

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	11 - 12 Floral Street, London, WC2E 9DS,		
Proposal	Installation of new shopfront to no.11; use of part basement, part ground, first and second floors of no.11 as retail (Class A1) with ancillary cafe and use of part basement floor of no.12 as retail (Class A1); use of part basement, part ground, and first to fourth floors of no.12 as offices (Class B1); and associated external alterations to nos.11 and 12.		
Agent	Gerald Eve		
On behalf of	Capital & Counties Ltd		
Registered Number	16/05805/FULL and 16/05806/LBC	Date amended/ completed	28 June 2016
Date Application Received	21 June 2016		
Historic Building Grade	No.12 is Grade II No.11 is unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

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

2. SUMMARY

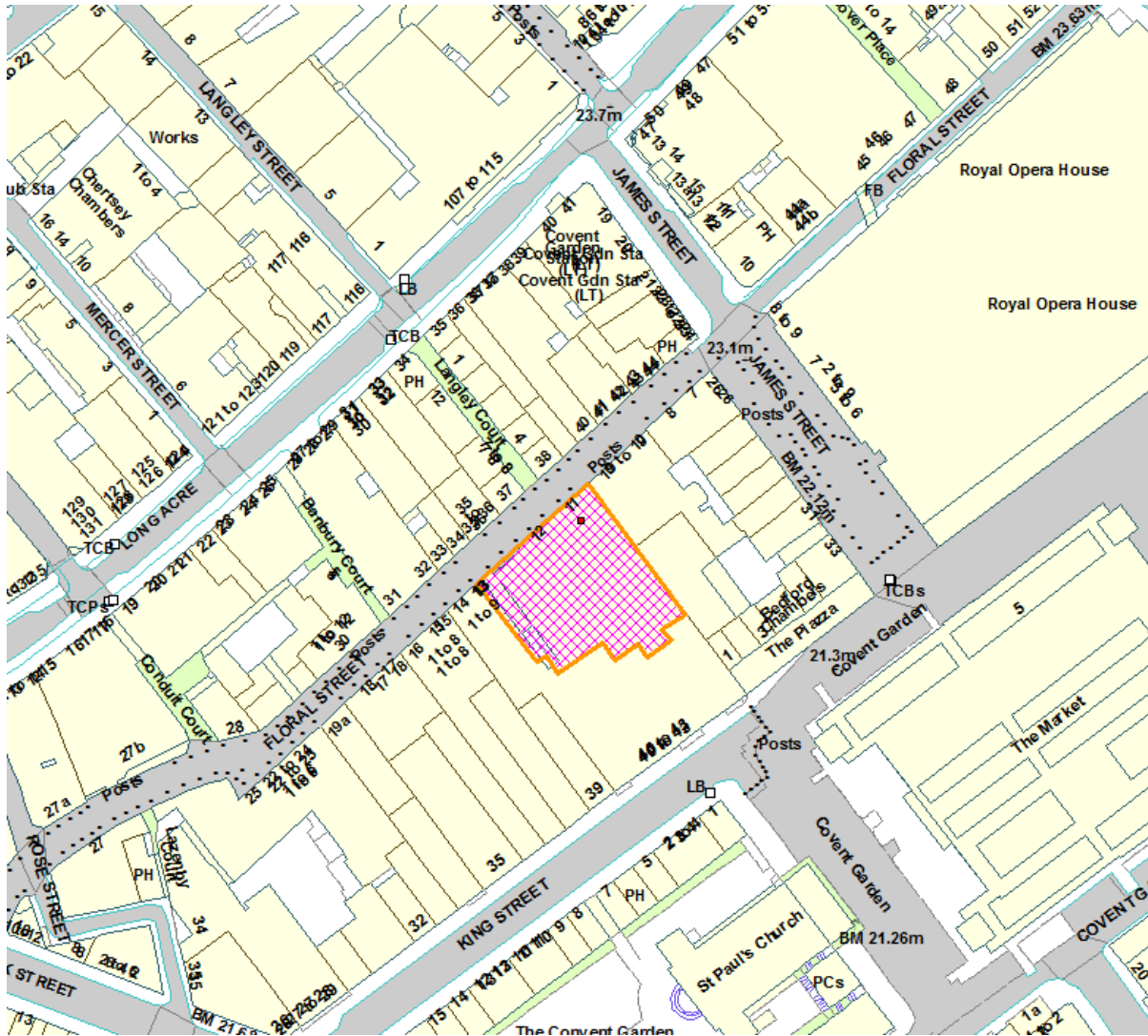
Permission and listed building consent are sought for works in connection with a change of use from health and fitness club (Class D2) to retail (Class A1) at part basement, part ground, first and second floors of No.11 and part basement of No.12 and to offices (Class B1) at part basement, part ground and first to fourth floors of No.12. External alterations include a new shopfront to No.11 and removal/replacement of plant at rear first and second floor levels. The application follows a previously permitted application for a residential led redevelopment of the site.

