

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	33 Broadwick Street, London, W1F 0DQ		
Proposal	Alterations to the existing building including extensions to the rear elevation at third to seventh floor levels, alterations to the roof, recladding and changes to fenestration, creation of a roof terrace at fourth floor level on Ingestre Place elevation and roof terrace at main roof level, installation of plant, shopfronts and new entrances, increasing the retail (Class A1) floorspace at ground floor level, and use of part of the basement and part ground as a restaurant (Class A3) with associated works.		
Agent	Gerald Eve LLP		
On behalf of	Broadwick Street Limited		
Registered Number	17/09623/FULL	Date amended/ completed	2 November 2017
Date Application Received	30 October 2017		
Historic Building Grade			
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission subject to a S106 legal agreement to secure:

- i) All highway 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 and associated work (legal, administrative and physical)
- ii) Dedication of land as public highway prior to occupation where necessary
- iii) The costs of monitoring the S106 agreement.

2. If the S106 legal agreement 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.

2. SUMMARY

The application premises comprises basement, ground and six upper floors on the southern side of Broadwick Street, with return frontages onto Ingestre Place to the east and Lexington Street to the west. The property is currently in use as two retail units (Class A1) at part ground floor level with offices (Class B1) in the remainder of the building. This is a large prominent building with distinctive cladding that fails to make a positive contribution to the Soho Conservation Area.

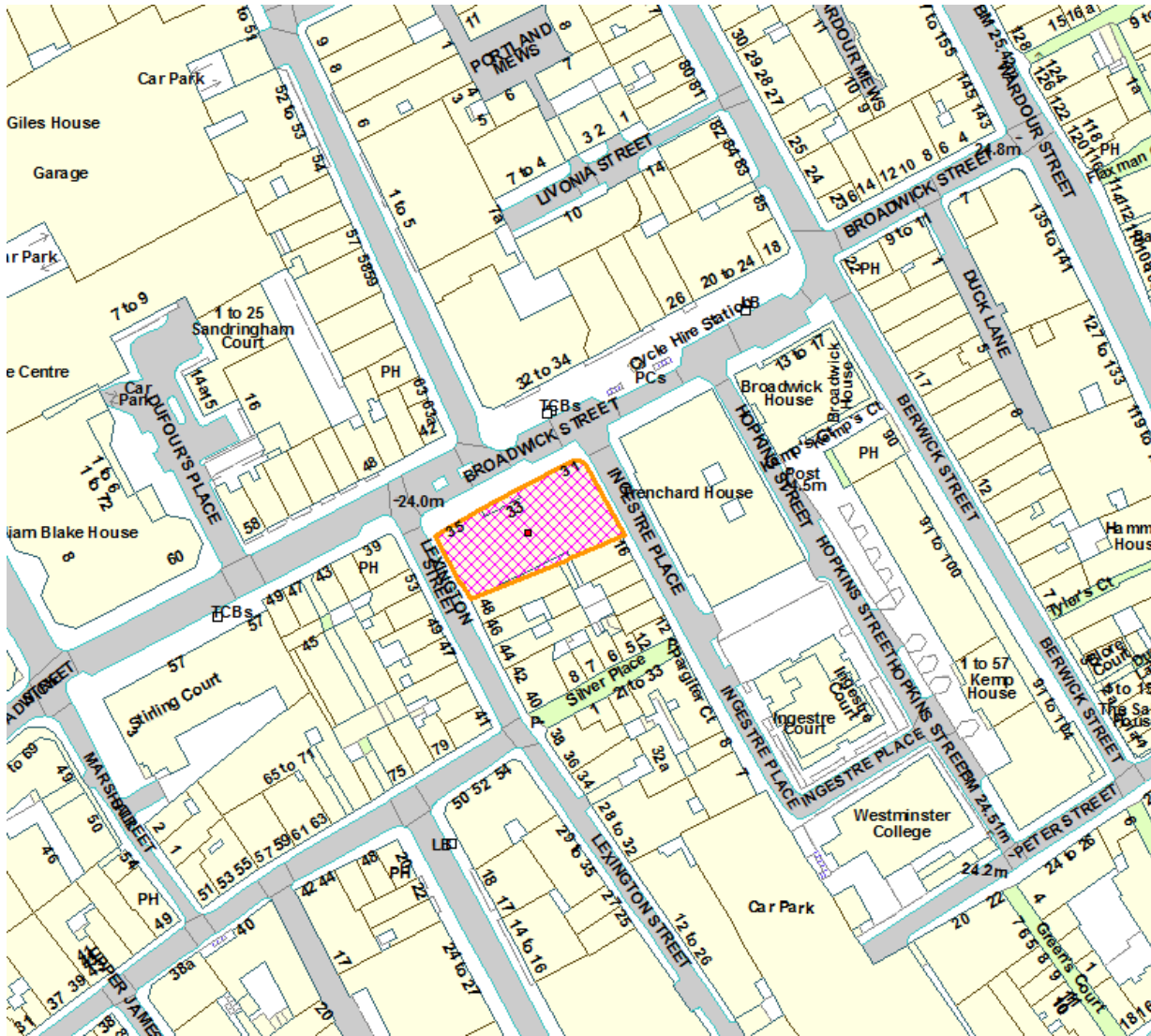
Permission is sought to extend and reclad the building in a glazed terracotta. The proposed cladding would have rhythmic large window openings. The proposal includes the provision of a new basement restaurant (Class A3), with a small central ground floor access. The scheme would result in slight increases in retail (Class A1) and office uses (Class B1)

The key issues are:

- The impact of the proposed recladding and extensions on the appearance of the building and its setting in the Soho Conservation Areas;
- The impact of the proposed restaurant in land use terms
- The impact of the proposed extensions and terraces on residential amenity.

