

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 March 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	103 Oxford Street, London, W1D 2HF		
Proposal	Redevelopment behind retained and refurbished facades, demolition and reconstruction of the interior of the building, alterations to shop fronts and reconstruction of the existing mansard and erection of a new sixth floor level plus rooftop plant room, in connection with the use of the basement, ground and first floor levels for retail purposes (Class A1) and offices (Class B1) on upper levels above.		
Agent	CBRE Ltd		
On behalf of	Royal London Asset Management		
Registered Number	18/09283/FULL	Date amended/ completed	31 October 2018
Date Application Received	31 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission, including a condition to secure the following benefits:

- i) A Carbon Offset Contribution of £17,608 (index linked), payable prior to commencement of development.

2. SUMMARY

The building lies on the corner of Oxford Street with Great Chapel Street. The existing building currently provides 6 storeys of accommodation plus a basement level and is currently used as a retail unit and English Language school.

The application seeks to demolish the building behind its retained façades and to reconstruct the existing mansard and roof level structures to provide an additional level of accommodation. New shopfronts are proposed in connection with the refurbishment of the retail use proposed at basement, ground and first floors, and the use of the upper floors as B1 accommodation.

The key issues for consideration are:

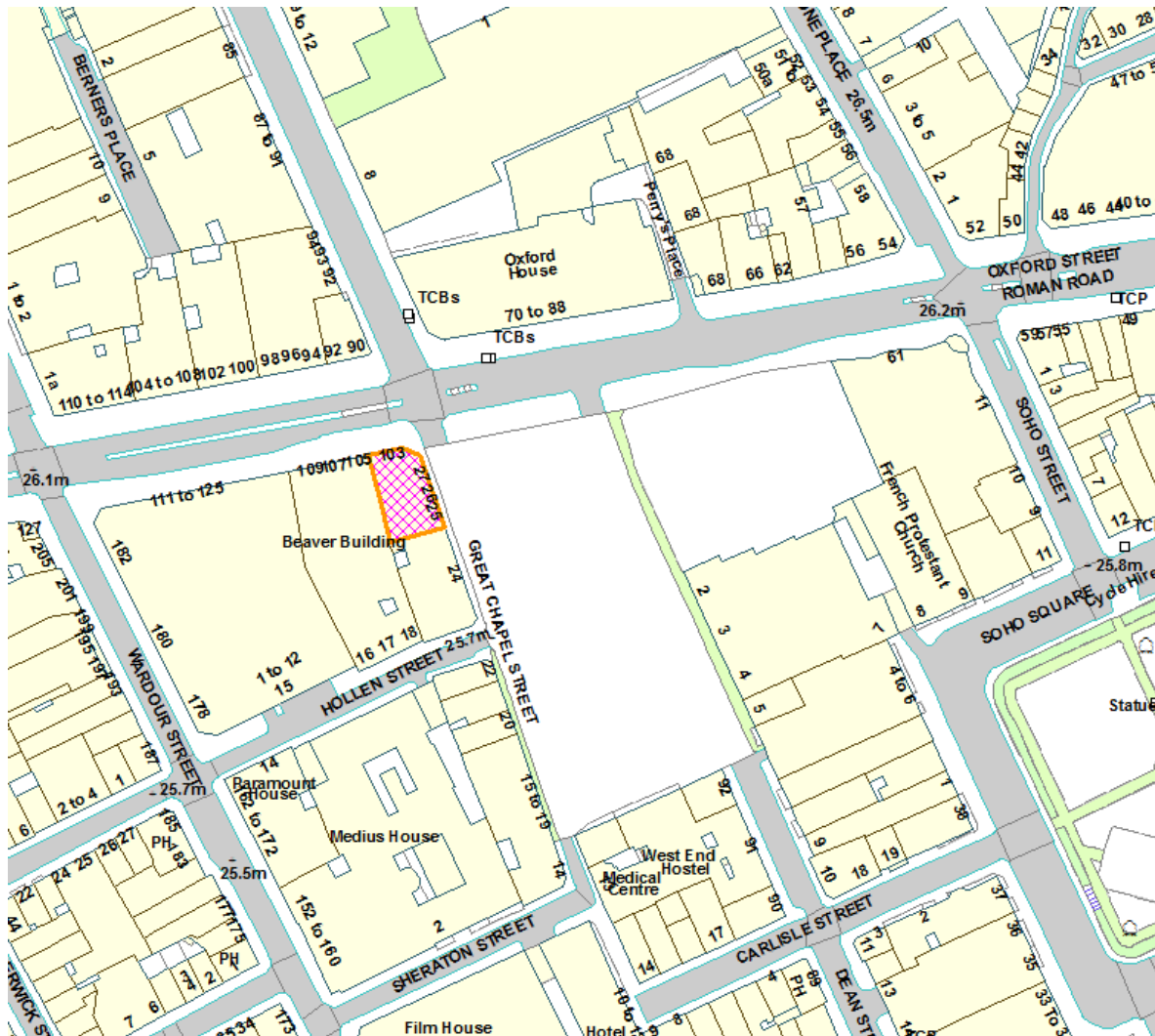
- the loss of the language school;