The key issues are:

- * The impact of the proposals on the character and appearance of listed building and the conservation area;
- * The impact of the proposals on the amenity of neighbouring residents; and
- * The loss of the health and fitness club use.

The alterations are considered acceptable in design and conservation area terms as is its impact on neighbouring residential amenity. The loss of the private health fitness club use and provision of new retail and office floorspace is considered acceptable in land use terms. The proposed development is considered to comply with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



11-12 Floral Street

5. CONSULTATIONS

COVENT GARDEN AREA TRUST

Welcome many of the changes to the permitted scheme including replacement of permitted residential units with office floorspace. Object to the loss of the D2 leisure use and its replacement with a single large retail unit and the new shopfront incorporating a large expanse of glass.

COVENT GARDEN COMMUNITY ASSOCIATION

Object to the large expanse of glass to the new shopfront. No objections to any other elements of the proposals.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING

The retail use should not be used as a food retail supermarket due impact servicing of such a unit would have in this location. The cycle parking provision is acceptable.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 96; Total No. of Replies: 0.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Nos.11 and 12 are located on the south side of Floral Site opposite the junction with the pedestrianised Langley Court which leads to Long Acre. The site is located within the Covent Garden Conservation Area, the Core Central Activities Zone (CAZ) and the West End Special Retail Policy Area (WESRPA). No.11 is an unlisted building originally constructed as a warehouse in 1888 and No.12 is a Grade II listed former schoolhouse built in 1838. The site also shares a boundary to the rear with the Grade II* listed No.43 King Street and the Grade II listed Nos.40-42 King Street.

Both application buildings are interlinked to some degree at all levels. No.11 comprises of basement, ground and three upper floors. No.12 comprises of basement, ground and five upper floors. The ground floor of each building contains a single retail unit. The remainder of the building has a lawful Class D2 use which is currently vacant, but was formally occupied by The Sanctuary, a women-only private health club and spa that had operated in this location since at least 1985.

6.2 Recent Relevant History

1994 – Permission was granted at No.12 for the use of the ground floor as Class A1 retail.

1994 – Permission was granted at Nos.11-12 to make alterations to form access to the Sanctuary Health Club.

1998 – Permission was granted at Nos.11-12 for the erection of a part glazed extension at rear second floor level as an extension to the existing health club.

2015 – Permission was granted for the demolition and new build behind retained facade and introduction of sub-basement and fourth floor to No. 11 and alterations to No. 12 to provide health and fitness club including ancillary restaurant (Class D2) at sub-basement to first floor, retail (Class A1) at basement and ground floors and nine residential units (Class C3) at part second floor and above at No. 11 Floral Street and first floor and above at No. 12 Floral Street and associated works. (14/11994/FULL and 14/11995/LBC)

7. THE PROPOSAL

Permission and listed building consent are sought works in connection with a change of use from health and fitness club (Class D2) to retail (Class A1) at part basement, part ground, first and second floors of No.11 and part basement of No.12 and to offices (Class B1) at part basement, part ground and first to fourth floors of No.12.

The extent of work is substantially reduced compared to the 2015 residential led scheme. The internal and external alterations include:

- Removal of mezzanine floor levels;
- Removal of modern internal partitions and suspended ceilings within no.12;
- Other minor alterations to internal walls within no.12;
- Removal of non-historic long dormer to roof of no.12;
- New single-glazed upper floor windows to match originals;
- Replace existing modern windows;
- Installation of secondary glazing;
- Two new rooflights over ground floor to rear;
- New ground to basement staircase within no.12;
- A new facade at ground and first floor level to no.11, including new shopfront;
- New shopfront to no.12;
- Alterations to access corridors through no.12;
- Replacement and new layout of plant to rear;
- Removal of modern projecting extension to rear of no.12.

