

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

1. RECOMMENDATION

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

2. SUMMARY

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

and opposite the junction of Southampton Street and Tavistock Street.

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

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

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

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

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

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

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

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

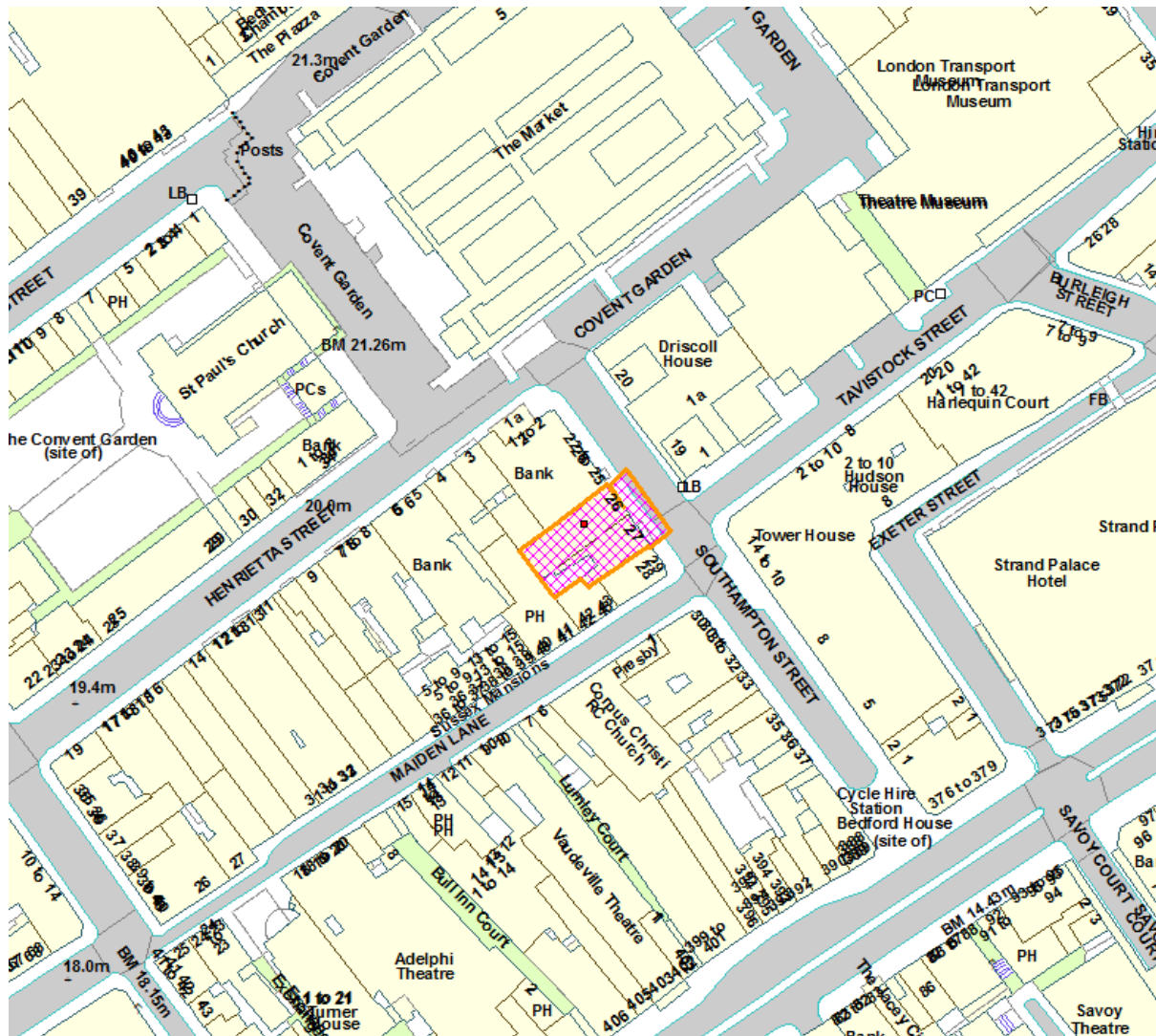
Whilst the extension is clearly visible from the objector's home opposite, given the relatively large distance between the properties and the relatively modest height increase compared to the approved scheme, it is not considered that the larger roof extension results in a significant increase in sense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

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

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

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of roofs of Nos. 27 and 26 Southampton Street

5. CONSULTATIONS

HISTORIC ENGLAND:

No comment.

