existing larger main building.

As the extension involves a new lift shaft, the Environmental Health officer notes that lifts should be positioned such as to minimise noise disturbance from the operation of the control gear, lift doors should operate quietly, and acoustic signals to herald lift arrival should not be audible within the adjacent noise sensitive properties. The officer recommended a condition but this is a matter that will be considered building control, therefore only an informative is necessary.

Two-storey rear extension

The section drawings show that the proposed two-storey rear extension will not project higher than the existing two-storey separating wall with Kinnerton Place North. Therefore, the properties facing Kinnerton Place North will not be impacted by the extension in terms of sense of enclosure or loss of daylight and sunlight. There is no rooflight proposed to the extension and the new windows will face a blank wall, it is therefore not considered that the proposed scheme will cause undue light pollution.

The extension will be in close proximity to the rear elevations of 49 William Mews a single-dwellinghouse. The ground floor windows facing the existing fire escape serve a study room, breakfast room and living room. The removal of fire escape and the replacement with the two-storey rear extension would have a somewhat comparable impact on the ground floor windows there given the new extension would be no closer than the existing fire escape. At first floor level there are two windows serving a bedroom and one window serving a bathroom. The rear extension is set back from the rear boundary line so the bathroom window is not obstructed. The existing fire escape will be replaced by a two-storey rear extension that will face the first-floor bedroom windows. The extension will be approximately 2.3m away from the residential windows. Whilst the extension will be more solid than the existing fire escape, it is considered that the views from those windows are already significantly compromised, it is not considered that the

proposed extension will significantly worsen the existing sense of enclosure experienced from those first-floor windows. As there are no windows to the side elevation of the proposed rear extension, no overlooking will result from the proposal.

The roof to the proposed rear extension will be for providing greening, a condition is recommended to ensure that the roof of the extension is not used as a roof terrace/ balcony to protect the amenity of the adjoining residents.

Terraces

The Knightsbridge Association and local residents raise concerns about the noise from the new terraces at upper floor levels. The proposed balconies will replace the existing walkways giving access to the two external fire escape. The residential properties have access onto the existing walkways and staircase. The proposed terraces will not project further than the existing "outdoor" space outside each flat at present. Given the distance with adjoining properties to the rear and their position they will not give additional views into neighbouring residential windows. They will only serve individual flats and given their limited size, it is not considered the noise associated with people sitting out on a balcony will cause significant disturbance to justify a refusal.

Other

The Environmental Health officer also recommends a condition securing how the flats will be insulated to reduce noise passing between them. However, this scheme does not involve alteration to the use, size or number of existing flats such that internal noise transfer impacts would increase, it is therefore not considered reasonable to secure new sound insulation between the residential properties. In terms of noise transfer from the commercial units below, the relatively modest increase in size of the commercial area and associated alterations will not materially impact noise transfer between it and the residential above.

9.6 Transportation, Accessibility & Servicing

Highway Impact

Policy 27 supports development without car parking provision. The on-street bays on surrounding streets are controlled 24hrs every day, therefore resident bays should not be adversely affected.

Servicing

The proposal relies on on-street servicing as per the operation of the existing units. The Highways Planning Manager commented that all servicing will need to comply with the on-street restrictions. There are Single Yellow Line in the vicinity from which this can occur. This means transporting goods along the footway and potentially obstructing pedestrian movement; however, it is acknowledged that the current uses are serviced in similar fashion. A condition is recommended securing a Servicing Management Plan to identify the processes, internal storage locations, scheduling of deliveries and staffing so future occupiers are aware of their responsibilities. An informative is recommended detailing the information expected so robust procedures for any future occupants can be

followed.

Waste and recycling storage

The Knightsbridge Association and two letters of objection focus on the waste storage provision to the side elevation on William Mews raising highways, amenity, townscape and technical concerns. The Highways Planning Manager also raised an objection to the opening of the waste storage provision on the highway. Upon officers' advice the waste storage provision has been entirely relocated to the basement level of the building. The objectors have been informed of the change. This internal provision is recommended to be secured by condition.

Then further representations were received raising an on-going waste and parking issues in the local area in particular in William Mews. It is suggested that a waste strategy with adjoining properties that may be in the same ownership should be put in place to allow waste to be transported to Kinnerton Street for collection. The proposed scheme relates to 8-12 William Street, the waste collection strategy cannot rely on other properties.

It is understood that there is an on-going issue of waste being dumped into the public realm in the area and that William Mews is a private road and should not be relied on for the disposal of waste of the units at 8-12 William Street. One of the objectors mentions the possibility to install a barrier to William Mews, but that proposal is outside of the scope of this application.

As part of the Servicing Management Plan secured by condition more information about collection of waste will be required. Informatives will remind the applicant the private nature of William Mews and that waste must not be left on the highways.

Given that the waste storage areas are sufficient in size and suitably located, and that further details of process will be secured by condition, it is not considered reasonable to withhold permission on waste storage grounds.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Two of the objectors stated that the application is only listed at 8-9 William Street, however the description refers to the whole site 8-12 William Street. The most adjoining properties have been consulted, this includes 6 to 10 Kinnerton Place North, 1 to 9 Bradbrook House 47, 48 and 49 William Mews to the rear of the site and 1-5 Lowndes Square directly opposite on William Mews. Given the nature of the works it is considered that the consultation process has sufficiently been carried out. The other matters raised are detailed in the sections below of this report.

One objector raised a query about public realm works on William Street and external seating shown on the design and access statement. This is not part of this application, it was just provided to inform of the future plans for the site and will be part of a separate application.

Fire Safety

The proposal involves the removal of the existing fire escape stairs. These external stairs lead to the courtyard area. The applicant has worked with fire consultants and inspectors to ensure that the new fire escape arrangement will meet building regulations. They explain a new dry riser serving the existing apartments will be installed, and additionally, fire proofing to the underside of the restaurants, providing a new fire alarm and automatic opening vent above the existing stairs to manage smoke extract as well as upgrading the protected areas within the existing apartments.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

The site is located in the section of William Street which is mixed in character, but to the rear and the south of the site the buildings are in residential use. In this case, with appropriate conditions to control their operation, the extended restaurants could operate without causing notable harm.

This planning application also provides an opportunity through the recommended conditions ensure appropriate management of the use of the units, which would not otherwise have been possible if the existing lower ground and ground floor units without an extension are all converted into restaurant use. The new restaurant units will contribute to the vitality of the city without negatively impacting on residential amenity and local environment quality

As set out in this report and following amendments to the proposal (including removal of bin storage provision to the side elevation), the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan). The application is therefore considered acceptable in land use, design, heritage, and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

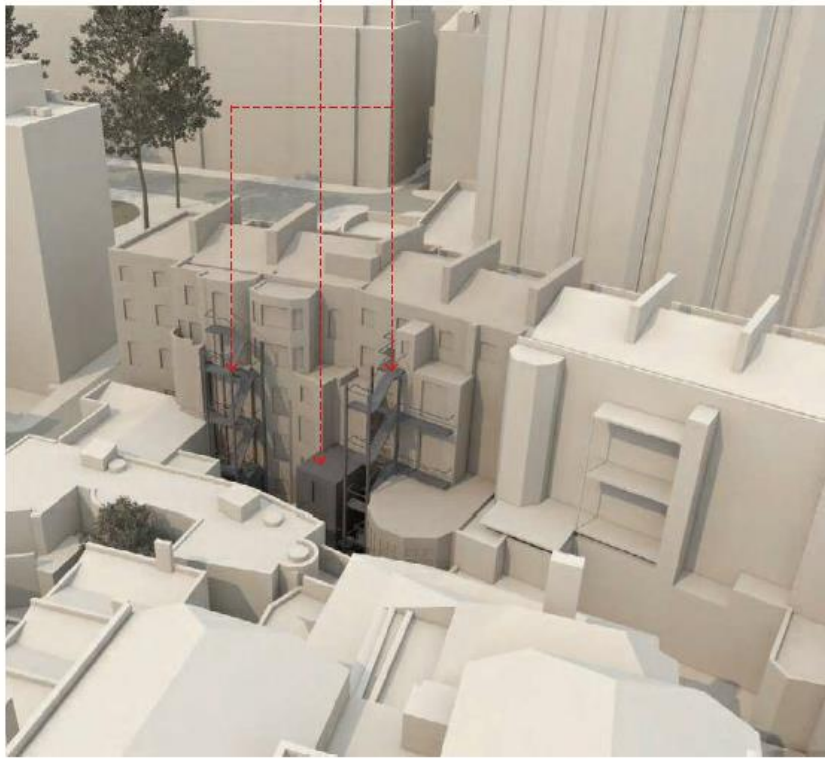
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.

