

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 5 <sup>th</sup> April 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>12 Soho Square and 3-7 Soho Street, London, W1D 3QF</b>		
<b>Proposal</b>	Demolition of the existing buildings at 3-7 Soho Street and 12 Soho Square and redevelopment to create a new building, comprising basement, ground and first to sixth floor levels with terraces at fifth and sixth floor levels and a plant room at sixth floor level; installation of green roof areas at third, fifth and sixth floor levels and photovoltaic panels at roof level. Use of part ground floor as a retail unit (Class A1) fronting Soho Street and dual / alternative retail (Class A1) or restaurant unit (Class A3) at part ground and basement levels fronting Soho Square with the remainder of the building in use as office accommodation (Class B1).		
<b>Agent</b>	CBRE		
<b>On behalf of</b>	Lothbury Property Trust		
<b>Registered Number</b>	19/06624/FULL	<b>Date amended/ completed</b>	20 August 2019
<b>Date Application Received</b>	20 August 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

<p>1. Grant conditional planning permission subject to the completion of a S106 agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> <li>i. A financial contribution of £55,804 (index linked and payable on commencement) to the Carbon Off-Setting Fund.</li> <li>ii. All highway works on Soho Street relating to the removal of the redundant vehicle crossover and associated work (legal, administrative and physical).</li> <li>iii. Provision of 'Be Seen' energy monitoring</li> <li>iv. The costs of monitoring the agreement.</li> </ul> <p>2. If the legal agreement has not been completed within 6 weeks of the date of the Sub-Committee meeting then:</p> <ul style="list-style-type: none"> <li>i. The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the</li> </ul>
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benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

- ii. The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The existing buildings at 3-7 Soho Street and 12 Soho Street are unlisted and located within the Soho Conservation Area and the Central Activities Zone. The buildings are on the east side of Soho Street with frontages to both Soho Square and Soho Street. The site comprises basement, ground and first to fifth floor level with a terrace at part of the fifth floor. There is a retail unit at part ground and basement levels, an internal servicing area at part ground floor level with the remainder of the building in office use.

Consent is sought for the demolition of the existing buildings and redevelopment to provide a building at basement, ground and first to sixth floor levels. The basement would provide cycle storage with associated showers, lockers and changing rooms, plant and waste / recycling storage. The building would be used as office accommodation at part ground and first to sixth floor levels and two commercial units at ground and part basement level. One is proposed as a retail unit and the other as a dual / alternative retail or restaurant unit. Terraces are proposed in association with the office accommodation at fifth and sixth floor levels with a louvred plant room at sixth floor level with photovoltaic panels on the roof of the sixth floor. Green roof areas are also proposed on the flat areas of roof at third, fifth and sixth floor levels.

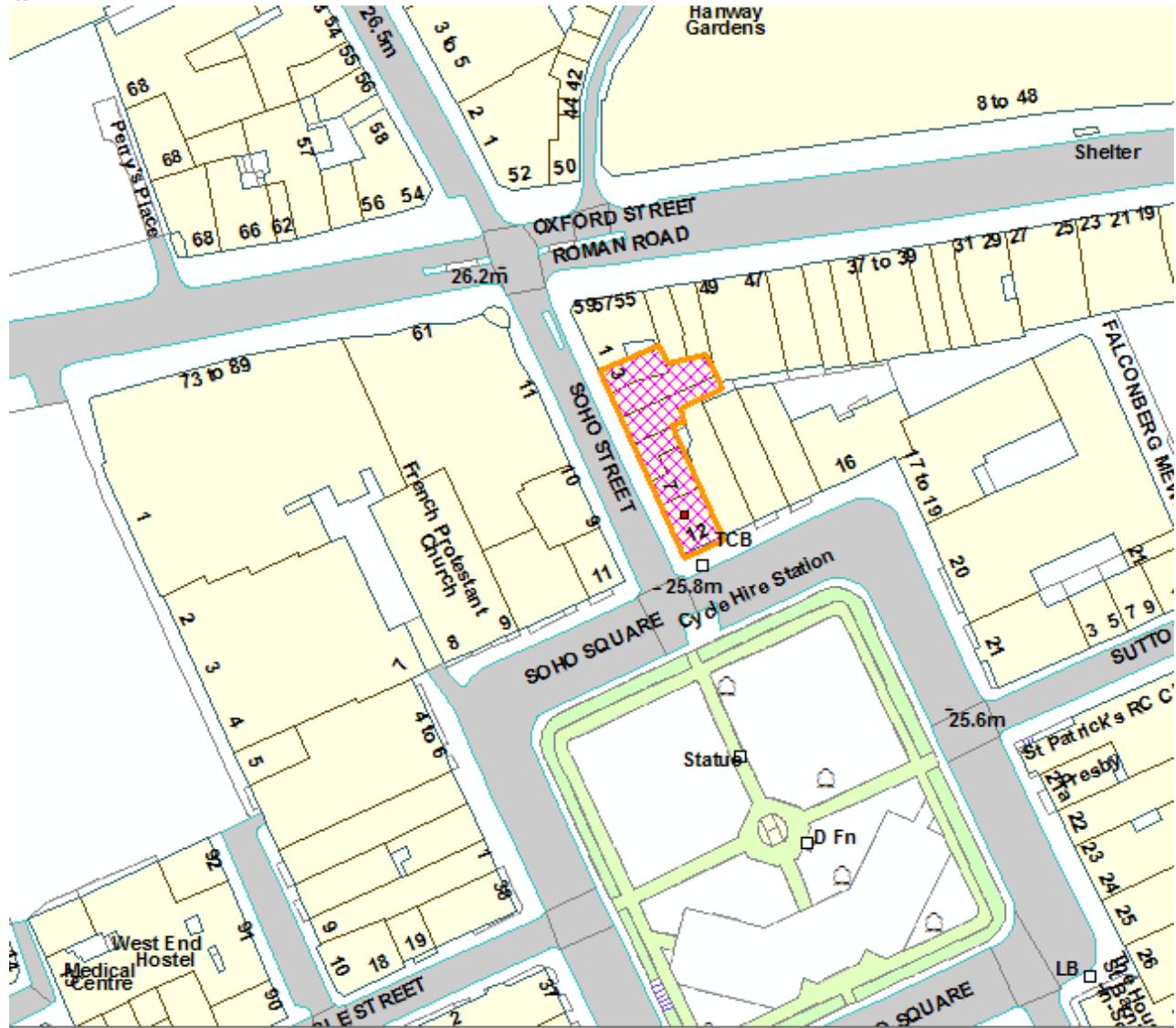
The key issues in this case are:

- \* The appearance of the proposed building and the impact on the character and appearance of the Soho Conservation Area.
- \* The impact of the development on the setting of neighbouring listed buildings.
- \* The impact of the extensions and alterations on residential amenity.
- \* The impact of a new entertainment use on the amenity of local residents and upon the environmental quality of the area.

