

|  |   |  |                |
|--|---|--|----------------|
| <b>CITY OF WESTMINSTER</b>                                       |   |  |                |
| <b>PLANNING APPLICATIONS SUB COMMITTEE</b>                       | <b>Date</b><br>7 February 2023  | <b>Classification</b><br>For General Release |                |
| <b>Report of</b><br>Director of Town Planning & Building Control |   | <b>Ward(s) involved</b><br>St James's        |                |
| <b>Subject of Report</b>   | <b>St James's Church, 197 Piccadilly, London, W1J 9ET</b>   |  |                |
| <b>Proposal</b>  | Alterations to Piccadilly Building including erection of 3-storey extension to east and south and addition of new mansard roof at third floor to provide additional church office and meeting room accommodation; new plant rooms at basement level, plant at new third floor level, new service tower within Piccadilly Building and demolition of vestry link building to create new entry to Church yard from Church Place; relocation of rectory accommodation from Piccadilly Building into Jermyn Street Building and erection of new second floor mansard to Jermyn Street Building to support rectory use; relocation of existing cafe accommodation from ground floor of Jermyn Street Building into ground and part basement floor of Piccadilly Building; alterations to St James's church including repair of spire, installation of plant within former bell tower, excavation beneath the south porch of the church; and reinstatement of south entrance door; alteration of Jermyn Street Building to provide new route between Jermyn Street and the churchyard, new railings to Jermyn Street, and re-landscaping of the North and Green Churchyards, and erection of new single storey garden pavilion in Green Churchyard. |  |                |
| <b>Agent</b>   | Ptolemy Dean Architects Limited   |  |                |
| <b>On behalf of</b>  | Rev Lucy Winkett  |  |                |
| <b>Registered Number</b>   | 22/05329/FULL   | <b>Date amended/ completed</b>               | 23 August 2022 |
| <b>Date Application Received</b>                                 | 4 August 2022   |  |                |
| <b>Historic Building Grade</b>                                   | I   |  |                |
| <b>Conservation Area</b>   | St James's  |  |                |
| <b>Neighbourhood Plan</b>  | N/A   |  |                |

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY & KEY CONSIDERATIONS

St James's Piccadilly is a Grade I listed building in the St. James's Conservation Area to which it makes a positive contribution. The site includes a 2-storey building adjoining the church on Jermyn Street and a 3-storey plus basement building at the north-east corner of the site on the corner of Piccadilly with Church Place.

The application proposes to alter and extend the existing 3-storey Piccadilly building by way of a new mansard roof, together with a part rear and side 3-storey extension, to provide additional church office and meeting room accommodation. The Jermyn Street building is also to be extended by way of a new second floor mansard roof for rectory use; and the existing cafe accommodation here is to be relocated from the ground floor of the Jermyn Street building into the ground floor of the Piccadilly building.

Alterations to the church itself include excavation beneath the south porch of the church to provide additional wc accommodation and the reintroduction of its south door from St James's Square. This will reinstate the historic connection between the church and the Square. A further proposed change is the reinstatement of the lost corner pinnacle spires to the tower.

The churchyards will be made fully accessible and will be re-landscaped with all of the key trees to be retained. A further new access from Church Place is to be created.

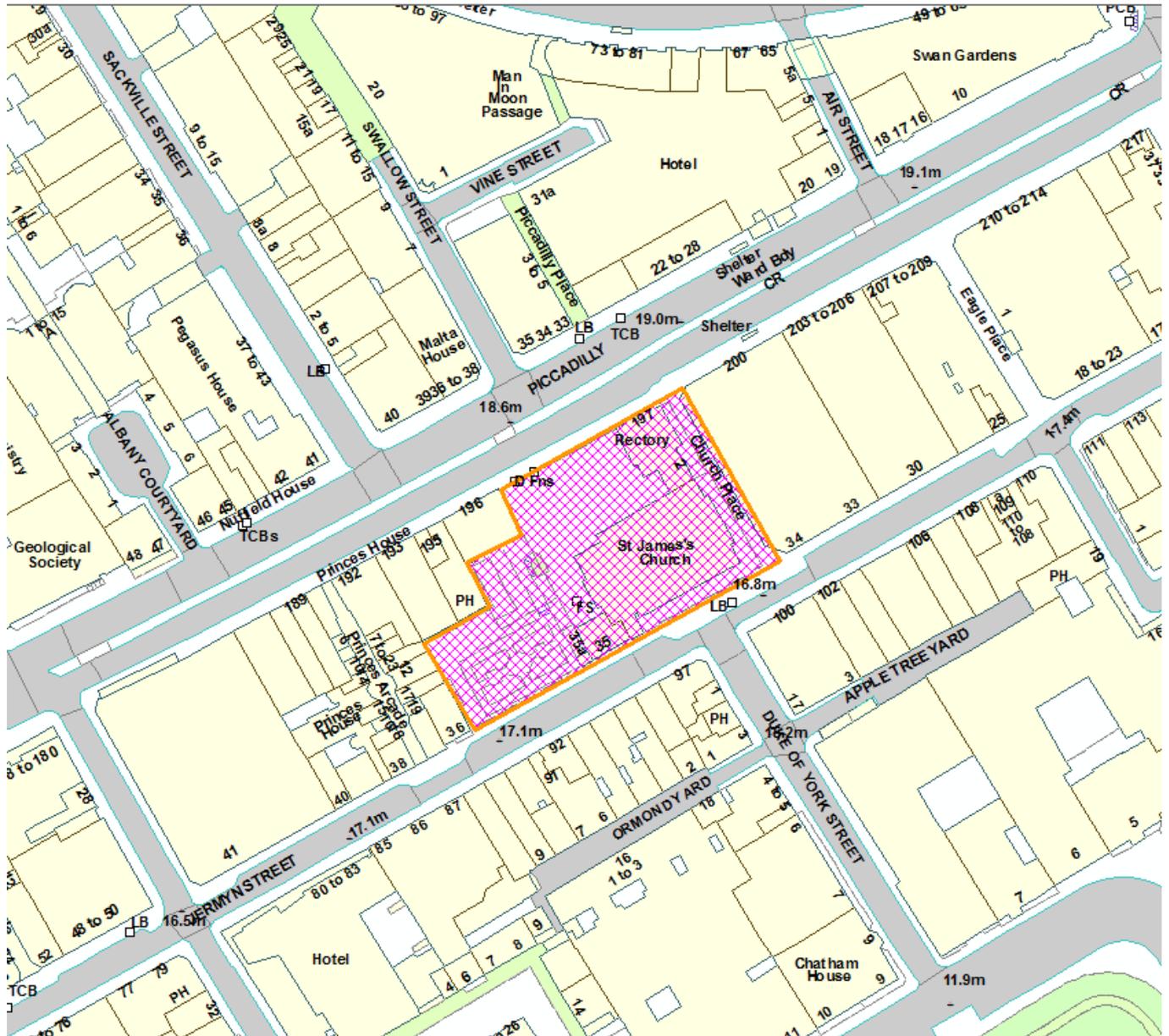
A new thatched pavilion is proposed within the Green Churchyard Garden sited on an existing concrete slab that was left in-situ following the removal of the WWII bomb shelters. This will provide community facilities.

The key considerations in this case are:

- The acceptability of the proposed alterations in design terms.
- The impact of the proposed alterations on the character and appearance of the St James's Conservation Area and the setting of other nearby designated heritage assets, including the grade I listed St James's Church.
- The impact on the amenity of neighbouring residential properties and local environmental quality.

