

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date:</b> 22 February 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>46A Great Marlborough Street, London, W1F 7JW</b>		
<b>Proposal</b>	Erection of rear extensions at third and fourth floor use as offices (Class E) and installation of an air conditioning unit within an existing enclosure at rear 1 <sup>st</sup> floor level.		
<b>Agent</b>	Contemporary Design Solutions		
<b>On behalf of</b>	Hallmark Property Group		
<b>Registered Number</b>	21/03566/FULL	<b>Date amended/ completed</b>	28 May 2021
<b>Date Application Received</b>	28 May 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

The application premises comprises basement, ground and four upper floors in use as offices (Class E). Permission is sought for a rear extension at 3<sup>rd</sup> and 4<sup>th</sup> floor levels to provide additional office floorspace.

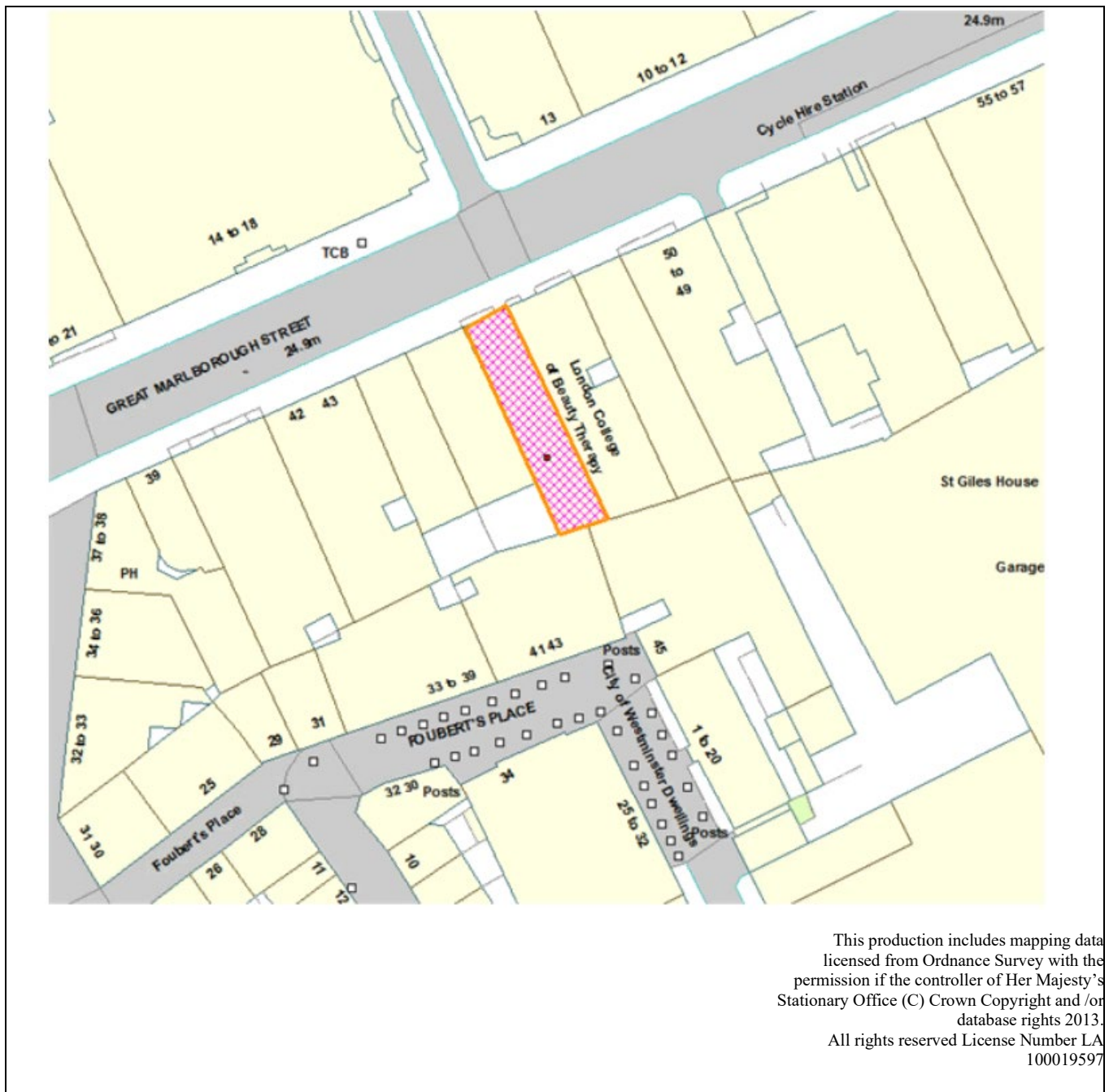
The key issues for consideration are:

- The impact on the amenity of the occupants neighbouring properties and
- The impact on the appearance of the building and the Soho Conservation Area.

The bulk and mass of the proposed extension is considered acceptable and would not result in a material and harmful loss of amenity to the occupants of any of the surrounding properties. Subject to appropriate conditions the proposed extensions are also considered to be acceptable in townscape and design terms.

The application accords with development plan policies and accordingly is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation



Rear Elevation



## 5. CONSULTATIONS

### SOHO SOCIETY

Any response to be reported verbally.

### ENVIRONMENTAL SCIENCES

No objection subject to conditions.

### ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 13

No. responded: 2

Two objections have been received from a single respondent on the following grounds:

#### Amenity:

Loss of daylight and sunlight,  
Increased sense of enclosure/ overshadowing,

#### Design

Overdevelopment of the site,  
The extensions would not be subordinate to the host building,  
Velux type rooflights are at odds with the character of the building,

#### Other Issues

Lack of urban greening,  
The planning history sets a clear precedent that permission should be refused.