COVENT GARDEN COMMUNITY ASSOCIATION:

No objection.

COVENT GARDEN AREA TRUST:

No response to date.

PLANNING ENFORCEMENT TEAM:

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

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 145

Total No. of replies: 1 (objection)

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

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RECENT RELEVANT HISTORY

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

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

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

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

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

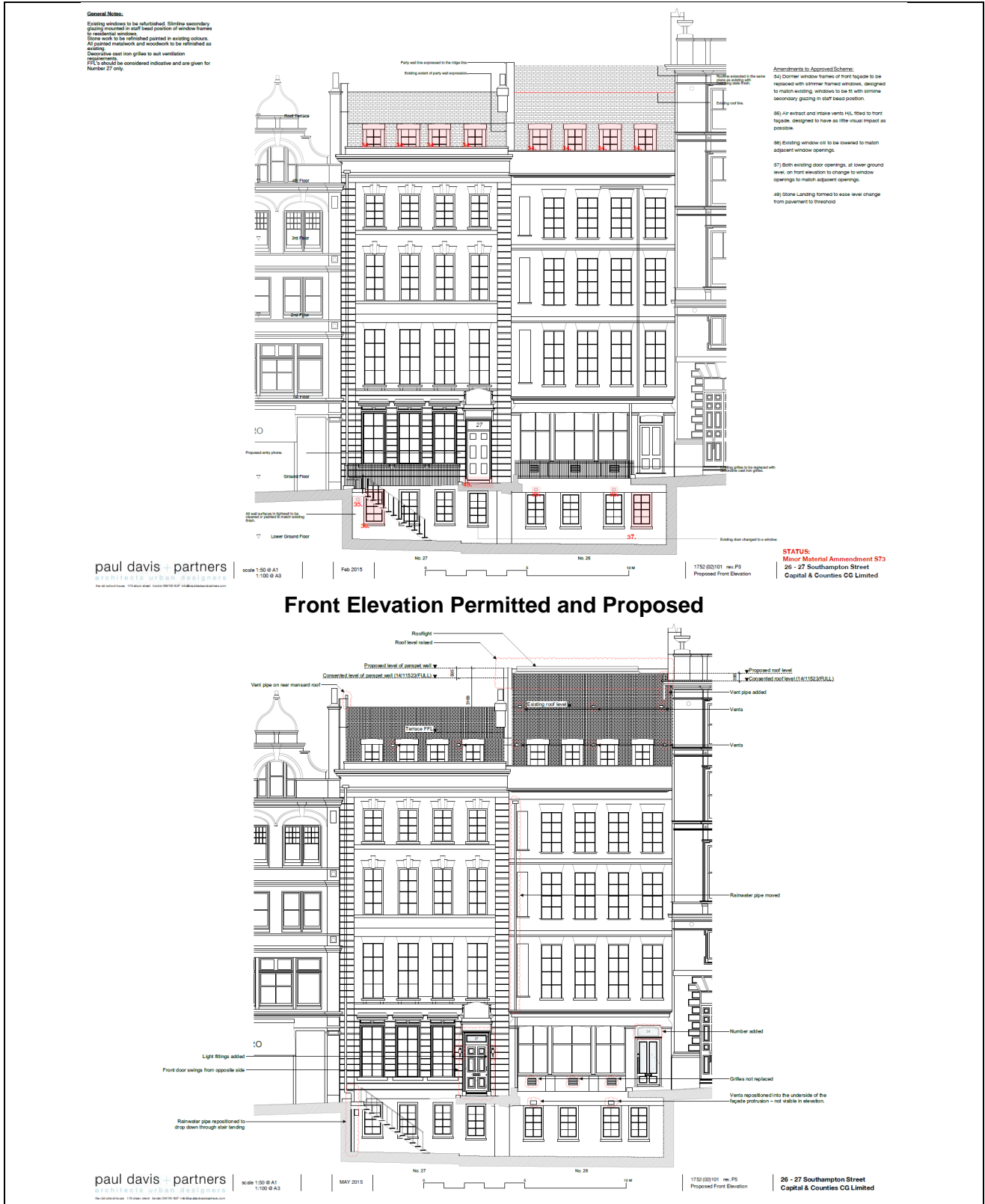
7. BACKGROUND PAPERS

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

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

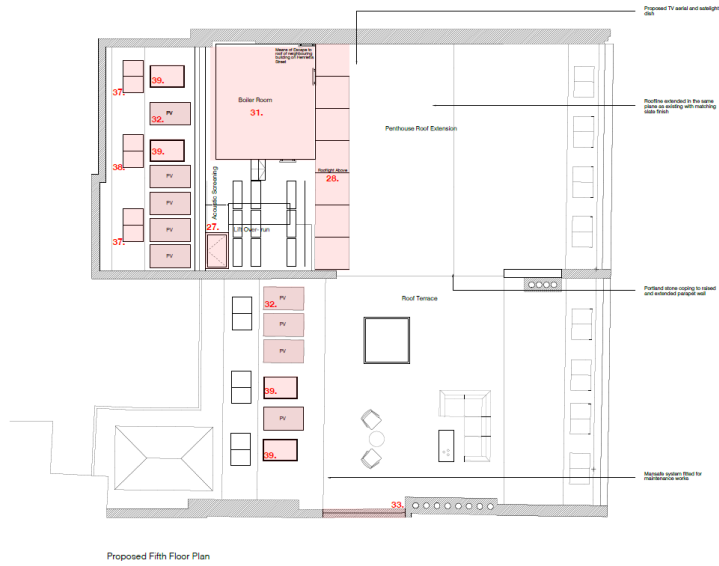
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

8. KEY DRAWINGS



General Notes:

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



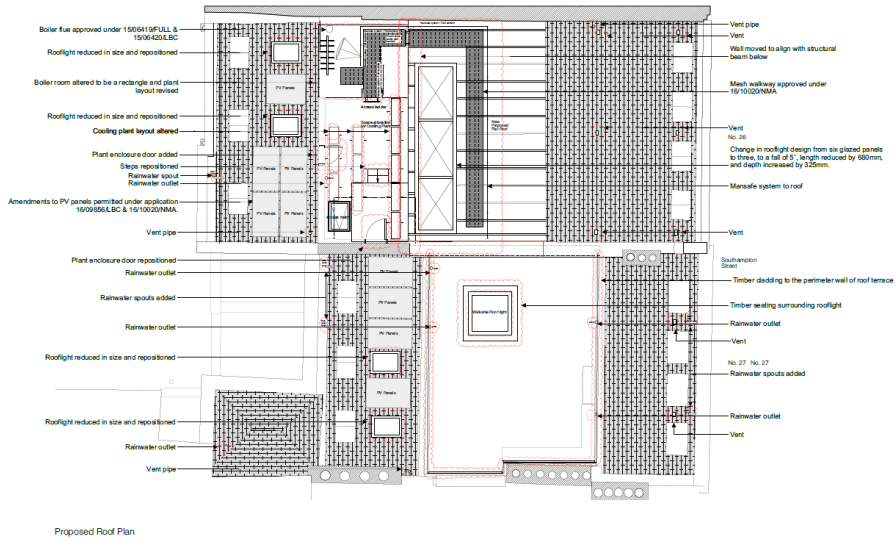
Amendments to Approved Scheme:

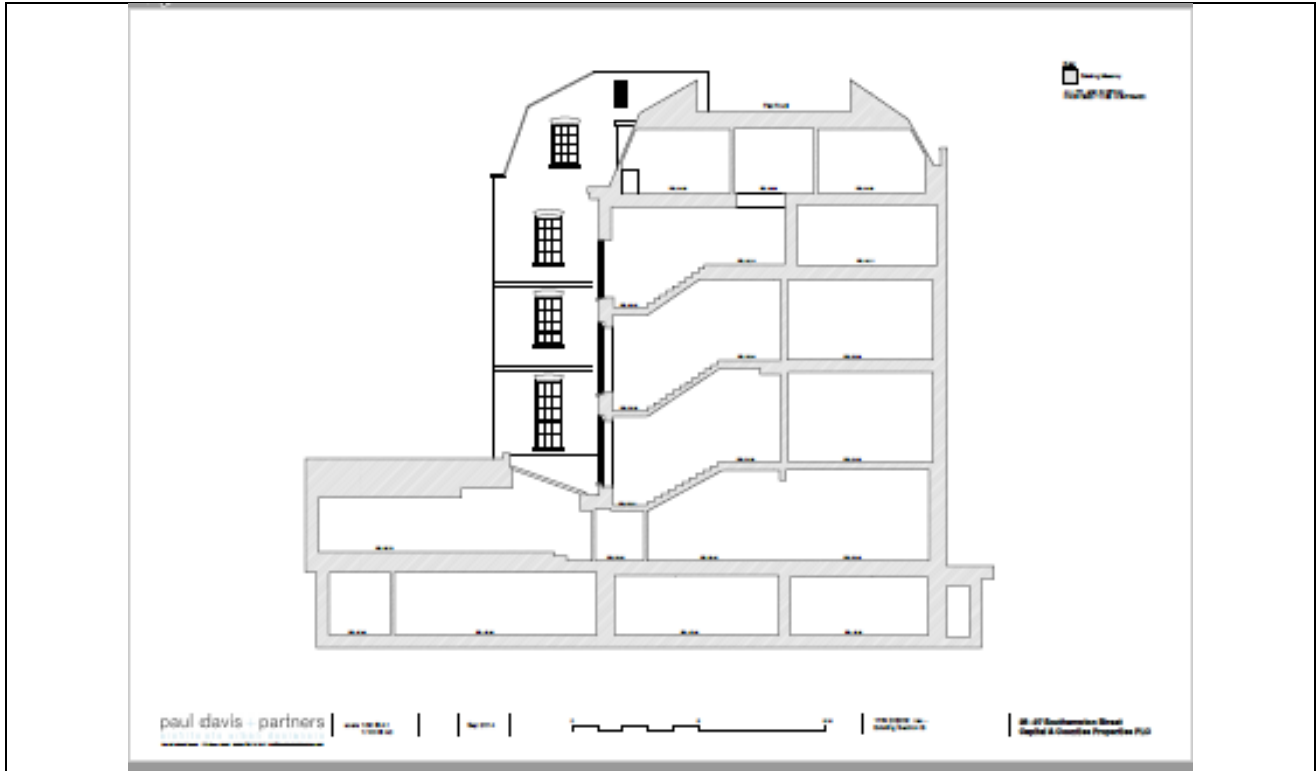
- 27) Plant access hatch from below for maintenance to roof plant area.
- 28) Enlargement of consented roof light above 19th floor apartment roof extension.
- 81) Boiler room relocated from Lower Ground Level to roof plant area. Plant area to be clad in Acoustic paneling.
- 82) Area of proposed Photovoltaic panels**
- 83) Protective glass sunshade installed to create barrier between roof terrace and adjacent Lane roof.

Please see Floor Elevation for more information on: 31, 37, 38 and 39
 **Please see accompanying Acoustic Report on noise impact.
 **Please see accompanying Photovoltaic Strategy Report.

