

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	200 Oxford Street, London, W1D 1NU,		
Proposal	Variation of Condition 6 of planning permission dated 2 April 2004 (RN: 02/04118) for alterations to elevations; infill extension to lightwell to provide new retail and office accommodation and for new plant; erection of roof extension and installation of roof plant. Use of the third floor as offices and new fourth floor mezzanine and fifth floors as 10 flats, with ancillary office and residential areas on part sub-basement to part second floor levels namely, submission of an updated waste strategy to regularise how the waste for the retail unit is currently managed.		
Agent	apt Design Ltd.		
On behalf of	URBN UK Ltd		
Registered Number	18/01612/FULL	Date amended/ completed	26 February 2018
Date Application Received	26 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site relates to a retail unit located on the corner of Oxford Street, Great Portland Street and Market Place. Planning permission was granted on 2 April 2004 for alterations and extensions in connection with the mixed use of the building as retail, offices and 10 residential flats. This permission was implemented and was subject to a condition (No 6) which required waste management for the retail unit to be carried out in accordance with waste strategy submitted.

The approved waste strategy included the following:

- 1100 litre Eurobin compactor with space provision for storage three 1100 litre Eurobins;
- A front loading baling press with space provision for the storage of three 800x700mm bales;
- A goods lift serving all retail floors; and
- A dedicated refuse holding area off Market Place to store two 1100 litre Eurobins served by the goods lift.

Residents raised concerns that the approved refuse strategy was not being adhered to as waste is being left on Market Place, specifically cardboard boxes are have not been flattened by a baling press and have been used by rough sleepers.

A dedicated refuse storage area has been provided at basement level as required by the consent granted in 2004, however it is evident that the baling press was not installed. Permission is now sought for an updated refuse strategy and the variation of the condition 6 on the permission dated 2 April 2004. Procedurally, as this is an old consent, and variation of a condition requires a new decision notice being re-issued. Some conditions on the 2004 have been superseded by other legislation and have been removed. The condition which relates to the refuse strategy is now number 5 on the decision notice, (this was previously number 6).

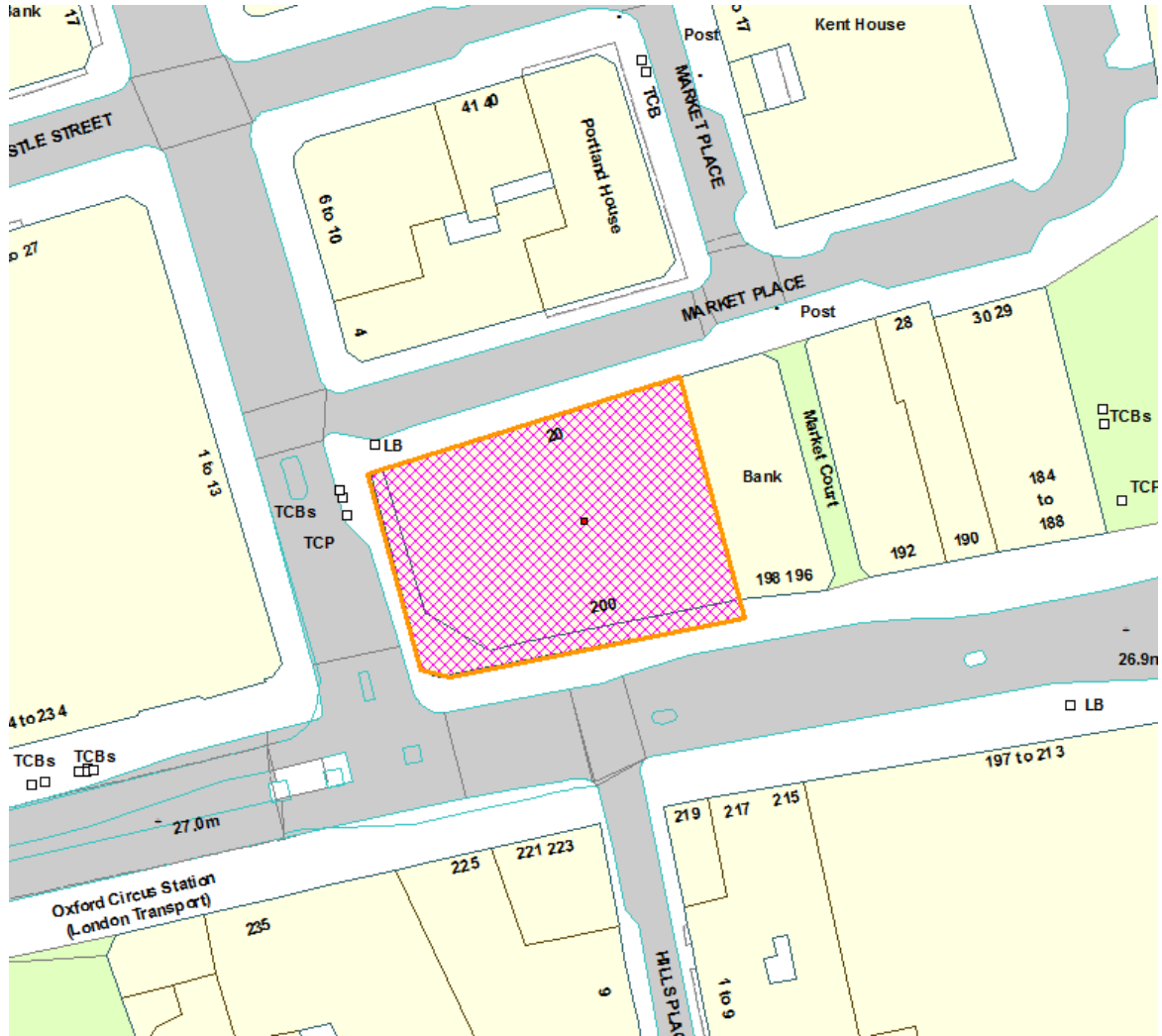
The revised refuse strategy includes the following details :

