

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 June 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	30 - 31 Golden Square, London, W1F 9LD,		
Proposal	Alterations including partial infilling of rear courtyard on basement and ground floors, rear extensions on first to fifth floors and seventh floor roof extension with plant enclosure, roof terrace and green roof above all to provide additional office accommodation (Class B1); new balconies/terraces at front fourth, fifth and seventh floor levels and at rear first, sixth and seventh floor levels. Flexible use of part basement and part ground floor for either retail / office/ gym use (Class A1/ B1/ D2), provision of cycle parking and associated external alterations.		
Agent	Gerald Eve		
On behalf of	Aviva Investments		
Registered Number	19/02404/FULL	Date amended/ completed	1 April 2019
Date Application Received	1 April 2019		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

30-31 Golden Square is an unlisted building situated in the Soho Conservation Area and the Core Central Activities Area (CAZ). The building comprises basement, ground and six upper floors and is in office use throughout.

Permission is sought for alterations including extensions to the office accommodation, with associated terraces, and for the use of part basement and part ground floor for flexible office, gym or retail use.

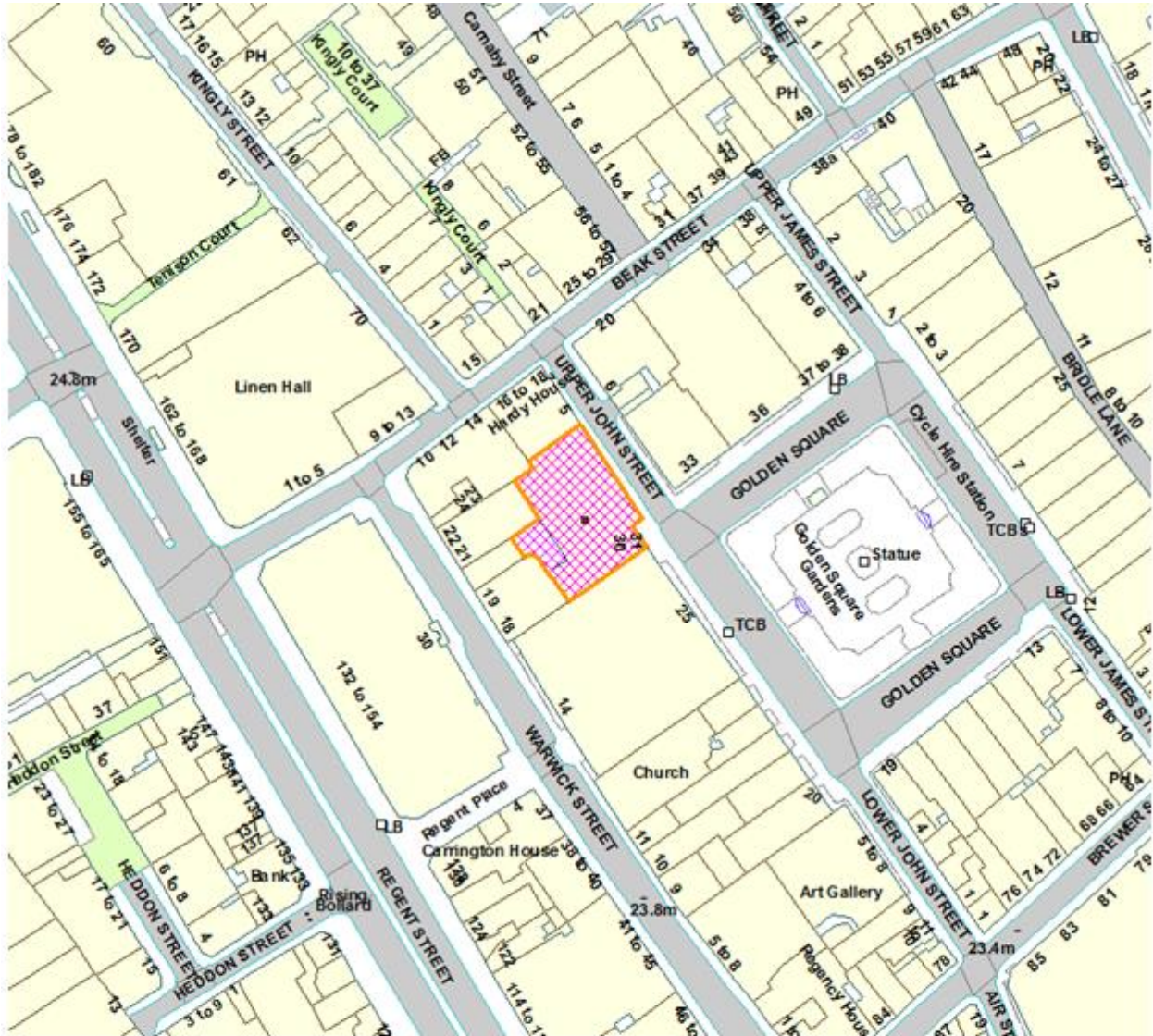
The key issues for consideration are:

- The acceptability of the proposal in design/townscape terms and its impact on the character and appearance of the Soho Conservation Area;
- The acceptability of a retail unit in this location; and

- The acceptability of the proposal in amenity terms.

The proposals are considered acceptable in land use, amenity, highways and design grounds and broadly comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING

No objection subject to conditions.

WASTE PROJECT OFFICER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 52

Total No. of replies to initial consultation: 6 letters of objection on the following grounds:

- Retail use unacceptable in this location/impact on Golden Square
- Loss of privacy to neighbouring flats
- Loss of light
- Hours of work should comply with Westminster regulations; request two hour cessation of building works each day.

Total No. of replies to re-consultation: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

30-31 Golden Square is an unlisted office building comprising basement, ground and six upper floors with a plant enclosure above. The site lies within the core Central Activities Zone (CAZ) and the Soho Conservation Area.

Although the immediate area is predominantly commercial in nature, there are no street level uses which serve visiting members of the public on the western side of Golden Square. However, there is a restaurant adjacent to the application site on the corner of Beak Street and Upper John Street.

There are flats to the north, on the opposite side of the street, at 6 Upper John Street and further residential premises at 24 and 25 Golden Square, to the south of the site.

6.2 Recent Relevant History

30 March 1995: Permission granted for the re-development of Nos 30-31 Golden Square to provide a seven-storey building for Class B1 office use. (ref: PE/TP/1424). Implemented.

7. THE PROPOSAL

The proposal is for alterations to the existing building to provide additional Class B1 office accommodation and for the introduction of a flexible office (B1)/retail (A1)/gym (D2) use on part basement and part ground floors, with independent access from Upper John Street.

The works include:

- The demolition of the existing plant structure at main roof level.
- Alterations to the existing sixth floor and the erection of a seventh floor roof extension to create a double mansard at sixth and new seventh floor level, with new plant, set within a plant enclosure, terrace and green roof above.
- The erection of a rear extension on first to fifth floors.
- Partial infilling of rear courtyard at lower ground and ground floor level.
- Infilling to existing setback at front fourth floor level facing Upper John Street.
- Alterations to the front façade including modification to windows and the entrance bay.
- Creation of terraces Juliet /balconies at fourth, fifth and seventh floor levels to the front and at first, sixth and seventh floor levels rear of the building.

The existing and proposed floorspace schedule is as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office B1	3,847.6	4,192.3	+344.7
Flexible A1/ B1/D2	0	216.9	+216.9
Total	3,847.6	4,409.2	+561.6

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is located within the Core Central Activities Zone where new office development is directed by City Plan policies. An increase in office floorspace in this location is therefore acceptable in principle.

City Plan Policy S1 applies to development within the Core CAZ where net additional B1 office floorspace is proposed. The policy requires the provision of new residential floorspace in specified circumstances. However, as the net additional floorspace (for all uses) is less than 30 % of the existing building floorspace, there is no policy requirement to provide residential floorspace in this case.

New retail floorspace (Class A1)

The scheme would potentially provide 216.9 sqm of new retail floorspace within the core CAZ. Policy SS4 of the Unitary Development Plan (2007) and policies S6 and S21 of the City Plan promote the introduction of new retail floorspace in this location.

