

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	First Chicago House, 90 Long Acre, London, WC2E 9RA		
Proposal	Part demolition, infilling and alterations to existing building to provide a building comprising 4-10 storeys for office use (Class B1) with flexible uses at lower and upper ground floor level including retail, restaurant, bar, assembly and leisure and non-residential institutions (within classes A1, A3, A4, D1, D2, and Sui Generis); internal pedestrian routes with a publicly accessible atrium; upgraded roof terraces; plant at main roof level; servicing, storage, cycle parking and associated works.		
Agent	Miss Amy Robinson		
On behalf of	N/a		
Registered Number	20/03062/FULL	Date amended/ completed	13 May 2020
Date Application Received	13 May 2020		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

1. Grant conditional permission, subject to the views of the Mayor and the completion of a S106 legal agreement to secure:

- Employment and Skills Plan including a Financial Contribution of £258,145.64 (index linked and payable on commencement of development).
- Walkways agreement for the new public route through the building.
- Dedication of highway.
- Highway works to Long Acre, Endell Street, Shelton Street and Arne Street including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).
- Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to final Energy Strategy).
- Monitoring costs.

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

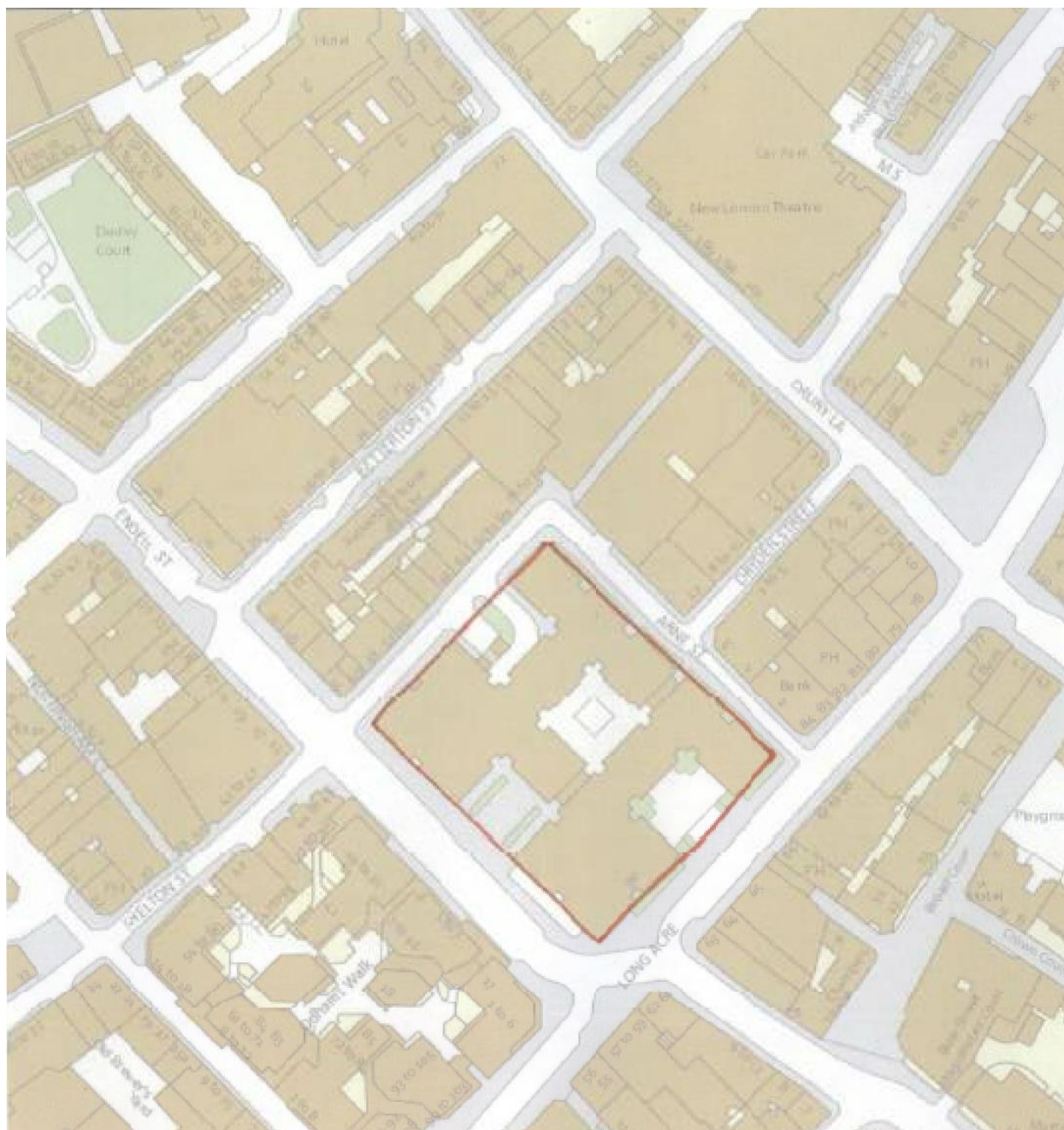
2. SUMMARY

The application relates to a complete city block bounded by Long Acre, Endell Street, Shelton Street and Arne Street, located on the border with the London Borough of Camden. Permission is sought for an office led scheme with flexible uses including retail, restaurant, bar, health, leisure, private members club or cultural rehearsal space at lower and upper ground floor level, with new shopfronts to all street elevations and a publicly accessible route through the building linking Long Acre and Endell Street.

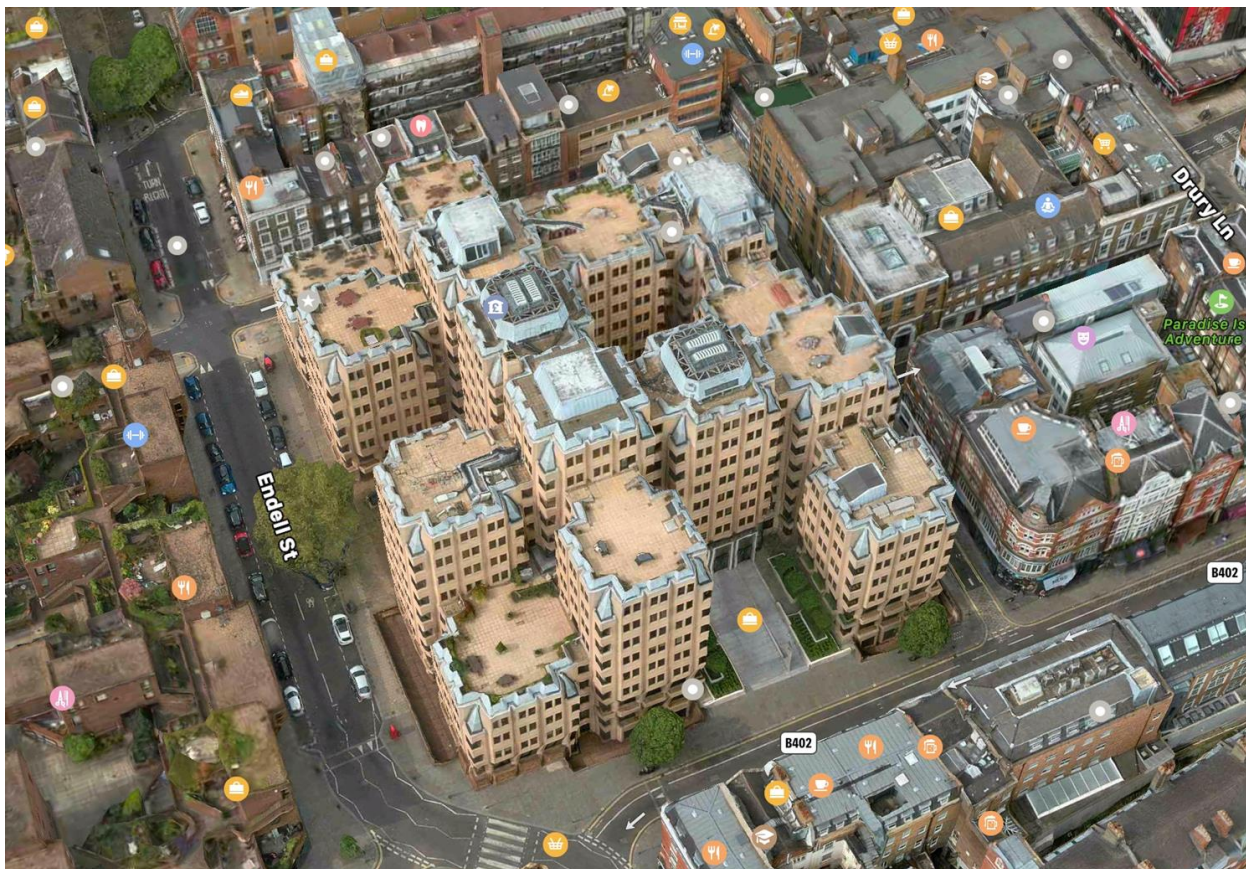
The key issues for consideration are:

- The impact of the proposals on the character and appearance of the building, the adjacent Covent Garden and Seven Dials Conservation Areas and on the setting of nearby designated heritage assets.
- The land use implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

In terms of height and bulk, the proposal will affect the setting and appreciation of a number of designated heritage assets and views from the surrounding conservation areas. However, the proposal represents an opportunity to secure the delivery of a high quality office development with new retail, health and leisure uses, with active street frontages to enliven the area, and public realm improvements, including widening the pavement on the corner of Long Acre and Endell Street and a new publicly accessible route through the building. The retention and refurbishment of the existing building, as opposed to its wholesale demolition (as previously consented for on the site) also aligns with the Council's sustainability agenda. Thus, whilst there is harm caused, in terms of design, townscape and heritage impacts, it is considered that while finely balanced the benefits of the scheme outweigh the level of harm identified.



