

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 May 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	2-4 Dean Street And 7 Soho Square, London, W1		
Proposal	Demolition of 2-4 Dean Street and 7 Soho Square and erection of a replacement building on basement, ground and seven upper floors (increasing depth of existing basement) for retail purposes (Class E) on part basement and part ground floors, use of the remainder of the building as offices (Class E); with associated terraces at 5th, 6th and 7th floor levels; provision of roof plant/plant enclosures, cycle parking, waste storage, landscaping works, green roofs, photovoltaic panels and facade lighting; and associated alterations.		
Agent	Gerald Eve LLP		
On behalf of	HECF Soho Limited		
Registered Number	24/01591/FULL	Date amended/ completed	5 March 2024
Date Application Received	5 March 2024		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho Neighbourhood Plan		

1. RECOMMENDATION

1. Grant conditional permission subject to referral to the Mayor of London and subject to a S106 legal agreement to secure the following obligations:

- a) Undertaking of all highways works immediately surrounding the site, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development);
- b) A financial contribution of £268,290 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
- c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- d) A financial contribution of £31,184 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the

Westminster Employment service (payable prior to the commencement of the development);

- e) A financial contribution of £25,000 towards the improvement of Public toilet provision within the area defined as the Soho Neighbourhood Area of the Soho Neighbourhood Plan
- f) Employment and Skills Plan with the following commitments to be met:
- Provision of at least 20 x two-week work experience positions for residents within Westminster during construction, with opportunities provided to residents within Soho in the first instance;
 - Provision of at least 20 x apprentice positions for residents living within Westminster during construction, with opportunities provided to residents within Soho in the first instance;
 - Provision of at least five x two-week work experience positions per year during the operation of the building for a period of five years, with opportunities provided to residents within Soho in the first instance;
 - Provision of at least three end use apprenticeship positions per year during the operation of the building, for a period of five years, with opportunities provided to residents within Soho in the first instance.
- g) The costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:

a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning & Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning & Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning & Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

This redevelopment scheme has been submitted in response to a scheme refused in December 2023. The previous application was refused on the grounds that the bulk and mass of the new

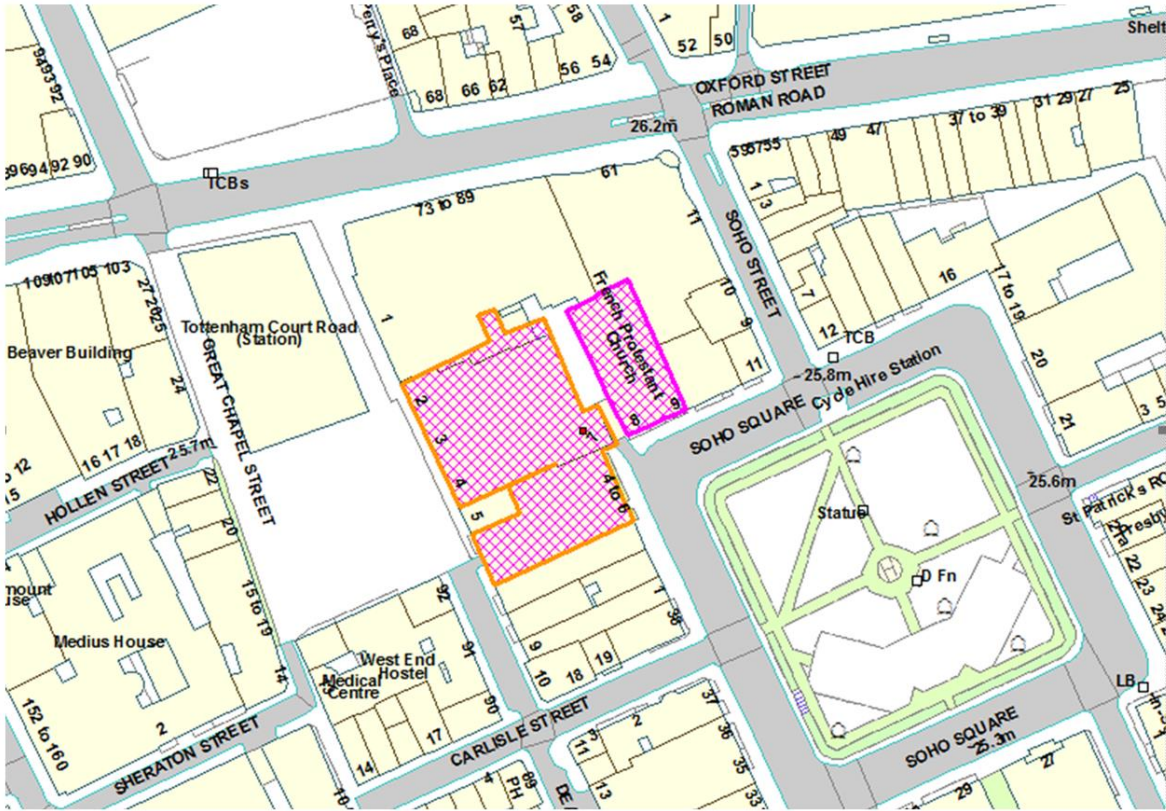
building and detailed design would result in harm to the Soho Conservation Area. In particular, in views from Soho Square, and that the public benefits of the scheme did not outweigh the less than substantial harm.

The current application seeks to address strong objections received to the previous scheme and the reason for refusal by making land use and design changes. In land use terms a double height ground floor Bazaar, which would have provided a multi-use space has been omitted from the scheme and a single retail unit is proposed which would be used a food supermarket only. In design terms minor changes have been made to the bulk and mass of the building primarily on the Soho Square frontage. Detailed design changes have also been made again primarily on the Soho Square frontage, reducing the size of window openings and changing the colour of the façade from a deep red terracotta to white (as existing).

The key issue for consideration is whether the amendments are considered to successfully address the reason for refusal.

The retention of a food supermarket on the site is a significant change to the scheme and the overall land use package. The scheme is considered acceptable in land use, sustainability/ energy, amenity and highways terms. In design and townscape terms the increase in bulk of the new building would still result in some harm but this harm is considered to be at the lower end of less than substantial which is significantly outweighed by public benefits that the scheme will deliver. Subject to the views of the Mayor the application is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR LILLEY

Objection, commenting as follows:

i) Requests that the Planning Committee visit the site, to fully appreciate the importance of the size of the basement that serves supermarket - to maintain the stock & sustainability of the supermarket, that provides appropriate service to the community;

ii) before and after images of the scheme should be provided, not solely comparing the refused scheme with the current proposal;

iii) the ground floor retail unit shall be used for Class E(a) food retail use only and for no other uses within Class E;

iv) prior to the consideration of other uses permitted within Class E(a) the ground floor retail unit shall be marketed for food retail use for a minimum period of 2 years post completion to shell and core at a reasonable market rent;

v) that the application reconsider deep retrofitting rather demolition.

GREATER LONDON AUTHORITY

Stage 1 response to be reported verbally.

LONDON BOROUGH OF LAMBETH

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No comments made to the application.

HISTORIC ENGLAND (ARCHAEOLOGY)

Any response to be reported verbally.

CROSS LONDON RAIL LINKS LTD (1)

No objection, subject to a pre-commencement condition which requires the approval by the LPA of the detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations, demonstrating no adverse impact on the Elizabeth Line structures.

CROSS LONDON RAIL 2 LINKS LTD

No objection subject to a pre-commencement condition which requires the approval by the LPA of the detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground

level, including piling and any other temporary or permanent installations and for ground investigations, demonstrating no adverse impact on Crossrail 2 structures.

LONDON UNDERGROUND LIMITED

No objection subject to a pre- commencement condition which requires the approval by the LPA of the detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations.

DESIGNING OUT CRIME

Any response to be reported verbally.

SOHO SOCIETY

Objection on the following grounds:

- Loss of the Asset of Community Value identified by the council is its letter of 20 December 2023 i.e. the development should include a full service supermarket equivalent in size to the existing
- Design and massing of the facades on Dean Street, design and massing of the facade on Soho Square
- Loss of 7 Soho Square Art Deco building
- Insufficient public benefits to outweigh the harm to the Conservation Area

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

ENVIRONMENTAL SCIENCES

Any response to be reported verbally.

WASTE PROJECT OFFICER

No objection subject to a condition that requires refuse storage area and capacity to be labelled on drawings.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154

Total No. of replies: 11

No. of objections: 6

No. in support: 5

6 objections received on some or all of the following grounds

Land Use

Loss of existing supermarket comment that Soho residents need a supermarket equivalent to the size of the current Tesco's store.

Sustainability

The existing buildings should be retained and refurbished rather than demolished and redeveloped.

Townscape and Design

The Art Deco building at 7 Soho Square should be retained.
The proposal is an overdevelopment of the site.

Construction Impact

Request that a Construction, Traffic and Management Plan (CTMT) is submitted at the assessment stage of the application (rather than post permission) to ensure that there is no adverse impact on the operation of sound recording studio at 4-6 Soho Square.

Other Issues

The current scheme is not substantially different from the refused scheme.

Adverse impact on the Grade II* French Protestant Church immediately adjacent by way of:

- Loss of Daylight and Sunlight;
- Construction impacts including basement excavations;
- Potential increase in the number of deliveries to a smaller food store;
- Insufficient detail has been provided on the treatment of the Church walls;
- Impact from the proposed roof terrace, recommend a restriction on playing amplified music.

5 letters of support on some or all of the following grounds

Land Use

Investment in Grade A offices so close to the Elizabeth Line station will lead to ongoing improvements and employment opportunities at the northern end of Dean Street and benefit the local economy within Soho;
More varied retail would be welcomed by residents;

Sustainability

The sustainability proposition is particularly well considered;

Townscape and Design

The existing building currently occupied by Tesco on Dean St has no architectural merit;
The new building will be an excellent design which will be visually more attractive;

Other issues

The developer's responsiveness to local concerns - and willingness to wholly re-work the ground floor of the building to enable the retention of the supermarket use, should be celebrated.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

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

Stakeholder meetings Date	Details
2 nd February 2024	Meeting with the Soho Society presenting updated proposals and taking feedback
8 th February 2024	Meeting with Soho Business Alliance presenting updated proposals and taking feedback
20 th February 2024	Meeting with French Protestant Church presenting updated proposals and taking feedback
26 th February 2024	Meeting with Soho Museum presenting updated proposals and taking feedback

Wider Consultation Activities	
9 th February 2024	A four page newsletter was distributed to 1204 addresses
13 th February 2024	A dedicated consultation website was launched
13 th February 2024	Launch of two social media advertisements promoting wider consultation, notifying the public exhibition drop in events and directing consultees to the feedback portal on the website.
20 th and 21 st February 2024	Public Events held at the French Protestant Church. In total 11 people attended across both days
20 th February 2024	Exhibition boards and elevation plans were made available on the website
22 nd February 2024	A 2 page flyer was distributed to 1467 addresses informing that a pop up consultation event would take place on 29 February 2024
29 th February 2024	1 pop up event took place at the Sacred Coffee Shop at 55 Dean Street (12 people attended)
29 th February 2024	Pop up exhibition boards were made available on the website
29 th February 2024	Closing of public consultation

The applicant's Statement of Community Involvement (SCI) summarises that the principal issues

raised following engagement were the proposed loss of the Tesco supermarket, the height and design of the replacement building and the demand for more high quality office space. Other factors, such as the introduction of new urban greening at upper levels and the delivery of a more accessible building, a potential art display area and the delivery of social value through the plans, including an emerging youth partnership with 2 – 3 Degrees have been positively welcomed through the dialogue.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Partial Review

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation continues until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.3 Neighbourhood Planning

The Soho Neighbourhood Plan includes policies on a range of matters including housing, residential amenity, air quality and climate change, traffic and servicing, green infrastructure, pedestrians and cycling and waste and recycling.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Soho neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.4 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site forms part of a block which is bound by Dean Street to the west, Oxford Street to the north, Soho Square to the east, and Carlisle Street to the south. The application premises comprises basement, ground and six upper floors, and is partially recessed in the middle and flanked by two full height bookends. The top 6th floor pavilion is recessed on all frontages, with access to a roof terrace and rooftop plant equipment.

The building has two street frontages, to Dean Street to the west and a narrow elevation that fronts onto Soho Square to the south. The building is a mixed-use property with retail at ground and basement levels and office floorspace on the upper floors.

The building was constructed in 1920, the architect being North, Robin and Wilsdon. The Dean Street frontage comprises a late 20th Century dark brick façade. The ground floor has a large glazed shop front providing access to the retail unit. No. 7 Soho Square is a basement, ground plus six storey Art Deco style building with a white stucco exterior and is located on the north-western corner of Soho Square. There is a narrow, gated service yard adjacent to the entrance that is accessed from Soho Square.

The ground floor and part basement of the building fronting Dean Street is currently in retail use, pursuant to a personal permission to Tesco. The remainder of the site is occupied as offices (Class E).

The building is not listed but is located within the Soho Conservation Area which has its northern boundary along Oxford Street. In terms of other City Plan designations, the site lies within the Central Activities Zone (CAZ); the West End Retail and Leisure Special Policy Area (WERLSPA); the Strategic Cultural Area and the Soho Special Policy Area.

The surrounding area is an eclectic mix of uses characterised predominantly by commercial uses containing a mix of retail and restaurant uses at basement, ground and first floor levels, with offices and residential above. The closest residential use to the site are 92 flats which are part of the Tottenham Court Road Elizabeth Line over station development with an entrance on Dean Street opposite. The flats are within two blocks, known as Buildings C and D. Building C fronts Oxford Street and 69 flats were permitted at six upper levels. Building D, which is to the south, will provide 23 flats at five upper levels. There are also residential flats at 10 & 11-14 Soho Street and 10 Soho Square.