SITE AND PRESS NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application premises comprises of basement, ground and four upper floors in use as offices (Class E) throughout. The sole access to the property is from Great Marlborough Street, the rear is enclosed by buildings fronting onto Foubert's Place.

The building is not listed but lies within the Soho Conservation Area. It is also within the Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA) and the Soho Special Policy Area (Soho SPA). Soho is very diverse in character with an eclectic mix of uses.

### 6.2 Recent Relevant History

Planning permission was refused on 14 October 2004 (RN: 04/02469/FULL) for "Demolition of rear wall and roof. Erection of roof extension (fifth floor), rear extensions at basement, first, second, third and fourth floors and new shopfront in connection with office use (Class B1) and Class A2 (financial and professional services) use." The

application was refused for design and amenity reasons.

In design terms the height and bulk of the extension was considered to be harmful to the appearance of the building and the Soho Conservation Area. In amenity terms the extension was considered to result in a material loss of daylight and sunlight to No 47 Great Marlborough Street which was in educational use.

An appeal against this refusal was dismissed (RN: 04/00289/TPREF) for design reasons only. The Planning Inspectorate did not uphold the amenity reason for refusal.

Planning permission was granted on 25 October 2005 (RN: 05/02310/FULL) for "Alterations to roof to incorporate lift overrun and mechanical plant enclosure (including 4 air conditioning units); rear extension at first and second floor level; installation of 3 air conditioning units at rear first floor level and other associated alterations in connection with use of basement, ground and mezzanine floors for financial and professional service purposes (Class A2) and use of first to fourth floors as offices (Class B1)."

Planning permission was refused on 07 July 2006 (RN: 06/00498/FULL) for "Alterations during the course of construction to permission granted 25 October 2005 for alterations to roof to incorporate lift overrun and mechanical plant enclosure (including 4 air conditioning units); rear extension at first and second floor level; installation of 3 air conditioning units at rear first floor level; installation of new shopfront and other associated alterations in connection with use of basement, ground and mezzanine floors for financial and professional service purposes (Class A2) and use of first to fourth floors as offices (Class B1); namely an additional two storeys to rear extension at third and fourth floor level for office use."

The application was refused for design reasons. The bulk scale and detailed design of the scheme was considered to be harmful to the appearance of the building and the Soho Conservation Area.

An appeal against this decision was dismissed (RN: 06/00147/TPREF). The Planning Inspectorate upheld the design reason for refusal.

## **7. THE PROPOSAL**

Planning permission is sought for the erection of a rear extension at third and fourth levels to provide additional office floorspace (Class E) accommodation.

The proposed two storey extension will extend full depth to follow the building line of the 2<sup>nd</sup> floor below and almost full width, being set adjacent too but behind the party wall with No 47 Great Marlborough Street. The scheme has been revised since the initial submission reducing the height of the extension at 4<sup>th</sup> floor level.

As revised the 4<sup>th</sup> floor extension now follows the sloping roof profile of existing 4<sup>th</sup> floor on the eastern side of the site (on the boundary with No 47). The proposed extension is a brick construction with sash windows in the rear elevation, and blind windows at 3<sup>rd</sup> floor level adjacent to the boundary with No 47 and Velux windows in the 4<sup>th</sup> floor roof. An additional air conditioning unit is proposed to be located within an existing acoustic enclosure at rear 1<sup>st</sup> floor level.

The floorspace figures for the proposed development are shown below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	859.1	968.6	+109.5
Total	859.1	968.6	+109.5

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Increase in offices (Class E)

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040 (adopted April 2021). Policy 1 and 13 of the adopted City Plan (April 2021) are relevant. Policy 1 (Westminster's spatial strategy) states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City. Policy 13 (supporting economic growth) states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period. Additional office floorspace is supported in principle in parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character.

The provision of an additional 109.5 m<sup>2</sup> of commercial office floorspace accords with the City Council's strategic objectives and policies and is acceptable in land use terms.

### 8.2 Townscape and Design

#### Legislation

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

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

#### Existing building

46 Great Marlborough Street is an unlisted building in the Soho Conservation Area. It makes a positive contribution to the character and appearance of the area, particularly by virtue of its front elevation. The building dates from 1902 and is by architects W. Dunn and R. Watson. It is a handsome red brick and stone, building with comparatively narrow frontage, crow-stepped gable and stone framed windows. There is a good axial view of the front of the building from Ramillies Street. The presence of clear sky behind the crow stepped gable provides the best possible setting for this architectural detail.

The rear elevation is more modest in terms of its contribution to the appearance of the area. Nonetheless the materials, form and window openings are consistent with the other buildings locally. The rear the building is less prominent in the streetscape, as it is set well back from Foubert's Place / Marshall Street and is partially concealed by the former school at 41-42 Fouberts Place.

#### Planning History

As set out in section 6.2 of this report (Recent Relevant History) permission was refused in 2004 and in 2006 for 3<sup>rd</sup> and 4<sup>th</sup> floor rear extensions and appeals subsequently dismissed on design grounds. Objections have been received on behalf of the freeholder of the adjacent property (No 47 Great Marlborough Street) on the grounds that schemes previously refused by the City Council and the Planning Inspectorate set a precedent which should be followed.

Whilst the current application seeks permission for a 3<sup>rd</sup> and 4<sup>th</sup> extension both the form and detailed design of the extensions now proposed is significantly different from the earlier refused schemes.