- the impact of the proposed extensions on the character and appearance of the Soho Conservation Area;
- the impact on residential amenity

UDP and City Plan policies seek to protect social and community floorspace, including educational uses. The City Plan also places a strong emphasis on the provision of additional office accommodation within the Core CAZ. Given the site constraints, it is accepted that the premises would be unsuited to many alternative Class D1 uses. It is acknowledged that language schools provide little value to the local community and are primarily a private commercial enterprise. In these circumstances, and given that the potential office use is welcomed, the proposals are considered acceptable in land use terms.

The proposed replacement mansard and roof plant are considered acceptable in design terms and the additional bulk is not considered to have a harmful impact on residential amenity. The application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

No objections raised provided the sedum roof is constructed.

LONDON UNDERGROUND

No objections subject to conditions.

CROSSRAIL

No comments.

THAMES WATER

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

HIGHWAYS PLANNING MANAGER

No objections raised.

WASTE PROJECT OFFICER

No objections raised

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 56

Total No. of replies: 6

No. of objections: 5; One letter of neither objection or support

Four letters of objection on the following grounds:

Amenity

- * Loss of light and inaccuracies in daylight report
- * Suggestion that sun tubes should be used
- * New roof will tower over neighbouring properties
- * Proposed plant should not be located so close to the boundary

Other Issues

- * Strict conditions need to be imposed relating to construction and demolition including dust omissions, working hours and provision of a contact point for local residents/businesses
- * Construction traffic should not be allowed on Hollen Street and a weight limit should be imposed on all vehicles
- * Lack of notification and discrepancy in drawings

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building lies on the corner of Oxford Street with Great Chapel Street. The existing building currently provides 6 storeys of accommodation plus a basement level. In addition, a set-back plant enclosure is located at roof level. The building is identified as an unlisted building of merit within the Soho Conservation area.

The application site is located within the:

- Core Central Activities Zone (Core CAZ);
- West End Special Retail Policy Area;
- Primary Frontage of the West End International Shopping Frontage;
- West End Stress Area;
- Tottenham Court Road Opportunity Area; and
- Strategic Viewing Corridor (Parliament Hill to Palace of Westminster).

The building is currently used as retail accommodation at basement and ground floor and as a language school at first to fifth floor. Entrance to the language school is via an entrance on Oxford Street.

The surrounding buildings are mainly in commercial use. Directly adjacent to the east is 105-109 Oxford Street, known as the Beaver Building which is a Grade II listed building built as a shop, factory and offices in 1887-88 by Christopher and White for the latter Henry Heath. The property is in retail use at basement and ground level and residential use on the upper 5 storeys (6 apartments). Directly to the south of the site is 24 Great Chapel Street which is currently occupied by the Oxford House College Language School. To the west of this building and rear of 105-109 Oxford Street is 16-18 Hollen Street which is an old Hat Factory Building currently in use as three residential apartments.

The site on the opposite side of Great Chapel Street is being redeveloped as part of the Crossrail project and will accommodate a mixed use scheme with residential flats fronting Oxford Street.

A London Underground tunnel (the Central Line) lies beneath the northern part of the site. The entirety of the site is located within Cross Rail 1 Safeguarding Area.

6.2 Recent Relevant History

Permission granted December 2002 for the use of 2nd floor for either Class B1 office use or D1 education use (language school).

