

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	72 Broadwick Street, London, W1F 9EP		
Proposal	Demolition and rebuilding of the part first, second, third and fourth floors, full demolition and rebuilding of fifth and sixth floors and the erection of a seventh floor for office use (Class B1), use of part first and part second floors as nine residential units (Class C3) incorporating winter gardens and a new retail unit (Class A1) at ground floor level on Ganton Street. External alterations to the whole building, including new facades. Associated cycle parking and a vertical garden at first to third floor incorporating public art. Installation of new plant and photovoltaic panels and green roof at roof level.		
Agent	Brunel Planning		
On behalf of	Vantage One Property Unit Trust		
Registered Number	17/07828/FULL	Date amended/ completed	1 September 2017
Date Application Received	31 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway;
- ii. Lifetime (25 years) Membership to a Car Club for each of the 9 flats proposed;
- iii. A financial contribution to the carbon offsetting fund carbon offsetting fund of £43,854 (index linked and payable prior to commencement of development).
- iv. Crossrail payment (to be offset against the Mayoral CIL as allowed by the SPG).
- v. S106 monitoring costs.

2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:

(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director

of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

(b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

The Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

vi. SUMMARY

The application site occupies a full street block within the Soho Conservation Area and has frontages onto Broadwick Street, Carnaby Street, Marshall Street and Ganton Street. There are retail units fronting onto Carnaby Street and part of Broadwick Street. These units are in separate ownership (Shaftesbury Plc) and do not form part of the application site. There are offices at part ground, first to fourth floor levels which are accessed via Broadwick Street. There are eleven residential flats at fifth and sixth floor levels. A large part of the site is occupied by a UKPN substation and this does not form part of the application site. The elevations surrounding the substation comprise of concrete panels.

Permission is sought for the demolition of part first to fourth floors (facing Broadwick Street) and the full demolition of the fifth and sixth floors. The proposal includes the rebuilding the part first to fourth floors, the fifth and sixth floors and the erection of a new seventh floor level. The existing residential units will be relocated to the first and part second floor level. There is a reduction in the number of units from eleven to nine. The rest of the building will be used for office purposes.

The building will be re-clad and a green wall, incorporating public art is proposed to be attached to the existing concrete panels on Marshall Street and Ganton Street. These panels will be openable to allow UKPN to access the substation.

The key issues for consideration are:

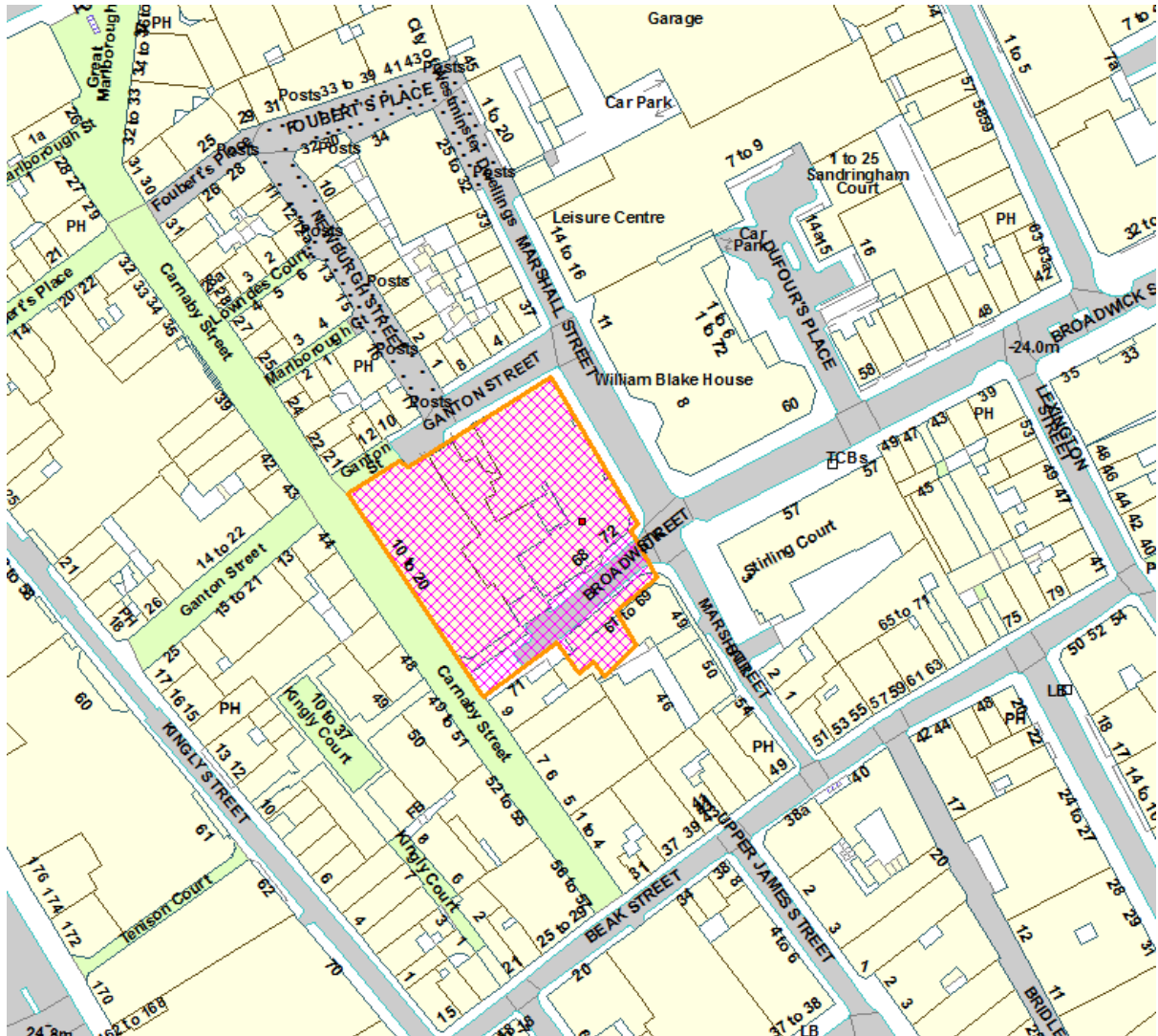
- Loss of two residential units;
- The relocation of the residential units from the upper floors to the first and part second floor levels;
- Impact of the proposed extensions on residential amenity;
- Impact of the proposals on the character and appearance of the conservation area; and
- The proposed height of the building which falls within the viewing corridor (Primrose Hill to Westminster World Heritage Site).

Item No.

3

The proposals are considered to be in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and are therefore considered acceptable.

vii. LOCATION PLAN



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viii. PHOTOGRAPHS



Corner of Broadwick Street and Marshall Street



Ganton Street



Carnaby Street



Corner of Carnaby Street and Broadwick Street

ix. CONSULTATIONS**GREATER LONDON AUTHORITY**

No objection – given the scale and nature of the proposals, the amendments do not give rise to any new strategic planning issues. Authorisation given for the City Council to determine the application without further reference to the GLA.

COUNCILLOR CHURCH

Any response to be reported verbally.

COUNCILLOR GLANZ

Any response to be reported verbally.

COUNCILLOR ROBERTS

Any response to be reported verbally.

COUNCILLOR DIMOLDENBERG

Objection:

- Loss of two residential units;
- Relocation of the residential units from top floor to lower floors will result in the loss of private outside amenity space;
- The increase in height will breach the protected viewing corridor; and
- Existing long term tenants will be evicted.

