

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

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

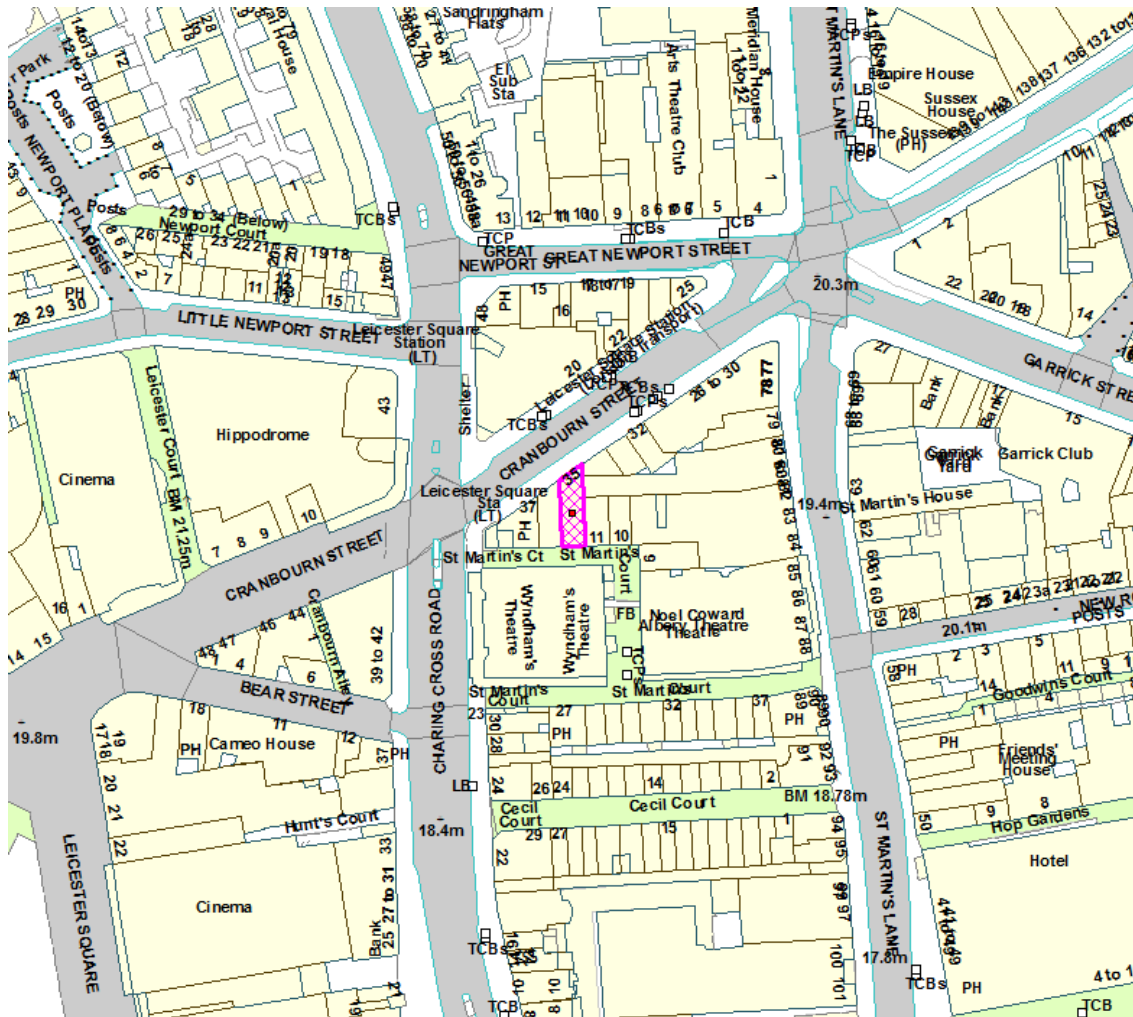
35 Cranbourn Street is an unlisted building currently in use as a restaurant over part basement, ground to third floor levels. Part of the basement is currently used as a bar/restaurant linked to the adjacent commercial unit on St Martin's Court (Café Koha). Plant equipment is located in a poor quality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

The key issues to consider in this case are:

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

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

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear Elevation

Existing rooftop structure

Objectors window

## 5. CONSULTATIONS

### COVENT GARDEN AREA TRUST:

Raise no comments.