Permission granted October 2003 for the use of 3rd and 4th floors for educational purposes (Class D1)

Permission granted October 2003 for the use of the 5th floor for Class D1 (educational) use as an English Language school for overseas students

Certificate issued in December 2003 for the use of ground and basement for retail (Class A1) purposes.

Permission granted April 2009 for the use of the 3rd and 4th floors for educational purposes (Class D1)

Permission granted January 2012 for the use of the 1st and 2nd floors for educational purposes (Class D1)

Permission granted January 2012 for the variation of conditions 2 and 3 of planning permission 09/00621 for the use of the 3rd and 4th floors for education purposes (D1); namely, to extend hours of use to between 08.00 and 21.30 Monday to Saturday and to allow the number of students permitted on these floors to be increased 150.

Permission granted January 2012 for the variation of conditions 1, 2 and 3 planning permission 04/08298 for the use of the 5th floors for education purposes (D1) for use as English language school for overseas students; namely, to have an unrestricted education use, to extend hours of use to between 08.00 and 21.30 Monday to Saturday and to allow the number of students permitted on these floors to be increased 86.

Permission granted October 2012 for the use of the 1st to 5th floors for educational purposes (Class D1).

7. THE PROPOSAL

Permission is sought to demolish the building behind its retained façade and reconstruction of the existing mansard and roof level structures to provide an additional level of accommodation. New shopfronts are proposed in connection with the refurbishment of the retail (Class A1 use) at basement, ground and first floors, and the use of the upper floors as B1 (office).

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Language school	1116	0	-1116
Retail	397	411	+14
Office	0	1156	+1156
Total	1513	1567	+54

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Language School

Mayfair School of English currently occupy a small area of the ground floor (access only) and first to fifth floors for educational purposes. The proposal would result in the loss of the existing language school, which is still trading from the premises. This is a private educational facility which is defined as a 'social and community use' within the adopted development plans.

UDP policy SOC 1 (D) states that all community facilities will be protected. Under SOC 1(E), schemes involving the redevelopment or change of use of community facilities are required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new development should include an alternative community facility. Where adequate replacement facilities are not proposed, the City Council will refuse planning permission.

Such uses are also protected under City Plan Policy S34 ‘...except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider.’ In all such cases, the council will need to be satisfied that the overall level of social and community provision is improved and that there is no demand for an alternative social and community use for that floorspace. Where the council accepts the loss or reduction of social and community floorspace, the priority replacement use will be the priority use for the area which, within the Core CAZ, is commercial development.

Although the premises have not been marketed, in considering similar applications on sites elsewhere in Oxford Street, (submitted also without any marketing information), the Council has accepted that there been a significant reduction in the demand for language schools. Operators have reported a shift to online learning and an increasing requirement to offer students a more flexible study programme – which means that the operation of large premises in central London with, necessarily, more rigid timetabling, is no longer appropriate.

It is acknowledged that the accommodation would be largely unsuitable for many alternative Class D1 uses due to its central location, the lack of wheelchair access to the upper floors, the absence of outside amenity space and lack of a vehicular access or drop-off provision. Given these constraints, it is accepted that the premises are unlikely to be considered attractive for a Class D1 use except by other language school operators. It is also considered that language schools offer very little ‘social’ benefit to the local community.

It is also recognised that the building has historically been used for office purposes, that the language school has been introduced incrementally since 2002, and that the entire building has only been used as a language school since 2009. For these reasons, and given the increased emphasis on the provision of office accommodation in the Core CAZ, a departure from the policy requirement to protect existing social and community uses is considered justifiable and the application is therefore considered acceptable in land use terms.

Increase in office floorspace

The proposal will see an increase in office floorspace of 1,156 sqm (GIA) which will assist in meeting the target of 774,000 sq.m of additional B1 office floors between 2016/17 and 2036/37 set out within City Plan Policy S20. The site’s location within the Core CAZ and within a location that is deeply commercial in character means that this increase in office floorspace is welcome, in accordance with City Plan Policies S6, S18 and S20.

As the increase in floorspace is less than 400sqm (54sqm), there is no requirement for the equivalent amount of residential floorspace.

Retail use

The increase in retail floorspace and the continual retail frontage proposed onto Oxford Street, the primary retail frontage, is also welcomed.

8.2 Townscape and Design

The proposals involves demolition and redevelopment behind retained facades on Oxford Street and Great Chapel Street. This is acceptable in principle as the facades contribute positively to the character and appearance of the Soho Conservation Area and so there is a strong presumption to retain them. The main changes are at roof level and at the rear.

