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Date: 25 January 2021

Planning Department  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Dear Sir/Madam,

**PLANNING APPLICATION FOR THE ERECTION OF AN ACCESSIBLE TOILET BETWEEN THE LIGHTWELL AT 29 – 30 MAIDEN LANE AND 15 HENRIETTA STREET, COVENT GARDEN, WC2E 7JS**

We have been instructed by our client, Big Mamma Group, to submit the enclosed application which seeks the creation of an accessible toilet within the existing lightwell between 29 – 30 Maiden Lane and 15 Henrietta Street, WC2E 7JS. The application proposals are sought as part of Big Mamma's fit out of the approved restaurant unit. The application and requisite planning fee of £234 has been paid online via the Planning Portal.

In accordance with both national and local requirements, this application comprises the following:

- Completed Application Forms;
- Completed CIL Form;
- Site Location Plan (drawing no. s2515 00.01);
- Block Plan (drawing no. s2515 00.02); and
- Existing and Proposed Drawing Pack.

The remainder of this letter sets out our supporting statement regarding the application proposals.

**Site Description**

The application site comprises Nos. 29 – 30 Maiden Lane and 15 Henrietta Street and feature a pair of mid-terrace properties which directly adjoin at the rear, situated in Covent Garden. Nos. 29 -30 are located on the northern side of Maiden Lane and comprises basement and ground floor level beneath three upper storeys, access to which is provided on Maiden Lane. No. 15 Henrietta Street is positioned on the southern side of Henrietta Street and features basement, ground and four upper storeys above. There is a small lightwell area between the two properties.

The ground floor unit fronting Henrietta Street was initially in use as a retail clothing store and operated by 'The Real McCoy's', whereas the unit on Maiden Lane comprised a restaurant/bar known as 'Mabel's'.

Although originally separated, the two individual properties were amalgamated at ground floor and basement level to form a restaurant with an ancillary bar, permission for which was granted in February 2020 (ref. 19/07665/FULL). Permission for this development was sought by Capco, the freeholder of Covent Garden Market, the surrounding Piazza and a number of other properties within the area. The now combined unit is to be occupied by our client, Big Mamma Group, who look to introduce a new, high-quality modern Italian restaurant with ancillary bar into this part of Covent Garden.

The surrounding area is densely characterised by a diverse range of commercial uses, including a combination of retail, restaurant and drinking establishments, most of which are situated at ground floor level. It is understood that the upper floors of neighbouring properties within the area are in use as a mix of office, hotel and residential uses. The surrounding shopfronts are of a mixed style and design which contributes to the special interest of Covent Garden, a prominent London shopping, leisure, and tourist destination.

Neither Nos. 29 – 30 Maiden Lane, nor 15 Henrietta Street are statutorily or locally listed, although both properties are situated within the Covent Garden Conservation Area and the Central Activities Zone (CAZ).

### **Relevant Planning History**

Following a review of the Council's online records for 29 – 30 Maiden Lane and 15 Henrietta Street respectively, it is evident that these sites are subject to an extensive planning history dating back to the late 20<sup>th</sup> Century. The most relevant application is set out below.

Planning permission was granted under ref: 02/06224/FULL in May 2002 for the *"use of internal area between 29-30 Maiden Lane and 15 Henrietta Street for toilets ancillary to the A3 use (basement and ground floor of 29-30 Maiden Lane and basement of 15 Henrietta Street)"*.

Planning application ref: 19/07665/FULL was granted on 13 February 2020 for the *'amalgamation of 29-30 Maiden Lane and 15 Henrietta Street to form a restaurant with ancillary bar (Class A3) at ground and basement level and associated external alterations including replacement of plant on the first floor flat roof and full height ventilation duct.'*

More recently, planning permission has been sought for the alterations to the shopfront associated with the new tenant, Big Mamma. This application is currently pending determination by the City Council under ref: 21/00181/FULL.

### **Application Proposals**

Big Mamma Group offer a vibrant and contemporary take on traditional Italian trattoria cuisine, which focuses on utilising only Italian produce. Big Mamma currently operate two other restaurants within London; both restaurants are very popular with unique interiors and exterior. The applicant seeks to introduce their interesting and distinctive restaurant concept to Covent Garden. The proposals sought as part of this application will ensure that the restaurant is a functional and welcoming space for all.