The redeveloped building is considered acceptable in design and conservation terms in respect of its appearance and impact on the Soho Conservation Area. The additional height and bulk of the proposed building is considered to cause a level of less than substantial harm to the settings of the buildings on the north side of Soho Square. However, this harm needs to be considered in the context of urban design and conservation benefits, with the proposed facades being a significant improvement on those of the existing building and will enhance the character and appearance of the Soho Conservation Area. Furthermore, the existing building does not have level access because the ground floor is set one metre below pavement level. The proposed building will have level access from street level, which is also significant improvement and a public benefit.

3. LOCATION PLAN

4.



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## 5. PHOTOGRAPHS

View looking east from the north side of Soho Square:



View looking north (towards Oxford Street) from the west side of Soho Street:



View looking north from the south side of Soho Square (Winter view):



## 6. CONSULTATIONS

### SOHO SOCIETY

Objection to the creation of the restaurant and request restricted hours for the use of the terraces to protect residential amenity.

### HIGHWAYS PLANNING MANAGER

Objection to the reduction in off-street servicing capacity.

### HISTORIC ENGLAND

Authorisation to determine.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions.

### ENVIRONMENTAL HEALTH

No objection subject to conditions.

### WASTE PROJECT OFFICER

No objection subject to conditions.

### CROSS LONDON RAIL 2 LINKS LTD

No objection subject to conditions.

### CROSS LONDON RAIL LINKS LTD (1)

No objection subject to conditions.

### THAMES WATER

Have requested the addition of conditions to any approval.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 148

Total No. of replies: 4

No. of objections: 2; No. in support: 2

Letters of support on the following grounds:

- Consider the design appropriate for the setting of Soho Square and the neighbouring historic buildings.
- Existing building is outdated with a poor relationship to the street at ground floor
- Greater ground floor active frontage is welcomed.
- Restaurant welcomed as supportive of the wider retailing environment in the area.

Letters of objection on the following grounds:

- Consider the building should be retained for its architecture.
- Noise and disruption from construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 7. BACKGROUND INFORMATION

### 7.1 The Application Site

The development site includes 12 Soho Square and 3-7 Soho Street, which are unlisted buildings located in the Soho Conservation Area. The building comprises basement, ground and first to fifth floor level with a terrace at part of the fifth floor. There is a retail unit at part ground and basement levels, an internal servicing area at part ground floor level with the remainder of the building in office use. Adjoining the building to the east along Soho Square is a Grade II\* building at 13 Soho Square.

### 7.2 Recent Relevant History

Planning permission granted December 1970 for the erection of new building of basement preview cinema, ground floor shop and showroom, first floor part studio / showroom and part office and second, third and fourth floor offices.

## 8. THE PROPOSAL

Permission is sought for the demolition of the buildings at 3-7 Soho Street and 12 Soho Square and erection of a new building comprising basement, ground and first to sixth floor levels. The proposal provides a new building of increased size with additional active frontages with the provision of one retail unit and a dual / alternative retail/restaurant unit at ground floor level along with office floorspace on the upper floors.

Terraces are proposed in association with the office accommodation at fifth and sixth floor levels with plant at sixth floor level. Green roof areas are proposed at third, fifth and sixth floor levels with photovoltaic panels at roof level. Cycle parking with associated changing and shower facilities would be provided at basement level. An existing off-street servicing area at ground floor level off Soho Street would be removed and the vehicle crossover restored to pavement as it would no longer be required.

The schedule of existing and proposed floorspace is as follows (the scheme includes the dual / alternative use of one of the units as either retail or restaurant):

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
<b>Office</b>	1,791	1,915.2	+ 124.2
<b>Retail (if both units occupied for retail)</b>	198	318.8	+120.8
<b>Retail (if only northern unit occupied for retail)</b>	198	132.6	-65.4
<b>Restaurant (if southern unit occupied for restaurant)</b>	0	186.2	+ 186.2
<b>Total</b>	1,989	2,234	+ 245

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Procedural Matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class.

Of relevance to this application, former Class A1 (Shops), former Class A3 (Restaurants and Cafes) and former Class B1 (Business) are now included within Class E. Thereafter, planning permission is not required to change the use within a use class. This is because changes of use within a use class do not constitute development. As the application was submitted before these Regulations came into force, the application has been assessed and is required to be determined by reference to the use classes as they were specified on 31 August 2020 – in this case retail (Class A1), restaurants and cafes (Class A3) and offices (Class B1).

#### Office use:

Part A of Policy 13 (Supporting economic growth) of the City Plan 2019-2040 states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the plan period, enabling the continued growth and clustering of the creative, knowledge, and research-based sectors. The policy states that increases in office floorspace will be directed to a number of locations including; 'parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character, including the West End Retail and Leisure Special Policy Area (WERLSPA)'.

The application site is located within a commercial area of the Central Activities Zone (CAZ) and therefore the additional 124.2m<sup>2</sup> of office floorspace is acceptable in principle.

#### Retail and Restaurant uses:

Currently, there is a retail unit located at ground floor level part way along the Soho Street frontage measuring 198m<sup>2</sup>. The proposed scheme provides a new retail unit measuring 132.6m<sup>2</sup> and a new dual alternative restaurant or retail unit measuring 186.2m<sup>2</sup>. The new retail unit is at ground floor level fronting Soho Street. The new retail or restaurant unit is dual aspect to Soho Street and Soho Square on the southern side of the proposed building, located at ground and basement levels.