SOHO SOCIETY

Objection:

- Proposed residential units should be located within the top two floors;
- Lack of outside amenity space for proposed residential units;
- Proposed residential units will be closer to sources of noise;
- Reduction in the number of residential units;
- Statement of Community Involvement does not accurately reflect the comments made; and
- A sum of money should be paid to enforce the delivery service plan.

TRANSPORT FOR LONDON

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

LONDON BOROUGH OF LAMBETH

Any response to be reported verbally.

LONDON BOROUGH OF WANDSWORTH

Any response to be reported verbally.

LONDON BOROUGH OF BRENT

No objection.

THAMES WATER UTILITIES LTD

No objection

HISTORIC ENGLAND

No comment – application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

HIGHWAYS PLANNING MANAGER

Objection

- Loss of off-street car parking
- Lack of off-street car parking for the residential part of the scheme
- Concern raised over the servicing arrangements.

ENVIRONMENTAL HEALTH

No objection

CLEANSING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 456

Total No. of replies: 18

No. of objections: 17

No. in support: 0

Land Use

- Loss of two residential units;
- Relocation of the residential floorspace from roof to lower floors will result in poorer accommodation;
- Loss of external residential amenity space;
- The existing residential units provide affordable accommodation;
- Additional retail floorspace is not required;
- Office floorspace is not required in this area;
- Already too much cycle parking in the area, should be removed from the proposals;
- Proposal will eradicate the vibrant community.

Amenity

- Loss of view of the sky;
- Loss of daylight to residential windows;
- Increase sense of enclosure;
- Loss of privacy;
- Proposed residential units will be subject to greater noise;
- Balconies for offices are unnecessary

Design

- Proposed building is too high;
- Proposal will breach the viewing corridor;
- Proposal is incongruous to surrounding low rise and listed buildings;
- Detailed design of the proposed building is different to other surrounding buildings;

- Windows too large
- Materials (gold) could cause unacceptable refraction of light;
- Plant enclosures should be placed underground

Highways

- Allowing servicing vehicles to exit onto Broadwick Street will cause congestion;
- The service road should allow all servicing vehicles to enter and exit the site

Biodiversity

- Loss of beehives, should be replaced at roof level;
- Green roof should be provided

Other

- Timings of works amended to allow building works at evenings and weekends;
- Existing residents have invested in their properties and this will be lost;
- Increase in deliveries, noise, dust and disruption to residents and businesses while works are continuing;
- Planning procedures need to be altered to ensure that local residents are consulted at pre-application stage

One response received stating that as long as the building does not extend any further than that shown in the proposed drawings, no objection will be raised.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

x. **BACKGROUND INFORMATION**

a. **The Application Site**

The site occupies a full street block and is bounded by Carnaby Street, Broadwick Street, Marshall Street and Ganton Street. The building comprises basement, ground and five and part six upper floor levels. The building projects over the ground floor level on the corner of Carnaby Street and Broadwick Street. The building is stepped back at third floor level and above on Marshall Street.

At part basement and part ground floor level there are five existing retail units and these have frontages on Ganton Street, Canarby Street and Broadwick Street. The retail units are in separate ownership (Shaftesbury Plc) and do not form part of the application site. Part basement level and first to fourth floors are in use for office purposes (Class B1), the office entrance is located on Broadwick Street. The fifth and sixth floors comprise eleven residential units. All the units have access to private amenity space and there is also communal amenity space at roof level. There is a separate residential entrance on Broadwick Street and dedicated lift access to the flats.

There is a service road which divides the site at ground floor level and runs from Ganton Street to Broadwick Street; however, this is a 'no through route' due to issues surrounding the management of refuse on site. On Ganton Street there is also a separate access (via a ramp) to the basement car park which includes space for approximately six vehicles. The spaces are rarely used but are likely to be used by the commercial element of the building.

The building also houses a UKPN substation which occupies the north east side of the site. It occupies four sub-basement levels, lower ground, ground, first and second floor levels. The Marshall Street and Ganton Street elevations surrounding the substation are clad in concrete, there is a sculpture (giant plug and socket) on the Ganton Street elevation.

There are two ATMs located at ground floor level on Broadwick Street.

The site falls within the foreground viewing corridor of view 4A.2 of the London View Management Framework (LVMF 2012), which runs from the summit of Primrose Hill to the Westminster World Heritage Site.

The building is unlisted and is situated within the Soho Conservation Area.

b. Recent Relevant History

Planning permission was granted 2 June 1965 for the construction of Electricity Transformer building at Carnaby Street, Ganton Street and Marshall Street.

Condition 2 – The whole of the car parking accommodation shown on the drawing shall be provided and retained permanently for the accommodation of vehicles of the occupiers and users of the remainder of the building provided that nothing in this condition shall prevent the use of such car parking accommodation or any part thereof; by persons or bodies for such periods and at such time as the Council may from time to time approved in writing.

Condition 4 – No loading or unloading of goods, including fuel by vehicles arriving or departing from the permission shall be carried out otherwise than within the curtilage of the site.

Planning permission was granted 21 October 2004 for the use of part fifth and sixth floors for residential purposes including erection of extension at sixth floor level to provide a two-bedroom flat and also to provide additional residential floorspace to existing flat and new balcony at fifth floor level. This permission was implemented.

Planning permission was granted 9 May 2002 for the retention of sculpture in the form of a giant electrical plug and socket on the Ganton Street façade of the electricity substation at second floor level. This permission was temporary for one year. A planning application was not submitted to secure the sculpture after the one-year temporary period elapsed. No enforcement action was taken and as the plug and socket has been in situ since 2002, it is now lawful.

xi. THE PROPOSAL

Permission is sought for the demolition of part first to fourth floors and the complete demolition of the fifth and sixth floors, rebuilding these floors (including a full sixth floor level) and the addition of a new seventh floor level.

The existing residential units over the fifth and sixth floor levels will be relocated to part first and part second floor level. There is a reduction in the number of units from 11 to 9 and an increase in residential floorspace of 110sqm. The new units will be accessed via a new residential entrance on Ganton Street which will have dedicated lift and stair access. A residential refuse area is proposed and this will have direct access to the service yard.

As a result of the reconfiguration of space at ground floor level, a new retail unit is proposed on Ganton Street adjacent to the service bay entrance.

The rest of the building will be used for office purposes with a larger office entrance on Broadwick Street. Office terraces are proposed at fourth, fifth, sixth and seventh floor level.

The UKPN substation is not part of the proposals and will remain in situ. It is also proposed to install new doors to the UKPN substation on Marshall Street and Ganton Street. A green wall is proposed at first to third floor level on Marshall Street, which will cover the existing concrete façade to the substation and openable panels will be incorporated for access to the substation. Public art is also proposed to be fixed to the green wall. It is proposed to install new gates on Ganton Street and Broadwick Street into the service yard. A green roof, photovoltaics and plant is proposed at roof level.

The existing retail units at basement and ground floor level which are in separate ownership are not part of the application site.

Table 1: Proposed land uses

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	7,712	10,514	+2,802
Residential	1,234	1,344	+110
Retail	1,747	1,780	+33
Total	13,675	16,620	+2,945

xii. DETAILED CONSIDERATIONS

c. Land Use

Office use

Objections have been received to the increase in office floorspace on the basis that it is not needed in this location.

The proposals result in an increase of 2,802sqm of office floorspace. City Plan Policy S18 states that commercial development will be encouraged and directed to the Core CAZ. Policy S18 also states that the council will work to exceed the target of additional floorspace capacity for at least 77,000 new jobs between 2016/17 and 2036/37. The development would assist in meeting that target.