The area's townscape reflects its varied history, with buildings and streets varying in terms of height, scale, age, design and form, though Soho is characterised by narrow streets and a tight urban grain which makes a marked transition from the boundary roads around Soho.

7.2 Recent Relevant History

On 7 December 2023 permission was refused for the following development:

'Demolition of 2-4 Dean Street and 7 Soho Square and the erection of a replacement building on basement, ground and seven upper floors, (increasing depth of existing basement) for retail and/or restaurant purposes (Class E) on part basement and part ground floors, a multi- use space (sui generis)/pedestrian link between Dean Street and Soho Square on part ground floor; use of the remainder of the building as offices (Class E) with associated terraces at 5th, 6th and 7th floor levels; provision of roof plant/plant enclosures, cycle parking green roofs, photovoltaic panels and facade lighting'. RN 23/00484/FULL.

The application was refused for the following reason:

'Because of the bulk, height, massing and detailed design the replacement building would fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area and would result in less than substantial harm to the Soho Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). The less than substantial harm identified is not outweighed by the public benefits of the scheme.'

On 1st November 2023 listed building consent was granted for works on the boundaries at both 4-6 Soho Square (RN 23/00375/LBC) and the French Protestant Church, 8-9 Soho Square (RN 23/00373/LBC). The boundary wall works which form part of this application remain consistent with the approved listed building consent applications (refs 23/00375/LBC & 23/00373/LBC

On 20 December 2023 the ground floor Tesco's store was designated as an Asset of Community Value. The effect of this is that The owner of an ACV must inform the local authority in writing of their intention to dispose of it. This notification triggers a six week

moratorium period during which the asset cannot be sold. During this time, community groups can express interest in being treated as a potential bidder for the listed ACV.

8. THE PROPOSAL

Permission is sought for the following development:

Demolition of 2-4 Dean Street and 7 Soho Square and erection of a replacement building on basement, ground and seven upper floors (increasing depth of existing basement) for retail purposes (Class E) on part basement and part ground floors, use of the remainder of the building as offices (Class E); with associated terraces at 5th, 6th and 7th floor levels, provision of roof plant/plant enclosures, cycle parking, waste storage, landscaping works, green roofs, photovoltaic panels and facade lighting; and associated alterations.

This application is submitted in response to the scheme refused on 7 December 2023. This scheme has been revised with the aim to address the reason for refusal. Amendments have been made to the land use, bulk, height, massing, and detailed design. These changes are summarised as follows;

Land Use

The Soho Bazaar multi-use space at ground floor previously proposed has been replaced with one larger retail unit to be used as food supermarket. The applicant has confirmed that should permission be granted a condition which secures the use as a food supermarket only and for no other purposes would be acceptable.

Bulk and Massing

At sixth floor level, the massing previously proposed directly above the Soho Square façade has been set back by a further 6.5m, to reduce the level of its visibility from views within Soho Square. This results in a minor reduction in floorspace of 29 m² at this level compared to the previous scheme. The fifth-floor roof terrace facing Dean Street has been removed from the proposals and is replaced by a non-accessible green roof, meaning that balustrading at this level is no longer required, which has meant that in total the front roof edge has reduced in height by 1.45m. This would now sit below the parapet of the building immediately to the south (5 Dean Street).

Height

The floor to ceiling heights at levels 1 to 6 have reduced from 3.2m to 3.15m, meaning that the overall height of the building has reduced by 0.54m from 58.81m AOD to 58.27m AOD.

Detailed Design

The colour of the Soho Square façade has been changed to white, in contrast to the colour of the neighbouring church and match the colour of the existing building. The colour of the sixth-floor massing and facades to the rear of the main street frontages have also changed in colour tone, to soften its appearance from Soho Square.

The fenestration has also been changed on the Soho Square façade, with the solid to glazing percentage now being 76%, greater than both the previous proposal (63%), and

the existing building (74%). The shop frontage at the Dean Street façade would change from double height to single height, as part of the removal of the public space within the building which was previously proposed. Space for public art is planned into the design of the Dean Street façade and Soho Court.

The key elements of the proposal are:

- Complete redevelopment, excavating the existing basement level by 1.5m and erection of a new building of basement, ground plus seven stories with setbacks at 5th 6th and 7th floors.
- A low carbon structure is proposed using re-used steel (where possible) and timber slabs. The building will be faced in high performance concrete dark terracotta in colour on Dean Street and white on Soho Square with lighter coloured materials at the upper levels.
- In land use terms flexible office (Class E) accommodation would be provided at floors 1 to 6 measuring 7,512 m2 GIA across all floors. A single retail unit of 676 m2 at part ground, and lower ground floor levels to be used as a food supermarket (Class E).
- Landscaping improvements to the ground floor area to the rear of the 7 Soho Square frontage, including public seating.
- Provision of cycle parking and end of trip facilities at the basement level, along with a dedicated waste storage room. Terraces for use by office staff at levels five, six and seven. Green roofing and planting at level six. Plant enclosure at level seven. Rooftop PV panels and green roofing. Architectural façade lighting

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class E)	1,698	676	-1,022
Offices (Class E)	5,454	7,512	+2,058
Total	7,152	8,188	+1,036

9. DETAILED CONSIDERATIONS

9.1 Land Use

Increased Office Provision

The proposals involve increasing office floorspace. It will deliver 7,512 m2 of office floorspace, representing an uplift of approx. 2058 m2. City Plan Policies 1, 4, 13 and 14 support office growth and modernisation to provide at least 63,000 new office-based jobs in the city, alongside other forms of commercial growth.

Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character.

London Plan Policies SD1, SD4 and E1 support growth of office floorspace in the CAZ and opportunity areas and the provision of new and refurbished office space which will improve the quality, flexibility, and adaptability of London's office stock. London Plan Policy E2 supports the provision of office floorspace for small to medium sized companies. The new office floorspace proposed in this location is welcomed in respect to the policies. The site is within a commercial area located opposite the Tottenham Court Road (Dean Street entrance) Elizabeth line station. It is an appropriate site for commercial growth. The uplift in floorspace will contribute towards the office-based jobs growth targets. The proposal also represents an improvement in terms of quality over the existing office floorspace, which is currently below modern standards. The proposals include providing new outdoor space for office occupiers, new landscaping and new facilities, including for cycle parking. The building will also be more energy efficient. Overall, the proposals will create a higher quality office environment and will improve the office offer. The applicant has confirmed that the building is designed to be operated so that the proposed floorspace can be let flexibly to various types of office occupiers. The proposed building's layout is such that it will be capable of providing space for small to medium size companies, letting floors or multiple floors. This is considered in line with London Plan Policy E2 which requires consideration be given to the scope to provide this type of commercial floorspace.

An unrestricted Class E use will not accord with the City Plan because a loss of office accommodation in this location will undermine the provision of an appropriate mix of uses that supports the vitality, function and character of the CAZ. Further, because Class E contains a wide variety of uses (including indoor recreation) and given the amount of office floorspace proposed and proximity to residential occupiers, conversion to other Class E uses could result in harmful impacts to amenity, local environmental quality and/ or the highway network. Therefore, a condition is recommended restricting the upper floors to offices (Class E g) and not for other uses within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020.

An objection has been received from the Soho Society on the grounds that a proposed large foyer for the office use with access from both Dean Street and Soho Square is contrary to Soho Neighbourhood Plan policy 7 (Creating Active Frontage in New Commercial Developments). This policy states that 'proposals for new commercial developments will be supported where the ground floor includes active frontages which avoid under used space'.

The applicant argues that the size of the office reception area is 5% of the total office floorspace, which is not unusual for the West End. Furthermore, that in recent years there has been a change in the office market from having quite large open foyer areas to ones where a range of amenities and break out spaces are offered. The proposed reception area could provide break out meeting spaces and spaces for company events.

The scheme would ensure that the vast majority of the Dean Street frontage occupied by the food supermarket would be active frontage, with only a small secondary entrance to the office use on Dean Street. Given the sites location opposite the Elizabeth line station the rationale behind the provision of an office entrance in this location is understood. As

already stated, the proposed office use accords with City Plan Policy 13 which promotes new and improved offices that meet the needs of modern working practices. Para 13.5 of the City Plan in particular refers to the opportunity for significant office growth close to the new Tottenham Court Road station.

Retail Unit

The site has a retail unit accessed from Dean Street occupying most of the ground floor along with an element of the basement. The unit has been occupied by Tesco Stores Ltd for 20 years. The unit measures 1,698 m² and is open between 6am to 11pm Mondays to Saturdays and noon to 6pm on Sundays.

Asset of Community Value (ACV)

On the 20th December 2023 the City Council designated the supermarket at the site as an Asset of Community Value (ACV) pursuant to Section 14(2) of the Asset of Community Value (England) Regulations 2012. The reason for the ACV designation is as follows: '*the use as a food supermarket selling a broad range of fresh food and basic products at competitive prices makes a significant contribution to local life and furthers the social wellbeing of the local community.*'

The effect of this is that the owner of an ACV must inform the local authority in writing of their intention to dispose of it. This notification triggers a six week moratorium period during which the asset cannot be sold. During this time, community groups can express interest in being treated as a potential bidder for the listed ACV.

Previously refused scheme

The scheme refused on 7th December 2023 proposed the loss of the single large retail unit of 1,698 m² (currently occupied by Tesco's store) and the provision of 2 new smaller retail units either side of a ground floor Bazaar. The larger retail unit included space at basement level and measured 499 m² GIA, the smaller unit of 74m² was located at part ground and first floor levels. Neither of the proposed retail units would have been suitable for use as a food supermarket.

Central to the previously refused scheme was the use of part of the ground floor fronting onto Dean Street as the Soho Bazaar. The proposed Bazaar was fully openable, double height internal space which would be a multi-use space which could be used for fashion events, art, cultural exhibitions, talks and other activities. The intention was that the space performs different functions at different times of the day. The total floorspace is 257 m² (GIA) with a maximum capacity of 301.

The applicant argued that the Bazaar should be seen as a public benefit. Strong objections were received from the Soho Society and local residents that there is no identified demand for the flexible space proposed and the Bazaar would not be a local benefit. Following comments made by the Planning Committee and concerns raised by local residents and stakeholders, the previous Soho Bazaar multi-use space at ground floor, has been replaced with one larger retail unit to be used as food supermarket.

Proposed Retail Unit

The new retail unit (Class E(a) for use as a food supermarket would measure 676 m² in total. This comprises 454 m² of retail space at ground floor level with 222 m² at basement level. The applicant advises that the unit has been specifically designed so that the full width of the unit at ground floor would be tradable, 413 m², with the rear ground floor area providing back of house space, along with the basement space.

The applicant advises that the unit has been designed with retail specialists to configure a unit so that it would provide an optimal layout and size for a food supermarket in this location. The retail unit would have internal access to the basement level plant within the building and would have its own dedicated internal waste storage and cycle storage.

Permission could not reasonably be refused on the grounds that an existing user (Tesco) may not return to the site. City Plan Policy 14 supports uses which include active frontages and serve visiting members of the public within commercial parts of the CAZ. The scheme includes the replacement of a retail unit which accords with City Plan land use policies.

Consultation Response

Objections have been received to the loss of the ACV (i.e a full service supermarket equivalent in size to the existing) from the Soho Society and individual respondents. The concern is that whilst the application proposes a replacement supermarket it would be much smaller than the existing supermarket on the site. The reduction in the size of supermarket would impact on both the range and price of products sold. The Soho Society comment that whilst the imposition of a condition which requires the new unit to be used as a food supermarket only may seem beneficial it would not protect the ACV which is not any supermarket or convenience store but a supermarket that offers a full range of goods at lower prices because of the size of the tradable floor area (750m²).

The objection from the Soho Society quotes one of the Society Members which succinctly summarises their concerns as follows

'I'm concerned about aspects of what I've read in your newsletter. The new supermarket proposed is smaller than the existing one. That is pretty important because reduced floorspace means a reduced range, and our Tesco's currently sells just enough of a range to be able to cover a weekly shop. If the range reduces much, we'll end up with (another) convenience store which is mainly aimed at buying bits and pieces but not for the main shop, and for office workers to pick up a sandwich at lunchtime. Size matters. We need a proper size supermarket.'

In granting the ACV in December 2023 the City Council's decision letter states

'It is recognised that there are other supermarkets within the vicinity. However, these supermarkets have a more limited range; the only supermarket nearby are much further away e.g. Tesco Covent Garden and St James'. The current supermarket is distinct from the others, which strengthens the case to designate it as an Asset of Community Value. These distinctions are primarily based on its central location, its size, its range and prices, and the value placed on it by the community'.

The objection from the Soho Society highlights that the Tesco's supermarket at 2-4 Dean Street is the largest supermarket within the designated Soho neighbourhood area.

At just under 750 square metres, the supermarket is more than double the size of others in the vicinity; for example, the Co-op at Berwick Street has just one-third of the gross internal area at approximately 250 square metres. This relatively larger size provides an opportunity for this supermarket to offer a significantly broader range than the others. The ability to offer more items for sale ensures that a wider variety of needs can be met.

In addition to the concerns that a smaller supermarket would reduce the range of products the objection is made on the grounds that a broader range on offer also provides access to cheaper goods. The objection refers to smaller supermarkets tending to stock one type of a given item, usually a branded type with a higher cost. Whilst larger supermarkets have the space to offer more than one type of each item, often with 'store brands' and other alternatives to the higher cost branded type available.