This report explains the proposed development/ works would be consistent with relevant development plan policies in the Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). There would be less than substantial harm to heritage assets, but this harm is outweighed by public benefits. As such, the proposals are considered acceptable in heritage, townscape, design, land use, amenity, environmental and highway terms and the application is recommended for approval.

## 3. LOCATION PLAN



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

4. PHOTOGRAPHS

View from Piccadilly



View from Jermyn Street



View from within Green churchyard



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

The principle of remodelling and extending the Piccadilly and Jermyn Street buildings together with alterations to improve access to the churchyard from Jermyn Street and a new churchyard pavilion is acceptable in principle. However, the new floor to the Piccadilly building is strikingly different to the elevations below and to the immediate setting of the church and views looking east along Piccadilly. Not convinced that the pyramidal roof form sits comfortably on the existing building and believe that the recess of the extension below gives it a post-modern emphasis which is out of character in this setting. Whilst the proposals would clearly impact on the Piccadilly building and views through the conservation area, any harm would be less than substantial.

The proposed additional storey to the Jermyn Street building does have some impact on views from within the churchyard but any harm would be at the lower end of the scale of less than substantial.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised.

#### FIRE HEALTH AND SAFETY EXECUTIVE

The proposals do not relate to a 'relevant' building.

#### NATIONAL AMENITY SOCIETIES

No response received.

#### ST. JAMES'S CONSERVATION TRUST

No response received.

#### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No response received.

#### BUILDING CONTROL

No objections raised.

#### ARBORICULTURAL SECTION

Further information required.

#### ENVIRONMENTAL HEALTH

No objections raised.

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

No. Consulted: 61

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One letter of objection on the grounds that the Southwood Garden is one of the last true places for quiet meditation and contemplation in central London and that the necessity for this new community centre is questionable there. The use of thatch is not appropriate and would attract rats. The removal of Cafe Nero to make a more obvious passage between Jermyn Street and Piccadilly would be detrimental to the businesses in the Princes Arcade by drawing foot traffic away from their businesses and would disrupt the natural contrast between the bustling Piccadilly and the much quieter Jermyn Street, as well as stopping the public stumble across the beauty of the church.

PRESS NOTICE/ SITE NOTICE:

Yes

## 5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

| Engagement Method/Event/Activity                      | Date     | Attendance | Summary of Discussions  |
|---|----------|------------|---|
| Public exhibition                                     | 25.06.22 | 321        | Comments received in relation to the sustainability interventions, accessibility interventions, the reopening of the main entrance and the landscaping improvements |
| Webinar   | 29.06.22 | 9          |   |
| Letters sent to ward councillors and community groups |          |            |   |
| A flyer was sent to 1,422 homes and businesses        |          |            |   |
| Social media campaign                                 |          |            |   |
| Posters around the church                             |          |            |   |

Feedback was collected in a range of ways, including via an online survey hosted on the website; a physical copy feedback form; the Q&A sessions during the webinars; and a dedicated email inbox for people to email with comments and questions. 32 feedback forms were returned from the drop-in session on June 25 and from congregants attending the Service on Sunday 26 June. In summary, across the range of engagement undertaken by the applicant the principal issues raised were design/architecture, accessibility, sustainability and arboriculture.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- Retention of the London Plane tree

- The extent of the proposed alterations to the south stair lobby have been reduced
- The mansard roof extension to the Jermyn Street building has been amended to adjust the parapet walls and improve window proportions.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

St James's Piccadilly is a Grade I listed building in the St. James's Conservation Area to which it makes a positive contribution. It stands in a churchyard bounded to the north by Piccadilly, to the south by Jermyn Street, and to the east by Church Place. To the west, the churchyard adjoins buildings in Piccadilly and Jermyn Street.

Built in the late C17, St James Piccadilly is a much-admired example of Sir Christopher Wren's work. Badly damaged by WWII bombing, the church was repaired by Richardson in the 1950s. He also completely rebuilt the Vestry and added an additional storey to the Church Room to provide accommodation for the vergers. The site and the buildings within it remain largely unchanged since Richardson's work. However, the use of the church has evolved with an extensive and popular programme of events, including concerts in the church and craft stalls in the churchyard.

The space around the church is formed of two distinct areas of landscaping and there is

a narrow strip of paving around the east and south of the church. The steps linking the main paved area of the churchyard to the garden are part of the Southwood Memorial which is Grade II listed. The site includes a 2-storey building adjoining the church on Jermyn Street which is also Grade II listed, and a 3-storey plus basement building at the north-east corner of the site is not listed. There are numerous listed buildings nearby, including the Grade II-Star listed former bank, by Lutyens, at 196 Piccadilly, and the Mayfair Conservation Area is on the opposite (north) side of Piccadilly.

The Piccadilly rectory building was built in 1957 and is now largely used as offices with the upper two floors of used as the Rector's flat. The Jermyn Street building (the Wren Café building) was erected in 1899 and is in cafe use with a curate's flat above.

## 7.2 Recent Relevant History

In October 1998 a certificate of lawfulness was granted for the use of the ground and mezzanine floors of for general cafe (A3) use (35 Jermyn Street).

In September 2004 planning permission was granted for the demolition of the Piccadilly rectory and Jermyn Street buildings; new building to Piccadilly comprising basement to third floors for use as church hall and church offices, Class A3 cafe and Class A1 retail on ground floor and retail and/or Class B1 offices on first to third floors; new building to Jermyn Street comprising basement to third floors for use as Class A3 café on basement and ground floors and two studio flats and one maisonette on first to third floors.

## 8. THE PROPOSAL

The proposals seek to adapt the two existing buildings on Piccadilly and Jermyn Street rather than, as in the 2004 permission, to completely demolish and redevelop them. A new mansard roof at third floor is proposed on the Piccadilly Street building, together with a part rear and side 3-storey extension, to provide additional church office and meeting room accommodation. The Jermyn Street building is likewise to be extended by way of a new second floor mansard roof for rectory use; and the existing cafe accommodation is to be relocated from the ground floor of the Jermyn Street Building into the ground floor of the Piccadilly Building.

A key driver for the proposed works is to provide better facilities for the church's many projects, activities, events and their extensive outreach programme. Within the Piccadilly building, space is provided for the existing drop-in counselling project which is currently located in the north-west corner of the churchyard. The second, third and a new fourth floor are given over to church offices, meeting rooms, support facilities for concerts and events and will include a large hireable function room on the top of the building, with a roof terrace looking west down Piccadilly. In addition, to reduce the church's financial dependence on the courtyard markets, the ground floor of the Piccadilly building is proposed as café use, with full height ducting enabling primary cooking, which will, together with the new pavilion, enable the church to reduce the number of market stalls in the courtyard.

Alterations to the church itself include excavation beneath the south porch of the church to provide additional wc accommodation and the reintroduction of its south door from St James's Square. This will reinstate the historic connection between the church and the

square. A further proposed change is the reinstatement of the lost corner pinnacle spires to the tower.

The churchyards will be made fully accessible and will be re-landscaped with all of the key trees to be retained. A further new access from Church Place is to be created through the demolition of the vestry link between the Piccadilly building and the church.

A new thatched pavilion is proposed within the Green Churchyard Garden sited on an existing concrete slab that was left in-situ following the removal of the WWII bomb shelters. This will provide community facilities.