The building has its original mansard roof, with an unsightly plant roof on top. The proposal replaces the mansard with a new one which includes a shallow secondary pitch. The design of the new roof has been subject to negotiation and is now acceptable. This is in accordance with the City Council's policies and supplementary planning guidance.

A plant area is included at roof level. This is at the rear of the building and not visible from the public realm. It is not in full accordance with the City Council's policies, as it is not integrated into the design of the roof. However, given its location and the varied context, which includes the large new building to the west and the caged area on the roof of the school to the south, this is considered acceptable.

As the proposed roof alterations are well below the development plane within the strategic viewing corridor there is therefore no harm to this view.

The proposal is considered to comply with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 5, DES 6 and DES 9 of the Unitary Development Plan and will preserve the character and appearance of the Soho Conservation Area.

8.3 Residential Amenity

The closest residential accommodation within the vicinity of the site are the flats within the former Beaver Building at 105-109 Oxford Street and the flats within the former Hat factory at 16-18 Hollen Street. Both sites are immediately adjacent to the site. 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.

Daylight/Sunlight

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. Only windows facing within 90 degrees of due south of the proposed development need to be tested. Oxford House College at 24 Great Chapel Street have objected on the grounds that the daylight study does not make any assessment to the roof of their property which is used as an outdoor amenity space. However, the application site is due north of this space and it is not considered that there would be any overshadowing or loss of sunlight to this area.

The sunlight/daylight assessment submitted with the application shows that the greatest loss of VSC is 9.35% to a fourth floor bedroom window in the adjacent Crossrail oversite development on Great Chapel Street (currently under construction). 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 tests.

The report demonstrates that only minor losses of sunlight would be experienced and all would be well within the parameters set out above. Given that there are no material losses of sunlight, and given the retained levels of sunlight to the adjoining buildings, a requirement for sun tubes is not considered necessary.

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.

The proposal involves an additional floor which is 4.8m taller than the existing building. However, this additional bulk is some 16m from the north facing windows within the flats within the Hat Factory on Hollen Street and it is not considered that given these distances that the proposal would result in any adverse impact in terms of increased sense of enclosure.

The Language School also object to the additional bulk at roof level which they consider will tower over the neighbouring properties making Great Chapel Street feel unwelcoming and claustrophobic. Most of the additional bulk is formed by the plant enclosure which is set back from Great Chapel Street. The replacement mansard

slopes back from Great Chapel Street and for these reasons it is not considered that there would be an adverse impact on pedestrians in Great Chapel Street.

Loss of Privacy

There are windows within the existing building on the western flank elevation of the building. These are to be replaced in the new building, however, as these face onto the converted flats in the adjacent Beaver Building at 105-109 Oxford Street, a condition is proposed to ensure these are obscure glazed and fixed shut.

8.4 Transportation/Parking

A Transport Statement (TS) produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. Trip generation modelling concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

Site servicing

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”. However, in this case, the existing building is serviced on street and the locations of single and double yellow lines within the vicinity allow loading and unloading to occur. The TS shows that the proposed development would result in approximately 6 trips per day (an overall increase in one trip per day compared to the existing use). These are expected to take place either on Great Chapel Street with larger vehicles delivering onto Oxford Street.

Given the location of the site and limited details provided, the Highways Planning Manager has requested a condition is imposed to restrict the operation of a retail/supermarket.

Cycle parking

22 cycle parking spaces are to be provided at basement level in accordance with London Plan standards. The provision of shower and changing facilities is also welcomed and will encourage staff away from other less sustainable modes and encourage cycle usage. These will be secured by condition

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The building provides an inclusive step free accessible entrance onto Oxford Street into the revised retail unit and a step free access (with internal lift) for the proposed office accommodation to meet Part M of the Building Regulations.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement and roof levels. The adjoining Language school object to the location of the roof level plant on the grounds of increased noise. However, an acoustic report has been submitted with the application and assessed by Environmental Health who raise 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.

Refuse /Recycling

Dedicated waste storage areas are proposed at basement level which provides adequate facilities for waste and recycling facilities for the building. These facilities will be secured through condition.

Sustainability

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO2 emissions over the baseline emissions to be achieved by the development.

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.