The objection to the loss of the existing Tesco's store is that *'the supermarket is recognised to offer the ability for local people to purchase groceries locally at cheaper prices compared to the other supermarkets in the vicinity. The supermarkets within the designated neighbourhood boundaries of Soho are high-end shops such as Whole Foods, specialty sellers, and more expensive options like Co-Op'*

Objections are also raised on the grounds that the proposed use as a supermarket is speculative with no operator identified. Concerns are raised about the lack of certainty with regards to the unit being let to a supermarket operator. The Soho Society hold the view that if the ACV is to be retained post development, the applicant should provide a reasonable degree of certainty that a full service supermarket will return.

Retail report submitted by the Applicant

Since the objections summarised above have been received the applicant has submitted a detailed retail report which gives commentary on the size and function of the existing supermarket on the site in comparison with both the proposed unit and other supermarkets in the locality.

The proposed unit would measure 676 m² in total with 454 m² sqm of retail space at ground floor level and the basement ancillary area would be 222 m². The tradable area would be at ground floor level and measure 413 m².

The applicant argues that the proposed food supermarket unit has been designed so that it:

- is of a size which would ensure that a good range of products and price points could be offered, rather than a smaller convenience only unit which caters for 'top-up' or working day needs only;
- remains desirable and marketable going forward for most supermarket operators that are currently seeking more stores in central London.

The applicant advises that discussions are ongoing with Tesco's with regards to Tesco's remaining at the redeveloped premises. Other supermarkets have also been approached and a response has been received from Sainsbury's (which forms a background paper to this report) advising that the proposed unit would be suitable for its

larger convenience store format, which it says provides for a wide range of produce and pricing. An expression of interest is made from Sainsbury’s concerning taking a lease of the unit.

Comparison of existing vs proposed supermarket configuration

The applicant has provided a study from a retail specialist (Rawls) reviewing the existing store layout and the optimum proposed layout.

The report sets out that the tradable area at the current Tesco supermarket unit is 766 m2. The Rawls study explains that the current Tesco store offers a variety of stock, however as the unit was not specifically designed for food supermarket use, the layout is inefficient, with several pinch points and columns between aisles. The report concludes that the unit is oversized for both its current in-store offer and Tesco’s typical requirements. The report concludes that whilst the proposed unit is smaller in area than the current unit the proposed space would be able to deliver an equivalent range of products to that offered currently and a space that all current mid-size operators would find suitable.

The report included a table (copied below) comparing the proposed unit with the existing unit and other selected supermarkets in the locality.

Location	Tradable Area
Co-op 104-105 Berwick Street (0.3 miles from site)	250 m2
Tesco’s 10-16 Goodge Street (0.4 miles from site)	Cico 340 m2
Sainsury’s 57-63 Charing Cross Road (0.4 miles from site	Circa 370 m2
Proposed retail unit	413 m2
Existing Tesco’s at 2-4 Dean Street	766 m2
Sainsbury’s 15-17 Tottenham Court Road (0.2 miles from site)	984

The report comments that the proposed unit would be sized to deliver a greater product range than the Co-op on Berwick Street and the Tesco at the southern end of Tottenham Court Road, which provide ‘Express’ style offers. It is also larger than the Sainsbury’s on Charing Cross Road and the recently re-opened Tesco on Goodge Street. A study concludes that these stores are well stocked with a good product range.

Price comparison between current retailer and nearby supermarkets of a similar size

In granting the ACV a comparison was made between the price of a basket of goods’ at the current Tesco and the Berwick Street Co-op on Friday 15 December 2023. It was found that that the cost of the basket was approximately 10% cheaper at Tesco.

The report submitted by the applicant refers to a price comparison being undertaken on 25 April 2024 on the price of a basket of goods at four stores, the current Tesco, Tesco at Goodge Street, Sainsbury’s at Charing Cross Road and the Co-op at Berwick Street. This report refers to this comparison test showing that the price of the basket of goods

across all four stores was very similar, ranging from £31.30 to £32.60. Items which were in both the Goodge Street Tesco and Dean Street Tesco were the same price.

Assessment /Conclusion on the proposed retail offer

Whilst there are no development plan policies that relate specifically to ACV's. The designation of the supermarket on the site as an ACV is a material consideration in determining this application. The reasoning for granting the ACV that the existing supermarket 1) provides a broad range of offer and 2) also provides access to cheaper goods is clear.

Whilst the objections from resident's and the Soho Society to the loss of the ACV are understood it is considered that the analysis in the retail report submitted in support of the application demonstrates that the proposed unit would result in the provision of a medium size supermarket that could provide a good product and price range. The applicant has submitted an expression of interest from Sainsbury's which advises it could deliver a format which provides a wide range of produce and pricing. This would be similar to a store on Charing Cross Road and the existing store on site. In the circumstances it is not considered that permission could reasonably be refused on the basis that the designated ACV would be lost. In addition, the fact that long term use of the unit as a supermarket will be secured by a planning condition where no planning restriction currently exists is seen as a benefit of the scheme. This is a factor in assessing the overall planning balance and any harm against the benefits of the scheme.

9.2 Environment & Sustainability

Sustainable Design and the Circular Economy

Summary of policy and guidance

NPPF Para. 152 states, *"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; **encourage the reuse of existing resources, including the conversion of existing buildings;** and support renewable and low carbon energy and associated infrastructure"* [emphasis added].

London Plan Policy GG5 states, *"To conserve and enhance London's global economic competitiveness and ensure that economic success is shared amongst all Londoners, those involved in planning and development must... [under Part H]: recognise and promote the benefits of a transition to a low carbon circular economy to strengthen London's economic success".* The supporting text states, *"Creating a low carbon circular economy, in which the greatest possible value is extracted from resources before they become waste, is not only socially and environmentally responsible, but will save money and limit the likelihood of environmental threats affecting London's future"* (Para. 1.6.2).

'Circular economy' is defined within the London Plan's glossary as, *"An economic model in which resources are kept in use at the highest level possible for as long as possible in*

order to maximise value and reduce waste, moving away from the traditional linear economic model of 'make, use, dispose'".

The promotion of transitioning to a low carbon circular economy is also supported by London Plan Policy GG6 that states, *"To help London become a more efficient and resilient city, those involved in planning and development must... [under Part A]: seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050"*.

London Plan Policy D3, *"All development must make the best use of land by following a design-led approach that optimises the capacity of sites ... Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development... that responds to a site's context and capacity for growth... and that best delivers the requirements set out in Part D"*. Part D refers to a number of requirements, including under Part 13 that development proposals should, *"aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy"*. Figure 3.2 and the supporting text set out a hierarchy of building approaches which maximises use of existing material, with 'retain' at its heart, stating, *"Diminishing returns are gained by moving through the hierarchy outwards, working through refurbishment and re-use through to the least preferable option of recycling materials produced by the building or demolition process"* (Para. 3.3.12).

This prioritisation of retaining existing building fabric is also supported by London Plan Policy SI 7(A)(1) that sets out the objective to, *"promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible"* and City Plan Policy 37(A) that states, *"The Council will promote the Circular Economy..."*. The supporting text for London Plan Policy SI7 states, *"London should move to a more circular economy as this will save resources, increase the resource efficiency of London's businesses, and help to reduce carbon emissions. The successful implementation of circular economy principles will help to reduce the volume of waste that London produces and has to manage. A key way of achieving this will be through incorporating circular economy principles into the design of developments..."* (Para. 9.7.1). The large proportion of London's total waste that is made up of construction, demolition and excavation waste is highlighted in London Plan Para. 9.7.4 that states that in 2015, this waste stream constituted 54 per cent of the total waste generate in London (9.7 million tonnes).

Section 2.4 of the Mayor of London's Circular Economy Statements guidance (March 2022) sets out Circular Economy design approaches for existing buildings, with Para. 2.4.1 stating that the 'decision tree' should be followed to inform the design process for the development from the outset (informed by a pre-redevelopment and pre-demolition audits, where possible, and a whole life carbon assessment). In cases where there are existing buildings on site, the decision tree asks if it is technically possible to retain these buildings in whole or part. If so, the decision tree asks whether the existing building, or parts of these building, are suitable to the requirements of the site. If the answer is 'yes in whole', the guidance indicate that the building should be retained and retrofitted. If the answer is 'yes in part', the guidance indicates that the building should be partially retained and refurbished. This approach, the guidance states, is to follow the approach

set out in Figure 3.2 of the London Plan, stating, “...retaining existing built structures totally or partially should be prioritised before considering substantial demolition, as this is typically the lowest-carbon option” (Para. 2.4.2). Such an approach is required to adhere to London Plan Policy D3 that states that development proposal should take into account the principles of the circular economy. In terms of what optioneering is expected Para. 2.4.5 adds, “When assessing whether existing buildings are suited to the requirements for the site, applicants should robustly explore the options for retaining existing buildings (either wholly or in part). Where disassembly or demolition is proposed, applicants should set out how the options for retaining and reconstructing existing buildings have been explored and discounted; and show that the proposed scheme would be a more environmentally sustainable development”.

City Plan Policy 38(A) states, “New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods”. City Plan Policy 38(D) (Design Principles) added, “Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating **principles of sustainable design...**” [emphasis added]. The supporting text for City Plan Policy 38 states, “As new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition...” (Para. 38.11).

Guidance on the meaning of ‘sustainable design principles’ is found within the ‘Retrofitting and Sustainable Design’ chapter of the Westminster’s Environmental SPD (February 2022). The guidance states, “The upgrade and reuse of existing buildings is a sustainable approach and can help by avoiding the higher carbon footprint associated with constructing new buildings” (p. 104). Page 87 also states, “Where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition. However, this needs to be carefully balanced against other sustainability objectives, the need to deliver new housing and economic growth, meaning demolition will still be appropriate in some circumstances. When balancing the merits and impacts of retention or demolition of the existing building, the council will consider environmental, economic and social sustainability issues in the round with reference to other City Plan policies”.

This guidance adds that, “Putting the circular economy into action in Westminster’s built environment means in the first instance exploring retention and refurbishment of buildings rather than demolition and re-build. If this is not possible, then incorporating reused materials into a new development” (p.96).

Soho Neighbourhood plan

Policy 20 of the Soho Neighbourhood Plan states ‘all development proposals should incorporate measures designed to minimise and conserve heat and energy use, reduce urban heat island effects, and carbon emissions’.

Policy 21 sets out that *'in recognition of Westminster City Council's climate emergency declaration and their commitment to the city becoming carbon neutral by 2040, all major development should take every opportunity to demonstrate that it has evaluated the potential of options to sensitively retrofit and improve the sustainability of existing buildings'*.

Assessment of refurbishment against redevelopment

The applicant acquired the site in 2020. They advise that the project brief was to ensure that the most sustainable possible building was provided with circular economy principles central to all decisions. The applicant states that the initial expectation was that a refurbishment and extension scheme would be pursued. Detailed designs were worked up regarding both refurbishment and new build schemes, enabling a comparison of the different approaches.

Five scheme options were prepared and reviewed so that the benefits and disadvantages could be evaluated. The five options were light, medium and heavy refurbishment schemes, and 2 x redevelopment schemes (one with a single basement and one with a double basement).

Two of the design options were progressed through to RIBA stage 1. The 1st option (medium refurbishment) sought to remove existing poor quality upper floors and extend by 1 additional floor. The 2nd option proposed redevelopment to provide a new building, including extending the current basement by 1.5 metres.

The applicant advises that as part of the assessment process it became clear that the following fundamental aspects of the building could not be addressed through a refurbishment scheme, or would themselves require elements of work which would use significant amounts of carbon. These include the need for a replacement façade which performs significantly better in terms of thermal performance, and the replacement of the buildings mechanical and electrical equipment which is at the end of its life and would need to be replaced in full.

Challenges to refurbishment

The following points are identified as being challenges to refurbishment:

- Low floor to ceiling heights;

In terms of ceiling heights several different options to heat and cool the office element were tested to see which would allow the greatest heights. Under floor air conditioning was considered the most suitable as, although it would have a relatively high operational energy spend, it would provide the maximum floor to ceiling heights. However, these would still only be a maximum of 2.34m, which would be further reduced by lighting fixtures to 2.25m, before gradually reducing to 2.05m close to the structural columns. In comparison a new building would be able to provide improved commercial accommodation with floor to ceiling heights of 2.7m.

- The existing concrete structure is uninsulated;

The existing concrete structure is uninsulated and to insulate this to future fit performance requirements both façades would need to be removed completely with a

bay of the building on Dean Street demolished in full because of its proximity to the site boundary line. The upfront embodied carbon of these works was assessed and found to be relatively high.

- Ongoing carbon intensive refurbishment works and any additional floors would require strengthening to the existing structure, even if no additional basements are proposed;

If a refurbishment scheme were progressed, further carbon intensive refurbishment works would likely be undertaken comparatively frequently. Any uplift in floor area would require strengthening of existing structure, particularly in the basement where punctured holes appeared to have compromised the structural strength. It is also important to acknowledge that the existing structure is at least 80 years old and is considered to be at the end of its design and service life.

- Mechanical and electrical equipment would need to be replaced in full; The engineering services vary in age with services dating back over 20 years. The majority, including large plant such as AHUs and chillers are expected to come to the end of their economic and serviceable life within the short term and would need to be replaced in full.

- A low carbon heating, cooling and ventilation system could not be provided; A low carbon efficient heating, cooling and ventilation system could not be provided due to low floor to floor heights in the existing building structure and significant downstand beams.

