

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 December 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Eagle House, 50 Marshall Street, London, W1F 9BQ,		
Proposal	Demolition of rear glazed pitched roof and erection of rear extensions at third and fourth floors, extension at fifth floor and new fifth floor terrace, all for office purposes (Class B1). Replacement of existing mansard roofs and alterations at roof level including installation of plant enclosed by acoustic louvres and trellising and new roof terrace and staircase housing enclosed by planted trellis. Use of ground floor as retail (Class A1) floorspace and installation of replacement windows throughout, new shopfronts to ground floor retail units, replacement entrance gates and associated alterations.		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury Carnaby PLC		
Registered Number	18/06875/FULL	Date amended/ completed	21 August 2018
Date Application Received	15 August 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application involves a five storey building office building on the west side of Marshall Street. Permission is sought to extend and reconfigure the upper floors of the building providing office use throughout, but with a new retail unit at ground floor. The key issues for consideration are:

- The introduction of a retail use in this location;
- The impact of the proposed alterations and extensions on the character and appearance of the Soho Conservation Area;
- The impact of the use on highways/traffic movements/servicing;
- The impact on residential amenity.

For the reasons set out in the main report, the introduction of a retail use is considered to be an

appropriate use in this location and will help to enliven this part of Marshall Street. The alterations proposed are considered acceptable in design terms and would not adversely impact on residential amenity. The application is therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Original application

SOHO SOCIETY

No objections raised on the basis that traffic management proposals are implemented in Marshall Street and Broadwick Street in order to reduce severe congestion, that the terrace is restricted to office opening hours and that security measures, including cameras, are provided around the entrance to the Samaritans building.

HIGHWAYS PLANNING MANAGER

No objections raised.

ENVIRONMENTAL SCIENCES

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 141

Total No. of replies: 13 letters (from 9 respondents) raising the following issues:

Amenity

- * Loss of privacy from roof terraces and enlarged windows at fourth and fifth floors
- * Loss of light and overshadowing
- * Daylight report fails to include flats in Stirling Court
- * A roof terrace was previously refused in 2000
- * Noise and nuisance including smoking from use of terraces
- * Dark fencing and dark ceramic tiles are likely to create a sense of enclosure and loss of light
- * Any lighting and advertising should not reflect against the glass of the opposite building or cause disturbance to adjoining residents
- * Light pollution
- * Music and sound transmission should be limited to protect adjoining neighbours
- * Hours of opening for the retail/office should be restricted between 8am and 5pm with no opening on weekends
- * Roof terrace should be restricted to use up to 9pm
- * 24 hour plant is likely to cause substantial harm and loss of amenity and should be restricted between the hours of 8am and 9pm
- * Noise report is inaccurate
- * Pollution

Design

- * Adverse impact on the conservation area with an abrupt differential in height between 50 Marshall Street and the buildings to the south which would be out of proportion to the lower buildings of merit to the south
- * The increased height and bulk, including the large plant and fencing on the roof will negatively impact the vertical and horizontal rhythm of the streetscape and the skyline.

- * Proposed fencing/screening for the rooftop plant is unnecessarily close to the facade and will be visible from ground level
- * Little detail shown for the proposed windows which appear to be metal framed
- * The materials proposed are not in keeping with the rest of the street which is brick and concrete

Highways

- * Traffic congestion
- * Deliveries are likely to block access to Stirling Court garages and cause traffic jams
- * Traffic calming measures should be introduced
- * All loading should be relocated away from the immediate residential and the motor bike parking bay on the corner of Broadwick Street and Marshall Street should be relocated (enabling loading to take place from this point)
- * Access should be maintained between Broadwick Street and Beak Street via Marshall Street

Other issues

- * Requests that the developer contributes towards replacement of the windows at 49 Marshall Street, towards fibre optic upgrade and triple glazing (to flat 24)
- * Removal of the gated entrance will encourage rough sleepers and other anti-social activities
- * Noise during construction
- * Restaurant/bar and take away uses should be prohibited
- * Site delivery, collections and working hours should start no earlier than 8pm and no working on weekends/or only from 8am to 12 midday on Saturdays
- * Noisy construction activities to be restricted and scaffolding should be alarmed
- * A resident's roof terrace should be provided in place of the proposed green roof.
- * The developer should be encouraged to bollard off the road adjacent to 72 Broadwick Street and create a green space and water feature.
- * The application does not promote high levels of sustainability
- * Inaccurate, inadequate and misleading plans
- * Notification letters sent during the holiday period and lack of engagement at pre-application stage
- * Residents sceptical that concerns are not welcomed or noted and are afraid to object
- * Street trees have been recently removed on Broadwick Street and this application would result in further deterioration of the street environment

Re-consultation following submission of revised plans

ENVIRONMENTAL SCIENCES

No objections raised subject to the submission of a supplementary noise report.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10; Total No. of comments: 3

Three letters of objection raising the following concerns:

- * Amendments fails to address the key concerns of overlooking, loss of privacy and increased sense of enclosure

- * The plant will be noisy and ugly and darken Stirling Court
- * The location of water tanks and waste bins will compromise the emergency exit for 46 Marshall Street and encourage rough sleepers and anti-social activity
- * Query whether new gates will enable access to 46 Marshall Street on a 24/7 basis
- * Without a roof enclosure to the plant, or details of specifications for the acoustic enclosure, it is not clear how sufficient noise reductions will be met
- * A 14-day consultation period is insufficient

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This site lies on the west side of Marshall Street just south of the junction with Broadwick Street. The building is located within the Soho Conservation Area and the Core Central Activities Zone (CAZ). The building is in Class B1 office accommodation and comprises of a five storey building with a roof top plant room.