Policy S1 encourages development which promotes Westminster World City functions. Part 3 of the policy relates to developments within Core CAZ, which includes net additional B1 floorspace and states

(A) Where the net additional floorspace (of all uses) is;

i) Less than 30% of the existing building floorspace, or

ii) Less than 400sqm; (whichever is the greater);

Or where the net additional B1 floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace is required.

The net additional B1 floorspace is 21% of the existing building floorspace and therefore there is no requirement to provide residential floorspace.

The uplift in office floorspace is in line with the policies set out above and is considered acceptable. The objections are not considered sustainable to justify a reason for refusal.

Residential use

There are 11 residential units over the fifth and sixth floor levels over 1234sqm. The units are accessed via the residential entrance and lobby on Broadwick Street where there is a dedicated lift to the residential floors. There is also stair access but this is shared with the existing offices.

The existing flats comprise 9x2 bed units and 2x1 bed units (one objection refers to a three bedroom unit). All of the existing flats have access to private amenity space and there is communal external space at fifth floor level.

Table 2: Existing unit breakdown (GIA)

Flat No.	Bedrooms	GIA (sqm)
1	2	97
2	2	98
3	2	105
4	2	93
5	2	88
6	2	110
7	1	60
8	2	80
9	1	46
10	2	110
11	2	120

The residential floorspace is proposed to be relocated to part first and part second floor level, where nine units will be provided over 1,344sqm (increase of 110sqm). The units will comprise 7x2 bed units and 2x3 bed units and will have access to winter gardens.

Table 3: Proposed unit breakdown (GIA)

Flat No.	Bedrooms	GIA (sqm)
A	2	75
B	2	91
C	2	99
D	2	101
E	2	100
F	2	97
G	2	80
H	3	106
J	3	127

City Plan Policy S14 states that all residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- The council considers that the reconfiguration of redevelopment of affordable housing would be better meet affordable housing need;
- A converted house is being returned to a family sized dwelling or dwellings; or
- Two flats are being joined to create a family sized unit.

The development does not fall within any of the exceptions to the presumption against the loss of residential units. Indeed, objections have been received to the loss of two residential units. However, the total residential floorspace on site is proposed to increase by 110 sqm and two family-sized flats are proposed where none currently exist. Whilst the loss of two residential units is disappointing, these two benefits are considered to outweigh this policy conflict.

Two three bedroom units are proposed (22%); this does not comply with UDP Policy H5 which requires 33% of units to comprise three bedrooms. It is considered that the proposal represents an improvement on the existing situation and is therefore acceptable.

The proposed units are not considered to be oversized and comply with City Plan Policy S14 which states that the number of residential units on development sites will be optimised.

Some of the objections received refer to the loss of affordable housing on the basis that the existing rents are lower than average for the area and current occupiers will no longer be able to live in the area. The flats are privately rented and although they may be rented out on reasonable rents, they are not considered to be affordable housing units.

Further objections have also been received to the proposed quality of residential floorspace in comparison to the existing units, especially in terms of increase overlooking, lack of external space and increase in noise levels. The existing units are situated over the top two floors of the building and they are dual aspect with windows facing outwards and windows facing the communal courtyard. All the flats have external balconies and as these are at high level they are not overlooked by other buildings. The existing residents have commented that as they are at high level the noise from street level activity is low.

Two of the units will be dual aspect and the applicant is proposing internal winter gardens to address the loss of private amenity space. In terms of the impact from external and internal (existing retail units and UKPN substation) noise sources, an acoustic report has been submitted with the application. In this location, the impact from external sources has the potential to be high. The new windows will include alternative forms of ventilation to allow the future occupiers to keep their windows shut, but still ventilate the flats. Environmental Health has confirmed that the proposals will comply with the standard noise conditions. A condition is recommended to ensure that all windows are capable of being opened.

The existing residential accommodation is of a good quality and it is disappointing that the residential accommodation will be moved to the first and second floor levels. However, it is not unusual to see residential units at first and second floor level in this part of Soho; they will be of a high quality and comply with the policies set out in the City Plan and UDP.

The objections received on the grounds that existing tenants will be evicted are not planning considerations and therefore planning permission cannot be withheld on these grounds.

Objections have also been received on the grounds that the applicant's submission refers to the current occupiers of the residential units as 'transient'. The applicants have confirmed that the flats are let out on short term leases which are subject to two month notice periods and the leases are for either one or two year periods.

The proposals do not trigger a requirement to provide affordable housing.

d. Townscape and Design

The site in Broadwick Street is large and occupies a whole urban block in the Soho Conservation Area. It is prominent in many views and is part of the setting of numerous listed buildings which lie immediately to the north of the site in Ganton Street, Newburgh Street and Marshall Street, as well as listed buildings further to the east in Broadwick Street. The site is also within protected vista 4A.2 (Primrose Hill summit to the Palace of Westminster)

The building makes a neutral contribution to the conservation area because its street frontages are either dead/inactive or have poor-quality shopfronts, the facades are of drab brickwork with exposed concrete slab edges and the top three floors are clad in zinc which has weathered badly. Furthermore, the brutal three-storey concrete facade of the sub-station in Marshall Street is extremely oppressive and unattractive. However, the 'plug and socket' installation adds some street level interest on the Ganton Street corner.

The building is to be mostly stripped back to its structural frame and re-clad with lateral extensions and another storey of accommodation at roof level. Unfortunately, the shop frontages are outside the scope of the application and will remain. Public art for the building is to be created by Jyll Bradley with a design based on hop garden structures which derives its inspiration from the historic pub culture of Soho. Georgian hop stringing

patterns are reinterpreted to create a modern hop garden trellis for the living wall. The patterns could also be applied to the street level cladding, cornices and / or architectural metalwork across the whole building. This may be dealt with by condition.

Owing to the altered height, bulk and detailed design of the building in comparison to the existing structure on the site, there will be a change to the setting of nearby listed buildings and to views from within the surrounding Soho Conservation Area.

The upper floors are stepped back to ensure the massing of the building in local views from Carnaby Street, and Marshall Street looking south, is acceptable. Generally, the planform sets back on the structural grid as the storeys rise and also sets away from these key corners. The impact of this is shown in the submitted townscape views and is acceptable in design and heritage asset terms.

Traditional brickwork with recessed joints is proposed for facades along Carnaby Street and Ganton street, which is an appropriate response to the character and appearance of Georgian buildings in the immediate area.

Grey brickwork with flush joints responds to the more modern context on premises neighbouring the site in Broadwick Street and Marshall Street. The facades have vertical brick piers stepped back into the facade to provide additional articulation to the walls, with the windows being traditional recessed openings split into three per bay. The window reveals, including the sills and soffits, are to be finished in a textured metal. The upper floors are carefully set back to reduce their visual impact from both sides of Carnaby Street, and the top floors will be finished in a dark zinc to create a roof-like appearance. Details may be dealt with by condition. Objections have been received to the use of gold for the window reveals. The visuals submitted with the scheme do show the reveals to be gold, but they will be bronze textured metal which is considered acceptable.

On Broadwick Street, larger 'gallery' type windows and associated brick panels are proposed in response to the more modern surrounding context. The existing canted brick bays have been rationalised and, as with Carnaby Street, the upper floors are set back and clad in a dark zinc material to ensure their appearance is acceptable in local views.

Marshall Street is currently dominated by Stirling Court, William Blake House and the harsh concrete walls of the substation. The concrete wall is to be replaced with a biodiverse living wall, of approximately 500m², that will be designed in conjunction with a specialist. The supporting framework will also form part of the proposed public art. The living wall consists of modular panels which incorporate pockets into which plants can be inserted. The modular units will be installed on a steel subframe that can be locally open-able to allow access for existing UKPN Sub-station. Louvered panels will be provided to maintain existing ventilation requirements.