4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL APPLICATION

GREATER LONDON AUTHORITY

- The proposal to provide 29,581 sqm. of flexible office floorspace is supported in this highly-accessible location in the CAZ. The proposed provision of 4,392 sqm. of other commercial uses is also supported.
- The proposal represents a high-quality design that effectively responds to the existing building and surrounding context. However, efforts should be made to improve the inclusivity of the proposal. In addition, a fire statement must be submitted in line with Policy D12 of the Mayor's Intend to Publish London Plan.
- The proposal would cause less than substantial harm to surrounding heritage assets, which would be outweighed by the improved quantity and quality of office and commercial floorspace and the improvements to the public realm and publicly accessible areas.
- Further information on energy, water, urban greening, and circular economy is required.
- The development is car-free which is welcomed and delivers positive public realm improvements by creating active frontages and pedestrian access points and on-site delivery in line with Healthy Streets and Vision Zero. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be secured as part of any permission.

TRANSPORT FOR LONDON

The development complies with the Intend to Publish London Plan in terms of car parking and healthy streets. Further information is required to understand how the cycling parking meets standards and the quantum of cycle parking should be increased. The servicing strategy is not preferable to TfL and poses a highway safety risk. TfL's Streetspace guidance should be referred to when planning construction logistics.

WARD COUNCILLORS FOR ST JAMES'S

Any response to be reported verbally

HISTORIC ENGLAND

No Comment. The application should be determined in accordance with national and local policy guidance.

HISTORIC ENGLAND ARCHAEOLOGY

Archaeology condition recommended.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

NATIONAL AMENITY SOCIETIES (Georgian Group, Victorian Society, 20th Century Society, Design Council ; Society for the Protection of Ancient Buildings and Council for British Archaeology)

Any response to be reported verbally.

NATURAL ENGLAND

Any response to be reported verbally.

ENVIRONMENT AGENCY

Any response to be reported verbally.

THAMES WATER

No objection. Condition recommended.

COVENT GARDEN AREA TRUST

Raise objection. The existing 90 Long Acre complex effectively reconciles the considerable size of the complex with the scale and character of its immediate and wider settings and provides generously sized, publicly accessible open-spaces on Endell Street and Long Acre, a central courtyard and an east-west pedestrian link between Endell Street and Arne Street.

Welcome in principle the proposal to retain the greater part of the existing Seifert and Partners-designed complex, but object to the highly damaging impacts of the proposed, oversized 'infills' on the Long Acre, Endell Street and Arne Street elevations, the oversized, corner-tower at the junction of Endell Street and Long Acre and the proposed, very substantial increase in bulk at roof-level and its design, on the architectural integrity and significance of the existing complex and on the settings and significance of the adjacent Covent Garden and Seven Dials Conservation Areas and nearby listed buildings.

Welcome the inclusion of retail uses along the street frontages and the improved engagement with the adjacent footways, but object to the loss of the existing pedestrian link between Endell Street and Arne Street, the central courtyard open to the sky and the publicly accessible, un-roofed insets on Long Acre and Endell Street frontages which constitute major losses to the amenity of the area.

Any proposed 'infills' should be set back significantly from the faces of the adjoining, retained elements of the original complex and should rise no higher than the penultimate storey. The corner element of the existing complex should be retained rather than replaced with the excessively high corner-tower. By reducing the potential impact of the proposed infills and corner-tower the architectural integrity and significance of the existing complex and relationship with the adjacent conservation areas and nearby listed buildings can be sustained.

The proposed detailed design and materials will militate against the need for architectural distinction between the original and new elements, and to enable the additions to be read as subordinate elements.

The substantial increase in bulk of development at roof-level and its design will have a similarly damaging impact on the architectural integrity of the original complex, and will be clearly visible from a wide area within both the Covent Garden and Seven Dials Conservation Areas, and will be viewed in conjunction with nearby listed buildings, including the grade I listed Royal Opera House.

Covent Garden already suffers from the impact of delivery vehicles. The total number of deliveries should be capped at 50 and be restricted to between 08:00-20:00. If outside

this time, deliveries must be required to comply with TfL's Guidance on Quieter Deliveries and must not take place between 23:00 and 07:00, use electric vehicles, silenced reversing alarms; use of a banksman; and doors silent in operation and closed before any loading or unloading activity is carried out.

COVENT GARDEN COMMUNITY ASSOCIATION

The proposal is bulky and will seriously damage the setting of the adjacent listed buildings and the quality of the two conservation areas on two sides of the proposed development.

Concur with the objections raised by the Covent Garden Area Trust. Loss of the east west route across the site and current public open space in the centre; filling in the sizeable indents that exist along Long Acre and Endell Street that currently assist in breaking up the monolithic quality of the building; and the overall bulk and overbearing nature of the development that will have a very serious adverse effect on the two Conservation Areas adjoining the site, and the plethora of the neighbouring listed buildings.

Over intensification will result in excessive additional servicing. The servicing area is adjacent to residential use, vulnerable to noise. There should be a banksman at all times.

Noise and Disruption will be caused during demolition/construction. The applicant should adopt the Councils Code of Construction Practice and have a dedicated contact on the development site to deal with any issues that may arise with residents.

Concern regarding the use of the proposed roof terraces and disappointing these are not to be a public space offered to local residents. Use should be restricted to 7.30pm and no music or alcohol to protect the amenity of neighbours.

BUILDING CONTROL

The structural methodology is in outline form only.

CRIME PREVENTION DESIGN ADVISER

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No car parking is proposed which is acceptable. The scheme provides 300 long term cycle spaces. This is above the minimum generated by the uplift and new uses the scheme introduces, but does not cover the full B1 floor space. The lack of providing fully compliant cycle parking is regrettable. 60 short stay cycle parking spaces are provided

which is short of London Plan policy, but site limitations are acknowledged.

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes. Trip generation modelling indicates that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network. An Operational Management Plan for any D class/Sui Generis uses should be secured by condition to minimise the impact on the surrounding highway network.

The additional pedestrian space created around the building where the building line (Long Acre frontage and Endell Street corner) is being set back is welcomed and is considered a public benefit. These areas need to be dedicated as highway. A Walkways Agreement should be secured to ensure the public route through the building is retained and accessible to all.

The application includes an off-street servicing facility to service the whole development. The design and layout of the loading bay is considered acceptable. Conditions are required that all servicing should occur from within the servicing bay and to secure a servicing management plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 323

No. of replies: 7

Letters of objection have been received from six residents within Odhams Walk (1), 80 Long Acre (1), Shelton Street (2), Betterton House, Betterton Street (1) and Sandringham Flats, Charing Cross Road (1).

Land use

- Welcome the increased commercial use at ground floor level particularly along Endell Street which is currently a lost opportunity.
- The flexible uses need to be clearly defined.
- Question the need for new office, retail and restaurant space as a result of COVID-19.
- The area already has many bars and restaurants with many standing empty so an alternative use should be defined.
- There is a need for more affordable housing in the area.

Design

- The bulk and height of the scheme is not acceptable. High rise tower blocks should not be allowed in historic Covent Garden.
- The proposal will create an even higher building than the excessively high one which already exists.
- The existing building is not unpleasant. There is unity of architecture and the different height levels give it a castellated look.
- By introducing entirely new buildings of an entirely different style in between the existing ones, the unity of architecture will be broken.

- The proposal will make the appearance of the building more oppressive and would de-humanise the area. There are historic Georgian residential townhouses right behind this site.
- Welcome the removal of the railings and lightwells, but the infills will remove valuable space at the front of the building.
- The new facades are totally out of keeping with the building and other buildings in the area. Mystified to the allusion to 'townhouse typology'.

Amenity

- Loss of daylight, privacy and overshadowing to Odhams Walk residents which comprises 105 residential flats.
- Loss of sunlight and daylight to residents in Shelton Street, Long Acre and Betterton Street.
- Noise from the roof terraces. Numbers should be limited so as not to cause noise and nuisance (10 people maximum).
- Loss of light to Endell Street which already has a 'canyon' feel too it, making it unpleasant for pedestrians.

Highways

- Increased traffic and noise disturbance to residents in Shelton Street from increased deliveries and servicing requirements, particularly early in the morning.

Other

- Reference to previous planning consent is misleading. The fact that they already have permission for an even bigger building is not a reason to except another one.
- Noise and disturbance during building works (but acknowledge it will be significantly less with reduced construction time over consented scheme for the site).
- Residents should be given a point of contact for complaints during construction.
- Loss of television signal.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

ADDITIONAL COMMENTS RECEIVED IN RESPONSE TO REVISED APPLICATION

Revisions made to the detailed design and materials of the proposed infill extensions. All of the above reconsulted.

JOINT RESPONSE FROM COVENT GARDEN AREAT TRUST AND COVENT GARDEN COMMUNITY ASSOCIATION

Welcome a number of the adjustments to the external design of the proposals, but they do not address their fundamental concerns to any significant degree.

The formal comments to original consultation remain about the seriously harmful impacts on the architectural integrity and significance of the existing Seifert and Partners' complex and on the setting and significance of the adjacent Covent Garden and Seven Dials Conservation Areas and nearby listed buildings of the proposed, substantial 'infills' on the Long Acre, Endell Street and Arne Street elevations, rising to a greater height than the adjacent elements of the existing complex; by their not being set back

significantly from the external faces of the adjacent elements of the existing complex; by the design, massing and materiality of the proposed, substantially-scaled tower at the south-west corner of the existing complex; and by the proposed, very substantial increase in the bulk of development at roof-level and its design.

The new public access route is likely to be negated by the need for a staircase linking the upper and lower ground floor levels at the heart of the complex between the two entrances on Long Acre and Endell Street. The proposed entrance to the proposed A1 unit at the corner of Long Acre and Endell Street is likely to be perceived as the main entrance to the complex.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 323

No. of replies: 1

- The scale of the proposal is too large for the site. The overall effect is too overbearing and will reduce the amount of space for pedestrians.
- Loss of light to 80 Long Acre.
- Increased traffic and problems from deliveries to the proposed retail and restaurants.
- Noise and disturbance during construction

6. BACKGROUND INFORMATION

6.1 The Application Site

90 Long Acre forms a whole street block with frontages to Long Acre (south east), Endell Street (south west), Shelton Street (north west) and Arne Street (north east). It is located on the border with the London Borough of Camden, which runs along the middle of Shelton Street.