Subject to conditions, the proposal is considered acceptable in design, landuse, highways and amenity grounds and it is therefore recommended that conditional planning permission is granted.

3. LOCATION PLAN



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

4. PHOTOGRAPHS

Front Elevation (looking along Poland Street):



Aerial Photograph looking north:



Front Elevation:



5. CONSULTATIONS

SOHO SOCIETY

Objection to the proposed restaurant use in the West End Stress Area.

GREATER LONDON AUTHORITY
No objection.

LONDON BOROUGH OF CAMDEN
Any response to be reported verbally.

LONDON BOROUGH OF LAMBETH
No objection.

LONDON BOROUGH OF BRENT
Any response to be reported verbally.

CLEANSING
Objection – further details required on the exact waste storage.

HIGHWAYS PLANNING
Acceptable subject to conditions.

ENVIRONMENTAL HEALTH
Acceptable subject to conditions.

UK POWER NETWORKS
Request an informative is attached to any consent in relation to personnel access routes to the electricity sub-station.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 236
Total No. of replies: 5
No. of objections: 5
No. in support: 0

Objections and comments on the following grounds:

Overlooking of neighbouring residential properties.
Disruption during the construction period resulting from noise and vehicular movements.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises 33 Broadwick Street which is a large building with frontages to Broadwick Street, Lexington Street and Ingestre Place. The building is located within the Core Central Activities Zone, Primrose Hill to Palace of Westminster viewing corridor, West End Stress Area and the Soho Conservation Area and comprises basement, ground and six upper floors with a plant room at main roof level. There are

two retail units (Class A!) at part ground floor level with office accommodation (Class B1) in the remainder of the building. There is a car lift on the Ingestre Place frontage providing access to a small number of car parking spaces in the basement.

6.2 Recent Relevant History

Planning permission was granted on the 21st December 1988 for the 'redevelopment of site to include use classes A1, A2 retail & B1 office and associated parking'.
(87/05412/FULL)

Planning permission was granted on the 26th June 1989 for the 'redevelopment to provide A1 and / or A2 use on ground floor, office on 1st -6th floors and ancillary parking and storage in basement (revised elevational treatment and ground floor uses)'.
(89/03504/FULL)

7. THE PROPOSAL

Permission is sought for the erection of a single storey extension at main roof level to replace the existing plant room, extensions are proposed at the rear of the building at third to new seventh floor levels. The entire property would be reclad with changes to the fenestration on all elevations. Other changes include the provision of a small terrace at 4th floor level on the Ingestre Place frontage, and a terrace at main roof level. Screened plant areas are also proposed at main roof level. There is an existing car lift from the ground floor level on Ingestre Place to the basement car parking which it is proposed to remove as part of the proposals.

With regards to the use a new restaurant unit is proposed at part ground and basement floor levels with the entrance on Broadwick Street. The scheme will result in a minor increase in retail and offices floorspace.

Floorspace Schedule:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Offices (B1)	4,448	4,482	+34
Retail (A1)	374	391	+17
Restaurant (A3)	0	424	+424
Total	4,822	5,297	+475

Restaurant Use Table:

	Proposed restaurant incorporating basement and ground floor levels
Restaurant floor space (m2)	424
No of covers	175
Hours of Operation	07:30 to 00:00 (midnight) daily

Ventilation arrangements	A high level extract duct is routed internally to terminate at main roof level.
Refuse Storage arrangements	Suitable conditions proposed to secure appropriate waste and recycling storage.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office Use

The scheme will result in the provision of an additional 34m² of office floor space. The increase in office accommodation is welcomed at this site within the Core Central Activities Zone where offices are considered an appropriate use as stipulated in Policy S20 of the City Plan. The modest increase in offices does not trigger a mixed use requirement as set out in Policy S1 of the City Plan.

Retail Use

There are two existing retail units at ground floor level. Alterations to the layout and the changes to the building line at ground floor level result in the retail floor space increasing by 17m². This is welcomed at this site within the Core CAZ and the West End Special Retail Policy Area and accords with Policy S21 of the City Plan and SS4 of the UDP both of which encourage additional retail in appropriate locations.

Restaurant Use

The proposed restaurant over ground and basement levels of the building would measure 424m². An entertainment unit of this type and size located within the Core Central Activities Zone and the West End Stress Area would need to be considered against Policies TACE9 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan requires that, *'New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.'* Policy TACE9 of the UDP has similar stipulations and relates to new entertainment uses which 'may be permissible'. Where the City Council considers the proposal will not have an adverse impact (including cumulative effects) resulting from noise, vibration, odour, late night activity or traffic implications permission may be granted but conditions would be required to restrict opening hours, capacity, servicing, arrangements for waste and recycling, any take-away from the premises, deliveries, music, bar areas and suitable arrangements should be made to prevent noise nuisance and to adequately disperse cooking odours.