There is an existing walkthrough to the side and rear of the property which also provides access to a building at the rear, 46 Marshall Street, which is occupied by the Samaritans. A sloped undercroft area at the rear provides a storage and plant area for the property.

The surrounding area is mixed in character, but there are a number of residential properties within the immediate vicinity including the flats in Stirling Court directly opposite the site and flats in Marshall House adjoining the site.

6.2 Recent Relevant History

Planning permission granted May 2009 for the installation of a safety handrail around the perimeter of the flat roof at fifth floor level.

Planning permission refused in July 2000 for the erection of a handrail and decking to a fifth floor roof terrace for both design and amenity reasons. An appeal against this decision was also dismissed on the grounds that the railings, being similar to tubular scaffold poles, would not preserve or enhance the character or appearance of the Conservation Area.

Planning permission was obtained in February 1986 for the 'mixed development consisting of parking/shops/offices at ground floor and residential and offices from 1st to 5th floors' (ref: 85/04428/FULL).

Planning permission was also granted in May 1985 for the 'office development with 17 residential flats and retail on ground floor' (ref: 85/00096/FULL).

7. THE PROPOSAL

The proposals involve the demolition of the existing rear glazed pitch roof and erection of rear extensions at third and fourth floors, an extension at fifth floor, replacement of the

existing mansard roofs and the erection of plant enclosed by acoustic enclosures and a new escape access stair at roof level. A new shopfront is proposed to enable the ground floor to be used for retail purposes. Terraces and green roofs are also proposed at fifth floor and roof level. Alterations to the façade of the building are also proposed including new windows, window surrounds and window fins.

The application initially involved the infilling of the rear undercroft and the erection of a rear ground floor extension, however, these works are no longer proposed. The application has also been amended to include the addition of trellis planting at roof level and provision of access gates. The acoustic report has also been updated.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	1,038	1,014	-24
Retail	0	123	+123
Total	1,038	1,137	+99

8. DETAILED CONSIDERATIONS

8.1 Land Use

Retail use

The use proposed for the ground floor is for retail purposes. Policy SS4 (UDP) aims to enhance the retail function and mixed-use character of the CAZ and recognises that redevelopments are an opportunity for introducing new shop-type units in locations which would benefit from additional retail uses. Policy S6 of the City Plan states that the Core CAZ is an appropriate location for a range of commercial uses whilst Policy S21 directs new retail floorspace to the designated shopping centres. Although the application site is not located on a designated shopping frontage, it is within the Core CAZ and within the vicinity of a number of other retail uses and it is considered that the use of the ground floor for retail purposes is acceptable in land use terms.

It is considered that this proposal will activate the existing blank frontage onto Marshall Street and provide an appropriate street level frontage that would attract visiting members of the public and enliven this part of Soho.

This is an entirely speculative proposal and the applicant has yet to secure a tenant for this space. Objections have been raised on the grounds that hours of opening should be restricted between 8am and 5pm with no opening on weekends, that music and sound transmission should be limited to protect adjoining neighbours and restaurant/take-away uses prohibited. The proposal however is for Class A1 retail use only and given the small size of the proposed retail unit (123sqm) it is not considered reasonable or necessary to limit the hours that the retail unit can operate. Conditions are however proposed to ensure that no music played in the units is audible outside the premises. With this condition in place it is considered that the objections raised are satisfactorily addressed.

Office use

Whilst office extensions are proposed at roof and at the rear, with the ground floor in retail use, the proposals would result in a net loss of 24sqm in office floorspace. However, as this loss is to an alternative commercial use it is acceptable in policy terms.

8.2 Townscape and Design

The existing building dates from the 1980's. It occupies a corner site with facades on Marshall Street and Broadwick Street. The height of the building varies; on Broadwick Street it has a five storey facade with a set back roof. On Marshall Street it is five storeys stepping down to four at its southern boundary, again with set back floors. On the corner it rises to six sheer storeys, making a dramatic and prominent corner feature. The brick facades are all designed in a similar fashion, with vertically proportioned window openings surrounded by stonework. The corner is treated differently with semi-circular projecting balconies. The ground floor shopfronts are set back behind the facades which project slightly beyond the historic building line.

The current application relates to the Marshall Street facade only, not including the corner or the wing on Broadwick Street. The proposal involves changes to the massing and design of the building at roof level and alterations to facades, including new shopfronts and windows.

The existing roof is a mansard type. This would be replaced by a more modern, vertical roof, clad in a grey metal. Additional bulk would be added at the southern end of the building and objections to this height and bulk, and its architectural relationship to adjacent buildings to the south, and the impact on the conservation area, have been received.

The existing building's massing steps down to respect the scale of the lower buildings to the south, on Beak Street. The proposal would remove this stepping, but the additional bulk is set back following negotiations, and its visual impact is limited from street level and it is not considered that the objections on height, bulk and impact on the conservation area are sustainable. The proposals achieve some additional floorspace without unacceptable harm to heritage assets. A new plant room and roof terrace are proposed at the top of the building and these will be hidden behind trellis work and planting. According to the applicants submitted images the planting will be not be noticeable from street level.