An Energy Strategy has been submitted which sets out the energy efficiency measures for the proposals. The proposals comprise several energy efficiency measures to improve the sustainability credentials of the buildings as part of the energy strategy. These include:

- * Passive design measures, including refurbishment, providing insulation and new double-glazed windows to the retained façade and efficient new fabric within redevelopment;
- * Energy efficient lighting systems;
- * High efficiency boilers and cooling system;
- * PV array where viable in townscape terms at roof level; and
- * Future connection possible to decentralised network.

The proposed development provides carbon savings of 20.5% below the baseline emission rate. As these savings are below the targets set out in London Plan a carbon off-set payment of £17,608 is proposed to secure the delivery of carbon reduction measures elsewhere.

A BREEAM pre-assessment has also been undertaken to establish the likely and potential score and rating for the commercial elements of the development. The results show that the development achieves a BREEAM Excellent Rating.

Biodiversity

The proposed development includes the provision of a sedum room at roof level. This is welcomed and, as requested by the Soho Society, will be secured by condition.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and closed on Friday 21 December 2018. Any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

The Soho Neighbourhood Plan is currently at a very early stage in its development and therefore can currently be given little material weight.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the Council's Code of Construction Practice, for a requirement for detailed design, method statements and load calculations to accommodate the location of the existing London Underground structures and tunnels and for a carbon off-set payment. The applicant has agreed to these conditions.

8.12 Planning Obligations

A carbon off-set payment is to be secured by Grampian condition.

8.13 Environmental Impact Assessment

The application is not of a sufficient scale to require its own Environment Impact Assessment.

8.14 Other Issues

Construction impact

Objections have 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 vehicles should be prohibited from Hollen Street. Whilst these concerns are noted, permission could not reasonably be withheld on these grounds. However, as the proposals constitute a Level 2 type development, this will require the applicant to sign up to the Council's Code of Construction Practice. This will be secured by condition. Hours of construction work will also be restricted by condition.

Other issues

Two of the objectors raises concerns that there is a discrepancy in the submitted location plan and the plans forwarded by the applicant's party wall surveyors. However, whilst it appears that the map identifying the site shown on the Council's website had been incorrectly plotted, the drawings submitted by the applicant correctly identify the site and the extent of demolition.

One of the objectors claims that neither he nor his immediate neighbours did not receive notification about the planning application. However, all the flats within the Hat Factory (18 Hollen Street) were notified on 5th November 2018. A site notice was also displayed on the site, and the application was advertised in the local newspaper and in this regard, the Council fully complied with the statutory requirement regarding the publicity of the previous planning application.