City Plan Policy 14 B requires uses with active frontages which serve visiting members of the public at ground floor level throughout the town centre hierarchy including the CAZ. As the proposed retail and restaurant uses now both fall within Class E, to maintain such active frontages the applicant has agreed to a condition which will restrict those areas of the ground floor currently shown on the submitted plans as retail and retail / restaurant uses to those specific uses and to no other wider use within Class E.

Policy 7 of the Soho Neighbourhood Plan also states that; 'Proposals for new commercial developments will be supported where the ground floor includes active frontages, and which avoid underused space.'

There is no identified operator for the proposed potential restaurant at the present time. The current proposal is for restaurant opening hours from 10:00 until 23:30 Monday to Thursday, 10:00 until 00:00 on Friday and Saturday and 12:00 until 22:30 on Sundays. The 186m<sup>2</sup> of restaurant floorspace could accommodate 95 covers. Provision has been made for a full height kitchen extract ventilation duct which will discharge at roof level and Environmental Health have confirmed this will provide an acceptable means of odour dispersal. A condition is included to ensure the high level extract duct is installed and retained. There is no objection in principle to the proposed restaurant subject to conditions restricting the hours of opening to those currently proposed, that no music is played inside the premises which is audible in adjoining properties, the numbers of covers restricted to 95 and no delivery service allowed due to potential noise and traffic issues. The main entrance to the restaurant use is from Soho Street with no doors proposed on the Soho Street frontage. This ensures no noise impact upon 13 Soho Square to the west (currently in office use but has permission to convert to a single residential dwelling).

The Soho Society have commented on the application and, whilst they have no objection to the creation of the retail unit, they have objected to the creation of the restaurant unit but give no reason for why they object. As detailed above the creation of a restaurant premises within the Central Activities Zone is acceptable in principle and given its small size and the safeguarding conditions the proposal would have no detrimental impact upon residential amenity. The objection to the creation of the restaurant unit in this instance can not therefore be sustained.

An informative is included to advise that under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the relevant part of the basement and ground floors can change between the retail (Class A1) or restaurant (Class A3) uses 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.

#### **Class E restriction:**

As detailed above, offices, retail and restaurant uses would now be considered Class E 'Commercial, Business and Service', which includes a range of uses including medical, creche / day care centre, indoor sports and "any other services which it is appropriate to provide in a commercial, business or service locality". The application has been submitted on the basis of the proposed retail, restaurant and office floorspace and information has been provided solely in relation to these uses.

Other uses within Class E could have un-intended consequences in amenity and highways terms which have not been considered. A condition is therefore included to restrict the use of the property to the identified retail, dual / alternative retail or restaurant and office uses.

## 9.2 Townscape and Design

### The site

No 12 Soho Square is a post-war unlisted building (circa 1970) in the Soho Conservation Area. It forms part of a small but important group of terraced houses which includes 13 Soho Square (listed a grade 2 Star) and 15 Soho Square which is a rare late 17th century building (listed grade 2). It lies on the north side of Soho Square, the central garden of which is a grade 2 registered historic garden. It also lies within the protected vista from Parliament Hill to the Palace of Westminster (London View Management Framework view 2B.1).

### Legislation

The key legislative requirements in respect to designated heritage assets are as follows: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

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

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.

### The existing building

The existing building is three bays wide on Soho Square with a long, 11 bay, return on Soho Street. It has a flat façade, clad with a light coloured stone, except for two metal framed projecting bays on Soho Street. The top floor (fourth floor on Soho Square) takes a rectilinear form, clad in lead. The Soho Square facade is clearly modern but was designed with some reference to the scale, solidity and fenestration patterns of the historic buildings to the east. However, it is not considered to make a positive contribution to the character and appearance of the Soho Conservation Area and its demolition is uncontentious in principle. Redevelopment could be acceptable subject to the relative merits of the existing and replacement buildings and the impact on heritage assets, namely the Soho Conservation Area, the adjacent listed buildings and the registered garden.

### The proposed building

The proposed building has been subject to lengthy negotiations, primarily with respect to its height and bulk and architectural relationship to the historic buildings to the east, and the scheme has been amended to address officers' concerns.

### **a. Height and bulk**

The existing four buildings on the north east side of Soho Square form a harmonious group in terms of their scale and bulk. The current proposal increases the height of the Soho Square facade by approximately 1.8 metres in total, and adds more significant height and bulk to the north. The fifth floor is set back approximately 10 metres from Soho Square and the plant floor (sixth floor) is set back approximately 25 metres. This additional bulk will be seen above the roofscape of the other three buildings, including the grade 2 star listed No.13. This has an impact on views of this important group from the east and south sides of Soho Square. It is considered that the proposed massing causes less than substantial harm to the setting of no. 13 and the group as a whole. This harm needs to be assessed in relation to any public benefits arising from the proposals.

The increase in height and bulk is also visible in views from the north, from Oxford Street and from Rathbone Place, and from the east on Oxford Street. However, in these views the new building is seen in the context of large buildings and it does not appear incongruous.

The top of the proposed building will be below the viewing (development) plane of the Protected Vista from Parliament Hill to the Palace of Westminster (London View Management Framework view 2B.1) and so there is no impact on this view.

### **b. Design**

The Soho Square facade is three bays wide and clad in brickwork, which reflects the facades of the three buildings to the east. There is a string course at fourth floor level which aligns with the parapet of no. 14. The windows are divided by a central mullion reflecting those on the upper floors of no. 15. They are set within a light coloured metal surround which is recessed from the facade brickwork. At first floor on Soho Square the windows are set back further with the addition of another reveal, and a decorative metal balustrade is set in front of the windows. These details give the facade richness and modelling, comparable to those of the more traditional neighbours, and appropriate to their setting.

Officers discussed the possibility of the fourth floor being treated in a more recessive, roof like manner, so that a parapet level was introduced at the level of the proposed string course. This would have meant the parapet would have been similar to that at no. 14. However, the applicant considered that it would be more appropriate to echo the massing of no.11 on the west side of the Soho Street / Soho Square junction. It is considered that there are merits in both design approaches and the current proposal is acceptable in this regard.

On Soho Street the brick façade continues for five bays. The two northern most brick clad bays are slightly narrower than the remainder of the brick facade, and project from the main facade by approximately 0.6 metres. This echoes the projecting bay on the existing building, which itself echoed a canted bay on the previous, Georgian, building.