Specifically, permission is sought for the creation of an accessible toilet within the lightwell area of the adjoining properties. As detailed on the plans submitted with the application, the toilet will be accessible from the Henrietta Street elevation which provides direct and level street access to the unit. The toilet will extend approximately 2.5m by 3.5m and be 2.3m tall sat on a galvanised grid platform with steel columns; it will take up less than half of the existing lightwell. There is some existing mechanical equipment with the basement area of the site, these will remain. The toilet structure will comprise of a timber framed zinc finish and roof structure. Internally it will be fit to Big Mamma's requirements and attractive branding.

## Relevant Planning Policy

The statutory development plan relevant to this application comprises the London Plan (2016), Westminster City Plan (2016) and saved policies of the Unitary Development Plan (2007) (saved January 2010). The National Planning Policy Framework (NPPF) (2019) is also a material consideration, alongside any relevant local supplementary planning documents.

The emerging New London Plan is also at an advanced stage of preparation, with the Mayor of London formally approving the 'Publication London Plan' in December 2020. The Publication version of the New London Plan was issued to the Secretary of State on 21 December 2020, who will now determine that they are content with this version before publishing the final London Plan. Given the advanced state of the plan, those policies that are not subject to a direction by the Secretary of State carry significant weight and have been considered as part of this application.

Westminster City Council are also in the process of adopting their new City Plan 2019 – 2040, which when adopted, will replace their current Local Plan and saved policies of the UDP. The Council submitted the new plan to the Secretary of State in November 2019 and the Planning Inspectorate is currently drafting a series of main modifications to the plan following the hearing sessions and examination of the plan.

The site is allocated within Westminster Council's currently adopted Development Plan as follows:

- Core Central Activities Zone;
- CAZ Frontage;
- West End Special Retail Policies Area;
- West End Stress Area; and
- Covent Garden Conservation Area.

i) National Planning Policy Framework (NPPF) (2019)

The NPPF provides the overarching planning policy guidance for development across England. It states that:

***"The purpose of the planning system is to contribute to the achievement of sustainable development" by "meeting the needs of the present without compromising the ability of future generations to meet their own needs."***

Chapter 12 of the NPPF focuses on the creation of high quality and well-designed places. Paragraph 124 outlines that good design is one of the fundamental elements in ensuring sustainable development and contributes to creating:

***"better places to live and work and helps make development acceptable to communities"***.

Furthermore, Paragraph 80 sets out that decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight given to the need to support economic growth.

ii) Westminster City Plan (2016)

**Policy S6 'Core Central Activities Zone'** confirms that this designated area is an acceptable and appropriate location for a range of commercial, cultural and complimentary residential uses as long as they can demonstrate that they contribute to the growth and evolution of places to ensure that the subject area retains its globally important function as a business location.

**Policy S7** *'West End Special Retail Policy Area'* outlines that the unique status and offer of the West End Special Retail Policy Area will be maintained and enhanced.

**Policy S24** *'Entertainment Uses'* sets out that new entertainment uses must prove that they are acceptable in terms of the type and size of the use, scale of activity, relationship to any existing concentrations of entertainments uses and ensure that they do not negatively impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

**Policy S25** *'Heritage'* aims to conserve Westminster's wider historic environment and heritage assets including its listed buildings and conservation areas.

**Policy S28** *'Design'* highlights that development must incorporate exemplary standards of sustainable and inclusive design and architecture.

**Policy S29** *'Health, Safety and Well-Being'* outlines that the Council will seek to resist proposals that result in an unacceptable loss of amenity and developments should aim to improve the residential environment, where necessary.

iii) Saved Policies of the UDP (2007)

**DES1** *'Principles of Urban Design and Conservation'* aims to ensure that the high quality in the form and quality of new development in order to preserve or enhance the townscape of Westminster by maintaining the character, urban grain, scale and hierarchy of existing buildings. Part B of this policy requires development to provide for safe and convenient access for all.

**DES5** *'Alterations and Extensions'* highlights that development which results in the alteration or extension of existing buildings will be supported where its design reflects the style and details of the existing building and does not visually dominate it.

**DES9** *'Conservation Areas'* seeks for alterations in conservation areas to respect/enhance the special interest of the conservation area.