The proposed changes to the street facade involve new glazed shopfronts and the addition of decorative frames to the existing window openings and new aluminium windows. These changes would differentiate this part of the building from the wing on Broadwick Street, but this is considered acceptable. Objections to the proposed materials have been received, however the palette of materials, including the grey metal roof, metal window fins, rendered window surrounds and powder coated new window frames are considered acceptable for this modern building and would not harm its contribution to the character and appearance of this part of the Soho Conservation Area.

The proposals are considered to be acceptable in urban design and conservation terms and compliant with the relevant policies of the City Plan and Unitary Development Plan, including S25, S28, DES 1, DES 5, DES 6 and DES 9.

8.3 Residential Amenity

The closest residential accommodation to the site are the flats within Stirling Court, on the opposite side of Marshall Street, and the flats in Marshall House on Broadwick Street which face the site at the rear. A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected.

The sunlight/daylight assessment submitted with the application shows that the greatest loss of VSC is 6.7% to a third floor bedroom window in a flat within Marshall House. This window and all of the other windows within the adjacent residential properties facing towards the development site will comfortably meet the BRE Guidelines in relation to BRE daylighting tests.

One of the residents in Stirling Court objects on the grounds that the report fails to assess the flats in their building. The submitted Daylight and Sunlight report does only assess the fourth floor flat of Stirling Court but the report concludes that this flat would experience a maximum loss of 5.5% in VSC levels and no losses in daylight distribution. The applicant argues that it was therefore not considered necessary to assess the residential windows above the fourth floor, as the levels of daylight and sunlight improve at higher levels in the building. It is accepted that the lowest residential windows in Stirling Court represent the worst case scenario for any losses of daylight and sunlight and as there is no adverse breach to BRE guidelines at fourth floor it can reasonably be assumed that the windows at upper levels are likewise unlikely to experience any noticeable impact.

The report demonstrates that one north facing fourth floor bedroom window within 2 Marshall Street would experience an annual sunlight loss of 38.5%. However, this room is also served by one other window which is unaffected by the proposals and retains excellent total APSH hours of 54%, of which 22% are enjoyed during winter months. These values are significantly in excess of the BRE criteria.

Whilst objections have been raised on the grounds of loss of sunlight and daylight, it is not considered that the application could be refused on these grounds and the objections are therefore not considered to be sustainable.

Sense of Enclosure

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. Objectors are concerned that the use of dark cladding and dark acoustic fencing is likely to result in an increased sense of enclosure. Whilst the proposal involves an extended fifth floor and a larger plant room and new stair core and terrace enclosure at roof level, the proposed extensions are approximately the same height as the existing plant room enclosure, and with the set-backs proposed at roof level, it is not considered that the proposals would result in any adverse sense of enclosure.

Privacy/Noise

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. Terraces are proposed both at fifth floor level and at roof level. The terrace at fifth floor is only some 1m in width onto Marshall Street and will be largely hidden by the extended fifth floor. The new roof terrace is to be screened by a 2m high planted trellis and with this in place it is not considered that the use of this terrace would result in increased privacy or overlooking. A condition however is proposed to limit the hours that both terraces may be used and this is considered to address the objector's concerns.

One of the objectors refers to a previous application for a roof terrace that was refused in 2000 on both design grounds and on the basis that the roof terrace would result in overlooking and loss of privacy. However, a subsequent appeal against this decision was dismissed only on design grounds. The inspector noted that *"the nearest residential unit is the fifth floor flat on the south west corner of Stirling House. The windows are at about the same level as the roof terrace and are approximately 15 metres away. There are views at an angle from the terrace towards these windows and there would be some loss of privacy. However, there are already several windows in Eagle House and Marshall House which are closer and which look directly across the street into the flats. I consider that overlooking from the terrace would not cause any undue additional loss of privacy and that the development would comply with UDP policy in this respect."*

Given this decision it is considered that a roof terrace in this location is acceptable in principle.

Objectors are also concerned that the proposed replacement windows at fourth and fifth floor would also cause a loss of privacy to occupiers in Stirling Court. The proposed windows at fourth floor are only marginally deeper than the existing fourth floor windows and therefore the replacement windows will not result in any increased loss of privacy. Whilst the new windows at fifth floor are deeper than those existing, these are set back from the front elevation of the building and given that there are no new window to be installed (other than within the extended fifth floor) it is not considered that there would be any adverse increased loss of privacy as a result of the proposals.

Other Issues

Concerns have also been raised by adjoining neighbours regarding light pollution, lighting from advertising and the general deterioration of the street environment. Whilst there are some additional windows in the upper floors of the extended building, most of the new windows are not directly opposite the flats in Stirling Court and it is understood that all lighting will be controlled by a sensor system.

The proposal also includes lighting to the walkway which will be concealed under the archway and will not be visible to the residents in Marshall House. Any adverts that are illuminated will also be subject to separate advertisement consent. As such the objections are considered to be satisfactorily addressed.

8.4 Transportation/Parking

The application identifies the site as being within a highly accessible location in terms of public transport. A draft Delivery and Servicing Plan (DSP) has also been submitted which indicates that servicing requirements for the proposed new retail unit are unlikely to change significantly from the existing situation. The Highways Planning Manager concurs with this view.