Several objections have been received on the grounds that the introduction of a retail use would have an adverse impact on the quiet character of Golden Square. This part of Golden Square/Upper John Street experiences high pedestrian flows and is a key north-south pedestrian route. Furthermore, the wider area is characterised by ground floor commercial uses and it is anticipated that most customers would derive from passing trade. It is not considered that the introduction of a retail use, close to Beak Street, would adversely affect the character of this part of Soho or materially affect the character of Golden Square. Consequently, objections on these grounds could not be supported. However, it is recommended that a condition is imposed to limit the hours of use to between 06:00 to 23:00 to safeguard resident's amenity and the environmental quality of the area. Additionally, it is considered appropriate to prevent the use of the unit for food retail (supermarket purposes) given the acknowledged impact of servicing for such uses upon the operation of the highway.

Proposed gym (Class D2)

Policies SOC 1 of the UDP and S34 of City Plan encourage the provision of community facilities in appropriate locations throughout Westminster, provided they are accessible to residential area, will not harm the amenity of the surrounding area, including the effect of any traffic generated. Such uses must be safe and easy to reach on foot, by cycle and by public transport.

The site is centrally located and easily accessible to all potential users. A condition is recommended requiring the submission and approval of an Operational Management Plan for the gym including details of measures to prevent gym patrons entering/exiting the premises from causing nuisance for people in the area. A further condition is recommended to limit the hours of gym operation from 06:00 to 23:00 Monday to Friday and from 08:00 to 20:00 on Saturdays and Sundays. Subject to these conditions, it is not considered that the proposed gym would have a material impact on the amenity of neighbouring flats, including the effect of any traffic generated.

The Council's Environmental Health Officer has recommended a condition to ensure that the maximum noise levels generated by the proposed new development do not impact on neighbouring residential premises. However, given that there are no residential properties adjoining the proposed gym, it is not considered necessary to impose this condition.

It is considered that the proposed use is appropriate in terms of its location in terms of proximity to residential occupants.

In light of the above, the introduction of a gym in this location is considered acceptable.

8.2 Townscape and Design

The site is located on the north-western corner of Golden Square, within Soho Conservation Area and close to several listed buildings. The existing building was erected pursuant to a 1995 permission. A key benefit of this scheme was the reinstatement of the original building line at the corner of the Square. The massing of the upper floors was purposely broken up to minimize their visual impact.

In design and heritage asset terms the proposed façade alterations and the rooftop extension have been designed to suit the appearance of the building, by working with the building's existing detailed design and construction materials. The proposed double mansard is a type of roof than can be found in the area and its detailed design suits the appearance of the building. This accords with UDP policy DES 6.

Overall, the height of the new top floor accommodation is only slightly taller than the existing plant enclosure which it replaces. The main roof terrace is set back from the street facade and provided with metal railings that match the proposed design of those for the terrace and Juliette balconies below. Some areas of green roof are also proposed.

Windows to the altered, and partly infilled façade, at fourth floor level match the design of the windows on the floors below. Minor changes are proposed to the entrance bay of the building on the corner of Golden Square and a new entrance is to be created on Upper John Street for the commercial unit. These alterations are acceptable in design and heritage asset terms.

The existing rear elevation is extremely plain. It is proposed to erect an extension on the first to fifth floors, incorporating balconies, and to re-clad the facade and provide new windows to a more attractive pattern. This is a significant improvement.

Given the above, the development is considered acceptable in terms of its impact on the character and appearance of the building, Golden Square, the Soho Conservation Area, and in terms of its impact on the setting of nearby listed buildings which will be unharmed. This accords with City Plan policies S25 and S 28, and UDP policies DES 1, DES 5, DES 6, DES 9 and DES 10.

8.3 Residential Amenity

UDP Policy ENV13 seeks to protect and improve the residential environment and to resist proposals, which would result in a material loss of daylight or sunlight, increased sense of enclosure to adjoining windows or loss of privacy to adjoining occupiers. Similarly, City Plan Policy S29 seeks to safeguard the amenity of surrounding properties.

Sunlight and Daylight

The application is supported by a daylight and report which assesses the impact of the proposed development on levels of daylight and sunlight to residential properties at 15 and 21-25 Beak Street, 56-57 Carnaby Street and 6 Upper John Street. Objections have been received from occupants of flats at 6 Upper John Street on the grounds that the proposal would result in a loss of daylight and sunlight to flats within those properties.

Daylight

Vertical Sky Component (VSC) is the method used to measure the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the window will have the potential to provide good levels of daylight. Reductions of more than 20% should be avoided as such losses are likely to be noticeable. The BRE guidance is clear that numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the site circumstances.