The building was designed by R. Seifert and Partners and was constructed between 1979 and 1981. It comprises a series of connected blocks of varying height of between four and eight storeys plus two basement levels, upper and lower ground floors, with a central courtyard. It is wholly in office use (Class B1).

The building is not listed and falls outside, but adjacent to the Covent Garden and Seven Dials (London Borough of Camden) Conservation Areas. It is located within the Core Central Activities Zone (CAZ), West End Special Retail Policy Area and the West End Stress Area. The surrounding area is a mix of commercial, retail and residential uses.

6.2 Recent Relevant History

In April 2016, planning permission was granted for the demolition of existing office building (forming whole street block with frontages to Long Acre, Endell Street, Shelton Street and Arne Street) and redevelopment to provide two new buildings comprising two basements, ground and part seven to part 12 upper floors to provide a mix of uses comprising office (Class B1), 119 residential units (Class C3), retail (Class A1/A3), rehearsal space (sui generis), car parking for 30 cars accessed from Shelton Street

together with new kiosk, publicly accessible courtyard, landscaping works, public realm improvements, plant, cycle parking and other ancillary works.

In February 2019, a non-material amendment application was granted for amendments to planning permission dated 29 April 2016 (RN: 14/11129/FULL). Namely, omission of the second level of basement beneath the office building only; reduced shopfront heights; entrance to basement level 2 retail removed; adjustment of doors and louvres at ground floor level to co-ordinate with new basement layout; car lift reconfigured to stop at basement level 1; amended first floor level intermediate residential unit layout; level 1 fenestration and balconies adjusted; double height void created in front of office entrance; alterations and change of materials to vertical element of commercial facade and central blade of vertical element adjusted to centre (Long Acre elevation); and intermediate residential lobby moved from Arne Street to Shelton Street. Addition of two conditions to secure detailed drawings and samples of the vertical element to Long Acre and north-west courtyard façade, and details of storage space for the retail (class A1/A3) units.

In March 2019, a certificate of lawful existing use was granted for confirmation that the proposed works comprising the installation of four 750mm piles to the designed depth on Endell Street elevation to form part of the permanent basement structure constitute a material operation to implement the extant planning permission dated 29 April 2016.

7. THE PROPOSAL

The current application is for an office-led scheme for part demolition, infilling and alterations to the existing building. This differs from the previous consented scheme for the site (as outlined above) whereby wholesale demolition and redevelopment was proposed to provide office and residential buildings.

Planning permission is sought to replace and extend four blocks, midway along the Long Acre, Arne Street and Endell Street frontages and on the corner of Long Acre and Endell Street, to provide a building of basement, lower ground, upper ground and three to eight upper floors with a plant enclosure at main roof level. Terraces on the existing building will be upgraded at third, sixth, seventh and eighth floor level.

Flexible commercial uses including retail (Class A), restaurant (class A3), bar (class A4), non-residential institution (class D1), assembly and leisure (class D2), private members club (sui generis) or cultural rehearsal space (sui generis) are proposed at lower and upper ground floor level, with new active frontage to all streets. Office use (Class B1) is proposed at part upper ground, first to eighth floor level. A new publicly accessible route is proposed through the building from Long Acre and Endell Street with central atrium space in the heart of the building.

Ancillary facilities including plant, refuse, cycle parking, shower/changing room facilities are proposed at basement level. An off-street servicing area is proposed at lower ground floor level accessed from Shelton Street.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses can be summarised as follows:

Use	Existing GIA (sqm)	Proposed (sqm)	Change (+/-)
Office	26,008	29,581	+3,573
A1/A3/A4/D1/D2/Sui Generis	-	4,392	+4,392
Total	26,008	33,973	7,965

(Applicants calculations)

Office use

Policy S1 of Westminster's City Plan adopted November 2016 relates to mixed uses in the Core CAZ and encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports it's living, working and visiting populations. Policy S1(B) goes on to state that where the net additional floorspace (of all uses) is between 30% and 50% of the existing building floorspace, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be required, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

Policy S20 relates to offices and states that the Council will seek to exceed its target for additional B1 office floorspace capacity. This policy seeks to restrict the loss of office space to housing within the CAZ.

The proposal seeks to refurbish and extend the office floorspace by approximately 3,573sqm which is considered acceptable in land use terms. The additional floorspace, of all uses, is 30.6%, however, the increase in office floorspace is less than 30% of the existing building floorspace (of all uses) and it will not therefore trigger the requirement for new residential floorspace.

The proposed offices are located at part upper ground, first to eighth floor level and will be served by a new office reception area in the heart of the building accessed from Long Acre and Endell Street. The extension of the existing floorplates will create more efficient and flexible floorspace in order to meet the needs of modern office occupiers and would enable the space to be multi-let with the flexibility to provide small and medium scale office floorspace which is characteristic of the Covent Garden area. The offices will benefit from upgraded terraces at levels three, six, seven and eight.

The principle of the extension and enhancement of an existing office building in the Core CAZ is in accordance with Council policy.

Retail, restaurant, bar, health and leisure uses

Policy context

The site falls within the West End Special Retail Policy Area. Policy S7 of Westminster's City Plan (November 2016) relates to the West End Special Retail Policy Area and seeks to prioritise improved retail space; appropriate retail growth; improved pedestrian environment; development of oasis areas of rest, including seating areas and A3 café and restaurant uses where appropriate; and improved linkages to and from surrounding retail areas and visitor attractions and provision of appropriate service uses where they complement the shopping environment.

Policy S6 (Core Central Activities Zone) and S21 (Retail) of the City Plan and SS4 (New retail floorspace in the CAZ) of the UDP encourage new retail floorspace in the CAZ. Policy SS4 states that development schemes in areas that would benefit from more shops or services must include an appropriate number of shop type premises at street level.

Policy SS5 (West End International Centre and CAZ) of the UDP relates to non-A1 town centre uses at basement, ground and first floor level within the CAZ and states that they will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Policy S6 of the City Plan states that within the West End Stress Area new entertainment uses will only be allowed where the Council considers that they are small-scale, low impact and they will not result in an increased concentration of late-night uses.

Policy S24 of the City Plan relates to entertainment uses and states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The Policy also states that new large scale late-night entertainment uses over 500 sq. m floorspace will not generally be appropriate within Westminster.

Policies TACE 8 and 9 (Entertainment uses) of the UDP relate to restaurant/café uses (class A3) up to 500sqm and TACE 9 to bar (class A4) uses up to 150sqm within the CAZ and West End Stress Area. These policies aim to ensure that restaurant and bar uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area. Policy TACE 10 relates to restaurant and café uses over 500sqm and bar uses over 150sqm and states that they will only be permissible in exceptional circumstances.

Policy TACE 5 of the UDP and S22 of the City Plan relate to Arts and Cultural uses. These policies states that new arts and cultural uses will be granted in the Core CAZ where they would be compatible with the character and function of the area, there would be no adverse effects on residential amenity and no adverse environmental or traffic effects.

Policy S34 of the City Plan and SOC1 and SOC7 of the UDP relate to social and community infrastructure and encourage new social and community facilities. These policies supports the provision of community facilities, which includes uses within class D1 and D2, and states that community facilities will be required to be located as near as possible to the residential areas they serve; not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal; and be safe and easy to reach on foot, by cycle and by public transport.

Consideration

The proposed development includes the provision of 4,392sqm sqm of floorspace for flexible uses including retail (Class A1), restaurant (class A3), bar (class A4) non-residential institution (class D1), assembly and leisure (class D2), private members club (sui generis) or cultural rehearsal space (sui generis) at lower and upper ground floor level.

There is currently no retail floorspace within the existing building. The Infilling of existing voids, lowering floor slabs and the introduction of shopfronts to all street elevations, will activate the street frontages; and a new publicly accessible route through the building from Long Acre and Endell Street with central atrium space will enhance the character and vitality of the area.

The internal layout and external shopfronts will provide flexibility in terms of configuration to provide up to 10 units. The size and use of each unit can be summarised as follows:

Unit Number	Use Class	Unit Size (GIA WCC sqm)
1	A1/A3	177 sqm
2	A1/A3	223 sqm
3	A1/A4	104 sqm
4	A1/A3	619 sqm
5	A1/A3/A4	447 sqm
6	A1/D1/D2/Sui Generis	975 sqm
7	A1/A3	307 sqm
8	A1	493 sqm
9	A1	63 sqm
10	A1/D1/D2/Sui Generis	984 sqm

In terms of the size and operation of the units the applicant states:

- Units 1, 2 and 7 may comprise a three storey retail or restaurant unit, accessed at lower ground floor level from Endell Street, which is likely be occupied by a single operator, although units 1 and 2 could operate separately to unit 7.
- Units 6 and 10 along the length of Arne Street are likely to be a single unit, but they could be operated separately as two independent units.
- The other units are not likely to be combined and are conceived as operating separately, subject to market requirements.

The Applicant seeks the flexibility for a range of uses across the proposed units which

they state is particularly pertinent given the long term impacts that the retail and hospitality sector are likely to experience in light of Covid-19.

The provision of up to 4,392sqm of retail floorspace (class A1) is welcomed and a condition is recommended to secure a minimum of 556sqm for retail use only, in accordance with policies S6 and S21 of the City Plan and SS4 of the UDP.

The applicant seeks to use up to 1773 sqm (GIA) of the flexible floorspace for restaurant/café (Class A3) uses and up to 551 sqm for bar (class A4) use. Unit 4 comprises 619sqm and it is the applicant's aspiration for units 1,2 and 7 to have a single operator comprising one unit of 607sqm, which are proposed to have the flexibility to be used as restaurant use. Unit 7 comprises 447sqm and would include bar use. Single restaurant and bar uses of this size are only permissible in exceptional circumstances under Policy TACE 10.

The UDP recognises that larger entertainment uses can have a disproportionate impact on residential amenity and local environmental quality. However, the plan acknowledges that there can be considerable variation between the effects of different types of entertainment uses. The London Plan, the Intend to publish London Plan 2019 (policy HC6) and Culture and Night time Economy SPG 2017, are also material considerations in planning decisions. These support the growth and diversification of the night-time economy, particularly in the Central Activities Zone, building on the Mayor's Vision for London as a 24-Hour City and seeks to protect and support evening and night-time cultural venues.