There are a number of other 'entertainment' type premises in the vicinity including:

- the new 'Ivy Cafe' premises within Amalco House opposite the application site has recently being granted a license to open between 08:00 and 00:00 Monday to Thursday, 08:00 to 00:30 Friday and Saturday and 08:00 till 23:00 on Sundays.
- The Yauatcha restaurant at 14-17 Broadwick Street, further to the east from the application site has a license to open between 08:00 and 01:00 daily and;
- the restaurant at 21 Berwick Street is licensed to open from 07:00 till 00:00 Thursday to Saturday, 07:00 till 23:30 Monday to Wednesday and 10:00 till 22:30 on Sundays.

The proposed restaurant will have 175 covers and opening hours of 07:30 till 00:00 daily. Paragraph 8.88 of the UDP states; *'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'*. The proposed opening hours are therefore considered reasonable and accord with the policy requirements

The restaurant proposals are speculative with no end-user identified. However, conditions could be imposed to ensure that the use would essentially be a sit-down restaurant with any ancillary bar limited to a small part of the premises (15%) only to be used by diners before and after meals. The majority of the restaurant floorspace would be located at basement level with only a small entrance area at ground floor level. This will ensure that most of the noise generating activity will be limited to the basement of the premises. The entrance to the new restaurant is located in the centre of the Broadwick Street elevation between the two retail units and with the upper floors in office use it is not considered people entering or exiting the restaurant premises would have any discernible noise impact upon the amenity of nearby residential occupiers.

A condition is also recommended preventing music being played in the premises which is audible externally or within adjoining properties. This is to ensure there is no noise nuisance to residential occupiers within the area. The proposed restaurant would have a new high level extract duct routed internally through the building to terminate at main roof level which would provide suitable odour dispersal and a condition is recommended requiring the duct to be installed and retained whilst the restaurant use is operational.

A condition is also recommended proposed preventing deliveries from the restaurant as no information has been provided to show this could happen without detriment to highways movements and amenity.

The Soho Society have objected to the provision of a new restaurant unit within the West End Stress Area and have requested if approved the restaurants hours are no later than the standard core hours. With the relevant safeguarding conditions detailed above it is considered that the proposal would not have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

Impact on character and function of the area

The area is mixed use in character comprising with a mixture of commercial offices and residential uses on Broadwick Street. The provision of a basement restaurant with a small ground floor entrance whilst extending the two retail units is considered acceptable and would not adversely impact on the character and function of the area.

8.2 Townscape and Design

The existing 1980s building is not identified as a building of merit in the Soho Conservation Area Audit (2005) and is not considered to make a positive contribution to the character and appearance of this part of the conservation area. The existing cladding is considered to be of limited design merit, cluttering the façade asymmetrically and lacking a coherent design approach. The principle of removing and replacing the existing cladding is supported. The recladding consists of glazed terracotta, textured brickwork with rhythmic window openings, retaining the existing internal structure. The overall composition is broadly symmetrical with greater vertical emphasis than the existing, which is considered favourable on a building of this scale. The proposed glazed terracotta brick is contemporary yet characteristic of the more traditional grain of the Soho Conservation Area; the proposed variation in texture will add visual interest and depth. The proposed visuals show a dark grey brick colour. The use of a brighter, more vibrant colour is considered more appropriate in the context of Soho and a condition is recommended to secure details of the proposed brick colour. Overall, the proposed recladding approach is welcomed in design terms.

The scale and character of buildings in this part of the conservation area is diverse. Whilst there are several examples of similarly large, bulky modern buildings to the south and west on Broadwick Street, the proposal site is located immediately adjacent to a group of four storey unlisted buildings of merit, which are considerably smaller and more domestic in scale, to the Ingestre Place elevation. Likewise, to the Lexington Street elevation, the building is viewed alongside much less bulky grade II listed Georgian townhouses at nos. 44 and 46 and unlisted buildings of merit nos. 40 and 42. The proposed scheme seeks permission to infill the existing sloped corners to the Lexington Street and Ingestre Place elevations, which are currently pitched away from the principal street frontages and adjacent buildings. Whilst this will result in some additional massing and bulk, in contrast to the scale of the domestic townhouses on both streets, the proposal will serve to resolve the awkward, uncomfortable roof angles of the existing building, which is considered a design improvement. The Ingestre Place infill is set back from fourth storey level upwards, 'stepping up' to the considerably higher principal building. The proposal to use a stock brick to the south elevation adds visual interest and relates to the character of the adjacent Georgian buildings. The proposed side infill extensions are therefore considered acceptable in principle in townscape and design terms.

Permission is also sought to infill the rear of the site. Given the bulk of the side extensions proposed, public views will be limited; visibility is mainly limited to rear private vantage points. It is therefore considered that the rear infill will have a limited impact on the character and appearance of the wider conservation area and no objection is raised.

Design concerns are raised regarding the infill of the existing sixth storey level to the front and sides, which is currently set back from the principal elevations. It is considered

that infilling this recess results in a top heavy, bulkier appearance in long views which is undesirable in design terms. Officers have sought to negotiate on this aspect of the proposals but revised drawings omitting this element have not been forthcoming. On balance, the overall design improvements relating to the recladding of the existing building are noted. Given the overall design benefits offered, approval regarding this element of the proposals is recommended.