Objections have been received on the grounds that deliveries are likely to block access to Stirling Court garages, cause traffic jams and that all loading should be relocated away from the immediate residential. The DSP indicates that, as with the existing arrangement, all larger deliveries and refuse collection will take place from Marshall Street. The gated entrance to the side of the site which provides access to the rear of the development, will also be used for any small delivery drop-offs or servicing. The Highways Planning Manager considers that a Servicing Management Plan (SMP) will help to reduce impact of the servicing on the surrounding highway network and raises no objections to the scheme subject to the submission of a SMP. This will be secured by condition.

Cycle Parking

Cycle parking is shown within the retail unit. This will be secured by condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

Access from the street in to the retail unit is fully level and the new office entrance provides level access to a new lift providing step free access to all office floors from the entrance lobby.

Concerns have been raised by the Samaritans, who occupy the building at the rear of the site, on the grounds that the proposal would prevent level access into their building (as there would be insufficient space for a temporary ramp to be placed into their building). The proposals no longer involve a rear extension and sufficient space is retained between the proposed water tanks and the emergency exit at No. 46 to enable a temporary wheelchair ramp to be installed.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposal includes two areas for external plant at roof level. The original acoustic report submitted with the application was assessed by Environmental Sciences who initially raised no objection, subject to the imposition of conditions to control the noise output from the proposed plant to ensure that it is compliant with the Council's noise standards for operational plant.

Objectors in Marshall House have raised concerns on the grounds that the original noise report was inadequate and that hours of plant operation should be restricted between the hours of 8am and 9pm. One of the objectors also commissioned an independent noise report which queried the position for the measurement of background noise levels, requested further calculations for the acoustic louvres and clarification on the reductions used in the calculations for 'barrier loss'.

A revised acoustic report has been submitted to address these concerns. The revised report has amended the location of the measured background noise levels and incorporates a 600mm deep acoustic louvred enclosure (in place of the originally proposed 300mm acoustic louvres). A further objection to the revised report has also been received on the grounds that without a roof enclosure to this plant area, and without specific calculations for the acoustic louvres, that it is still not clear how the Council's standard noise requirements may be met.

Environmental Sciences have been re-consulted on these amendments and believe that the design of the plant enclosure with 600mm deep acoustic louvres, is likely to ensure that the standard noise requirements are achieved, subject to the submission of a supplementary report to demonstrate that these standards are met. This is dealt with by condition.

Refuse /Recycling

The new retail unit has a designated refuse storage space which will be secured by condition. The location of this space has been amended to address the concerns raised by the Samaritans. As there is no additional office area created over the existing the current arrangement for waste storage and collection will be maintained for these spaces.

Sustainability/Biodiversity

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is supported by a Sustainability Strategy which follows the hierarchy set out in the London Plan which incorporates the principals of Lean, Clean and Green to demonstrate the methods to reduce the carbon emissions from the developments. Measures include provision of thermal insulation, new high performance glazing to reduce solar heat gain and the selection of high efficiency plant. An objection has been

received on the grounds that the sustainability measures are inadequate, however, given the nature of the works and the retention of the majority of the existing building, this is considered to satisfy the requirements of Policy S28.

The fifth floor and roof area will be provided with a green roof that will be planted to improve biodiversity and reduce water run-off. This is welcomed.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Construction impact

An objection has been received from local residents on the grounds that the demolition and construction works will impact on the amenity of local residents and that construction activity should be restricted. Whilst these concerns are noted, permission could not reasonably be withheld on these grounds. As the proposals involve only a small uplift in floorspace (99sqm) there is requirement for the applicant to sign up to the Council's Code of Construction Practice. Hours of construction work will however be restricted by condition and an informative has been added to encourage the applicant to join the nationally recognised Considerate Constructors Scheme.

Crime and security

Objections have been received on the grounds that the removal of the gated entrance will encourage rough sleepers and other anti-social activities. The Samaritans are also concerned that the rear water tank and retail bin store will provide cover for such anti-social activities. Gates are however now to be retained and both the water tank and the bins have been placed into the corner against the rear of 50 Marshall Street and would not create a recessed or concealed location where people could hide.

The gates are on land owned by Shaftesbury and the management of the gates is therefore a private matter between Shaftesbury and the Samaritans. However, it is understood that Shaftesbury have agreed the following management principles with the Samaritans:

- Gates to be left in the open position from 8.00 a.m. to 10.00 p.m. and outside

those hours the gates will be shut and locked

- An intercom for the gates will be linked to both the Samaritans and the offices and separate call buttons will be provided. The Samaritans will be able to release the locking mechanism on the pedestrian gate using this intercom system
- In addition a key pad will be provided to allow the Samaritan staff to access the pedestrian gate. To exit there will be a button that releases the lock in a normal manner. The office and other commercial users will be provided with fobs to access the pedestrian gate.

Other

Objectors also request that the motor bike parking bay on the corner of Broadwick Street and Marshall Street is relocated; that the developer contributes towards replacement of the windows at 49 Marshall Street, towards fibre optic upgrade and triple glazing; that a resident's roof terrace should be provided and that the developer should be encouraged to bollard off the road adjacent to 72 Broadwick Street and create a green space and water feature. Given the extent of works it is not considered reasonable to insist on these requests which in any event do not appear to be directly related to the planning application and would therefore fail to meet CIL tests.