8. DETAILED CONSIDERATIONS

8.1 Land Use

	Existing floorspace m2 GEA	Proposed floorspace m2 GEA	Net change
Gym (Class D2)	3,093	0	-3,093
Office (Class B1)	0	636	+636
Retail (Class A1)	456	2,631	+2,175
Total	3,549	3,267	-282

Loss of health and fitness club use

Policies S34 of the City Plan and SOC 1 of the UDP seek to resist the loss of social and community uses. The proposals would result in the loss of the existing Class D2 floorspace. The Sanctuary Spa operated at the property since at least 1985 until mid-2014 and the site has since been vacant. Given its use as a long term private health and fitness club, which was for over 18's and women only, is not considered to be afforded the same protection as true social or community uses.

Whilst this existing facility has provided a health and fitness club service, it was a business and its services were available to the public on a commercial basis rather than meeting the needs of all sectors of the local community. Officers consider that the loss of the existing commercial use can therefore be justified in this instance.

New retail and office floorspace

Policy S6 of the City Plan identifies the CAZ as an appropriate location for a range of commercial uses including retail. Policy S7 of the City Plan identifies the application site and wider Covent Garden area as part of a substantial shopping district within the West End Special Retail Policy Area (WESRPA). Two of the main priorities within the WESRPA are to provide improved retail space and appropriate retail growth. The proposed increase in retail floorspace would help support the West End as a global shopping destination.

Two retail units will remain on site with increased floorspace. An ancillary café is sought within the largest of the retail units in No.11 but no primary cooking is proposed and there will be no need for a kitchen extract. No potential operators are identified at this point. The operation hours for the retail is recommended to be controlled by condition - between 0800hrs and 2200hrs Monday to Saturday and between 0900hrs and 1900hrs on Sundays, bank holidays and public holidays.

Office accommodation is sought at part basement, part ground and first to fourth floors to No.12. The new office floorspace amounting to 614sqm would be achieved through a change of use and as such the proposal would not trigger a requirement for affordable housing provision in accordance with Policy S1 of the City Plan.

Policy S20 of the City Plan relates to offices and directs new office development to areas of the city which includes the CAZ. The city has seen a significant trend in the loss of offices since 2010/11. Policy S20 seeks to encourage new offices with the CAZ to help retain and enhance Westminster's strategic role in London's office sector.

The proposed mix use scheme would complement the existing multifaceted mix of uses in the Covent Garden area and the wider CAZ, catering for visiting members of the public and businesses alike. This site is considered to be an appropriate location for retail and office growth and is acceptable in land use terms.

8.2 Townscape and Design

The site is within the Covent Garden Conservation Area. No.12 is a Grade II listed building, built as a school in 1838, later used as a dance schools and studios before it became part of the spa developed within no.11. It has a roughly Italianate design, including a tall campanile with school steps at its base. The ground floor features a large shop-front window. Internally it is plain, but retains the core structural elements of its planform, including larger open spaces characteristic of its origins as a school.

The proposals would be largely beneficial compared with both the existing and the approved residential scheme. The proposals would involve no physical impacts on historic fabric, nor on historic planforms and would generally return no.12 to a closer version of the building's historic internal characteristics.

Externally, the works are largely minor, and dramatically reduced compared with the significant redevelopment and enlargement of the volume of no.11 approved in 2015. The proposed plant would be an overall improvement upon the existing arrangements.

The most significant external alteration is the new ground and first floor facade to no.11, which is designed to repeat the bold ceramic tile design approved for this frontage by the 2015 scheme, and remains equally acceptable as a part of this reduced scheme. The proposed means of converting this design to a single retail unit behind would result in the omission of the second entrance to the right hand shop window.

The shopfront without an entrance has been modified during the application to include a vertical glazing bar to break up the expanse of glass. This was amended to address the concerns raised by the CGCA and CGAT. Notwithstanding this, officers are satisfied with the shopfront in design terms with or without the vertical glazing bar.