**Table: Existing and proposed land uses.**

| Land Use   | Existing GIA (sqm) | Proposed GIA (sqm) | +/-  |
|--|--------------------|--------------------|------|
| Use (church use including ancillary residential) | 1,756              | 2,080              | +324 |
| Use (cafe)                                       | 116                | 229                | +113 |
| Total  | 1,872              | 2,309              | +437 |

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Land Use Overview

Although the Piccadilly rectory was originally in residential use throughout, it has been used as office and church use for many years, with an ancillary residential flat for the rector on the upper two floors. The proposals entail the relocation of the existing church residential accommodation to the Jermyn Street building, with the Piccadilly Street building being used as church hall/offices and café use. A new pavilion building within the green churchyard, measuring some 70sqm, for community use is also proposed.

#### Commercial Uses

There is some 116sqm of existing café floorspace on the site in the Jermyn Street building. The proposals would relocate this facility to the Piccadilly Street building, providing an extended café at part ground and basement floors, giving a total proposed cafe floorspace on the site of 229sqm, an increase of 113sqm.

City Plan Policy 16 relates to food drink and entertainment uses. The policy requires food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Policy 14 supports the intensification of the CAZ for main town centre uses.

The intention is that the ground floor of the Piccadilly building would be used as a café with access either from a new entrance on Piccadilly or through the existing entrance within the churchyard. This would provide a service use with an active frontage which

would accord with City Plan policy 14. Given that the café would be located within a building that would also contain church facilities, it is likely that the use would be both low key, available both to church members in association with church activities, and to the general public.

This part of Piccadilly is predominantly commercial and there are no residential properties in the immediate vicinity. It is therefore considered that the proposed café use is acceptable in land use policy terms, subject to conditions restricting opening hours until 23.00 hours only and for the use to be for café/restaurant purposes only.

### **Residential Use**

The existing rector's flat above the Piccadilly Building and the curate's flat above the café building in Jermyn Street are being reconfigured into a single 3-bed dwelling. The dwelling would be ancillary to St James's Church because it would be occupied by the rector in connection with the main church use of the site. It is not, for planning purposes, regarded as an independent use.

### **Social & Community Uses**

Community infrastructure and facilities are integral to supporting people's everyday lives, being used by residents, workers and visitors, and are a vital resource to support successful places and communities. Policy 17 of the City Plan states that new community infrastructure and facilities will be supported where there is an identified present or future need.

The new churchyard pavilion building within the green churchyard would provide refreshments during concerts and other events in the church and would also provide a space for worshippers post service. The proposals would provide a small space measuring some 50sqm (excluding back of house facilities). The new building would have level access, toilet facilities and a servery area for hot drinks.

One letter of objection has been received on the grounds that the necessity for a new community use is questionable, however the applicant reports that the church currently holds over 90 evening concerts and 140 lunchtime concerts every year and argues that existing facilities are poor both for performers and audiences, and therefore the need for such a space is not disputed. The objector also believes that the churchyard, as a place for quiet meditation and contemplation is an inappropriate location for community use. The Green churchyard is proposed as a flexible green space in front of the new pavilion building, retaining the character of the existing garden with circuit paths around a formal lawn, backed by woodland planting. Whilst it is accepted that the building, whilst in use, will intensify the use of the churchyard, the proposals see the retention of all the existing perimeter seating enabling the area to be retained for informal seating and an area for quiet reflection.

### **Environment & Sustainability**

#### **Sustainable Design & Energy Performance**

The proposals include sustainability features, such as air source heat pump technology

connected to underfloor heating. The extended accommodation provided will have good insulation, with increased air tightness, natural ventilation and the windows will have sound thermal energy performance. The proposals are therefore considered to comply with Policy 36 and 38D of the City Plan and the guidance as set out in the 'Energy' and 'Retrofitting and Sustainable Design' sections of the Environmental Supplementary Planning Guidance

### **Light Pollution**

City Plan policy 33B, requires development to be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.

The existing external lighting features mixture of various fittings added on an ad-hoc basis, most of which are unsuitable flood light fittings. The proposal is to remove all external fittings and create 'church atmosphere' type lighting fittings with warm colour to create aesthetical and functional lighting scheme controlled via photocell/time clock arrangement.

### **Odour**

City Plan Policy 33D, requires development to effectively address the adverse impact of odour and the Environmental SPD advises that "the incorporation of full height discharge systems in hot food premises is the most effective way to minimise the detrimental impact of odours and is the preferred option."

The kitchen extract duct is designed to discharge at roof level and runs from the basement kitchen and up the rear (south) wall to terminate within a louvred 'tower' which accommodates both the lift and the ventilation ducting to serve the commercial kitchen.

## **9.2 Biodiversity, Greening & Landscaping**

Policy 34A of the City Plan aims to protect and enhance the city's green infrastructure, whilst 34B seeks, wherever possible "the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme."

Six London plane trees in the churchyard are protected by Tree Preservation Orders. All other trees are protected by virtue of being within St James's conservation area, including, of note, one London plane, one lime, one magnolia one ash leafed maple, one bay and one mulberry. These trees are all of high amenity value and make a significant contribution to the character and appearance of the conservation area. Their safe retention is essential.

7 of the small yew trees, 4 yew hedges and a purple leaf plum are proposed to be removed for seating areas, landscape improvements and a proposed ramp. 6 of the yew trees are intended to be transplanted into the new soft landscaping. The Arboricultural Manager raises no objections to the removal of these trees subject to suitable landscaping and a suitable replacement of the purple leaf plum tree.

The existing raised concrete slab terrace at the top of the Southwood steps will be removed and replaced by planting sloping gently up to the Green Churchyard. Planting beds around the space will be filled with a mixture of shrubs, perennials, ferns, grasses and bulbs beneath the existing plane trees, creating a 'woodland edge' garden. It is recommended that the details of this are secured by condition to ensure that it provides good biodiversity properties and is suitably maintained and retained.

The foundation of the proposed pavilion building is intended to be a reinforced concrete slab replacing the existing concrete slab of the former air raid shelter. Whilst some root severance is anticipated the Arboricultural Manager considers this could be carried out without harm to the trees.

However, the details provided with respect to impact on the trees in relation to other aspects of the scheme is currently insufficient, in particular in relation to the location of an attenuation tank to the east of the proposed pavilion building, the depths of excavation for trenches for utilities and proposed level changes. In the absence of full details there is concern that the development construction could impact upon the trees through root severance, compaction and construction activities. Given the above concerns, pre-commencement tree protection conditions are recommended to secure further details to ensure that the City Council's Arboricultural Manager is satisfied that the development will not adversely impact on the existing trees.

#### Hard Landscaping

The existing paving in the North churchyard will be retained, and repaired, as a flexible space and setting for the church, but access will be greatly enhanced through the opening up of passageways with level access from Church Place to the east and Jermyn Street to the south. Step-free access will be provided for the first time from the North churchyard to the Green churchyard via a gentle ramp running along the east side of 196 Piccadilly.

### **9.3 Townscape, Design & Heritage Impact**

St James's Piccadilly is a Grade I listed building in the St. James's Conservation Area to which it makes a positive contribution. It stands in a churchyard bounded to the north by Piccadilly, to the south by Jermyn Street, and to the east by Church Place. To the west, the churchyard adjoins buildings in Piccadilly and Jermyn Street.

The space around the church is formed of two distinct areas of landscaping and there is a narrow strip of paving around the east and south of the church. The steps linking the main paved area of the churchyard to the garden are part of the Southwood Memorial which is Grade II listed, the small building adjoining the church on Jermyn Street is also Grade II listed, and that at the north-east corner of the site is not listed. There are numerous listed buildings nearby, including the Grade II-Star listed former bank, by Lutyens, at 196 Piccadilly, and the Mayfair Conservation Area is on the opposite (north) side of Piccadilly.