The provision of restaurant and bar floorspace will complement the retail uses, activating the street frontages and will contribute towards the vitality and viability of the area. It is considered that with appropriate conditions, bar and restaurant uses of the scale proposed are acceptable in this central area of Westminster.

The applicant seeks the following hours of use for restaurant and bar uses:

Use Class	Hours of Use
Restaurant	Monday to Thursday 07:30 – 23:30 Friday to Saturday 08:00 – 00:00 Sunday and Bank Holidays 09:00- 23:00
Bar	Monday to Thursday, Sundays and Bank Holidays 07:00-00:30 Friday and Saturday 07:00-01:00

Conditions are recommended to secure an operational management plan for any restaurant and bar uses; to limit the hours of opening (as stated above); and to control internal noise to prevent noise outbreak from the units in order to protect the amenity of surrounding residents. Unit 7, on the corner of Endell Street and Shelton Street includes flexible bar and restaurant use. Shelton Street is a narrow street with residential above commercial units immediately opposite. Should a bar or restaurant occupy this unit, a condition is recommended that customers shall only access/egress the unit from Endell street which is a busier thoroughfare to protect the amenity of residents within Shelton Street.

As part of an application for a restaurant use the City Council requires the applicant to

submit details of ventilation and ducting equipment required, in order to ensure that the proposal would not result in a smell/cooking odour or noise and vibration nuisance. The applicant has made provision for full height kitchen extract ducts from the flexible units, and it is recommended that full details of plant be secured by condition.

The applicant also seeks to use up to 1959sqm of the flexible floorspace for uses within classes D1 or D2 or as a private members club (sui generis) and/or private rehearsal space (sui generis). In respect of the D1/D2 uses, the applicant envisages that these would comprise of either art gallery, health clinic, cinema or gym/health facility.

These uses are consistent with the mix of uses supported within the CAZ, and will contribute towards the character and function of the Covent Garden area. Conditions are recommended to restrict the uses within Class D1 and D2 to those outlined above and to secure an operational management plan to provide full details of future uses, including operating procedures, hours of operation, numbers of staff and customers, membership details (if relevant) and how they will prevent customers who are leaving the building from causing nuisance to surrounding residents, to ensure that neighbouring residential amenity will not be negatively impacted upon.

All of the flexible units will be serviced from within the off-street servicing area proposed off Shelton Street. A condition is recommended that all servicing must take place between 0800 and 2000 and to secure a servicing management plan which sets out the servicing process, internal storage locations, scheduling of deliveries and staffing in order to protect residential amenity.

8.2 Townscape and Design

Legislation and Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore, Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty, the relative significance of the affected asset and the severity of the harm caused.

Background

Historically the site was occupied by two perimeter blocks, and has been occupied by a variety of buildings, including St. Martins Music Hall (1850s), Queen's Theatre (1911) and later in the 1930s the site was used by Odhams Press. Before its redevelopment in the late 1970s, and following the demolition of Odhams Press, the site was briefly occupied by a Japanese Community Garden.

Designed by modernist architect Richard Seifert, 90 Long Acre is a notable example of his brutalist style, but not as refined or as noteworthy as some of his other work, such as Centre Point. Occupying the entire street block bounded by Long Acre, Endell Street, Shelton Street and Arne Street, the building consists of a series of 16 blocks, each clad in pre-cast concrete panels creating projecting bays two windows wide. Their varying heights, which range between four and ten storeys, assist in moderating the bulk and mass of the building. The building is completed by a series of subdued pitched metal roofs and turrets, which screen a succession of roof terraces.

Originally designed for office use, the ground floor is largely inactive. Sections fronting Long Acre are detached from the street by a moat of light-wells and where the plant is located on the southern corner on Endell Street, the building exhibits an imposing impenetrable wall.

Unlisted, the building resides outside of, but on the north eastern edge of the Covent Garden Conservation Area. The building features prominently in important townscape views from within the Conservation Area, including from along Long Acre, but especially from Bow Street where the building is read in the context of the grade I listed Royal Opera House, and the former Bow Street Magistrates Court, which is grade II listed.

Proposals

The Proposal intends to retain the existing structure, which when compared to the extant scheme provides significant sustainability credentials. The existing building is to be refurbished, cleaned and the glazing upgraded.

Three new infill blocks are proposed, one providing a new centralised entrance to Long Acre, a second and third to Endell Street and Arne Street. All connect to the central core of the building and existing adjoining blocks. The infills align with the bays of the existing building and none of the infills exceed the height of the existing building. Recessive elements at roof level have been introduced to ease the perceived bulk of the infills. The four-storey corner block fronting Long Acre and Endell Street is to be replaced by a nine-storey component, which is completed by a contemporary mansard style roof.

All the new extensions have a complementary architectural language which link them, but include variants, specifically the corner block, which has a chamfered corner and features glazed terracotta; and the infill to Arne Street, which is less adorned and features framed glazing. All blocks are faced in pre-cast concrete, which following officer advice has been coloured to match the tone of the existing building.

One of the main aims of the development is to improve upon and activate the principal frontages along Long Acre and Endell Street. This has been achieved by remodelling the ground floor to provide generous retail frontages which are set within articulated pre-cast bays which align with the original bays above. Also, the western light-well is to be

removed to enable the building to address the street directly.

During the course of the application a number of design concerns were raised and have subsequently been addressed through revisions. In order to reduce the extent of glazing and increase the solidity of the façade, chamfered metal fins have been introduced to the window apertures, which also serve to provide shading. Glazed terracotta surrounds have been applied to the glazing on the corner infill to improve its tonality and introduce warmth, and the infills have been remodelled at roof level to include recessed corners to reduce their bulk.

Objections to the proposed design have been received, notably from the CGCA and CGAT. Their concerns are various but include the increased height on the corner of Endell Street and Long Acre (which is very prominent with the local townscape) and by the new extensions not being set back from the face of the Seifert facades, to provide a degree of subordination to the original building. Officers have sympathy with these concerns and have sought to secure further modifications to the design to address this, however, the applicant has indicated that further amendments of the nature sought would threaten their ability to deliver the scheme and so have not made any further alterations to the height on the corner or to the building line of the new extensions.

Impacts

The site lies within the immediate setting of both the Covent Garden and Seven Dials (Camden) Conservation Areas and within the wider setting of grade I Listed Royal Opera House, the grade II* Freemasons' Hall (Camden), as well as grade II listed former Bow Street Magistrates Court and 11-19 Broad Court. As such the development has the potential to impact upon the setting of numerous designated heritage assets.

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. The setting of a heritage assets is defined in the NPPF glossary in the following terms: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

Historic England elaborates on the definition of 'setting' as follows: "Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not."

With regards to the setting of the Royal Opera House, when viewed from along Bow Street, the tall corner element of the proposed development will prominently terminate the vista looking north and draws the eye from the iconic Classical facade of the Opera House. This has the effect of eroding the prominence of the Opera House façade within this view and in this local townscape context A similar effect occurs looking eastward along Long Acre, where the new corner block will rise prominently in relation to the more distant tower of the Freemasons' Hall..

The existing building on the site falls away at the corner of Long Acre and Endell Street, lessening its bulk and mass, this arrangement also alleviates its visual presence in views

from Bow Street and Long Acre. In contrast, the proposed infill on the corner of Long Acre and Endell Street would introduce additional height and bulk on this corner which would appear to encroach upon the skyline and create a more assertive building. The increased prominence of the site on this corner serves to compete with townscape contribution of notable listed buildings within its context, notably the grade I Royal Opera House, when viewed from Bow Street.

In terms of the setting of the Covent Garden Conservation Area, the development has an indirect visual impact, affecting key townscape views from within the conservation area. This is demonstrated by verified views submitted along Bow Street and eastward along Long Acre. In these views the building is already a substantial presence albeit the relief and modelling of Seifert's design moderates this to some degree, whereas the new extensions will only increase the building's scale and dominance. It is certainly the case that the Covent Garden Conservation Area is one of variety in terms of building age, size and use and to this extent the proposed development would be another component in this eclectic townscape, however, for the most part the conservation area has a smaller scale and grain to it and this is certainly challenged by the proposal, although it is accepted that the existing building has a similar impact.

Seven Dials Conservation Area also lies directly to the north west of the site within the London Borough of Camden. Of relevance are views from Seven Dials, Endell Street and Shelton Street. Whilst not within Westminster, objections have been raised with regard to the impact of the development on views from within the Seven Dials Conservation Area, due to its height, bulk and design. In many respects the impact on the Seven Dials Conservation Area is similar to that on the Covent Garden Conservation Area, in that it is the scale and dominance of the proposed development, contrasting with the finer grain and generally lower scale of the conservation area, which results in an abrupt interface and a degree of harm caused.

Due its height and massing, the proposed development would impact upon the setting of numerous designated heritage assets, which is considered to result in less than sustainable harm.

Para 196 of the NPPF requires that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is recognised that the proposal does deliver a number of public benefits including the creation of a more open and active frontage at the base of the building, creating new retail, health and leisure uses to enliven the area. Widening of the pavement on the corner of Long Acre and Endell Street would also improve pedestrian movement within the vicinity of the site.

The retention and refurbishment of the existing building, as opposed to its wholesale demolition, also means this scheme is significantly more sustainable than the extant scheme, and aligns with the City's sustainability agenda.

Thus, in terms of design, townscape and heritage impacts, the proposals offer a number of beneficial and welcome components, while at the same time introducing elements

which do cause harm. The proposal needs to be assessed in the round taking into account the overall impact of the scheme. While there is harm caused, as will be seen from the rest of the report and from the recommendation, it is considered that while finely balanced the benefits of the scheme are capable of outweighing the level of harm identified.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings and educational buildings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, GIA, has carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at 4-6 Arne Street; Betterton House, Betterton Street; 31 and 33 Betterton Street; 18 Endell Street; 55-56, 57-59, 61-62, 63, 64-65, 65A, 66, 69-76 Long Acre; Odhams Walk; 43-47 Shelton Street and 15-21 Endell Street; and 49, 51, 53, 55, 57, 59, 61, 63 Shelton Street.