### COVENT GARDEN COMMUNITY ASSOCIATION:

Raise objections on the following grounds:

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

### ENVIRONMENTAL HEALTH:

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

### CLEANSING:

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

### HIGHWAYS PLANNING MANAGER:

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

### THEATRES TRUST:

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

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

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

#### Land Use:

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

#### Amenity:

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

**Design:**

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

**Other:**

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

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

### **6.2 Recent Relevant History**

No relevant recent history.

## **7. THE PROPOSAL**

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

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

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

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

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

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

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

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

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

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

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

## 8.2 Townscape and Design

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

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

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

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

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

## 8.3 Residential Amenity

### Light and Sense of Enclosure

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

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



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

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

### **Privacy**

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

## **8.4 Transportation/Parking**

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

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

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

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

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

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

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

#### **Refuse**

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

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

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

### **8.12 Other Issues**

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

## **9. BACKGROUND PAPERS**

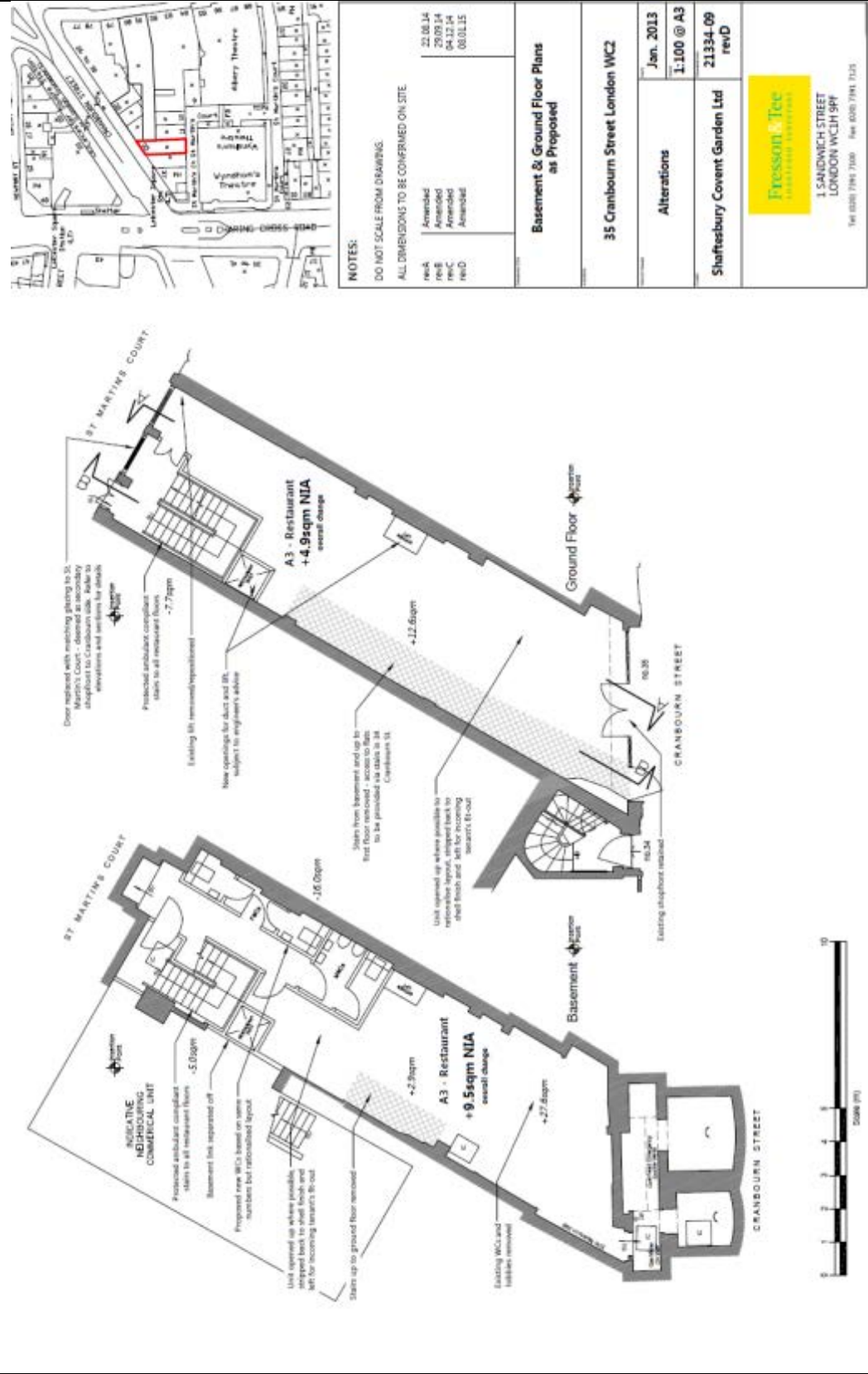
1. Application form
2. Response from Covent Garden Area Trust, dated 19 November 2014
3. Response from Covent Garden Community Association, dated 26 November 2014
4. Response from Cleansing - Development Planning, dated 7 November 2014
5. Response from Environmental Health - Premises Management, dated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