The remainder of the Soho Street frontage is six storeys high, with roof level plant room, and is 13 bays long, with a four window wide projecting bay at the northern end. The facade comprises an expressed metal grid with set back metal trim to the sides and top of each opening, with the window set back behind this. The middle section of the frontage (8

bays) is clad in light grey metal and the northern section (5 bays) is in a darker grey. This design approach breaks up the site into three parts, thereby introducing greater architectural variety into the streetscape. This is appropriate and welcomed. The facade is more highly glazed than the southern part of the building, but it is considered that this design approach is an acceptable response to the context which is less sensitive than Soho Square and includes the highly glazed modern building on the west side of the street.

At ground floor level shopfronts are proposed on the Soho Square frontage and its brick clad return in Soho Street. These are largely glazed, with some opening casement windows above a fixed, fluted metal stallriser. These are set within a framework of grey glass reinforced concrete (GRC), which extends the full length of Soho Street to frame the office entrance, service entrance and retail unit. The fluted metal work is used for the service bay doors and the panel above. In the middle section the grey GRC is taken up to frame with first floor windows too. This all adds to the richness and modelling of the Soho Street facade, breaking up what could have been a long, repetitious frontage into a series of related facades.

The scheme does not currently include proposals for the incorporation of public art but the applicant has indicated their willingness to do this, and this can be reserved by condition, if planning permission is to be granted.

There has been an objection to the loss of the existing building on architectural grounds, but for the reasons outlined above, this objection is not considered to be sustainable.

A letter of support has been received to the scheme from the Garden Committee of Soho Square who manage the square on behalf of the 'frontagers and as lessors to their lessee, the City Council'. They consider the proposed design to be acceptable in relation to its impact on the setting of Soho Square and the neighbouring historic buildings. This letter of support is noted.

### **Conclusions - Heritage harm and benefits**

It is considered that the proposals cause a level of less than substantial harm to the settings of the buildings on the north side of Soho Square, caused by the additional height and bulk. This harm needs to be considered in the context of urban design and conservation benefits. These constitute public benefits. It is considered that the proposed facades are a significant improvement on those of the existing building and will enhance the character and appearance of the Soho Conservation Area. Furthermore, the existing building does not have level access because the ground floor is set one metre below pavement level. The proposed building will have level access from street level, which is also significant improvement and a public benefit.

Overall, this is a high quality scheme which will preserve and enhance the character and appearance of the Soho Conservation Area. The less than substantial harm to the settings of the buildings on the north side of Soho Square is outweighed by public benefits and therefore the development complies within NPPF Para. 202. The proposals comply with the City Council's urban design and conservation policies including 38, 39 and 40 of the City Plan.

## Archaeology

The site is located within the Tier II Archaeological Priority Area (Great Estates), just south of the Roman road and south of the projected civil war defences. A desk-based assessment report has been submitted with the application (PCA, March 2019) which has been assessed by Historic England. They consider it acceptable and in accordance with relevant standards and guidance. The proposed works will include lowering of the existing basement at Nos. 3-7 by c.0.5m, retention of the basement at No. 12 and underpinning with new lift shafts. Historic England raise no objection to the application and a condition is included as requested to require a two-stage written scheme of archaeological investigation to take place.

### 9.3 Residential Amenity

#### Terraces

The existing building has an external terrace serving the office accommodation at fifth floor level. The proposal includes terraces at fifth and sixth floor levels. Taking into account that there is an existing terrace at the property, the new terraces would not result in any significant increase in the degree of overlooking to neighbouring sensitive properties such that the application would be contrary to the requirements of Policy S7 of the City Plan. The Soho Society have requested a condition is applied to any approval to restrict the hours of use of the terraces to between 09:00 and 21:00 daily in order to protect residential amenity in the vicinity. These hours are considered acceptable to ensure terraces are not used at quieter times of the evening when background noise levels are likely to be lower and any noise resulting from the use of the terraces likely to be more audible at nearby residential properties. These hours have been agreed with the applicant and a relevant condition included.

#### Sunlight and Daylight

A Daylight and Sunlight Report has been provided to assess the impact of the development upon sensitive windows in nearby buildings. The assessment has been updated as the design of the building has been amended and considers the impact of the development on 9-10 Soho Street (Radha-Krishna Temple), 47-49 Oxford Street and 13 Soho Square. No objections have been received to the application on the grounds of loss of daylight / sunlight to neighbouring properties.

#### Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions

helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

### **9-10 Soho Street**

The Radha-Krishna Temple at 9-10 Soho Street occupies the entire building with a restaurant at ground floor level and temple, meditation rooms, stores, laundry and sleeping accommodation on the upper floors. The temple complex occupies the entire building with windows to Soho Street and to the rear on the upper floors. Whilst there is some living accommodation on the upper floors, this is thought to be dormitory accommodation and not occupied as long term residential but of a more transient nature. Whilst the BRE Guidelines are written primarily for permanent residential properties, Paragraph 2.2.2 states that they, 'may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.'

Of the 18 windows tested on the Soho Street elevation 10 of them adhere to the BRE guidelines by retaining in excess of 27% of the VSC or at least 0.8 times their former value. Of the ten windows which do not retain 0.8 times their former value, the range is from 0.73 to 0.79 which is only just below the stipulated 0.8. Of the 9 rooms assessed on the upper floors only two accord with the daylight distribution criteria for 0.8 times to be retained. However, taking into account this is not permanent residential accommodation and is a mix of uses associated with the temple, it is considered the BRE guidance can be applied flexibly to this building and the losses are considered acceptable.

### **47-49 Oxford Street**

47 - 49 Oxford Street is located to the north west of the site and the windows measured here serve residential flats in the building. The Daylight and Sunlight assessor has visited the building and been able to measure the rooms for accurate measurements. Out of the 17 assessed windows at first, second, third and fourth floor levels, there are two windows which fail to comply with the BRE Guidance. These are two windows serving the same bedroom in the property which currently have existing VSC values of 7.33% and 6.72%. The retained VSC is 73% and 75% of the original value and therefore the reduction is only just below the 80% threshold stipulated in the BRE guidance. Out of the assessed rooms in the building this room is the only one which does not accord with the BRE Guidance in respect of the retained daylight distribution, retaining 0.75 of its original value. Given these losses are only just outside of the BRE guidance and that the BRE guidelines state bedrooms as being less important in relation to daylighting distribution than main living rooms, it is not considered that refusal on loss of daylight could be justified.