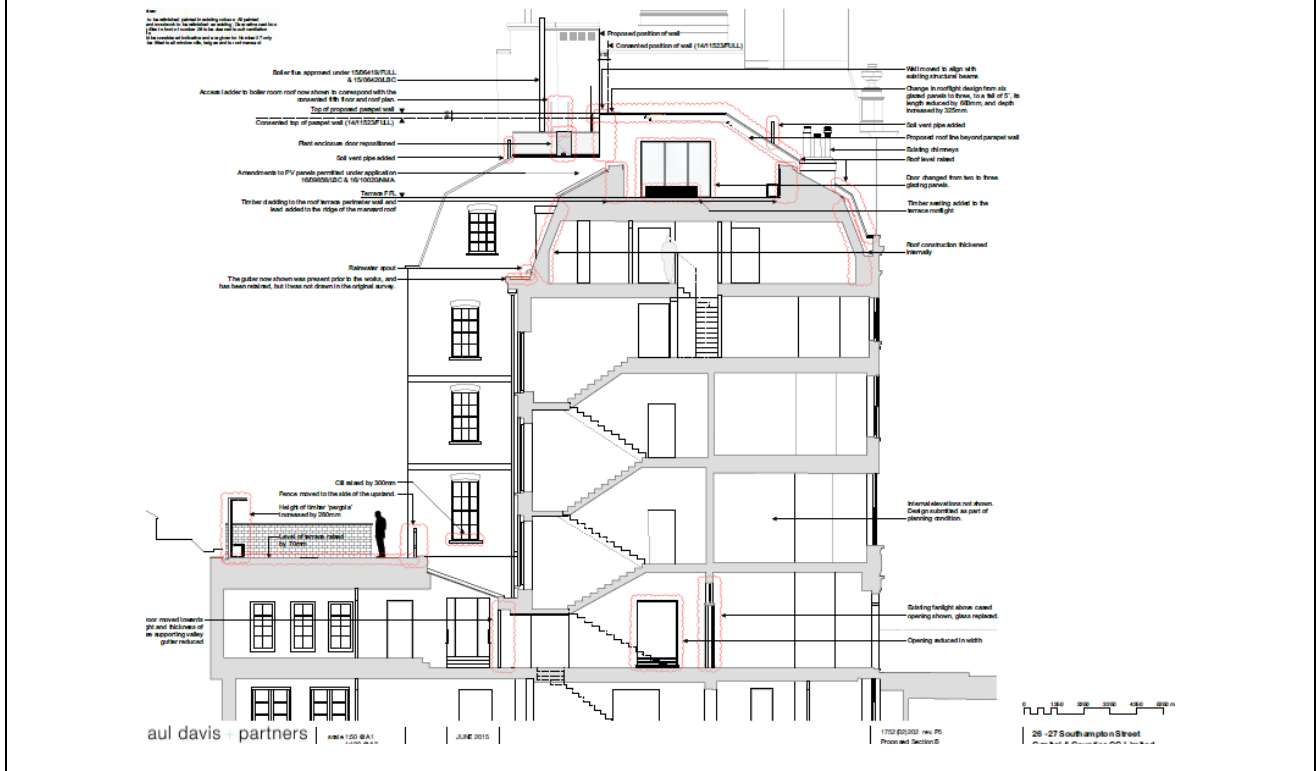
Roof Plan Permitted and Proposed

1.0 GENERAL NOTES:
 DO NOT SCALE FROM THIS DRAWING. DRAWING TO BE PRINTED IN COLOR.
 This drawing is for the proposed roof plan. It is not to be used for any other purpose. The drawing is for the proposed roof plan. It is not to be used for any other purpose. The drawing is for the proposed roof plan. It is not to be used for any other purpose.