Where room layouts are known, the impact on the daylighting distribution in each rooms can be calculated by plotting the 'no sky line' in each of the main rooms. This divides the points of the working plane which can and cannot see the sky. If, as a result of the development, the area of the existing room which does not receive direct skylight is less than 0.8 times its former value, the room will appear more gloomy and this will be noticeable to the occupants.

The daylight analysis shows that any reductions in VSC would be well below the BRE target, the maximum loss being 6.72% to a fourth floor bedroom window at 6 Upper John Street. The NSL assessment confirms a maximum reduction of 4.82% to a first floor bedroom at 55-56 Carnaby Street. Where there are any losses, all rooms would continue to receive reasonable levels of light in this built up central location and objections on daylight grounds could not be supported.

Sunlight

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

In most cases, windows do not face within 90 degrees of due south, and do not require testing, or losses are well below the 20% BRE threshold. There is a 33% loss of annual sunlight to a first floor living room widow at 56-57 Carnaby Street. Additionally, there would be a complete losses of winter sun (from 1%) to three windows serving two first floor living rooms at 55-56 Carnaby Street and reductions in winter sunlight of 40% (from 5 to 3%) and 50% (from 2 to 1%) in the case of two windows to a third floor living/kitchen/dining rooms at 6 Upper John Street. However, the overall reduction in annual sunlight hours to these windows would be 4% or less, satisfying the BRE test. In

these circumstances, it is not considered that there would be a material impact on the amenity of those properties and objections on sunlight grounds could not be supported.

Although the scheme will result in an increase of height and bulk to the rear of the site, adjacent to commercial properties at 18-22 Warwick Street, it is not considered that any impact on levels of daylight or sunlight received would compromise the continued operation of those properties.

Sense of Enclosure

Given the location of the proposed roof extension, which largely replaces an existing roof top plant enclosure, it is not considered that the development would result in any material increase in the sense of enclosure to neighbouring residential windows. Whilst the extensions have the potential to impact on the outlook from commercial properties to the rear, it is not considered that this would jeopardise the future use of these commercial properties.

Privacy

Concerns have been raised by the occupants of 6 Upper Johns Street regarding the increased potential for overlooking to their properties as a result of the proposal.

To the front, terraces/balconies are proposed at fourth and fifth floor levels, with Juliet balconies to the seventh floor dormers. Rear terraces are also proposed at first and sixth floor levels, with Juliet balconies to the front dormers. A new terrace would also be provided to the main roof.

The application has been revised to omit the northernmost terrace at fourth floor level, to reduce the extent of the fifth floor terrace and to incorporate a green roof on the northern corner of the main roof terrace, which has also been stepped back from the front building line. Given these amendments, it is not considered that incorporation of new terraces and balconies would result in any material impact on the privacy of flats and associated terraces at 6 Upper John Street or to other neighbouring buildings.

The windows serving the existing office building are large and afford a clear, albeit oblique, view of 6 Upper John Street at all levels. The proposal introduces new windows to the front and rear of the building and new windows within the proposed extensions. However, given the existing situation, and the relationship of the proposed extensions with neighbouring sites, it is not considered that the installation of new windows would result in any material increase in the potential for overlooking to adjoining properties.

Noise from terraces

Whilst there are no residential units immediately adjoining the application site, as detailed above, there are residential properties in the vicinity. Due to the size and number of terraces/balconies proposed, it is considered that the hours of their use should be restricted, to between 08:00 and 21:00 on Monday to Friday, to safeguard the amenity of neighbouring properties.

8.4 Transportation/Parking

Parking/traffic generation

The site is centrally located and well served by public transport including principal bus routes. Anyone visiting the site by car would be subject to local parking restrictions and the proposal is considered unlikely to have a significant impact on car parking demand and is consistent with UDP policies TRANS21 and TRANS22.

The application site is conveniently located with a vast range of public transport modes in the immediate vicinity. The proposal also includes adequate cycle parking and showers and changing facilities to encourage those wishing to walk or cycle to the proposed gym.

Servicing

The existing building is serviced from Upper John Street. While UDP Policy TRANS 20 seeks off-street servicing, there is no opportunity to provide this within the development. The site is serviced from single yellow lines in the vicinity, and there are no loading restrictions. It is considered that any increased servicing demands resulting from the development could be accommodated on street without detriment to the operation of the highway.