- Inflexible column grid; There are regular columns on a tight grid which limit the potential for future office flexibility.

- Accessibility concerns; Level access from Soho Square could not be provided due to the slope across the site and the existing ground floor slab.

- Repositioning the core. Repositioning the core to give a modern efficient reception and floorplate would result in significant structural interventions.

The applicants concluded that a refurbishment and extension scheme would not be able meet modern standards due to the constraints of the existing structure and therefore is unable to provide a long-term, sustainable solution for the site. Instead, it was decided to seek to progress a new building using low carbon construction and significantly improved operational energy use.

The applicants have demonstrated a thorough investigation of the existing materials and the resulting circular economy in place is considered robust, integrating as much of the deconstructed elements as possible within the new design, while off-site reuse is also proposed, leaving less materials to be recycled. This approach follows most closely the policy requirement of showing breadth and depth of the circular economy strategy.

The proposed re-used and recycle content within the scheme exceed GLA's minimum standard by setting bespoke targets and exceeding the business-as-usual targets as set below:

KPI	Unit	Requirement	Aspiration
Cement replacement - Cast in-situ concrete substructure	%	40%	60%
Cement replacement - Cast in-situ concrete superstructure	%	25%	50%
Cement replacement - Pre- cast concrete	%	15%	25%
Recycled content - Structural steel	%	20%	30%
Recycled content - Aluminium	%	50%	80%
Recycled content - Blockwork	%	25%	40%

Whole Life-cycle Carbon

Whole Life Carbon emissions are the total greenhouse gas emissions arising from a development over its lifetime. This includes the emissions associated with the raw material extraction, the manufacture and transport of building materials, as well as the installation / construction, operation, maintenance of the development and the eventual material disposal.

Whole Life Carbon Assessments account for all components relating to the project during all life stages, which are set out below:

1. Product Stages (module A1 to A3): The carbon emissions generated at this stage arise from extracting the raw materials from the ground, their transport to a point of manufacture and then the primary energy used (and the associated carbon impacts that arise) from transforming the raw materials into construction products.
2. Construction (module A4 to A5): These carbon impacts arise from transporting the construction products to site, and their subsequent processing and assembly into the building.
3. In-Use Stages (module B1 to B7): This covers a wide range of sources from the embodied carbon emissions associated with the operation of the building, including the materials used during maintenance, replacement, and refurbishment.
4. End of Life Stages (module C1 to C4): The eventual deconstruction and disposal of the existing building at the end of its life takes account of the on-site activities of the demolition contractors. No 'credit' is taken for any future carbon benefit associated with the reuse or recycling of a material into new products.
5. Benefits and loads beyond the system boundary (module D): Any potential benefit from the reuse, recovery and recycling potential of a building or a building project.

A whole life carbon assessment comparing various scheme options has been submitted by the applicant in support of the scheme. The Product and Construction stages (modules A1 - A3, and A4 - 5, demonstrates that the total upfront carbon emissions for the proposed development would be 656 kg CO₂e/m² GIA, which is significantly below the GLA benchmark of 950 kg CO₂e/m² for office developments and very marginally below the previous scheme (657 kg CO₂e/m² GIA).

Whole Life Embodied Carbon (modules A - C): demonstrates that the whole life embodied carbon emissions associated with the breakdown of elements for modules A, B and C (excluding the operational phase of modules B6 and B7) is 1,051 kg CO₂e/m². This figure falls well below the GLA benchmark of 1400 kg CO₂e/m² for office developments and below the 1,107 kg CO₂e/m² figure of the previous scheme, which is because of a reduction in the end of life impact mainly driven by the reduction in the steel tonnage due to removal of the bazaar raking columns.

At this stage these figures do not capture the aspirational level of re-used content for the new development, though as part of design development which would take place at a later stage, measures are provided as part of the whole life carbon assessment which target figures which are below the GLA's aspirational benchmarks (597 kg CO₂e/m² and 969 kg CO₂e/m² respectively). A condition is proposed to capture the recycled content for all structural steel profile as well as whole life carbon assessment submissions at pre-commencement, construction, and post-completion stages, ensuring that reuse is maximised and further savings are achieved. The applicants have stated that there are processes in place to continue workshops on reuse with the contractor and design teams, bringing confidence that the team is aware of the engagement needed for meaningful circularity and emissions reductions. The table also shows the carbon figures for a 'medium refurbishment scheme' which were progressed as part of initial design work. Due to shortcomings with the current premises, this would require an element of demolition to allow the currently uninsulated internal walls to be insulated. Based on the proposal aspirations, the redevelopment scheme would result in an additional 14% carbon emissions over the whole life cycle when compared to a the 'medium refurbishment scheme'.

Table – Whole life cycle emissions of development options

	1. Medium refurbishment scheme	2. The Proposed Scheme (current figures)	3. Aspiration for the proposed scheme	4. Refused scheme (ref. 23/00484/FULL)	5. GLA aspirational benchmark	6. GLA benchmark
Upfront carbon ('cradle to practical completion') (i.e. Modules A1-A5) (kgCO ₂ e/m ²)	468	656	597	657	<600	<950
Whole life carbon ('cradle to grave') (i.e. Modules A-C (excluding B6 and B7)) (kgCO ₂ e/m ²)	850	1,051	969	1,107	<970	<1400

The table shows that the redevelopment scheme would result an additional 14% carbon emissions over the whole life cycle when compared to a the 'medium refurbishment scheme'.

Sustainability initiatives of the proposed new building

The scheme includes the following sustainability initiatives:

- Building materials have also been selected based on their environmental credentials including their recycled content. The scheme targets using 80% repurposed steel from other sites;
- The construction would use Cross Laminated Timber floor slabs and ultra high performance concrete as a facing material, providing a low-carbon design;
- Retention of 21% of basement structure;
- Energy efficient mechanical and electrical systems. Openable windows would be provided to reduce the need for air conditioning;
- Provision of renewable energy generation on-site, including PV panels and air source pumps.

Energy Performance

City Plan Policy 36 and London Plan Policy SI 2 require major development to be net zero-carbon in terms of regulated carbon emissions from operations, and follow the energy hierarchy, as set out in the London Plan. The energy hierarchy includes:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

The London Plan requires a minimum on-site reduction of at least 35 per cent beyond Building Regulations for major development. Applicants should reduce carbon emissions by 15% for non-domestic development through using energy efficiency measures. Where an applicant clearly demonstrates the zero-carbon targets cannot be fully achieved on-site, any shortfall can be provided for by a payment in lieu contribution to Westminster's carbon offset fund or off-site.

Table 3: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	1.78	5.68%
Be Clean: Savings from heat network	0	0%
Be Green: Savings from renewable energy	2.58	8.69%
Cumulative on-site savings	4.36	13.88%
Carbon shortfall	27.1	-
	Tonnes CO ₂	
Cumulative savings for offset Payment (tonnes)	814	
Cash-in-lieu contribution	£268,290	

The baseline against which the carbon emissions savings have been calculated is Part L 2021 of the Building Regulations. The carbon intensity factors adopted for the calculations are in line with the Greater London Authority (GLA) methodology as set out in their Energy Assessment Guidance. The overall target of achieving an on-site regulated carbon emissions reduction of 35% over Part L 2021 is challenging to achieve, as acknowledged in the GLA's guidance. However, the applicant has made significant efforts to reduce emissions through the Energy Hierarchy, as set out below, and is aiming to achieve a BREEAM rating of outstanding the highest possible which is recommended to be conditioned).

Be Lean:

In the 'Be Lean' stage, the applicant has integrated passive design principles to enable the building to be less reliant on heating, cooling, ventilation and air conditioning systems and minimise dependence on artificial lighting.

The proposed development is set to achieve a 20% carbon emissions reduction through energy efficiency measures compared against the 2013 benchmark and a 5% saving measured against the 2021 benchmark.

The proposed development includes the following measures:

- Highly efficient building fabric properties with U-values and air permeability beyond the standards set out in Part L of the Building Regulations 2021;
- High-efficiency ventilation with heat recovery; and
- Energy efficient light fittings.

Be Clean

In the 'Be Clean' stage, there is no existing or potential future district heating network in close proximity to the site.

Be Green

In the 'Be Green' stage, the applicant proposes to use a heat pump system to provide heating and hot water. In addition, rooftop photovoltaic provision is included to generate renewable electricity. The inclusion of heat pumps and photovoltaic panels would result in a 37% saving against the Part L 2013 benchmark and a 6% saving against the Part L 2021 benchmark.

Net Zero

The applicant explains the proposed development would achieve an overall reduction of regulated carbon emissions savings of 11% against Part L of the 2021 building regulations.

In relation to net zero carbon, there would be a shortfall which the applicant calculates as 29.1 tonnes of carbon annually. As set out in the GLA's Energy Assessment Guidance, shortfalls must be met off site or through a payment in lieu contribution of £95 per tonne (for a 30-year period) to the Council's Carbon Offsetting Fund. The shortfall in this case is to be met through a payment in lieu contribution amounting to £82,324 which is recommended to be secured by legal agreement.

Be Seen

The applicant has provided a 'Be Seen' spreadsheet as part of their submission. This spreadsheet contains detailed calculations of what they expect the development's energy performance to be. The legal agreement is recommended to include an obligation to ensure the actual operational energy performance of the building is monitored in accordance with the London Plan.

Circular Economy

London Plan Policy SI 7(B) requires referable application (such as the development proposal) to promote circular economy outcomes and aim to be net zero-waste. The policy requires that a Circular Economy Statement should be submitted to demonstrate:

- 1) how all materials arising from demolition and remediation works will be re-used and/or recycled
- 2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
- 3) opportunities for managing as much waste as possible on site
- 4) adequate and easily accessible storage space and collection systems to support recycling and re-use
- 5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
- 6) how performance will be monitored and reported.

The Mayor of London adopted the Circular Economy Statement guidance in March 2022. This guidance states, "CE [Circular Economy] statements, or elements of the statement, can be submitted as compliant or pioneering. To demonstrate the promotion of Circular Economy outcomes in line with Policy SI 7, all Circular Economy statements should aim to set out best practice, rather than recording business-as-usual activities" (Para. 3.4.1).

City Plan Policy 37(C) states, "Developers are required to demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan targets and the council's Code of Construction Practice (CoCP)". The accompanying guidance states, "Implementing the waste hierarchy and promoting circular economy principles is key to reducing the amount of waste produced and ensuring that more materials are reused, repaired and recycled" (p. 94 of the Environmental SPD).

The Circular Economy Statement that accompanies the application sets out the applicant's strategy through the design and delivery of the scheme. The statement considers resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal.

New material elements have been selected based not only on their technical properties but also their environmental credentials including recycled content and ease of future reuse / disassembly. This includes using Cross-Laminated (CLT) flooring slabs, timber framed windows rather than high carbon aluminium, high percentages of cement replacement for the sub and super structure.

To ensure maximum potential in terms of re-using fabric from the current building, a Reuse Viability Audit and Pre-Demolition Audit was undertaken to understand the extent to which existing structures and materials could be retained and / or reused.

The Applicant is targeting 99.9% diversion of demolition and construction waste material from landfill with aspiration to reach 100% for all non-hazardous materials. This exceeds the minimum requirement of 95% by the GLA. The submitted Site Waste Management Plan confirms that 100% of the concrete, hardcore, mixed metals, timber plasterboard, glass and ceramic tiles will be re-used, recycled or recovered either on or off-site. 30%

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of building material elements comprise of recycled or re-used content, with an aspiration to reach 50% during technical design. This exceeds the GLA's benchmark of 20%.

In line with the updated GLA Circular Economy Statements Guidance, a post-completion report would be included within an updated Circular Economy Statement once the proposed development has been fully built out. It is recommended that this is secured by condition.

Air Quality

An Air Quality Assessment, has been submitted as part of this application which considers both the construction and operational phases of the proposed development.

The assessment of construction impacts associated with dust and fine particulate matter concludes that through good site practice and the implementation of recommended mitigation measures, the effect of dust on air quality during the construction phase would not be significant. As there are no car parking spaces associated with the proposed development, changes in vehicular trips to the site would be insignificant. The development would therefore have an insignificant impact on local air quality and would comply with the Air Quality Neutral requirements for road traffic emissions. Heating at the Site would be provided by all-electric ASHPs and there would be no on-site gas use.

The proposed development would be Air Quality Neutral and would comply with London Plan Policy SI 1, City Plan Policy 32 and Soho Neighbourhood Plan policy 19.

Flood Risk & Sustainable Drainage

The site is in Flood Zone 1 and not within a surface water hotspot and therefore has a low risk of surface water flooding from either fluvial or surface water flooding.

A Flood Risk Assessment and Surface Water Drainage Strategy have been submitted in accordance with City Plan Policy 35. This aspect of the application is considered to be acceptable.

Ventilation and Extraction

A Ventilation and Extraction Statement has been submitted as part of this application.

The office accommodation will have openable windows on each floor and an air circulation system removing pollutants. The retail unit would have high level louvre bands on the Dean Street elevation to allow for fresh air supply and extract to the outside. This accords with City Plan Policy 33(D).

Environment & Sustainability Summary

The applicant has submitted satisfactory evidence that the refurbishment and replacement of the existing building has been fully investigated.

Whole life carbon assessments for both options illustrate that whilst the option to redevelop would be the more carbon intensive option, the environmental impact is significantly minimised due to the following:

- Careful choice of building materials, in which materials with a high embodied carbon content have been discounted;
- Following very high circular economy aspirations;
- Improved energy performance of a new building.