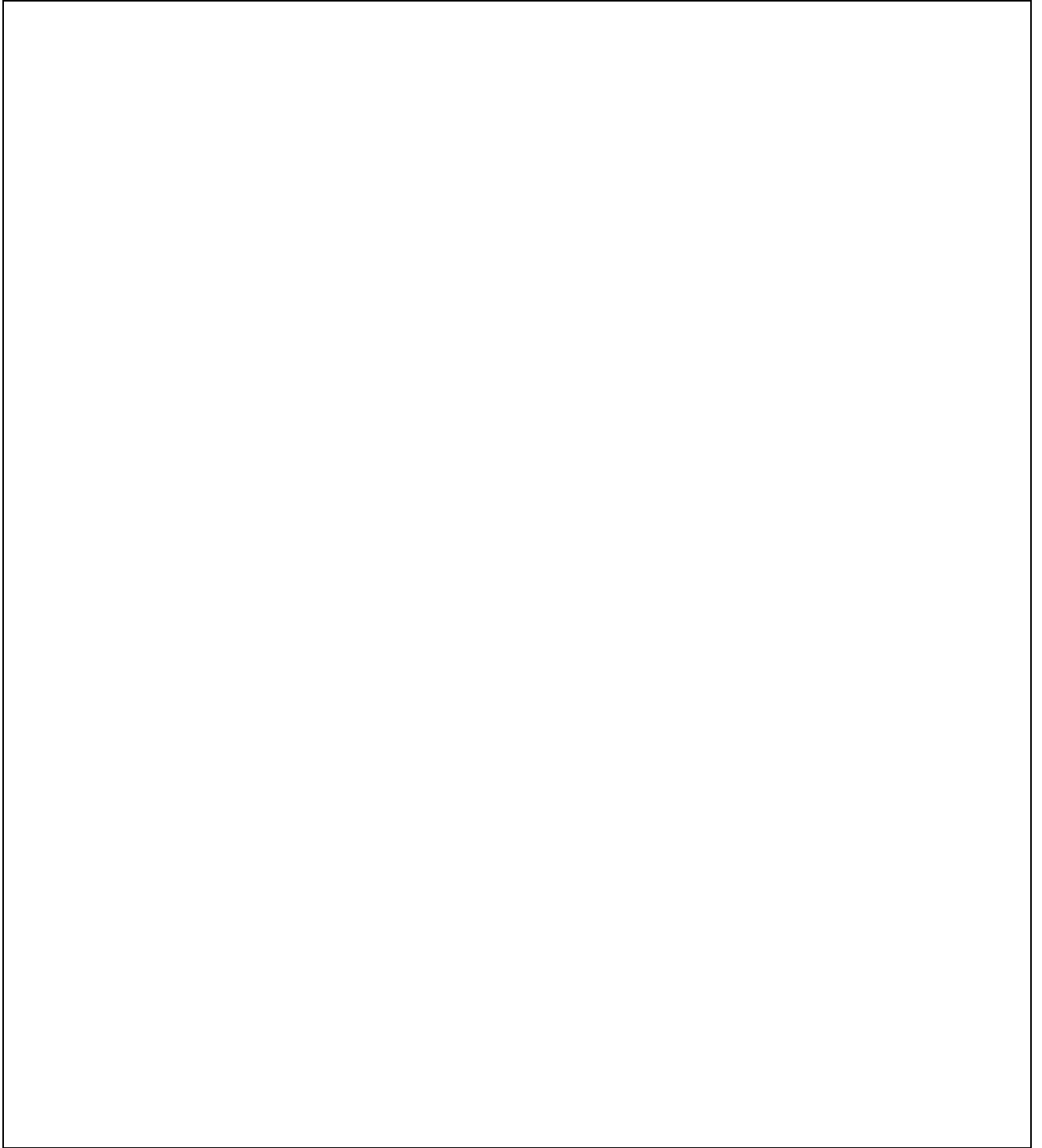
Section BB Permitted and Proposed



Section BB Permitted and Proposed

Item No.