1

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

11. KEY DRAWINGS



Existing (above) and Proposed (below) 3D Image





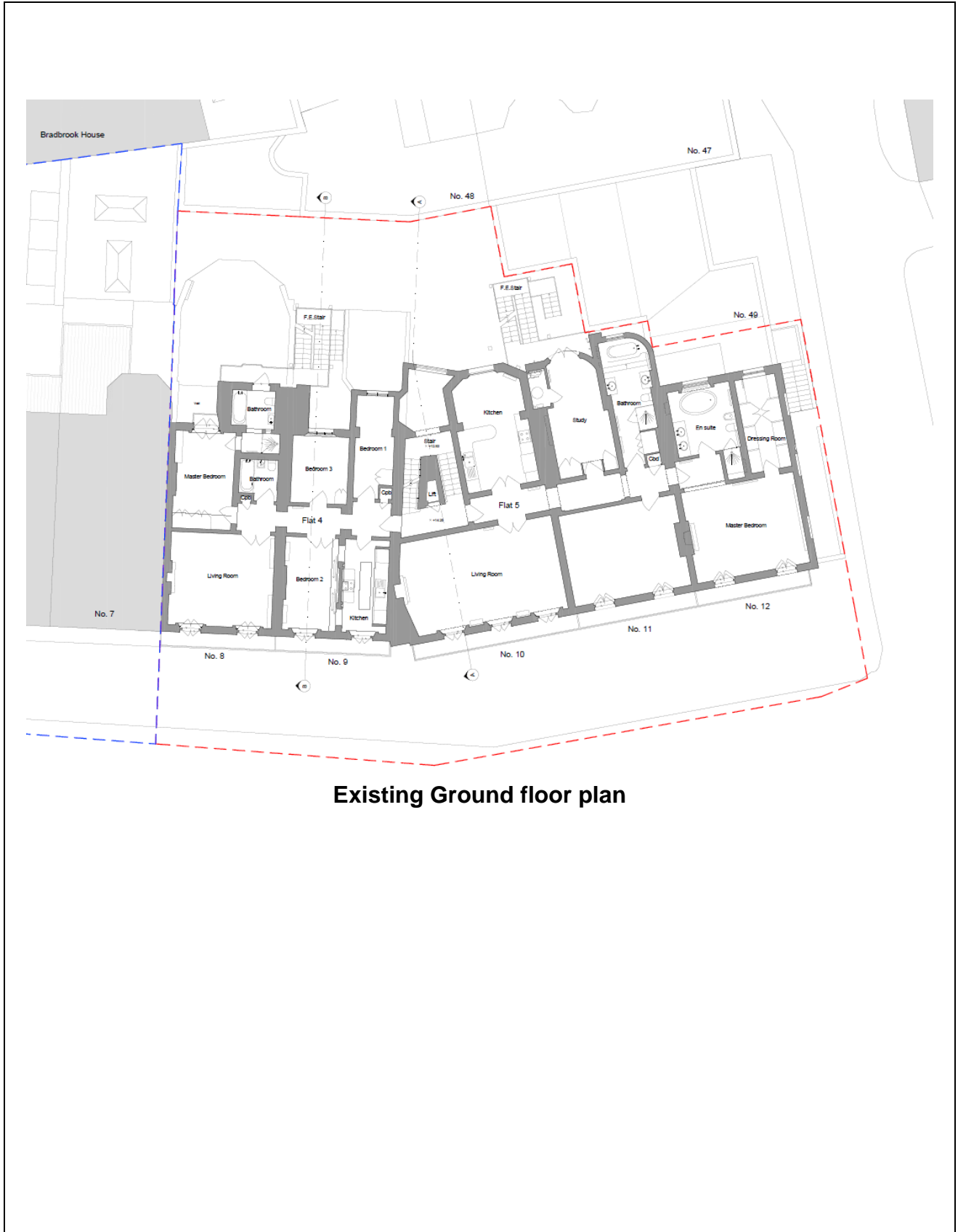
Images of Proposed Development



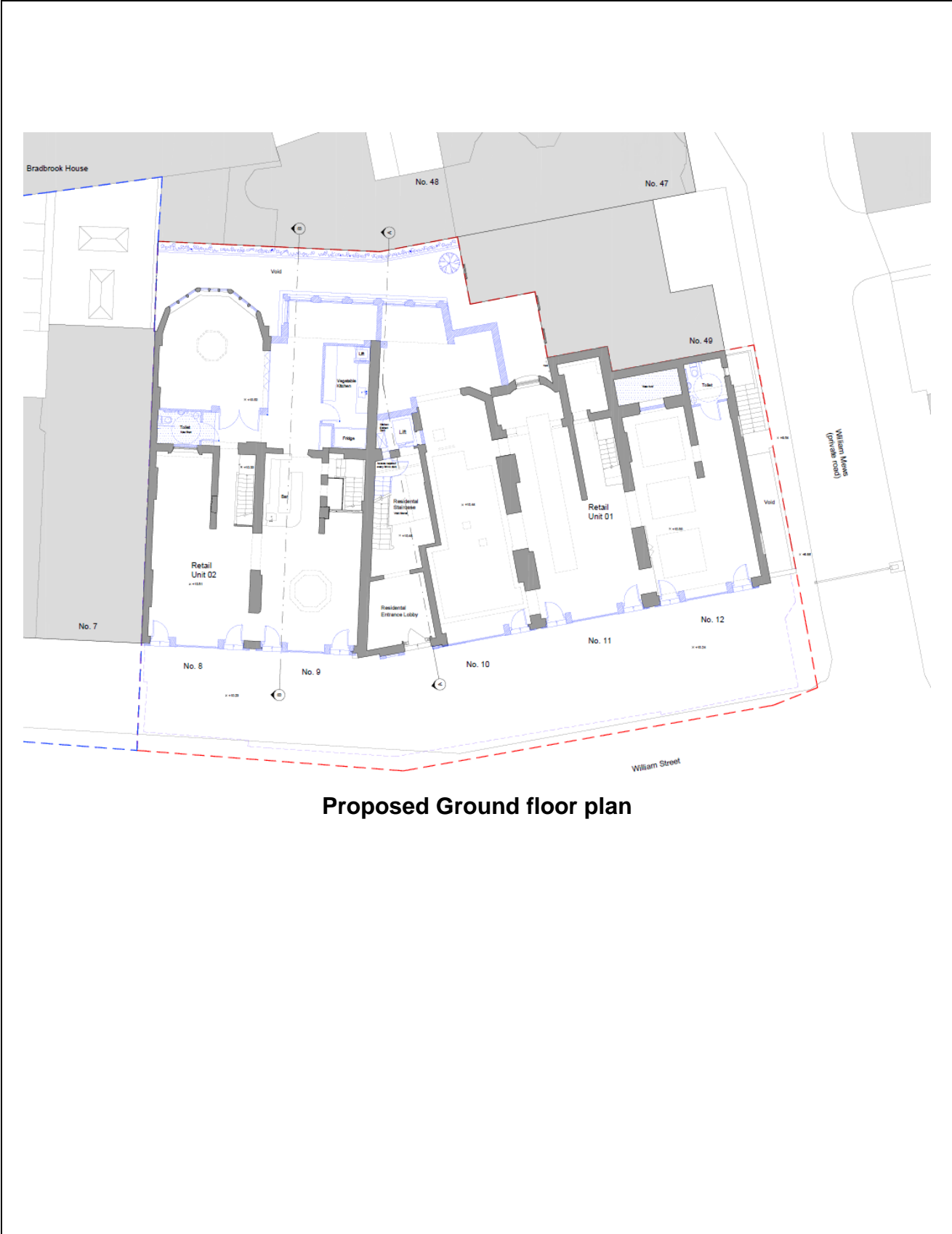
Images of Proposed Development



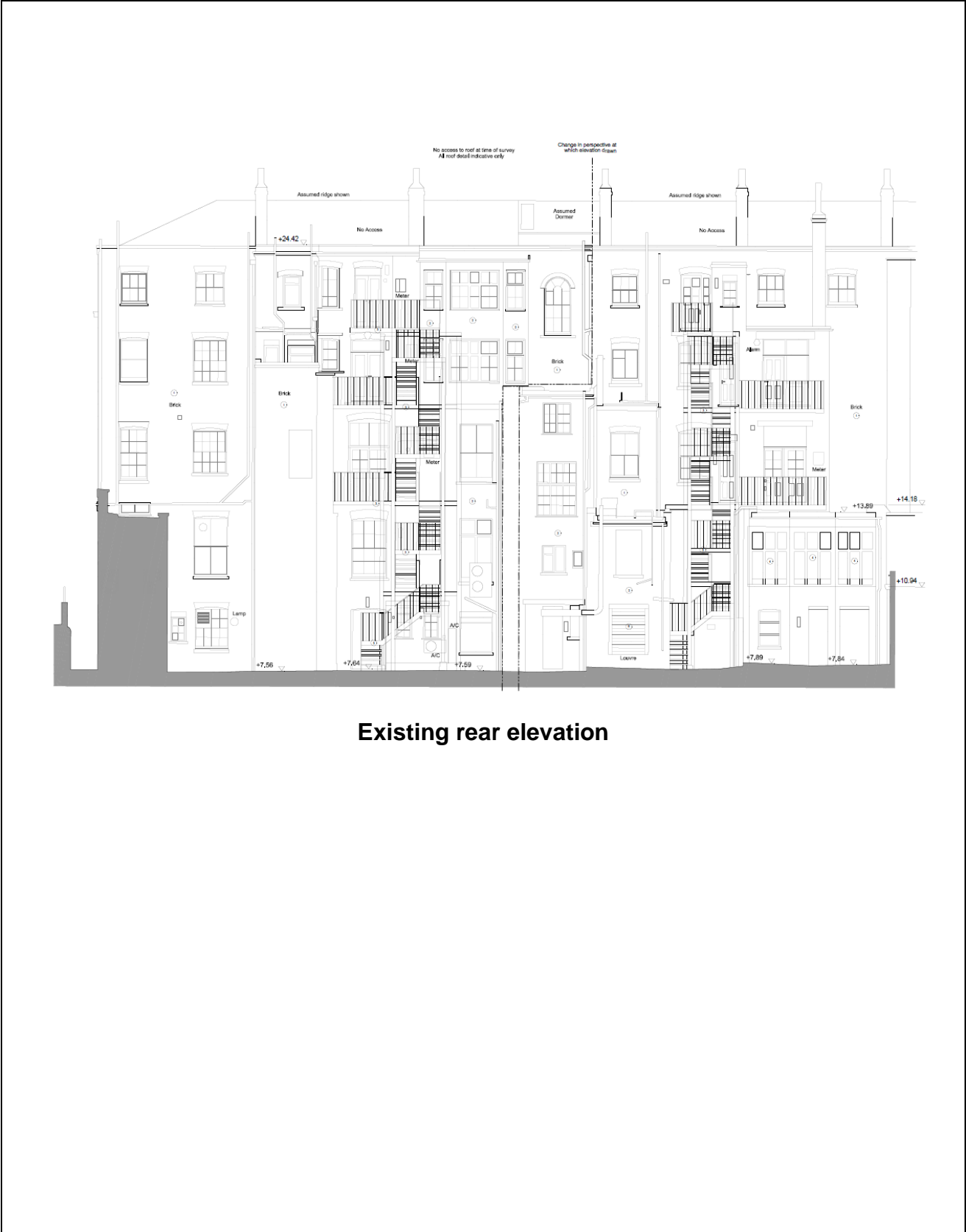




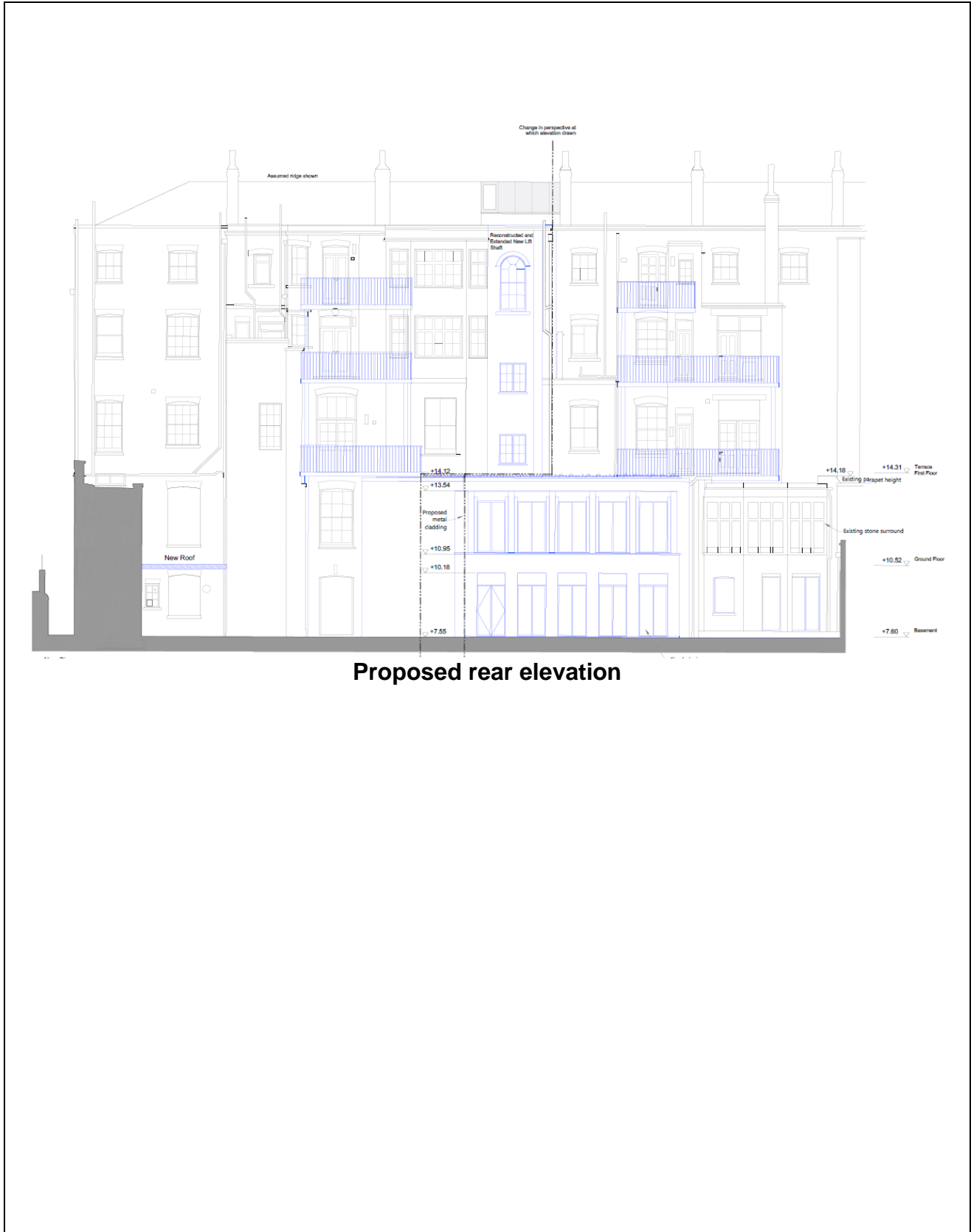
Existing Ground floor plan



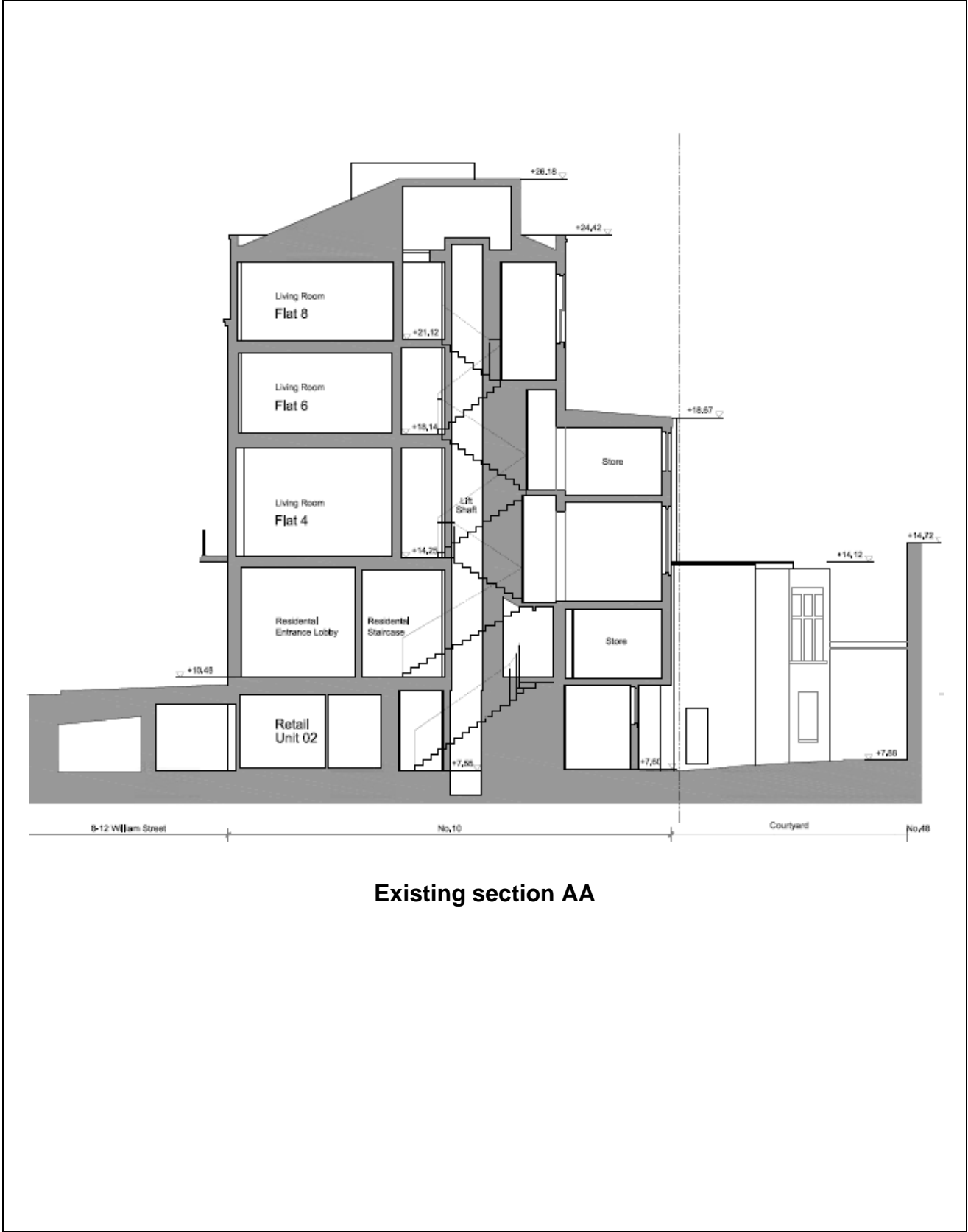
Proposed Ground floor plan

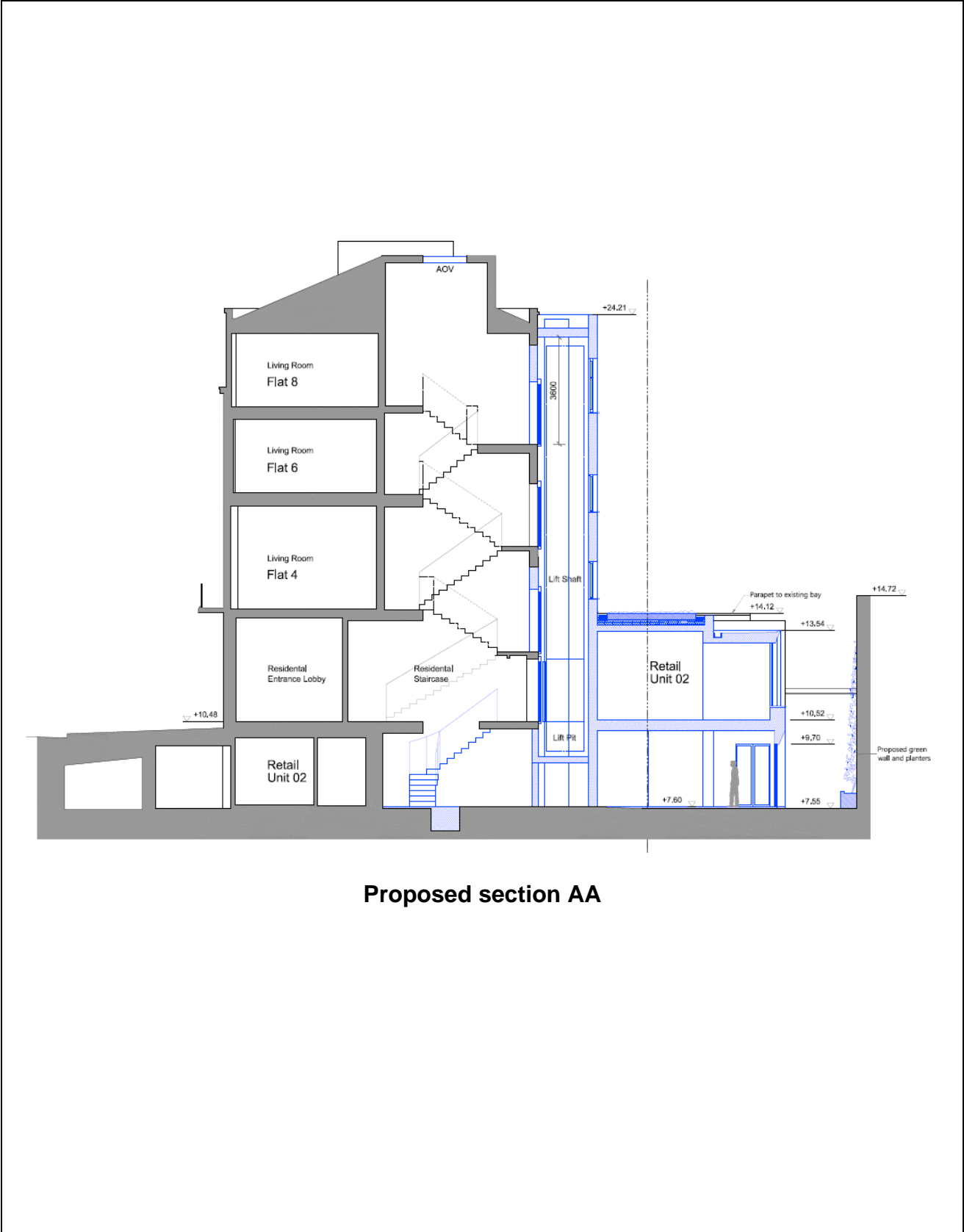


Existing rear elevation



Proposed rear elevation

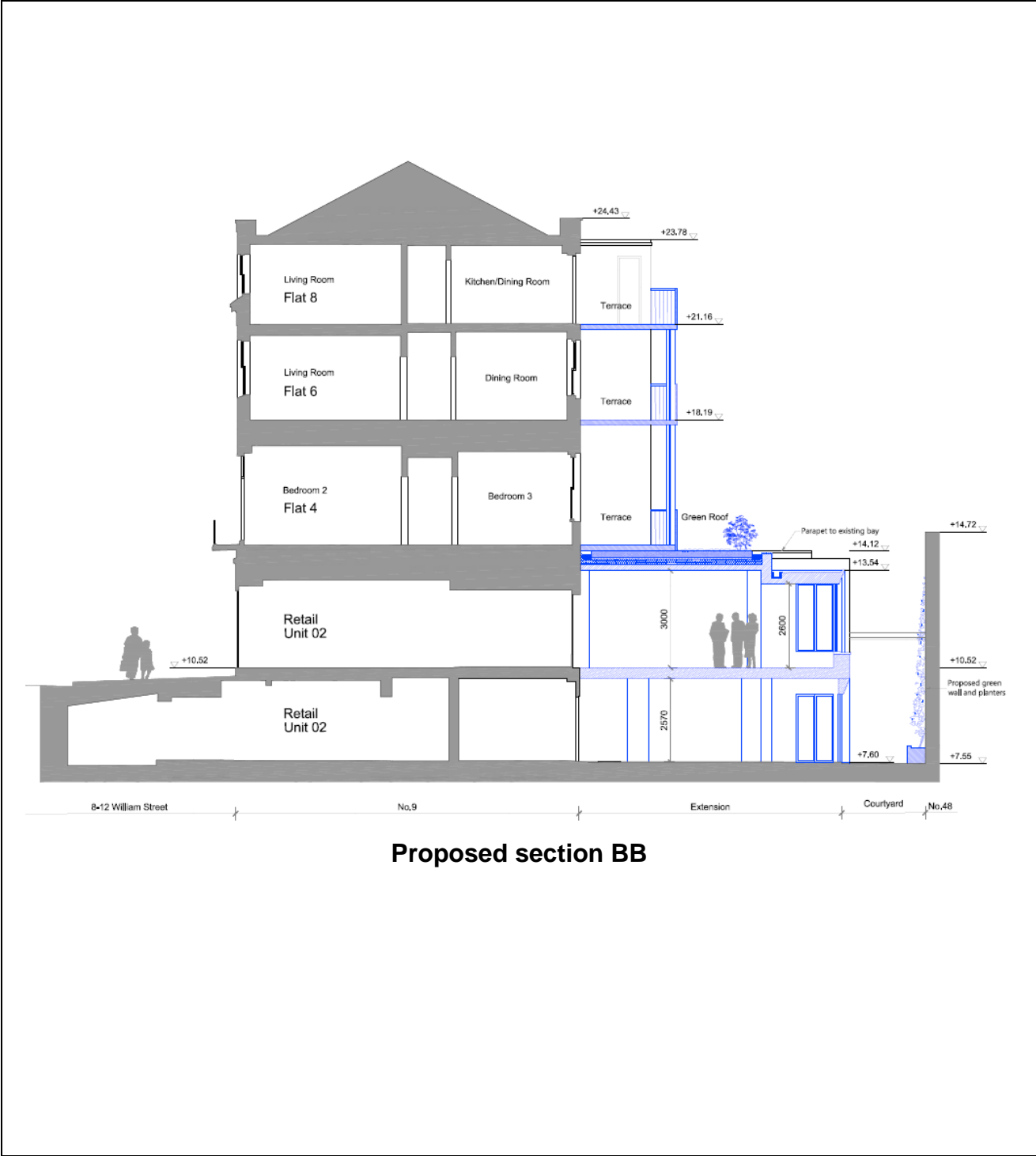




Proposed section AA



Existing section BB



Proposed section BB

DRAFT DECISION LETTER – Planning Permission

Address: 8 - 9 William Street, London, SW1X 9HL

Proposal: Works of extension and refurbishment to 8-12 William Street, including the erection of a rear extension across ground and lower ground floors to provide additional Class E floorspace, extension of existing closet wing projection to provide a lift for the residential upper floors, removal of existing metal fire escape stairs and reconstruction of existing terraces, and replacement shopfronts to front elevation

Reference: 22/05835/FULL

Plan Nos: A(09)-010 rev. PL1; A(09)-100 rev. PL1; A(09)-110 rev. PL1; A(09)-120 rev. PL1; A(09)-130 rev. PL1; A(09)-140 rev. PL1; A(09)-400 rev. PL1; A(09)-401 rev. PL1; A(09)-402 rev. PL1; A(09)-403 rev. PL1; A(GA)-010 rev. PL2; A(GA)-100 rev. PL4; A(GA)-110 rev. PL1; A(GA)-120 rev. PL1; A(GA)-130 rev. PL1; A(GA)-140 rev. PL1; A(GA)-300 rev. PL1; A(GA)-301 rev. PL1; A(GA)-400 rev. PL2; A(GA)-401 rev. PL2; A(GA)-402 rev. PL3; A(GA)-403 rev. PL2; A(SRV)-010 rev. PL1; A(SRV)-100 rev. PL1; A(SRV)-110 rev. PL1; A(SRV)-120 rev. PL1; A(SRV)-130 rev. PL1; A(SRV)-140 rev. PL1; A(SRV)-300 rev. PL1; A(SRV)-301 rev. PL1; A(SRV)-400 rev. PL1; A(SRV)-401 rev. PL1; A(SRV)-402 rev. PL1; A(SRV)-403 rev. PL1; A(SRV-80)-010 rev. PL1; Odour Risk Assessment dated August 2022 Ref: J10/13787A/10/F2; Design and access statement - Addendum 2 dated November 2022.

For information only: Design and access statement dated August 2022; Archaeological desk-based assessment dated August 2022; Draft operational management plan; Heritage statement dated August 2022.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Albert Gate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Albert Gate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of details of the following parts of the development:

- i) A detailed bay study of the two-storey rear extension - showing glazing details, brick work and finishes. This should also include details of the materials.
- ii) 1:10 details of all new windows (sections and elevations showing traditional joinery details).
- iii) 1:10 details of metal balustrading to the terraces.
- iv) 1:20 Details of the new shopfronts, showing joinery details.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Albert Gate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 Prior to occupation of the extended lower ground and ground floor units, you must apply to us for approval of a Servicing Management Plan. Thereafter the restaurants must be managed in accordance with the approved Servicing Management Plan (See informative 3 for what should be included in the plan).

Reason:

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

- 7 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 8 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 9 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start occupying the extended restaurant units until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurants are in use. (C05JC)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set

out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 10 Customers shall not be permitted within the restaurant premises before 0800 or after midnight Monday to Saturday and before 1000 or after 2300 on Sundays and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number A(GA)-010 PL2 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the restaurants. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 12 All servicing must take place between 06:00 and 12:00 daily. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 13 You must not use the roof of the two-storey extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance of the green roof.

Reason:

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

- 14 The rear courtyard is for emergency escape and maintenance of the greenery only and must not be used as outdoor seating space in connection with the restaurants.

Reason:

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

- 15 You must apply to us for approval of detailed drawings and a bio-diversity management

plan in relation to the green roof and green wall to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 16 You must apply to us for approval of details of secure cycle storage for the restaurant use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the restaurant. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

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

- 17 You must not allow more than 130 customers into each restaurant unit at any one time.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 **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.

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 or visit 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

- 3 You must include the following information in the Servicing Management Plan (SMP):
 - hours of servicing
 - the full delivery and waste collection process
 - internal storage locations, - scheduling of deliveries, - staffing arrangements for deliveries., , ,The SMP should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.
- 4 Please note that William Mews is a private street, your servicing and waste collection strategy should not rely on using William Mews.
- 5 Lifts should be positioned such as to minimise noise disturbance from the operation of the control gear. Lift doors should operate quietly, and acoustic signals to herald lift arrival should not be audible within the adjacent noise sensitive properties., , Airborne and structure borne noise transfer from lifts and mechanical plant must not exceed LAFmax 25dB in adjoining noise sensitive spaces. Maximum noise levels from lift operations must meet B8233:2014 criteria as a minimum
- 6 The outdoor seating areas do not form part of this application.
- 7 No waste to be left on the highway.

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

DRAFT DECISION LETTER – Listed Building Consent**Address:** 8 - 9 William Street, London, SW1X 9HL**Proposal:** Works of extension and refurbishment to 8-12 William Street, including the erection of a rear extension across ground and lower ground floors to provide additional Class E floorspace, extension of existing closet wing projection to provide a lift for the residential upper floors and new kitchen extract, removal of existing metal fire escape stairs and reconstruction of existing terraces, replacement shopfronts to front elevation and associated internal alterations.**Reference:** 22/05836/LBC**Plan Nos:** A(09)-010 rev. PL1; A(09)-100 rev. PL1; A(09)-110 rev. PL1; A(09)-120 rev. PL1; A(09)-130 rev. PL1; A(09)-140 rev. PL1; A(09)-400 rev. PL1; A(09)-401 rev. PL1; A(09)-402 rev. PL1; A(09)-403 rev. PL1; A(GA)-010 rev. PL2; A(GA)-100 rev. PL4; A(GA)-110 rev. PL1; A(GA)-120 rev. PL1; A(GA)-130 rev. PL1; A(GA)-140 rev. PL1; A(GA)-300 rev. PL1; A(GA)-301 rev. PL1; A(GA)-400 rev. PL2; A(GA)-401 rev. PL2; A(GA)-402 rev. PL3; A(GA)-403 rev. PL2; A(SRV)-010 rev. PL1; A(SRV)-100 rev. PL1; A(SRV)-110 rev. PL1; A(SRV)-120 rev. PL1; A(SRV)-130 rev. PL1; A(SRV)-140 rev. PL1; A(SRV)-300 rev. PL1; A(SRV)-301 rev. PL1; A(SRV)-400 rev. PL1; A(SRV)-401 rev. PL1; A(SRV)-402 rev. PL1; A(SRV)-403 rev. PL1; A(SRV)-80)-010 rev. PL1.

For information only : Design and access statement dated August 2022; Archaeological desk-based assessment dated August 2022; Draft operational management plan; Heritage statement dated August 2022; Odour Risk Assessment dated August 2022 Ref: J10/13787A/10/F2; Design and access statement - Addendum 2 dated November 2022.

