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30 March 2021

Dear Matthew,

APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOLLOWING GRANT OF PLANNING PERMISSION (Ref: 20/02247/FULL). TOWN AND COUNTRY PLANNING ACT 1990. PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990.

REGENCY HOUSE, 1-4 WARWICK STREET, LONDON, W1B 5LT

On behalf of our client, Maslow's ("the Applicant"), we enclose herewith a Minor-Material amendment application to planning permission ref: 20/02247/FULL, which was approved on 18 December 2020. The approved description of development is:

"Use of the building as a private members' club (sui generis) comprising office space and bedroom accommodation with ancillary functions and a publicly accessible restaurant / bar (sui generis) at part ground and basement levels. Erection of a new sixth floor and creation of terraces at rear first, fourth, fifth and new sixth floor level. Installation of plant with associated screening at sixth floor level and alterations to the elevations to include the installation of new shopfronts on the Brewer Street and Warwick Street elevations."

For reference, an application (ref: 21/01271/NMA) for amendments under Section 96a of the Town and Country Planning Act 1990 to planning permission 20/02247/FULL was submitted to Westminster on 02 March 2021 and is currently pending decision. The Non-Material amendment application is for the addition of an external fire-staircase to the north-east elevation of the building. Planning permission for 21/01271/NMA might be granted prior to the determination of this Minor-Material amendment application.

The Application

Alongside this covering letter, which includes below a summary of the Proposed Amendments and the policy context for the assessment of the Proposed Amendments, this application comprises the following documents:

- Application Form (prepared by DP9 Ltd);
- Location Plan (prepared by DCM Architects);
- MMA Report (prepared by DCM Architects);
- Consented Floor Plans and Elevations (prepared by DCM Architects); and
- Proposed Floor Plans and Elevations (prepared by DCM Architects).

A payment for the planning application fee of £234.00 has been made via Planning Portal.



The Proposed Amendments

The Proposed Amendments relate to the level 06 extension and seek to deliver:

- Straightening of north-east façade to level 06. The consented layout is insufficient and restricts usable area on level 06. This is due to the consented scheme’s shallow roofline. We propose the straightening of the facade on the North-East façade to provide much needed useable footprint to the scheme. The approved area schedule remains the same.
- Existing gable wall to the north-east façade extended using reclaimed London stock brick to screen any new building whilst visually integrating it with this secondary side north-east elevation.
- Removal of the roof overhang to the level 06 extension, providing a more open rooftop terrace.
- Introduction of a 45-degree balustrade to level 07 rooftop which follows the building line from level 06. Item is not visible from street level.
- Additional plant with associated acoustic plant screening erected on level 07. Item is not visible from street level.

The proposed amendments are the result of design evolution following the grant of planning permission. The proposed amendments are described in the submitted MMA Report and in annotations on the submitted amended plans and elevations.

In light of the ongoing Covid-19 Pandemic, the demand for high-quality outdoor space has significantly increased. While the duration and long-term effects of the pandemic are presently unclear, it is prudent to seek to allow the delivery of development that is resilient to the effects of social distancing policy. The proposed amendments will significantly improve the 6th floor terrace area, further encouraging the use of the outdoor space.

It is therefore proposed to amend condition 1 (approved plans) as follows:

Consented Drawing Numbers	Amended Drawing Numbers
Consented Plan Level 06 - MS-DCM-06-DW-PL-20006	Proposed Plan Level 06 - MS-DCM-06-DW-PL-41206
Consented Plan Level 07 - MS-DCM-07-DW-PL-20007	Proposed Plan Level 07 - MS-DCM-07-DW-PL-41207
Consented NE Elevation - MS-DCM-00-DW-EL-200NE	Proposed NE Elevation - MS-DCM-XX-DW-EL-412NE
Consented NW Elevation - MS-DCM-00-DW-EL-200NW	Proposed NW Elevation - MS-DCM-XX-DW-EL-412NW
Consented SE Elevation - MS-DCM-00-DW-EL-200SE	Proposed SE Elevation - MS-DCM-XX-DW-EL-412SE
Consented SW Elevation - MS-DCM-00-DW-EL-200SW	Proposed SW Elevation - MS-DCM-XX-DW-EL-412SW
-	Proposed Roof Extension Detailed Elevation (SE) - MS-DCM-06-DW-EL-411SE
-	Proposed Roof Extension Detailed Elevation (SW) - MS-DCM-06-DW-EL-411SW

Legislative and Policy Context

National planning policy is set out in the National Planning Policy Framework (NPPF) which was adopted in February 2019. The NPPF establishes overarching principles of the planning system, including the requirement of the system to ‘contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land...’ (Paragraph 8) and supports “approving development proposals that accord with an up-to-date development plan without delay” (Paragraph 11).



Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the determination of planning applications should be in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plans for the Site comprises the London Plan (2021), Westminster City Plan (2016) and WCC Replacement Unitary Development Plan saved policies (UDP) (2007).

The emerging Draft Westminster City Plan Intend to Adopt Version was published by the Council in March 2021. This document has also been assessed for the purpose of this application.

Heritage, Conservation & Design Policies

Policy 38 of the Draft City Plan states that development should “positively contribute to Westminster’s townscape and streetscape – having regard to the character and appearance of the existing area, adjacent buildings and heritage assets...” Policy 39 of the Draft City Plan states that development should “secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance, while allowing them to meet changing needs.” Policy 40 of the Draft City Plan states that roof extensions “will be supported in principle where they do not impact adversely on heritage assets and should [...] be of appropriate design sympathetic to the architectural character of the existing building.”

The Site is situated within the Soho Conservation Area. The proposals seek to make minor changes to the consented extension and roof terrace at level 06, including the extension of the north-east façade upwards using reclaimed London stock brick, removal of the roof overhang, introduction of a 45-degree angled balustrade to the level 07 rooftop, and introduction of additional plant with associated screening to part of level 07. As set out in the accompanying MMA Report by DCM Architects, the proposed alterations have been sensitively designed so as not to adversely affect the character of the building or conservation area, and be acceptable in design and townscape terms.

The proposed extension of the north-east façade gable wall upwards using reclaimed London stock brick will screen the new structure behind it, whilst visually integrating it with the rest of the north-east elevation. This proposed amendment would not adversely impact the historic fabric, architectural interest or significance of the Site and its surroundings.

The accompanying MMA report sets out several shortcomings with the consented terrace design. The proposed removal of the roof overhang would significantly improve the openness and usability of the terrace. The design team have worked to develop a proposal that would preserve the character and appearance of the Soho Conservation Area, whilst being considerate to the Applicants design requirements.

The proposed introduction of the 45-degree angled balustrade to level 07 follows the consented roofline from level 06. This proposal is not visible from street level as shown in the MMA report. Likewise, the proposed plant screen at level 07 is also not visible from street level.

The Proposed Amendments would not have any impact on the positive contribution which 1-4 Warwick Street makes to the character and appearance of the Soho Conservation Area or the setting of other historic buildings which it contains. The Proposed Development would therefore be in accordance with Policies S25 and S28 of the adopted City Plan, and Policies 38, 39 and 40 of the Draft City Plan.

In summary, the proposed alterations are considered to comprise a minor-material change to the permission granted in December 2020 and are considered to be acceptable in this regard.

We trust that you have sufficient information to register and validate the application and look forward to receiving confirmation of this in due course. If you require any further information, please contact either David Morris or Dominique Mirepoix of this office.



We look forward to receiving confirmation that the application has been registered.

Yours faithfully,

DP9 Ltd.