5



DRAFT DECISION LETTER

Address: 26 - 27 Southampton Street, London, ,

Proposal: Variation of Condition 1 of planning permission dated 27 May 2015 (RN: 14/11523) which itself varied an earlier permission dated 26 February 2014 (RN: 13/10869) for 'Use of part ground and all other floors at 26-27 Southampton Street from office (Class B1) to residential flats (Class C3) use and part of ground floor from offices (Class B1) to retail (Class A1) use and associated internal and external alterations including the creation of an additional floor above No. 26. Associated works including the creation of courtyard at rear basement level installation of plant, solar panels, alterations to windows and doors and creation of terraces to rear and at roof level.' Namely, to allow for a larger roof extension and for external alterations including to rooflights and roof terrace enclosure (retrospective).

Reference: 17/06015/FULL

Plan Nos: 17/06015/FULL:

Site Location Plan; 1752 (00)007; 1752 (00)101; 1752 (00)102; 1752 (00)202; 1752 (02)007 P2; 1752 (02)008 P2; 1752 (02)101 P3; 1752 (02)102 P2; 1752 (02)202 P2; 1752 (02)101 P5; 1752 (02)102 P13; 1752 (02)007 P9; 1752 (02)008 P10; 1752 (02)202 P5; Design and Access Statement; Cover Letter.

14/11523/FULL:

1120-0001 A, 1120-0100 C, 1120-0101 C, 1120-0102 C, 1120-0103 C, 1120-0104 C, 1120-0105 C, 1120-0106 C, 1120-0200 A, 1120-0201 B, 1120-0202 A, 1120-0300 A, 1120-0301 B, 1120-0930 B, 1120-0931 B, 1120-0932 B, 1120-0933 B, 1120-0934 B, 1120-0935 B, 1120-0936 A, 1120-0940 B, 1120-0941 B, 1120-0942 B, 1120-0945 A, 1120-0946 A, 1120-1190 B, 1120-1191 C, 1120-1192 B, 1120-1193 B, 1120-1194 B, 1120-1195 B, 1120-1196 A, 1120-1197 A, 1120-1220 B, 1120-1221 B, 1120-1222 B, 1120-1310 A, 1120-1311 B, 1120-1312 B, 1120-1320 A, Planning Statement dated October 2013, Heritage Assessment dated October 2013, Supplementary Heritage Assessment dated 23 January 2014, Historic Buildings Report dated November 2011, Design and Access Statement dated October 2013, Daylight and Sunlight Impact Assessment Revision No. 3.0 dated 21 October 2013, Noise Survey Report Revision No. 1.1 dated 11 October 2013, Ecohomes Prediction Report Revision No. 5 dated 22 October 2013, Energy Strategy Revision No. 4 dated 22 October 2013, Archaeological Desk-Based Assessment dated October 2013, Outline Structural Engineering Stage A/B Report dated 18 October 2013 (for information only). Written scheme of investigation for an archaeological investigation prepared by MOLA dated 16 September 2014, Letter from GeraldEve dated 21.11.14, Email from GeraldEve dated 06.03.15, 1752 (01): 001 P2, 002 P2, 003 P2, 004 P2, 005 P3, 006 P2, 008 P2, 101 P2, 102 P2, 202 P2, 1752 (02): 001 P2, 002 P2, 003 P2, 004 P2, 005 P2, 006 P2, 007 P2, 008 P2, 009 P1, 101 P3, 102 P4, 202 P2, Design and Access Statement Rev P1, Planning Amendment Noise Report M0002-A, Photovoltaics Summary Note dated 18.11.14.

13/10869/FULL:

1120-0001 A, 1120-0100 C, 1120-0101 C, 1120-0102 C, 1120-0103 C, 1120-0104 C, 1120-0105 C, 1120-0106 C, 1120-0200 A, 1120-0201 B, 1120-0202 A, 1120-0300 A,

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

16/05233/ADFULL:

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

15/07136/ADFULL:

1752(02)332 P2.