Case Officer: Aurore Manceau**Direct Tel. No.** 07779567368**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Albert Gate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of details of the following parts of the development:
- i) A detailed bay study of the two-storey rear extension - showing glazing details, brick work and finishes. This should also include details of the materials.
 - ii) 1:10 details of all new windows (sections and elevations showing traditional joinery details).
 - iii) 1:10 details of metal balustrading to the terraces.
 - iv) 1:20 Details of the new shopfronts, showing joinery details.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB),

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Albert Gate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

site. (C27KA)

Reason:

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

- 7 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

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

Informative(s):

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

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

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

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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



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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	St James's Church, 197 Piccadilly, London, W1J 9ET		
Proposal	Alterations to Piccadilly Building including erection of 3-storey extension to east and south and addition of new mansard roof at third floor to provide additional church office and meeting room accommodation; new plant rooms at basement level, plant at new third floor level, new service tower within Piccadilly Building and demolition of vestry link building to create new entry to Church yard from Church Place; relocation of rectory accommodation from Piccadilly Building into Jermyn Street Building and erection of new second floor mansard to Jermyn Street Building to support rectory use; relocation of existing cafe accommodation from ground floor of Jermyn Street Building into ground and part basement floor of Piccadilly Building; alterations to St James's church including repair of spire, installation of plant within former bell tower, excavation beneath the south porch of the church; and reinstatement of south entrance door; alteration of Jermyn Street Building to provide new route between Jermyn Street and the churchyard, new railings to Jermyn Street, and re-landscaping of the North and Green Churchyards, and erection of new single storey garden pavilion in Green Churchyard.		
Agent	Ptolemy Dean Architects Limited		
On behalf of	Rev Lucy Winkett		
Registered Number	22/05329/FULL	Date amended/ completed	23 August 2022
Date Application Received	4 August 2022		
Historic Building Grade	I		
Conservation Area	St James's		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY & KEY CONSIDERATIONS

St James's Piccadilly is a Grade I listed building in the St. James's Conservation Area to which it makes a positive contribution. The site includes a 2-storey building adjoining the church on Jermyn Street and a 3-storey plus basement building at the north-east corner of the site on the corner of Piccadilly with Church Place.

The application proposes to alter and extend the existing 3-storey Piccadilly building by way of a new mansard roof, together with a part rear and side 3-storey extension, to provide additional church office and meeting room accommodation. The Jermyn Street building is also to be extended by way of a new second floor mansard roof for rectory use; and the existing cafe accommodation here is to be relocated from the ground floor of the Jermyn Street building into the ground floor of the Piccadilly building.

Alterations to the church itself include excavation beneath the south porch of the church to provide additional wc accommodation and the reintroduction of its south door from St James's Square. This will reinstate the historic connection between the church and the Square. A further proposed change is the reinstatement of the lost corner pinnacle spires to the tower.

The churchyards will be made fully accessible and will be re-landscaped with all of the key trees to be retained. A further new access from Church Place is to be created.

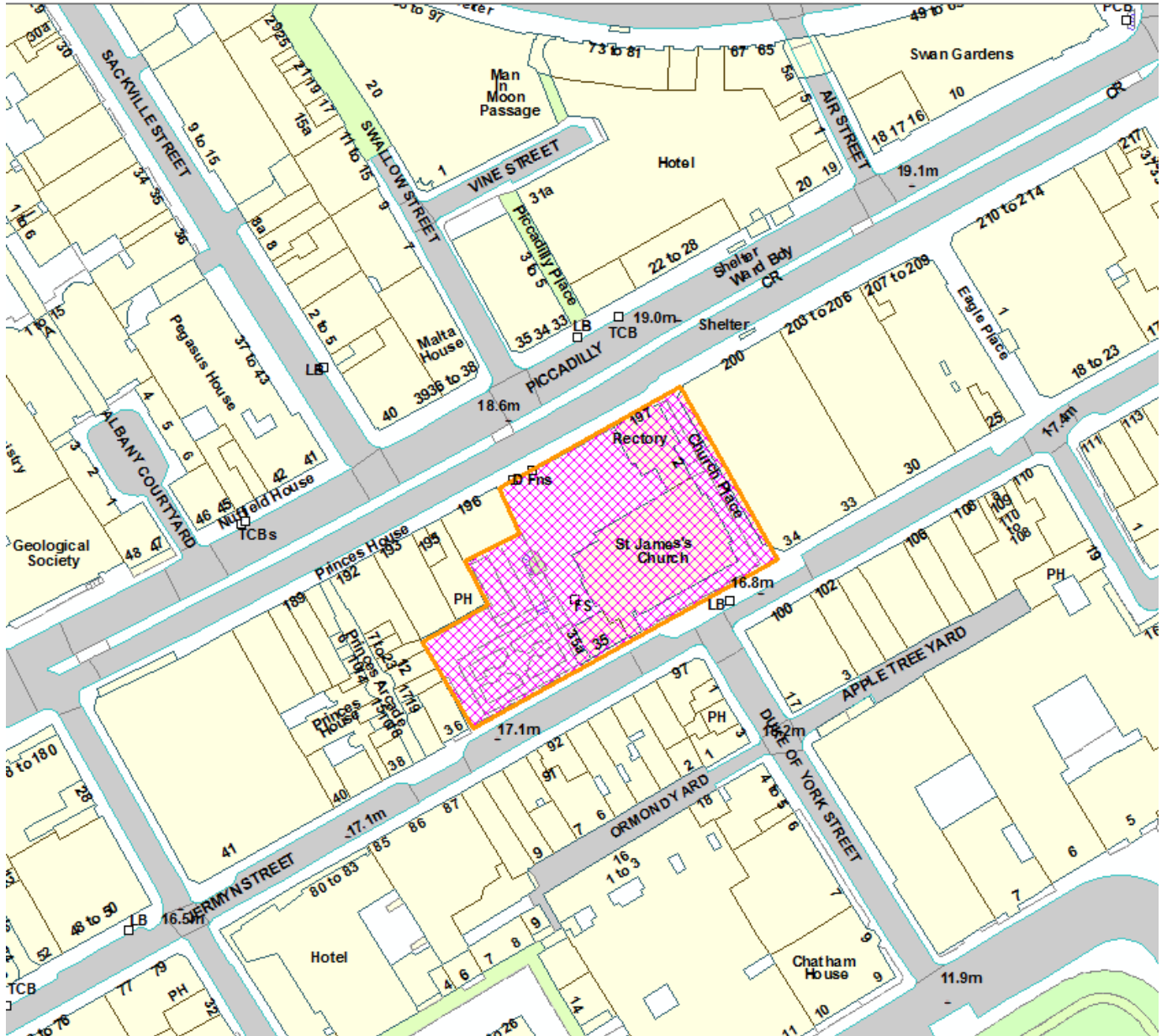
A new thatched pavilion is proposed within the Green Churchyard Garden sited on an existing concrete slab that was left in-situ following the removal of the WWII bomb shelters. This will provide community facilities.

The key considerations in this case are:

- The acceptability of the proposed alterations in design terms.
- The impact of the proposed alterations on the character and appearance of the St James's Conservation Area and the setting of other nearby designated heritage assets, including the grade I listed St James's Church.
- The impact on the amenity of neighbouring residential properties and local environmental quality.

This report explains the proposed development/ works would be consistent with relevant development plan policies in the Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). There would be less than substantial harm to heritage assets, but this harm is outweighed by public benefits. As such, the proposals are considered acceptable in heritage, townscape, design, land use, amenity, environmental and highway terms and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View from Piccadilly



View from Jermyn Street



View from within Green churchyard



5. CONSULTATIONS

5.1 Application Consultations

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

The principle of remodelling and extending the Piccadilly and Jermyn Street buildings together with alterations to improve access to the churchyard from Jermyn Street and a new churchyard pavilion is acceptable in principle. However, the new floor to the Piccadilly building is strikingly different to the elevations below and to the immediate setting of the church and views looking east along Piccadilly. Not convinced that the pyramidal roof form sits comfortably on the existing building and believe that the recess of the extension below gives it a post-modern emphasis which is out of character in this setting. Whilst the proposals would clearly impact on the Piccadilly building and views through the conservation area, any harm would be less than substantial.

The proposed additional storey to the Jermyn Street building does have some impact on views from within the churchyard but any harm would be at the lower end of the scale of less than substantial.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised.

FIRE HEALTH AND SAFETY EXECUTIVE

The proposals do not relate to a 'relevant' building.

NATIONAL AMENITY SOCIETIES

No response received.

ST. JAMES'S CONSERVATION TRUST

No response received.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No response received.

BUILDING CONTROL

No objections raised.

ARBORICULTURAL SECTION

Further information required.

ENVIRONMENTAL HEALTH

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 61

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One letter of objection on the grounds that the Southwood Garden is one of the last true places for quiet meditation and contemplation in central London and that the necessity for this new community centre is questionable there. The use of thatch is not appropriate and would attract rats. The removal of Cafe Nero to make a more obvious passage between Jermyn Street and Piccadilly would be detrimental to the businesses in the Princes Arcade by drawing foot traffic away from their businesses and would disrupt the natural contrast between the bustling Piccadilly and the much quieter Jermyn Street, as well as stopping the public stumble across the beauty of the church.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

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

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Public exhibition	25.06.22	321	Comments received in relation to the sustainability interventions, accessibility interventions, the reopening of the main entrance and the landscaping improvements
Webinar	29.06.22	9	
Letters sent to ward councillors and community groups			
A flyer was sent to 1,422 homes and businesses			
Social media campaign			
Posters around the church			

Feedback was collected in a range of ways, including via an online survey hosted on the website; a physical copy feedback form; the Q&A sessions during the webinars; and a dedicated email inbox for people to email with comments and questions. 32 feedback forms were returned from the drop-in session on June 25 and from congregants attending the Service on Sunday 26 June. In summary, across the range of engagement undertaken by the applicant the principal issues raised were design/architecture, accessibility, sustainability and arboriculture.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- Retention of the London Plane tree

- The extent of the proposed alterations to the south stair lobby have been reduced
- The mansard roof extension to the Jermyn Street building has been amended to adjust the parapet walls and improve window proportions.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

St James's Piccadilly is a Grade I listed building in the St. James's Conservation Area to which it makes a positive contribution. It stands in a churchyard bounded to the north by Piccadilly, to the south by Jermyn Street, and to the east by Church Place. To the west, the churchyard adjoins buildings in Piccadilly and Jermyn Street.

Built in the late C17, St James Piccadilly is a much-admired example of Sir Christopher Wren's work. Badly damaged by WWII bombing, the church was repaired by Richardson in the 1950s. He also completely rebuilt the Vestry and added an additional storey to the Church Room to provide accommodation for the vergers. The site and the buildings within it remain largely unchanged since Richardson's work. However, the use of the church has evolved with an extensive and popular programme of events, including concerts in the church and craft stalls in the churchyard.

The space around the church is formed of two distinct areas of landscaping and there is

a narrow strip of paving around the east and south of the church. The steps linking the main paved area of the churchyard to the garden are part of the Southwood Memorial which is Grade II listed. The site includes a 2-storey building adjoining the church on Jermyn Street which is also Grade II listed, and a 3-storey plus basement building at the north-east corner of the site is not listed. There are numerous listed buildings nearby, including the Grade II-Star listed former bank, by Lutyens, at 196 Piccadilly, and the Mayfair Conservation Area is on the opposite (north) side of Piccadilly.

The Piccadilly rectory building was built in 1957 and is now largely used as offices with the upper two floors of used as the Rector's flat. The Jermyn Street building (the Wren Café building) was erected in 1899 and is in cafe use with a curate's flat above.

7.2 Recent Relevant History

In October 1998 a certificate of lawfulness was granted for the use of the ground and mezzanine floors of for general cafe (A3) use (35 Jermyn Street).

In September 2004 planning permission was granted for the demolition of the Piccadilly rectory and Jermyn Street buildings; new building to Piccadilly comprising basement to third floors for use as church hall and church offices, Class A3 cafe and Class A1 retail on ground floor and retail and/or Class B1 offices on first to third floors; new building to Jermyn Street comprising basement to third floors for use as Class A3 café on basement and ground floors and two studio flats and one maisonette on first to third floors.

8. THE PROPOSAL

The proposals seek to adapt the two existing buildings on Piccadilly and Jermyn Street rather than, as in the 2004 permission, to completely demolish and redevelop them. A new mansard roof at third floor is proposed on the Piccadilly Street building, together with a part rear and side 3-storey extension, to provide additional church office and meeting room accommodation. The Jermyn Street building is likewise to be extended by way of a new second floor mansard roof for rectory use; and the existing cafe accommodation is to be relocated from the ground floor of the Jermyn Street Building into the ground floor of the Piccadilly Building.

A key driver for the proposed works is to provide better facilities for the church's many projects, activities, events and their extensive outreach programme. Within the Piccadilly building, space is provided for the existing drop-in counselling project which is currently located in the north-west corner of the churchyard. The second, third and a new fourth floor are given over to church offices, meeting rooms, support facilities for concerts and events and will include a large hireable function room on the top of the building, with a roof terrace looking west down Piccadilly. In addition, to reduce the church's financial dependence on the courtyard markets, the ground floor of the Piccadilly building is proposed as café use, with full height ducting enabling primary cooking, which will, together with the new pavilion, enable the church to reduce the number of market stalls in the courtyard.

Alterations to the church itself include excavation beneath the south porch of the church to provide additional wc accommodation and the reintroduction of its south door from St James's Square. This will reinstate the historic connection between the church and the

square. A further proposed change is the reinstatement of the lost corner pinnacle spires to the tower.

The churchyards will be made fully accessible and will be re-landscaped with all of the key trees to be retained. A further new access from Church Place is to be created through the demolition of the vestry link between the Piccadilly building and the church.

A new thatched pavilion is proposed within the Green Churchyard Garden sited on an existing concrete slab that was left in-situ following the removal of the WWII bomb shelters. This will provide community facilities.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (church use including ancillary residential)	1,756	2,080	+324
Use (cafe)	116	229	+113
Total	1,872	2,309	+437

9. DETAILED CONSIDERATIONS

9.1 Land Use

Land Use Overview

Although the Piccadilly rectory was originally in residential use throughout, it has been used as office and church use for many years, with an ancillary residential flat for the rector on the upper two floors. The proposals entail the relocation of the existing church residential accommodation to the Jermyn Street building, with the Piccadilly Street building being used as church hall/offices and café use. A new pavilion building within the green churchyard, measuring some 70sqm, for community use is also proposed.

Commercial Uses

There is some 116sqm of existing café floorspace on the site in the Jermyn Street building. The proposals would relocate this facility to the Piccadilly Street building, providing an extended café at part ground and basement floors, giving a total proposed cafe floorspace on the site of 229sqm, an increase of 113sqm.

City Plan Policy 16 relates to food drink and entertainment uses. The policy requires food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Policy 14 supports the intensification of the CAZ for main town centre uses.

The intention is that the ground floor of the Piccadilly building would be used as a café with access either from a new entrance on Piccadilly or through the existing entrance within the churchyard. This would provide a service use with an active frontage which

would accord with City Plan policy 14. Given that the café would be located within a building that would also contain church facilities, it is likely that the use would be both low key, available both to church members in association with church activities, and to the general public.

This part of Piccadilly is predominantly commercial and there are no residential properties in the immediate vicinity. It is therefore considered that the proposed café use is acceptable in land use policy terms, subject to conditions restricting opening hours until 23.00 hours only and for the use to be for café/restaurant purposes only.

Residential Use

The existing rector's flat above the Piccadilly Building and the curate's flat above the café building in Jermyn Street are being reconfigured into a single 3-bed dwelling. The dwelling would be ancillary to St James's Church because it would be occupied by the rector in connection with the main church use of the site. It is not, for planning purposes, regarded as an independent use.

Social & Community Uses

Community infrastructure and facilities are integral to supporting people's everyday lives, being used by residents, workers and visitors, and are a vital resource to support successful places and communities. Policy 17 of the City Plan states that new community infrastructure and facilities will be supported where there is an identified present or future need.

The new churchyard pavilion building within the green churchyard would provide refreshments during concerts and other events in the church and would also provide a space for worshippers post service. The proposals would provide a small space measuring some 50sqm (excluding back of house facilities). The new building would have level access, toilet facilities and a servery area for hot drinks.

One letter of objection has been received on the grounds that the necessity for a new community use is questionable, however the applicant reports that the church currently holds over 90 evening concerts and 140 lunchtime concerts every year and argues that existing facilities are poor both for performers and audiences, and therefore the need for such a space is not disputed. The objector also believes that the churchyard, as a place for quiet meditation and contemplation is an inappropriate location for community use. The Green churchyard is proposed as a flexible green space in front of the new pavilion building, retaining the character of the existing garden with circuit paths around a formal lawn, backed by woodland planting. Whilst it is accepted that the building, whilst in use, will intensify the use of the churchyard, the proposals see the retention of all the existing perimeter seating enabling the area to be retained for informal seating and an area for quiet reflection.

Environment & Sustainability

Sustainable Design & Energy Performance

The proposals include sustainability features, such as air source heat pump technology

connected to underfloor heating. The extended accommodation provided will have good insulation, with increased air tightness, natural ventilation and the windows will have sound thermal energy performance. The proposals are therefore considered to comply with Policy 36 and 38D of the City Plan and the guidance as set out in the 'Energy' and 'Retrofitting and Sustainable Design' sections of the Environmental Supplementary Planning Guidance

Light Pollution

City Plan policy 33B, requires development to be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.

The existing external lighting features mixture of various fittings added on an ad-hoc basis, most of which are unsuitable flood light fittings. The proposal is to remove all external fittings and create 'church atmosphere' type lighting fittings with warm colour to create aesthetical and functional lighting scheme controlled via photocell/time clock arrangement.

Odour

City Plan Policy 33D, requires development to effectively address the adverse impact of odour and the Environmental SPD advises that "the incorporation of full height discharge systems in hot food premises is the most effective way to minimise the detrimental impact of odours and is the preferred option."

The kitchen extract duct is designed to discharge at roof level and runs from the basement kitchen and up the rear (south) wall to terminate within a louvred 'tower' which accommodates both the lift and the ventilation ducting to serve the commercial kitchen.

9.2 Biodiversity, Greening & Landscaping

Policy 34A of the City Plan aims to protect and enhance the city's green infrastructure, whilst 34B seeks, wherever possible "the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme."

Six London plane trees in the churchyard are protected by Tree Preservation Orders. All other trees are protected by virtue of being within St James's conservation area, including, of note, one London plane, one lime, one magnolia one ash leafed maple, one bay and one mulberry. These trees are all of high amenity value and make a significant contribution to the character and appearance of the conservation area. Their safe retention is essential.

7 of the small yew trees, 4 yew hedges and a purple leaf plum are proposed to be removed for seating areas, landscape improvements and a proposed ramp. 6 of the yew trees are intended to be transplanted into the new soft landscaping. The Arboricultural Manager raises no objections to the removal of these trees subject to suitable landscaping and a suitable replacement of the purple leaf plum tree.

The existing raised concrete slab terrace at the top of the Southwood steps will be removed and replaced by planting sloping gently up to the Green Churchyard. Planting beds around the space will be filled with a mixture of shrubs, perennials, ferns, grasses and bulbs beneath the existing plane trees, creating a 'woodland edge' garden. It is recommended that the details of this are secured by condition to ensure that it provides good biodiversity properties and is suitably maintained and retained.

The foundation of the proposed pavilion building is intended to be a reinforced concrete slab replacing the existing concrete slab of the former air raid shelter. Whilst some root severance is anticipated the Arboricultural Manager considers this could be carried out without harm to the trees.

However, the details provided with respect to impact on the trees in relation to other aspects of the scheme is currently insufficient, in particular in relation to the location of an attenuation tank to the east of the proposed pavilion building, the depths of excavation for trenches for utilities and proposed level changes. In the absence of full details there is concern that the development construction could impact upon the trees through root severance, compaction and construction activities. Given the above concerns, pre-commencement tree protection conditions are recommended to secure further details to ensure that the City Council's Arboricultural Manager is satisfied that the development will not adversely impact on the existing trees.

Hard Landscaping

The existing paving in the North churchyard will be retained, and repaired, as a flexible space and setting for the church, but access will be greatly enhanced through the opening up of passageways with level access from Church Place to the east and Jermyn Street to the south. Step-free access will be provided for the first time from the North churchyard to the Green churchyard via a gentle ramp running along the east side of 196 Piccadilly.

9.3 Townscape, Design & Heritage Impact

St James's Piccadilly is a Grade I listed building in the St. James's Conservation Area to which it makes a positive contribution. It stands in a churchyard bounded to the north by Piccadilly, to the south by Jermyn Street, and to the east by Church Place. To the west, the churchyard adjoins buildings in Piccadilly and Jermyn Street.

The space around the church is formed of two distinct areas of landscaping and there is a narrow strip of paving around the east and south of the church. The steps linking the main paved area of the churchyard to the garden are part of the Southwood Memorial which is Grade II listed, the small building adjoining the church on Jermyn Street is also Grade II listed, and that at the north-east corner of the site is not listed. There are numerous listed buildings nearby, including the Grade II-Star listed former bank, by Lutyens, at 196 Piccadilly, and the Mayfair Conservation Area is on the opposite (north) side of Piccadilly.

The proposed alterations affect the fabric church and it's setting along with fabric of the grade II listed building in Jermyn Street. Archaeological deposits will also be affected by some parts of the development.

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 66 of the LBCA Act requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." In this context 'preservation' is defined as 'causing no harm'.

Whilst there is no statutory duty to take account of the effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 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 will not be permitted.

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 take into account the relative significance of the affected asset and the severity of the harm caused.

Impact on Heritage Assets

The Southwood Memorial is to be conserved and restored in matching materials where necessary. This is uncontroversial and welcomed in heritage asset terms.