At roof level, the existing plant enclosure is to be rebuilt to provide single storey office accommodation. Existing plant is to be rationalised and repositioned to the rear of the roof, above the rear infill. The existing plant storey exceeds the height of the development plane of the protected viewing corridor by approximately 3.6m. The proposal removes the existing barrel roof structure, which is welcomed, replaced by a marginally lower lift overrun, which is smaller and set back further from the front and side elevations. The existing plant storey is also to be replaced with a flat roofed extension, which is marginally higher than the existing roof. However, given the benefits of removing the existing barrel structure it is considered that the benefits outweigh the harm and no objection is raised.

The proposed seventh storey office accommodation is to be entirely glazed externally, with solid sections of wall clad in back painted glazing. Externally, this will appear as an entirely glazed storey, highly visible from long views, particularly southwards from Poland Street. The imposition of an amending condition is therefore recommended, requiring the submission of a revised design to omit the back painted glass panels, for greater variation in material at this level. The replacement of the back painted glass with a metal cladding is likely to be considered more favourably.

Overall, subject to the imposition of amending conditions, the application is considered compliant with DES 1, DES 5, DES 6, DES 9 and DES 10 of the Council's UDP.

8.3 Residential Amenity

Sunlight and Daylight

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties. Paragraph 2.2.2 of the BRE guidelines states that they 'may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.'

Under the BRE guidelines the level of daylight received by a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

With regard to situations where the existing daylight levels are below the BRE recommendations, Policy ENV13 states that 'where principal habitable rooms such as bedsits, living rooms, studies or kitchens are affected, the City Council may find any loss

of light unacceptable.’ The BRE guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but ‘windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed’.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, and there is a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

The windows included in the assessment serve properties at 19-25, 39, 46, 48 and 50 Broadwick Street, 63 Poland Street, 44, 45, 46, 47, 48, 51 and 53 Lexington Street, 12, 13, 14, 15 and 16 Ingestre Place and 5, 6, 7 and 8 Silver Place. However, only some of these windows serve residential units, with the remaining windows being to commercial uses. The report identifies losses of daylight (in VSC terms) to 19-25 Broadwick Street and 46 Lexington Street which are in excess of the BRE guidelines and losses to the levels of sunlight in excess of the BRE guidance at 19-25 Broadwick Street.

Daylight

46 Lexington Street

The daylight and sunlight report incorrectly identifies a number of windows within 46 Lexington Street as serving a ‘home office’ associated with residential accommodation, however, the lawful use is as general B1 office accommodation to which levels of daylight and sunlight would not be protected. The changes to the daylight and sunlight at this building, located to the south of the application site are therefore compliant with the BRE Guidance.

19-25 Broadwick Street

This building is located to the east of the application site on the opposite side of Ingestre Place. There are 78 residential units at part lower ground, part ground floor and first to ninth floor levels;

The table below details the VSC losses to the relevant windows within 19-25 Broadwick Street. These losses are all to windows in the western elevation of the building and serving residential units between basement and fifth floor levels.

Window	%VSC		
	Existing	Proposed	Loss (%)
Lwr Grd (bedroom)	1.5	1.1	26.67%
First (bedroom)	2.3	1.4	39.13%
First (bedroom)	1.7	1.0	41.18%
First (LKD)	0.9	0.6	33.33%
Second (bedroom)	11.3	8.2	27.43%
Second (bedroom)	7.1	5.6	21.13%
Second (bedroom)	9.9	6.5	34.34%

Second (LKD)	11.1	7.7	30.63%
Second (LKD)	12.0	9.1	24.17%
Third (LKD)	4.7	3.7	21.28%
Third (bedroom)	14.5	11.0	24.14%
Third (bedroom)	13.6	9.9	27.21%
Third (bedroom)	8.9	7.1	20.22%
Third (bedroom)	12.8	8.4	34.38%
Third (LKD)	14.7	10.1	31.29%
Third (LKD)	16.5	12.5	24.24%
Fourth (bedroom)	16.9	12.8	24.26%
Fourth (bedroom)	16.0	10.7	27.43%
Fourth (LKD)	18.5	13.0	29.73%
Fourth (LKD)	21.2	16.2	23.58%
Fifth (bedroom)	19.2	13.8	28.13%
Fifth (LKD)	22.0	16.2	26.36%
Fifth (LKD)	24.6	19.4	21.14%

Some of the existing VSC levels to these windows are already really low and therefore the reductions appear as a larger percentage reduction, also a number of these windows serve rooms which are also served by other windows which do not experience losses in excess of the BRE guidance. Out of the 185 windows tested at the property only the 23 windows detailed above would experience losses in excess of the BRE guidance. The majority of these windows are also serving bedrooms where daylight is considered less important than living rooms.

Sunlight

Of the 97 windows assessed within 19-25 Broadwick Street with regard the impact upon the received levels of sunlight, four windows serving living accommodation do not accord with BRE guidance. Other windows also breach the stated guide levels but these serve bedrooms within the flats and the BRE Guidance states 'kitchens and bedrooms are less important, although care should be taken not to block too much sun'.