With regards to construction materials, the proposed scheme is mainly hybrid steel and cross laminated timber, with a concrete core and ground floor slab. The biggest carbon savings will arise from sourcing recycled steel, and the applicant has engaged and committed to a supplier to ensure availability. The circular economy aspirations are commendable, imposing a strict carbon budget for each building element and aiming to be net-zero waste. The use of re-used and recycled materials will be maximised on site. The approach is welcomed. The Whole life carbon emissions (A1-C4) are calculated at 1051 kgCO₂e/m², which exceed GLA benchmarks. The carbon emissions through the operations of the new building will be improved over Building Regulation requirements, which is also welcomed.

Although retaining various elements of structure and substructure is technically possible, this would not enable the delivery of a scheme with the same public benefits including the proposed ground floor bazaar, grade A office floorspace, a new building that provides townscape improvements and improved accessibility. Furthermore, as stated the proposed redevelopment scheme would not be significantly more carbon intensive than a refurbishment option.

Objections have been received that a retro fit scheme rather than a redevelopment scheme should have been pursued. The sustainability credentials of the development including the proposed demolition were considered to be acceptable when the previous scheme was determined in December last year. This aspect of the application is again considered acceptable. Overall, it is considered that the submission demonstrates the development will result in an acceptable environmental impact, in accordance with NPPF, London Plan and City Plan policies.

9.3 Biodiversity & Greening

The application seeks to incorporate as much urban greening into the scheme as possible. An Urban Greening Factor (UGF) assessment has been undertaken and the expected score is 0.11. This is derived from 130 m² of green roofing, 35 m² of planting on terraces, 130 m² of ground floor planting (off Soho Square) and 50 m² permeable paving. This is a significant uplift in greening where there is none at present. The greening does fall short of the target of 0.3 as set out in London Plan policy G5. This is due to the extent of terraces proposed which are considered to be an important amenity facility for the office accommodation. This aspect of the application is considered to be acceptable.

London Plan Policy G6(D) requires development proposal to manage impacts on biodiversity and aim to secure net biodiversity gain. City Plan Policy 35(G) states, *“Developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats”*.

The Biodiversity Impact Assessment that accompanies the application states that the current site has a biodiversity value of 0.01 and the proposal would increase this to 0.12. The proposal would achieve a net gain of 0.11 which is welcomed.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the LBCA Act’) requires that “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 66 of the LBCA Act requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the LBCA Act requires that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Existing Building

2-4 Dean Street is a purpose designed commercial building of 1930 located in the Soho Conservation Area. It was designed by North, Robin & Wilsdon architects. The building is six stories in height in red brick to Dean Street elevation, and a stair tower to Soho Square in white render.

At ground floor the building has an undistinguished late twentieth century supermarket shopfront. Above this, six bays of minimally detailed red brick, with pavilions at the north and south ends, with a mansard style roof between. The façade is understood to have been altered in the 1990s.

On top of the original roof level a seventh storey roof extension dates from 2002. This is a lightweight, set back extension which, while of no architectural merit, is not discernible in either public or most private views.

The building is adjoined to the south by the six-storey 5 Dean Street, and to the north by the seven storey 1 Dean Street. The pavilions are broadly of a height with the adjoining buildings, though the southern pavilion has been built slightly taller than the northern.

On the Soho Square elevation the stair tower is adjoined by two listed buildings; the grade II* French Protestant Church and the grade II 6 Soho Square. The Soho Square portion of the site therefore forms part of the setting of these two listed buildings.

The building is considered to make a neutral contribution to the character and appearance of the conservation area.

Demolition - principle

The proposed scheme sees the demolition of both the Dean Street and Soho Square portions of the building.

The principal Dean Street portion of the building makes no positive contribution to the character or appearance of the conservation area; Its materials are poor, the fenestration is characterless and the lack of detail or ornamentation goes beyond simplicity to monotony.

The replacement of this building with one of a more considered architectural treatment has the potential to make a positive contribution to the character and appearance of this part of the conservation area,

The Soho Square element of the building is of higher architectural quality. It has simple and restrained art deco detailing; square section pilasters between steel framed windows, and crow step pediment. While the Soho Conservation Area Audit (2005) does not identify it as an unlisted building of merit (as it is only one element of the wider 2-4 Dean Street) this facade is nonetheless considered to make a modest positive contribution to the character and appearance of the Soho Conservation Area.

The demolition of this portion of the building will therefore only be acceptable if the replacement building makes an equal or greater contribution to the character and appearance of the area.

Objections have been received to the loss of this part of the building, including from the Soho Society. Based on the modest contribution of the existing building, and the quality of the proposed replacement (see below), the loss of the stair tower is considered to be

acceptable in terms of the character and appearance of the conservation area and the setting of the adjacent listed buildings,

Demolition - French Protestant Church chimney

The demolition and rebuilding of the chimney stacks to either side of the Soho Square portion of the site (to the grade II French Protestant Church, and the grade II building at 6-8 Soho Square) has already been consented. (23/00375/LBC and 23/00373/LBC).

Bulk and mass – Dean Street

The proposed Dean Street elevation takes its height from the adjacent building to the south – 5 Dean Street. There is an increase in terms of visible mass; the recessive mansard element between the two end pavilions is replaced with a sheer storey, resulting in additional bulk at sixth floor level. Additional storeys are set back, reducing their visibility in views from the street.

The height of this element has been changed since the previous submission; in the original application the shoulder height of the façade was derived from the height of the existing end pavilion, which is slightly higher than the neighbouring building. This alteration, though modest, is considered to be an improvement.

The immediate context of the building is the new Crossrail over-station development buildings, which face the site across Dean Street, and adjoin to the north. The scale of the proposed building relates well to these newer neighbours. Buildings to the south are of a smaller scale.

Bulk and Mass – Soho Square

There is an increase in bulk visible in views from Soho Square. Three views are shown within the application materials; a close view from the northwest corner of the square, a view along the north side of the square and a longer (winter) view across Soho Square gardens.

Since the previous submission the bulk of the building has been reduced by a reduction in floor to ceiling heights. The additional bulk in the close view (rising above the listed chimneys of 6 Soho Square) is now negligible.

At sixth floor level, the massing previously proposed directly above the Soho Square façade has been set back by a further 6.5m, to reduce the level of its visibility from views within Soho Square. This also serves to break up the form compared with the previous shape.

The increased bulk will be most apparent in longer winter views across the square. The applicant has responded to concerns regarding the visibility of the upper storeys by further altering the colour of the facing material at these levels to provide a lighter, and less visually obtrusive upper elevation.

Materials

The proposed material for all for the new elevations is Ultra High Performance Concrete (UHPC). This concrete material is reinforced with filaments of metal. It is possible to achieve relatively fine detailing on the moulded panels, and the material is self-coloured using the addition of pigments. The choice of UHPC for the facades was driven by the need for a lightweight material given the proposed use of timber floorplates.

The UHPC will replace poor quality brick. While a more traditional building material, such as a higher quality brick, would be more consistent with the Soho palette of materials found to the south, the use of UHPC allows for a more sustainable building in terms of the use of CLT floor slabs and reused steel frame.

To the Soho Square elevation the use of the UHPC is comparable to the existing render in terms of the materiality. The fine details achievable using UHPC allows for a more intricately modelled detail; two different scales of dentil detailing. The final detail of the colour of the elevation remains to be fixed, and would be subject to a condition.

Design

The proposed design uses a repeated window detailing a grid system, which the architects have based upon a study of warehouse-type buildings in the area (historically the site was occupied by a Soho warehouse).

The façade grid, while superficially similar to the existing elevation, increases the number of bays from six to ten, and consequently reduces the size of those bays, resulting in a more cellular appearance.

A significant change to the elevation since the previous application is the omission of the double height arcade (or 'bazaar'), which previously cut through the plot, with a double height opening to Dean Street. Double height openings are becoming more typical of Oxford Street, but have not become established on smaller Soho streets.

The building now has a much more conventional single storey shopfront and opening which sits more comfortably within its Dean Street context.

The use of UHPC allows for a finely detailed finish; the spandrel panels and ground floor stallriser are proposed using a dogtooth moulding detail in two different scales.

On the Soho Square elevation the most striking amendment is the change in colour from a brick red to off white. The previously proposed red finish was intended to provide a neighbourly contextual colour in relation to the adjacent French Protestant Church. The currently proposed elevation reverts to the existing white finish, which breaks up the buildings in this corner of the square.

The proposed Soho Square façade has been further amended by increasing the depth of the spandrel panels and reducing the amount of glazing. The proposed elevation now has a solid-to-glazed ratio which is more consistent with other Soho Square buildings. It does not replicate the ratio in the existing façade.

The façade incorporates more fine detail than the Dean Street elevation. The dog tooth detail is used once again, in combination with deep mullions and a frame to the second

and third floors and a cornice to the fourth floor. The currently proposed design is considered to make a improved contribution to the character of the conservation area in comparison with the previous scheme. The currently proposed façade is considered to make an equal, or slightly greater contribution to the character and appearance of the conservation area than the limited contribution made by the existing building.

The windows to the proposed building are larger than the existing, resulting in a greater glazing to solid ratio. An objection from the Soho society considers that the proportion of glazing is excessive, and will not form a suitable setting for the adjacent listed buildings.

The applicant has demonstrated that other (historic) buildings in Soho Square do have a greater degree of glazing than the existing. The existing building has a relatively modest solid to glazing ratio, which can be somewhat increased without detriment to the character of Soho Square.

The elevations of the new building enclosing the lightwell to the south side of the building were shown in the original submission as a dark red colour. This has now been revised to a stock brick colour to minimise the appearance of this element above the grade II listed 6 Soho Square.

Strategic Views

The Site is located within the viewing corridor of the Parliament Hill to the Palace of Westminster panorama protected vista from assessment point 2B.1 (east of the summit), as identified in London Plan Policy HC3, and the LVMF. Heights above 56.82 metres AOD at this Site would affect the viewing corridor of this protected vista.

The top of the plant enclosure would breach the viewing corridor by 0.3 metres and the lift overrun would breach the corridor by 1.4 metres. Existing and proposed views provided by the applicant show that due to the distance from the viewing point, the relatively small increase in height and the massing already in the background of this view, that this development would not detrimentally impact the view of the Palace of Westminster.

Public Art

Public art is proposed as part of the Dean Street ground floor facade; a cast metal panels is proposed adjacent to the secondary office entrance. While the specific public art has yet to be commissioned, the intent is that the work would reflect the culture and heritage of Soho. The public art would be secured by condition.

A further proposal for art is to create a mural in the yard to the rear of the site. While a welcome contribution to the cultural offer of the scheme, a piece in this location is not considered to be public art, as it is located entirely within the private portion of the scheme, albeit accessible to the visiting public.

Harm and benefit.

The previous submission was assessed as causing less than substantial harm to the character and appearance of the conservation area, largely by reason of the increased bulk visible in views across Soho Square.

The current proposal has been amended, with a number of improvements:

- Omission of the bazaar
- Reduced parapet height to Dean Street
- Change of colour to Soho Square
- Improved detailed design to Soho Square elevation
- Change of colour to new mass at upper storeys
- Removal of bulk at sixth floor
- Reduced overall height

The loss of the Soho Square stir tower elevation and replacement with new elevation is considered to cause no harm. There is still increased bulk in views from Soho Square, which following the changes made to the scheme, now causes less harm than the original proposal. This harm is considered to be at the lowest end of less than substantial. The design and wider benefits of the scheme are considered to outweigh this harm,

Fire Safety

London Plan Policy D12 requires all major development proposals to be supported with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The applicant has provided this statement which is authored by a person who holds a BSc (Hons) in Fire Safety Engineering and a MSc in Fire Safety Engineering & Explosions. The statement considers building construction methods, means of escape, fire safety measures, fire service access and fire appliance access amongst other issues and therefore meets the requirements of Policy D12. A condition is recommended to ensure that the measures proposed are followed.

Archaeology

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest and therefore no further assessment or conditions are necessary.

9.5 Residential Amenity

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing. This application proposes a slight reduction in the bulk and mass of the new building in comparison to the scheme determined in December 2023. The new building was considered acceptable in terms of the impact it would have on the amenity of the occupants of nearby properties. There has been no material change in circumstances. The assessment on the impact on amenity remains as reported under the previous application. For completeness this is again set out in full in this report.

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in

every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE explains their guidelines are intended for use for rooms in adjoining dwellings where light is required, and principally seeks to protect light to main habitable rooms (i.e. living rooms) in residential dwellings, and it accepts that bedrooms are of less importance.

The BRE also confirms that the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of natural light. In this case, that includes the French Protestant Church at 8-9 Soho Square. Offices are normally artificially lit spaces and would therefore have a low expectation of natural light when compared to dwellings.

Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL). VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss could be noticeable. NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss could be noticeable.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. 1 The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

In support of the application a daylight and sunlight study has been submitted (by GIA chartered surveyors) which assesses the impact of the development on the following properties:

- 102-103 Dean Street and 101 Oxford Street;
- 95 Dean Street,
- French Protestant Church 8-9 Soho Square,
- 11-14 Soho Street and 61 Oxford Street,
- 10 Soho Street, and
- 10 Soho Square.

The study shows that there are no breaches in BRE guidelines with regards to 11-14 Soho Street and 61 Oxford Street, 10 Soho Street, and 10 Soho Square.

There are breaches in BRE guidelines at three of the properties assessed (102-103 Dean Street and 101 Oxford Street, 95 Dean Street, and French Protestant Church 8-9 Soho Square). The impact on each of these properties is discussed below.