The proposed alterations affect the fabric church and it's setting along with fabric of the grade II listed building in Jermyn Street. Archaeological deposits will also be affected by some parts of the development.

## Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "In considering whether to grant listed building consent for any works the local planning authority or 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."

Section 66 of the LBCA Act 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." In this context 'preservation' is defined as 'causing no harm'.

Whilst there is no statutory duty to take account of the effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 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 to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

## Impact on Heritage Assets

The Southwood Memorial is to be conserved and restored in matching materials where necessary. This is uncontroversial and welcomed in heritage asset terms.

The Piccadilly building is to be partly demolished and extended to provide additional accommodation for the church, supporting its mission and to provide a replacement café for that displaced by alterations to the Jermyn Street building. There is a substantial benefit to the church in heritage asset terms, by separating this building from the north wall of the church and forming a much more elegant and discreet covered entrance which will also create a view from Church Place into the church yard. The alterations to the Piccadilly building will see it enlarged to the east and south, with a new attic story and roof designed to harmonise with the church and Grade II-Star listed No.196 Piccadilly. The form and detailed design of the alterations are acceptable and beneficial to the setting of the church, as noted above.

The Jermyn Street building is to be substantially altered to add another storey of residential accommodation to replace that formerly in the Piccadilly building, and to

provide a new pedestrian entrance to the churchyard avoiding the need to pass through the vestibules and west tower of the church. The new entrance is beneficial in heritage asset terms and forms a much more appropriate approach to the west of the church along with the creation of steps, to the raised garden, on axis with the west door. Internally, this will allow for improved facilities to be provided within the church which is another benefit. Also, in terms of improved accessibility, the original south entrance to the church is to be reopened and will provide step free access from Church Place and stepped access from Jermyn Street. It should be noted that internal and external alterations to the church etc. are dealt with separately under ecclesiastical exemption rather than requiring listed building consent.

The spire of the church, being made of fibreglass and erected during restoration works in the 1950s, is now in need of attention. Full details of the work to the tower and spire may be dealt with by condition.

In the churchyard garden a new, thatched, pavilion, is to be erected.

Thatch considered purely aesthetically, as a roofing material, is acceptable in this case, and the objectors concerns regarding the use of this material are not considered sustainable. It will stand as a one-off in design terms, but it must be wholly in compliance with all appropriate and necessary regulatory controls, so that the fire risk to the building and its surroundings is kept within acceptable limits (see below). In all other respects the appearance of the garden pavilion is acceptable and appropriate to its surroundings which it will complement.

### **Archaeology**

The site is within the Great Estates Special Archaeological Priority Area (APA). The archaeological impact of the proposal has been carefully assessed, and Historic England (Archaeology) are satisfied that monitoring and recording can be dealt with by condition.

### **Impact on Heritage Assets**

In other heritage asset terms, Historic England note that some of the alterations will cause less than substantial harm as defined by the NPPF.

With regard to the Piccadilly building, the concerns raised by Historic England relate to the pyramidal roof form which is considered to not sit comfortably on the building. Whilst appreciating that it seeks to respond to the roof form of the Grade II-Star listed No.196 Piccadilly (by Lutyens), the recess of the extension below gives it a post-modern emphasis which is rather out of character in its setting. Similarly, with regard to the Jermyn Street building, the proposed additional storey has some impact on views from within the churchyard which is considered to be at the lower end of the scale of less than substantial.

As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which include improved accessibility, enlarged and enhanced facilities for the church, and heritage benefits such as those derived from alterations to the Jermyn Street entrance to the site, the reinstated south entrance, and the new view from Church Place, the proposal is considered

acceptable in terms of its impact on the designated heritage assets. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Fire Safety**

Policy D12 of the London Plan states that all developments achieve the highest standards of fire safety and ensure that they are constructed in an appropriate way to minimise the risk of fire spread. The application is accompanied by a Fire Safety document and the position of the proposed thatched pavilion within the Green Churchyard reflects the advice given in the Fire Safety Overview which requires a 6m clearance to neighbouring buildings.

Advice from Building Control has been received that queries compliance with the Building Regulations, and in particular makes reference to the area of thatch proposed. The applicant has confirmed that the recommendations of BS 9999:2017 are followed to compensate for the area of thatch being more than 3sqm. This is likely to include a requirement for the application of a fire retardant spray. This element of the design will require careful consideration at detailed design stage, including consultation and agreement with Building Control.

The Health and Safety Executive have also been consulted, however, they raise no comments as the proposals do not relate to a 'relevant building'.

### **Public Realm**

The removal of a stretch of existing railings adjacent to the east end of the church, will return a section of paving to the public realm, making the north-south connection considerably wider and generous. Where the vestry is removed, a new view of the church's north wall will be revealed, making the distinctive outdoor pulpit, added in 1904, visible for the first time. The Southwood Fountain will be visible on this east-west axis transforming the view from Church Place.

The removal of railings in Church Place is acceptable, subject to the paving being appropriately detailed to maintain evidence of the historic church boundary, which Historic England consider should be marked in the street surface. This may be dealt with by condition.

## **9.4 Residential Amenity**

Development that could result in a change to the amenity of neighbouring residents must be found to be in accordance with policy 7 of the City Plan. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

### Piccadilly building

The proposed third floor and extensions to the Piccadilly building lie adjacent to 198-202

Piccadilly, a commercial building in retail and office use which lies on the opposite side of Church Place. It is not considered that the proposal will have an adverse effect on the functionality of the office accommodation.

The new building also includes covered balcony areas to the Church Place and Piccadilly frontages which would be used in connection with the function room at third floor. Given the busy commercial nature of Piccadilly, terraces are considered acceptable here.

#### Jermyn Street buildings

The new second floor mansard roof to the Jermyn Street building and the new church pavilion lie to the north of residential flats within 91, 93 and 95 Jermyn Street. The closest residential property to the mansard roof is a flat at third floor level at 95 Jermyn Street and the closest residential to the new church pavilion are the flats within 91 Jermyn Street.

The new mansard roof would extend the ridge height of the existing building by some 1.6m whilst the new church pavilion would be a maximum height of 6.5m. However, this building would be set back some 4.5m from the street frontage and would be partly screened by the boundary wall and hedging and the London Plane trees within the churchyard. Both the new pavilion building, and the extended Jermyn Street building, would be seen either in the context of the taller church spire behind or the taller buildings on Piccadilly. Given the distances involved, it is not considered that either the impact on loss of light or sense of enclosure would be so significant as to warrant refusal.

#### **Noise & Vibration**

Plant is proposed at basement, third floor and behind the louvres at fourth floor level in the new tower within the Piccadilly Building, and also within the former bell tower within the church. The application is supported by an acoustic report. The Environmental Health officer has assessed the submitted acoustic report and raises no objection to the proposals subject to conditions relating to plant noise and vibration. Subject to these conditions, it is not considered that the plant operation would adversely affect the amenities of existing residents.

### **9.5 Transportation, Accessibility & Servicing**

#### **Highway Impact**

The site is well served by public transport and there is no significant change in pedestrian or vehicular traffic expected from the change from the minor increase in café and community use floorspace. It is considered that in terms of people arriving and departing, the levels would not be significant in highways planning terms. The site is also within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls.

#### **Accessibility**

Step-free access will be provided for the first time from the North churchyard to the Green churchyard via a new ramp running along the east side of 196 Piccadilly. Level

access will also be provided into the extended Piccadilly building through the introduction of a new entrance door onto Piccadilly.