The living accommodation windows which are affected serve flats at second to fourth floor level and it is noted one of the windows serves living accommodation which is also served by additional unaffected windows fronting Broadwick Street to the north.

The losses in annual sunlight hours range from 25% to 37.93% but the existing levels of sunlight are relatively low and the losses are only just over the guide levels detailed in the BRE Guidance.

Conclusions on Daylight and Sunlight

The reductions to windows that are in excess of the BRE guidance are all on the west facing elevation of 19-25 Broadwick Street. Most of the windows which fail to accord with the BRE guidance already have low levels of light due and small reductions can appear as a larger percentage reduction. No objections have been received to a loss of light. For the reasons set out above the losses are considered acceptable and the proposed

extensions at the application premises would not materially adversely impact on daylight and sunlight levels to neighbouring residential properties.

Sense of Enclosure

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure' experienced within existing residential properties. The proposed increase in bulk and mass at the application premises is considered acceptable and would not result in a significant enclosure to any of the surrounding properties.

Privacy

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring residential or sensitive buildings. The development includes the creation of a small terrace at fourth floor level on the Ingestre Place frontage of the building and another larger roof terrace over part of the main roof level. Objections have been received from a number of residential flats within 19-25 Broadwick Street (situated to the east of the site) to a potential increase in overlooking of their properties from these terraces.

In order to reduce the potential for overlooking from the main terrace at roof level, a green roof area is proposed on the area furthest east which will have no access and between the green roof and the main terrace an area of tall planting has also been indicated. The introduction of planting and the green roof area means the terrace is set back 4.3m from the edge of the building, which means the terrace is around 19m from the residential windows of the same height in the building to the east. A detailed drawing has been provided to show the planting as being approximately 2.2m in height. A condition is recommended to ensure the planting is provided as shown on the submitted drawing and retained in this form. The proposed terrace at fourth floor level measures 1m x 7m which is very small and clearly would not be able to accommodate many users. The residential building on the opposite side of Ingestre Place is approximately 9m east of the proposed terrace and it is not considered the use of a terrace of this size would result in a 'significant' increase in overlooking. A condition is recommended limiting the use of the terraces to between 08:30 and 21:30 to ensure that use of the terraces do not result noise nuisance.

8.4 Transportation/Parking

Off-Street Parking

There are a small number of existing off-street car parking spaces in the basement of the property with a car lift providing access to the basement from Ingestre Place. The applicant contends that the car lift has been broken for a number of years and the car parking area has most recently been used for bike and ancillary storage. The loss of off-street car parking associated with the office accommodation is welcomed and accords with policies TRANS21, TRANS22 and TRANS25 of the UDP.

It is not considered the proposal will result in a significant change in the number of people visiting the property and the site is within a Controlled Parking Zone so anyone

visiting the property in their own vehicles would be subject to the existing on-street parking controls.

Servicing

The Highways Planning Manager has requested a condition be applied to any approval requiring the submission of a Servicing Management Plan for the site to ensure that the servicing of the various uses does not have a detrimental impact upon the local highway.

Cycle Parking

The scheme provides 60 cycle parking spaces in the basement of the property with associated lockers, showers and changing rooms. This level of provision accords with the stipulations of the London Plan and a condition is recommended to ensure the cycle parking is provided and retained.

Building Line

The proposal seeks to amend the ground floor building line on all three facades of the property to infill the existing open area between the building columns. It is not considered that these alterations to the ground floor building line will result in any detriment to pedestrian movement as it will come no further forward than the existing building columns. The Highways Planning Manager raises no objection to this aspect of the scheme however, to accord with s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place. The stopping up process is a separate legal process with its own public consultation process and an informative is included advising the applicant on the requirements of this process.

8.5 Economic Considerations

The economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided to the office accommodation with lifts serving all floors and DDA compliant toilets are shown at all levels of the offices. Level access is also provided to the ground floor restaurant entrance with a lift provided to the main basement restaurant accommodation to allow full disabled access.

The retail units are to be retained by the existing operators, currently the Pret unit has level access whilst the Iitsu unit has an internal ramp, these existing access arrangements are to be maintained in the redeveloped building.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed within screened enclosures at main roof level. The proposed plant installation has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP, the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows.

The nearest noise sensitive windows have been identified as properties on Lexington Street and Ingestre Place. In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that certain mitigation measures are installed as detailed within the submitted acoustic report. This includes acoustic screening for certain units and the installation of in-duct attenuators for the kitchen extract and the intake and exhaust of the air handling units. It is proposed for the majority of the plant to be able to operate over the 24 hour period except for the chiller unit which is only required to be operational between 07:00 and 23:00 daily. With the specified acoustic mitigation measures in place, Environmental Health has confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal. Conditions are recommended in relation to noise, vibration, hours of operation and the installation of the acoustic mitigation features as detailed in the acoustic report.

Refuse / Recycling

Conditions are attached requesting the submission of further detailed information with regard the waste and recycling storage facilities at the property. Sufficient waste and recycling storage has been shown for the office accommodation but further details are needed in relation to the restaurant and retail occupiers. It is recommended that these details are secured by condition.

Trees

There are a number of trees in front of the building along Broadwick Street. A draft construction management plan has been submitted which states the trees may need to be temporarily relocated whilst construction works take place. The applicant has confirmed that the removal of the trees does not form part of the current planning application and that all options will be explored with regard construction processes. Permission would be required for the removal of any trees as the site is within a conservation area, therefore the removal of trees is not considered as part of this application.