### **13 Soho Square**

13 Soho Square is the adjoining building to the west, it is currently used as office accommodation but consent has been granted for its use as a single family dwelling and works have taken place at the property which have implemented the consent. The property has windows to the front elevation fronting Soho Square and windows at the rear of the

building in a small lightwell surrounded by other buildings. Of the 15 windows assessed at the rear of the building 9 would not accord with the BRE Guidance.

Window	%VSC		
	Existing	Proposed	Loss (%)
Ground (Study)	0.36	0.25	30%
Ground (Study)	0.35	0.23	33%
First (Dining Room)	0.74	0.44	41%
First (Dining Room)	0.72	0.40	44%
First (Dining Room)	13.65	9.10	33%
First (Dining Room)	12.29	7.95	35%
First (Kitchen)	0.81	0.57	29%
Second (Bedroom)	2.42	1.50	38%
Third (Bedroom)	6.06	3.33	45%

It should be noted though that some of the existing VSC levels to these windows are very low due to their position within the rear lightwell which is surrounded by taller buildings.

With regard the daylight distribution to these rooms, four of the six rooms assessed at the rear of the dwelling comply with the daylight distribution requirements. The two rooms which do not accord are the study at ground floor and the dining room at first floor (there is another dining room at ground floor level off the main living room). The study would lose existing daylight distribution given the very low existing figure and the first floor dining room would retain 0.75 of its former value which is just below the 0.8 BRE guidance. Given the very low existing levels, in both VSC and NSL, and the fact that this is currently in office use, and if the change of use is fully implemented in future it would be a very large dwelling house with the main elevation being south facing to Soho Square and unaffected by the proposal, the impact on this property is acceptable.

### 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, and there is a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

None of the windows tested at 9 – 10 Soho Street face within 90° of due south and therefore do not need to be tested for sunlight. All sunlight losses measured to relevant windows within 13 Soho Square and 47-49 Oxford Street are within the acceptable BRE parameters.

### **Sense of Enclosure**

Policy S7 of the City Plan seeks to protect residential amenity. The proposal results in an increase in the bulk and mass of the building however, given the relationship with

neighbouring buildings it is not considered the proposal would result in a significant increase in the sense of enclosure.

## **Transportation/Parking**

### **Trip Generation**

The majority of trips to the site (excluding servicing) will be by public transport and the proposed development is unlikely to result in a significant increase in trips to the site when compared to the existing development. The site is within a Controlled Parking Zone and any vehicle movements to the site will be subject to the existing on-street parking restrictions. The proposed building would provide 32 cycle parking spaces which is in excess of the London Plan requirements and ancillary lockers, showers and changing facilities are also proposed. A condition is proposed to ensure these facilities are provided and retained.

### **Servicing**

There is an existing off-street servicing area at the building which is able to accommodate small servicing vehicles. The proposal is for this to be removed and all servicing to take place from Soho Square with the existing servicing bay entrance turned into an active frontage for the retail and the vehicle crossover removed. Policy S29 of the City Plan requires that; 'Servicing, collection and delivery needs should be fully met within a development site and applicants will produce Delivery and Servicing Plans which encourage provision for low-emission, consolidation and last mile delivery modes.'

Whilst ordinarily the removal of the off-street servicing bay would be unacceptable in highways terms, in this instance one of the projects of the Oxford Street District is for works in Soho Street including the inclusion of a taxi rank on the western side of the street. The Oxford Street District Team has expressed support for the proposal on this basis, saying servicing should take place from Soho Square to alleviate any conflict between servicing vehicles and taxis once the project is implemented. They also support the removal of the vehicle crossover to create an improved pedestrian environment on this side of the road with the expanded activity frontage along the east side of Soho Street. Given the support of the Oxford Street District Team, the removal of the off-street servicing bay and the vehicle crossover is considered acceptable. The removal of the crossover is recommended to be secured by legal agreement so that this is achieved prior to occupation of the development.

During the course of the application updated servicing management information has been provided in relation to the proposed servicing from Soho Square and the internal layout of the ground floor has been amended to include an off-street holding area to ensure goods / waste / recycling are not left on the highway awaiting collection or during delivery to the property. The Highways Planning Manager has reviewed the submitted Servicing Management Plan and considers additional information is required in the Plan to ensure servicing of the building from Soho Square does not detrimentally impact on other highways users. A condition is included to require the submission of an updated Servicing Management Plan as requested. Also as requested, a condition is included to require servicing to take place between 00:00 and 08:30 daily (as existing) to allow the pavement to be prioritised for pedestrians during the day, although the servicing management plan states that the majority of servicing will take place between 05:30 and 08:30. A condition is also included to ensure the internal areas reserved for servicing and holding goods / waste are provided and retained as shown on the drawings.

A condition is also imposed to ensure that none of the new doors open over the public highway in order to ensure there is no obstruction to pedestrians.

### **Public Realm**

The drawings indicate some improvements to the street being proposed along Soho Street including the removal of some of the existing infrastructure including the BT phone box. These works would require separate approvals and is not required or necessary to make the development acceptable. It is also noted the Oxford Street District Plan is proposing its own improvement works along Soho Street. The Highways Manager has reviewed the submission and determined that the changes shown to the public highway are not supported (including proposed pavement lights). However, should the developer wish, separate discussions could be had in relation to third party funding of improvements to the public realm in Soho Street. These could be taken forward outside of the planning process via separate agreements with the Council and within the context of wider Soho and Oxford Street District schemes. An informative is attached to advise the applicant of this and a condition included to state that no works to the public realm are granted nor the installation of pavement lights.

### **9.4 Economic Considerations**

As the net increase in commercial floorspace is below 1,000 sq.m, there is no requirement to secure a financial contribution towards initiatives that provide employment, training and skills development for local residents in order to comply with City Policy S19.

The benefits of the increase in and modernisation of the commercial floorspace within this part of the CAZ are welcome.