Cycle Parking

The proposal would require the provision of 68 cycle parking spaces in order to comply with the London Plan (as amended). The scheme includes 70 basement-level cycle spaces for the development, together with showers and lockers, which are accessed from the service entrance on Upper John Street. This is welcomed and cycle parking would be secured by condition.

Economic Considerations

Any economic benefits generated by the proposal are welcome.

8.5 Access

The revolving door to the main office entrance on Upper John Street will be replaced by power assisted double doors. The new office accommodation would be accessed via an extended lift.

The flexible retail, gym and office unit would have separate access from Upper John Street.

The basement would be accessible from a secondary entrance on Upper John Street, either via the lobby or the service bay gates, which lead to a secondary stair core down to the basement where cyclists will also enter.

The proposal includes step free access throughout.

8.6 Other UDP/Westminster Policy Considerations

Plant

New plant, with associated screening, is proposed at seventh floor level. The submitted acoustic report has been reviewed by the Council's Environmental Health Officer who considers that the plant is likely to comply with the City Council's standard conditions relating to noise and vibration. However, as the plant has not yet been selected, a further condition is recommended requiring the submission of supplementary noise report with specifications for the plant and details of noise/vibration attenuation measures. Conditions are also recommended requiring the plant screen to be installed prior to the operation of the plant and to control any noise emitted from the emergency generators. Subject to these conditions, the proposal would comply with UDP policy ENV7 and S32 of the City Plan.

Refuse /Recycling

The proposal provides a waste storage area at lower ground level to serve both the office and retail/gym uses. The Waste Project Officer has raised no objection to proposed refuse and recycling storage arrangements, which would be secured by condition.

Biodiversity

The proposal incorporates a section of green roof at main roof level. This is welcomed and accords with City Plan Policy S38 and ENV17 of the UDP. It is recommended that details of this roof (construction and planting) are secured by condition.

Sustainability

Although this is not a major application, the applicant has submitted a detailed Sustainability and Energy Strategy. In order to reduce carbon omissions, the scheme incorporates various measures including the use of thermally efficient building fabric, insulated pipework and ductwork (and air sealed ductwork) and energy efficient water, heating, cooling, lighting and ventilation (with heat recovery systems). It is anticipated that the refurbished and extended building would achieve a 62.2% improvement over the Building Regulations Part L 2013 Target Emission Rate, exceeding the 35% London Plan target which relates to major developments. This is welcomed.

Air Quality

The site is located with the designated Westminster Air Quality Management Area. The applicant has submitted an Air Quality Assessment which states that the proposal is air quality neutral in compliance with S31 of the City Plan. The Council's Environmental Health Officer has assessed the measures identified and considers it unlikely that the development will exceed air quality objectives. Mechanical ventilation and a heat recovery system with air purification filters will be installed to further reduce exposure. These measures are secured by condition.

8.7 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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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.

8.8 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.

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.

8.10 Planning Obligations

The estimated Westminster CIL payment is £112,230 and the Mayoral CIL is estimated at £28,080.

The proposal does not trigger any planning obligations.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale to require an environmental assessment.

8.12 Other Issues

Construction impact

Objections have been received regarding the impact of construction works on residents' amenity. Objectors are keen that building works should only be permitted during standard hours and have also requested a two-hour break from construction work during the day. A condition is recommended to control the hours of building works. While residents' concerns are noted, given the nature and scale of the development, it is not considered that it would be reasonable to impose any additional working hours

restrictions. An informative is also recommended to encourage the applicant to sign up to the Considerate Contractors scheme.

(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: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK.