The Piccadilly building is to be partly demolished and extended to provide additional accommodation for the church, supporting its mission and to provide a replacement café for that displaced by alterations to the Jermyn Street building. There is a substantial benefit to the church in heritage asset terms, by separating this building from the north wall of the church and forming a much more elegant and discreet covered entrance which will also create a view from Church Place into the church yard. The alterations to the Piccadilly building will see it enlarged to the east and south, with a new attic story and roof designed to harmonise with the church and Grade II-Star listed No.196 Piccadilly. The form and detailed design of the alterations are acceptable and beneficial to the setting of the church, as noted above.

The Jermyn Street building is to be substantially altered to add another storey of residential accommodation to replace that formerly in the Piccadilly building, and to

provide a new pedestrian entrance to the churchyard avoiding the need to pass through the vestibules and west tower of the church. The new entrance is beneficial in heritage asset terms and forms a much more appropriate approach to the west of the church along with the creation of steps, to the raised garden, on axis with the west door. Internally, this will allow for improved facilities to be provided within the church which is another benefit. Also, in terms of improved accessibility, the original south entrance to the church is to be reopened and will provide step free access from Church Place and stepped access from Jermyn Street. It should be noted that internal and external alterations to the church etc. are dealt with separately under ecclesiastical exemption rather than requiring listed building consent.

The spire of the church, being made of fibreglass and erected during restoration works in the 1950s, is now in need of attention. Full details of the work to the tower and spire may be dealt with by condition.

In the churchyard garden a new, thatched, pavilion, is to be erected.

Thatch considered purely aesthetically, as a roofing material, is acceptable in this case, and the objectors concerns regarding the use of this material are not considered sustainable. It will stand as a one-off in design terms, but it must be wholly in compliance with all appropriate and necessary regulatory controls, so that the fire risk to the building and its surroundings is kept within acceptable limits (see below). In all other respects the appearance of the garden pavilion is acceptable and appropriate to its surroundings which it will complement.

Archaeology

The site is within the Great Estates Special Archaeological Priority Area (APA). The archaeological impact of the proposal has been carefully assessed, and Historic England (Archaeology) are satisfied that monitoring and recording can be dealt with by condition.

Impact on Heritage Assets

In other heritage asset terms, Historic England note that some of the alterations will cause less than substantial harm as defined by the NPPF.

With regard to the Piccadilly building, the concerns raised by Historic England relate to the pyramidal roof form which is considered to not sit comfortably on the building. Whilst appreciating that it seeks to respond to the roof form of the Grade II-Star listed No.196 Piccadilly (by Lutyens), the recess of the extension below gives it a post-modern emphasis which is rather out of character in its setting. Similarly, with regard to the Jermyn Street building, the proposed additional storey has some impact on views from within the churchyard which is considered to be at the lower end of the scale of less than substantial.

As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which include improved accessibility, enlarged and enhanced facilities for the church, and heritage benefits such as those derived from alterations to the Jermyn Street entrance to the site, the reinstated south entrance, and the new view from Church Place, the proposal is considered

acceptable in terms of its impact on the designated heritage assets. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Fire Safety

Policy D12 of the London Plan states that all developments achieve the highest standards of fire safety and ensure that they are constructed in an appropriate way to minimise the risk of fire spread. The application is accompanied by a Fire Safety document and the position of the proposed thatched pavilion within the Green Churchyard reflects the advice given in the Fire Safety Overview which requires a 6m clearance to neighbouring buildings.

Advice from Building Control has been received that queries compliance with the Building Regulations, and in particular makes reference to the area of thatch proposed. The applicant has confirmed that the recommendations of BS 9999:2017 are followed to compensate for the area of thatch being more than 3sqm. This is likely to include a requirement for the application of a fire retardant spray. This element of the design will require careful consideration at detailed design stage, including consultation and agreement with Building Control.

The Health and Safety Executive have also been consulted, however, they raise no comments as the proposals do not relate to a 'relevant building'.

Public Realm

The removal of a stretch of existing railings adjacent to the east end of the church, will return a section of paving to the public realm, making the north-south connection considerably wider and generous. Where the vestry is removed, a new view of the church's north wall will be revealed, making the distinctive outdoor pulpit, added in 1904, visible for the first time. The Southwood Fountain will be visible on this east-west axis transforming the view from Church Place.

The removal of railings in Church Place is acceptable, subject to the paving being appropriately detailed to maintain evidence of the historic church boundary, which Historic England consider should be marked in the street surface. This may be dealt with by condition.

9.4 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents must be found to be in accordance with policy 7 of the City Plan. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

Piccadilly building

The proposed third floor and extensions to the Piccadilly building lie adjacent to 198-202

Piccadilly, a commercial building in retail and office use which lies on the opposite side of Church Place. It is not considered that the proposal will have an adverse effect on the functionality of the office accommodation.

The new building also includes covered balcony areas to the Church Place and Piccadilly frontages which would be used in connection with the function room at third floor. Given the busy commercial nature of Piccadilly, terraces are considered acceptable here.

Jermyn Street buildings

The new second floor mansard roof to the Jermyn Street building and the new church pavilion lie to the north of residential flats within 91, 93 and 95 Jermyn Street. The closest residential property to the mansard roof is a flat at third floor level at 95 Jermyn Street and the closest residential to the new church pavilion are the flats within 91 Jermyn Street.

The new mansard roof would extend the ridge height of the existing building by some 1.6m whilst the new church pavilion would be a maximum height of 6.5m. However, this building would be set back some 4.5m from the street frontage and would be partly screened by the boundary wall and hedging and the London Plane trees within the churchyard. Both the new pavilion building, and the extended Jermyn Street building, would be seen either in the context of the taller church spire behind or the taller buildings on Piccadilly. Given the distances involved, it is not considered that either the impact on loss of light or sense of enclosure would be so significant as to warrant refusal.

Noise & Vibration

Plant is proposed at basement, third floor and behind the louvres at fourth floor level in the new tower within the Piccadilly Building, and also within the former bell tower within the church. The application is supported by an acoustic report. The Environmental Health officer has assessed the submitted acoustic report and raises no objection to the proposals subject to conditions relating to plant noise and vibration. Subject to these conditions, it is not considered that the plant operation would adversely affect the amenities of existing residents.

9.5 Transportation, Accessibility & Servicing

Highway Impact

The site is well served by public transport and there is no significant change in pedestrian or vehicular traffic expected from the change from the minor increase in café and community use floorspace. It is considered that in terms of people arriving and departing, the levels would not be significant in highways planning terms. The site is also within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls.

Accessibility

Step-free access will be provided for the first time from the North churchyard to the Green churchyard via a new ramp running along the east side of 196 Piccadilly. Level

access will also be provided into the extended Piccadilly building through the introduction of a new entrance door onto Piccadilly.

Servicing and Waste & Recycling Storage

At present, the delivery and servicing is via a combination of the loading bays on Jermyn Street and the loading bay parallel to Church Place. Whilst this currently accommodates up to four vehicles, this will be reduced in size through the introduction of new trees and planting.

The applicant explains the servicing frequency will be similar to the existing uses on site, anticipating that there will generally be three to four deliveries per day. While City Plan Policy 29 requires servicing to be off-street, in this case the proposed servicing for the site will be very similar to the existing operation and therefore it is unreasonable to oppose a continuation of a similar operation.

Deliveries will be distributed throughout the day as much as possible in order to spread demand and avoid peak hour activity. A servicing management plan has also been submitted that sets out how deliveries will be managed. This will be secured by condition.

Internal bin storage will be in the basement of the Piccadilly building and ground floor of the Jermyn Street building.

Cycling & Cycle Storage

Long-stay cycle parking is proposed in the basement of the Piccadilly building. Access is from the central courtyard with a lift access between ground level and the basement. Five spaces are provided in a dedicated, locked cycle store with showers on the second floor of the same building. These will be secured by condition.

9.6 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.7 Other Considerations

Basement Excavation

The application involves excavation beneath the Piccadilly building and the church to extend the footprint of the existing basements here. City Plan Policy 45 relates to basement developments.

Part A of the policy relates to structural stability; surface water and sewerage flooding; requiring developments to minimise the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area. The applicant has provided a Structural

Methodology Statement prepared by an appropriately qualified structural engineer. This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be minimal. The scheme is justified structurally and the proposal is considered to be viable and from the preliminary structural information provided at this stage.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the 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. Therefore, we are 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 professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Other Issues

The objector believes that the new north-south route would be detrimental to the businesses in Princes Arcade and would disrupt the natural contrast of the busier Piccadilly with the quieter Jermyn Street. However, there is already a north-south link between Piccadilly and Jermyn Street to the immediate east of the church along Church Place, and as set out above, the new access route is also considered beneficial in heritage asset terms.

9.8 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.9 Planning Obligations & Pre-Commencement Conditions

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

The development is wholly for charitable purposes and therefore is exempt from a CIL payment.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of these conditions.

10. Conclusion

As set out above, it is acknowledged that the proposal would result in some less than substantial harm to heritage assets. As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which include improved accessibility, enlarged and enhanced facilities for the church, and heritage benefits such as those derived from alterations to the Jermyn Street entrance to the site, the reinstated south entrance, and the new view from Church Place, the proposal is considered acceptable in terms of its impact on the designated heritage assets. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

11. KEY DRAWINGS

From Piccadilly Looking East



Existing



Proposed

From Jermyn Street Looking East



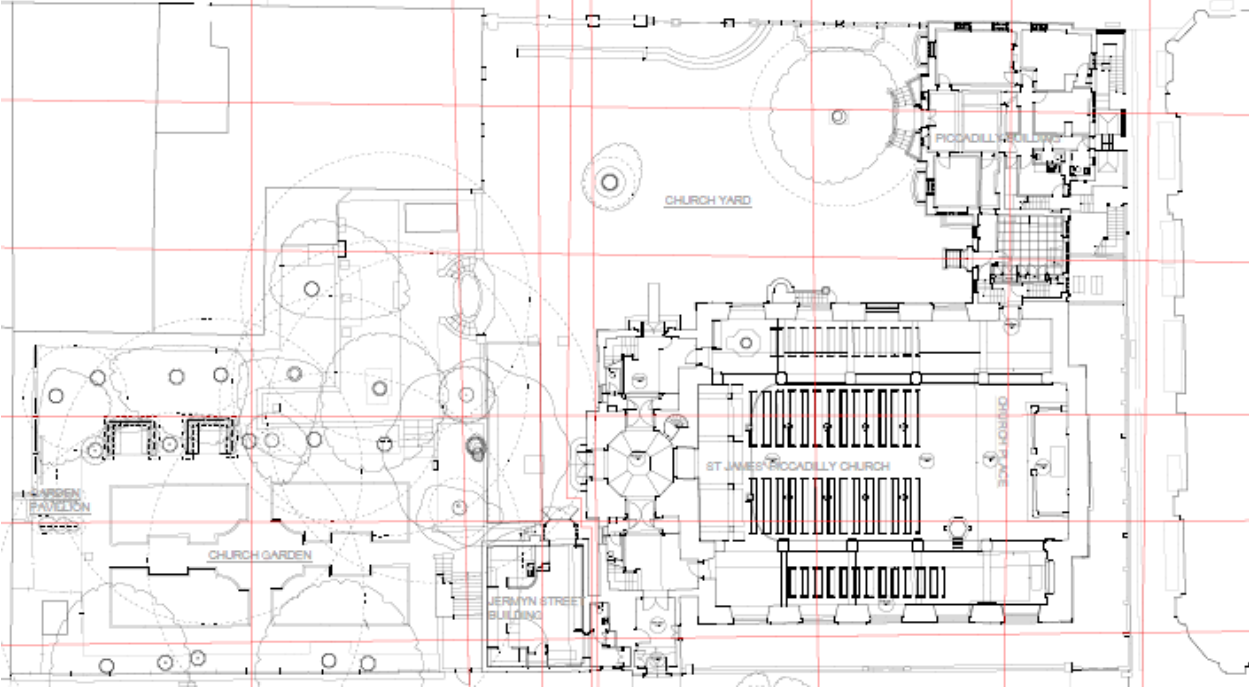
From St James Church Garden Looking East



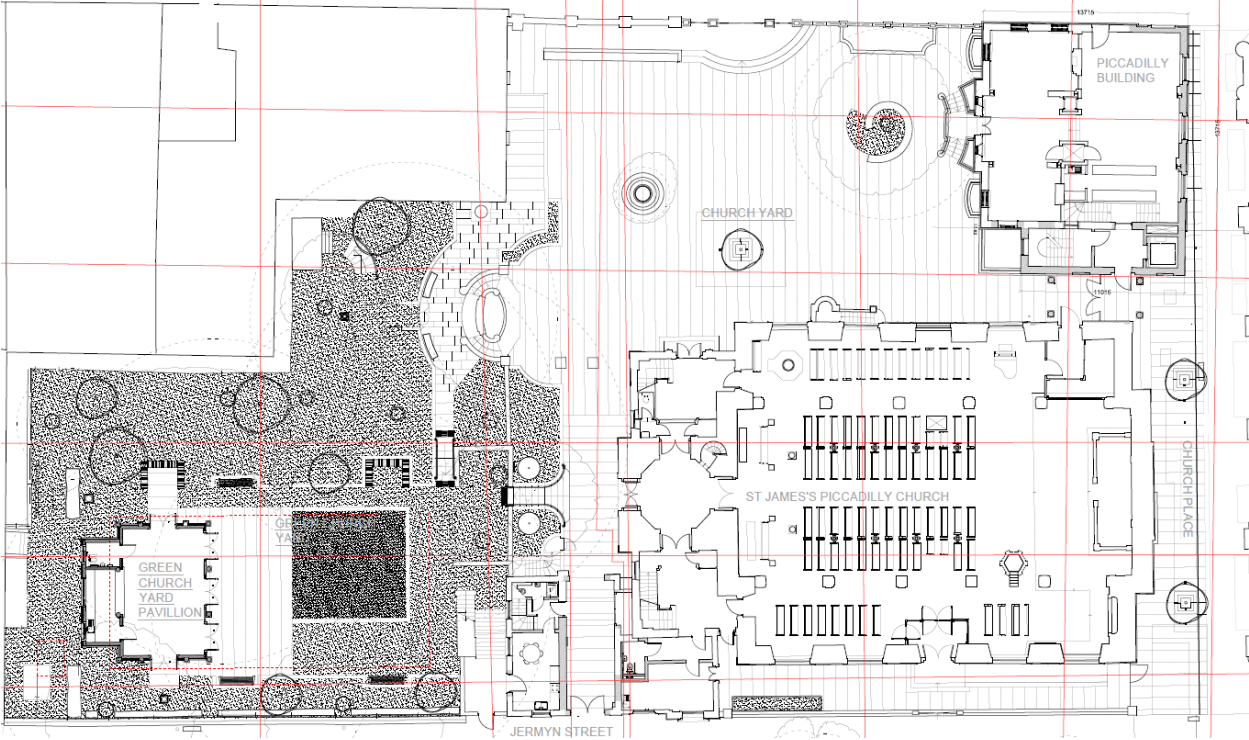
From St James Church West Door Looking West



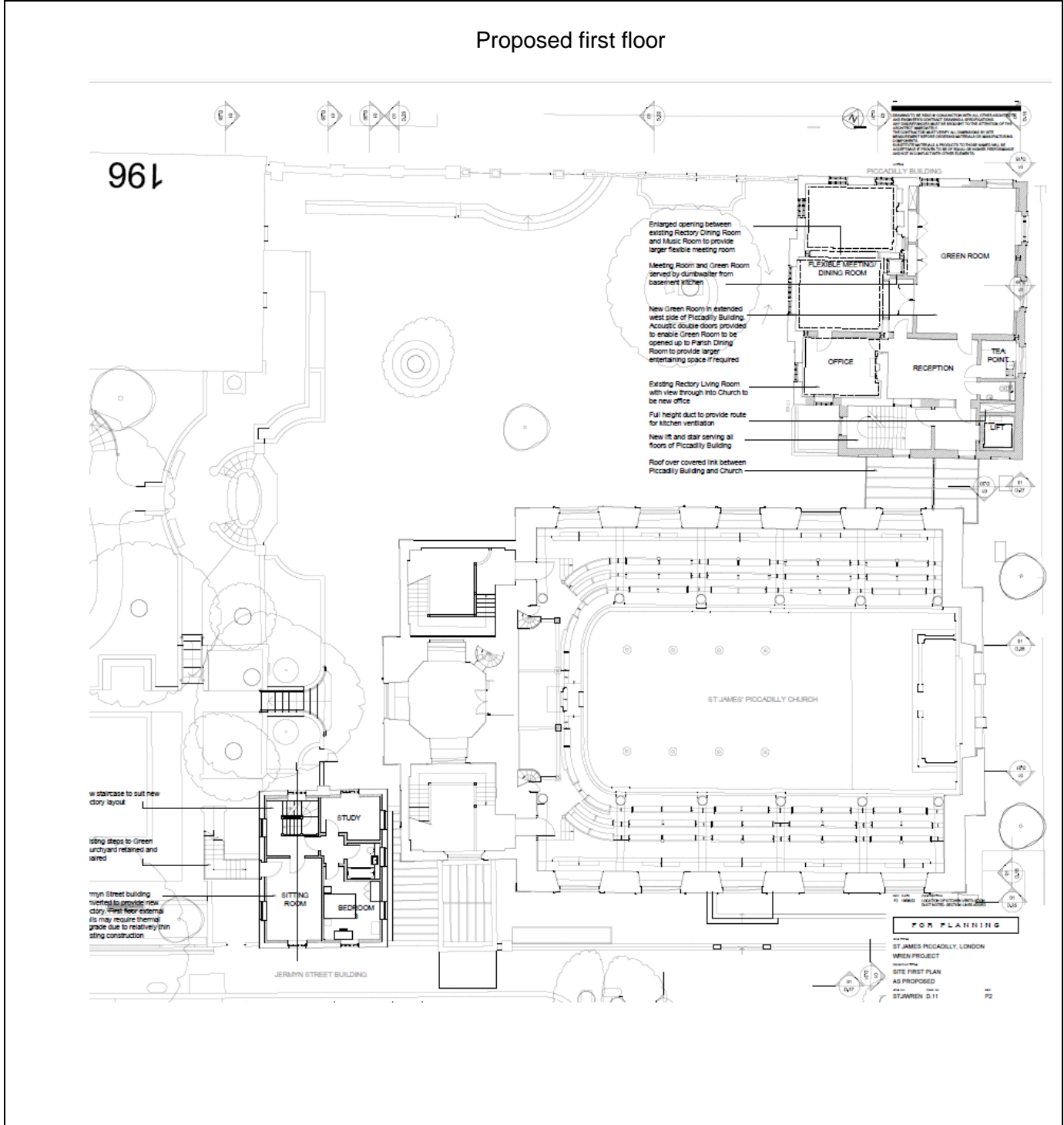
Existing site/ground floor plan



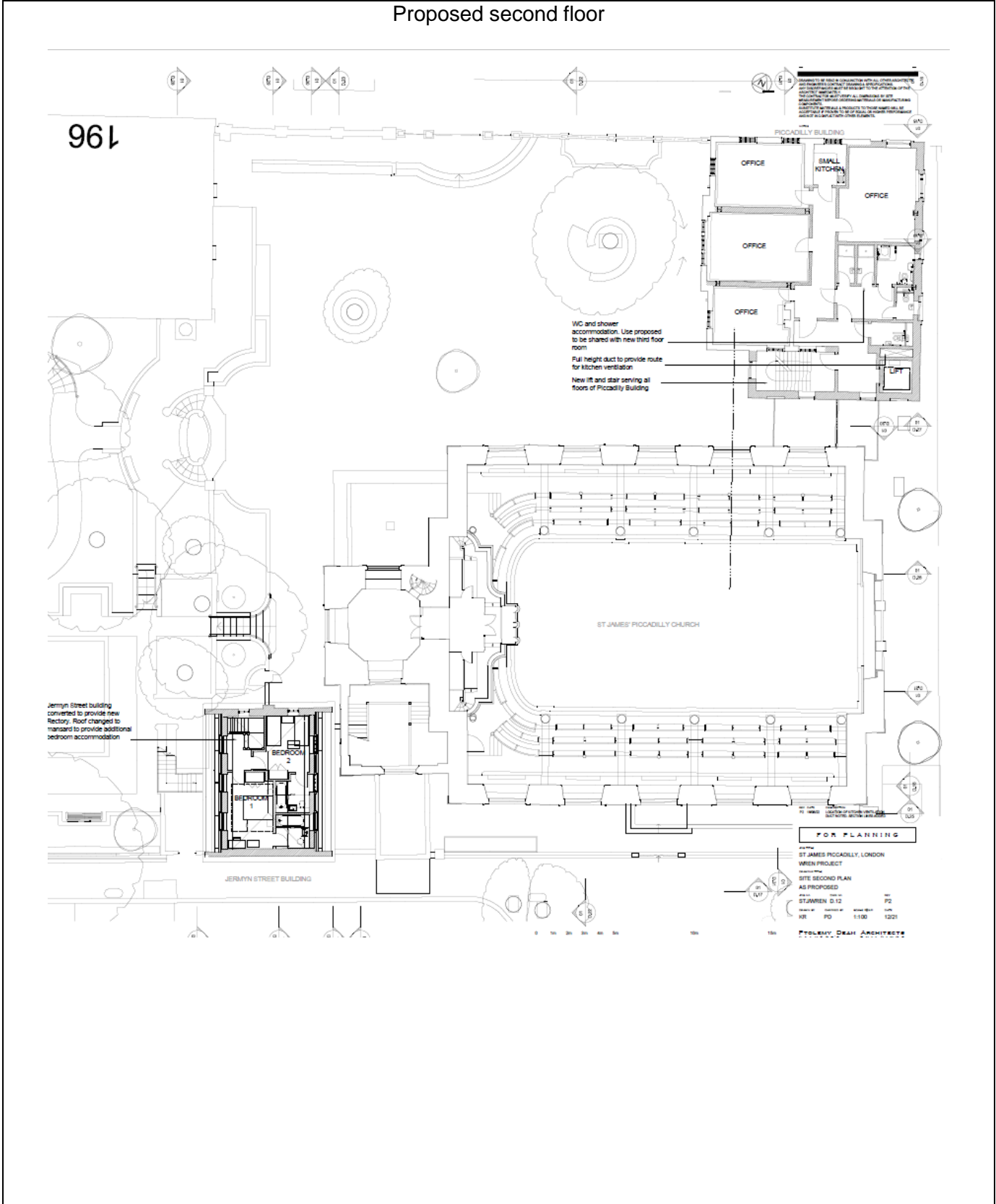
Proposed site/ground floor plan



Proposed first floor



Proposed second floor



DRAFT DECISION LETTER

Address: St James's Church, 197 Piccadilly, London, W1J 9ET

Proposal: Alterations to Piccadilly Building including erection of 3-storey extension to east and south and addition of new mansard roof at third floor to provide additional church office and meeting room accommodation; new plant rooms at basement level, plant at new third floor level, new service tower within Piccadilly Building and demolition of vestry link building to create new entry to Church yard from Church Place; relocation of rectory accommodation from Piccadilly Building into Jermyn Street Building and erection of new second floor mansard to Jermyn Street Building to support rectory use; relocation of existing cafe accommodation from ground floor of Jermyn Street Building into ground and part basement floor of Piccadilly Building; alterations to St James's church including repair of spire, installation of plant within former bell tower, excavation beneath the south porch of the church; and reinstatement of south entrance door; alteration of Jermyn Street Building to provide new route between Jermyn Street and the churchyard, new railings to Jermyn Street, and re-landscaping of the North and Green Churchyards, and erection of new single storey garden pavilion in Green Churchyard.