### **9.5 Access**

Level access will be provided from street level to the retail and restaurant uses as well as the ground floor office lobby. Lift access is then provided to all floors in the building with accessible toilet facilities provided on most floors of the building. This is a welcome improvement on the existing building which has very limited accessibility and has steps to access the units.

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

#### Plant

In relation to noise from the proposed plant the application has been considered in the context of Policy S33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the installation of the plant equipment which is at main roof level within a louvred plant area.

Background noise measurements at the property have been recorded over a 24 hour period. With regard the plant the proposed hours of operations are 08:00 till 23:30 for the

office plant, 07:00 till 23:00 for the plant serving the retail unit and 11:00 till 03:00 for the plant serving the proposed restaurant unit. The nearest noise sensitive property is 13 Soho Square being the adjoining property to the west, which whilst still in office use, has permission to be used as residential, the consent for which has been implemented due to relevant works taking place at the building.

Acoustic mitigation measures are proposed in the form of the louvred screen around the plant area. The acoustic report concludes that with the acoustic mitigation measures installed and the hours of operation of the plant controlled as detailed above that the noise levels at the nearest sensitive property will be compliant with the City Council criteria. Environmental Health have assessed the documentation and confirmed that the plant operation will be acceptable. Conditions are included to control noise and vibration levels from the plant, hours of operation and the installation of the acoustic mitigation measures.

An emergency generator is also proposed at the property and a condition is included to control the acceptable noise levels from this plant in the event of its use during a power cut as an emergency.

#### Refuse /Recycling

The Waste Projects Officer has confirmed that the revised drawings show acceptable waste and recycling storage facilities. A condition is proposed to ensure these are provided and retained for the lifetime of the development.

#### Biodiversity and Sustainability

Solar panels are proposed on the main roof of the property which are welcomed in sustainability terms and a condition is included to require that these are installed and retained. Green roof areas are also shown as being provided at third, fifth and sixth floor levels on the flat roof areas and a condition is included requiring details of these green roof areas to be provided. An informative is included to advise the applicant that this should be an intensive green roof as opposed to sedum due to the additional biodiversity benefits.

#### Principle of Demolition

Policy 21 of the Soho Neighbourhood Plan considers the refurbishment and retrofitting of existing buildings and states that; 'all major development should take every opportunity to demonstrate that it has evaluated the potential of options to sensitively retrofit and improve the sustainability of existing buildings.' Paragraph 38.11 of the City Plan states that; 'as new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building.' This is in recognition of the climate emergency.

A Carbon Design Report has been provided by the applicant which demonstrates that the whole life carbon associated with the model for the new construction building is less than the whole life carbon associated with the refurbishment of the existing building. The carbon emissions associated with the construction of the refurbishment scheme are 464,398kh C02e whilst carbon emissions associated with the construction of the redevelopment are

436,683kg CO<sub>2</sub>e. The reason the construction carbon emissions are so similar is that refurbishment of the existing building requires extensive intervention due to the presence of asbestos in the horizontal structure. The asbestos is integral to floor slabs of the building and in the refurbishment scheme of installing new lighting, ventilation and heating / cooling to the property, this needs to be removed as the refurbishment disturbs the asbestos. This is an unusual position which the applicant contends is due to the age and construction of the property. Given this it takes just one year for the new build development to be more carbon efficient than the refurbishment scheme.

### Energy Efficiency

London Plan Policy SI 2 requires major development to be net zero-carbon, with a minimum requirement of on-site reduction in regulated emissions (i.e. those associated with heating, cooling, ventilation, hot-water and lighting) of at least 35 per cent beyond Building Regulations 2013 for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero carbon target cannot be fully achieved on-site, any shortfall should be provided in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

City Plan Policy 36(B) also requires major development to be zero carbon. City Plan Policy 36(C) adds, 'Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement'.

Following negotiation on the scheme the proposed development will achieve a 16% reduction through energy efficiency, above the minimum requirement of 15%. With regard to the London Plan requirement of on-site reduction in regulated emissions of at least 35 per cent beyond Building Regulations 2013, the development results in a saving of 59%. Whilst this exceeds the minimum stipulation of the London Plan it does not comply with the zero carbon requirement in the new City Plan (i.e. 100% improvement over Part L) and is a shortfall of 41%. The applicant contends they have been unable to meet the requirement for zero carbon due to technical reasons, namely that parts of the basement structure are being retained, the adjoining walls to the north and east are also being retained due to the existing buildings and the design of the building has been amended for design reasons and the setting back of the building on the upper floors has impacted on the available space for installing additional PV panels and their installation would also impact on the design of the building and key views from Soho Square. The residual operational regulated carbon needs to be mitigated by a financial contribution to the City Council's carbon off-set fund and secured by a s106 agreement. The payment would be £55,804. It is also recommended that energy monitoring is secured as part of the legal agreement in accordance with the GLA's Energy Monitoring guidance.

Policy 38 of the City Plan requires that; 'applicants will demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards as follows: Non-domestic developments of 500 sqm of floorspace

(GIA) or above will achieve at least BREEAM “Excellent” or equivalent standard.’ A condition is attached to require the submission of a relevant report to demonstrate this requirement will be met.

### **9.7 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 the Soho Neighbourhood Plan (see further details in Section 8.8). 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.

### **9.8 Neighbourhood Plan**

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 2<sup>nd</sup> September 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 Soho Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

### **9.9 London Plan**

This application raises no strategic issues.

### **9.10 National Policy/Guidance Considerations**

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 City Council’s Code of Construction Practice during the demolition/excavation and construction phases of the development and relevant conditions as required by Historic England in relation to archaeological investigation and Crossrail in relation to the construction. The applicant has agreed to the imposition of these conditions.

### 9.11 Planning Obligations

The proposed development is expected to generate Community Infrastructure Levy (CIL). The estimated CIL payment is :-

- Mayoral:-£48,800
- Westminster:- £93,245

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

- An index linked carbon off-set payment of £55,804;
- Highways works to Soho Street to remove the redundant crossover and restore the pavement.

### 9.12 Environmental Impact Assessment

The proposal is of insufficient scale or impact to require assessment under the EIA Regulations (2017).