One of the primary concerns in design terms with regards to the refused schemes was that although permission was sought for rear extensions the height bulk and massing of the 4<sup>th</sup> floor would lead to the extension being visible from the front on Great Marlborough Street behind the stepped gable. This is not now the position with this application. The proposed 4<sup>th</sup> floor will follow the existing sloping roof profile and will not be seen from street level views on Great Marlborough Street or longer views from Ramillies Street and will have no impact on the setting of the front gable.

The previously refused schemes were also considered to be unacceptable and harmful to views of the building from the rear on Foubert's Pace and longer views from Marshall Street. The height of the extension is significantly reduced in comparison with the previously refused schemes. The use of traditional materials and window openings will lead to a development that sits comfortably in its context.

#### Height/Bulk/Mass/Detailed design

The objection received is also on the following design grounds:

- The extension would be an overdevelopment of the site which would not be subordinate to the host building;
- It would infill the gap and result in the loss of meaningful separation with No 47 Great Marlborough Street;
- The domestic appearance of the roof lights is at odds with the character of the existing fenestration in the host building and elsewhere in the Conservation Area;
- There is an absence of urban greening.

In Officer's opinion the proposed extension would not result in an overdevelopment of the site and the bulk mass and scale of the extension would be an appropriate addition at the rear of the site. There no great uniformity to the rear aspect of buildings on Great Marlborough Street. The application premises is sits between larger buildings and in this context the additional bulk and mass is considered to be acceptable. From a townscape



perspective given the tight urban grain of this part of Soho it is not considered necessary to maintain a gap between with the adjacent buildings on the upper floors.

With regards to the detailed design, as stated the extension is to be built using traditional materials. The use of rooflights in a pitched roof is not exclusive to domestic buildings, and examples can be found elsewhere in Soho. At 3<sup>rd</sup> floor level the flank elevation adjacent to No 47 will contain blind window openings in the brickwork, to enliven an otherwise blank façade.

The objection to the lack of greening on the site is noted and greening would be welcomed. However, City Plan Policy 34 which requires green infrastructure “*wherever possible*”, recognising that it is not always practical. In this case it is accepted that the form of the development offers little scope to provide greening.

The proposal is considered acceptable in design and townscape terms in accordance with policies 38, 39 and 40 of Westminster’s City Plan (2019-2040); and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 8.3 Residential Amenity

City Plan 2019-2040 Policy 7 (Managing Development for Westminster’s People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, preventing unacceptable impacts such as loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking as well as protecting local environmental quality.

Policy 22 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

#### Daylight and Sunlight

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2011). The BRE guidelines states that bathrooms, toilets, storerooms, and circulation space need not be analysed as these rooms are non-habitable rooms and do not have a requirement for daylight. The guidelines state that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The BRE guide is not explicit in terms of which types of offices it regards as having a requirement for daylight.

The daylight and sunlight report assesses the impact of the development on windows at the closet properties to the site namely; 41-43 Fouberts Place, and 45 and 47 Great Marlborough Street.

An objection has been received on behalf of the freeholder at 47 Great Marlborough Street that the proposal would result in an unacceptable degree of overshadowing and

severely reduce the levels of natural light the to office accommodation in the west facing façade and residential at 4<sup>th</sup> floor level. The objection is made on the grounds that the scheme would have a significant detrimental impact on the living and working conditions of the occupants in 47 Great Marlborough Street as well as their health and well- being.

### Daylight

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable

The report shows that there would be no breach in BRE guidelines to windows at 41-43 Fouberts Place and 45 Great Marlborough Street.

The table below shows the impact on the daylight levels to 47 Great Marlborough Street (the objector's property).

			Daylight (VSC)*			Daylight distribution (NSL)		
Floor	Room usage	Window ref	Existing VSC	Proposed VSC	Change	Existing lit area (sq.m)	Proposed lit area (sq.m)	Change
First Floor	Office (open plan)	W1	9.2%	9.0%	-2%	32%	30%	-6%
		W2	36.2%	24.7%	-32%			
		W3	7.7%	7.7%	0			
Second Floor	Office (open plan)	W4	11.1%	8.7%	-22%	57%	56%	-2%
		W5	16.1%	14.3%	-11%			
		W6	15.9%	14.4%	-9%			
		W7	13.6%	12.5%	-8%			
		W8	2.8%	2.8%	0			
		W9	1.2%	1.2%	0			
Third Floor	Staircase	W10	10.7%	8.9%	-17%	24%	20%	-17%
	Office (open plan)	W11	13.4%	11.2%	-16%			
		W12	15.3%	12.6%	-18%			
		W13	16.9%	13.6%	-20%			
		W14	18.3%	14.5%	-21%			
		W15	19.9%	16.6%	-17%			
		W16	21.0%	20.6%	-2%			
		W17	20.6%	20.3%	-1%			
		W18	18.2%	18.0	-1%			
		W19	3.8%	3.8%	0			

\*Windows which experience losses above BRE guidelines are highlighted in grey.

### Vertical Sky Component (VSC)

The table shows of 19 windows assessed at 47 Great Marlborough Street 3 windows (W2, W4, and W14) would experience losses in VSC levels in excess of the 20% which the BRE guidelines state would be noticeable. Window 2 is a large first floor skylight, the retained VSC levels are 24.7% which are good for a central London location. Window 4 is a single window to a large open plan office at 2<sup>nd</sup> floor level served by multiple windows. Window 14 is also a single window to an open plan office at 3<sup>rd</sup> floor level served by other windows.