15/06248/ADFULL:

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

15/04864/ADFULL:

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

14/09572/ADFULL:

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

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

- 13 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020

7641 7230). (I58AA)

- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 6 Conditions 7, 8 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of affordable housing and the provision of arrangements to mitigate the demand for on-street parking as a result of the development. (I55AA)

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

DRAFT DECISION LETTER

Address: 26 - 27 Southampton Street, London, ,

Proposal: Variation of Condition 1 of listed building consent dated 30 March 2017 (RN: 17/01483) which itself varied consent dated 29 November 2016 (RN: 16/09856) which varied consent dated 10 August 2016 (RN: 16/05691) which varied consent dated 10 March 2015 (RN: 14/11922) which varied consent dated 26 February 2014 (RN: 13/10870) for 'Use of part ground and all other floors at 26-27 Southampton Street from office (Class B1) to residential flats (Class C3) use and part of ground floor from offices (Class B1) to retail (Class A1) use and associated internal and external alterations including the creation of an additional floor above No.26. Associated works including the creation of courtyard at rear basement level installation of plant, solar panels, alterations to windows and doors and creation of terraces to rear and at roof level.' Namely, to allow for a larger roof extension, for external alterations including to rooflights and roof terrace enclosure, and for internal alterations (retrospective).

Reference: 17/06018/LBC

Plan Nos: 17/06018/LBC:
Site Location Plan; 1752 (00)007; 1752 (00)101; 1752 (00)102; 1752 (00)202; 1752 (02)007 P2; 1752 (02)008 P2; 1752 (02)101 P3; 1752 (02)102 P2; 1752 (02)202 P2; 1752 (02)101 P5; 1752 (02)102 P13; 1752 (02)007 P9; 1752 (02)008 P10; 1752 (02)202 P5; Design and Access Statement; Cover Letter.

17/01483/LBC:
1752 (02)009 rev. P1, 1752 (02)001 rev.P8. 1752 (02)121 rev.P1, 1752 (01)001 rev.P6; 1752 (00)001 rev -. and file note regarding drylining vs plaster proposal dated 13 June 2016. 120P2; 430 P3

16/09856/LBC:
1752(02)007 REVP7; 1752(02)008REVP8; 1752(02)102REVP11.

16/05691/LBC:
1752 (02)009 rev. P1, 1752 (02)001 rev.P8. 1752 (02)121 rev.P1, 1752 (01)001 rev.P6; 1752 (00)001 rev -. and file note regarding drylining vs plaster proposal dated 13 June 2016.

14/11922/LBC:
1120-0001 A, 1120-0100 C, 1120-0101 C, 1120-0102 C, 1120-0103 C, 1120-0104 C, 1120-0105 C, 1120-0106 C, 1120-0200 A, 1120-0201 B, 1120-0202 A, 1120-0300 A, 1120-0301 B, 1120-0930 B, 1120-0931 B, 1120-0932 B, 1120-0933 B, 1120-0934 B, 1120-0935 B, 1120-0936 A, 1120-0940 B, 1120-0941 B, 1120-0942 B, 1120-0945 A, 1120-0946 A, 1120-1190 B, 1120-1191 C, 1120-1192 B, 1120-1193 B, 1120-1194 B, 1120-1195 B, 1120-1196 A, 1120-1197 A, 1120-1220 B, 1120-1221 B, 1120-1222 B, 1120-1310 A, 1120-1311 B, 1120-1312 B, 1120-1320 A, Planning Statement dated October 2013, Heritage Assessment dated October 2013, Supplementary Heritage Assessment dated 23 January 2014, Historic Buildings Report dated November 2011, Design and Access Statement dated October 2013. Letter from GeraldEve dated 21.11.14, Email from GeraldEve dated 06.03.15, 1752 (01): 001 P2, 002 P2,

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

13/10870/LBC:

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

15/04863/ADLBC:

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

15/06267/ADLBC:

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

15/07137/ADLBC:

1752(02)332 P2

16/05889/ADLBC:

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

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

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

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

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