### 9.13 Other Issues

#### Construction impact

Crossrail have requested the addition of pre-commencement conditions to any approval requiring the submission of method statements for relevant works which may impact the location of structures for both Crossrail 1 and 2, accommodate ground movement from the construction of Crossrail 2 and mitigate noise and vibration from the operation of the Crossrail lines. A condition is also imposed as requested requiring the submission of details of construction vehicle movements to ensure that when concurrent construction is occurring the construction of Crossrail is not impeded.

Thames Water have requested a number of conditions and informatives be applied to any consent and these have been included as requested.

The applicant has agreed to sign up to the City Council Code of Construction Practice which applies to all major development sites to enable the City Council to control and manage impacts during construction such as vehicle movements, dust, noisy building works etc. A condition is included to ensure the applicant signs up to the Code of Construction Practice prior to the commencement of any demolition.

An objection about noise and disruption during the redevelopment has been submitted by the commercial occupier of 13 Soho Square. However, given the remedial measures described above, this objection is not considered to be sustainable.

#### Air Quality Assessment

An Air Quality Assessment has been included with the application which has been assessed by Environmental Health. They have confirmed that the development will meet the air quality neutral benchmark for building emissions. The impacts on air quality during construction will be controlled through the Code of Construction Practice.

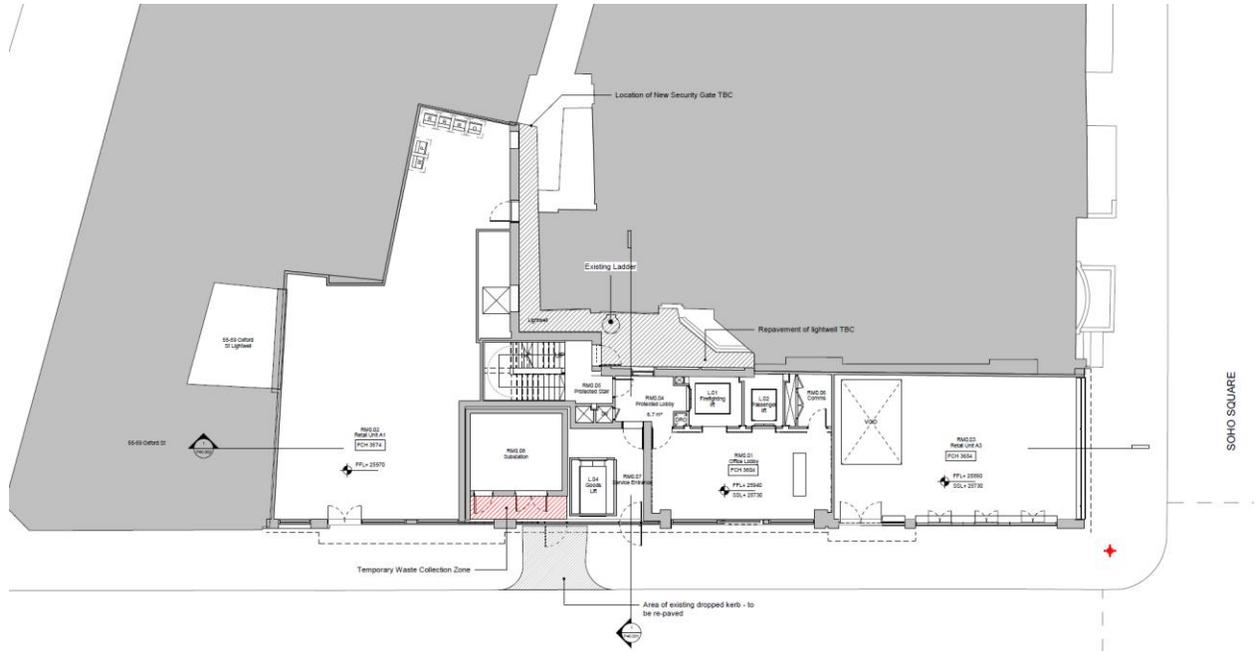
Item No.
<b>1</b>

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT <a href="mailto:jpalm@westminster.gov.uk">jpalm@westminster.gov.uk</a>
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10. KEY DRAWINGS

Proposed Ground Floor Plan:



Proposed Section (North – South):



Soho Square Elevation:



Soho Street Elevation:



**DRAFT DECISION LETTER**

- Address:** 12 Soho Square and 3 – 7 Soho Street, London, W1D 3QF
- Proposal:** Demolition of the existing buildings at 3-7 Soho Street and 12 Soho Square and redevelopment to create a new building, comprising basement, ground and first to sixth floor levels with terraces at fifth and sixth floor levels and a plant room at sixth floor level; installation of green roof areas at third, fifth and sixth floor levels and photovoltaic panels at roof level. Use of part ground and lower ground floors as a retail unit (Class A1) fronting Soho Street and dual / alternative retail (Class A1) or restaurant unit (Class A3) fronting Soho Square with the remainder of the building in use as office accommodation (Class B1).
- Reference:** 19/06624/FULL
- Plan Nos:** Carbon Design Report dated 13/06/2021, Air Quality Assessment dated December 2019, Transport Statement dated December 2019, Delivery and Servicing Plan dated August 2019, Energy Strategy dated 15th December 2021, Sustainability Statement dated June 2019, Plant Noise Impact Assessment dated 8 November 2019, Drawings: 278-P20.100 RevA, 278-P20.101 RevA, 278-P20.102 RevA, 278-P20.103 RevA, 278-P20.104 RevA, 278-P20.105 RevA, 278-P20.106 RevB, 278-P20.107 RevB, 278-P20.109 RevB, 278-P30.001 RevB, 278-P30.002 RevB, 278-P30.003 RevB, 278-P30.004 RevB, 278-P40.001 RevB, 278-P40.002 RevB, 278-P10.100, 278-P10.101, 278-P10.102, 278-P10.103, 278-P10.104, 278-P10.105, 278-P10.106, 278-P10.107, 278-P10.110, 278-P10.111, 278-P10.112.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641  
07866040155

**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 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

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 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) and/or full particulars (as appropriate) of the following parts of the development:
1. Typical facade details at all levels,
  2. Shopfronts ,
  3. Service entrance.