Reference: 22/05329/FULL

Plan Nos: S.59 rev P1, S.60 rev P1, S.61 rev P1, S.62 rev P1, S.64 rev P1, S.70 rev P1, S.72 rev P1, S.73 rev P1; D.02 rev P1, D.03 rev P1, D.09 rev P2, D.10 rev P2, D.11 rev P3, D.12 rev P3, D.13 rev P3, D.14 rev P3, D.15 rev P2, D.16 rev P2, D.17 rev P1, D.18 rev P1, D.19 rev P2, D.20 rev P2, D.21 rev P1, D.22 rev P1, D.23 rev P1, D.24 rev P1, D.25 rev P1, D.26 rev P1, D.27 rev P2, D.28 rev P1, D.29 rev P1, D.30 rev P1, D.31 rev P1, D.40 rev P2, D.41 rev P2, D.42 rev P2, D.43 rev P2, D.90 rev B; Structural Report dated 20th July 2022 (FOR INFORMATION ONLY); Acoustic Report P1173-REP-01 dated 27-04-2022

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;

- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3 Pre Commencement Condition. Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4** No demolition or development shall take place at or below basement or ground floor level until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - B. Where appropriate. details of a programmed for delivering related positive public

benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programmed set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

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

survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 7 All servicing shall be undertaken in accordance with the submitted Servicing Management Plan unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 8 You must provide each cycle parking space, showers and lockers 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 and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the buildings. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 10 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 11 You must install the full height kitchen extract duct shown on the approved drawings before the cafe/restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurants are in use.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 12 You must only use the part basement and ground floor of the Piccadilly building for either cafe or restaurant use. You must not use it for any other purpose, including any uses within Class E of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 13 Customers shall not be permitted within the cafe/restaurant premises and any associated external seating area before 06:30 or after 23:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 14 Customers shall not be permitted within the churchyard pavilion and associated

terrace area before 09:00 or after 23:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

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

Reason:

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

- 16 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 17 The new paving in Church Place must be natural York stone to match existing.

Reason:

To make sure that the appearance of the paving is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in Policies 39 and 43 of the City Plan 2019 - 2040 (April 2021).

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

1) Demarcation of the boundary between the public highway and new paving along the line of the removed railings in Church Place.

You must not start on this part of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St James Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 20 You must apply to us for approval of a method statement and tree protection plan explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work 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 Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

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

- o identification of individual responsibilities and key personnel.,
- o induction and personnel awareness of arboricultural matters.,
- o supervision schedule, indicating frequency and methods of site visiting and record keeping,

- o procedures for dealing with variations and incidents., ,

You must not start any below ground demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule., , You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 22 Notwithstanding the proposals to alter levels outside the building footprints, you must not alter the ground levels within the root protection areas (as defined by British Standard BS 5837: 2012) of any of the trees shown to be retained. If you want to change any levels, including trenching, soil stripping, or excavation to install attenuation tanks, soft landscaping, foundations, hard surfaces, steps ramps or structures, you must undertake trial excavation to inform your submission and apply to us for our approval, and you must not alter levels until we have approved what you have sent us.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 23 You must apply to us for our approval of the depth and methods to be used to change any levels outside the building footprints, including trenching, soil stripping or excavation to install attenuation tanks soft landscaping, hard surfaces, foundations, steps ramps or structures. You must not start any work to alter levels until we have approved in writing what you have sent to us. The excavation and foundations 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 Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 24 If you come across any roots of 25 millimetres or more in diameter, or clumps of smaller diameter roots, in trial excavations or any other excavation which we approve, you must retain them and carefully protect them from being exposed and

drying out. You must cut any damaged or severed roots less than 25mm in diameter with a sharp cutting tool so that the final wound is as small as possible.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 25 You must apply to use for approval of the amelioration and mitigation measures you intend to carry out to compensate for root severance and/ or rectify soil compaction or root loss. The work must be carried out by tools held in the hand, and not mechanical or power driven equipment, with the exception of use of an air spade if required. You must undertake the approved amelioration and mitigation measures within three months of the completion of the development or within any other such period of time that you agree in writing with us, and you must notify us within that time period once the amelioration measures have been carried out.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required

to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 4 Conditions 5-6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 5 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 6 Under Condition 18 you will need to clearly delineate the boundary between the public footpath and the public realm works on Church Place.

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. 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).

- 7 Condition 20 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 8 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 9 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.

Please note: the full text for informatives can be found in the Council's Conditions,

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Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	SUB	Date 7 February 2023	Classification For General Release
Report of Director of Town Planning & Building Control			Ward(s) involved West End
Subject of Report	85 Great Titchfield Street, London, W1W 6RJ		
Proposal	Installation of four air conditioning units within screened enclosures at rear first floor level.		
Agent	First plan		
On behalf of	Mr John Suett		
Registered Number	22/07417/FULL	Date amended/ completed	2 November 2022
Date Application Received	2 November 2022		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		
Neighbourhood Plan	Fitzrovia Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

Four air conditioning units serving 1st floor offices were installed on a rear 1st floor flat roof in September 2022. Permission is sought to retain this plant and install acoustic screened enclosures around each of the units.

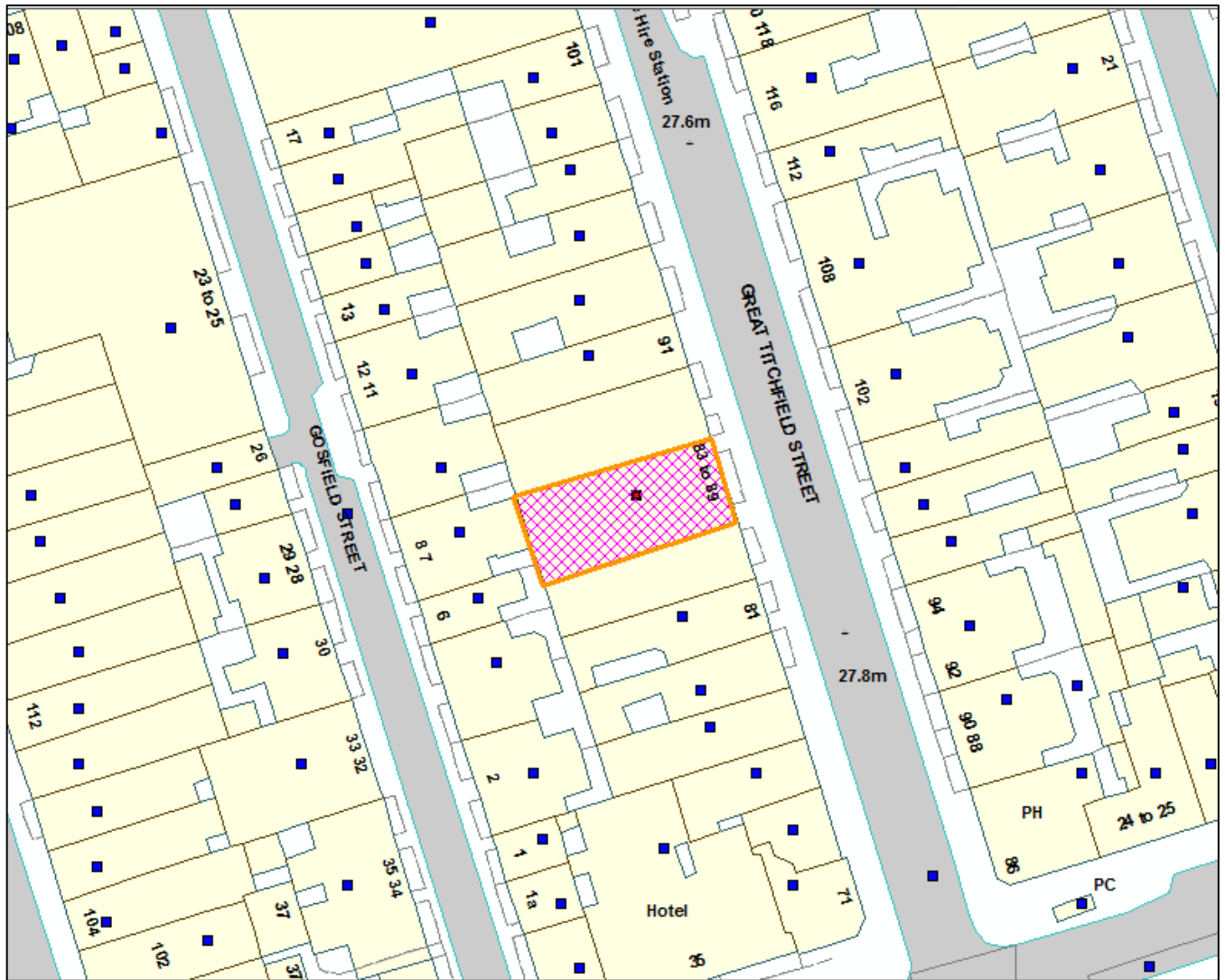
The key issue for consideration are:

- the impact on residential amenity,
- the impact on the appearance of the building.

For reasons set out in the main body of the report, it is considered that subject to appropriate conditions the operation of the units would not result in noise nuisance and are acceptable in amenity terms. The flat roof area cannot be seen from any street level views. Given its concealed location the units and enclosures are also considered to be acceptable in design terms. Accordingly, the application is recommended for approval.

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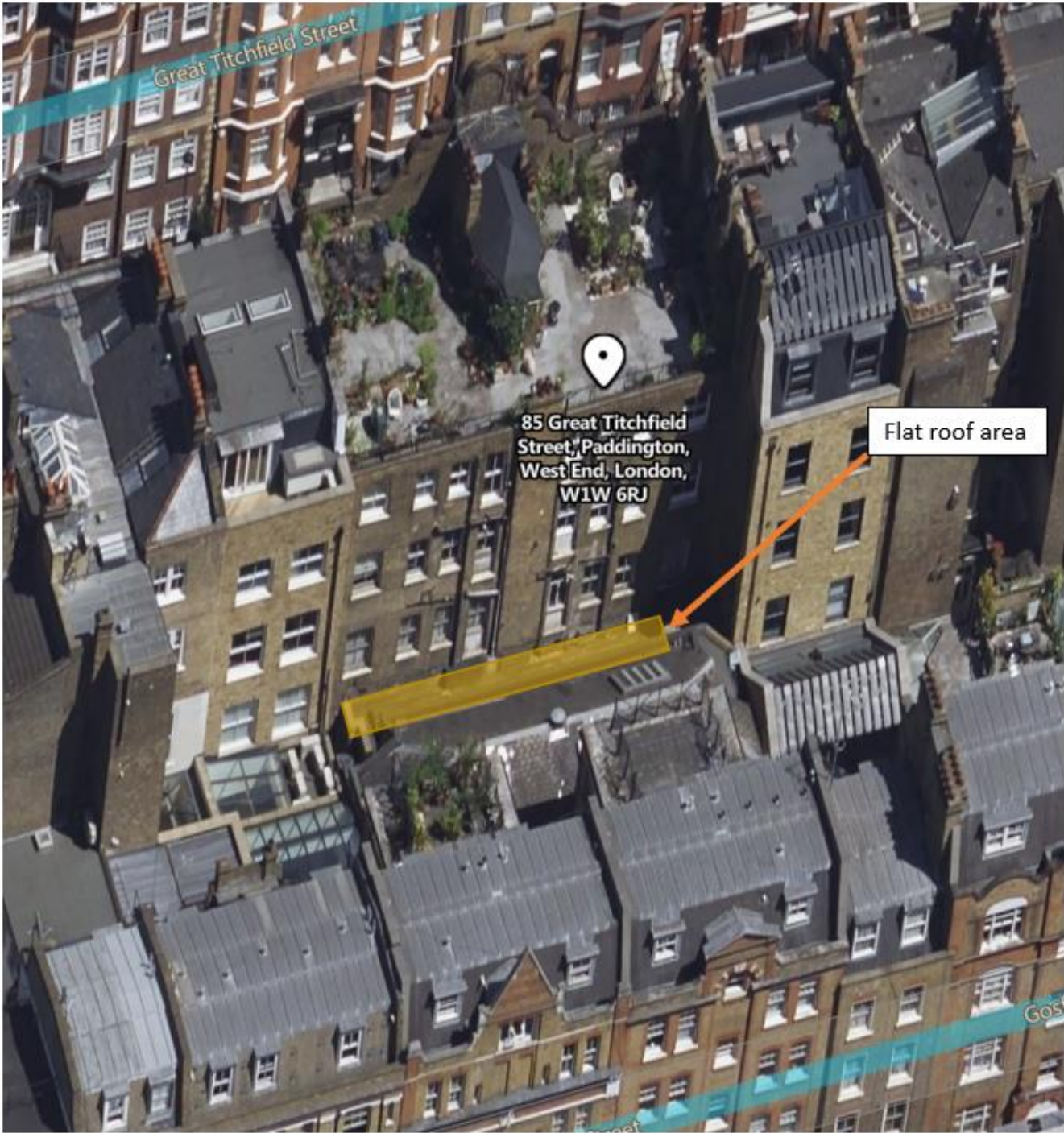
3. LOCATION PLAN



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4. PHOTOGRAPHS

Aerial view showing rear windows of residential properties facing the flat roof of the site -



Photograph showing proximity of residential rear windows and plant equipment –



Residential accommodation

AC Units

Photograph showing the location of the four AC Units, without proposed acoustic enclosures -



5. CONSULTATIONS

5.1 Application Consultations

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No comment

FITZROVIA WEST NEIGHBOURHOOD FORUM

No comment

ENVIRONMENTAL SCIENCES (Plant and Equipment)

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80

Total No. of replies: 8

No. of objections: 8

No. in support: 0

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

Amenity

- Noise nuisance, particularly a night, exacerbated by enclosed nature of rear area

Design

- The AC units and acoustic enclosures would be visually intrusive

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

None undertaken.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the

development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

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

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

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

85 Great Titchfield Street is an attractive late-Victorian red brick building located on the western side of the street. The building comprises basement ground and four upper floors fronting onto Great Titchfield Street. At the rear there is a two-storey structure which backs onto the rear of buildings fronting onto Gosfield Street.

The premises is a mixed-use building with shop units on the basement and ground floors and residential flats on the upper floors. The rear two-storey building at the rear is in office use.

The property is unlisted, located within the East Marylebone Conservation Area, the Central Activities Zone and the West End Retail and Leisure Special Policy Area.

7.2 Recent Relevant History

None directly relevant.

8. THE PROPOSAL

Permission is sought for the retention of four air conditioning units attached to the 1st floor east facing wall of the rear office building. The units were installed in September last year. Permission is now sought to retain these units and add individual screened enclosures.

It is proposed that the equipment is operational between the hours of 08.00 and 20.00 daily.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Not applicable

9.2 Environment & Sustainability

Given the relatively minor scale of the proposed plant equipment, the proposal does not raise any significant energy/sustainability issues.

9.3 Biodiversity & Greening

Not applicable

9.4 Townscape, Design & Heritage Impact

Legislative and Policy Overview

The key legislative requirements in respect to designated heritage assets are as follows:

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.

City Plan Policy 38 states new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and respond to Westminster's context by positively contribution to Westminster's townscape and streetscape.

Assessment

Objections have been received on the grounds that the plant detracts from the appearance of the building. City Plan policy 40 (Townscape and Architecture) states that alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts.

The two storey building sits between the main building fronting onto Great Titchfield Street and buildings fronting onto Gosfield Street. This structure is not visible from any street level views. The provision of air conditioning units housed in enclosures are relatively minor alterations in design terms. Given the concealed location it is considered that the works would not be harmful to the appearance of the building or the character and appearance of the East Marylebone Conservation Area.

9.5 Residential Amenity

Noise, Vibration from Equipment

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, preventing unacceptable impacts such as in terms of loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking as well as protecting local environmental quality.

Policy 33 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

The area is mixed use in character including a significant number of residential flats in proximity. The upper floors of the application premises and Langham House No 7-8 Gosfield Street directly to the rear are both in residential use.

Objections have been received from the occupants of flats in both these buildings on the grounds that the equipment will result in noise nuisance. Specific reference is made to noise nuisance at night particularly in the summer months when residents have windows open. Objections refer to the acoustic report failing to indicate the level noise that would be generated by the plant equipment.

Environmental Health Officers have assessed the acoustic report submitted in support of the application and confirm that they have no objections to the application. The site is in an area which existing ambient noise levels are below WHO Guideline Levels. As such plant is required to operate at least 5 dB below the lowest LA90 level at the nearest noise sensitive receptor.

The acoustic report refers to a noise survey which measured the lowest background noise level of 33 dB LA90 (15 min). Hence, the proposed plant is required to produce a maximum sound pressure level of 28 dB LPA (at the nearest noise sensitive receptor).

It is predicted that if housed within acoustic screening that with all four units operating simultaneously, the proposed mechanical plant is likely to produce a combined maximum sound pressure level of 27 dB LPA over a 24- hour period at the adjacent residential receptors. On this basis the plant installation should comply with the design level and satisfy the City Council's noise Policy 33 and would therefore not likely cause significant noise disturbance to neighbouring properties.

Although the data indicates that operation of the units overnight would not result in any noise nuisance the applicant advises that the plant would only be operated between 0800 and 2000. A condition is recommended restricting the hours of operation to these hours. A condition is also recommended which requires the acoustic screens to be installed prior to the units being operated. On this basis the application is considered to be acceptable in amenity terms.

9.6 Transportation, Accessibility & Servicing

Not relevant in the determination of the application

9.7 Economy including Employment & Skills

Not relevant in the determination of the application

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

The proposed AC Units with acoustic enclosures are considered acceptable in terms of their impact on residential amenity and the character of the conservation area. Subject to conditions, the proposal is considered to be compliant with the policies within the adopted development plan.