### **Servicing and Waste & Recycling Storage**

At present, the delivery and servicing is via a combination of the loading bays on Jermyn Street and the loading bay parallel to Church Place. Whilst this currently accommodates up to four vehicles, this will be reduced in size through the introduction of new trees and planting.

The applicant explains the servicing frequency will be similar to the existing uses on site, anticipating that there will generally be three to four deliveries per day. While City Plan Policy 29 requires servicing to be off-street, in this case the proposed servicing for the site will be very similar to the existing operation and therefore it is unreasonable to oppose a continuation of a similar operation.

Deliveries will be distributed throughout the day as much as possible in order to spread demand and avoid peak hour activity. A servicing management plan has also been submitted that sets out how deliveries will be managed. This will be secured by condition.

Internal bin storage will be in the basement of the Piccadilly building and ground floor of the Jermyn Street building.

### **Cycling & Cycle Storage**

Long-stay cycle parking is proposed in the basement of the Piccadilly building. Access is from the central courtyard with a lift access between ground level and the basement. Five spaces are provided in a dedicated, locked cycle store with showers on the second floor of the same building. These will be secured by condition.

## **9.6 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

## **9.7 Other Considerations**

### **Basement Excavation**

The application involves excavation beneath the Piccadilly building and the church to extend the footprint of the existing basements here. City Plan Policy 45 relates to basement developments.

Part A of the policy relates to structural stability; surface water and sewerage flooding; requiring developments to minimise the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area. The applicant has provided a Structural

Methodology Statement prepared by an appropriately qualified structural engineer. This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be minimal. The scheme is justified structurally and the proposal is considered to be viable and from the preliminary structural information provided at this stage.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

### **Other Issues**

The objector believes that the new north-south route would be detrimental to the businesses in Princes Arcade and would disrupt the natural contrast of the busier Piccadilly with the quieter Jermyn Street. However, there is already a north-south link between Piccadilly and Jermyn Street to the immediate east of the church along Church Place, and as set out above, the new access route is also considered beneficial in heritage asset terms.

## **9.8 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## **9.9 Planning Obligations & Pre-Commencement Conditions**

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

The development is wholly for charitable purposes and therefore is exempt from a CIL payment.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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. The applicant has agreed to the imposition of these conditions.

## 10. Conclusion

As set out above, it is acknowledged that the proposal would result in some less than substantial harm to heritage assets. As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which include improved accessibility, enlarged and enhanced facilities for the church, and heritage benefits such as those derived from alterations to the Jermyn Street entrance to the site, the reinstated south entrance, and the new view from Church Place, the proposal is considered acceptable in terms of its impact on the designated heritage assets. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

11. KEY DRAWINGS

From Piccadilly Looking East



Existing

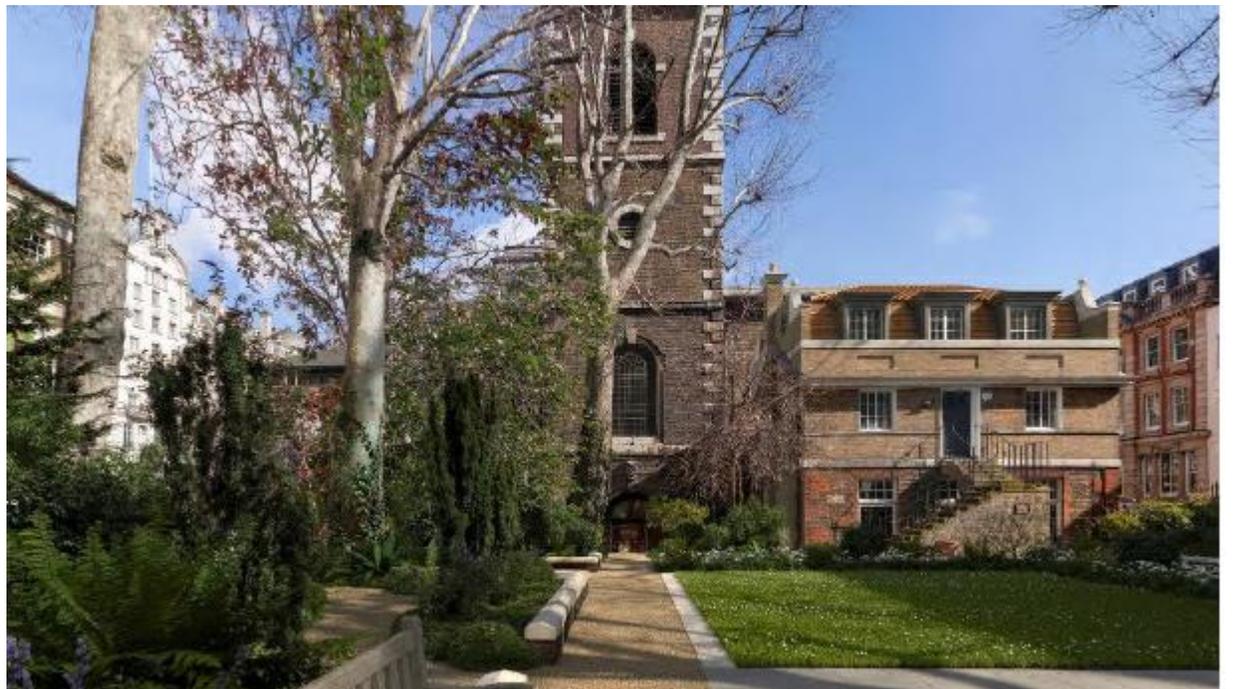


Proposed

From Jermyn Street Looking East



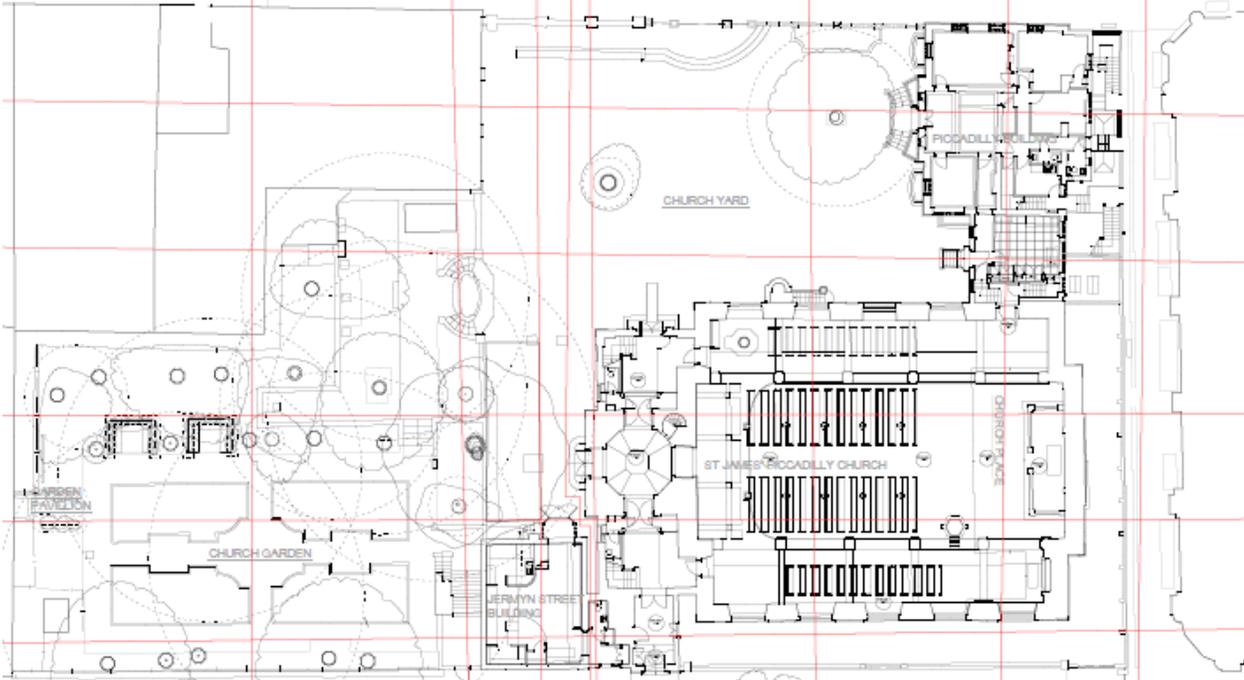
From St James Church Garden Looking East