Subject to the recommended conditions, the proposals would preserve the significance of the listed building, and the positive contribution which both buildings make to the surrounding conservation area. The applications comply with DES 1, DES 5, DES 9 and DES 10 of the UDP, and S25 and S28 of the City Plan and Sections 7 and 12 of the NPPF.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

Little external alteration is sought and no objections have been received from neighbours. The principal area of sensitivity is the relationship of site with the residential properties to the

rear. The proposal includes the removal of plant and ducting, predominantly at rear first and second floor levels and replacement with new plant which is more ordered and less visually obtrusive. The new plant layout would reduce the height and bulk of the structures closest to the residential on King Street. The proposals will not cause an unacceptable degree of enclosure or loss of light to existing residential properties.

The existing building does not particularly present much opportunity for overlooking due to the previous occupier. The replacement uses would have a similar relationship. The proposal would not cause an unacceptable degree of overlooking to existing dwellings surrounding the site.

8.4 Transportation/Parking

Cycle Parking

Secure cycle parking for 26 spaces is to be provided at basement and ground floor levels. The Highways Planning Manager considers this amount to be acceptable. A condition is recommended to secure separate residential and commercial cycle parking to ensure compliance with the London Plan.

Servicing

Policy TRANS20 generally requires servicing to be provided off-street. Servicing for development is to be undertaken on-street with delivery vehicles temporarily waiting on Floral Street, as per the existing arrangement. The Highways Planning Manager has raised no objection to the servicing arrangements and has stated that the servicing requirements would likely to be similar to the existing situation. A condition has been added to ensure the Class A1 retail use is not occupied by a food retail supermarket. The Highways Planning Manager is concerned that adequate servicing arrangements could not be secured to mitigate the negative impacts such a use would have on the surrounding highways network.

8.5 Economic Considerations

The economic benefits generated by bringing the vacant site back to use with new retail and office floorspace are welcomed.

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

Refuse

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. The waste will be stored at basement and ground floor level. The Cleansing Manger is satisfied with the amount of provision. It is recommended that the details be secured by condition.

Access

The new shopfront to No.11 will include double doors and level access via a short internal ramp. A lift will be included internally to provide step free access to all levels. Due to the historic nature of No.12 the ability to provide level access has been limited. Access to the offices and retail unit in No.12 will be stepped.

Noise

Mechanical plant is to be located at rear first and second floor levels. Subject to conditions it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity.

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/CIL

It is not predicted that the scheme will be liable to for a Community Infrastructure Levy charge.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Covent Garden Area Trust dated 4 August 2016.
3. Response from Covent Garden Community Association dated 18 July 2016.
4. Email from the Highways Planning Manager dated 30 August 2016.
5. Memorandum from Cleansing dated 14 September 2016.
6. Memorandum from Environmental Health dated 30 September 2016.

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

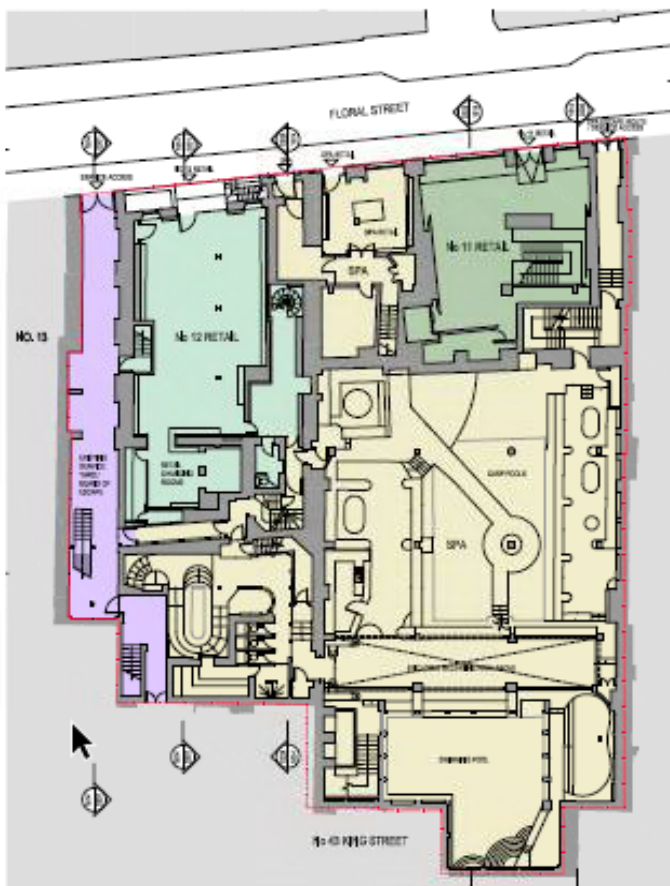
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk



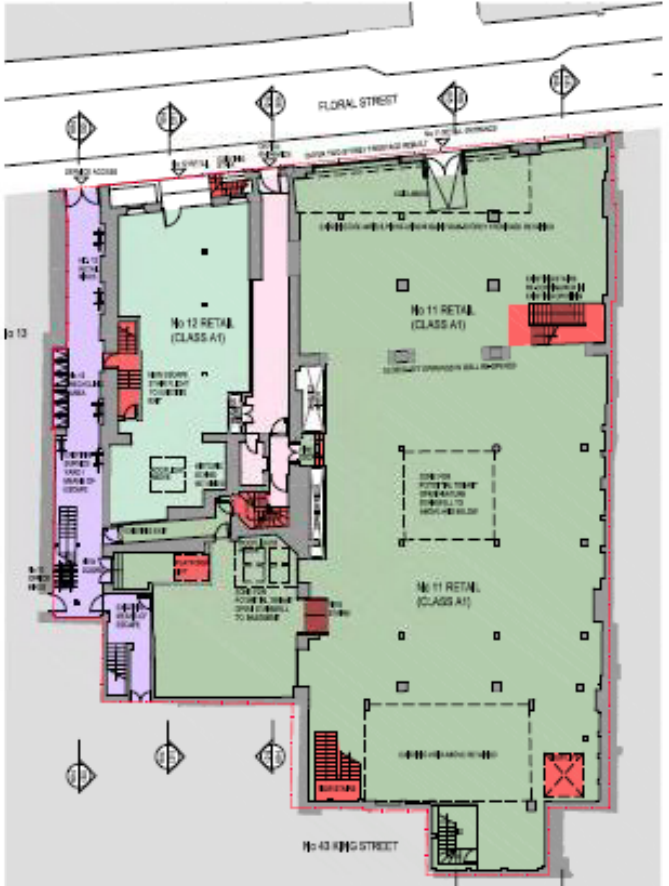
Existing Floral Street elevation



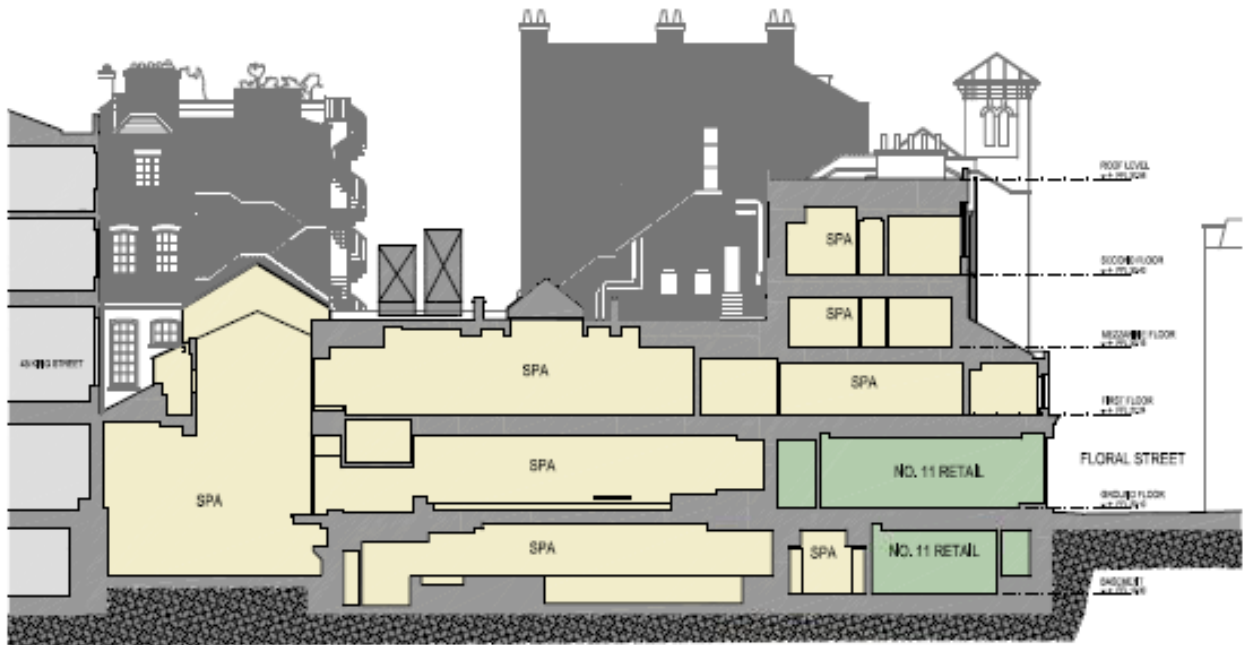
Proposed Floral Street elevation



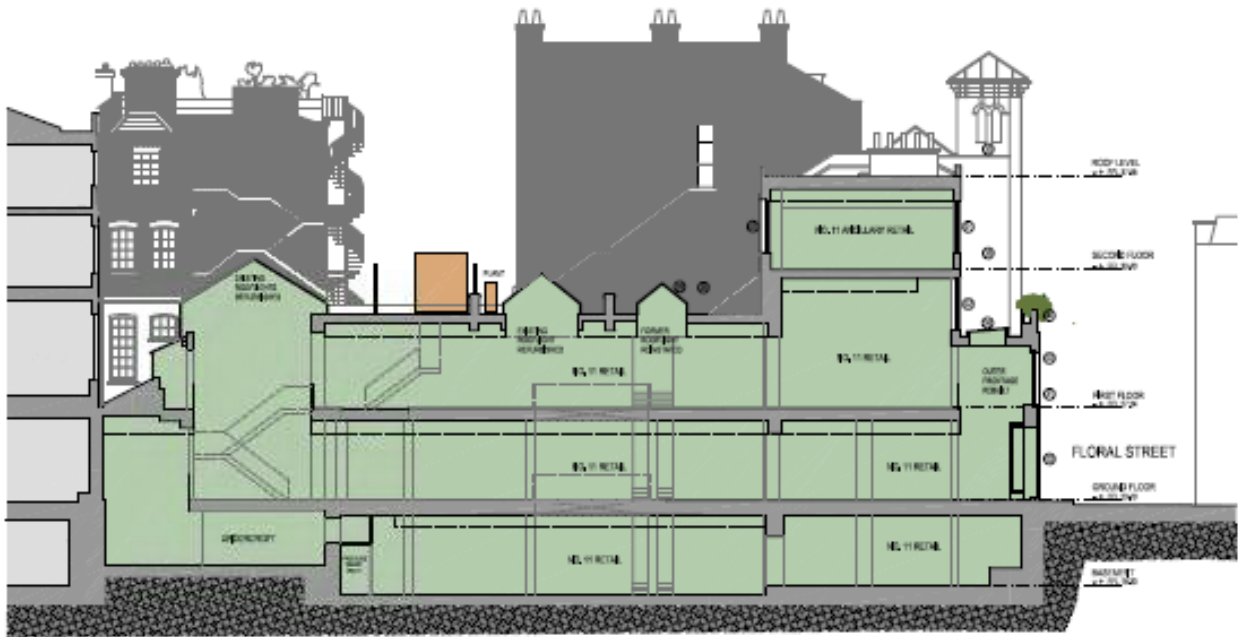
Existing Ground Floor Plan



Proposed Ground Floor Plan



Number 11 Existing Long Section



Number 11 Proposed Long Section

DRAFT DECISION LETTER

Address: 11 - 12 Floral Street, London, WC2E 9DS,

Proposal: Installation of new shopfront to 11 Floral Street; change of use of part basement, part ground, first and second floors of no. 11 Floral Street from health and fitness club (Class D2) to retail (Class A1) with ancillary cafe and change of use of part basement floor of no. 12 from health and fitness club (Class D2) to retail (Class A1); change of use of part basement, part ground, and first to fourth floors of no. 12 Floral Street from health and fitness club (Class D2) to office (Class B1); and associated external alterations to no. 11 Floral Street and internal and external alterations to no. 12 Floral Street.