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

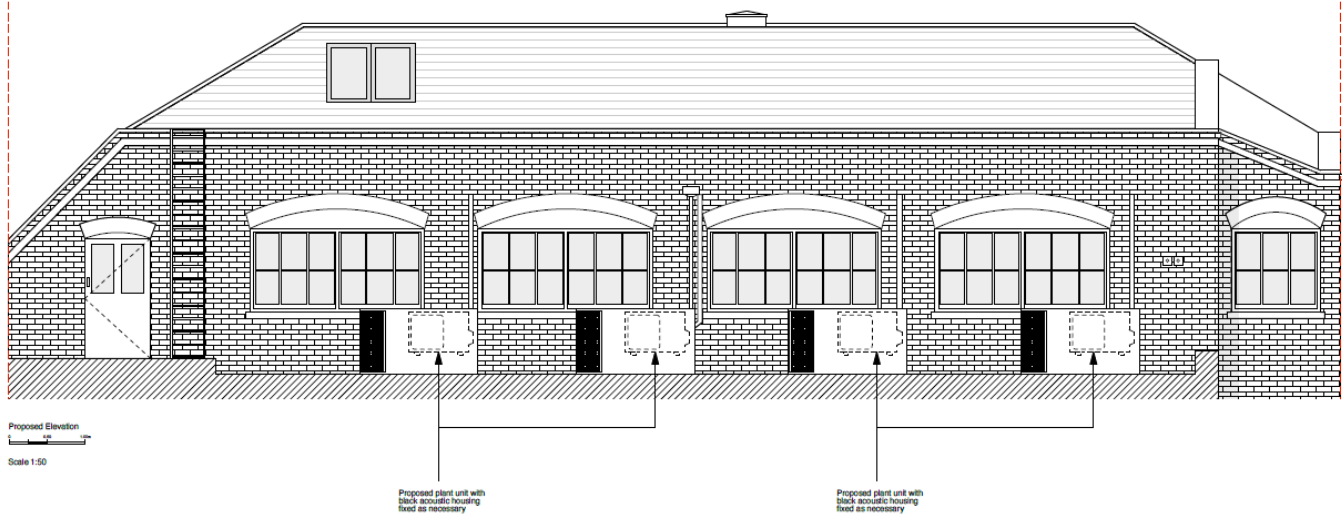
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

11. KEY DRAWINGS

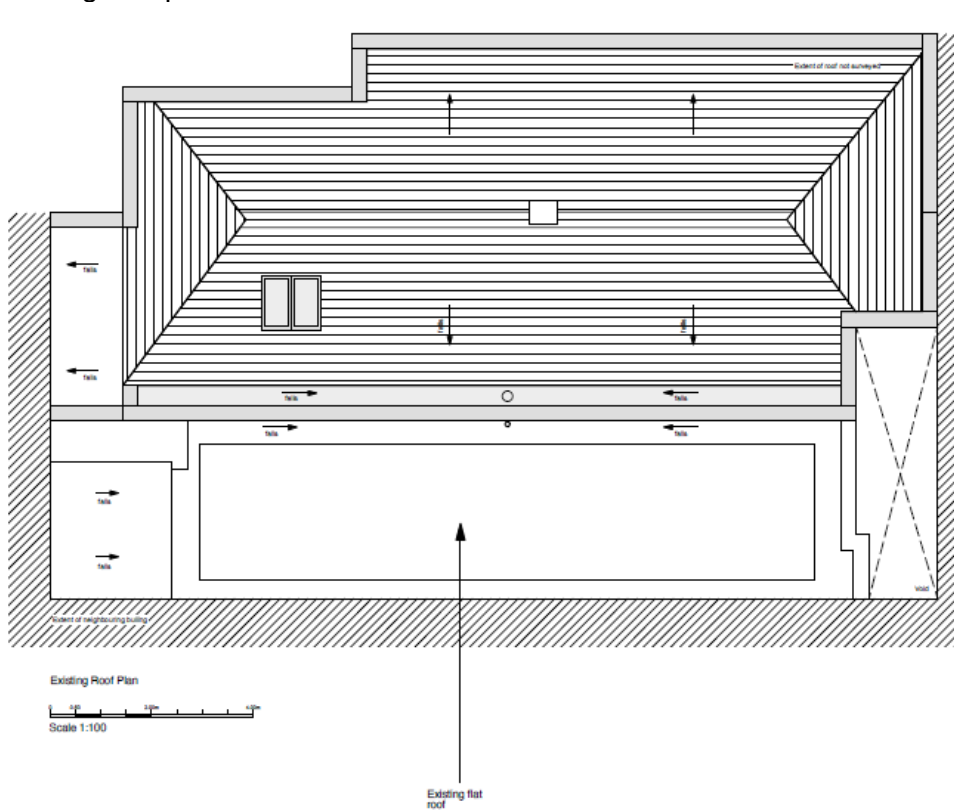
Existing elevation –



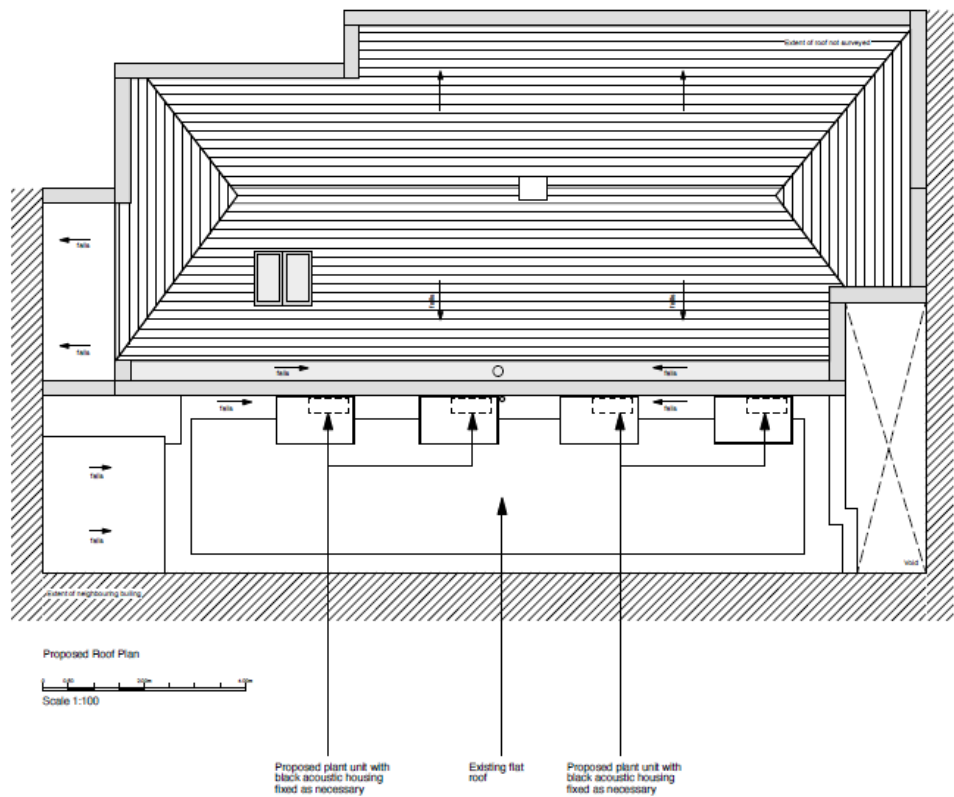
Proposed elevation -



Existing roof plan –



Proposed roof plan –



DRAFT DECISION LETTER

Address: Ground Floor, 85 Great Titchfield Street, London, W1W 6RJ

Proposal: Installation of four air conditioning units located at rear first floor flat roof including associated acoustic mitigation.

Reference: 22/07417/FULL

Plan Nos: GT.113 ; GT.112

Case Officer: Tristan Goldsmid

Direct Tel. No. 020 7641

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre

outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90 (15 minutes) 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. (C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46BC)

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 7 The plant/machinery hereby permitted shall not be operated except between 08.00 hours and 20.00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 4, 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 07 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Century House, 100 - 102 Oxford Street, London, W1D 1LL		
Proposal	Use of ground floor as an Adult Gaming Centre (Sui Generis) with external alterations to shopfront including the relocation of access.		
Agent	Lichfield		
On behalf of	Luxury Leisure		
Registered Number	22/04944/FULL	Date amended/ completed	29 July 2022
Application Received	21 July 2022		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		
Neighbourhood Plan	Fitzrovia West Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

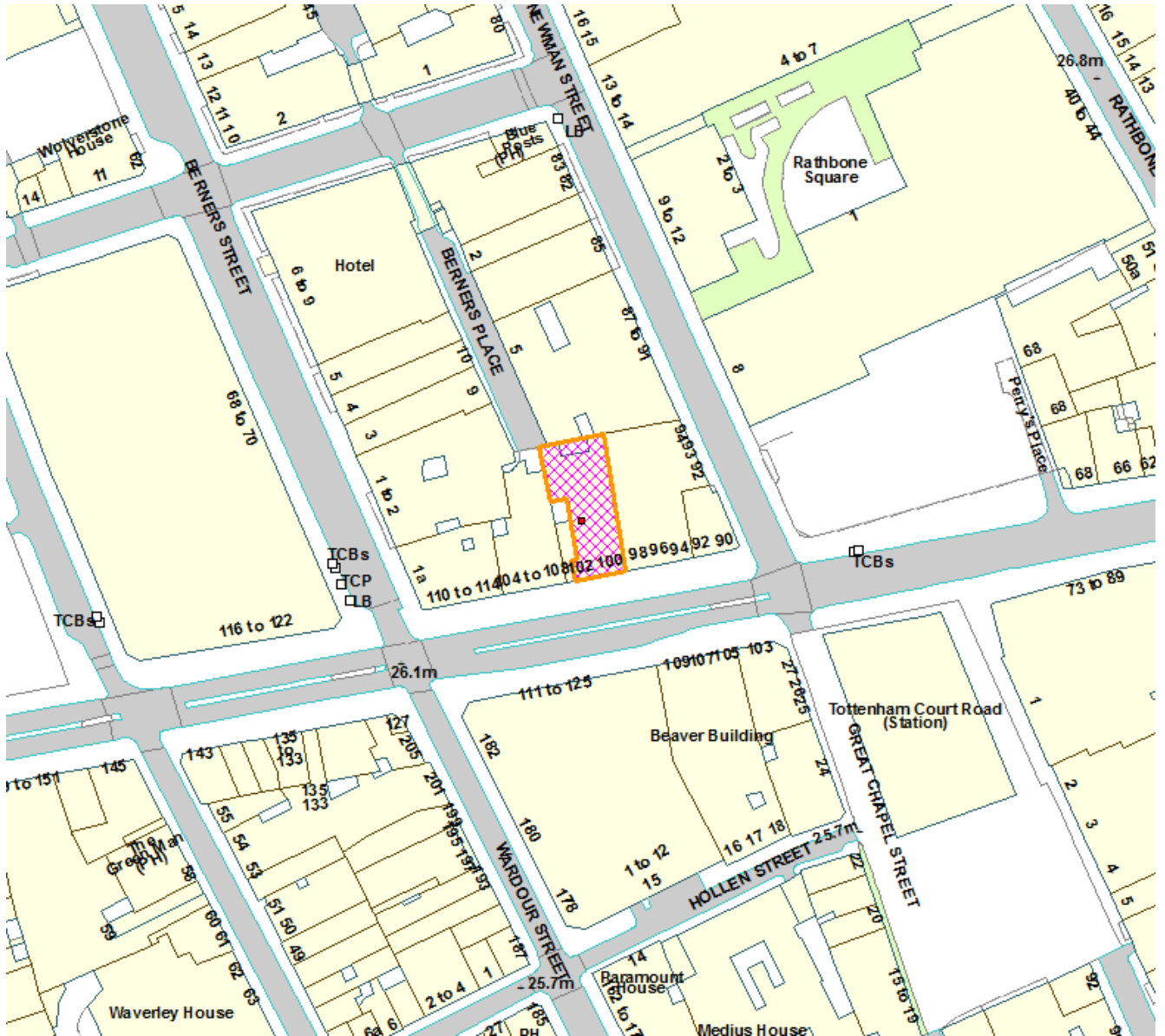
The application relates to the ground floor of 100-102 Oxford Street which is a vacant unit last in use as retail accommodation. Permission is sought for the use of the ground floor unit as Adult Gaming Centre (AGC). Alterations are proposed to the existing shopfront including changing to location of the entrance door.

The key considerations in this case are:

- The impact on the character and function of the area,
- The impact on residential amenity,
- The acceptability of the proposed alterations to the shopfront on appearance of the building and character and appearance of the East Marylebone Conservation Area.

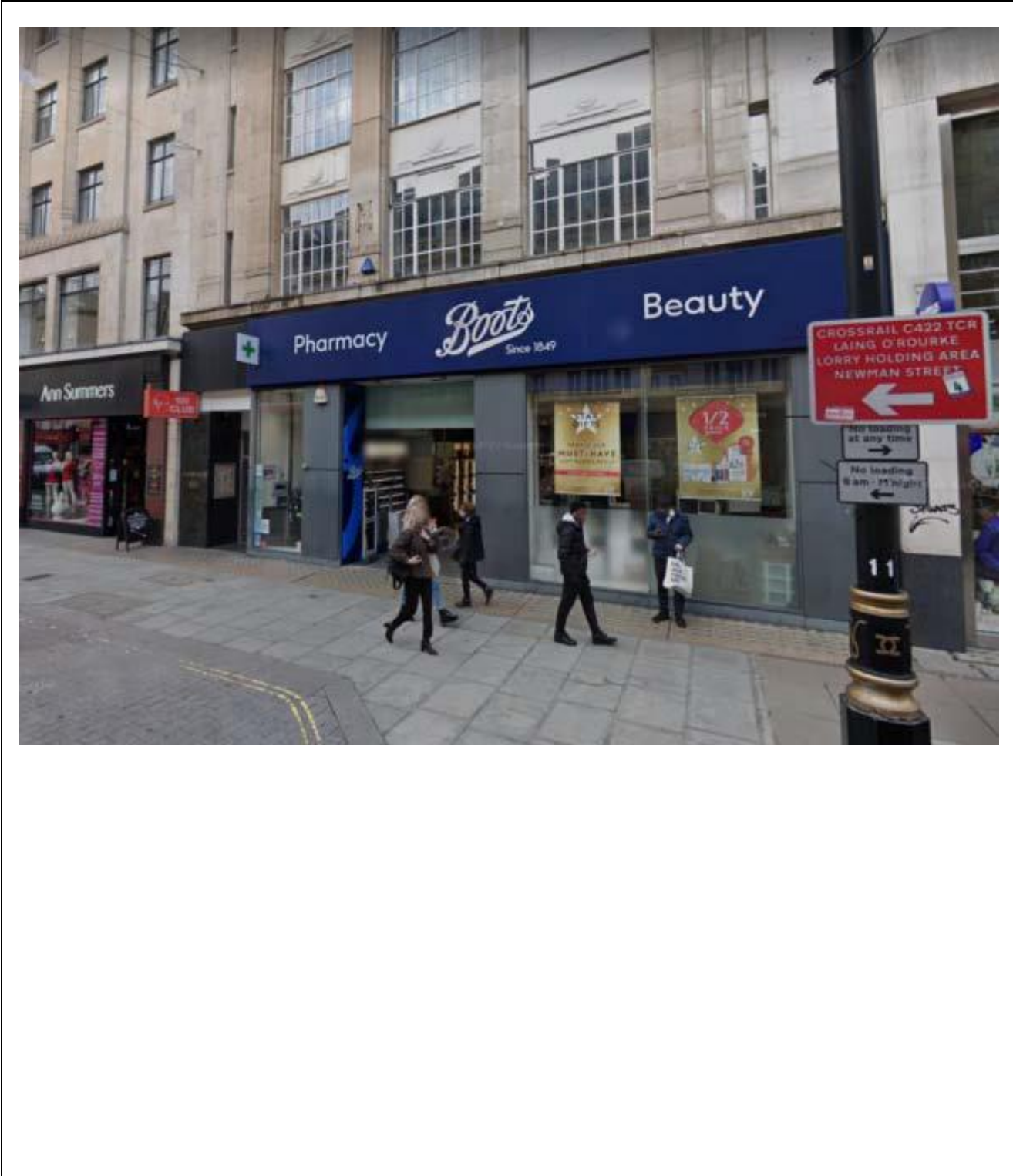
For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use, design and amenity terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

CLLR TOALE

Objects on the following grounds:

- The proposal is not supported in the Westminster City Plan nor the Fitzrovia West Neighbourhood Plan where retail is the priority use in the West End International Shopping Centre.
- The proposed use would have a detrimental impact on Oxford Street as a globally recognised shopping street and leisure district.
- There is no identified need for the proposed use.
- Westminster's Gambling Local Area Profile identifies this area of the West End ward as a particularly vulnerable area for all types of gambling, including 'away from home' gambling. Adult Gaming Centres due to the very nature of play being solitary with immediate pay-outs can cause excessive play. There is a heightened risk that young people will be attracted to this premise.
- There is a strong link between crime and gambling establishments. The West End already has one of the highest crime rates in Westminster. The proposal is also for a 24 hour establishment, in an area where there are few others.
- Job creation benefits are minimal

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any responses to be reported verbally.

FITZROVIA WEST NEIGHBOURHOOD FORUM

Objects on the following grounds:

- The proposal is not supported in the Westminster City Plan nor the Fitzrovia West Neighbourhood Plan where retail is the priority use in the West End International Shopping Centre.
- The proposed use would have a detrimental impact on Oxford Street as a globally recognised shopping street and leisure district.
- There is no identified need for the proposed use.
- Westminster's Gambling Local Area Profile identifies this area of the West End ward as a particularly vulnerable area for all types of gambling, including 'away from home' gambling. Adult Gaming Centres due to the very nature of play being solitary with immediate pay-outs can cause excessive play. There is a heightened risk that young people will be attracted to this premise.

- There is a strong link between crime and gambling establishments. The West End already has one of the highest crime rates in Westminster. The proposal is also for a 24 hour establishment, in an area where there are few others.

- Job creation benefits are minimal

DESIGNING OUT CRIME:

- Questions the proposed 24hr use as this would likely exacerbate problems of anti-social behaviour within the area.
- Raises concern that the premises could be used by homeless, drug dealers and drunk people from surrounding premises.
- Potential issue with laundering money or utilising stolen credit or debit cards with contactless capabilities.
- Notes that there is a considerable level of reports of anti-social behaviour and incidents of crime within the area and that staff may be challenged in dealing with increases in anti-social behaviour associated with an AGC use.
- Considers that if permission were to be granted it should be ensured staff have full clear control of the main entrance of who enters the premises whilst applicant should ensure provision of CCTV, door control, adequate lighting, phone signal, secures doors and glazing.

HIGHWAYS PLANNING MANAGER:

No objection.

WASTE PROJECT OFFICER

Further details required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No Consulted: 128

No. Replies: 4 Objections on the following grounds:

- The proposal is not supported in the Westminster City Plan nor the Fitzrovia West Neighbourhood Plan where retail is the priority use in the West End International Shopping Centre.
- The proposed use would have a detrimental impact on Oxford Street as a globally recognised shopping street and leisure district.
- There is no identified need for the proposed use.
- Westminster's Gambling Local Area Profile identifies this area of the West End ward as a particularly vulnerable area for all types of gambling, including 'away from home' gambling. Adult Gaming Centres due to the very nature of play being solitary with

immediate pay-outs can cause excessive play. There is a heightened risk that young people will be attracted to this premise.

- There is a strong link between crime and gambling establishments. The West End already has one of the highest crime rates in Westminster. The proposal is also for a 24 hour establishment, in an area where there are few others.
- Job creation benefits are minimal or non-existent when compared to a retail unit which last occupied the premises.

SITE NOTICE

Yes.

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application. However, the Early Community Engagement guidance only expects such engagement to take place where proposals of this nature may have a significant impact on residential amenity or other noise sensitive receptors.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The site is within an area covered by the Fitzrovia Neighbourhood Plan. The plan includes policies on a range of matters including promotion of regeneration, provision of housing, entertainment uses, community facilities, provision of small business units, provision of active frontages, open spaces, environmental performance, and servicing.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on

8 October 2021. It therefore forms part of the development plan for Westminster for development within the Fitzrovia West neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is an unlisted building located in the East Marylebone Conservation Area (to which it makes a positive contribution), the Central Activities Area (CAZ), the West End International Centre and the West End Retail and Leisure Special Area (WERLSPA).

The property comprises basement, ground and five upper floors. The basement is occupied by the 100 club, the ground floor of the property is currently vacant but was last in retail use, and the upper floors are also in commercial office use.

Whilst the general area is predominantly commercial in character, council tax records indicate that there are some residential properties in the vicinity of the site, the nearest of which are located on the upper floors of 105 Oxford Street located approximately 33m away on the opposite side of Oxford Street.

7.2 Recent Relevant History

None directly relevant

8. THE PROPOSAL

Planning permission is now sought to allow the use of the ground floor as Adult Gaming Centre (AGC) totalling 305 sqm GIA. The proposed operation is as follows:

- No alcohol will be served on the premises and refreshments will be limited to light snacks
- There will be three members of staff on the shop floor speaking to and managing customers.
- There will be a Security Industry Authority (SIA) registered door security person monitoring customers coming in and as they exit from the premises and ensuring that

customers leave quietly at all times.

- In addition to the SIA registered door person, the Maglock on the front door of the premises will be operational between 22.00 and 07.00 which will afford the additional control for access/ egress purposes.
- There will be CCTV positioned on the outside of the premises to manage the immediate area as well as further coverage internally within the premises.
- It is intended that the premise will accommodate approximately 200 machines with varying jackpots up to £500 with a maximum stake of £2.
- It is intended that the premises will operate 24/7 with no capacity restrictions.

Alterations are also proposed to the existing shopfront including alterations to the access arrangement.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Given that the proposals relate to a new AGC within the West End International Centre, the WERLSPA and the CAZ, the proposals are considered within the context of Paragraph 8, 47, 86 and 130 of the NPPF, London Plan Policies E9 and SD6, policies 2, 14 and 16 of Westminster's City Plan and PR3 of the Fitzrovia West Neighbourhood Plan. Local authorities must also have regard to Section 17 of the Crime and Disorder Act when exercising its functions.

Paragraph 8 of the NPPF requires that the planning decision to support strong, vibrant and healthy communities, by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Paragraph 47 of the NPPF requires that that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to - grow and diversify in a way that can respond to rapid changes in the retail and leisure industries.