Concerns about loss of trees on an adjoining site, the submission of inaccurate, inadequate and misleading plans, the lack of engagement at pre-application stage and that residents views are not welcomed, heard, or are afraid to object are noted. However, the application could not be refused because of the loss of trees on an adjoining site, detailed plans have been submitted and the concerns raised by residents are considered in the main body of the report.

(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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

9. KEY DRAWINGS

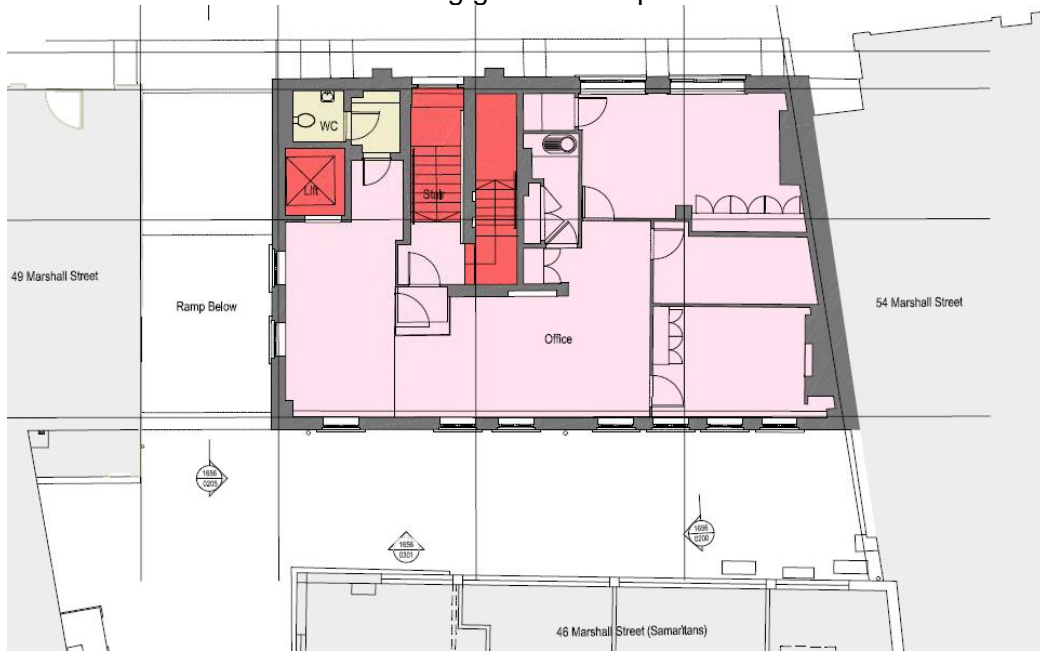
Existing front elevation



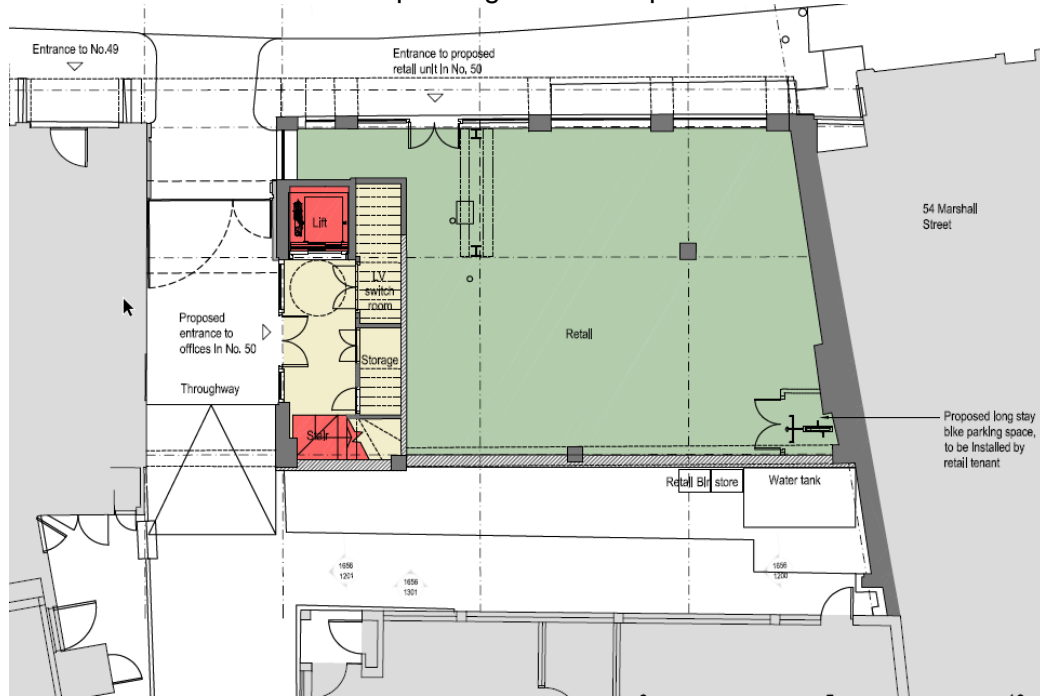
Proposed front elevation

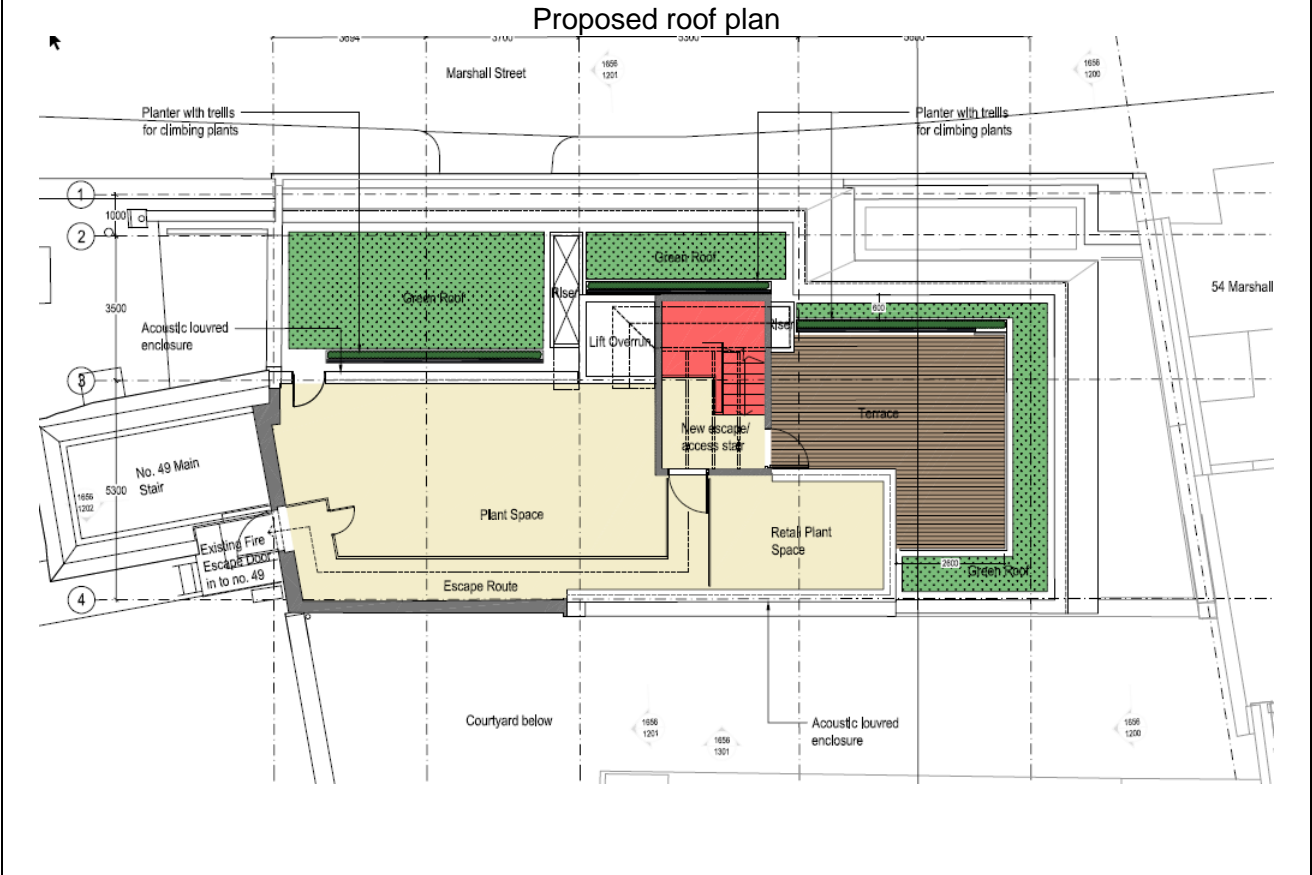
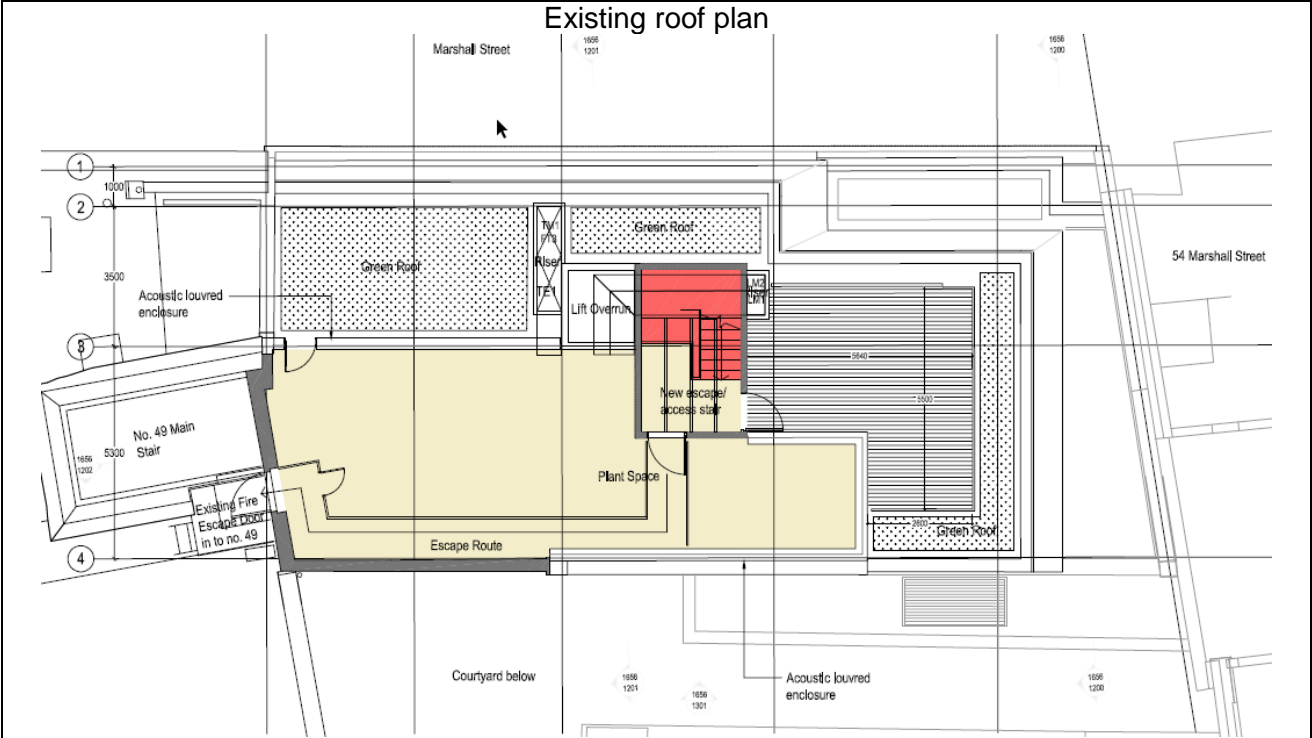