#### Daylight Distribution No skyline (NSL)

The distribution of daylight within a room is calculated by plotting the 'no sky line' (NSL). The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The report identifies that all rooms assessed comply with BRE guidelines for NSL, including the objector's property.

It is considered that the results of the study show that the development would have a minimal impact of the daylight levels to the commercial office floorspace at No 47 Great Marlborough Street. It is considered that the impact on daylight would be not detrimental to the working conditions, and would not be harmful to the functionality of the offices.

#### 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. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the absolute loss of APSH is greater than 4%, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The sunlight assessment has identified that 34 windows require assessment. Of the 34 windows tested across the properties assessed, 33 of these either experience no effect or a minimal reduction in light within the BRE guidelines. At No 47 Great Marlborough Street a single first floor skylight window (W2) to an open plan office would experience Annual Probable Sunlight Hour (APSH) losses in excess of the guidelines.

Total Sunlight Hours*				Winter Sunlight Hours*			
Before 28%	After13%	Loss15%	Ratio 0.46	Before 9%	After3%	Loss 6%	Ratio0.33

Again it is considered that the study shows that the impact will be minimal and would not adversely impact on the functionality of the office accommodation in any way.

#### Residential flat at No 47 Great Marlborough Street

The main aspect of the residential flat at No 47 GMS is at the front northern elevation which does not look onto the proposed development. There is a single window at rear 4<sup>th</sup> floor level facing in a southerly direction. This room is lawfully part of the commercial office space occupying most of the building. However, following the initial objection and an Officer site visit, it is apparent that the room is part of the residential flat. A

retrospective application for the use of this room as residential has been sought, and this application is considered as item 1 on this Planning Applications Sub-Committee agenda. Should permission have been granted for this room to permit the enlargement of the 4<sup>th</sup> floor flat, the window 4<sup>th</sup> floor rear window will be the closest residential window to the site. However the daylight and sunlight report submitted indicates that there would be no breaches of the BRE guidelines in terms of both daylight and sunlight levels to this window.

### **Sense of Enclosure and Outlook**

The objection on behalf of 47 GMS is made on the basis that the development on the site boundary would have an overbearing scale and massing, which would create an unacceptable increase in the sense of enclosure and loss of outlook at 47 GMS.

There will be an impact to both 3<sup>rd</sup> and 4<sup>th</sup> floor office windows in the western flank elevation and the 4<sup>th</sup> floor window rear window in the south elevation (discussed above). The impact is lessened by the fact that the 4<sup>th</sup> floor slopes away from the boundary. It is not considered that the impact would be so great that permission could reasonably be withheld due to enclosure to office and potentially a single residential window.

### **Privacy**

The 3<sup>rd</sup> floor extension has blind close to the boundary with No 47 GMS, the 4<sup>th</sup> floor Velux windows. Windows in the southern elevation of the extension will not result in any significant overlooking. The development will not therefore result in a loss of privacy to the occupants of any neighbouring buildings.

#### **8.4 Transportation/Parking**

The scheme raises no transport or parking issues.

#### **8.5 Economic Considerations**

Any economic benefits generated by the proposal are welcomed and would be in compliance with City Plan Policy 2, which seeks intensification of the WERLSPA through a range of commercial-led developments including offices.

#### **8.6 Access**

Access to the property will be unchanged by the proposals, and remains from Great Marlborough Street. The building has level access and the upper floors are served by a lift.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **Mechanical Plant and Equipment**

There is an existing acoustic enclosure at rear first floor of the site. The application includes the installation of a single additional condenser unit within the existing enclosure which will remain unchanged. An acoustic report has been submitted as part

of the application. This has been assessed by Environmental Sciences who advise that the plant is likely to comply with Council noise requirements. Conditions are recommended to ensure compliance with these requirements.

### **8.8 Westminster City Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **8.9 Neighbourhood Plans**

The Soho Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 08 October 2021, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. The application is considered to be in accordance with the neighbourhood plan.

### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

Environmental Impact issues have been covered above.