A new retail unit will close the vista on Newburgh Street provides a much improved focus to the street and additional active frontage. New gates to conceal the service yard entrance will be designed to incorporate public art are will contribute to the overall improvement of the façade. The new entrance to the residential accommodation will be

located on the Ganton Street facade in place of the existing basement access ramp, providing additional active frontage.

The proposed alterations are sympathetic to the form, scale, materials and architectural detail of nearby heritage assets, in accordance with UDP policies DES 9 and DES 10, and the detailed design of the alterations and extensions accords with UDP policies DES 1, DES 5 and DES 6.

Local Views

Thirteen local views of the proposal are assessed which give both a qualitative and a quantitative illustration of the proposals. In these views, the proposed alterations will have an acceptable visual impact and, as set out above, the design changes represent an improvement to the appearance of the building to the benefit of heritage assets in the surrounding area.

Protected Vista

The site for the proposed development falls within view 4A.2 of the London View Management Framework which runs from the summit of Primrose Hill to the Westminster. According to the heights identified in the viewing corridor, the threshold plane for development at the location of the site is approximately 52 metres AOD.

At a maximum height of 54.66 metres AOD (to its roof parapet) and 56.49 metres AOD (to the top of the extraction flues), the proposed development will breach the threshold plane of the viewing corridor. Visualisation specialists Miller Hare have produced an Accurate Visual Representation (AVR) of the view in order to establish whether the proposals would be visible. The AVR shows that the proposed development would be completely obscured in the view by existing buildings in the foreground, located between the site and Primrose Hill, principally by BBC Broadcasting House.

The BBC's premises currently comprise Old Broadcasting House and its recently completed extension. When that extension was proposed, there was 'strategic view assessment' in the application (01/09569/FULL). At that time, the view was obstructed by the BBC's previous, post-war, extension in Portland Place and the new buildings continue to obstruct that part of the view. Therefore, noting the screening effect on the Broadwick Street site by the BBC, the obstruction of the view caused by the BBC and the absence of any realistic prospect of that changing, the breach of the threshold plane by the Broadwick Street development is acceptable and makes no change to the current ability to see the Palace of Westminster in view 4A.2. Consequently, objections to the proposal on the basis of breaching the protected vista threshold plane cannot be sustained, and although contrary to UDP policy DES 14, there are wholly exceptional reasons that this is acceptable in this case.

e. Residential Amenity

The existing building is set back on the Marshall Street elevation at third and fourth floor level and then further set back at fifth and sixth floor level. At third and fourth floor level it is proposed to extend the building to its full footprint. The rebuilt fifth and sixth floor levels will be stepped back and the new seventh floor level will be further set back. Terraces to serve the offices are proposed front fourth floor level and fifth, sixth and seventh floor level.

Daylight and Sunlight

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact on the following properties:

Marshall House – 49 Marshall Street

This building is located on the corner of Broadwick Street and Marshall Street and comprises commercial units over the ground floor and 24 residential units over the first to fourth floors. All the units have windows overlooking the application site.

Objections have been received from a number of the existing occupiers on the loss of daylight. Officers have gained access to two of the flats at fifth floor level in Marshall Street. It appears that the majority of the flats are single aspect, with the corner flats being dual aspect.

There are losses to VSC to the majority of windows in Marshall House, although six windows at first floor level do see a slight improvement in VSC levels. The losses range from 1.28 -27.3%. The losses above 20% are to windows on the upper floors of the building and the windows close to the corner of Broadwick Street and Marshall Street. These losses are a result of the increase in bulk and height to the Marshall Street elevation. These windows will retain good levels of VSC (14-20%) for this inner city location and the losses are therefore considered acceptable.

The windows face north and therefore do not need to be tested for sunlight.

4 Ganton Street

This building is located to the north of the application site and is located close to the corner with Marshall Street. There is a public house at ground floor level with three upper floors. Permission was granted in 2010 for the dual alternative use of the upper floors for continued office use or as three studio units (one per floor). The upper floors are currently in use as offices, however, as they can change to residential use until 2020, the windows have been assessed.

All the windows will be affected by the proposals and the losses range from 20.07 – 23.37%. The retained levels of VSC are good and the losses are considered acceptable.

In terms of sunlight, the windows comply with the BRE guidelines as the retained APSH values are above 25%. One window at second floor level will lose 42% of winter sun, however as the APSH levels are above the levels set out in the BRE guidelines the loss to one window is considered acceptable.

17 Newburgh Street

This building is also located to the north of the application and has frontages on Ganton Street and Newburgh Street. There is a retail unit at ground floor level with two upper floors. The upper floors are in use as two residential flats, although the use of the upper floors can change to offices without the need for planning permission until 2026.

An objection has been received from the occupier of the second floor flat on the grounds that the existing light levels are low and the proposal will reduce the levels unacceptably.

The windows directly opposite the application site currently receive low levels of VSC, although these levels are not unusual in this part of the City. The losses of VSC to these windows are below 20% and are therefore in line with the BRE guidelines.

There are no losses to winter sunlight, and the losses to APSH are within the BRE Guidelines.

12 Ganton Street

12 Ganton Street is also located to the north of the application site and is close to the corner with Carnaby Street. There is a retail unit at ground floor level. Permission was granted in 1997 for the dual alternative use of the upper floors for either a residential maisonette or for office purposes. The residential unit was implemented and this is now lawful.

The windows directly opposite the application site currently receive low levels of VSC, although these levels are not unusual in this part of the City. The losses of VSC to these windows are below 20% and are therefore in line with the BRE guidelines.

This property sees an improvement the levels of APSH and winter sunlight as a result of the proposals.

Stirling Court

Stirling Court is located to the south-east of the application site and is a residential tower block over fourth to tenth floor levels – the lower floors are currently being developed to provide office, retail and residential uses. There are losses of VSC to windows at fourth

to eight floor level, these losses range from 0.71% - 5.43% and therefore comply with the BRE guidelines. As the windows face north they do not need to be tested for sunlight.

Sense of Enclosure

Objections have been received from existing residents within Marshall House on the grounds that the proposals will result in an increase sense of enclosure. As set out above, the existing elevation on Marshall Street is set back at third floor level and above and in the proposed scheme this elevation will be brought forward. It is noted that some of the windows on the upper floors overlook the setback elevation and there will be some increase in enclosure to these windows. However, this situation is the same as the windows on the lower floors of the building and the windows to the west of the junction of Broadwick Street and Marshall Street. It is therefore not considered that the application could be refused on these grounds.

Privacy

Objections have been received to the loss of privacy as a result of the new office windows and the office terraces at fifth floor and above. As there are existing windows within all elevations of the application it is not considered that there will be an increase in the amount of overlooking.

Office terraces are proposed at fifth floor level and above. At sixth and seventh floor level the terrace wraps around the application site and it is considered that there may be an increase in overlooking from the rear to the taller residential buildings of William Blake House and Stirling Court. The application has been amended since its original submission to remove the terraces on the corner of Marshall Street and Broadwick Street at sixth and seventh floor level. With these amendments it is considered that the terraces are acceptable. Conditions are recommended to ensure that the terraces are only used during normal office hours.

f. Transportation/Parking

Loss of car parking

The existing basement level includes space for at least six cars and access to the basement level parking is gained via a ramp on Ganton Street. The proposal seeks to remove the off-street parking. The 1965 consent granted a scheme of offices and residential flats. A condition was attached to the consent which restricted the parking to the occupiers and users of the building. The submitted Transport Statement states that the basement is rarely used for vehicle parking. Furthermore, there is a Traffic Order that allows vehicular access to Ganton Street only between 07.00 – 11.00 and not at all on Sundays, therefore access to the basement parking is constrained.