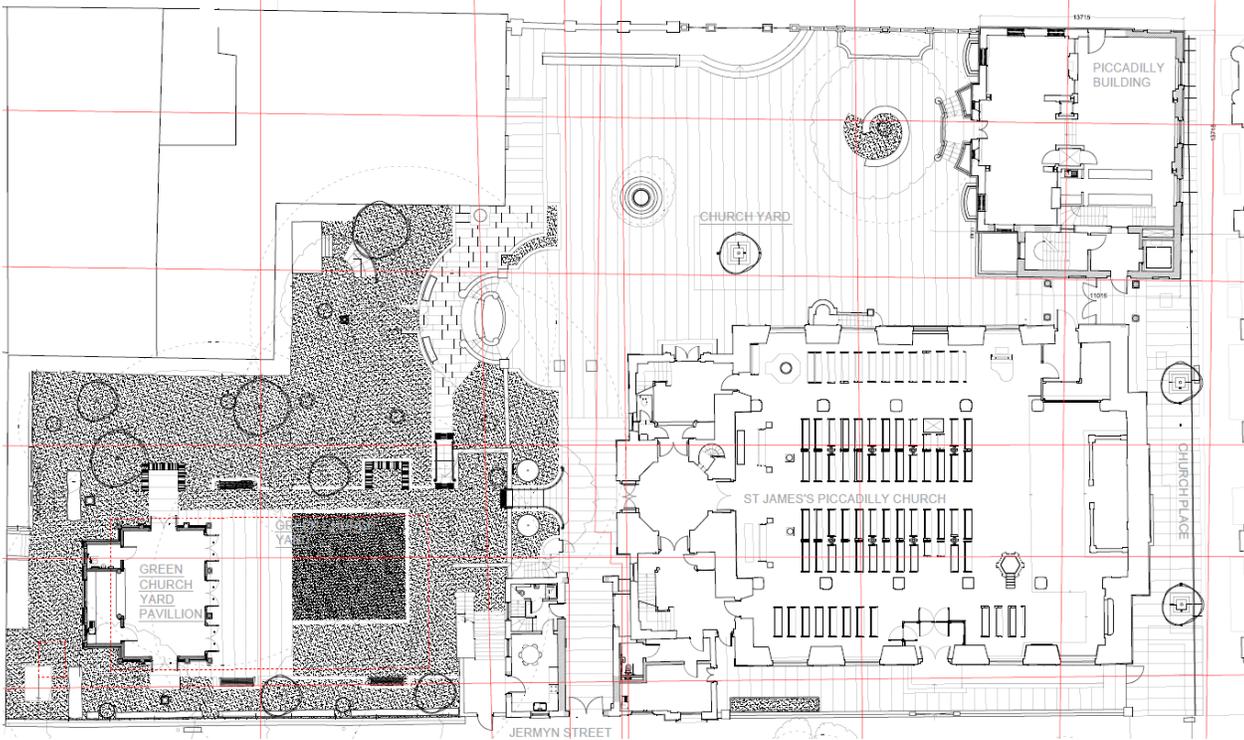
From St James Church West Door Looking West