**ENV13** *'Protecting Amenities, Daylight and Sunlight and Environmental Quality'* aims for all development to protect and improve amenities including noise, privacy, daylight and other amenities.

iv) Westminster City Plan 2019 – 2040 (November 2019)

Westminster is currently preparing a new City Plan, and this was submitted to the Secretary of State for examination in mid-November 2019.

The policies from the City Plan 2019 – 2040 identified to be of relevance to this application are as follows:

- **Policy 15** *'Town Centres, High Streets and the CAZ'*;
- **Policy 17** *'Food, Drink and Entertainment'*;
- **Policy 39** *'Design Principles'*;
- **Policy 40** *'Westminster's Heritage'*; and
- **Policy 41** *'Townscape and Architecture'*.

## **Planning and Heritage Statement**

The key issues are whether the proposal would have a detrimental effect on the character and appearance of the site and its setting, and whether the proposal would have a negative impact on the amenities of the area and nearby neighbouring properties. These are addressed in turn below.

### **i) Heritage and Design Considerations**

As mentioned, planning permission has already been granted for the use of the premises as a restaurant under ref: 19/07665/FUL. The permission included indicative plans for the layout of the restaurant which showed an awkward accessible layout with a platform lift and accessible toilet blocking the frontage on Maiden Lane. This is now not considered appropriate by Big Mamma for these reasons and as such have amended their internal layout to better suit their requirements and the requirements of visitors to the restaurant. This includes ensuring direct and level access from Henrietta Street. As a result of the internal alterations, a new location for the accessible toilet is required and the dead space in the lightwell area represents a good opportunity.

The application proposal seeks the creation of an accessible toilet within the lightwell area. The end design is a well balanced internal environment which meets building regulation requirements. The lightwell is wholly inward-looking with no external views from the wider area. As such, it is not considered that the proposal would be detrimental in terms of design or heritage considerations. There will be no views from the wider conservation area to the new toilet. Nevertheless, the small toilet has still been designed to be of high quality with a timber frame and zinc roof. These materials are considered appropriate for this ancillary use but are also attractive and hard-wearing.

In terms of the size and scale of the proposed toilet, the scheme will take up less than half of the lightwell ensuring it sits comfortably within this area yet meets the necessary accessible standards. As shown on the plans there is sufficient turning space for wheelchair or pushchair users.

On the above basis, it is considered that the proposal complies with Westminster City Policies DES5 and DES9. The proposal also complies with Policy DES1 which should be the main policy consideration in the assessment of the proposals.

### **ii) Amenity Considerations**

It is not considered that the character and existing use of the site would change as a result of the proposals. The application seeks for the creation of an accessible toilet for the permitted restaurant use. Therefore, there would be no adverse impact on amenities of any nearby properties or surrounding uses. The proposed material of the extension is of a good standard to limit noise breakout and the size and scale of the extension sits comfortably within the existing sides of the lightwell to ensure no impact on privacy, outlook or daylight.

As the proposal seeks a modest scale extension to provide a toilet to the permitted restaurant and is sited within an enclosed lightwell the proposal will not adversely impact on the existing highway or pedestrian flow either.

It is therefore considered that in terms of amenity issues the proposal is in line with the City's Policy ENV13 and should be found acceptable in this regard.

## **Conclusions**

This application seeks planning permission the creation of a accessible toilet within the lightwell area of the properties at to 29 -30 Maiden Lane and 15 Henrietta Street as part of Big Mamma's occupation of the

premises. The proposals are considered to represent a high-quality design that will enhance the usability of the unit for all.

The proposed development will have no adverse effect on the site, its setting within the streetscene, or the wider conservation area; nor will it have a negative impact on the amenity of any neighbouring properties or the wider landscape and setting given the nature of the proposals and the existing site context. The proposal is in accordance with the relevant national and Westminster policies and guidance. In particular at the heart of the proposals is the need to ensure access for all in line with Westminster Policy DES1, it is considered that the proposal complies with this fully.

I trust you have sufficient information to enable a positive determination of the application and we look forward to receiving confirmation that the application has been validated. In the meantime, should you require any further information please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'firstplan' in a cursive, lowercase style.

SAM HARPER  
Director

Enc.