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

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

9. KEY DRAWINGS

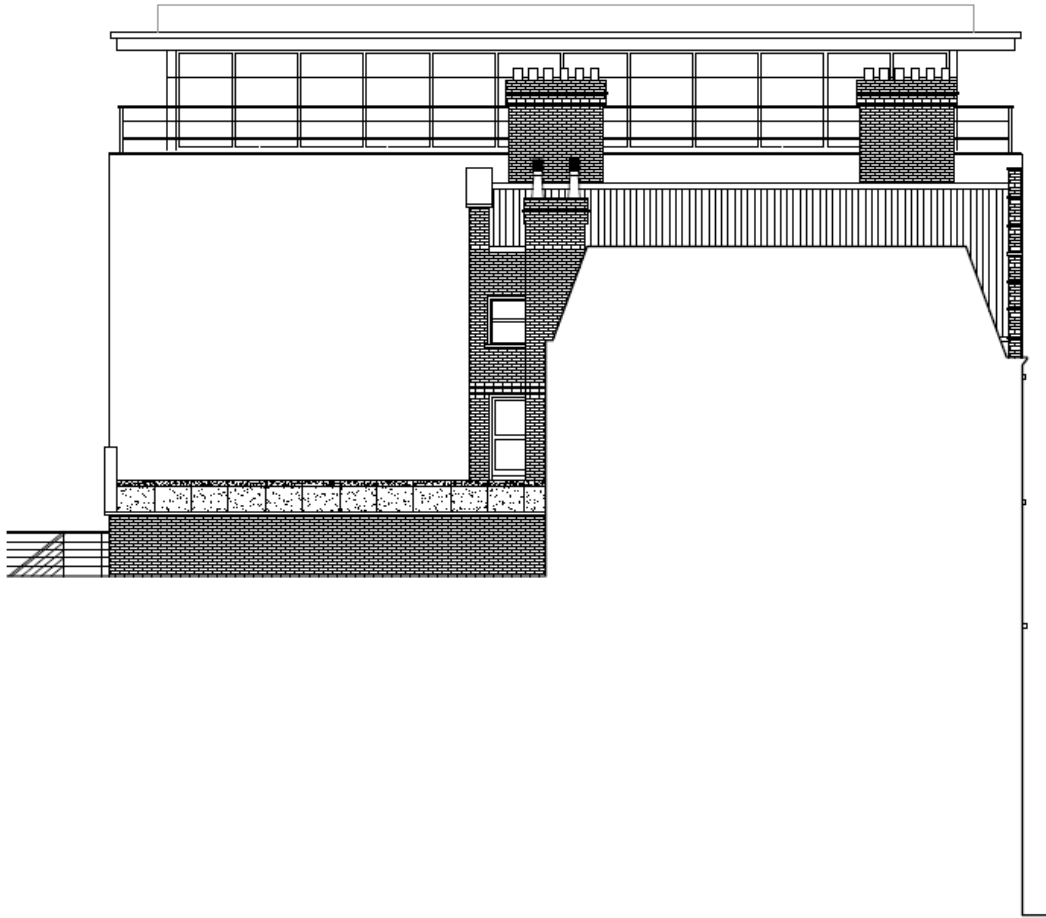
Existing Front Elevation



Proposed Front Elevation



Existing Side Elevation





Proposed Side