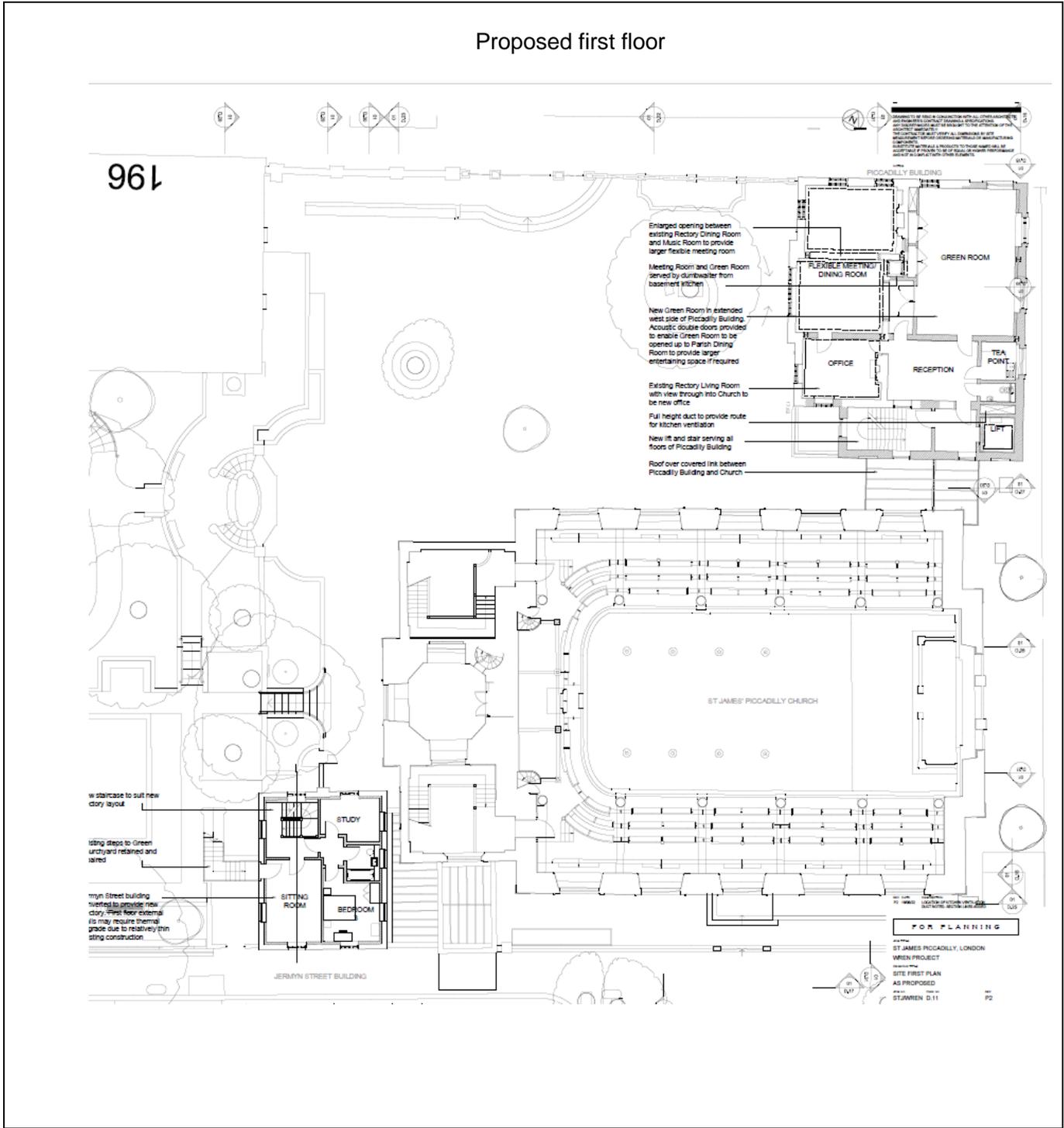
Existing site/ground floor plan



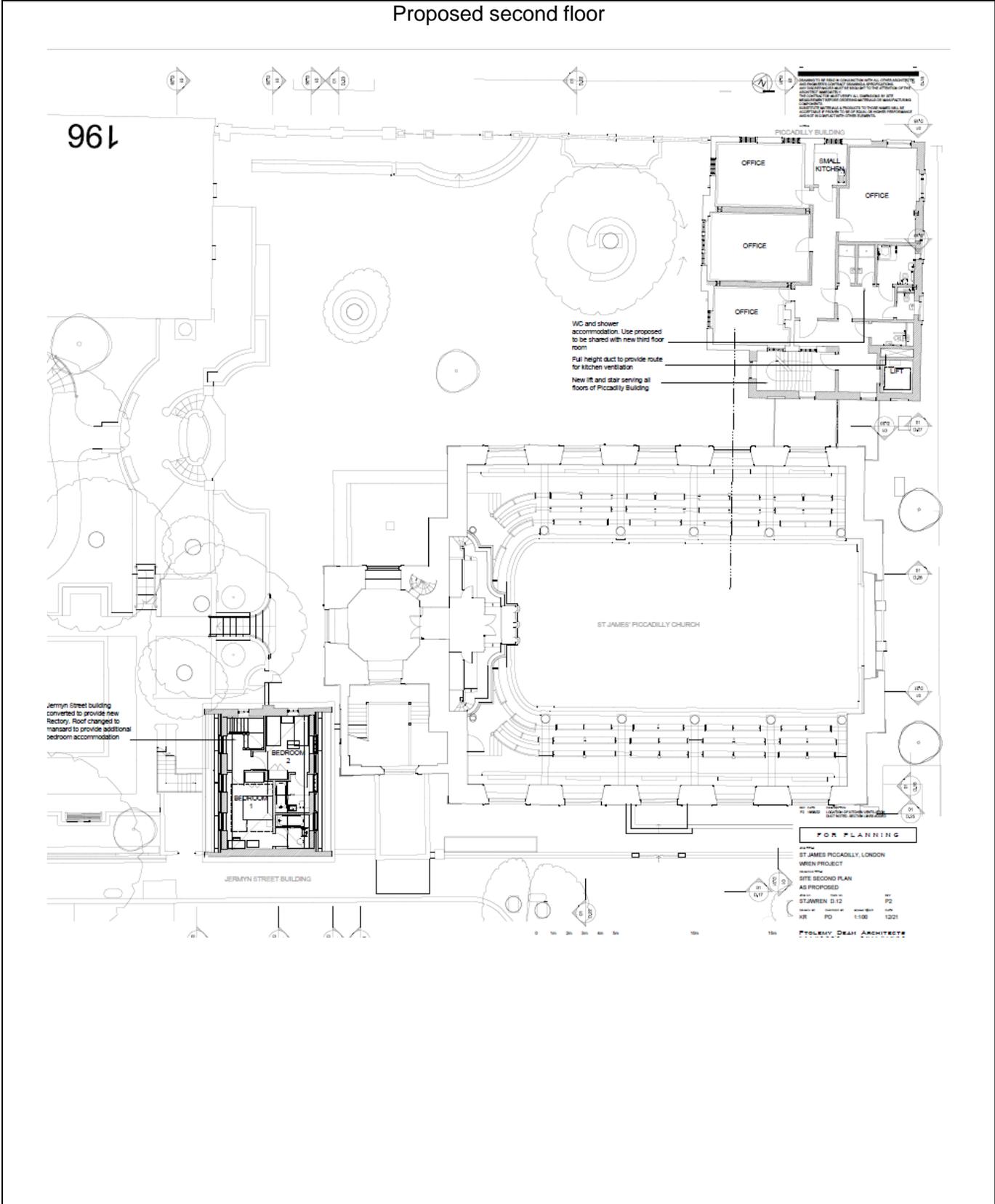
Proposed site/ground floor plan



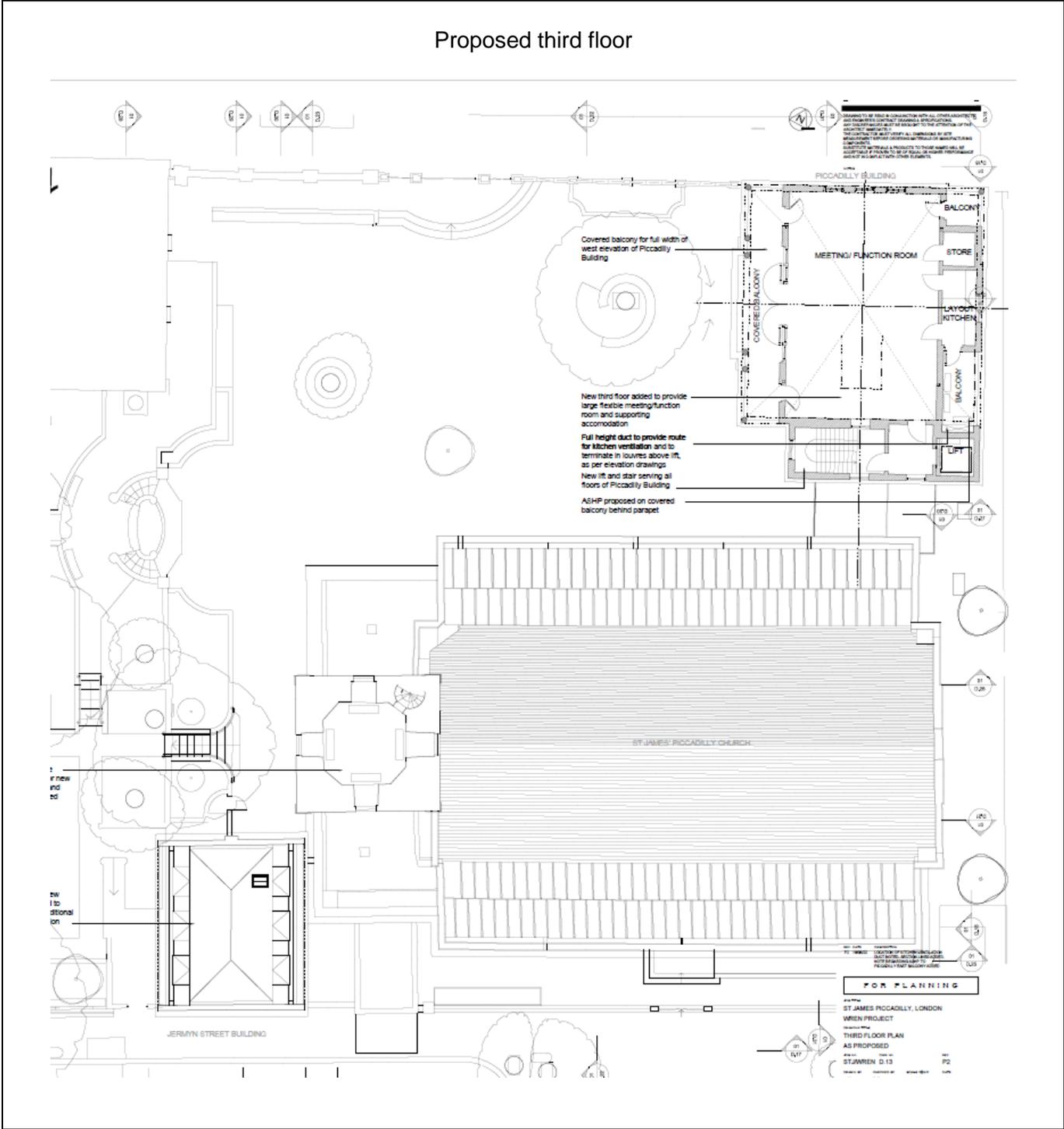
### Proposed first floor



### Proposed second floor



Proposed third floor



**DRAFT DECISION LETTER**

**Address:** St James's Church, 197 Piccadilly, London, W1J 9ET

**Proposal:** Alterations to Piccadilly Building including erection of 3-storey extension to east and south and addition of new mansard roof at third floor to provide additional church office and meeting room accommodation; new plant rooms at basement level, plant at new third floor level, new service tower within Piccadilly Building and demolition of vestry link building to create new entry to Church yard from Church Place; relocation of rectory accommodation from Piccadilly Building into Jermyn Street Building and erection of new second floor mansard to Jermyn Street Building to support rectory use; relocation of existing cafe accommodation from ground floor of Jermyn Street Building into ground and part basement floor of Piccadilly Building; alterations to St James's church including repair of spire, installation of plant within former bell tower, excavation beneath the south porch of the church; and reinstatement of south entrance door; alteration of Jermyn Street Building to provide new route between Jermyn Street and the churchyard, new railings to Jermyn Street, and re-landscaping of the North and Green Churchyards, and erection of new single storey garden pavilion in Green Churchyard.

**Reference:** 22/05329/FULL

**Plan Nos:** S.59 rev P1, S.60 rev P1, S.61 rev P1, S.62 rev P1, S.64 rev P1, S.70 rev P1, S.72 rev P1, S.73 rev P1; D.02 rev P1, D.03 rev P1, D.09 rev P2, D.10 rev P2, D.11 rev P3, D.12 rev P3, D.13 rev P3, D.14 rev P3, D.15 rev P2, D.16 rev P2, D.17 rev P1, D.18 rev P1, D.19 rev P2, D.20 rev P2, D.21 rev P1, D.22 rev P1, D.23 rev P1, D.24 rev P1, D.25 rev P1, D.26 rev P1, D.27 rev P2, D.28 rev P1, D.29 rev P1, D.30 rev P1, D.31 rev P1, D.40 rev P2, D.41 rev P2, D.42 rev P2, D.43 rev P2, D.90 rev B; Structural Report dated 20th July 2022 (FOR INFORMATION ONLY); Acoustic Report P1173-REP-01 dated 27-04-2022

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641  
07866040238

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;

- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

**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 has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4** No demolition or development shall take place at or below basement or ground floor level until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - B. Where appropriate. details of a programmed for delivering related positive public

benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programmed set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 7 All servicing shall be undertaken in accordance with the submitted Servicing Management Plan 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 Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 8 You must provide each cycle parking space, showers and lockers 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 and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the buildings. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 10 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 11 You must install the full height kitchen extract duct shown on the approved drawings before the cafe/restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurants are in use.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 12 You must only use the part basement and ground floor of the Piccadilly building for either cafe or restaurant use. You must not use it for any other purpose, including any uses within Class E of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 13 Customers shall not be permitted within the cafe/restaurant premises and any associated external seating area before 06:30 or after 23:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 14 Customers shall not be permitted within the churchyard pavilion and associated

terrace area before 09:00 or after 23:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 16 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 17 The new paving in Church Place must be natural York stone to match existing.

Reason:

To make sure that the appearance of the paving is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in Policies 39 and 43 of the City Plan 2019 - 2040 (April 2021).

- 18 You must apply to us for approval of detailed drawings showing the following alteration to the scheme;

1) Demarcation of the boundary between the public highway and new paving along the line of the removed railings in Church Place.

You must not start on this part of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 19 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St James Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 20 You must apply to us for approval of a method statement and tree protection plan 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.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 21 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- o identification of individual responsibilities and key personnel.,