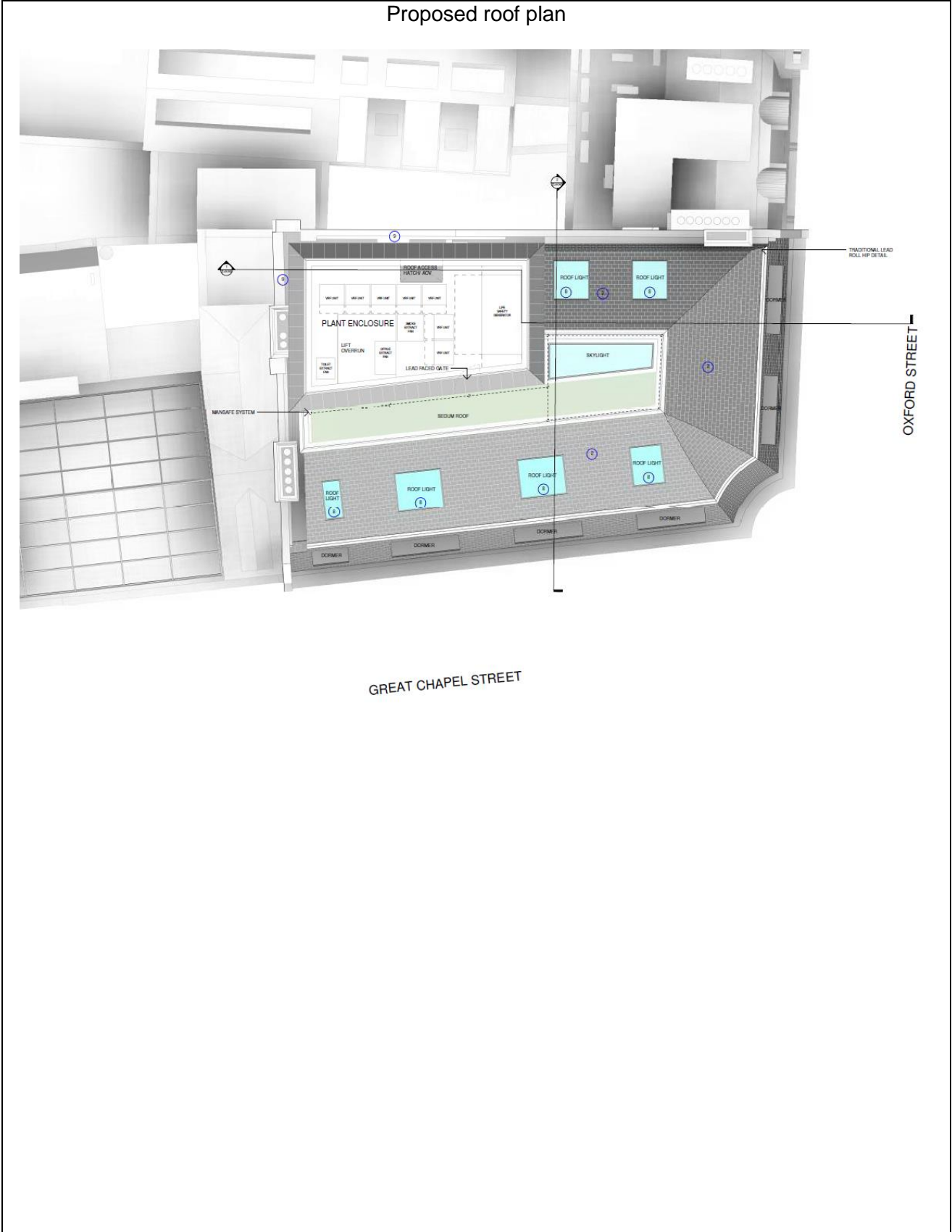
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS



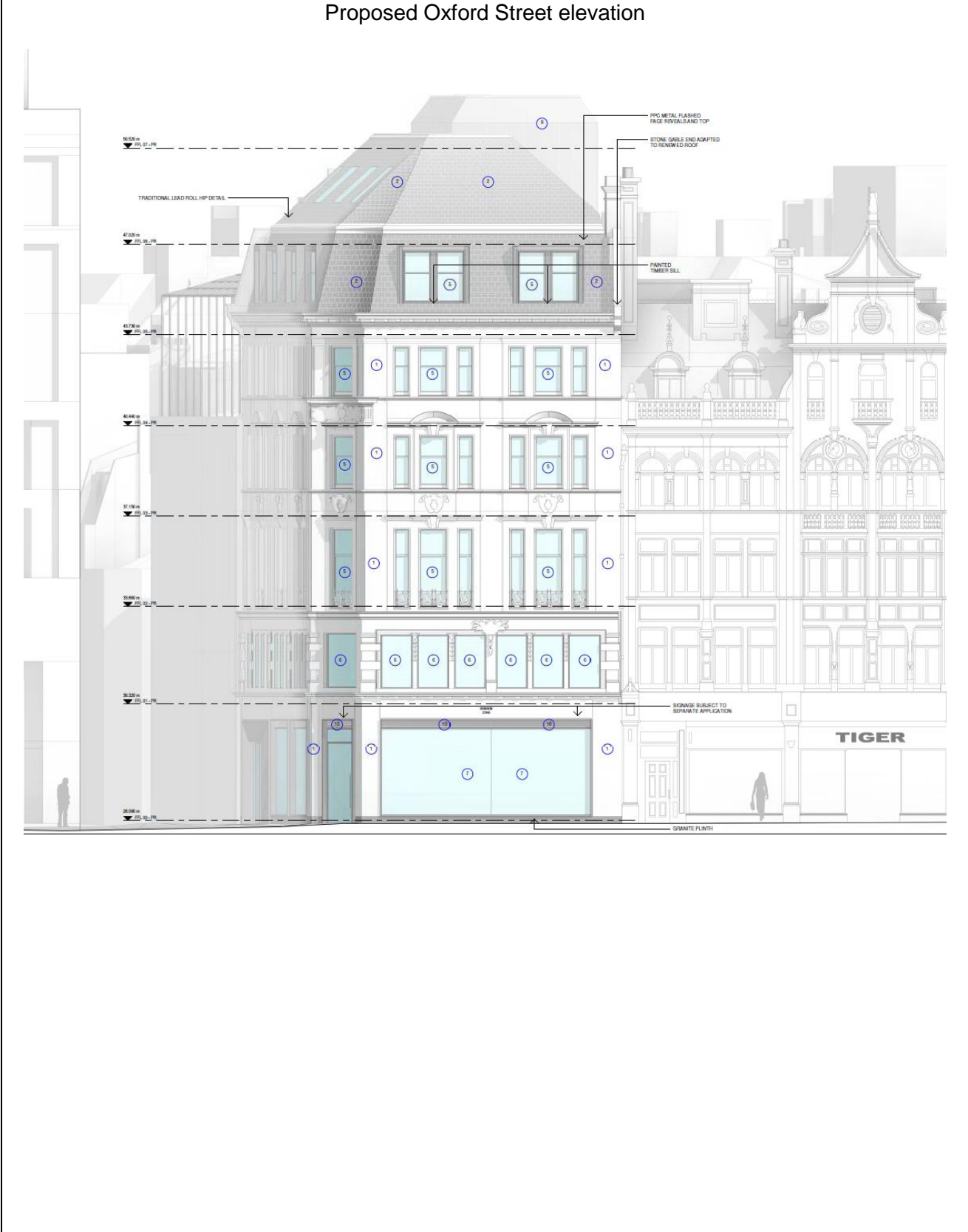
Proposed roof plan



Existing Oxford Street elevation



Proposed Oxford Street elevation



Existing Great Chapel Street elevation



DRAFT DECISION LETTER

Address: 103 Oxford Street, London, W1D 2HF

Proposal: Redevelopment behind retained and refurbished facades, demolition and reconstruction of the interior of the building, alterations to shop fronts and reconstruction of the existing mansard and erection of a new sixth floor level plus rooftop plant room, in connection with the use of the basement, ground and first floor levels for retail purposes (Class A1) and offices (Class B1) on upper levels above.

Reference: 18/09283/FULL

Plan Nos: B1-X312001 Rev P03, GF-X312001Rev P03, 01-X312001Rev P01, 02-X312001 Rev P01, 03-X312001 Rev P01, 04-X312001 Rev P01, 05-X312001 Rev P03, 06-X312001 Rev P03, 07-X312001 Rev P03, ZZ-X312101 Rev P01, ZZ-X312102 Rev P01, ZZ-X312103 Rev P01, ZZ-X312203 Rev P01, ZZ-X312204 Rev P01, Acoustic report dated 2 October 2018

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 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)

- 3 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)

- 4 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) of the following parts of the development

- New roof including plant area at the rear.

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

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

Reason:

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

- 5 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

Reason:

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

- 7 You must support and protect the parts of the building which are to be kept during building work in accordance with Structural Methodology Statement dated 26 September 2018.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

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

Reason:

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

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level 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 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.

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

- 12 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

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

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

Reason:

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

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

Reason:

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

- 15 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved at ground and basement level shall not be used for convenience retail/supermarket purposes.

Reason:

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

- 16 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number B1-X312001 Rev P03. You must clearly mark them and make them available at all times to everyone using the building. (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)

- 17 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.

- sedum roof

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)

- 18 The glass that you put in the windows in the west elevation of the building must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 19 The development hereby permitted shall not be commenced until detailed design, method statements and load calculations (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- * provide details on all structures
- * provide demolition method statement
- * accommodate the location of the existing London Underground structures and tunnels
- * accommodate ground movement arising from the construction thereof
- * and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs 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 existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 20 {b Pre Commencement Condition}. You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

1. Delivery of carbon reduction measures

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

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

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 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. You should take account of this minimum pressure in the design of the proposed development.
- 4 You should incorporate protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. , , Thames Water would expect you to demonstrate what measures you will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- 5 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 6 The term 'clearly mark' in condition 16 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you

must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 8 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 9 Conditions 9-11 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)
- 10 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; and construction methods.
- 11 Under condition 20 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a carbon off-set payment of £17,608, as set out in the letter dated 6 March 2019 from CBRE. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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.