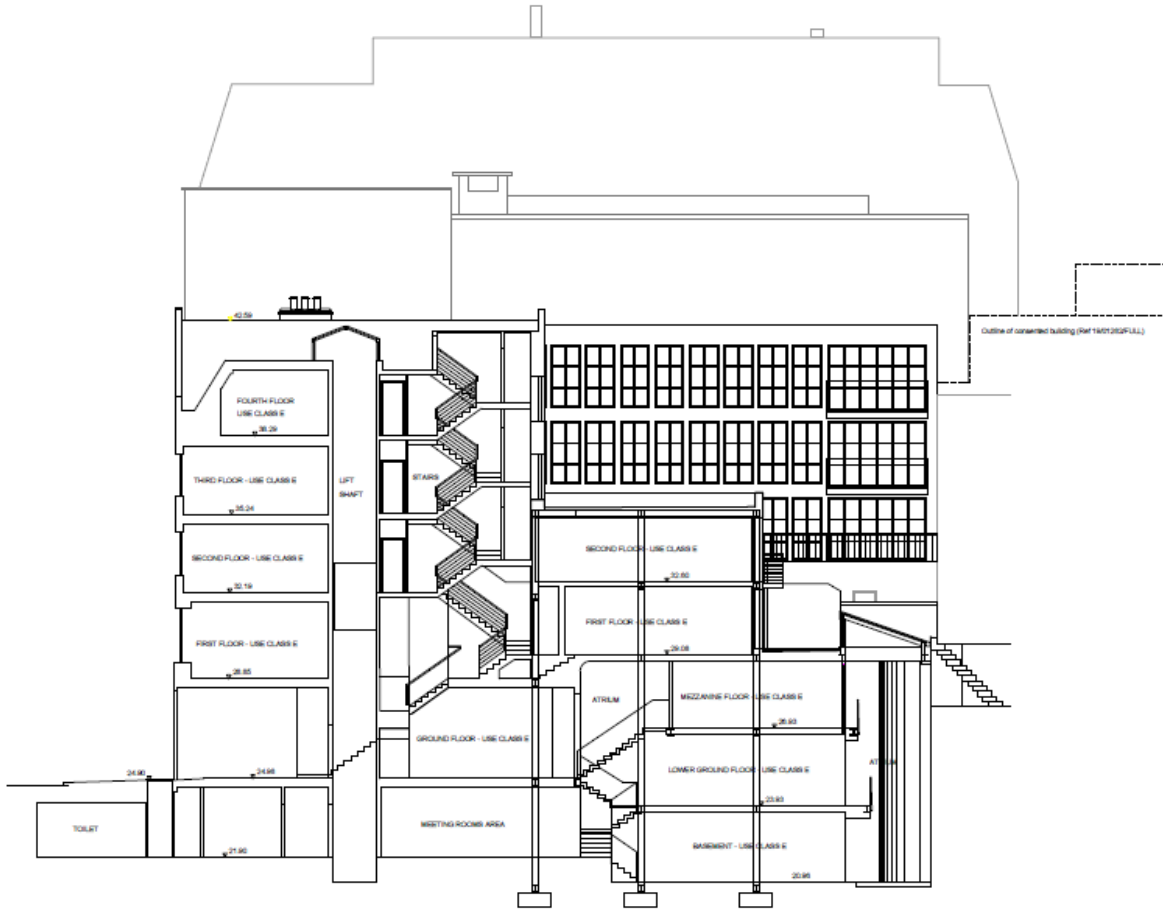
Existing Rear Elevation



Proposed rear Elevation



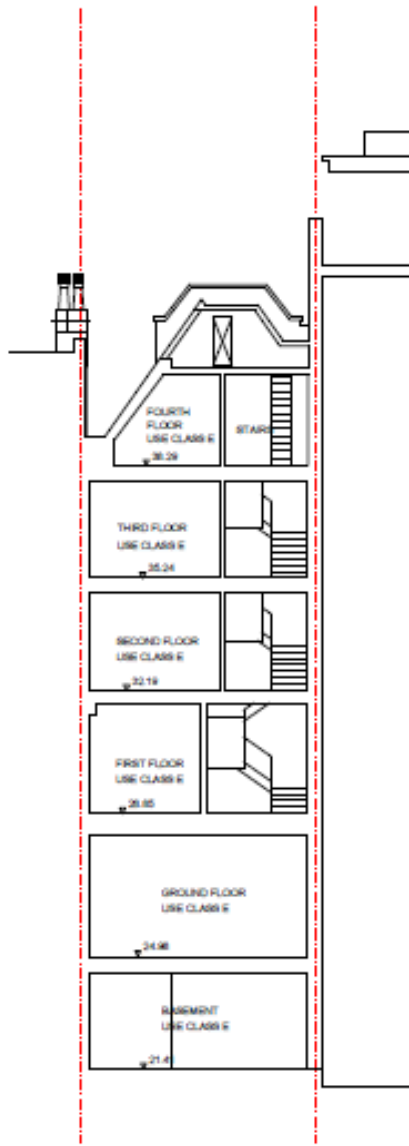
Existing Section A



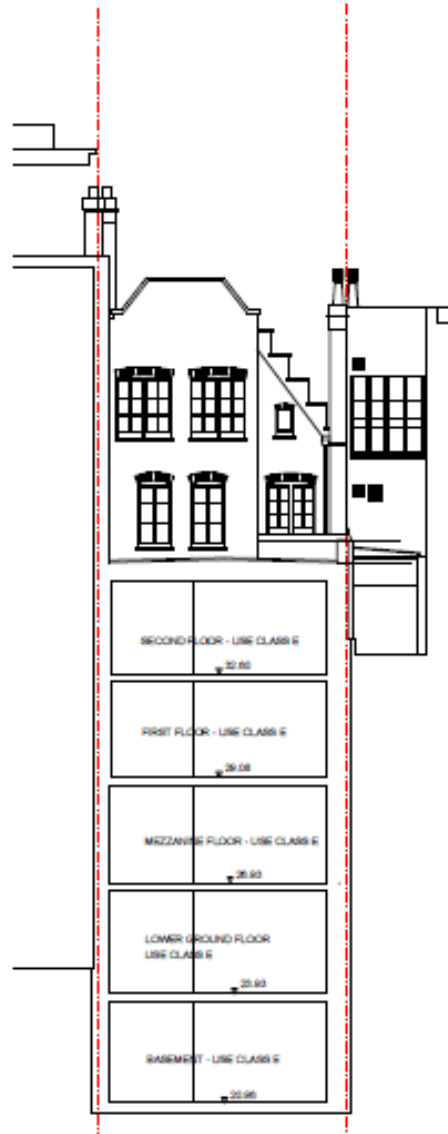
Existing Section A



Existing Sections B and C

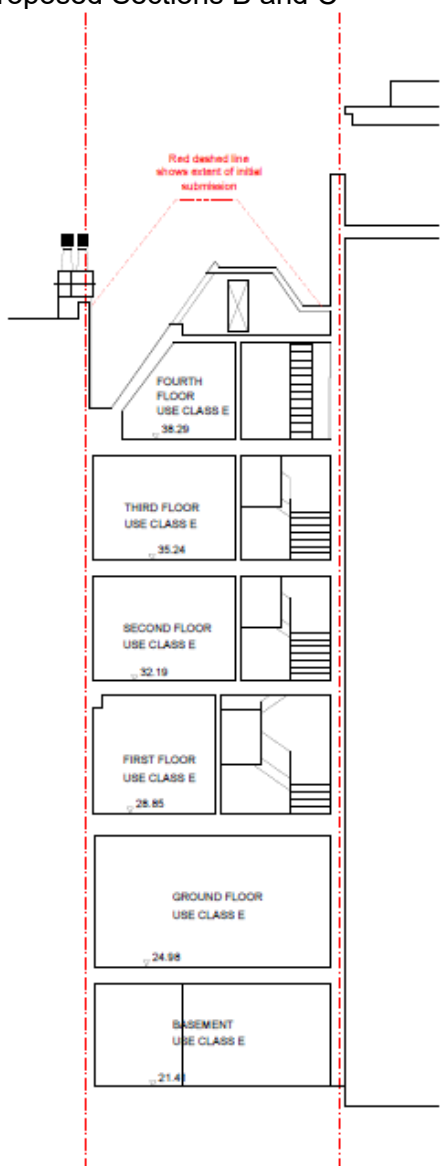