The Highways Planning Manager has objected to the proposal on the grounds of the potential loss of off-street residential parking. However, due to the constraints of accessing the basement parking (with access only between 07.00 – 11.00 on weekdays and not at all on Sundays), it is unlikely that it is used by the residential element of the building. Furthermore, the existing residential core does not extend to basement level. On this basis, the loss of off-street commercial parking is considered acceptable.

Lack of off-street parking

No off-street parking is proposed for the residential flats. UDP TRANS23 requires sufficient off-street parking to be provided to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for nine spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is 76%. During the day the uptake is 91% meaning that on-street parking is already at a 'stress level'. The Highways Planning Manager has objected to the scheme on the basis that the absence of any off-street parking provision would exacerbate existing parking stress levels in the vicinity of the site.

It is considered that the existing basement level is constrained and it is unlikely that eleven or nine car parking spaces could be accommodated. The proposals do not involve new sub-basement levels and to provide high quality office floorspace the proposed basement will be used as ancillary office floorspace (showers/cycle parking facilities).

It is recognised that the site is located in an area of high levels of public transport and in a very central location which faces onto a pedestrianised street. The applicants have agreed to provide lifetime (25 years) membership to a car club. This will be secured via a legal agreement.

Servicing

Objections have been received on the grounds that the roads around the site are congested with servicing vehicles and these vehicles often obstruct the public highway. Comments have also been made that all the servicing for the site should take place off-street.

There are two access points to the existing servicing area on Broadwick Street and Ganton Street. The transport statement indicates that the existing access point on Ganton Street is not used as bins are stored in front of the gates. This means that there is no through access from Ganton Street to Broadwick Street. Refuse is also currently stored in the servicing yard and then left on the corner of Marshall Street and Broadwick Street for collection. UKPN also use the service yard to access the substation and there are conflicts between the refuse left in the service yard and UKPN.

It is proposed to retain the two vehicular access points on Ganton Street and Broadwick Street. Dedicated refuse stores are proposed and this will allow vehicular access from Ganton Street. The applicants are proposing to implement a pre-booking service for servicing vehicles. Vehicles (up to 3.5 tonne panel van) would access the service road from Ganton Street and exit via Broadwick Street (in forward gear). As access via Ganton Street is limited to after 11am, and the applicants have stated that other servicing vehicles (including larger vehicles) that have not pre-booked will continue to service the site as existing i.e. from street. The applicants have stated that larger vehicles (over 3m tall) are unable to access the gates and the service yard.

The existing servicing around the site is poor and this is as a result of poor management. With the implementation of a management system there will be a significant improvement over the existing situation. The Highways Planning Manager has commented that in order to further improve the current situation, all the servicing should take place off-street. This would require all servicing to take place in between the hours of 07.00 and 11.00 (other than Sundays) and the servicing management plan should be drawn up to address these restrictions. A condition is recommended to ensure that all servicing (apart from refuse vehicles) takes place off-site. The Highways Planning Manager has requested that the servicing management plan (SMP) is secured by condition. The Soho Society has requested that a sum of money should be paid by the applicant to enforce the servicing management plan. A mechanism to request monies for this does not exist and would not comply with the CIL regulations.

Cycle Parking

Off-street cycle parking is proposed at basement level; 18 spaces are proposed for the residential units and 116 spaces are proposed for the office floorspace. The proposed office floorspace requires 117 spaces and a condition is recommended to ensure that an additional cycle space is provided.

Changes to the building line

The proposals alter the building in various places, particularly in the south east corner, the Ganton Street façade and the Broadwick Street vehicular entrance. As these areas has been open and passable for at least 20 years these areas are considered to be highway. These areas are required to be stopped up to allow the development to be implemented. Where some areas will be stopped up, there will be areas which will be required to be dedicated as highway. The Highways Planning Manager has no objection to the stopping up or the dedication and this will be secured via a legal agreement.

Green Wall

The proposed green wall will be attached to the existing façade on Marshall Street and Ganton Street and will extend by approximately 0.15m. Parts of the green wall are proposed to open over the highway to allow access the UKPN substation. The principle of opening the walls on rare occasions is accepted, this will need to be well planned with all the surrounding stakeholders.

The green wall will reduce the footway width. However, the Highways Planning Manager has no objection to the structure providing further details are submitted, which will be secured by condition.

g. Economic Considerations

Any economic benefits generated by the proposals are welcomed.

h. Access

Level access is proposed to the office, retail and residential uses, stairs and lift access is provided to the upper floors.

i. Other UDP/Westminster Policy Considerations

Plant

New plant is proposed at basement level and at roof level. Environmental Health has no objection to the plant on noise grounds and the plant is likely to comply with the City Council's standard noise conditions.

Objections have been received to the addition of chimneys and vents at roof level which will discharge smoke. The proposals do not include chimneys and the vents are there for the air conditioning units. The objections on these grounds are not justified.

Refuse /Recycling

The Cleansing Manager has no objection to the proposed refuse and recycling arrangements. There are dedicated refuse stores for the office, retail and residential elements of the scheme and this represents an improvement on the existing situation.

Biodiversity

Objections have been received to the loss of a green roof and beehives at third floor level. The proposals include a green roof at roof level and an extensive green wall on Marshall Street and part of Ganton Street. The submitted ecology statement includes measures to provide shelter and habitats for wildlife. Conditions are recommended to ensure that the roofs and walls are maintained and they include a variety of plant species. The objections received on these grounds are not justified.

Sustainability

The London Plan requires residential development to target 'Zero Carbon' and 35% below Part L 2013 for the non-domestic elements.

The submitted documents indicate that the non-domestic elements of the proposal will be 29.2% below Part L 2013 of the Building Regulations. The proposed residential also does not meet the 'Zero Carbon' targets. To address the shortfall the applicants are willing to contribute £43,854 to the carbon off-setting fund which is compliant with the Mayor's guidance. This is acceptable and will be secured by a legal agreement.

The submitted Sustainability Statement indicates that the office element of the scheme will achieve a BREEAM Excellent rating and the retail unit will achieve a 'Very Good' rating. This is welcomed and secured by condition.

In terms of on-site renewables, photovoltaic panels are proposed at roof level (140sqm/54 panels); the panels will be secured by condition.

j. London Plan

The application is referable to the GLA as it is within the Viewing Corridor. The GLA has confirmed that they have no objection to the proposals and they do not raise any strategic issues. Authorisation has been given for the City Council to determine the application without further reference to the GLA.

k. National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

l. Planning Obligations

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

- Highway Alterations including works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway;
- Dedication of Highway where the building line has been set back from the existing line;
- Stopping up of the Highway;
- Lifetime (25 years) Membership to a Car Club for each of the 9 flats proposed;
- Carbon off-setting payment of £43,854

The estimated CIL payment is: £818,210.41

m. Environmental Impact Assessment

The proposal is of an insufficient scale to require an EIA.

n. Other Issues

Construction impact

A number of objections have been raised to the length of the construction period, the impact the construction will have on existing residents and businesses in the area and the associated noise/dust and disruption. Planning permission cannot reasonably be withheld on these grounds.

A draft Construction Management Plan has been submitted by the applicants. Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

An objection has been received on the grounds that the building works should be carried out in the evenings and at weekends to protect existing commercial uses. The hours of building works are designed to protect residential amenity and it is considered by allowing works in the evening and at weekends, residential amenity will not be protected.