GIA have also undertaken a consented v proposed analysis to understand any additional alterations in daylight and sunlight that may occur as a result of the proposed massing when compared to the consented massing.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

The sunlight and daylight report shows that windows within Betterton House, Betterton Street; 31 and 33 Betterton Street; 18 Endell Street; 55-56, 57-59, 61-62, 69-76 Long Acre; 43-47 Shelton Street and 15-21 Endell Street; and 49, 51, 53, 55, 57, 59, 61, 63 Shelton Street will comply with BRE guidelines for daylight and sunlight.

Of the windows relevant for the sunlight assessment all will adhere to BRE guidelines, with 100% compliance achieved

Residential windows within 4-6 Arne Street, 63, 64-65, 65A, 66 Long Acre and Odhams Walk will experience some losses in daylight to living room and bedroom windows beyond BRE guidelines. Bedrooms are not considered to be main habitable rooms and are therefore considered to be less important. This report therefore focuses on the proposed losses of daylight to living, kitchen, dining room and studio units.

4-6 Arne Street

There are three residential apartments at first to third floor level with living rooms on the corner of Arne Street and Dryden Street which are served by multiple windows. The Arne Street and corner chamfered windows to each of the three living rooms (8 windows in total) will experience losses in VSC beyond BRE guidelines of between 21.2% - 34.9%, with retained levels of between 4.6 – 17.9%. The windows to the Dryden Street elevation, however, serving the same living rooms will comply and the three living rooms will remain BRE complaint with regards to the daylight distribution test (NSL). The retained daylight level within 4-6 Arne Street as a result of the current application will also be an improvement to those retained as a result of the previous consented scheme for the site.

63 Long Acre

The upper floors of 63 Long Acre are in use as residential flats. Three of the flats at first to third floor level have living/kitchen/dining room windows fronting Long Acre. Nine windows serving the three rooms will breach BRE guidelines for daylight with losses of VSC of between 28 and 29.8%. Retained VSC levels, however, will be between 11 and 16.5 which are typical levels within a densely developed urban location. These rooms are also served by a further window to Bow Street which will not be affected by the proposal. The rooms will comply with the daylight distribution test (NSL).

64 and 65 Long Acre

Planning permission was granted for the use of the first to third floor levels as eight residential flats in January 2019. It would appear that this consent has not yet been implemented, but the consented layout shows that six of the flats would have their living/kitchen/dining room windows facing Long Acre.

Seventeen windows have been tested which serve the six rooms and will breach BRE guidelines for daylight with losses of VSC of between 29.5 and 33.1%. Retained VSC levels, however, will be between 10.4 and 14.1 which are typical levels within a densely developed urban location. In terms of NSL one of the six rooms will meet BRE criteria, but the other five rooms will experience losses in NSL of between 21.7 and 37%.

It is considered that the retained lighting levels to the six flat proposed would not prohibit this development from taking place.

65A Long Acre

The upper floors of 65A Long Acre are in use as residential flats. Six flats at first to third floor level have living/kitchen/dining room windows fronting Long Acre and a flat at fourth floor level has a living room. These rooms are served by fifteen windows which will

breach BRE guidelines for daylight with losses of VSC of between 23.7 and 30.5%. Retained VSC levels, however, will be between 10.7 and 17.3 which again are typical levels within a densely developed urban location. In terms of NSL three of the seven rooms will meet BRE criteria with four experiencing losses in NSL of between 22.5 and 31.4%.

66 Long Acre

66 Long Acre is in use as a public house with ancillary residential accommodation at second and third floor level. The windows facing Long Acre are bedroom windows.

Odhams Walk

Odhams walk is a residential housing estate on the opposite side of Endell Street. The applicant has identified 21 flats with windows facing the site. 86 windows serving 51 rooms have been assessed, with 28 rooms compliant with BRE guidelines with regards to VSC and NSL.

17 windows serving 13 kitchens and living rooms and 1 studio apartment will breach BRE guidelines for daylight with losses of VSC of between 20.9 and 29.1 (with the exception of one window which will have a 50% loss as it already receives a very low level of light due to its location set within a lightwell, but this does not directly face the site). However retained VSC levels will be between 10.1 and 18 which are typical levels within a densely developed urban location. In terms of NSL five kitchen windows will breach BRE guidelines experiencing losses of between 30.75 and 37.8%.

Inevitably, any new development which increases height and bulk on a site within a close urban environment is likely to have some impact on the light received by neighbouring properties. The proposal will result in a material worsening of daylight standards to a number of residential flats within Long Acre and Odhams Walk as outlined above. Whilst these daylight losses are regrettable, the retained VSC and NSL levels are not uncommon in a close urban environment and it is not considered that a refusal on the grounds of loss of daylight to these properties could be sustained.

Sense of Enclosure

Long Acre and Endell Street are wider streets in comparison to many of the narrow, relatively enclosed streets which are characteristic of this area, and it is not considered that the proposal will result in a sense of enclosure to properties on Long Acre or Endell Street.

Given that the existing building is being retained to the Shelton Street frontage (with the exception of the servicing area) the proposal will not result in a sense of enclosure to residents of Shelton Street. These properties would be significantly impacted upon in terms of light and enclosure were the consented scheme for the site implemented.

Privacy

CGCA and a neighbouring residents have raised an objection on the grounds that the proposed terraces will result in noise and a loss of privacy.

Seven existing roof terraces are to be upgraded at third (1), sixth (3), seventh (1) and eighth Floor level (2) for use in connection with the offices. All seven terraces are on the retained part of the existing building where terraces already exist and they will not

therefore give rise to any new amenity implications. Accordingly the proposal is considered acceptable in amenity terms.

8.4 Transportation/Parking

The applicant has submitted a Transport Assessment in support of their application. No car parking is proposed which is consistent with UDP policies TRANS21 and TRANS22 of the UDP.

Cycle parking

300 long stay cycle parking spaces are proposed for the office and flexible uses. This falls short of the Intend to Publish London Plan policy which would require 328 cycle parking spaces for a new development. It is disappointing that the full amount of cycle parking space required for a development of this size is not being provided, however, the amount proposed is above that which would be generated from the increase in floorspace and new uses introduced into the site and it is not therefore considered that the application could reasonable be refused on the grounds of lack of cycle parking.

A further 60 short stay cycle parking spaces are proposed, a shortfall of 103 spaces against London Plan standards. Due to site constraints and lack of public realm spaces this is considered acceptable in this instance.

It is recommended that the cycle parking provision be secured by condition. Showers and changing facilities are provided at basement level which is welcomed.

Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing provision. The proposed development includes an off-street servicing bay on Shelton Street to service the whole development.

The applicant maintains that all servicing will be able to be accommodated within the proposed servicing bay. The Highways Planning Manager considers that the design and layout of the loading bay is acceptable and raises no objection to this element of the scheme subject to conditions that all servicing occurs from within the servicing bay and not from the highway; and to secure a servicing management plan.

Highway works

The proposed building on the corner of Long Acre and Endell Street has been chamfered to increase the pavement width in this area, in order to improve the pedestrian environment at this corner which is currently very narrow. This set back is welcomed and it is recommended that its dedication as public highway be secured through a s.106 legal agreement.

A new public access route is proposed through the building and it recommended that a walkways agreement be secured through the s.106 legal agreement to ensure public access is retained and accessible to all.

It is recommended that highway works to Long Acre, Endell Street, Shelton Street and Arne Street, including changes to on-street restrictions, alterations to the vehicle access

and adjoining footway and associated works are also secured through the S106 legal agreement.

8.5 Economic Considerations

The economic benefits of the development are welcomed.

8.6 Access

Level access is proposed into each of the uses at lower and upper ground floor level with lift access to the basement and upper floors. Lift lobbies, corridors and thresholds will comply with the Disability Discrimination Act.

Long Acre and Endell Street are at different levels and it is not therefore possible for the new public route, which links the two street via an internal atrium, to provide a single floor level. However, it has been designed to provide a single continuous journey between the two entrances, which will include a step free route with sloping floors and landings for the mobility-impaired.

8.7 Other UDP/Westminster Policy Considerations

Noise/Plant

Plant is proposed in the basement and within a new plant enclosure at main roof level. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

Refuse /Recycling

A central waste store is proposed at basement level with separate waste, recycling and food waste storage areas, which are large enough to accommodate the waste expected from the development. A collection area is proposed within the servicing bay at ground floor level to prevent waste being stored on-street pending collection. The Council's Waste Project Officer raises no objection.

Trees/Biodiversity

There are three street trees surrounding the site, two Pears on Long Acre and one London Plane on Endell Street. There are Hornbeams and shrubs growing in raised planters within the site.

The Pear trees have restricted root development into the site and will not be affected by the proposal. The London Plane tree will need to be protected during construction work and it is recommended that details be secured by condition. The loss of the Hornbeams is considered acceptable.

Urban greening is proposed in the form of biodiverse and sedum roof areas, planting on the roof terraces and within the moat and climbers along the moat railings.

Given the physical constraints of the existing building, the infill elements and the improved pavement areas proposed, there are limited opportunities for further greening. Notwithstanding this, the proposals would provide a net improvement in terms of urban greening and biodiversity compared to the existing situation.

It is recommended that full details of landscaping, water irrigation and the biodiverse living roofs, including a management plan are secured by condition.

Sustainability

The applicant has submitted an Energy Statement and a Sustainability Strategy in support of their application.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

The applicants approach to the energy efficiency measures for the proposed development has been holistic for both the new-build and refurbished elements of the scheme to ensure that it will be as energy efficient as practicable as a whole. It is proposed to deliver a 78% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this by reducing the building surface area and therefore heat loss; retention of a significant part of the existing building; and energy efficient building fabric including mixed mode ventilation with natural ventilation; a high performance thermal envelope to the new build elements and significant improvements to the existing facade and glazing; energy efficient fan coil units; high efficiency lighting and lifts; and heat recovery devices. Renewable energy is proposed in the form of high efficiency Air Source Heat Pumps for heating and cooling; water-to-water heat pumps for changing and shower facilities; and roof mounted PVs.

The carbon dioxide savings exceed the on-site target set within the London Plan for non-domestic uses. However, the new build element does not meet the 35% Carbon reduction requirement set out in the Intend to Publish London Plan.