Plan Nos: 1614-0001; 1614-0002; 1614-0003; 1614-0004; 1614-0900 Rev C; 1614-0901 Rev C; 1614-0902 Rev D; 1614-0903 Rev D; 1614-0904 Rev C; 1614-0905 Rev C; 1614-0906 Rev C; 1614-0907 Rev A; 1614-0940 Rev A; 1614-0980; 1614-0981; 1614-0982; 1614-0983 Rev A; 1614-0984; 1614-0985; 1614-1110 Rev E; 1614-1111 Rev D; 1614-1112 Rev D; 1614-1113 Rev C; 1614-1114 Rev C; 1614-1115 Rev C; 1614-1116 Rev C; 1614-1210 Rev C; 1614-1211 Rev D; 1614-1212 Rev C; 1614-1213 Rev E; 1614-1214 Rev D; 1614-1215 Rev C; 1614-1301 Rev A; 1614-1310 Rev D; 1614-1350 Rev B; BREEAM pre-assessment report; Noise Impact Assessment; Historic Building Report; Letter from Gerald Eve dated 21 June 2016. For information only: Draft Construction Management Plan.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of detailed drawings at set out below, of the following parts of the development:

- (a) New windows, doors and rooflights / lanterns (elevations and sections at 1:5);
- (b) New shopfronts (elevations and sections at 1:10);
- (c) New railings / balustrades (elevations and sections at 1:10);
- (d) New facade and parapet to no.11 (elevations and sections at 1:20);
- (e) New plant screens (elevations and sections at 1:20, plus product specification).

All details must be shown in context with surrounding fabric, and be cross-referenced against the approved plans.

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

- 5 You must apply to us for approval of a sample and materials specification of the new ground and first floor facade to no.11. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) you must not paint the ground and first floor facade of no.11 (as otherwise permitted by Class C of Part 2 of Schedule 2 of the Order) without the prior written permission of the Local Planning Authority on an application made for that purpose.

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 (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must provide the waste store shown on drawing 1614-1110 revision E and 1614-1111 revision D before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

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

Reason:

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

- 10 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used for food retail supermarket).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 11 The Class A1 retail units hereby permitted must not be open to customers except between 0800hrs and 2200hrs Monday to Saturday and between 0900hrs and 1900hrs on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 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 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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 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 0.26 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.

- 14 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 15 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 12 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 16 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

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

Reason:

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

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was

offered to the applicant at the validation stage.

- 2 You 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 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 5 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

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

- 6 Conditions 12 and 13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 Under condition 16 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. But you can reheat food by microwave or convection oven as long as you do not need extractor equipment.

If you want to remove this condition you will need to send us full details of all the extractor equipment needed to get rid of cooking fumes. We will also consider the design and effect on neighbouring properties of any new ducts. (I72AA)

DRAFT DECISION LETTER

Address: 11 - 12 Floral Street, London, WC2E 9DS,

Proposal: Internal and external alterations to no. 12 Floral Street.

Reference: 16/05806/LBC

Plan Nos: 1614-0001; 1614-0002; 1614-0003; 1614-0004; 1614-0900 Rev C; 1614-0901 Rev C; 1614-0902 Rev D; 1614-0903 Rev D; 1614-0904 Rev C; 1614-0905 Rev C; 1614-0906 Rev C; 1614-0907 Rev A; 1614-0940 Rev A; 1614-0980; 1614-0981; 1614-0982; 1614-0983 Rev A; 1614-0984; 1614-0985; 1614-1110 Rev E; 1614-1111 Rev D; 1614-1112 Rev D; 1614-1113 Rev C; 1614-1114 Rev C; 1614-1115 Rev C; 1614-1116 Rev C; 1614-1210 Rev C; 1614-1211 Rev D; 1614-1212 Rev C; 1614-1213 Rev E; 1614-1214 Rev D; 1614-1215 Rev C; 1614-1301 Rev A; 1614-1310 Rev D; 1614-1350 Rev B; BREEAM pre-assessment report; Noise Impact Assessment; Historic Building Report; Letter from Gerald Eve dated 21 June 2016; Design and Access Statement; For information only: Draft Construction Management Plan.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings at set out below, of the following parts of the development:

- (a) New windows, doors and rooflights / lanterns (elevations and sections at 1:5);
- (b) Secondary glazing (elevations and sections at 1:5);
- (c) New shopfront (elevations and sections at 1:10);
- (d) New railings / balustrades (elevations and sections at 1:10);
- (e) New plant screens (elevations and sections at 1:20, plus product specification).

All details must be shown in context with surrounding fabric, and be cross-referenced against the approved plans.

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan (July 2016), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies, CM28.1 of Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and 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)