Planning process

Objections have been raised to the lack of consultation carried out by the applicants. The Statement of Community Involvement submitted by the applicants indicates that public consultation was carried out prior to the scheme being submitted. As this consultation is not carried out by the City Council, the objections on these grounds are not considered sustainable to justify refusing the application.

The Soho Society have also stated that their comments about the scheme are not accurately reflected in the Statement of Community Involvement. As the City Council are not party to this part of the process, officers cannot address these concerns.

xiii. BACKGROUND PAPERS

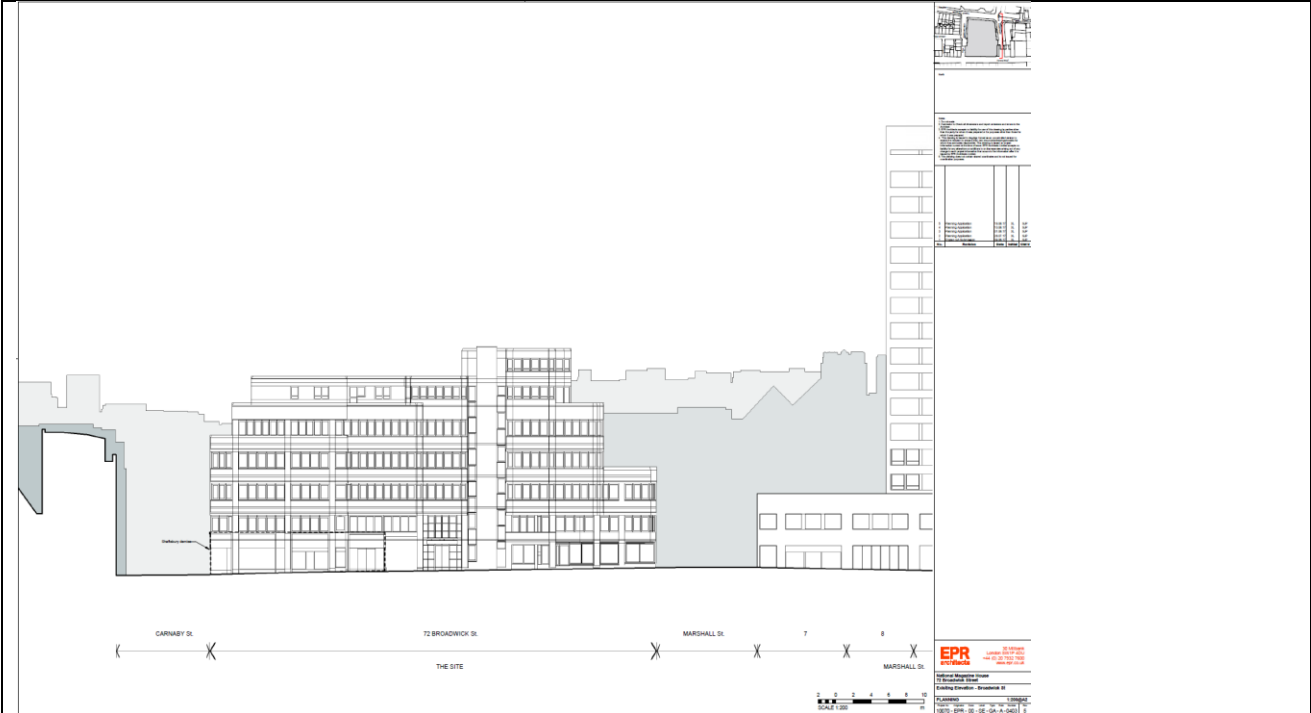
1. Application form
2. Response from Soho Society, dated 28 October 2017
3. Response from Greater London Authority, dated 26 September 2017
4. Response from London Borough of Brent, dated 29 September 2017
5. Response from Environmental Health, dated 3 October 2017
6. Response from Historic England (Listed Builds/Con Areas), dated 12 September 2017
7. Response from Thames Water Utilities Ltd, dated 6 September 2017
8. Response from Highways Planning Manager dated 17 November 2017
9. Responses from Cleansing Manager dated 26 September 2017 and 23 November 2017
10. Letter from occupier of Councillor Dimoldenberg, dated 28 October 2017
11. Letter from occupier of Flat 4, 68 Broadwick Street, dated 20 October 2017
12. Letter from occupier of Flat 9, 7 Dufours Place, dated 10 September 2017
13. Letter from occupier of Stirling Court, dated 27 October 2017
14. Letter from occupier of Stirling Court, dated 27 October 2017
15. Letters from occupier of Flat 22, Marshall House, 49 Marshall Street, dated 28 September 2017 and 27 October
16. Letter from occupier of Flat 2, 17A Newburgh Street, dated 27 October 2017
17. Letter from occupier of 71 Broadwick Street, dated 8 September 2017
18. Letters from occupier of Flat 11, 68 Broadwick Street, dated 1 October 2017 and 30 October 2017
19. Letter from occupier of 11 Marshall House, 49 Marshall Street, dated 25 September 2017
20. Letters from occupier of Flat 8, 68 Broadwick Street, dated 1 October 2017, 19 October 2017 and 23 October 2017
21. Letter from occupier of Flat 8, 49 Marshall Street, dated 28 September 2017
22. Letter from occupier of 21 Marshall House, 49 Marshall Street, dated 1 October 2017