- waste generated is collected and stored in two 660 litre Eurobins within a dedicated bin store at sub-basement level. This is transported to the ground floor via a lift;
- the bins and cardboard waste are placed in a designated area on Market Place, 30 minutes prior to collection by Veolia;
- Veolia Ltd collect the waste and cardboard waste twice a day, seven days a week;
- once the waste has been collected, retail staff will collect the bins and return them to the sub-basement level.
- all cardboard waste will be flattened, taped, and stacked.

Objections have been received from residents on the upper floors of the building to the application, that waste is not being collected from holding area on Market Place promptly, that cardboard boxes are an eyesore and are used by rough sleepers which can lead to anti- social behaviour.

The Cleansing Manager advises that the refuse strategy is acceptable and has no objection to the application. Although the baler which former part of the original refuse strategy has not been installed, the revised strategy requires all cardboard waste will be flattened, taped and stacked. This is very similar to how a baler would deal with cardboard waste. The refuse storage area in the basement and holding area prior to collection remain as previously permitted. Permission could not reasonably be withheld for the proposed refuse strategy on the basis that the contractor has not always adhered to collection times. The revised waste strategy is considered acceptable.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear ground floor



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

CLEANSING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 4

No. of objections: 4 letters of objection raising all or some of the following:

Refuse

- balers and compactors not installed as part of original permission

Other

- health and safety issue caused my waste on the highway

- waste causes an eyesore

- anti-social behaviour increased from the waste on the highway

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form and refuse strategy dated 29. January 2018
2. WCC Decision Notice dated 2 April 2004
3. Response from Cleansing dated, 16 March 2018
4. Letter from occupier at 24 Market Place, dated 26 March 2018
5. Letter from occupier at 24 Market Place, dated 26 March 2018
6. Letters from occupier at 24 Market Place, dated 20 March, 21 March, 23 March 2018 and 10 April 2018
7. Letter from occupier at 24 Market Place, dated 3 April 2018

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

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

DRAFT DECISION LETTER

Address: 200 Oxford Street, London, W1D 1NU,

Proposal: Variation of Condition 6 of planning permission dated 02 April 2004 (RN: 02/04118) for Alterations to elevations; infill extension to lightwell to provide new retail and office accommodation and for new plant; erection of roof extension and installation of roof plant. Use of the third floor as offices and new fourth floor mezzanine and fifth floors as 10 flats, with ancillary office and residential areas on part sub-basement to part second floor levels namely, Service Management Plan to regularise how the waste is currently managed.

Reference: 18/01612/FULL

Plan Nos:

Refuse strategy dated 29 January 2018,

02/04118,

10A,11A,12A,13A,20A,21A; 22;1112.23.-2A,-2MA,-1A,-1MA,00A,

01A,02A,03A,04A,04MA,05A,06A,10A,11A,12A,13A,20A,21A,22A, 30A; historical report dated

12.10.01 (Price and Myers); marketing correspondence (Kitchen La Frenais Morgan); acoustic

dated May 2001 (Paul Gillieron Acoustic, Design); letter from ORMS describing waste strategy

5 March 2004. 1112.00.-2A,-2MA,-1A,-1MA,00A,01A,02A,03A,04A,05A,06A

06/00611/ADFULL,

Samples of lead roofing, zinc roofing and Burlington Blue Grey roof slate.