102-103 Dean Street and 101 Oxford Street

Daylight

The table shows the technical breaches in both VSC and NSL levels to windows and rooms at 102 Dean Street/101 Oxford Street.

Use of room	Window	VSC existing %	VSC prop %	VSC loss	VSC % loss	NSL Existing %	NSL Prop %	NSL loss M2	NSL % loss
Bed	W8/F)1	0.2	0	0.2	100%	13.9	2.6	1.5	81.4%
LKD	W9/FO1	1.3	0.4	0.9	69.2%	19.3	10.6	3	44.9%
LKD	W12/FO1	0.3	0	0.3	100%	14.3	7.4	2.8	47.9%
LKD	W15/FO1	0.2	0	0.2	100%	18.5	12.3	1.4	25%
Bed	W8/FO2	0.4	0	0.4	100%	21.9	0	2.8	100%
LKD	W9/FO2	0.4	0	0.4	100%	24.5	7.9	5.7	67.8%
LKD	W12/F02	0.5	0	0.5	100%	18.2		4.2	55.8%
LKD	W15/F02	0.2	0	0.2	100%	19.9	12.9	2.3	35%
LKD	W5/F03	4.3	3.4	0.9	20.9%	89.2	86.4	1.3	3.1%
LKD	W14/F04	0.5	0.3	0.2	40%	32.5	31	0.5	4.6%
LKD	W17/F04	1.7	0.9	0.8	47.1%	34.4	34	0.1	1.1%

This property is located to the west of the site. 96 windows were assessed of which 85 achieve compliance with BRE in terms of VSC. There are 11 windows which will experience a loss in VSC levels above the 20% guidance set out in the BRE guidance. As the VSC figures in the table above show, in the case of all 11 windows the existing VSC levels are extremely low, being 1.7% or less (significantly below the 27 % which the guidelines recognise as a good level of daylight). The existing low VSC levels to these 11 windows are attributed to undulations of the façade of the building where the windows are located under recesses. The table shows that the development will result in very minor actual reductions in VSC levels to the windows. However, the design of the windows creates a position in which very small absolute changes in light exceed the 20 % percentage reduction and technically breach BRE guidelines. All windows that are flush on the façade all achieve BRE compliance.

This is also the position with regards to the NSL assessment. In total 57 rooms have been assessed and 49 would achieve compliance. There are breaches to the guidelines

with respect to 8 rooms which are shown in the table above. Again in the case of all 8 rooms where there are technical breaches in BRE guidelines in respect to NSL figures the actual impact in terms of the area of the room where skyline would be lost is very small in all cases. Furthermore the rooms are deep rooms (one room is over 11m in depth) with recessed windows. The BRE guidelines states that 'if an existing building contains rooms lit from one side only and greater than 5m deep then a greater movement of no sky- line may be unavoidable.'

Sunlight

Of 36 windows that have been assessed 34 achieve BRE compliance. There are 2 isolated cases of losses to APSH beyond the guidance. The study shows that windows which receive APSH of 6% and 4% would be reduced to 1%. The figures show that the absolute losses are minor.

95 Dean Street

This property is also located to the west of the site, south of 102-103 Dean Street and 101 Oxford Street (discussed above). The table below shows VSC and NSL figures for 95 Dean Street.

Use of room	Window	VSC existing %	VSC proposed %	VSC loss	VSC % loss	NSL existing	NSL proposed	NSL loss M2	NSL % loss
LKD	W11/F01	11.8	9.4	2.4	20.3%	16.9	13.3	1.1	21.2%
Bedroom	W9/F02	15.9	12.7	3.2	20.1%	25.7	15.7	1.7	39.1%
Bedroom	W10/F02	16	12.2	3.8	23.8%	28.5	14.8	2.1	48.1%
LKD	W11/F02	15.9	12	3.9	24.5%	24.1	16	2.5	33.4%
LKD	W12/F02	0.2	0	0.2	100%				
Bedroom	W9/F03	20.9	16.2	4.7	22.5%	48	23.5	4.1	51.1%
Bedroom	W10/F03	21	15.4	5.6	26.7%	52.4	21.2	4.8	59.4%
LKD	W11/F03	21.1	15.1	6	28.4%	48.2	22.4	8.3	54.1%
LKD	W12/F03	1	0.2	0.8	80%				
LKD	W13/F03	1.7	0	1.7	100%				
Bedroom	W7/F04	27.4	21.1	6.3	23%	77.4	37.9	6.2	51%
Bedroom	W8/F04	27.6	20	7.6	27.5%	94.2	30	9.8	68%
LKD	W9/F04	27.6	19.4	8.2	29.7%	84.7	35.6	15.5	58%
LKD	W10/F04	1.9	0.8	1.1	57.9%				
LKD	W11/F04	4.3	0	4.3	100%				
Bedroom	W7/F05	33.8	26.3	7.5	22.2%	99.1	78.8	2.9	20.5%
LKD	W8/F05	33.4	25.5	7.9	23.7%	98.2	91.5	2.1	6.8%

The daylight/ sunlight study shows that there will be a similar minor impact on 95 Dean Street. Of a total of 68 windows that have been assessed for VSC levels 51 would achieve BRE guidance. 17 windows would experience losses of more than 20% above the BRE criteria.

Of these 17 windows, 8 windows that would experience losses between 20-30% would retain VSC values over 15 %. Retained VSC levels of over 15 % are not uncommon for central London. Of the remaining 9 windows as is the case at 102-103 Dean Street the windows all have extremely low existing VSC values of less than 4.3% from a target of 27%. This can be attributed to the fact that the windows are inset behind balconies. The balcony above the window blocks the window from receiving skylight. In such circumstances, even modest absolute changes in VSC are disproportionately high when the actual quantum of light loss is not that significant.

With regards to the NSL impact, of 37 rooms assessed 20 would achieve BRE compliance. Of the 17 rooms where the BRE criteria is breached again the absolute change is very minor but as the rooms are recessed beneath balconies which impacts on the direct skylight received.

In summary the study shows that although there will be technical breaches in both the VSC and NSL levels to windows and rooms at both No's 95 and 102-103 Dean Street in terms of percentage losses, the actual/ absolute losses are low and the impact on the residential flats at both buildings would not be significant.

Sunlight

All 12 windows assessed for APSH achieve BRE compliance.

French Protestant Church 8-9 Dean Street

The church is located to the east of the application site on Soho Square. An objection has again been made on behalf of the church on the grounds that the development would result in a material loss of light to the church.

The daylight and sunlight report assess VSC and NSL. Of 58 windows assessed 42 would achieve BRE compliance. 16 windows that would experience losses over 20%. Of these 15 windows serve the main Church Hall which is lit by a total of 37 windows. The VSC value is calculated for each window however the BRE guidance states that 'if a room has two or more windows of equal size, the mean of their VSC's may be taken'. In applying this to the main church hall, an average VSC of 12.5% would be reduced to 9.8% which would be a 21.6% reduction (in absolute terms the loss would be 2.7%). The remaining window that would also experience a loss of VSC serves a smaller hall. Again this smaller hall is lit by windows that achieve BRE guidance.

Of 13 rooms assessed for NSL all but one achieve BRE compliance. The one room that exceeds the criteria is only reduced by 20.9% (from a 20% target). The impact on the daylight to the church is considered to be minor.

Sunlight

In relation to sunlight, of the three rooms that require sunlight consideration, two will adhere to the BRE Guide. The one room that experiences a change in sunlight only sees 9% annual sunlight in the existing, which would be reduced to 3% in the proposed. This very limited level of sunlight reduction is unlikely to cause a material change in how the space is used and experienced.

Daylight and Sunlight conclusion

Although there are some small transgressions from the strict application of the BRE guidance, it is considered that the living conditions of the residential flats assessed and the Church environment would not be materially and adversely effected.

Sense of Enclosure

An unacceptable increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment. The proposed building is both higher and bulkier than the existing building on the site. The impact of the additional height of the building will be mitigated by progressive setbacks at 5th to 7th floor levels. Overall, given the setbacks and given the distance between opposing properties it is not considered that there will be a detrimental impact in terms of an increase sense of enclosure to neighbours.

Overlooking and Noise from Roof Terraces

The scheme includes roof terraces at 5th to 7th floors. There is an existing roof terrace at 6th floor level. The proposed roof terraces will be no closer than the existing terrace. Given this and that given that roof terraces will be used in connection with offices are not generally used at anti-social times, the roof terraces are unlikely to give rise to a significant impact on neighbours in terms of overlooking or noise. In order to ensure that this is the case conditions are recommended in order to ensure the roof terraces are not used at inappropriate times

Noise & Vibration from Plant Equipment and Internal Noise

City Plan Policies 7 and 33 seek to manage amenity and environmental impacts in the city, including in relation to noise and vibrations from plant equipment and new uses. The City Council's Environmental SPD sets out criteria for which noise and vibration impacts should be considered against. The application includes plant equipment to be located in in parts of the basement and at roof level. The application includes an acoustic report. This aspect of the application is considered acceptable subject to conditions which are recommended on the draft decision notice.

9.6 Transportation, Accessibility & Servicing

Accessibility

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places. The current building does not have level access there are three steps up into the building from the Soho Square entrance. The steps will be replaced with a shallow ramp providing level access to the new building which is welcomed.

Servicing

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to provided in new developments. At present, the building is serviced on-street at Soho Square. The permitted servicing hours are between 7-9am or 6-11pm Mondays to Saturdays and between 7:30-9:30am or 1:30-8pm on Sundays.

There is an under-croft at 7 Soho Square with access from the road, but this is too small to accommodate servicing vehicles off-street. It is accepted that it is not possible to undertake servicing within the site. There is currently no vehicular through route in front of the building on Dean Street and pedestrian movement is particular high in this area due to the Tottenham Court Road station entrance. At the narrow Soho Square frontage, there would not be adequate space for a servicing vehicle to enter or turn within the site, reversing vehicles in particular would also cause conflicts with the office entrance, within the pedestrianised courtyard area, and over the public footway. This was accepted in principle as part of the 2023 application.

Therefore, it is proposed to undertake servicing as per the current situation, on-street from Soho Square. Retail deliveries would be undertaken in accordance with the existing servicing regime between the hours of 7-9am and 6-11pm Mondays to Saturdays and 7-9:30am and 1.30-8pm on Sundays. The office servicing hours would be managed so that they could only take place between 7am to 6pm daily. No deliveries or servicing would be undertaken on Dean Street.

The applicant's transport statement refers to the possibility of creating an off street loading bay on Soho Square. Soho Square has double or single yellow lines which means that vehicles should not park there but can load/unload, so a formal loading bay is not required. Continuing to carry out servicing on street from Soho Square is acceptable. A condition is recommended that the development operates in accordance with an approved servicing management plan (SMP). On this basis this aspect of the application is considered acceptable.

The proposal involves removal of a dropped curb at 7 Soho Square and reinstatement of the footway. This will be secured as part of the S106 Planning Obligations.

Waste & Recycling Storage

City Plan Policy 37 requires development to provide appropriate facilities for the storage of separate waste streams which are safe and convenient. A dedicated refuse room would be provided at basement level for all users of the building. This has been designed to handle two days of waste and accord with Westminster's Recycling and Waste Storage Requirements. The Waste Project Officer has confirmed that this is acceptable. It is recommended that the provision and retention of the refuse storage area is secured by condition.

Cycling & Cycle Storage

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. Based on the floorspace figures the development needs to provide 111 long stay spaces and 67 short stay spaces. The development would provide 170 long stay cycle parking spaces at basement level. The cycle room would be accessed via the courtyard area off Soho Square, a lift would then provide access to the basement level from the ground floor.

The lack of short stay cycle parking is regrettable, however the applicant's argument that there is no suitable external space within the applicant's ownership to provide short stay

cycle parking, and due to the nature of the nearby streets and Soho Square, there are no opportunities to provide on-street bike racks is accepted. It is recommended that the provision of the proposed cycle parking and changing facilities are secured by condition.

Parking

The proposal does not include any off-street car parking provision. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those on-street parking controls. The impact of the development on parking levels within the area would be minimal and consistent with City Plan Policy 27 and London Plan Policy T6.1.

9.7 Economy including Employment & Skills

Commercial areas of the city have been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their continued post pandemic recovery. The proposed development will contribute to the recovery of the CAZ in accordance with City Plan Policies 1, 4 and 13 by providing new and higher quality office floorspace, which will increase the number of office based jobs on the site, and will improve the contribution that the site makes to the local economy. As set out in City Plan Policy 18, major developments will contribute to improved employment prospects for local residents and in this case a financial contribution of £31,184 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service is recommended to be secured by a legal agreement.

A package of employment opportunities are proposed which include the following:
Provision of at least 20 x two-week work experience positions for residents within Westminster during construction, with opportunities provided to residents within Soho in the first instance;

Provision of at least 20 x apprentice positions for residents living within Westminster during construction, with opportunities provided to residents within Soho in the first instance;

Provision of at least five x two-week work experience positions per year during the operation of the building for a period of five years, with opportunities provided to residents within Soho in the first instance;

Provision of at least three end use apprenticeship positions per year during the operation of the building, for a period of five years, with opportunities provided to residents within Soho in the first instance.

9.8 Other Considerations

Construction impact

A Construction Logistics Plan prepared by Steer forms part of this application. An objection has been received on behalf of the owners of No 4,5 and 6 Soho Square and 6 Dean Street an

adjacent property located to and south application premises. Part of this property (basement, ground and three upper floors) is occupied by Dolby Europe Ltd as their UK Headquarters. Dolby are an international firm who use 4-6 Soho Square as a recording sound production studio. The premises includes a 67 seated screen room with production and visual technological equipment.