Existing ground floor plan

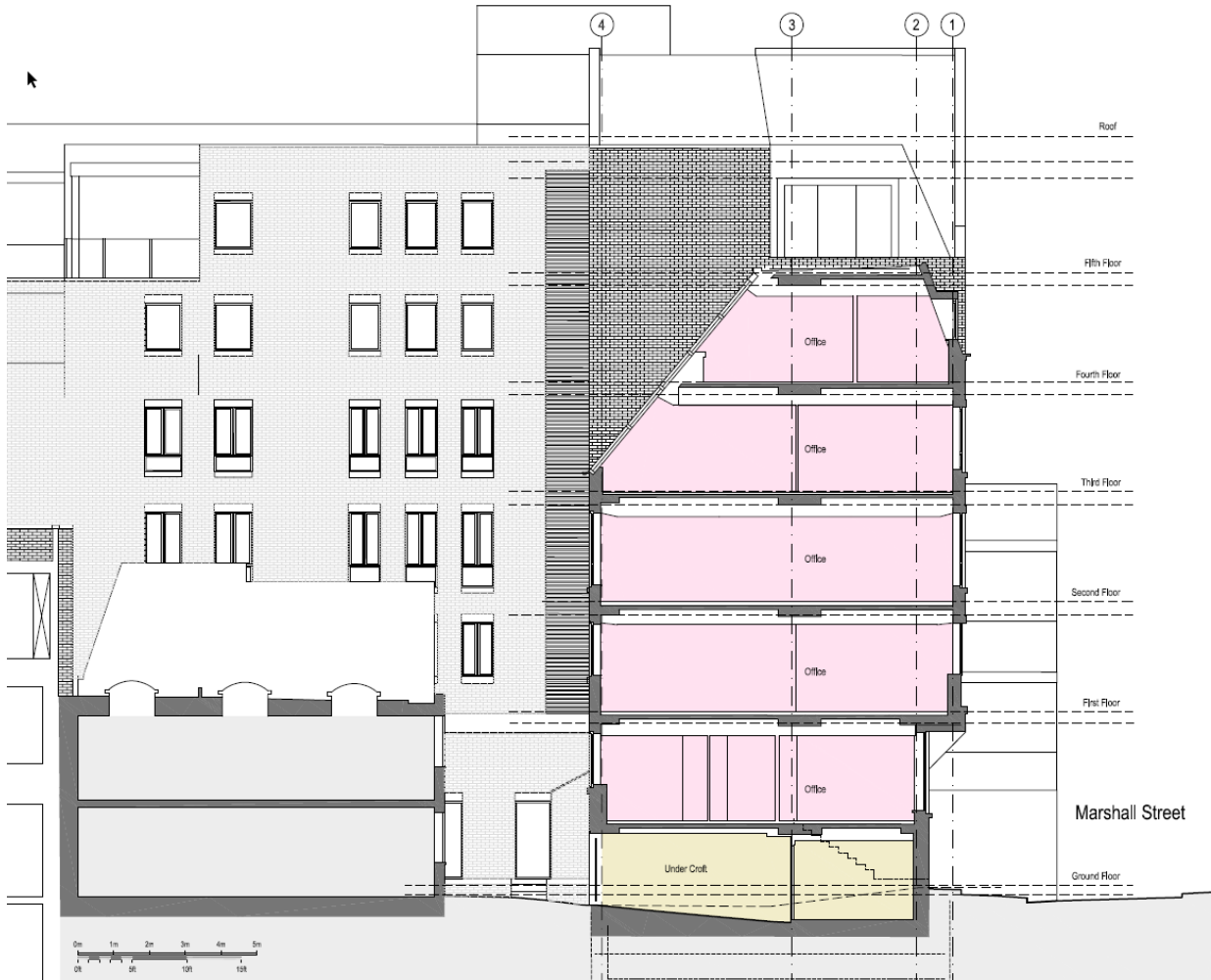


Proposed ground floor plan

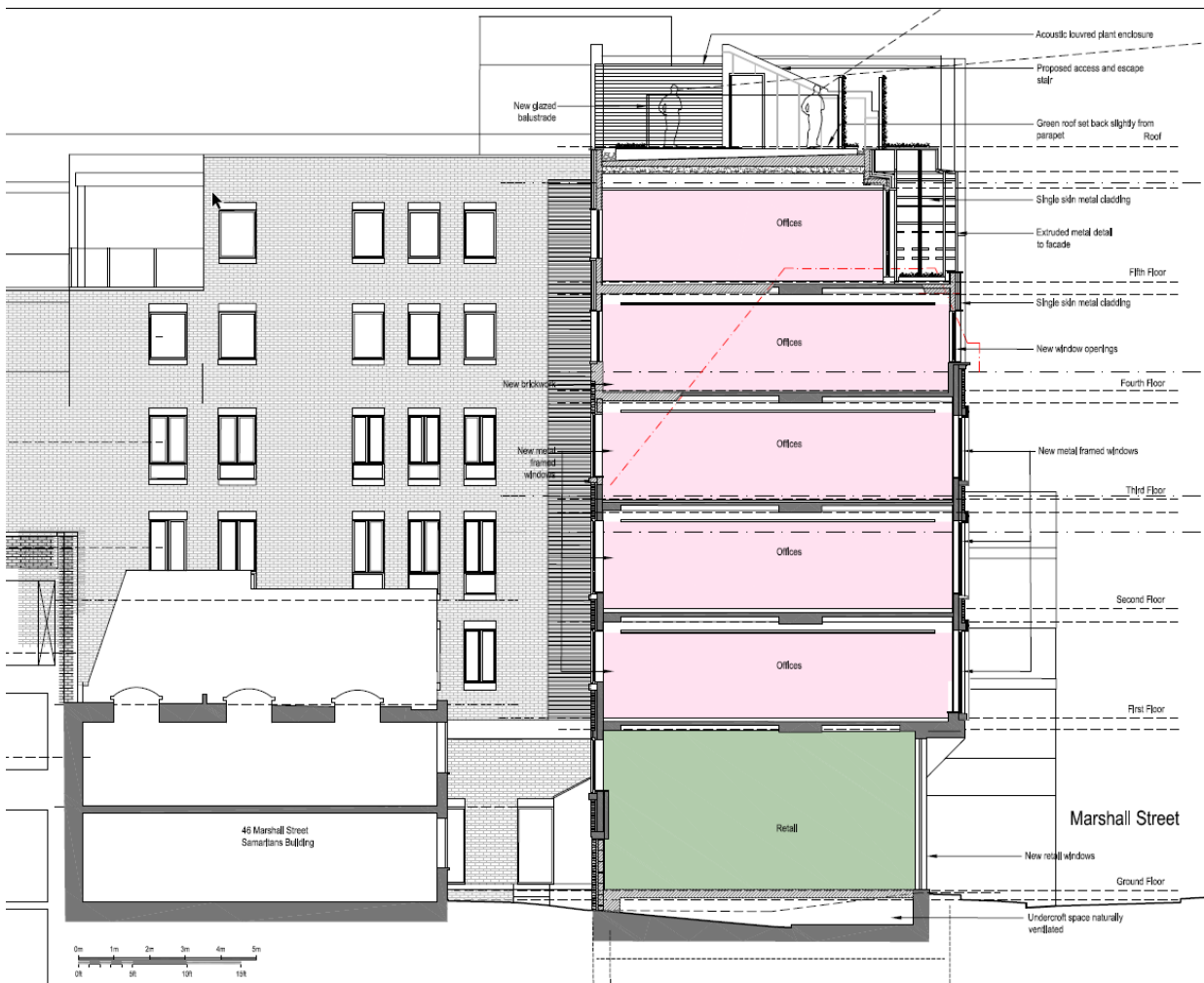




Existing section



Proposed section



DRAFT DECISION LETTER

Address: Eagle House, 50 Marshall Street, London, W1F 9BQ,

Proposal: Demolition of rear glazed pitched roof and erection of rear extensions at third and fourth floors, extension at fifth floor and new fifth floor terrace, all for office purposes (Class B1). Replacement of existing mansard roofs and alterations at roof level including installation of plant enclosed by acoustic louvres and trellising and new roof terrace and staircase housing enclosed by planted trellis. Use of ground floor as retail (Class A1) floorspace and installation of replacement windows throughout, new shopfronts to ground floor retail units, replacement entrance gates and associated alterations.

Reference: 18/06875/FULL

Plan Nos: 1656-1100 REV J, 1101 REV H, 1102 REV G, 1103 REV G, 1104 REV H, 1105 REV H, 1106 REV H, 1300 REV F, 1301 REV H, 1302 REV C, 1303 REV D, 1200 REV B, 1205 REV D

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of

Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 5 of this permission. You must not start work on this part of the development until we have approved what you have sent

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 9 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1656-1100 REV H. You must clearly mark them and make them available at all times to everyone using the retail unit. (C14FB)

Reason:

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

- 11 You must not use the terraces except between the hours of 08.30 - 20.30 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays.

Outside of these hours you can only use the terraces to escape in an emergency.

Reason:

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

- 12 You must not play live or recorded music within the retail unit hereby approved which can be heard outside of the premises.

Reason:

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

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

Reason:

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

- 14 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

- green roofs at fifth and roof levels

You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms 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.**
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 Conditions 5 & 6 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)
- 5 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, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

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.