The applicant is currently in discussions with the GLA about further carbon reduction measures which can be implemented for the new build elements of the development. A carbon offset payment will be required for any shortfall in carbon savings relative to the requirements of the London Plan and will be secured through the s.106 legal agreement. The carbon offset payment will be calculated when the final energy strategy is agreed.

There are no available existing or proposed district heating networks in the vicinity of the proposed development. However, the scheme will be future proofed to make allowance for connection should a low-carbon district heat network become available.

The scheme seeks to achieve a BREEAM 'Excellent' rating under BREEAM New Construction 2018 assessment methodology.

Air Quality

The site falls within an Air Quality Management Area. The applicant has submitted an Air Quality Assessment in support of their application which concludes that the development will be air quality neutral.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

8.9 Neighbourhood Plans

Not applicable.

8.10 London Plan

The application has been referred to the Mayor of London and the stage 1 referral letter has been received. The Mayor supports the application in principle and considers that it represents a high-quality design that effectively responds to the existing building and surrounding context. The proposal would cause less than substantial harm to surrounding heritage assets, which would be outweighed by the improved quantity and quality of office and commercial floorspace and the improvements to the public realm and publicly accessible areas. The development is car-free which is welcomed and delivers positive public realm improvements by creating active frontages, pedestrian access points and on-site delivery. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be secured. Further clarification/details are required in relation to inclusivity, fire, energy, water, urban greening, and circular economy.

Informal post stage 1 comments have been received confirming outstanding issues relating to inclusivity, urban greening, water (rainwater harvesting) and circular economy have been addressed. The proposed fire strategy will need to be secured by condition. A carbon offset payment will be required for any shortfall in carbon savings when the final energy strategy is agreed.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

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

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- Employment and Skills Plan including a financial contribution of £258,145.64 (index linked and payable on commencement of development).
- Walkways agreement for the new public route through the building.
- Dedication of highway.
- Highway works to Long Acre, Endell Street, Shelton Street and Arne Street including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).
- Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to final Energy Strategy).
- Monitoring costs.

The estimated CIL payment is: £3,360,446.22 (£1,970,600 Westminster CIL and £1,389,846.22 Mayor's CIL).

8.13 Environmental Impact Assessment

The City Council issued a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 on 1 November 2016 confirming that a development of this nature would not require an Environmental Impact Assessment (EIA).

Sustainability and environmental issues have been covered in section 8.7 above.

8.14 Other Issues

Construction impact

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to

provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

(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: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