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

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

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

## 10. KEY DRAWINGS





<p><b>NOTES:</b></p> <p>DO NOT SCALE FROM DRAWING.</p> <p>ALL DIMENSIONS TO BE CONFIRMED ON SITE.</p>	
<p>rev A Amended</p> <p>rev B Amended</p> <p>rev C Amended</p>	<p>22.08.14</p> <p>04.12.14</p> <p>22.08.15</p>
<p><b>Third Floor &amp; Roof Plans as Proposed</b></p>	
<p><b>35 Cranbourn Street London WC2</b></p>	
<p>Alterations</p>	<p>Jan. 2013</p> <p>1:100 @ A3</p>
<p>Shaftesbury Covent Garden Ltd</p>	
<p><b>Fyreson &amp; Tee</b> ARCHITECTS</p> <p>1 SANDWICH STREET LONDON WC2H 9FF</p> <p>Tel: (020) 7395 7330 Fax: (020) 7395 7325</p>	



**Front Elevation - Cranbourn Street**

**Rear Elevation**

**35 Cranbourn Street London WC2**

**Alterations** Jan. 2013  
**1:100 @ A3**

**Shaftesbury Covent Garden Ltd** 21334-12 revC

**Fresson & Tee**  
 ARCHITECTS ASSOCIATES  
 1 SANDWICH STREET  
 LONDON WC1H 9PF  
 Tel: 020 7391 7300 Fax: 020 7391 7323

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

revA 22.08.14  
 revB 04.12.14  
 revC 12.03.15

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

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

Scale (m) 0 1 2 3 4 5 6 7 8 9 10

**DRAFT DECISION LETTER**

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

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

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

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

4 You must submit details of the following parts of the development:

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

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

Reason:

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping



equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;

(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

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

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 5 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

- 11 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant and residential units. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

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

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

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

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

Phone: 020 7641 2000

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

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 Overheating Informative: It is recommended that any scheme to prevent overheating is devised using the following Cooling hierarchy:
  1. Minimise internal heat generation through efficient design ;
  2. Reduce the amount of heat entering a building in summer through shading, albedo, fenestration, insulation and green roofs and walls;
  3. Manage the heat within the building through exposed internal thermal mass and high ceilings and particularly from heat sources not directly under the control of the occupiers eg any communal hot water distribution systems;
  4. Passive ventilation;
  5. Mechanical ventilation; and finally,
  6. Active Cooling Systems in the following order of preference;
    - a) Free cooling technologies;
    - b) Mechanical active cooling systems (ensuring the system used is the lowest carbon option, will achieve the agreed temperature range, and will not deliver unnecessary cooling).
- 8 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 9 Approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised
- 10 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 11 With regard to Condition 15, you are advised to compile the Construction Management Plan in consultation with the Theatres Trust. (contact: Ross Anthony 020 7836 8591)