Existing Section B

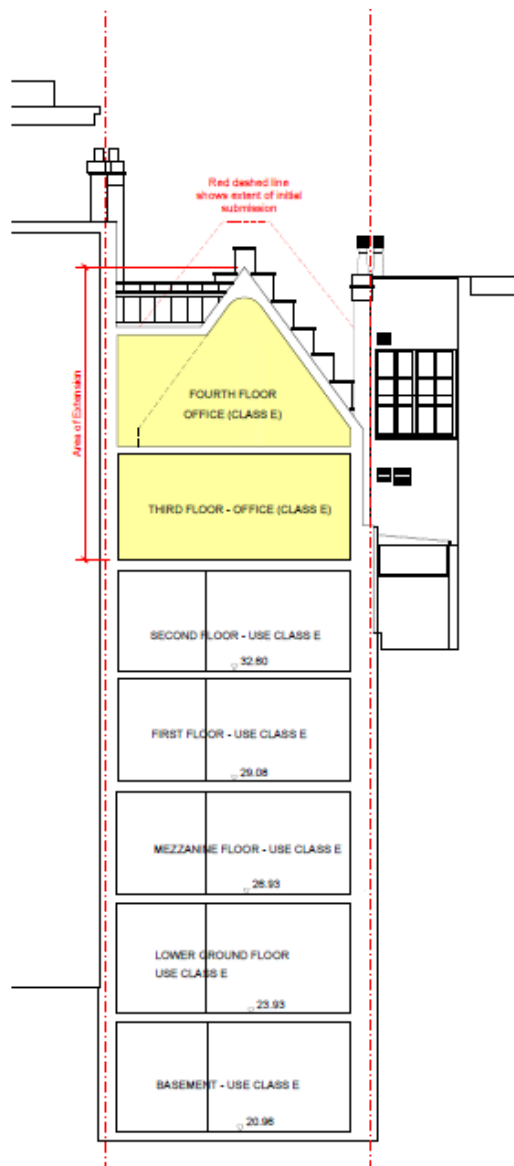


Existing Section C

Proposed Sections B and C

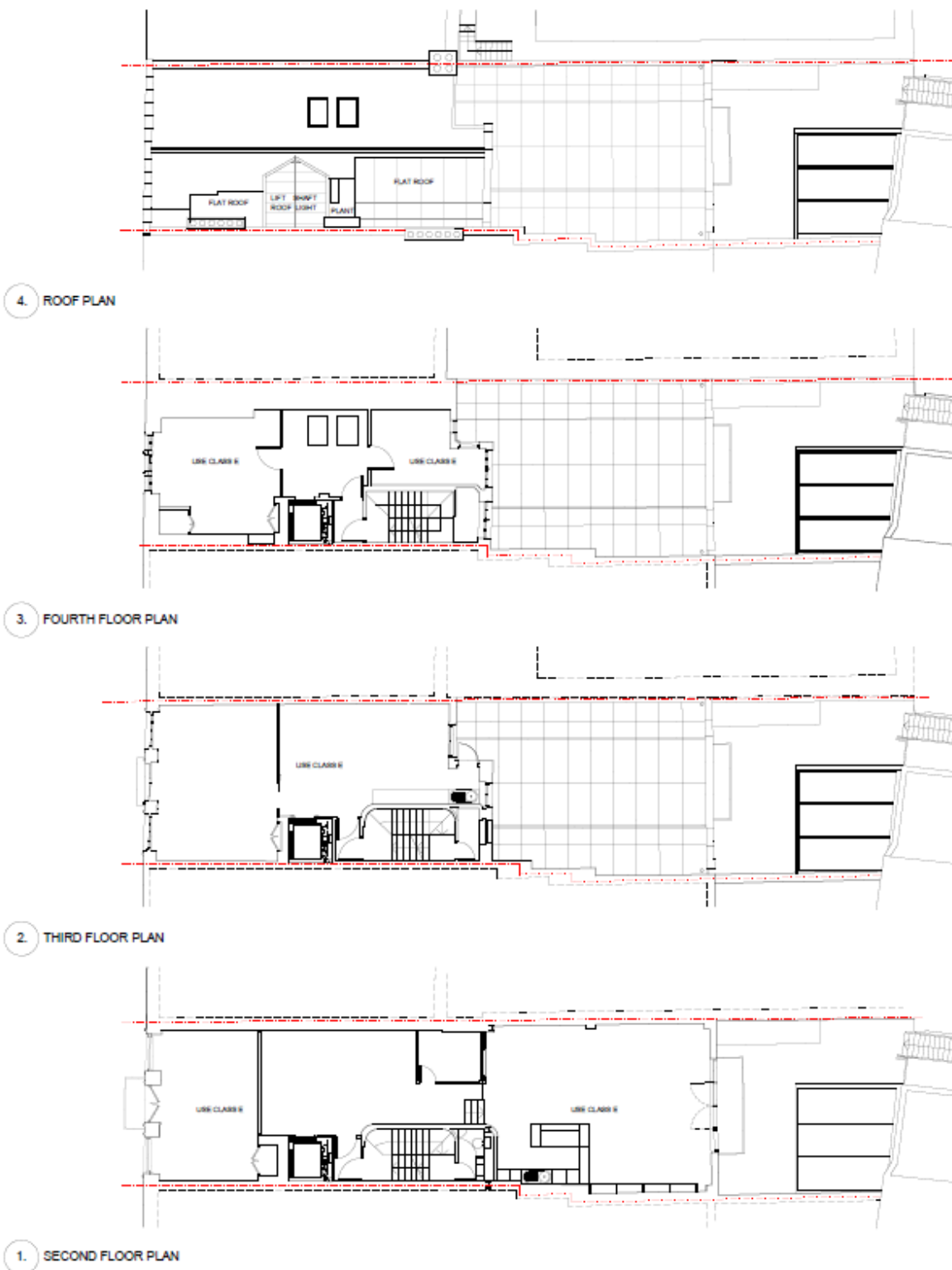


1. SECTION A



2. SECTION B

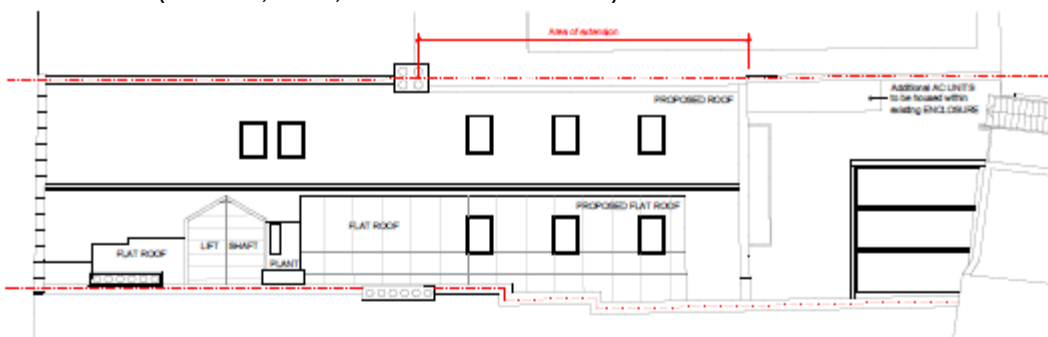
Existing Floors Plans (second, third, fourth and roof level)