- o induction and personnel awareness of arboricultural matters.,
- o supervision schedule, indicating frequency and methods of site visiting and record keeping,

- o procedures for dealing with variations and incidents., ,

You must not start any below ground 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 what you have sent us. You must then adhere to the approved supervision schedule., , You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 22 Notwithstanding the proposals to alter levels outside the building footprints, you must not alter the ground levels within the root protection areas (as defined by British Standard BS 5837: 2012) of any of the trees shown to be retained. If you want to change any levels, including trenching, soil stripping, or excavation to install attenuation tanks, soft landscaping, foundations, hard surfaces, steps ramps or structures, you must undertake trial excavation to inform your submission and apply to us for our approval, and you must not alter levels until we have approved what you have sent us.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 23 You must apply to us for our approval of the depth and methods to be used to change any levels outside the building footprints, including trenching, soil stripping or excavation to install attenuation tanks soft landscaping, hard surfaces, foundations, steps ramps or structures. You must not start any work to alter levels until we have approved in writing what you have sent to us. The excavation and foundations must be carried out according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 24 If you come across any roots of 25 millimetres or more in diameter, or clumps of smaller diameter roots, in trial excavations or any other excavation which we approve, you must retain them and carefully protect them from being exposed and

drying out. You must cut any damaged or severed roots less than 25mm in diameter with a sharp cutting tool so that the final wound is as small as possible.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 25 You must apply to use for approval of the amelioration and mitigation measures you intend to carry out to compensate for root severance and/ or rectify soil compaction or root loss. The work must be carried out by tools held in the hand, and not mechanical or power driven equipment, with the exception of use of an air spade if required. You must undertake the approved amelioration and mitigation measures within three months of the completion of the development or within any other such period of time that you agree in writing with us, and you must notify us within that time period once the amelioration measures have been carried out.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

### **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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://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 Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@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 Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 4 Conditions 5-6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 5 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.
- 6 Under Condition 18 you will need to clearly delineate the boundary between the public footpath and the public realm works on Church Place.

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](mailto: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 Condition 20 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- \* the order of work on the site, including demolition, site clearance and building work;
  - \* who will be responsible for protecting the trees on the site;
  - \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - \* how you will deal with accidents and emergencies involving trees;
  - \* planned tree surgery;
  - \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - \* how any temporary surfaces will be laid and removed;
  - \* the surfacing of any temporary access for construction traffic;
  - \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
  - \* the place for any bonfires (if necessary);
  - \* any planned raising or lowering of existing ground levels; and
  - \* how any roots cut during the work will be treated.
- 8 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You can apply online at the following link: [www.westminster.gov.uk/trees-and-high-hedges](http://www.westminster.gov.uk/trees-and-high-hedges). You may want to discuss this first with our Tree Officers by emailing [privatelyownedtrees@westminster.gov.uk](mailto:privatelyownedtrees@westminster.gov.uk).
- 9 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: [www.westminster.gov.uk/trees-and-high-hedges](http://www.westminster.gov.uk/trees-and-high-hedges). You may want to discuss this first with our Tree Officers by emailing [privatelyownedtrees@westminster.gov.uk](mailto:privatelyownedtrees@westminster.gov.uk).

Please note: the full text for informatives can be found in the Council's Conditions,

|          |
|----------|
| Item No. |
|----------|

|          |
|----------|
| <b>2</b> |
|----------|

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.