Paragraph 130 requires that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy E9 of the London Plan seeks to support a successful and diverse retail sector and is also cross-referenced within the Plan to the objectives of policy SD6 which relates to town centres and highstreets. Policy SD6 promotes a diverse range of uses to support the vitality and viability of town centres. Of particular relevance for the currently

proposed AGC use is paragraph 6.9.5 of policy E9 which states 'Policy SD6 Town centres and high streets promotes a diverse range of uses to support the vitality and viability of town centres. Over-concentrations of some uses however, such as betting shops, pawnbrokers, pay-day loan stores, amusement centres and hot food takeaways, can give rise to particular concerns regarding the impact on mental and physical health and wellbeing, amenity, vitality, viability and diversity. The proliferation and concentration of these uses should be carefully managed.'

Policy 2 requires that developments within the West End Retail and Leisure Special Policy Area (WERLSPA) to deliver a number of priorities including, significant jobs growth through a range commercial-led development including retail, leisure, offices and hotel use; an improved retail and leisure experience that responds to innovation and change in the sector, including the transformation of the Oxford Street District and diverse evening and night-time economy and enhanced cultural offer.

Policy 14 (A) requires development 'in existing town centres and high street to enhance and diversify their offer as places to shop, work and spend leisure time' whilst (B) requires ground floor uses to serve visiting members of the public. Part (C) 2 states that 'The WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy'.

Policy 16 (A) requires that 'proposals for... entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre'.

PR3 (1) states that 'the provision of new tourism and entertainment uses.....will be supported so long as there is no loss of residential floorspace or adverse effects on local amenity. They should be located in the West End Retail and Leisure Special Policy Area (WERLSPA) (that is the northern Oxford Street frontage ...)'.

Section 17 of the Crime and Disorder Act 1998 requires the Council when it exercises its functions to have regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Objections have been received by a number of residents, Cllr Toale and the Fitzrovia West Neighbourhood Forum on the grounds:

- The proposal is not supported in the Westminster City Plan nor the Fitzrovia West Neighbourhood Plan where retail is the priority use in the West End International Shopping Centre.
- The proposed use would have a detrimental impact on Oxford Street as a globally recognised shopping street and leisure district.
- There is no identified need for the proposed use.
- Westminster's Gambling Local Area Profile identifies this area of the West End ward as a particularly vulnerable area for all types of gambling, including 'away

from home' gambling. Adult Gaming Centres due to the very nature of play being solitary with immediate pay-outs can cause excessive play. There is a heightened risk that young people will be attracted to this premise.

- There is a strong link between crime and gambling establishments. The West End already has one of the highest crime rates in Westminster. The proposal is also for a 24 hour establishment, in an area where there are few others.
- Job creation benefits are minimal or non-existent when compared to a retail unit which last occupied the premises.

The Metropolitan Police (Designing Out Crime Officer) has objected to the nature of the proposed use which they consider the impacts are exacerbated by the proposed 24hr nature. Particularly that the presence of an AGC on Oxford Street would offer the opportunity to launder drug money as the games machines have over a 90% win rate. Also, any theft/robbery of bank cards or credit cards, the gaming centre would allow those cards to be used contactless up to the value of £100 and with a 90% win rate on some machine, it offers a greater opportunity to exploit victims. They also consider the 24hr nature of the use has this has potential to exacerbate antisocial behaviour and they also raise concern that premises like AGC's can often be used by homeless people entering the premises and using the machines whilst they can attract drunk people from surrounding premises. They also note that the area has a notable number of reports of antisocial behaviour incidents reported to the police, reflected in crime statistics. Cumulatively, given this situation this can pose challenges to staff in dealing with challenging customer behaviour that may arise.

There is no policy requirement to identify a need for the proposed use. Given the proposed use would serve visiting members of the public and is a complementary use which would support the function of the West End International Centre as a focal point for large format retailing, and there is no policy which specifically protects retail accommodation in this area from changing to a leisure use serving visiting members of the public, it is not considered the principle of the proposed use would be materially harmful. Moreover, it is not considered that AGCs detract from the character, function or vitality and viability of the West End Retail and Leisure Special Policy Area. Indeed, the re-occupation of a vacant unit, the provision of six additional jobs, addition to nighttime economy and the likelihood that visits to amusement centres can be part of their customer trips into the centre would increase the vitality, viability and would add to the variety of uses in town centres. Although the wording differs, this view is shared by the planning Inspectorate in a number of appeal decisions (10-12 Chapel Street, Luton: APP/B0230/W/20/3256275, 292 - 294 Holderness Road, Hull: APP/V2004/W/19/3233244, 251-253 Neasden Lane, London APP/T5150/W/21/3272089).

The nearest betting shop is located on Tottenham Court Road approximately 650m away. Whilst it is noted that there are AGCs in the south of Soho, Leicester Square and in Covent Garden. There are currently no similar amusement/ gaming centre uses within the vicinity and as such the proposal would not result in a concentration of such a use.

No alcohol would be served on the premises. The operator will abide by a 'think 25' licensing policy to ensure that nobody under the age of 18 would be allowed within the

premises. Therefore, it is not considered that the proposal poses a risk to young people.

The site is located within a vulnerable area as identified within the research document Local Area Profile for Gambling Risk in Westminster (January 2022) which is relevant in the determining licences applications for new gambling premises and varying existing premises under the Gambling Act 2005. With regards to moral concerns in relation to gambling and the potential for gambling addiction and associated social deprivation, whilst these concerns may be legitimate, ultimately it is for government to consider appropriate policy responses to such social issues. Planning decisions have to be determined in accordance with the development plan. There are no such policies which restrict uses which involve gambling, therefore it is not considered reasonable to refuse permission on this basis. The government seeks to regulate such activities by other statutory means predominantly via the licencing regime.

There are concerns that the proposal would attract rough sleepers and begging in an area with an existing problem and there is no evidence that the presence of an AGC would exacerbate these issues. Risks to vulnerable persons would be more directly relevant to the appropriate licensing and regulatory functions.

Concerns were raised regarding the perceived risk of crime associated with the proposed AGC and the potential for money laundering when considering the crime figures in the area, whilst the high level of antisocial behaviour incidents in the area, there is no evidence of any link between AGCs and crime nor is it considered that there is a greater risk from the proposed use, given the proposed presence of CCTV, than any other type of leisure premises. Should any evidence of money laundering becoming apparent, the Gambling Commission have the authority to revoke licenses.

With reference to opening hours, it is important to consider the context of the site. The 100 club is located in the basement of the site. The licence for this premises allows the premises to be open from 09:00 to 03:30 Monday to Saturday and from 12:00 to 00:30 on Sundays. 207 Wardour Street is located in proximity of the site which is currently occupied by Simmons Cocktail Bar and is licenced to operate between 10:00 and 06:00 Monday to Saturday and 10:00 to 00:30 on Sundays. The permissible activities within both of these premises include the performance of dance, playing of live and recorded music and the sale of refreshment and alcohol. The application site is also in close proximity to the new Tottenham Court Road Station entrance which provide access to the Elizabeth, Central and Northern Line services between 05:53 to 00:31 Monday to Thursday and from 05:31 Friday until 23.43 on Sunday. A bus stop is located on the opposite side of Oxford Street which provides access to a number of bus routes including four operating at night time.

A servicing bay is located directly outside the application premises which allows servicing to take place 24/7. Whilst this section of section of Oxford Street is notably quieter at night time and in the early hours of the morning when compared to daytime activities, due to the commercial nature of the area and ancillary night time activity such as servicing and street cleaning, together with the access to strategic transportation nodes background noise levels remain relatively high. As such it is considered that background noise levels due to the activity associated with the proposed use would not have a detrimental impact on the living conditions of residents or the local environmental quality, subject to the imposition of relevant safeguarding conditions. These conditions

include ensuring no music is played within the premises which is audible beyond the boundary of the site and the management measures as set out in the proposal are implemented.

Designing Out Crime advise that should permission be granted the premises should include CCTV, a door locking mechanism and method of controlling access, internal and external lighting and internal office. A condition is recommended requiring the development to achieve a Secured by Design accreditation prior to occupation.

Having regard to the above, it is considered that the objections cannot be supported and permission could not reasonably be refused for the reasons set out in the objections.

9.2 Environment & Sustainability

Given that only minor works are proposed the opportunity for environmental improvements are limited. The proposal does include an entrance lobby which will reduce heat loss/gain. This accords with the aspirations of the City Council, as set out in Policies 36 and 38 of the City Plan.

9.3 Biodiversity & Greening

Given the nature of the application, there is no opportunity to include biodiversity features or greening.

9.4 Townscape, Design & Heritage Impact

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 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 will not be permitted.

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 take into account the relative significance of the affected asset and the severity of the harm caused.

Assessment

In design and heritage asset terms the proposed alterations to the shopfront are neutral, being neither better nor worse than the existing arrangement and therefore are considered to comply with Plan policies 38, 39, and 40 and with the Fitzrovia West Neighbourhood Plan. Advertisement consent has been granted for the new signage.

Design Conclusion

It is not considered that the proposals would cause substantial harm, nor even less than substantial harm, to the heritage asset and therefore, a recommendation to grant conditional permission would be compliant with the relevant policies of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed works are considered to preserve the character or appearance of the East Marylebone Conservation Area, and the setting of neighbouring listed buildings, and are therefore considered to be acceptable in design terms

9.5 Residential Amenity

The local environmental impacts are detailed within both Section 9.1 of this report.

9.6 Transportation, Accessibility & Servicing

The site is centrally located and well served by public transport including principal bus routes and benefits from the highest public transport accessibility (PTAL) rating (6b).

Car Parking

No car parking is proposed, Policy 27 supports residential development without car parking provision.

Cycle Parking

No secure long term cycle parking spaces are indicated in drawings, the London Plan states 1 place per 8 staff members. This application should have a minimum of 1 secure cycle parking space within the confines of the development. This has been secured by condition.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by bringing a vacant unit back into use and by creating 6 new jobs

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

No pre-commencement conditions are recommended.

10. Conclusion

Subject to appropriate conditions the proposal accords with development plan policies, specifically Paragraph 8, 47, 86 and 130 of the NPPF, London Plan Policies E9, SD6 and T5, Policies 2, 14, 16, 27, 33, 38, 39 and 40 of Westminster's City Plan and PR3 of the Fitzrovia West Neighbourhood Plan.

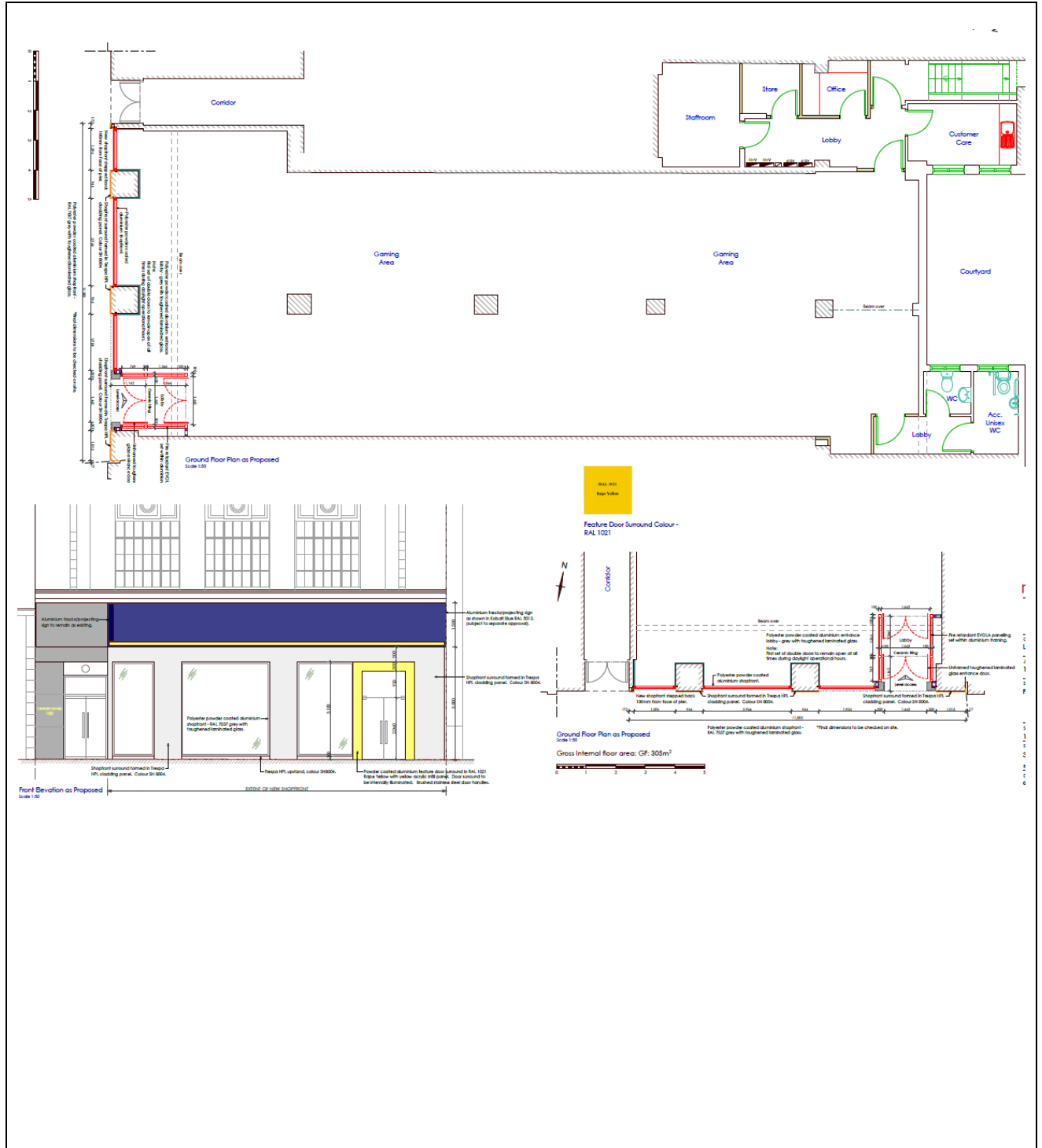
In terms of heritage impact, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application is therefore recommended for conditional approval.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK

11. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Century House, 100 - 102 Oxford Street, London, W1D 1LL

Proposal: Use of ground floor as an Adult Gaming Centre (Sui Generis) with external alterations to shopfront including the relocation of access and associated works.

Plan Nos: 3473(C)01, 3473(C)01 A

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

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

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

Reason:

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

- 2 You must apply to us for approval of details of secure cycle storage for the Adult Gaming Centre use. You must then provide the cycle storage in line with the approved details prior to occupation for Adult Gaming Centre purposes and make it available at all times to everyone using the premises. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide parking spaces for people using the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22AC)

- 3 You must carry out safety, security and operation measures as listed below at all times that the adult gaming centre is in use:
 1. There must be a minimum of three members of staff on the shop floor of these premises.
 2. There must be a SIA registered door security person standing outside the front door of the premises, monitoring customers coming in and out of the premises, and monitoring customers as they exit from the premises and ensure that customers leave quietly at all times.
 3. There must be a Maglock on the front door of the premises and this must be operational between 22.00 and 07.00.
 4. There must be CCTV positioned on the outside of the premises.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out

Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and PR3 of the Fitzrovia West Neighbourhood Plan (October 2021).

- 4 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must provide the approved waste and recycling storage prior to commencement of the use hereby approved and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the adult gaming centre. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 5 No music is permitted to be played within the premises which is audible beyond the boundary of the site.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and PR3 of the Fitzrovia West Neighbourhood Plan (October 2021).

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of

the City Plan 2019 - 2040 (April 2021). (R11AD)

- 8 You must apply to us for approval of detailed drawings of the secure by design measures for the development in accordance with Secured by Design (SBD) Commercial 2015 version 2 guide, including, lighting, front and rear doors, glazing, CCTV, internal offices and measures to ensure adequate means of external communication. You must then carry out the work according to the approved details prior to occupation for Adult Gaming Centre purposes and they must be retained for the lifetime of the development.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the East Marylebone Conservation Area as set out in Policies 38 and 39 of the City Plan 2019-2040 (April 2021). (R16BD)

- 9 The window to the shopfront must not be obscured and the area immediately behind the shopfront window must remain clear at all times.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 07 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Ground Floor, 48 Margaret Street, London, W1W 8SD		
Proposal	Use of ground floor as drinking establishment with expanded food provision (Sui Generis). Installation of extract duct to the rear elevation terminating above main roof level and installation of an air condenser unit at rear ground floor level.		
Agent	Milan Babic Architects		
On behalf of	Mr Gabriel De-Vere		
Registered Number	22/04870/FULL	Date amended/ completed	17 October 2022
Date Application Received	19 July 2022		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		
Neighbourhood Plan	Fitzrovia West Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

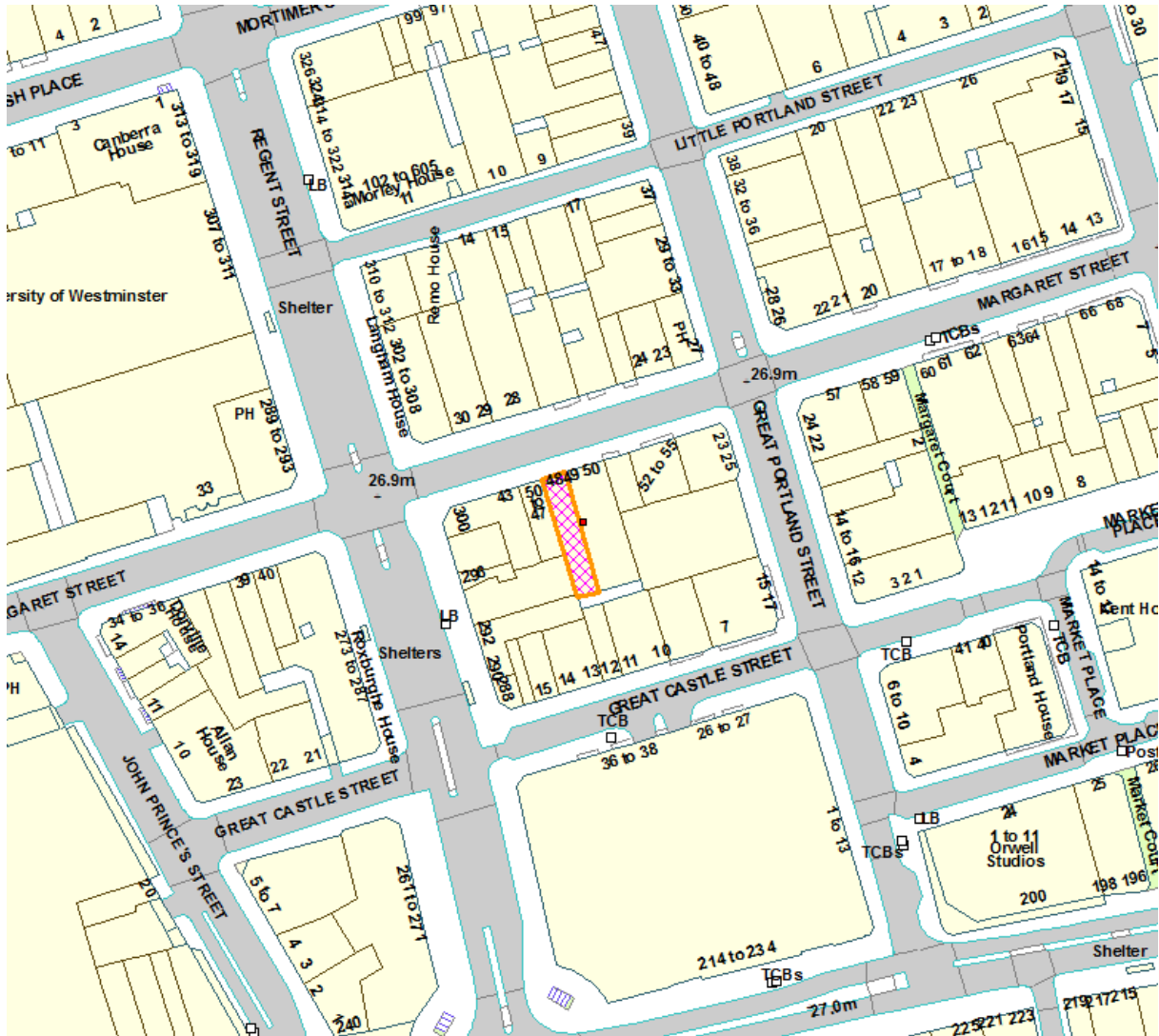
The application relates to the ground floor of 48 Margaret Street which, which is currently vacant having last been in use as retail accommodation. Planning permission is now sought for use as a 'drinking establishment with expanded food provision' (Sui Generis). Alterations are also proposed to the rear of the premises to erect a full height extract duct and install a single air conditioning unit.

The key considerations in this case are:

- The acceptability of the proposed use on the character and function of the area
- The impact on the amenity of neighbouring residential properties.
- The impact of the proposed plant on the appearance of the building and the character and appearance of the East Marylebone Conservation Area.