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

Item No.
3

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

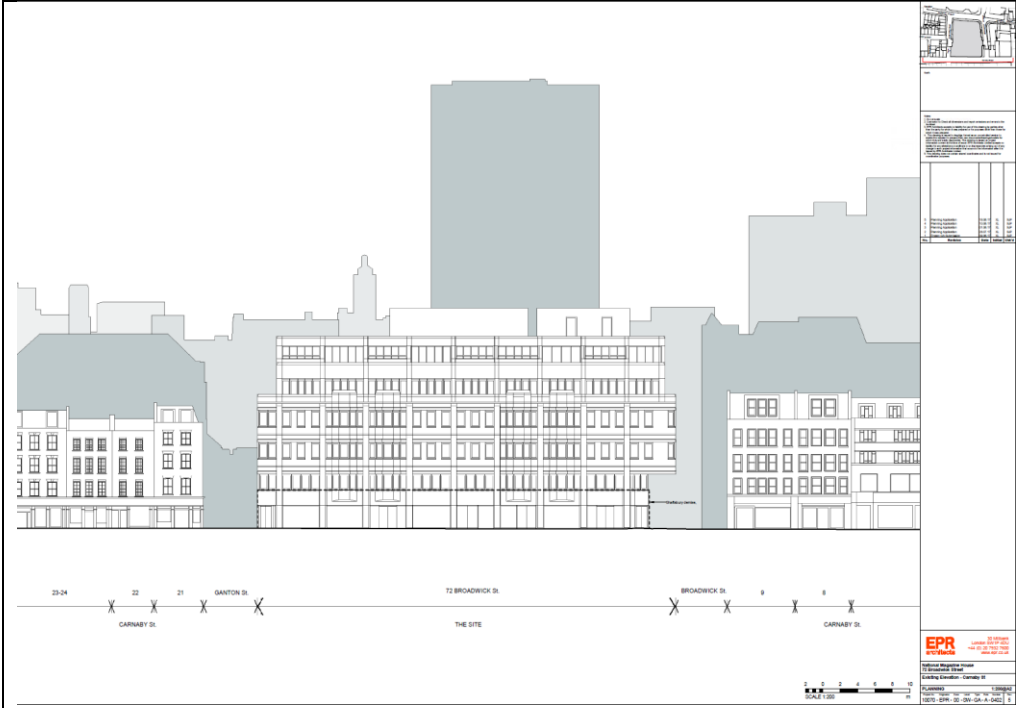
xiv. KEY DRAWINGS



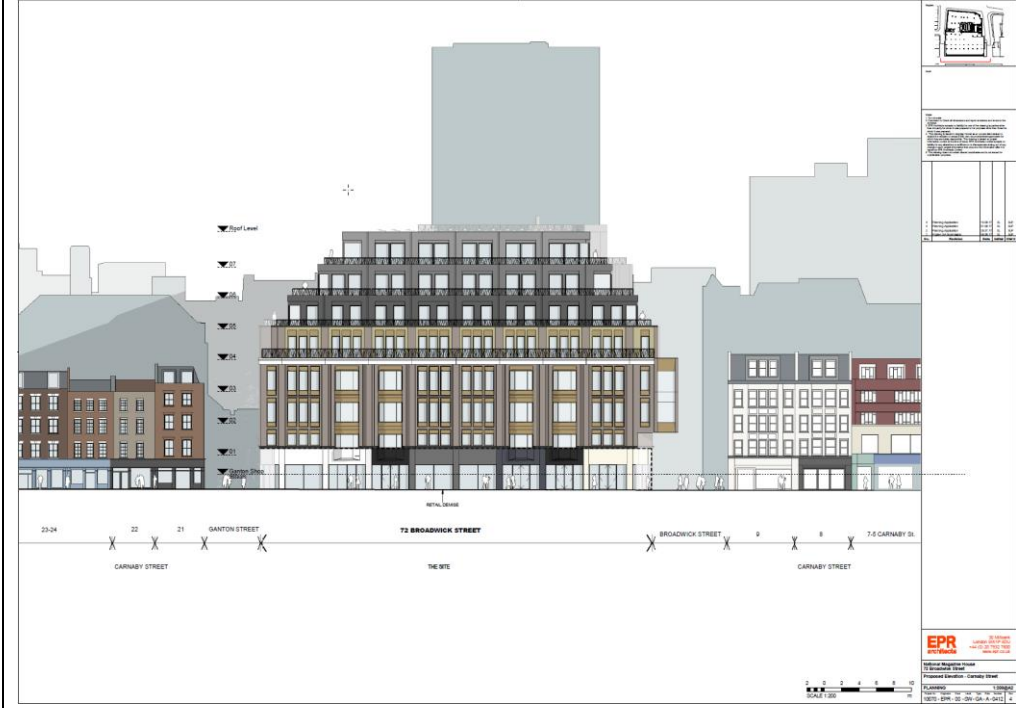
Existing Ganton Street elevation



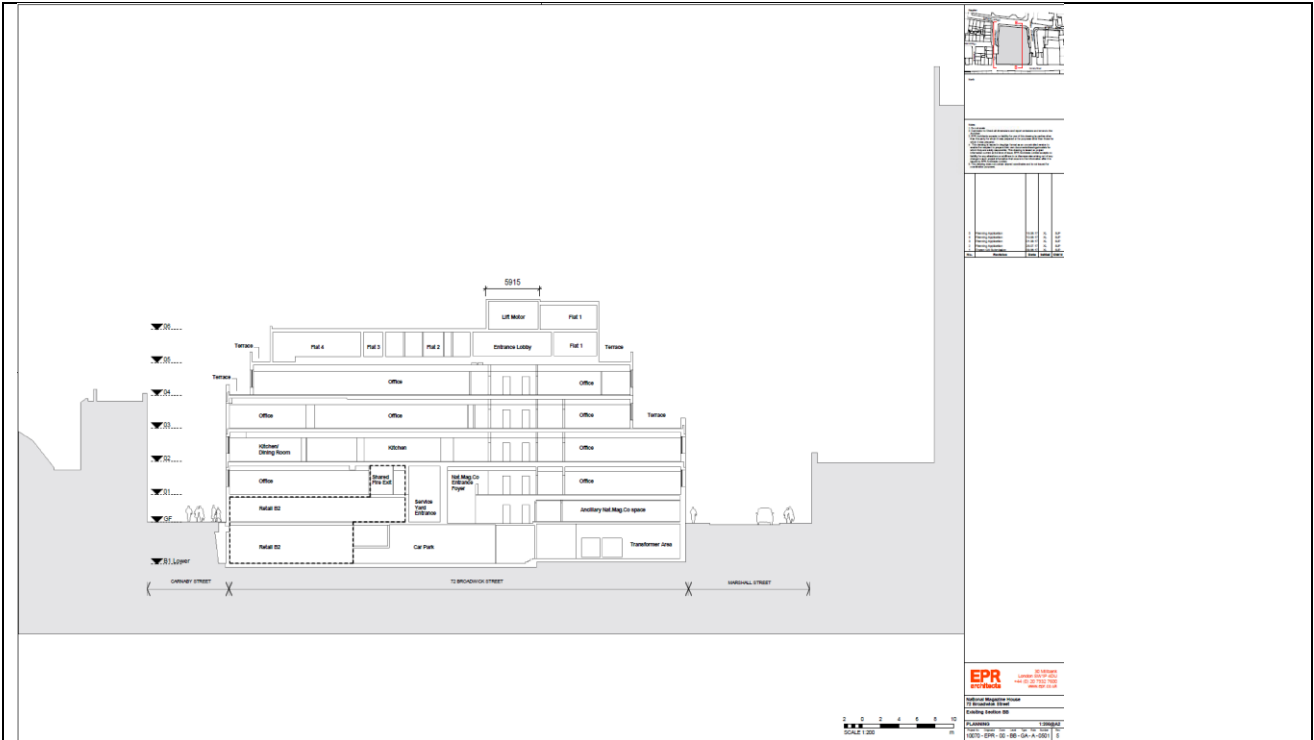
Proposed Ganton Street elevation



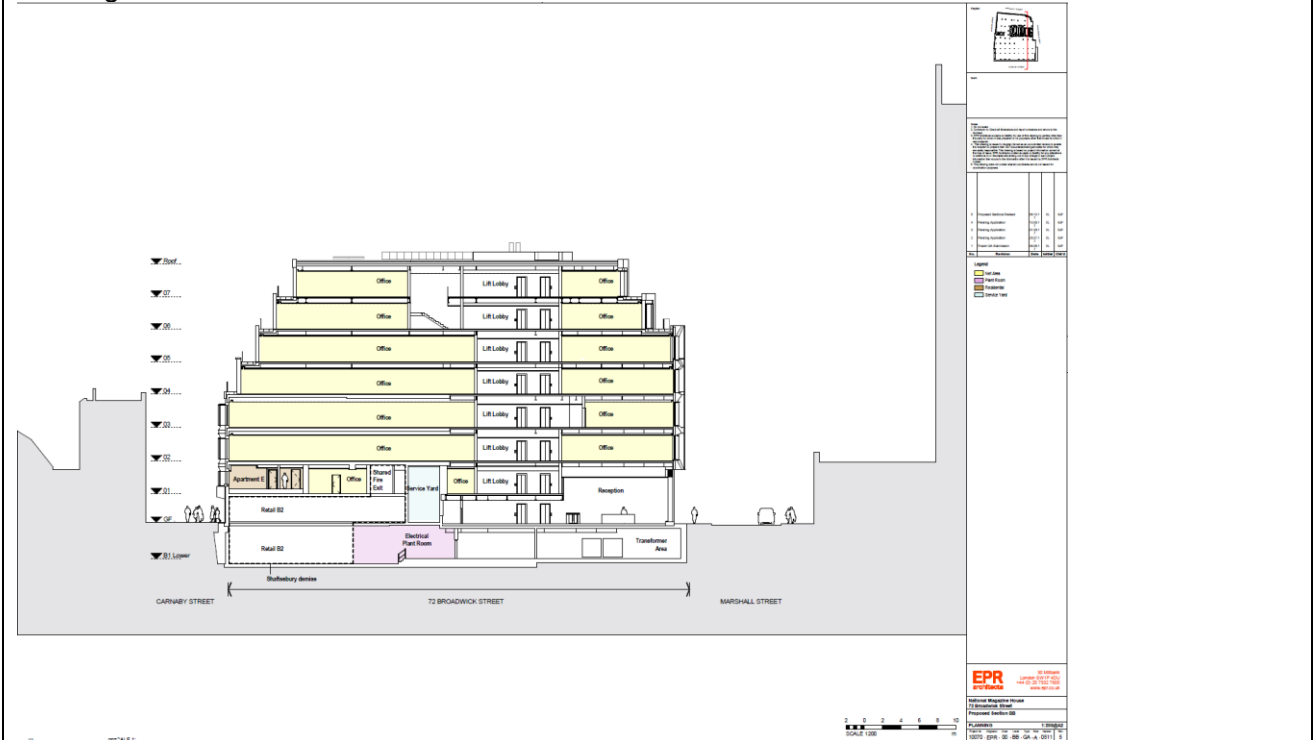
Existing Carnaby Street elevation



Proposed Carnaby Street elevation



Existing section



Proposed section

DRAFT DECISION LETTER

Address: 72 Broadwick Street, London, W1F 9EP

Proposal: Demolition and rebuilding of the part first, second, third and fourth floors, full demolition and rebuilding of fifth and sixth floors and the erection of a seventh floor for office use, use of part first and part second floors as nine residential units incorporating winter gardens and a new retail unit at ground floor level on Ganton Street. External alterations to the whole building, including new facades. Associated cycle parking and a vertical garden at first to third floor incorporating public art. Installation of new plant and photovoltaic panels and green roof at roof level.

Reference: 17/07828/FULL

Plan Nos: 10070-EPR-00-B1-GA-A-1399 5, 10070-EPR-00-GF-GA-A-1400 5, 10070-EPR-00-01-GA-A-1401 5, 10070-EPR-00-02-GA-A-1402 5, 10070-EPR-00-03-G-A-1403 5, 10070-EPR-00-04-GA-A-1404 5, 10070-EPR-00-05-GA-A-1405 5, 10070-EPR-00-06-GA-A-1406 5, 10070-EPR-00-07-GA-A-1407 5, 10070-EPR-00-B1-GA-A-0209 5, 10070-EPR-00-GF-GA-A-0210 4, 10070-EPR-00-01-GA-A-0211 5, 10070-EPR-00-02-GA-A-0212 5, 10070-EPR-00-03-GA-A-0213 5, 10070-EPR-00-04-GA-A-0214 5, 10070-EPR-00-05-GA-A-0215 4, 10070-EPR-00-06-GA-A-0216 5, 10070-EPR-00-07-GA-A-0217 5, 10700-EPR-00-RF-GA-A-0218 4, 10070-EPR-00-AA-GA-A-0510 5, 10070-EPR-00-BB-GA-A-0511 5, 10070-EPR-00-EL-TP-A-0410 6, 10070-EPR-00-EL-TP-A-0411 5, 10070-EPR-00-SW-GA-A-0412 5, 10070-EPR-00-SE-GA-A-0413, 10070-EPR-00-NW-GA-A-0414 4, 10070-EPR-00-NE-GA-A-0415 4,
Email from Brunel Planning dated 21.11.2017,

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- typical examples of each new window type;
- public art to the Marshall Street and Ganton Street (attached to Green Wall);
- the servicing gates and the window reveals.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 9 (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

Item No.
3

is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number EPR-00-GF-GA-A-0210 4. You must clearly mark them and make them available at all times to everyone using the refuse and recycling stores. (C14FB)

Reason:

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

- 12 You must apply to us for approval of detailed drawings of the following parts of the development - the construction and design of the green wall and public art including the depth from the building. You must not start any work on these parts of the development until we have approved what you have sent us., You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: an additional cycle parking space for the office part of the development (increase to 117 spaces). You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 14 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 15 You must apply to us for approval of details: of the following parts of the development; the submission of a Servicing Management Plan. You must not occupy the development until we have approved what you have sent us. You must then carry out the work according to these details and the servicing management plan. (C26DB)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 All servicing should take place within the servicing bay shown on drawing 10070-EPR-00-GF-GA-A-0210 4

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 17 All vehicles must enter and exit the site in forward gear from the servicing bay.

Reason:

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

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 20 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 21 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 22 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 23 All residential windows must be capable of being opened.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 24 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 25 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to green roofs and green wall. You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 26 You must provide the environmental sustainability features (environmentally friendly features) as set out in the submitted sustainability statement and energy statement and in particular; provide at least 140sqm of photovoltaic panels (54 panels), before you start to use any part of the development, , , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 27 **Pre Commencement Condition.** You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 28 The office terraces at fifth, sixth and seventh floor level shall not be used outside the following times before 08.00 or after 21.00 Monday to Saturday and not at all on Sundays. (C12AD)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 29 Areas marked green roof at sixth and seventh floor area must not be used for sitting out purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