9. KEY DRAWINGS

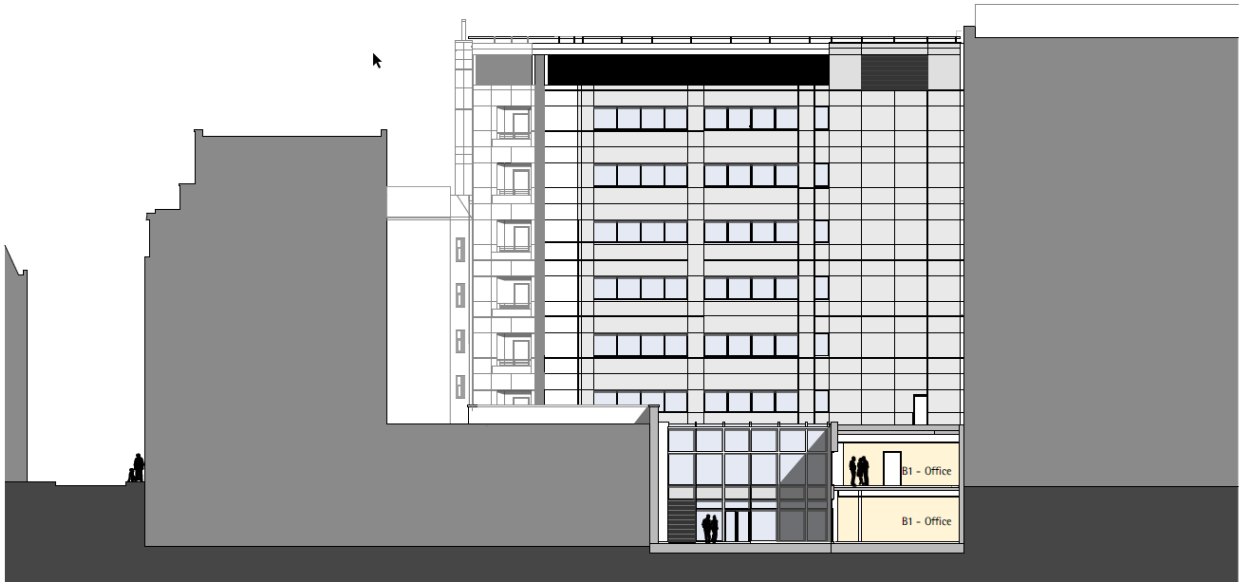
Existing front Elevation



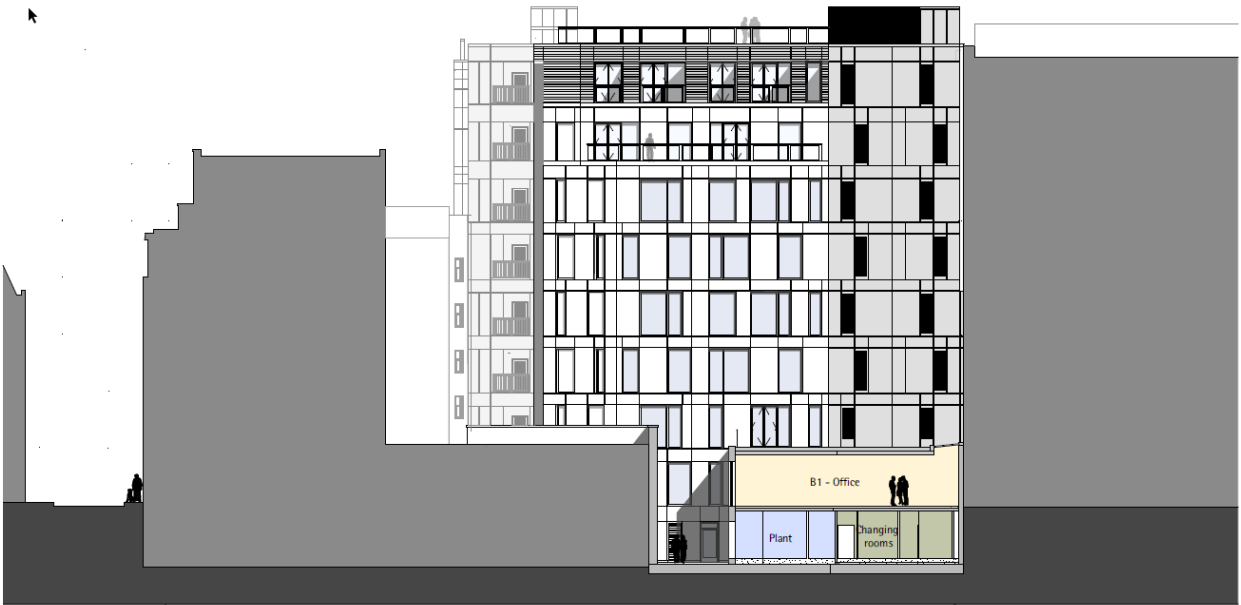
Proposed Front Elevation



Existing rear Elevation



Proposed Rear Elevation



DRAFT DECISION LETTER

- Address:** 30 - 31 Golden Square, London, W1F 9LD,
- Proposal:** Alterations including partial infilling of rear courtyard on basement and ground floors, rear extensions on first to fifth floors and seventh floor roof extension with plant enclosure, roof terrace and green roof above all to provide additional office accommodation (Class B1); new balconies/terraces at front fourth, fifth and seventh floor levels and at rear first, sixth and seventh floor levels. Flexible use of part basement and part ground floor for either retail / office/ gym use (Class A1/ B1/ D2), provision of cycle parking and associated external alterations.
- Reference:** 19/02404/FULL
- Plan Nos:** 1946-JRA-ZZ-00-DR-A-0150 P04, 1946-JRA-ZZ-00-DR-A-0053 P05, 1946-JRA-00-ZZ-DR-A-0155 P01, 1946-JRA-ZZ-00-DR-A-0056 P05, 1946-JRA-ZZ-00-DR-A-0057 P05, 1946-JRA-ZZ-00-DR-A-0161 P02, 1946-JRA-ZZ-00-DR-A-0160 P02, 1946-JRA-ZZ-00-DR-A-0052 P05, 1946-JRA-ZZ-00-DR-A-0152 P03, 1946-JRA-ZZ-00-DR-A-0049 P05, 1946-JRA-ZZ-00-DR-A-0050 P06, 1946-JRA-ZZ-00-DR-A-0154 P05, 1946-JRA-ZZ-00-DR-A-0054 P05, 1946-JRA-ZZ-00-DR-A-0051 P05, 1946-JRA-ZZ-00-DR-A-0055 P05, 1946-JRA-ZZ-00-DR-A-0058; 'Sustainability Statement' by Cundall dated 12 March 2019

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic

restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of 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),

- 3 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces or balconies hereby approved. (C26NA)

Reason:

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

- 4 Customers shall not be permitted within the gym before 06.00 or after 22.00 on Monday to Friday or before 08.00 or after 20.00 on Saturday and Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must apply to us for approval of details 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)

- 6 (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)

- 7 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)

- 8 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(s) 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 9 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:

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)

- 10 (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:

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)

- 11 The terraces should not be in used between 21:00 and 07:00 hours the following day, except in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in

January 2007. (R13FB)

- 12 Prior to the occupation of the gym, you must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are arriving and leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the gym until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the premises is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 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)

- 14 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the sections of green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details prior to occupation of any of the residential units hereby approved and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