9. KEY DRAWINGS

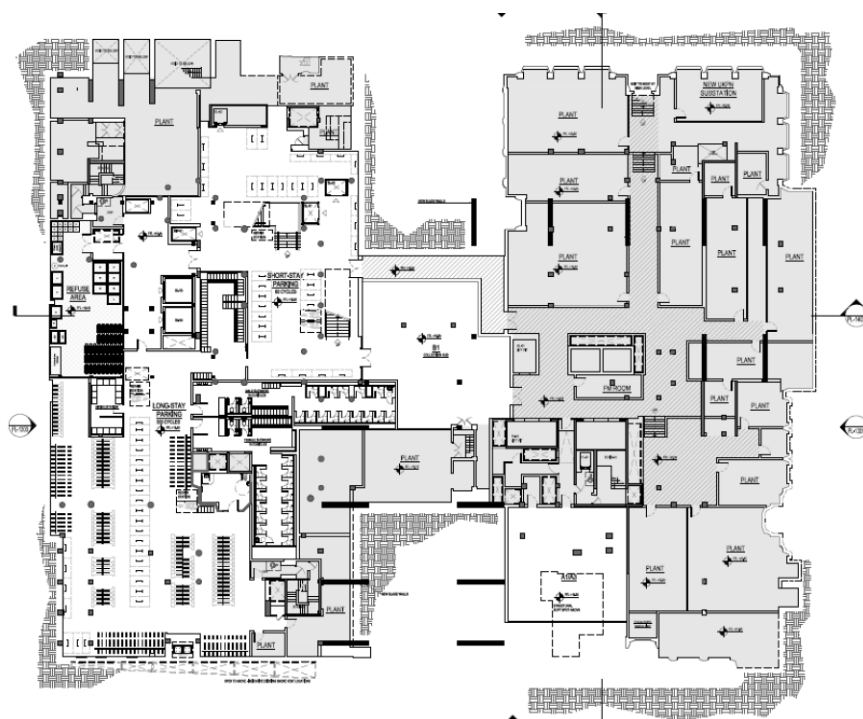


Proposed Long Acre

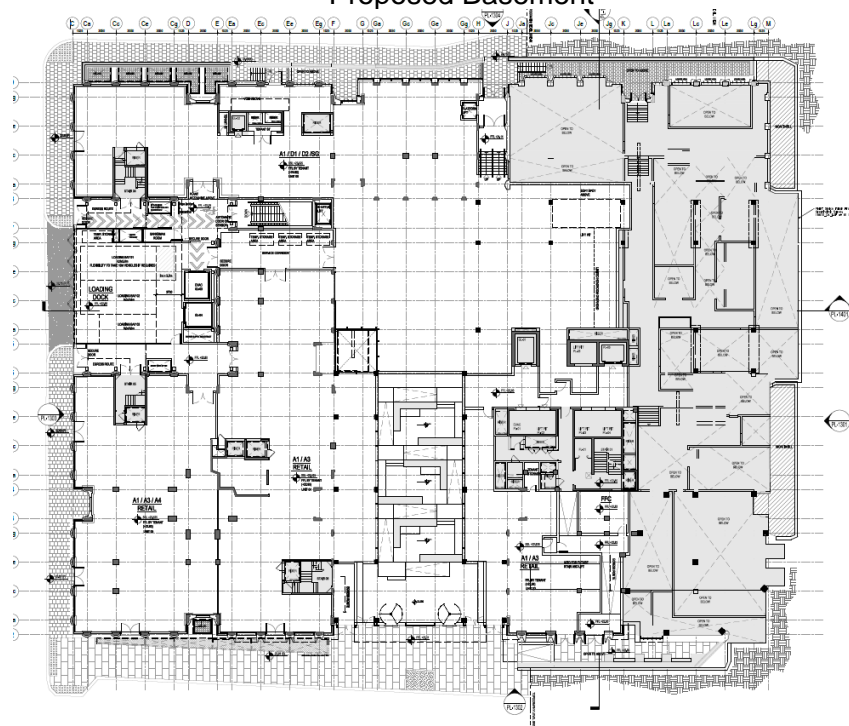


Proposed Endell Street

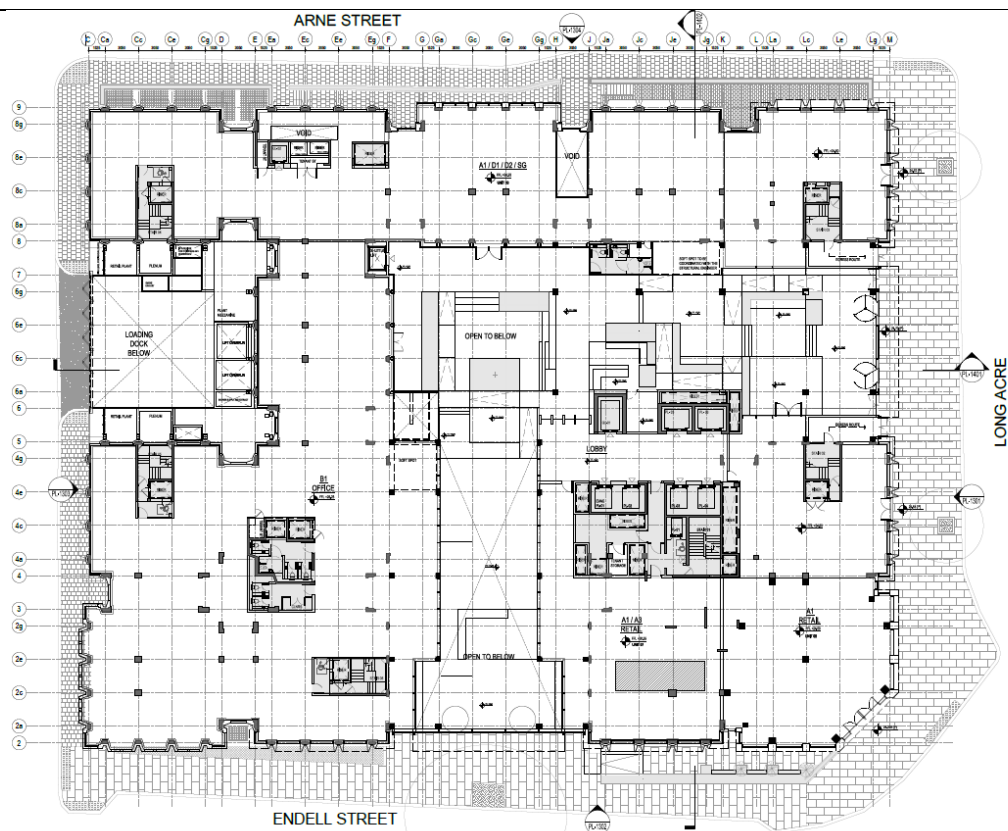




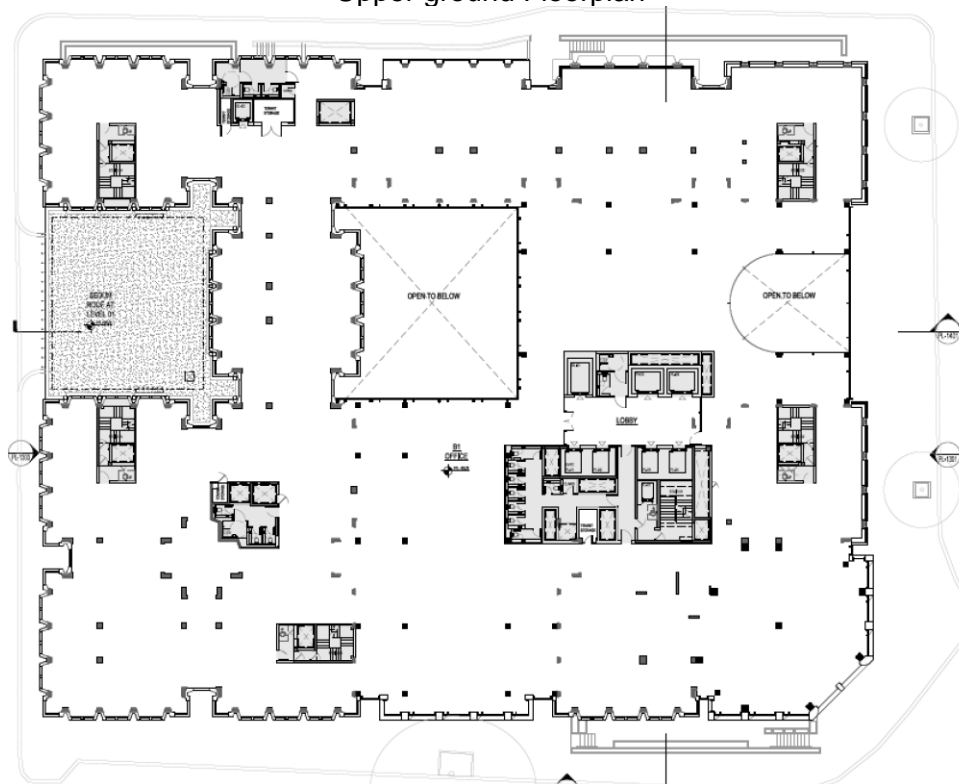
Proposed Basement



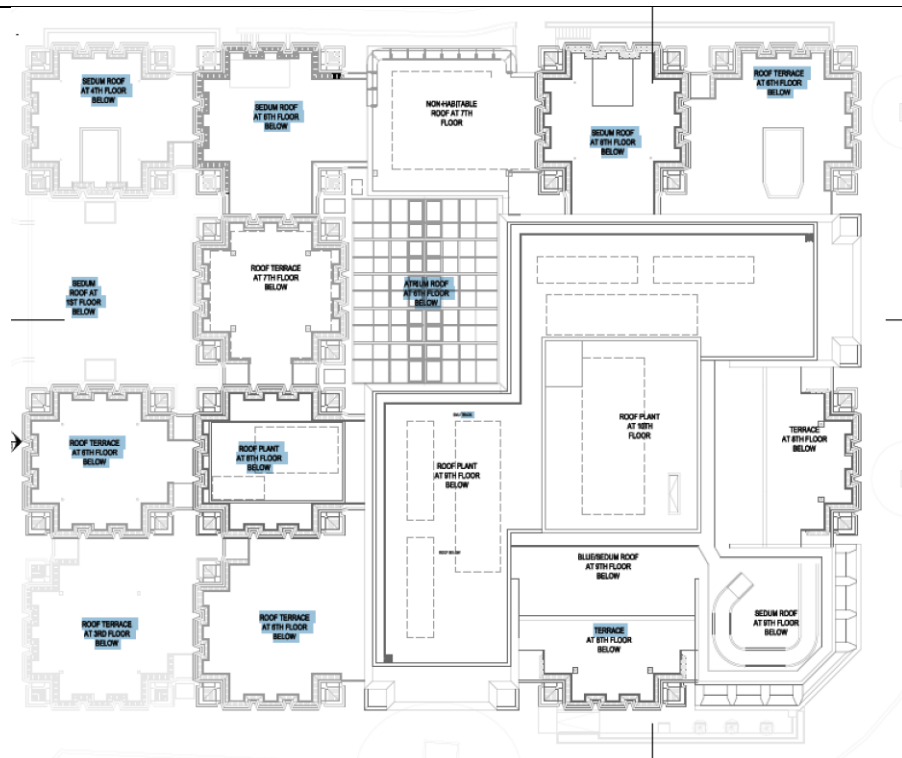
Proposed Lower Ground Floorplan



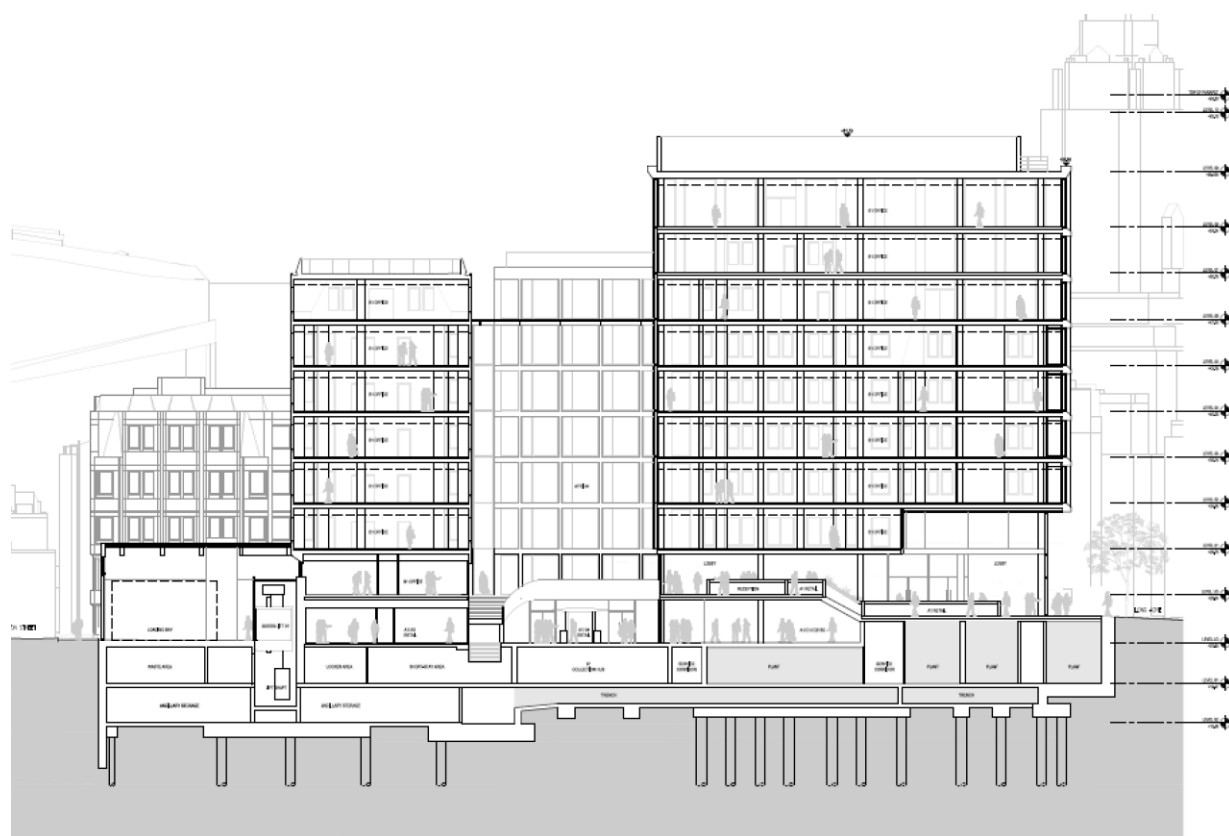
Upper ground Floorplan



Proposed first Floorplan



Proposed Roof Plan



Proposed section



Corner Long Acre and Endell Street

DRAFT DECISION LETTER

Address: First Chicago House, 90 Long Acre, London, WC2E 9RA,

Proposal: Part demolition, infilling and alterations to existing building to provide a building comprising 4-10 storeys for office use (Class B1) with flexible uses at lower and upper ground floor level including retail, restaurant, bar, leisure and non-residential institutions (Class A1, A3, A4, D1, D2, and Sui Generis accommodation); internal pedestrian routes with a publicly accessible atrium; upgraded roof terraces; and servicing, ancillary plant and storage, cycle parking and other associated works.

Reference: 20/03062/FULL

Plan Nos: Existing Drawings: LA GEN XX B2 DR PL 0107/P01; LA GEN XX B1 DR PL 0108; LA GEN XX LG DR PL 0109/P01; LA GEN XX UG DR PL 0110/P01; LA GEN XX 01 DR PL 0111/P01; LA GEN XX 02 DR PL 0112/P01; LA GEN XX 03 DR PL 0113/P01; LA GEN XX 04 DR PL 0114/P01; LA GEN XX 05 DR PL 0115/P01; LA GEN XX 06 DR PL 0116/P01; LA GEN XX 07 DR PL 0117/P01; LA GEN XX 08 DR PL 0118/P01; LA GEN XX 09 DR PL 0119/P01; LA GEN XX RF DR PL 0120/P01; LA GEN XX XX DR PL 0131/P01; LA GEN XX XX DR PL 0132/P01; LA GEN XX XX DR PL 0133/P01; LA GEN XX XX DR PL 0134/P01; LA GEN XX XX DR PL 0141/P01 and LA GEN XX XX DR PL 0142/P01. Demolition drawings: LA GEN XX B2 DR PL 1007/P01; LA GEN XX B1 DR PL 1008; LA GEN XX LG DR PL 1009/P01; LA GEN XX UG DR PL 1010/P01; LA GEN XX 01 DR PL 1011/P01; LA GEN XX 02 DR PL 1012/P01; LA GEN XX 03 DR PL 1013/P01; LA GEN XX 04 DR PL 1014/P01; LA GEN XX 05 DR PL 1015/P01; LA GEN XX 06 DR PL 1016/P01; LA GEN XX 07 DR PL 1017/P01; LA GEN XX 08 DR PL 1018/P01; LA GEN XX 09 DR PL 1019/P01; LA GEN XX RF DR PL 1020/P01; LA GEN XX XX DR PL 1031/P01; LA GEN XX XX DR PL 1032/P01; LA GEN XX XX DR PL 1033/P01; LA GEN XX XX DR PL 1034/P01; LA GEN XX XX DR PL 1041/P01 and LA GEN XX XX DR PL 1042/P01.