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

- 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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

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

- 7 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 278\_P20.100 and 278\_P20.101 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

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

- 8 Waste management and servicing must be in accordance with the updated Transport Statement dated December 2019.,

Reason:

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

9 **Pre Commencement Condition**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 10 None of the development hereby permitted shall be commenced until detailed design and Construction method statements for all of the ground floor structures, foundations and

basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations have been submitted to and approved in writing by the Local Planning Authority which :-

- i) Accommodate the proposed location of the Crossrail 2 structures including temporary works,
- ii) Accommodate ground movement arising from the construction thereof,
- iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (ii) and 1 (iii) of this condition on shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Crossrail 2,

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33BD)

- 11 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-

- i) Accommodate the location and of the Crossrail structures including temporary works,
- ii) Mitigate the effects on Crossrail, of ground movement arising from development.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and C1 (ii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)

- 12 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent

to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)

- 13 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method, statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 14 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 15 The terrace areas at fifth and sixth floor levels can only be used between the hours of 09.00 and 21.00 and cannot be used outside these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 16 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.
- Solar panels at main roof level.
  - Blue / green roofs and a rainfall attenuation tank of at least 6.5 cubic metres.

You must not remove any of these features.

## Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 17 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

## Reason:

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

- 18 (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)

- 19 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)

- 20 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:
- (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) 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 in an emergency situation.
  - (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. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 21 You must install the acoustic mitigation measures as shown on the approved drawings and to the specification detailed in the approved acoustic report. You must thereafter retain these measures in place for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 22 The plant/machinery hereby permitted shall not be operated except between the following hours:

Plant serving the office accommodation can be operated between 08:00 and 23:30 daily.  
Plant serving the retail accommodation can be operated between 07:00 and 23:00 daily.  
Plant serving the restaurant accommodation can be operated between 11:00 and 03:00 daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the draft Environmental Supplementary Planning Document (May 2021). (R46CC)

- 23 Should you choose to implement the restaurant use hereby approved you must install the high level extract duct to serve the restaurant as shown on the approved drawings before the restaurant can operate. The high level duct must thereafter be maintained in situ for as long as the restaurant remains in operation.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 24 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or,
- (b) earthworks/piling and/or,
- (c) construction;

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

Reason:

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

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

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 26 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 27 Prior to occupation of the development you must have approved a Servicing Management Plan which should identify process, internal storage locations, scheduling of deliveries and staffing. The Servicing Management Plan must thereafter be followed by the occupants for the life of the development.,

Reason:

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

- 28 All servicing must take place between 00:00 and 08:30. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

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

- 29 All areas for servicing, including access corridors, must be retained for this purpose for the life of the development and used for no other purpose that prevents off-street servicing from occurring,

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in

neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 30 Notwithstanding any annotations or details shown on the approved drawings planning permission is not granted for the installation of pavement lights or works to the public realm

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

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

Reason:

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

- 32 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 33 Should you choose to implement the restaurant use hereby approved you must not allow more than 95 customers into the ground floor restaurant hereby approved at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 34 Should you choose to implement the restaurant use hereby approved you must not play any music within the restaurant premises which is audible within adjoining properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 35 Should you choose to implement the restaurant use hereby approved you must not operate a delivery service or permit a delivery service to be operated from the premises even as an ancillary part of the use.

Reason:

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

- 36 Should you choose to implement the restaurant use hereby approved you must not open the premises to customers, and you must not allow customers on the premises, outside the following hours
- 10:00 to 23:30 Monday to Thursday,
  - 10:00 to 00:00 Friday and Saturdays, and,
  - 12:00 (Midday) to 22:30pm on Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 37 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 38 The building must be constructed to provide the on-site reduction in regulated emissions as detailed in the 'Design Note - Energy Strategy' dated 15th December 2021.

Reason:

To make sure that the development affects the environment as little as possible and provides the environmental sustainability benefits included in your application, as set out in Policy 36 of the City Plan 2019 - 2040 (April 2021) and London Plan Policy SI 2.,

- 39 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the

building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 40 You must use the identified units in the redeveloped building for the uses annotated on the approved drawings, being retail, dual / alternative retail or restaurant and office. You must not use them for any other purpose, including any other use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

**Reason:**

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, air quality, amenity or transportation requirements and / or impacts in accordance with Policies 16, 17, 18, 24, 26, 28, 29, 25, 32, 33, 34, 37 and 38, of the City Plan 2019 - 2040 (April 2021).

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 You must register your food business with the Council, please use the following link: [www.westminster.gov.uk/registration-food-business](http://www.westminster.gov.uk/registration-food-business). Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk) for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 4 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of

publications to assist you ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide ([www.cae.org.uk](http://www.cae.org.uk)). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk). It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 5 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).
- 6 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: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
- 7 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](http://www.westminster.gov.uk/cil), Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil). Forms can be submitted to [CIL@Westminster.gov.uk](mailto: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.**
- 8 The written scheme of investigation required under condition 9 will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 9 In relation to Condition 10 you should refer to the Crossrail 2 Information for Developers available at [crossrail2.co.uk](http://crossrail2.co.uk). Crossrail 2 will provide guidance in relation to the proposed location of the Crossrail 2 structures and tunnels, ground movement arising from the

construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to contact the Crossrail2 Safeguarding Engineer in the course of preparing detailed design and method statements.

- 10 The Developer is recommended to assess and mitigate the possible effects of noise and vibration arising from the operation of Crossrail (the future Elizabeth Line).
- 11 In relation to Conditions 13 and 14 you are advised to read the Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-,our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 12 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. 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. We would expect the developer to demonstrate what measures will be undertaken 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](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line, via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section., , We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 13 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
- 14 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. The developer should take account of this minimum pressure in the design of the proposed development.
- 15 You are advised that to discharge Condition 17 the details should show an intensive green roof as opposed to an extensive / sedum roof due to the additional biodiversity benefits it will provide.
- 16 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 17 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 18 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.
- 19 Conditions 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)

- 20 The applicant is required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: , [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)
- 21 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: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
- 22 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 email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk).
- 23 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 email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). 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).
- 24 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the part of the basement and ground floors can change between the retail (Class A1) or restaurant (Class A3) uses 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.
- 25 With reference to condition 24 please refer to the Council's Code of Construction Practice at

([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

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.