- 15 You must provide the be lean and be green environmental sustainability features (environmentally friendly features) identified in Section 3 of document titled 'Sustainability Statement' by Cundall dated 12 March 2019 before you start to use any part of the new accommodation. You must not remove any of these features. (C44AA)

Reason:

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

- 16 Notwithstanding the detail shown on the approved drawings, you must hang all doors 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)

- 17 You must provide the waste store shown on drawing 1946-JRA-ZZ-00-DR-A-0050 Revision P06 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

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

Reason:

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

- 19 The area of fourth floor roof fronting Upper John Street labelled 'maintenance only' shown on drawing 1946-JRA-ZZ-00-DR-A-0054 P5 and the decked areas to north of the fifth floor terrace fronting Upper John Street shown on drawings 1946-JRA-ZZ-00-DR-A-0055 P05 must not be used for sitting out or for any other purpose. You can however use these areas for maintenance purposes and to escape in an emergency.

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)

- 20 In the event that you use the premises for D2 use, you must use the property only for gym, fitness or health club use. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

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)

- 21 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 shall not be used for food/supermarket purposes

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 22 Customers shall not be permitted within the retail unit before 06.00 or after 23.00 daily.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

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, neighbourhood plan (where relevant), 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 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)

- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM¿s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM¿s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 5 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 6 Manual-handling accidents account for 38% of all reported accidents. Careful consideration at the design stage can eliminate or reduce the need for manual handling within buildings, for example the location of delivery areas in relation to store rooms and access to and the position of plant rooms. There is more guidance on the Health and Safety Executive website at <http://www.hse.gov.uk/msd/index.htm>. (I80EB)
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and

there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

- 9 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, part of the basement and ground floor can change between the retail (Class A1) / gym (Class D2) / office uses (Class B1) we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 10 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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.