The objection is made on to noise and disturbance during demolition and construction which is a significant concern to Dolby who specialise in precision sound engineering in their labs and studio. The objection requests that the applicant provides a Construction, Traffic and Management Plan' (CTMP) which details the period and length of construction, including construction noise levels which should be provided at application stage rather than be secured as a condition as part of any permission.

City Plan Policy 33- part F states that developments are required to minimise demolition and construction impact by complying with Westminster's Code of Construction Practice. Part G encourages modern methods of demolition and construction to minimise negative local environmental impacts.

The Soho Neighbourhood Plan Policy 17 states that any new development should demonstrate how any impacts on traffic and amenity will be mitigated. The assessment must comply with the Council's Code of Construction Practice.

Permission could reasonably be withheld due to the impact of construction. The NPPF is clear that planning decisions should be made on assessment of the proposed resulting development rather than the processes such as construction which is subject to environmental health controls.

This is set out in Para 183 of the NPPF as follows.' The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'

The Code of Construction Practice (COCP) is agreed and monitored 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. Enforcement of the SEMP will be undertaken by the Environmental Inspectorate.

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance.

The applicant is committed to carrying out the development in accordance with the City Council's Code of Construction Practice and in accordance with the Council's requirements they have completed appendix.

The objection on behalf of 4-6 Soho Square includes an acoustic report (from KP Acoustics) providing noise and vibration levels within studio space which they stipulate that they should not be breached during construction, as well as initial alert thresholds (both 'soft' and 'hard' limits). These noise and vibration criteria apply to internal levels within rooms inside 4-6 Soho Square. The applicant advise that they are committed to undertaking construction works in a way which protects neighbouring tenants and buildings, having engaged in consultation with both the neighbouring building owner and church for a significant period. However, at this stage, the recommended noise and vibrations levels set out by KP Acoustics on behalf of the neighbouring building owner cannot be agreed as the applicant is not able to know:

- what construction noise levels would breach these requested limits;
- the current ambient noise level within the neighbouring rooms from current building services and the Elizabeth Line tunnel below; and
- what acoustic treatment is already provided for noise and vibration sensitive rooms.

The applicant has confirmed that in addition to the COCP a pre-commencement planning condition for a bespoke Construction Noise and Vibration Management Plan is acceptable. As part of this:

- construction noise and vibration level thresholds would be agreed with WCC and the neighbouring properties;
- agree action protocol for exceedance of amber/soft and red/hard thresholds;
- the applicant would seek to undertake a baseline noise and vibration survey within the sensitive rooms of 4-6 Soho Square and, where practicable, undertake trial measurements to determine the levels of noise and vibration arising in the sensitive rooms.
- install noise and vibration monitors at agreed locations with real time/live triggers sent to the site manager and project acousticians if agreed thresholds are breached. The agreed action protocol would then be followed.
- liaise with the landlord of the neighbouring building to identify periods when sensitivity of the studios is reduced. Where practicable works likely to cause the highest levels of noise and vibration will be undertaken the during these times

In the light of this in addition to the normal condition which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) a further pre-commencement condition is recommended which will require a Construction Noise and Vibration Management Plan to be approved.

Basement Excavation

Basement Excavation City Plan Policy 45 relates to basements and it seeks to make sure that basement developments are appropriately designed and constructed. In relation to the extent and depth of the basement, Policy 45 states basement developments of a single storey will be supported and in this case the basement is a single storey, modestly extending the existing single storey basement by 1.5 m2. The application has been supported by a structural statement. Conditions are recommended to ensure that the developer adheres to the Code of Construction Practice and suitable hours of building works. This will ensure the impacts that arise are mitigated appropriately.

Impact on Crossrail and London Underground

In response to consultations both Crossrail 1 and 2 and Transport for London (TfL) raise no objection but have requested that permission is subject to a pre-commencement condition which requires the approval by the LPA of the detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations, demonstrating no adverse impact on the Elizabeth Line, Crossrail 2 structures and London Underground tunnels. These conditions are recommended.

Public Toilets

With regard public toilets, these were included within the Soho Bazaar as part of the consultation version of the previous proposals. Due to the lack of support for these and an objection from the Designing Out Crime Officer, these were removed from the final proposals. As there is no longer any public space within the building, public toilets cannot be provided at the site.

Policy 13 of the Soho Neighbourhood Plan states that development proposals which incorporate additional public toilet provision within the Soho Neighbourhood Area will be supported in order to ensure that adequate facilities are available for users of new developments, particularly those in the food, drink and entertainment sectors. The reasoned justification sets out that the contribution may be a financial one. The scheme does not include an entertainment use but would increase the commercial office floorspace by 2000 m². A financial contribution of £25,000 is offered towards Public Toilet improvements in the Soho Neighbourhood Area. This is welcomed and will be secured by S106 legal agreement.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement.

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

- Carbon Offset Contribution - £268,290. This has been calculated based on an annual shortfall of 27.1 tonnes of carbon against a net zero baseline, charged at £330 per cubic tonne (given the building will be fully electric) for a period of 30 years;

- Inclusive Local Economy and Employment Contribution - £31,184. This has been calculated by multiplying the increase in floorspace (sqm GIA), 1,036 sqm, by the £30.10 per sqm office tariff;

- Employment and Skills Plan with the following commitments to be met:

Provision of at least 20 x two-week work experience positions for residents within Westminster during construction, with opportunities provided to residents within Soho in the first instance;

Provision of at least 20 x apprentice positions for residents living within Westminster during construction, with opportunities provided to residents within Soho in the first instance;

Provision of at least five x two-week work experience positions per year during the operation of the building for a period of five years, with opportunities provided to residents within Soho in the first instance;

Provision of at least three end use apprenticeship positions per year during the operation of the building, for a period of five years, with opportunities provided to residents within Soho in the first instance.

- All highway works immediately surrounding the site required for the development to occur, including filling in the pavement in front of the existing servicing gates at 7 Soho Square, or alternatively the City Council designing and carrying out these highway works;

- 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;

- A financial contribution of £25,000 towards the improvement of public toilet provision within the area defined as the Soho Neighbourhood Area.

- The costs of monitoring the S106 agreement.

The estimated Community Infrastructure Levy (CIL) payment is:

Westminster CIL: £ 290,000

Mayoral CIL: £ 230,000

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a

substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition. During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions to secure the following:

- Evidence to demonstrate the development will be bound by the Code of Construction Practice.
- A Construction Noise and Vibration Management Plan
- Submission of a written scheme of investigation relating to archaeology, including a programme and methodology of site evaluation.
- Updated Whole Life-cycle Carbon Assessments.
- Updated Circular Economy Statement.
- Submission of details assessing impact and explaining safeguarding measures relating to Crossrail and London Underground.

The applicant has agreed to the imposition of the conditions.

9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the character and appearance of the Soho Conservation Area. The harm would be caused by the height of the proposed new building viewed from Soho Square. The level of harm caused would be at the at the lower end of less than substantial.

Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

- The provision of a food retail supermarket (secured by a planning condition), retaining the ACV on the site;
- Provision of an additional 2,058 m² GIA of modern, flexible, Grade A office accommodation located within the CAZ, to help meet identified commercial growth and jobs targets;

- A well resolved modern new building, an improvement in architectural terms on the existing 1920's building. The new building would enhance the appearance of the Soho Conservation Area.
- An exemplar new building in terms of sustainability using timber slabs and re-purposed steel;
- Introduction of a semi- public area with public seating and greening off Soho Square;
- Level access throughout the building;
- Provision of public art on the Dean Street façade;
- A commitment to provide jobs and skills training for local residents within Westminster;
- A financial contribution of £25,000 towards the improvement of public toilet provision within the area defined as the Soho Neighbourhood Area.

The public benefits summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 202 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. There is clear and convincing justification for the harm caused to the designated heritage assets, in compliance with paragraph 200 of the NPPF.

10. Conclusion

As set out in this report, the development is acceptable in land use terms. The City Plan and London Plan support growth of office floorspace in the CAZ. The scheme will retain a supermarket on the site secured by a recommended planning condition. A retail report concludes that the medium size unit would provide a good product and price range. This is considered to address the objections received to the loss of the Asset of Community Value. In terms of sustainability and energy, a WLC assessment the lifetime of the building shows that emissions for this redevelopment scheme would be greater than an alternative refurbishment/ extension scheme. However, the proposed redevelopment scheme will deliver significant public benefits and the WLC emissions for this scheme will be below the baseline benchmark over its lifetime. The principle of redeveloping the site was previously considered acceptable when the previous scheme was determined in December 2023 and this remains the position.

In terms of design, townscape and heritage impacts, the proposed development will enhance the contribution made by the building to the appearance of the streetscene the less than substantial harm as a result of the increase in height is outweighed by the public benefits that the scheme will deliver.

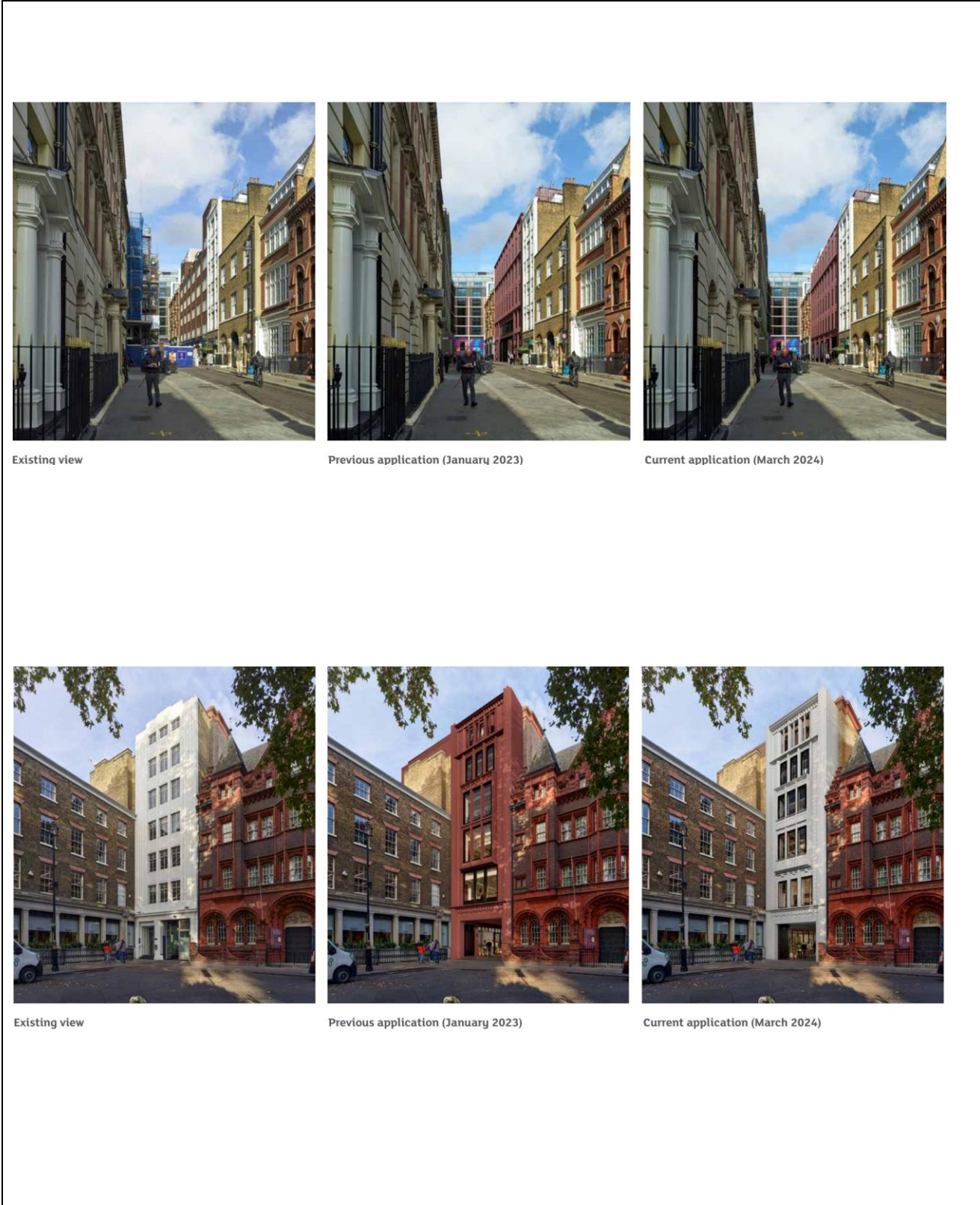
As such, the proposal is considered acceptable, mindful of policies within the development plan and therefore, a recommendation to grant conditional permission will be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Item No.
1

(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

11. KEY DRAWINGS



Existing view



Previous application (January 2023)



Current application (March 2024)



Existing view



Previous application (January 2023)



Current application (March 2024)



Existing view



Previous application (January 2023)



Current application (March 2024)



Existing view



Previous application (January 2023)



Current application (March 2024)





DRAFT DECISION LETTER

Address: 7 Soho Square, London, W1D 3QB

Proposal: Demolition of 2-4 Dean Street and 7 Soho Square and erection of a replacement building on basement, ground and seven upper floors (increasing depth of existing basement) for retail purposes (Class E) on part basement and part ground floors, use of the remainder of the building as offices (Class E); with associated terraces at 5th, 6th and 7th floor levels; provision of roof plant/plant enclosures, cycle parking, waste storage, landscaping works, green roofs, photovoltaic panels and facade lighting; and associated alterations.