Biodiversity

Green roof areas are shown on parts of the main roof of the building. The inclusion of these green roof areas is welcomed in biodiversity terms and it is proposed that this is secured by condition.

8.8 London Plan

This application raises no strategic issues and the Great London Authority have confirmed they have no objection to the scheme.

8.9 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.

8.10 Planning Obligations

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

- All highway 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 and associated work (legal, administrative and physical)
- Where the building line is being set back from the current building line, the new open area is to be dedicated as public highway.

The estimated CIL payment is £33,335.20 for the Mayoral CIL and £109,723.25 for the Westminster CIL, resulting in a total requirement of £143,058.45.

8.11 Other Issues

Construction impact

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on construction sites throughout Westminster. It applies to all major developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. The applicant provided evidence that they will sign up to the Code of Construction Practice and a condition is proposed to ensure that this is the case.

Objections have been received to the application from adjoining residential occupiers concerned about noise and traffic disruption resulting from the construction process, especially in the context of a large number of other construction projects within the vicinity of Broadwick Street. As detailed above these issues will now be considered through the Code of Construction Practice and monitored by the Environmental Inspectorate to ensure compliance and that disruption during construction is minimised. The application could not be reasonably refused on these grounds.

The standard condition is proposed to restrict the hours of noisy construction work to ensure that noisy building works do not take place at the most sensitive times for nearby

residential occupiers. An objector has requested that the condition is made more stringent to omit construction noise for the entirety of Saturday, however, there is no justification to restrict the building hours on this site when compared to other construction sites around the Borough.

Windows

The proposal includes the installation of windows on the rear elevation of the property which in the redevelopment is flush with the site boundary. The introduction of these windows on the building line could prejudice the future redevelopment of the properties to the south of the application site. The applicant has been made aware of the issue and been informed that it is unlikely the City Council would protect these windows in the event of future development proposals affecting their outlook. The applicant has confirmed the windows will be ordinarily fixed shut and will only be openable (inward opening) for cleaning and maintenance purposes, a condition is recommended to ensure this is the case.

9. BACKGROUND PAPERS

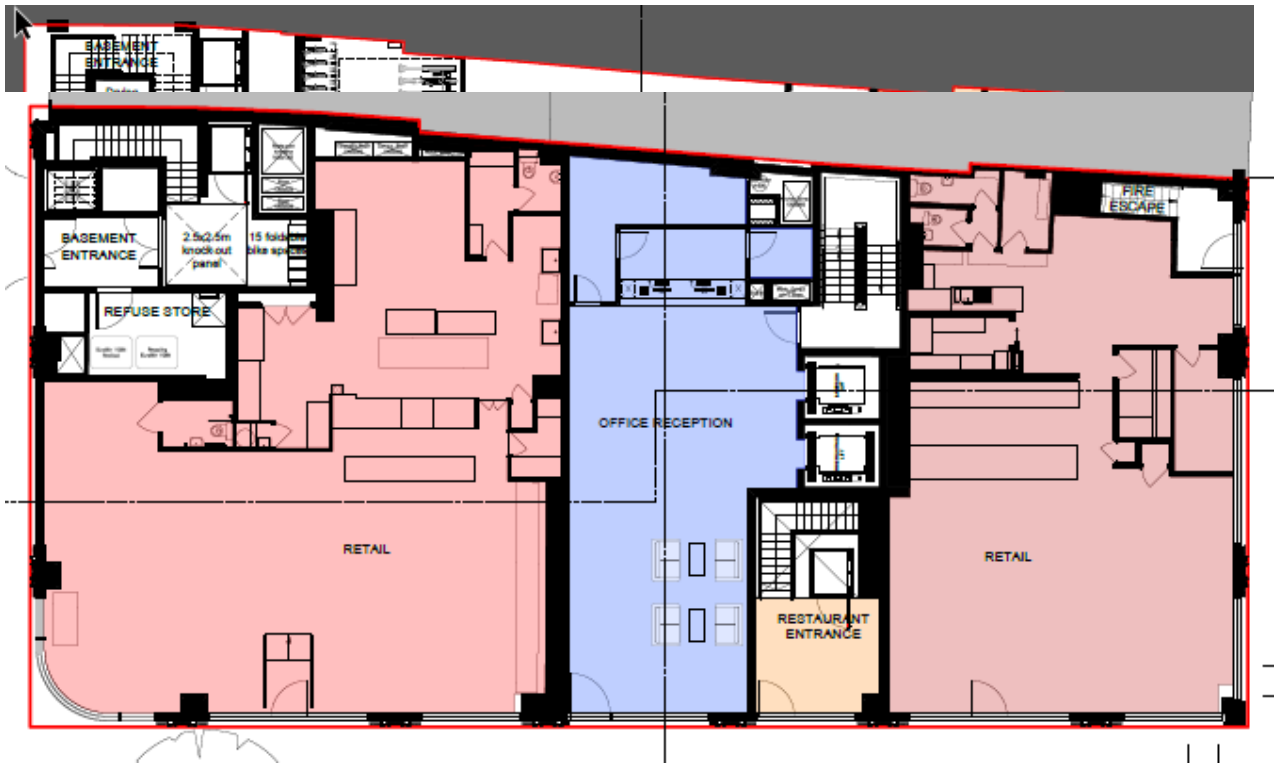
1. Application form
2. Memorandum from Environmental Health, dated 8 November 2017
3. Memorandum from the Cleansing Manager dated 21 November 2017 and 28 December 2017
4. Memorandum from the Highways Planning Manager dated 2 November 2017
5. Response from Lambeth Borough Council dated 28 November 2017
6. Response from the Greater London Authority dated 8 December 2017
7. Response from the Soho Society dated 4 December 2017
8. Letter from occupier of Flat 6, 48A Lexington Street, dated 20 November 2017
9. Letter from UK Power Networks, 2nd Floor Metropolitan House, Darkes Lane, dated 7 November 2017
10. Letter from occupier of Apartment 10, Soho 13 Apartments, 20 Ingestre Place, dated 8 November 2017
11. Letter from occupier of Flat 8, Soho 13 Apartments, 20 Ingestre Place, dated 22 November 2017
12. Letter from occupier of Flat 8 Soho 13, 20 Ingestre Place, dated 22 November 2017
13. Letter from occupier of Apartment 13, Soho 13 Apartments, 20 Ingestre Place, dated 11 December 2017
14. Letter from occupier of 48A Lexington Street, London, dated 21 January 2017