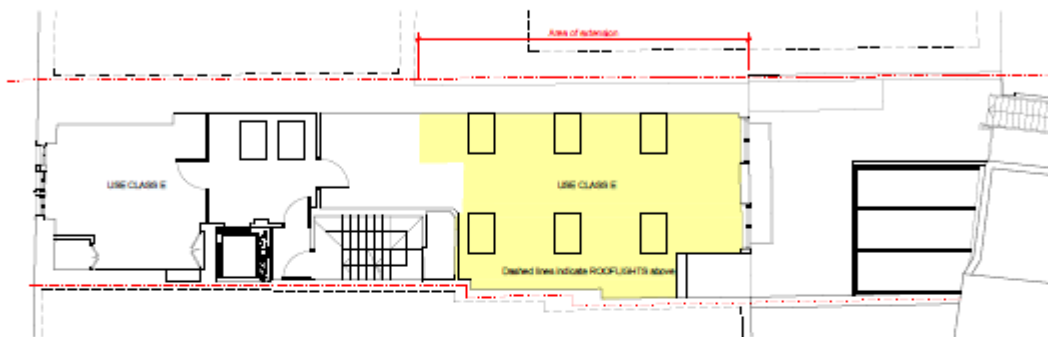


Proposed Floors Plans (second, third, fourth and roof level)

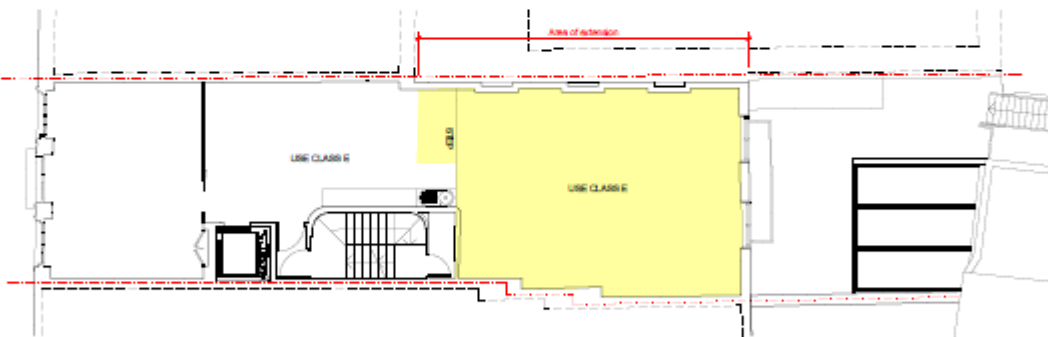
4. ROOF PLAN



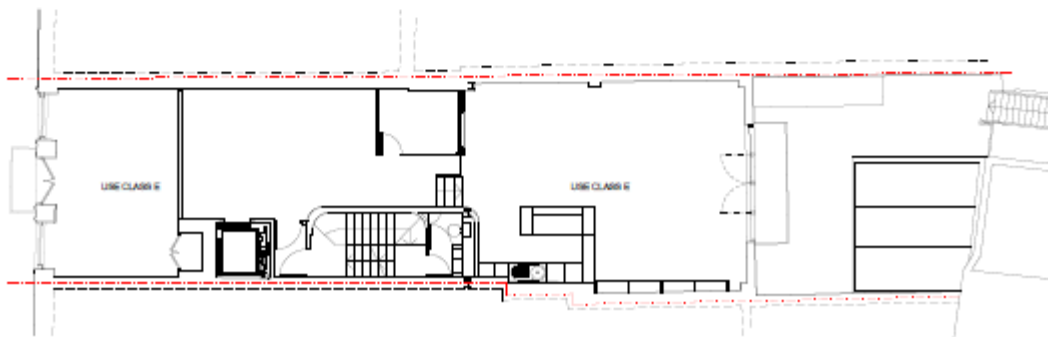
3. FOURTH FLOOR PLAN



2. THIRD FLOOR PLAN



1. SECOND FLOOR PLAN (NO PROPOSED ALTERATIONS)



**DRAFT DECISION LETTER**

**Address:** 46A Great Marlborough Street, London, W1F 7JW

**Proposal:** Erection of rear extensions at third and fourth floor use as offices ( Class E ) and installation of an air conditioning unit within an existing enclosure at rear 1<sup>st</sup> floor level.

**Reference:** 21/03566/FULL

**Plan Nos:** 130715-A(GA)310 Rev. A ; 130715-A(GA)110 Rev. B ; 130715-A(GA)400 Rev. A ; 130715-A(GA)300 Rev. B

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641  
07779431391

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 5 You must apply to us for approval of detailed drawings (Scale 1:5 and 1:20) of the following parts of the development - all new doors, windows and rooflights. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

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

- 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;

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

**Reason:**

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

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 3 Conditions 6 and 7 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. (182AA)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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.