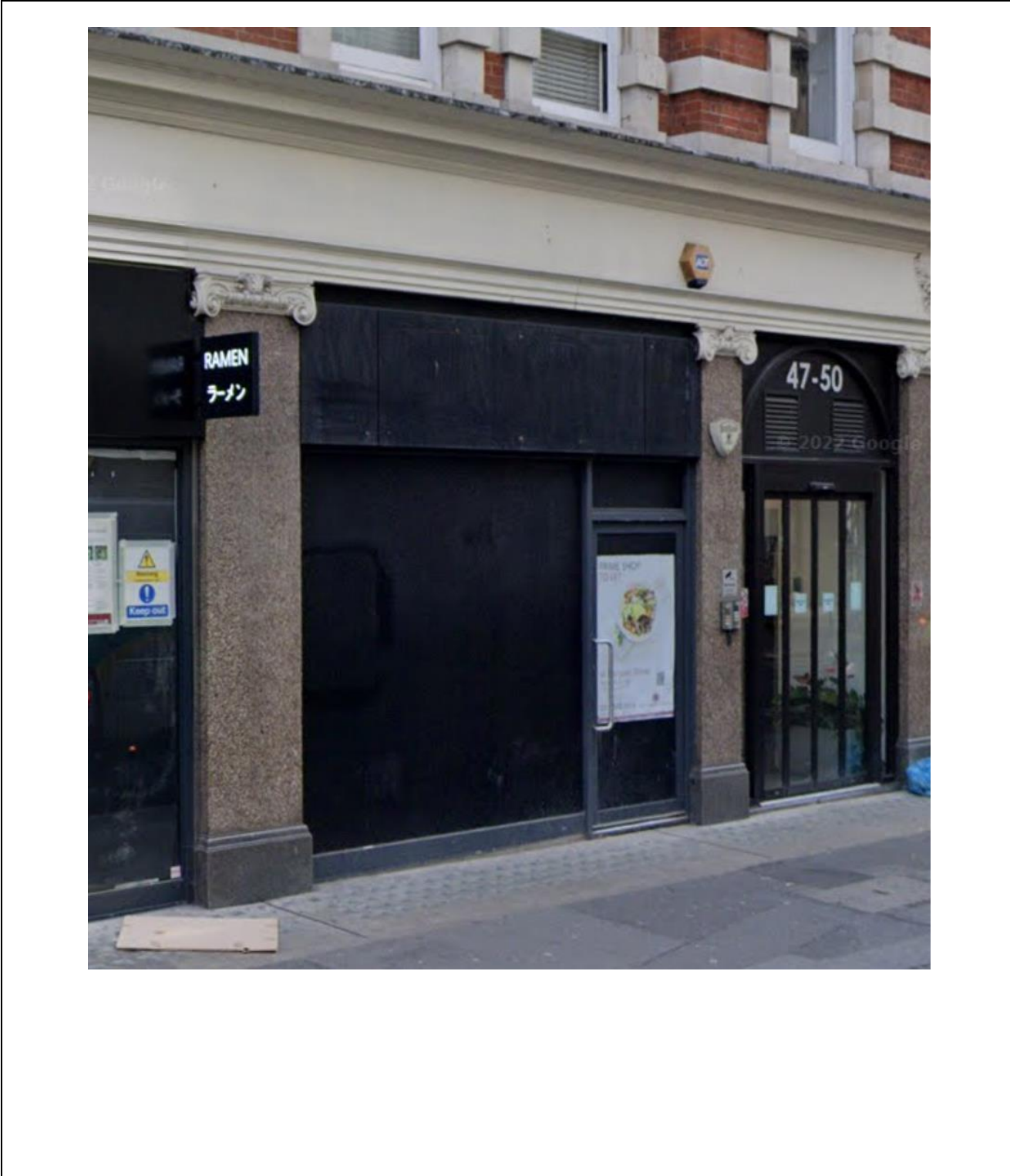
For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use, design and amenity a terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Fitzrovia Neighbourhood Association):

Any response to be reported verbally.

AMENITY SOCIETY (Fitzrovia West Neighbourhood Forum):

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions

PROJECT OFFICER FOR WASTE

No objection subject to conditions

HIGHWAYS PLANNING MANAGER:

No objection subject to conditions

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 63

No. Replies: 0

SITE & PRESS NOTICE

Yes.

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application. However, the Early Community Engagement guidance only expects such engagement to take place where proposals of this nature may have a significant impact on residential amenity or other noise sensitive receptors.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and

paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

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

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

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

48 Margaret Street is unlisted building located on the southern side of Margaret Street between its junction with Great Portland Street and Regent Street within the East Marylebone Conservation Area, WERLSPA and the CAZ and within the confines of the Fitzrovia West Neighbourhood Plan area.

The application site comprises the whole of the ground floor of 48 Margaret Street. The property was in use as a beautician until the end of 2012. Utilising permitted development right, it is understood that in 2013 the unit was then occupied for retail purposes until January 2018. Subsequently an application was approved on 03 February 2020 (RN: 19/09274) for the use of the premises as a betting shop (Sui Generis), but this use was not implemented.

The basement is occupied by Beat London which is a private members' club. The license for this premises allows the premises to open from 11 pm on each of the days Sunday to Tuesday and Thursday to 3am on the day following and from 11 pm on Wednesday, Friday and Saturday to 6.00am on the day following. 250 occupants are permitted within the premises at any one time. The upper floors are in office use.

With the exception of an isolated residential unit at 3rd and 4th floor of 25 Margaret

Street, this section of Margaret Street (between Regent Street and Great Portland Street) is wholly commercial of nature.

Recent Relevant History

On 03 February 2020 permission was granted for use of ground floor as betting office (Sui Generis) RN 19/09274/FULL.

8. THE PROPOSAL

Permission is sought for the use of the ground floor unit as a 'drinking establishment with expanded food provision' (Sui Generis). It is intended that the unit will be occupied as a mixed-use bar and restaurant. Such a use falls between a traditional public house (also a Sui Generis use) and a restaurant (Class E), offering elements of both of these uses.

The indicative layout plan provided by the applicant shows the ground floor containing a bar/exposed kitchen as well as a back-of-house store. The rear courtyard is proposed to contain staff cycle parking, waste storage and an additional air condenser unit. A full-height kitchen extract is also proposed to run along the rear elevation terminating above roof level.

The applicant has submitted an Operational Management Plan setting out the operational details. The key points are as follows:

- Maximum capacity of the premises 130 patrons;
- There will be a substantial food service offered alongside drinks, and therefore all of the covers will be accommodated at tables, with no vertical drinking;
- The proposed opening hours are from 10:00 to 00:00 Sunday to Wednesday and from 10:00 to 01:00 Thursday to Saturday;
- No live or recorded music will be played which is audible outside of the property or within the adjoining residential units. The sound system will use low power high quality speakers and include a limiter which will be set and locked so that the system cannot operate beyond a pre-set maximum level;
- Windows will be closed from 21.00 each day, unless for emergency or maintenance;
- Patrons will be encouraged to wait for taxis inside, therefore minimising external noise;
- Patrons permitted to smoke outside the premises shall be supervised at all times by the doorman;
- Drinks will not be allowed to be taken outside;
- Prominent signage will be placed to that effect, and this will be enforced with vigilant security presence as customers leave;
- 24-hour CCTV cameras will be put in place and a manager will be present at all times during opening hours;
- Security Industry Authority (SIA) accredited personnel will be present at the main entrance and will ensure that patrons enter and leave the premises without incident, do not loiter outside and cause no disturbance to local residents.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy background

London Plan Policy SD4(E) provides general support for the proposed use in the CAZ, stating, 'The unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced'. Support for the evening and night-time economy within the WERLSPA can be found within City Plan Policy 2(C) that set out as one of the priorities for the intensification of the WERLSPA is to deliver, 'A diverse evening and night-time economy and enhanced cultural offer', as well as within City Plan Policy 14(C)(ii) that states, 'The WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy'.

London Plan Policy HC6(B) states that planning decisions should, 'Promote the night-time economy, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, and town centres where public transport such as the Night Tube and Night Buses are available', whilst at the same time, 'Address[ing] the cumulative impact of high concentrations of licensed premises on anti-social behaviour, noise pollution, health and wellbeing and other issues for residents and nearby uses, and seek ways to diversify and manage these areas'.

This balance of competing interests within the CAZ is underlined by City Plan Policy 1(A)(4) that states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City by, 'Balancing the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods. City Plan Policy 7 seeks to protect and where appropriate enhance local environmental quality, whilst City Plan Policy 33(A) outlines how, 'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'.

City Plan Policy 16(A) states, 'Proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre'.

PR3 (1) of the Fitzrovia West Neighbourhood Plan states that 'the provision of new tourism and entertainment uses.....will be supported so long as there is no loss of residential floorspace or adverse effects on local amenity. They should be located in the West End Retail and Leisure Special Policy Area (WERLSPA) that is the northern Oxford Street frontage and the area north to Mortimer Street.

Assessment

Given the proposed use would serve visiting members of the public, there is no policy which specifically protects retail accommodation in this area, in broad land use policy terms the use is considered acceptable.

This area of Fitzrovia just to the north of Oxford Street and east of Regent Street is commercial in character with very little residential in close proximity to the site. This includes a number of entertainment uses which support the retail function of Oxford Street and Regent Street. The entertainment uses in the vicinity are as follows:

- restaurants/cafes such as Kiss the Hippo (51 Margaret Street);
- Coco di Mama (51 Margaret Street);
- vacant restaurant at 50 Margaret Street (formerly Hyotan),
- K-Pop (47 Margaret Street),
- drinking establishments including the Cock Tavern (27 Great Portland Street) and
- a private members' club at basement level of the application site (Beat London).

Given that the lawful use of the premises falls within Use Class E, the unit could be used as a restaurant under permitted development rights and without any restrictive planning conditions. Use as a drinking establishment with extensive food as proposed is considered to be an acceptable use that would not be harmful to the character of the area.

As stated the site is in a busy commercial area and there is therefore less potential that the use would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality than in other locations across the City. Conditions are however recommended which seek to ensure that the use is operated in a well- managed way without any detriment to the locality. These conditions included the following:

- adherence to an Operational Management Plan;
- ensuring no music is played within the premises which is audible beyond the boundary of the site;
- preventing vertical drinking within the premises;
- preventing patrons from taking drinks outside;
- restricting the hours of operation (i.e. from 10:00 to 00:00 Sunday to Wednesday and from 10:00 to 01:00 Thursday to Saturday;
- limiting the capacity to 130 patrons at any one time;

Subject to these conditions the use is considered to be acceptable as it would be neither harmful to residential amenities or the prevailing character and function of the area.

9.2 Environment & Sustainability

The application raises no significant environmental or sustainability issues.

9.3 Biodiversity & Greening

The application relates primarily to the use of the site with minimal works. There is no real scope for the incorporation of biodiversity features or greening.

9.4 Townscape, Design & Heritage Impact

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 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 will not be permitted.

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 take into account the relative significance of the affected asset and the severity of the harm caused.

Assessment

The property is one part of a building which is composed of 5 storeys, with modern shopfronts at ground floor level, and a finely detailed main façade above the shopfronts with pilasters, oculus windows, and classically inspired friezes. At the rear of the building there is an extension to the main building, which in contrast to the main façade has a utilitarian service character. There are a number of nearby listed buildings, including Walman House which is directly adjacent and listed at grade II.

The proposals include the installation of an extract duct on the rear façade of the extension, and the installation of an air condenser unit at ground floor level also on the rear façade of the extension. The rear extension and the area around it as previously noted has a utilitarian service character. There are no public views of this area, with only limited high-level private views. The installation of the extract duct and the air condenser unit in this area would have a neutral impact on the character of the East Marylebone Conservation Area or the Regent Street Conservation Area. These proposals are therefore in keeping with policies 38, 39 and 40 of the Westminster City Plan 2019-2040 (adopted April 2021).

Design Conclusion

It is considered that the proposals would not cause harm to the heritage asset and therefore, a recommendation to grant conditional permission would be compliant with the relevant policies of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The

proposed works are considered to preserve the character or appearance of the East Marylebone Conservation Area, and the setting of neighbouring listed buildings, and are therefore considered to be acceptable in design terms

9.5 Residential Amenity

The local environmental impacts are detailed within Section 9.1 and 9.8 of this report.

9.6 Transportation, Accessibility & Servicing

The site is centrally located and well served by public transport including principal bus routes and benefits from the highest public transport accessibility (PTAL) rating (6b). The impact upon the local highway network of the proposed drinking establishment with expanded food provision use compared to the previous retail use are not considered to be materially different.

Car Parking

No car parking is proposed, Policy 27 supports residential development without car parking provision.

Cycle Parking

The provision of 1 cycle parking spaces for staff is policy compliant and are recommended to be secured by condition.

Servicing

The Highways Manager considers that, the proposal in terms of arrivals and departures and servicing would be similar to the existing use and therefore no significant change will occur subject to a condition ensuring no delivery service operates from the premises.

Waste

The project officer for waste has reviewed the proposal and considers that the proposed waste storage is in line with the Council's guidelines. A condition is recommended to ensure its installation prior to the implementation of the proposed use.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by bringing a vacant unit back into use and by creating 6 new jobs

9.8 Other Considerations

Plant

The scheme includes the provision of a full height extract duct and new plant at rear ground floor level. Environmental Health have confirmed that the duct would adequately disperse cooking fumes and the plant is likely to comply with the standard noise conditions.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

No pre-commencement conditions are recommended.

10. Conclusion

Subject to appropriate conditions the proposal accords with development plan policies, specifically London Plan Policies SD4, HC6 and T5, Policies 1, 7, 16, 27, 33, 38, 39 and 40 of Westminster's City Plan and PR3 of the Fitzrovia West Neighbourhood Plan.

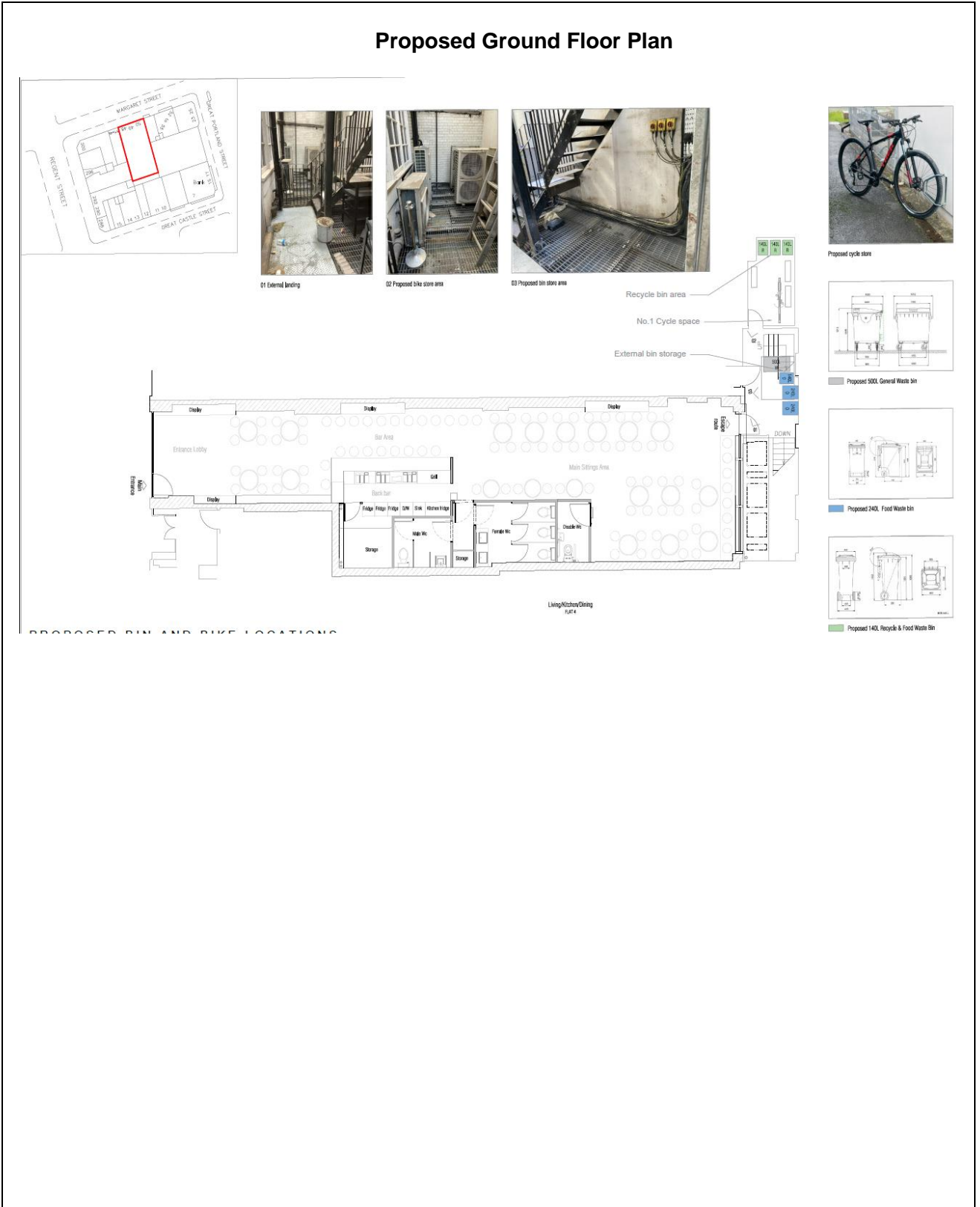
In terms of heritage impact, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application is therefore recommended for conditional approval.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK

11. KEY DRAWINGS



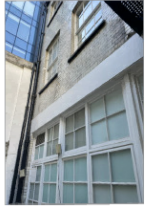
Existing and Proposed Rear Elevation/Section



01 Rear Elevation



02 Rear Elevation

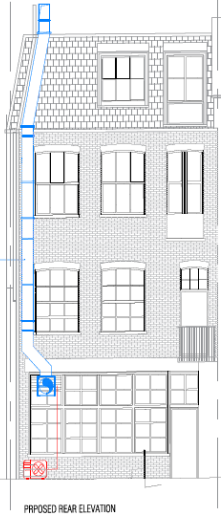


03 Rear Elevation



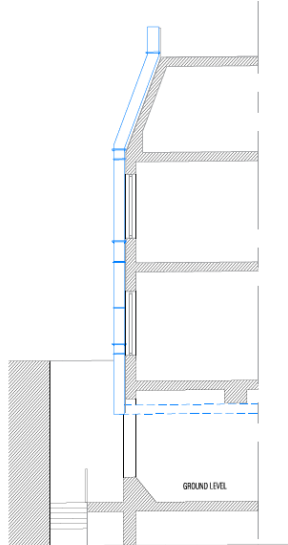
EXISTING REAR ELEVATION

GROUND LEVEL



PROPOSED REAR ELEVATION

BASMENT LEVEL



GROUND LEVEL

EXISTING AND PROPOSED REAR ELEVATION

DRAFT DECISION LETTER

Address: Ground Floor, 48 Margaret Street, London, W1W 8SD

Proposal: Use of ground floor as drinking establishment with expanded food provision (Sui Generis). Installation of extract duct to the rear elevation terminating above main roof level and installation of an air condenser unit at rear ground floor level.

Reference: 22/04870/FULL

Plan Nos: PA1065-MB-06-101-REV B, PA1065-MB-09-101-REV A, PA1065-MB-27-100-REV A.

Case Officer: Damian Lavelle **Direct Tel. No.** 020 7641 07779431364

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must not allow more than 130 customers into the basement and ground floor drinking establishment with expanded food provision use hereby approved at any one time.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 4 You must not sell any take-away food or drink on the premises or operate a delivery service, even as an ancillary part of the primary drinking establishment with expanded food provision use. (C05CC)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 5 All servicing must take place between 08.00 and 18.00 (Monday to Saturday) and between 09.00 and 18.00 (Sundays). Servicing includes loading and unloading goods from vehicles and the collection of waste and recyclable materials.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16, 20 and 33 of the City Plan 2019 - 2040 (April 2021).

- 6 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; 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 in writing 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 IN; 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 in writing 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 written 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. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 7 No vertical drinking shall take within the premises. No drinks may be taken outside of the premises at any time.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 8 Customers shall not be permitted within the drinking establishment with expanded food provision premises before 10.00 or after 00.00 on Sunday to Wednesday and before 10.00 or after 01.00 (the following morning) on Thursday to Saturday.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 9 The measures set out within the Operational Management Plan (received 17 October 2022) shall be adhered to at all times.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set

out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained, and the space used for no other purpose. (C22FC)

Reason:

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

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PA 1065-MB-27-100 Rev A prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the drinking establishment with expanded food provision. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

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

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

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

written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:
 Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

13 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:
 To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

14 The extract duct hereby approved shall be installed in full prior to the commencement of the drinking establishment with expanded food provision use hereby approved and

shall be retained in situ for the life of the development

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 15 All windows must be closed from 21.00 each day, unless for emergency or maintenance.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 16 If you play live or recorded music in the property, the received music noise level in neighbouring residential habitable spaces should be demonstrated to be 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63 Hz and 125 Hz; The overall music noise level in terms of LAeq,5mins should be at least 10 dB below the existing background noise level in terms of dB LA90,5mins.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 18 You must finish the ductwork so that it is grey. You must then keep it that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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