06/06001/ADFULL

Environmental Noise Assessment prepared by Paul Gillerion Acoustic Design dated 20.1.2006.

06/06429/ADFULL

Unnumbered generator details received 10.08.2006.

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 The principle slopes of the mansard roof extension hereby approved shall be clad in natural slates.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 3 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)

- 4 The office use allowed by this permission must not begin until the residential accommodation has been completed and made ready for occupation. (C07B),

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H3 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 5 You must provide waste storage facilities, and undertake management of those facilities, in accordance with the measures described in the refuse strategy from apt.Design Ltd dated 29.01.2018. You must clearly mark the stores and lifts and make them available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is to be collected.

Reason:

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

- 6 (a) Unless and until the 'maximum noise level' and 'measurement location' are fixed under (b), the plant/machinery hereby permitted (excluding the emergency generator) shall be operated so as to ensure that any noise generated is not audible at any time outside any residential property (to be referred to as the 'receptor location/s')., (b) If the 'maximum noise level' and 'measurement location' are fixed under this condition, the plant/machinery hereby permitted (excluding the emergency generator) shall be operated so as to ensure that any noise generated does not exceed the 'maximum noise level' when measured at the 'measurement location'., For the purposes of fixing the 'maximum noise level' and 'measurement location' under this condition, details of the following noise scheme shall be submitted to and approved in writing by the City Council, namely a scheme including:., i. A suitable location accessible to the applicant and City Council, close to the plant/machinery hereby permitted (excluding the emergency generator), for measuring noise emitted by it (to be referred to as the 'measurement location'); and, ii. Results of simultaneous monitoring at the 'measurement location' and 'receptor location/s'. This is to be carried out when the existing external background noise level at the 'receptor location' is quietest. The results of the monitoring shall determine the highest noise level (to be referred to as the 'maximum noise level') emitted by the plant/machinery hereby permitted (excluding the emergency generator) when measured at the 'measurement location' and which remains inaudible at the 'receptor location/s'. The results shall be provided as the maximum sound levels over a 5-minute period expressed as LAmax LAeq and un-weighted octave band frequency spectra.,

Reason:

The plant/machinery hereby permitted is situated in a location where the existing external background noise level is high and is causing serious detriment to the amenity of occupiers of property in the area, or in an area sensitive to increases in noise levels. No development which would cause further detriment to the external background noise level is to be permitted in these areas. This condition is to ensure that the plant/machinery hereby permitted which is in the Central Activities Zone (CAZ), on a CAZ Frontage and/or within a Stress Area will be designed and operated so that noise will not be emitted that will be audible outside the nearest noise sensitive property., This is required in order to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38AB)

- 7 The plant/machinery hereby permitted (excluding the emergency generator) shall be operated so as to ensure that there is no audible noise or perceptible vibration transmitted through the structure to adjoining premises.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38BB)

- 8 You must carry out the development in accordance with the air handling system (including technical spec and acoustic report) details approved by the City Council as Local Planning Authority on 11 September 2006 under reference RN:06/06001/ADFULL or in accordance with other air handling system details as submitted to and approved by the City Council.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38BB)

- 9 You must carry out the development in accordance with the emergency generator details as approved by the City Council as Local Planning Authority on 27 September 2006 under reference 06/06429/ADFULL or in accordance with other emergency generator details as submitted to and approved by the City Council.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38BB)

- 10 The stand-by generator hereby approved shall only be used in the case of a mains power failure or other emergency. Test periods shall be restricted to a period of not more than 60 minutes per month between 09.00 and 17.00 hours on Monday to Friday only.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R38BB)

- 11 The facade lighting units hereby approved shall be painted or otherwise treated and be permanently maintained in a colour to match the adjoining stonework

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 12 The light from the facade lighting units hereby approved shall be static and in white light only

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 13 You must apply to us for approval of a detailed section drawing of the following parts of the development - New facade lighting units. 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 this drawing. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 15 You must carry out the development in accordance with the facing materials samples approved by the City Council as Local Planning Authority on 7 February 2006 under reference RN:06/00611/ADFULL or in accordance with other facing materials samples as submitted to and approved by the City Council.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 16 The dormer windows shall be formed in timber with lead cladding to cheeks and roof

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 17 You must apply to us for approval of a method statement for the cleaning of the external facades. 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 this method statement. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

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

Reason:

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

Informative(s)

- 1 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.

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.