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

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

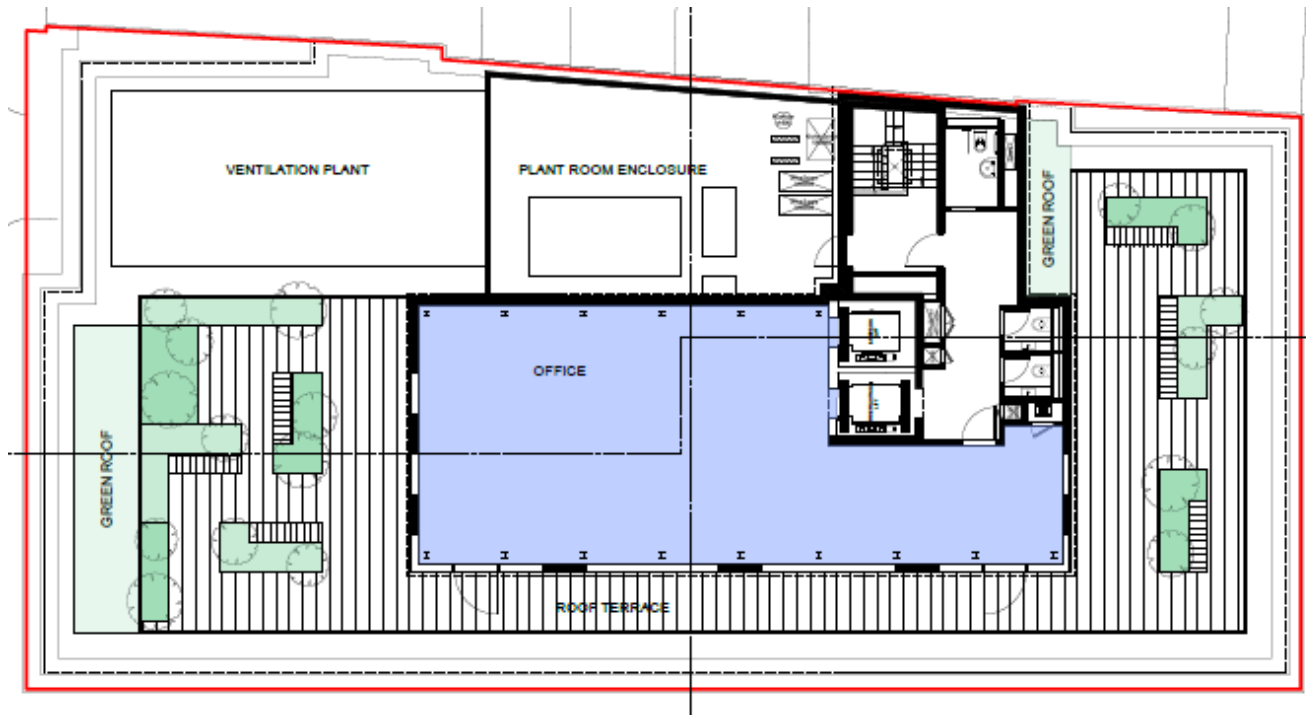
10. KEY DRAWINGS

Proposed Basement:

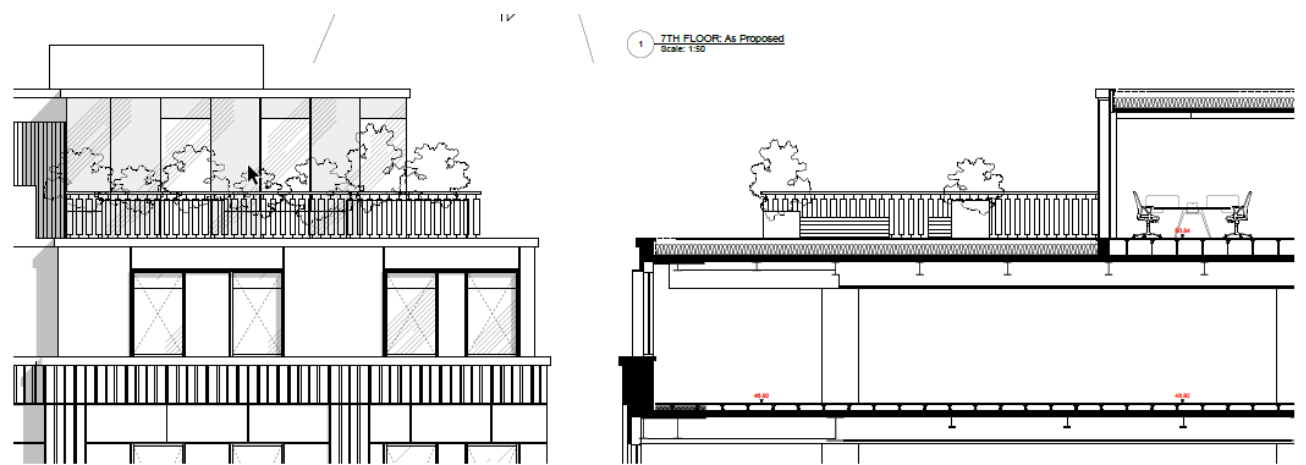


Proposed Ground:

Proposed Roof Level:



Section of Terrace:



DRAFT DECISION LETTER

Address: 33 Broadwick Street, London, W1F 0DQ

Proposal: Alterations to the existing building including extensions to the rear elevation at third to seventh floor level, alterations to the roof, recladding and changes to fenestration, creation of a roof terrace at fourth floor level on Ingestre Place elevation and roof terrace at main roof level, installation of plant, shopfronts and new entrances, increasing the retail (Class A1) floorspace at ground floor level, and use of part of the basement and part ground as a restaurant (Class A3) with associated works.

Reference: 17/09623/FULL

Plan Nos: Noise Impact Assessment - 4107 RevA, Sustainability and Energy Statement - 4107 RevA, Drawings: SK168 RevA, SK169 RevB, PA-G20-099 Rev 2A, PA-G20-100 Rev 2A, PA-G20-101 Rev 2A, PA-G20-102 Rev 2A, PA-G20-103 Rev 2A, PA-G20-104 Rev 2A, PA-G20-105 Rev 2A, PA-G20-106 Rev 2A, PA-G20-107 Rev 2A, PA-G20-108 Rev 2A, PA-G20-201 Rev 2A, PA-G20-202 Rev 2A, PA-G20-203 Rev 2A, PA-G20-301 Rev 2A, PA-G20-302 Rev 2A, PA-G25-401 Rev 2A.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommendation(s) and Reason(s)

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

Reason:
For the avoidance of doubt 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 between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturdays and not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, 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 permit 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 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 (1) Where noise emitted from the proposed plant and machinery contains tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including

non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 4 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.

- 5 You must install the specified acoustic mitigation measures as shown on the approved drawings and as detailed in the approved acoustic report at the same time as the plant is installed and maintain them in this form for as long as the plant remains in place.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 6 The chiller unit hereby permitted at main roof level shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 7 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)

- 8 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

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

Reason:

To 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)

- 10 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)

- 11 You must apply to us for approval of photographs 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)

- 12 Notwithstanding the approved drawings, the grey colour of the glazed brick shown in the proposed 3D visuals is not approved.

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: Revised design of seventh storey element, to show metal cladding in place of back painted glass. 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 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)

- 14 You must apply to us for approval of detailed drawings of the following parts of the development,

1. External windows and doors (1:20 and 1:5),
2. New shopfronts (1:20),
3. Roof level acoustic enclosure (1:20),
4. Balustrades (1:20).

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)

- 15 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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)

- 16 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.

- 17 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

- 18 You must install the high level duct as shown on the approved drawings before you can operate the restaurant hereby approved, the duct must thereafter be maintained in situ for as long as the restaurant remains in place.

Reason:

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

- 19 You must not allow more than 175 customers into the restaurant premises at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 20 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours: 07:30 till 00:00 daily.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 21 If you provide a bar and bar seating within the restaurant premises, it must not take up more than 15% of the floor area of the restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 22 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 23 You must not sell any hot-food take-away nor operate a delivery service from the approved restaurant, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 24 Before you use the approved terrace at main roof level for sitting out or for any other purpose, you must install the planters and hedging as identified on the approved drawings. You must thereafter maintain the hedging at a minimum height of 2.0m in perpetuity.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 25 The terrace areas hereby approved at fourth floor and main roof level level and associated with the office accommodation can only be used between the hours of 08.30 and 21.30, and cannot be used outside these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 26 Prior to the occupation of the restaurant and office uses hereby approved you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy (including hours of servicing) for the uses. All servicing shall thereafter be undertaken in accordance with the approved strategy.

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)

- 27 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the property. (C14EC)

Reason:

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

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 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 3 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)
- 4 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm, , The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>., , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 5 You are advised that advertisement consent is likely to be required for the signage shown to the retail units at ground floor level.
- 6 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.

- 7 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)
- 8 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)
- 9 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, signage, awnings and canopies.
- 10 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 11 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 12 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms

Item No.
3

can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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.