Proposed drawings: LA GEN XX RF DR PL 0201/P01; LA GEN XX RF DR PL 0202; LA GEN XX LG DR PL 0209/ P01; LA GEN XX UG DR PL 0210/P01; LA GEN XX B2 DR PL 1207/P01; LA GEN XX B1 DR PL 1208/P02; LA GEN XX LG DR PL 1209/P02; LA GEN XX UG DR PL 1210/P02; LA GEN XX 01 DR PL 1211/P01; LA GEN XX 02 DR PL 1212/P01; LA GEN XX 03 DR PL 1213/P01; LA GEN XX 04 DR PL 1214/P01; LA GEN XX 05 DR PL 1215/P01; LA GEN XX 06 DR PL 1216/P01; LA GEN XX 07 DR PL 1217/P01; LA GEN XX 08 DR PL 1218/P02; LA GEN XX 09 DR PL 1219/P02; LA GEN XX RF DR PL 1220/P02; LA GEN XX XX DR PL 1301/P02; LA GEN XX XX DR PL 1302/P02; LA GEN XX XX DR PL 1303/P01; LA GEN XX XX DR PL 1304/P01; LA GEN XX XX DR PL 1310/P01; LA GEN XX XX DR PL 1320/P02; LA GEN XX XX DR PL 1321/P01; LA GEN XX XX DR PL 1322/P01 and LA GEN XX XX DR PL 1323/P01; LA GEN XX XX DR PL 1401/P01 and LA GEN XX XX DR PL 1402.

For Information Only: Design and Access statement, prepared by Gensler May 2020; Design and Access Statement Addendum August 2020; Planning Statement, prepared by Gerald Eve LLP May 2020; Energy Statement, prepared by Arup May 2020; Sustainability Statement, prepared by Arup May 2020; Daylight & Sunlight Report, prepared by GIA May 2020; Townscape, Heritage and Visual Assessment, prepared by Turley May 2020; Transport Assessment including Travel Plan and

Delivery and Servicing Management Plan, prepared by Arup May 2020; Air Quality Assessment, prepared by Arup May 2020; Arboricultural Impact Assessment, prepared by Waterman May 2020; Outline Construction Logistics Plan, prepared by Platform May 2020; Technical Report (including, Flood Risk Assessment, Noise Impact Assessment, Structural Survey/Structural Methodology Statement, Ventilation / Extraction Statement, Circular economy statement), prepared by Arup May 2020; Fire Strategy Rev 02 by Arup dated 20 August 2020; Transport and Logistics Comment Responses by Arup 7 July 2020, 5 August 2020 and 21 September 2020; Response to Thames Water by Arup 8 July 2020; and Response to GLA stage 1 Report including Appendix 1 - 7 by Gerald Eve dated 7 August 2020.

Case Officer: Julia Asghar

Direct Tel. No. 07866037964

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 **Pre Commencement Condition.** Prior to the commencement of any:
 - (a) Demolition, and/or,
 - (b) Earthworks/piling and/or
 - (c) Construction

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Typical Bay Studies for each new infill showing materials and architectural components, including glazing (scaled elevation and section drawings).

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

- i) Shopfronts.
- ii) Glazing system to the entrances to Long Acre and Endell Street.
- iii) Ventilation louvers,
- iv) Roof top plant enclosures, including materials and colour.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of a signage strategy to ensure a consistent approach is applied to the shop fronts. You must not occupy the flexible retail/A3/A4/D1/D2/Sui generis units until we have approved what you have sent us. Any future signage proposals must then comply with this signage strategy.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

9 Pre Commencement Condition.

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

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)

- 10 No more than 4,392 sqm (GIA) of floorspace at basement, lower ground and upper ground floor levels shall be used flexibly within Classes A1, A3, A4, D1, D2, private members club (sui generis) or cultural rehearsal space (sui generis), with the following individual limitations:
- a. No more than 1773 sqm (GIA) shall be used as restaurant/cafe use within Class A3 at any one time, with no one individual unit exceeding 619sqm;
 - b. No more than 551 sqm (GIA) shall be used as bar use within class A4 at any one time; with no one individual unit exceeding 447sqm;
 - c. No more than 1959 sqm (GIA) shall be used for a use falling within Class D1, D2 or as a private members club (sui generis) or cultural rehearsal space (sui generis) at any one time; and
 - d. A minimum of 556 sqm (GIA) shall be used as retail within Class A1 at any one time.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SS4, SS5, TACE 8, TACE 9, TACE10 and SOC1 of our Unitary Development Plan that we adopted in January 2007 and S6, S7, S24 and S34 of Westminster's City Plan (November 2016).,

- 11 Customers shall not be permitted within any restaurant (class A3) premises before 07:30 or after 23:30 Monday to Thursday, before 08:00 or after 00:00 (midnight) Friday and Saturday and before 09:00 or after 23:00 On Sunday and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8, 9 and 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC),

- 12 Customers shall not be permitted within any bar (class A4) premises before 07:00 or after 00:30 Monday to Thursday, Sunday and Bank Holidays and before 07:00 or after 01:00 on Friday and Saturdays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8, 9 and 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 You must apply to us for approval of an operational management plan (OMP) for each of the flexible units before any of the following uses commence:

- (i) Restaurant/cafe (Class A3);
- (ii) Bar (class A4);
- (iii) Use within Class D1;
- (iv) Use within Class D2;
- (v) Private members club (sui generis);
- (vi) cultural rehearsal space (sui generis).

Each OMP should include number of staff and customers, hours of operation, membership details (if relevant) and show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy any of the above uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that these uses are in place. Should any of the uses change a new OMP will be required to be submitted and approved by us and the measures carried out at all times that the use is in place. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S6, S24, S29, S32 and S34 of Westminster's City Plan (November 2016) and TACE8, TACE 9, TACE 10, SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB),

- 14 If any part of the flexible floorspace is occupied by a use within Class D1 or D2, you can only use it for the purposes of an art gallery, health clinic, cinema or gym/health and fitness facility. You must not use it for any other purposes, within Class D1 or D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05BB), ,

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29, S32 and S34 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB),

- 15 If Unit 7 of the flexible floorspace is occupied as either restaurant (class A3) or bar (class A4) use, customers shall only access and egress the unit from Endell Street, except in the case of an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8, 9 and 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 You must apply to us for approval of a Servicing Management Plan prior to occupation of the development. The plan should identify process, internal storage locations,

scheduling of deliveries and staffing. All servicing must take place between 0800 and 2000. You must not commence any of the uses until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of the development, unless otherwise agreed in writing by the local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in 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 No music shall be played such as to be audible outside the premises to the nearest noise sensitive, residential receptor.

Reason:

To protect the environment of people in neighbouring properties, as set out in 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. (R13BC), ,

- 18 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the uses 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative

position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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. (R47AB)

- 19 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, for any restaurant (class A3) uses or other uses which contain a commercial kitchen, including details of how it will be built and how it will look. You must not begin any restaurant uses allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 20 (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. (R46AB)

- 21 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. (R48AA)

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. (R48AA)

- 22 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties, as set out in 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. (R13BC)

- 23 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(s) 20 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 (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 24 You must provide the waste store shown on drawing LA-GEN-XX-B1-DR-PL-1208/P02 before anyone moves into the property. You must clearly mark it and make it 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 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 25 No waste should be left or stored on the public highway.

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)

- 26 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)

- 27 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 2016 (R22FA)

- 28 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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)

- 29 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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)

- 30 You must apply to us for approval of detailed drawings of a planting scheme for the external terraces which includes the number, size, species and position of trees and shrubs and how they will be irrigated. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 31 You must apply to us for approval of detailed drawings and a bio-diversity management plan (including irrigation measures) in relation to the sedum and biodiverse roofs to include construction method, layout, species and maintenance regime. You must not occupy the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain

in accordance with the approved management plan.,

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 32 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 33 You must apply to us for our approval of any work you want to carry out on any trees. You must not start any work until we have approved what you have sent to us. The tree work must be carried out according to the approved details. (C31NA)

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 34 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.

- Photovoltaics,
- Air source heat pumps,
- Future connection to district heating network.

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)

- 35 The development shall achieve a BREEAM rating of 'Excellent' (New Construction 2018 or any such national measure of sustainability that replaces that scheme of the same standard). A post construction certificate confirming this standard under BREEAM has been achieved must be issued by the Building Research Establishment, and submitted for approval by the Local Planning Authority within 3 months of

completion on site.

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)

- 36 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. (Please see informative 27).

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 37 You must apply to us for approval of a fire safety strategy. You must not occupy the building until we, in consultation with the Greater London Authority, have approved what you have sent us. You must then carry out the measures included in the approved fire safety strategy and you must not change it without our permission. (Please see informative number 28).

Reason:

All developments must achieve the highest standards of fire safety as set out in Policies D5 and D12 of the Mayor's Intend to Publish London Plan dated December 2019.

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, neighbourhood plan (where relevant), 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 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:
 - Employment and Skills Plan including a Financial Contribution of £258,145.64 (index linked and payable on commencement of development).
 - Highway works to Long Acre, Endell Street, Shelton Street and Arne Street including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).
 - Dedication of highway.
 - Walkways agreement for the new public route through the building.
 - Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to revised Energy Strategy).
 - Monitoring costs.

- 3 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)

- 4 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

- 5 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.

- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

- 7 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is

supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.

- 8 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 9 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 10 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 11 We recommend you speak to the Head of Building Control 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 6500 or email districtsurveyors@westminster.gov.uk.
- 12 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 13 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 14 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 15 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 16 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to

contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 17 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 18 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 19 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 20 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning

authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 21 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)
- 22 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the flexible floorspace can change between the uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 23 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. You should also check whether these features will need planning permission. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region.
- 24 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 25 There is a list of arboricultural consultants who have been approved by the Arboricultural Association at www.trees.org.uk. (I92CA)
- 26 Please read the following., , * British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction, * National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995), * Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)

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- 27 With regards to condition 36, please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you are working above or near Thames Water pipes or other structures., , Should you require further information please contact Thames Water. , Email: developer.services@thameswater.co.uk , Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) , Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 28 The fire safety strategy required under condition 37 should set out how the development proposal will function in terms of points 1-6 set out under Policy D12(B) of the Mayor's Intend to Publish London Plan dated December 2019. The strategy should also address Policy D5 (Inclusive Access) which states that in all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

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.