Reference: 24/01591/FULL

Plan Nos: Demolition drawings , SOS-ORM-ZZ-01-DR-A-12851 C01,, SOS-ORM-ZZ-02-DR-A-12852 C01,, SOS-ORM-ZZ-03-DR-A-12853 C01,, SOS-ORM-ZZ-04-DR-A-12854 C01,, SOS-ORM-ZZ-05-DR-A-12855 C01,, SOS-ORM-ZZ-06-DR-A-12856 C01,, SOS-ORM-ZZ-RF-DR-A-12857 C01,, SOS-ORM-ZZ-B1-DR-A-12859 C01, , Proposed Drawings, SOS-ORM-ZZ-00-DR-A-12300 C01, SOS-ORM-ZZ-01-DR-A-12301 C01, SOS-ORM-ZZ-02-DR-A-12302 C01, SOS-ORM-ZZ-03-DR-A-12303 C01, SOS-ORM-ZZ-04-DR-A-12304 C01, SOS-ORM-ZZ-05-DR-A-12305 C01, SOS-ORM-ZZ-06-DR-A-12306 C01, SOS-ORM-ZZ-07-DR-A-12307 C01, SOS-ORM-ZZ-RF-DR-A-12308C01, SOS-ORM-ZZ-B1-DR-A-12399 C01, SOS-ORM-ZZ-AA-DR-A-12400C01, SOS-ORM-ZZ-BB-DR-A-12401 C01, SOS-ORM-ZZ-EA-DR-A-12453 C01, SOS-ORM-ZZ-NO-DR-A-12452 C01, SOS-ORM-ZZ-SO-DR-A-12450 C01 , SOS-ORM-ZZ-WE-DR-A-12451 C01, SOS-ORM-ZZ-ZZ-DR-A-12470 C01, SOS-ORM-ZZ-ZZ-DR-A-12471 C01

Case Officer: Mike Walton

Direct Tel. No. 020 7641
07866039922

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 **Pre Commencement Condition.** Prior to the commencement of any: , (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction , , on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 5 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of details of the following parts of the development:, (a) Typical facade details, (b) Gates to entrance Soho Square (1:20), (c) Typical details of the roof storeys, (d) Shopfronts, (e) Roof plant enclosure, , 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 details. (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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of a scheme of public art at ground floor level. , , You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. , , You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 8 Except for the areas labelled ' Retail unit at ground and basement floors coloured light blue on approved drawings numbered SOS-ORM-ZZ-B1-DR-A-12399_C01 and SOS-ORM-ZZ-00-DR-A-12300_C01 you must use the premises only as offices (Class E g). You must not use them for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Actives Zone. The office accommodation also contributes to meeting the business and employment needs of the City. An unrestricted Class E could also harm the amenity of neighbouring occupiers, local environmental quality and the highway network. This would not meet Policies 1, 2, 4, 13, 16, 28, 29 and 33 of

the City Plan 2019 - 2040 (April 2021).

- 9 You must use the ground and basement unit coloured light blue on plan refs SOS-ORM-ZZ-B1-DR-A-12399_C01 and ORM-ZZ-00-DR-A-12300_C01 only as a food supermarket and no other use, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it.'

Reason:

To ensure that the Asset of Community Value is retained on the site.

- 10 No music shall be played on the roof terraces.,

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. , , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e)

Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

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

Reason:

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

- 13 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number SOS-ORM-ZZ-B1-DR-A-12399_C01 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

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

- 15 You must apply to us for approval of a Servicing Management Plan prior to the occupation of the building hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 16 All areas for servicing within the building, including holding areas, access corridors and the service lift in the loading area, must be retained for this purpose for the life of the development and used for no other purpose.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 17 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated 1 March 2024 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 18 The development shall be carried out in accordance with the approved Energy Strategy Statement (prepared by Ramboll). The energy efficiency and sustainability measures set out therein shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development. The development shall achieve regulated carbon dioxide emission savings of no less than 13 % against the Target Emissions Rate of Part L of Building Regulations (2021) as set out in the approved Energy and Sustainability Statement. Within 3 months of first occupation of the development a post completion verification report shall be submitted to and approved in writing by us to confirm that the above minimum standard has been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.,

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 19 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Within six months of first occupation of the development, you must submit to us a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating.

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 20 Pre- Commencement condition., You must apply to us for approval of an updated version of the Whole Life Carbon Assessment hereby approved at each of the following stages of development: , (a) Prior to commencement of any work on site including all works of deconstruction and demolition. , (b) Prior to commencement of any construction works. , (c) Within 3 months of first occupation of the development. , , Where the updated assessment submitted pursuant to (a) or (b) above identifies that changes to the design, procurement or delivery of the approved development will result in an increase in embodied carbon (A1-A5) above 656kgCO₂e/m² and Whole Life Carbon (A1-C4) excluding B6 and B7 above 1051 kgCO₂e/m², which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be minimised. Notwithstanding any changes to the design, procurement or delivery of the approved development at least 30% of all structural steel shall have recycled content, at least 80% of all standard structural steel sections shall be sourced from existing re-used sections on the secondary market, at least 80% of all aluminium elements shall be derived from products with recycled content, all concrete elements shall have at least 40% cement replacement content, and all cross laminated timber (CLT) elements shall be designed for disassembly., , You must not commence any work on site and/or construction works (as appropriate pursuant parts (a) and (b) above) until we have approved the updated assessment you have sent us. You must then carry out works, as permitted by the relevant part of the condition, in accordance with the updated version of the Whole Life Carbon assessment that we have approved. , , The post construction assessment submitted for our approval pursuant to (c) shall demonstrate how the development has been completed in accordance with the updated benchmarks identified in the updated assessment submitted pursuant to part (b). ,

Reason:

To ensure the development minimises carbon emissions throughout its whole life cycle in accordance with Policy SI2 in the London Plan 2021, Policy 38 in the City

Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Whole Life-Cycle Carbon Assessments' (March 2022).

- 21 Pre-Commencement Condition, (a) Prior to commencement of any works on site including works of demolition full details of the pre-demolition audit in accordance with section 4.6 of the GLA's adopted Circular Economy Statement guidance shall be submitted to us and approved by us in writing. The details shall demonstrate that the development is designed to meet the relevant targets set out in the GLA Circular Economy Statement Guidance. You must not carry out any works on site including works of demolition until we have approved what you have sent us. The demolition and other pre-construction works shall then be carried out in accordance with the approved details., , (b) Prior to the commencement of any construction works and following completion of RIBA Stage 4, a detailed Circular Economy Statement including a site waste management plan (or updated version of the approved Circular Economy Statement that reaffirms the approved strategy or demonstrates improvements to it), shall be submitted to us and approved by us in writing.. The Circular Economy Statement must be prepared in accordance with the GLA Circular Economy Guidance and demonstrate that the development has been designed to meet the relevant targets set out in the guidance. The end-of-life strategy included in the statement shall include the approach to storing detailed building information relating to the structure and materials of the new building elements (and of the interventions to distinguish the historic from the new fabric). The development shall be carried out in accordance with the details we approve and shall be operated and managed throughout its life cycle in accordance with the approved details..,

Reason:

To ensure the development is resource efficient and maintains products and materials at their highest use for as long as possible in accordance with Policy SI7 in the London Plan 2021, Policy 37 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Circular Economy Statements' (March 2022).

- 22 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs 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.
(C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 23 You must carry out the measures included in your Fire Statement dated 1 March 2024 before anyone uses the building, and you must ensure the fire safety features are installed and adequately maintained.,

Reason:

In the interest of fire safety, as set out in Policy D12 of the London Plan (March 2021).

- 24 Pre Commencement Condition. Prior to the commencement of any:, , (a) demolition, and/or, , (b) earthworks/piling and/or,, (c) construction , , on site you must apply to us for our written approval of a Construction Noise and Vibration Management Plan. Thereafter the development must be carried out in accordance with approved plan.

Reason:

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

- 25 No demolition or development other than demolition to existing slab level shall take place until:-, , (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start any below grade work until we have approved what you have sent us. , , (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST. , , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme.

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021).

- 26 Prior to installation any external lighting, you must apply to us with details of an external lighting scheme, including hours of operation, showing how light spill is avoided and visual amenity is protected.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 27 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either: , (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or, (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building. , You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 28 Pre-commencement condition , Notwithstanding the details submitted with the application none of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations, have been submitted to and approved in writing by the Local Planning Authority which:- , (i) Accommodate the Elizabeth line infrastructure, including any temporary works associated , with the Elizabeth line (formerly known as Crossrail),, (ii) Mitigate the effects on the Elizabeth line, of ground movement arising from the development. The development shall be carried out in all respects in accordance with the approved design and method statements., (iii) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works., (iv) Accommodate ground movement arising from the construction thereof., (v) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures , All structures and works comprised within the development hereby permitted which are required by paragraphs (i),to (v) of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on the existing Elizabeth Line and Crossrail 2 transport infrastructure, in accordance with Policy T3 of the London Plan (March 2021).

- 29 Pre commencement condition, , , Before the pre-commencement/Site formation/Demolition stage begins, no works shall be carried out until the following, in consultation with TfL Infrastructure Protection, have been submitted to and approved in writing by the local planning authority., , a. provide an overview of the overall development including both design on temporary and permanent works, b. provide demolition details, , c. accommodate the location of the existing London Underground structures, , d. provide a Conceptual Design Statement explaining the construction methodology for the overall development , e. accommodate ground movement arising from the construction of the overall development thereof, , f. provide an impact assessment on TfL assets for the

overall development, which should determine if monitoring work on TfL asset is required. If yes, instruments are required to be installed on TfL assets with sufficient baseline readings before the start of demolition phase, , g. mitigate the effects of noise and vibration arising from the adjoining operations within the structures by providing a noise , and vibration assessment., h. provide details on the use of tall plant/scaffolding for the demolition phase , , 2. Before the sub-structure construction stage begins, no works shall be carried out until the following, in consultation with TfL Infrastructure Protection, have been submitted to and approved in writing by the local planning authority., a. prior to commencement of each phase of the development provide details of foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), , , 3. Before the super-structure construction stage begins, no works shall be carried out until the following, in consultation with TfL Infrastructure Protection, have been submitted to and approved in writing by the local planning authority., , a. provide details on the use of tall plant/scaffolding,

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T3 of the London Plan (March 2021). ,

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 In relation to condition the written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is , exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-

- environmental-regulations/building-control.
- 4 For advice on BREEAM, including appointment of a licensed assessor and how to obtain a post completion certificate, please visit the Building Research Establishment (BRE) website: <https://bregroup.com/products/breem/>. (I15AB)
 - 5 The pre-demolition audit and Circular Economy Statement required by Condition 21 must accord with the guidance set out in the London Plan Guidance 'Circular Economy Statements' (2022). The demolition audit should follow best practice and include how the value of existing building elements or materials can be recovered, the amount of demolition waste (cross-reference the Recycling and Waste reporting table - refer to section 4.9 for further details), a schedule of practical and realistic providers who can act as brokers for each of the reclaimed items, and target reuse and reclamation rates. The Circular Economy Statement should include a Pioneering Bill of Materials which includes reused and recycled content by volume and mass. For reused and recycled content calculations should be submitted as accompanying supporting evidence. , , In addition to submitting the information required by parts (a) and (b) of the condition to the Council, where the original application was referable to the Mayor of London you should also submit the details to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the requirements of the Mayor's guidance. (I16AB)
 - 6 In relation to the assessment required pursuant to part (c) of Condition 20, the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk). To support the results provided in the template, the following minimum evidence requirements should also be submitted: , , (a) site energy (including fuel) use record, , (b) contractor confirmation of as-built material quantities and specifications, , (c) record of material delivery including distance travelled and transportation mode (including materials for temporary works), , (d) waste transportation record including waste quantity, distance travelled, and transportation mode (including materials for temporary works) broken down into material categories used in the assessment, , (e) a list of product-specific environmental product declarations for the products that have been installed. , , The data collected must demonstrate compliance with the Whole Life Carbon Assessment approved at application stage, as updated pursuant to parts (a) and (b) of the condition, and will provide an evidence base that informs future industrywide benchmarks or performance ratings for building typologies. In addition to submitting this information to the Council pursuant to the requirements of part (c) of the condition, where the original application was referable to the Mayor of London you should also submit the post-construction assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the requirements of the Mayor's guidance. (I17AB)

- 7 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.
- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to, , a) Undertaking of all highways works immediately surrounding the site, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development); , b) A financial contribution of £268,290 (index linked) towards the Carbon O Set Fund (payable prior to the commencement of the development); , c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; , d) A financial contribution of £31,184 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development); , e) A financial contribution of £25,000 towards the improvement of Public toilet provision within the area defined as the Soho Neighbourhood Area of the Soho Neighbourhood Plan , , f) Employment and Skills Plan with the following commitments to be met: , , o Provision of ; least 20 x two-week work experience positions for residents within Westminster during construction, with opportunities provided to residents within Soho in the first instance; , , o Provision of at least 20 x apprentice positions for resident

- living within Westminster during construction, with opportunities provided to residents within Soho in the first instance; , o Provision of at least five x two-week work experience positions per year during the operation of the building for a period of five years, with opportunities provided to residents within Soho in the first instance; , o Provision of at least three end use apprenticeship positions per year during the operation of the building, for a period of five years, with opportunities provided to residents within Soho in the first instance., , g) The costs of monitoring the S106 agreement.
- 9 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 10 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 11 In relation to the green roof condition No 22, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 12 Conditions 11 and 12 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)

- 13 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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, , Forms 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.