Informative(s)

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all time for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on 0800 009 3921 for further information
- 3 There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hour access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on 0800 009 3921 for further information.
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point it leaves Thames Waters pipes. You should take account of this minimum pressure in the design of the proposed development.
- 5 With regards to Condition 15, the Servicing Management Plan should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle sizes will be managed and how the time the delivered items spend on the highway will be

minimised. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations., , The SMP should also set out the proposed management plan for the servicing for this site to ensure that all deliveries take place within the dedicated bay and within the hours of 07.00 - 11.00 Monday to Saturday.

- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP Phone: 020 7641 2000. Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to noncompliance with the CDM Regulations after the completion of a building project, particularly if such noncompliance has resulted in a death or major injury.
- 8 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following;

- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 9 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.,
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.,
 - * Lighting - ensure luminaires can be safely accessed for replacement.,
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm., , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 10 Condition 9 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)
- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 13 You are strongly encouraged to ensure that all non-road mobile machinery used during the the demolition and/or construction phase meet the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link:

<http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: environmentalsciences2@westminster.gov.uk.

- 14 Overheating Ventilation Informative: ventilation scheme (with windows closed) achieving compliance to at least the Overheating Standard (as described above) is recommended to be devised using the following Cooling hierarchy (in order to help compliance with sustainable development standards);
- i. Minimise internal heat generation through efficient design;
 - o Reduce the amount of heat entering a building in summer through shading, light colouration, albedo, fenestration, insulation and green roofs and walls;
 - o Manage the heat within the building through exposed internal thermal mass and high ceilings and particularly from heat sources not directly under the control of the occupiers eg any communal hot water distribution systems; o Passive ventilation;
 - ii. Mechanical ventilation (eg MVHR (with summer override) giving at least 4 air changes per hour(ach)) ; and finally, ,
 - iii. Active Cooling Systems in the following order of preference; a. Free cooling technologies; b. Mechanical active cooling systems (ensuring the system used is the lowest carbon option, will achieve the agreed temperature range, and will not deliver unnecessary cooling).
- 15 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention
- 16 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 17 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 18 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 19 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 phone 020 7641 2642. 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). (I09AC)
- 20 The Green Wall, where it overhangs (including vegetation) the highway will require a highways licence. This needs to be issued prior to the green wall being constructed. You should contact Jeff Perkins on 0207 641 2642 to progress.

Item No.
3

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.