

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 December 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	Development Site at 1-23 Shaftesbury Avenue, 19-26 Denman Street, 44-48 Regent Street, 4-8 Glasshouse Street and 1-4 Sherwood Street, London, W1D 7EA		
Proposal	Demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities.		
Agent	JLL		
On behalf of	LS Victoria Properties Ltd		
Registered Number	15/07092/FULL	TP / PP No	TP/21669
Date of Application	03.08.2015	Date amended/ completed	18.11.2015
Category of Application	Major		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Within Stress Area		
Current Licensing Position	4-6 Glasshouse Street (Jewell Bar) is licensed until 01:00 Monday-Saturday and 00:30 on Sundays 23B Shaftesbury Avenue (Jamie's Dog House) is licensed until 05:00 daily 19-21 Shaftesbury Avenue (Jamie's Diner) is licensed until 23:30 Monday-Thursday and 00:00 Friday-Sunday		

1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee consider that:

- i) the case made by the applicant for not providing on site residential is acceptable?
- ii) a financial contribution of £3,400,000 towards the Council's affordable housing fund in lieu of on-site residential is acceptable in this case?
- iii) the proposed provision of the replacement affordable residential accommodation in the vicinity of the site rather than within the site is acceptable?
- iv) the loss of retail (Class A1) floorspace is acceptable?

2. Subject to 1 above and the views of the Mayor of London, grant conditional permission, subject to the completion of a S106 legal agreement to secure the following:

- i) a contribution of £3,400,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- ii) compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £41,000;
- iii) a Crossrail contribution of £1,719,217 (subject to agreement with TfL) ;
- iv) Payment for the cost of necessary highway works including relocation of the bus stop on Shaftesbury Avenue;
- v) To submit an application for the provision of a minimum of 830m² (GEA) of residential floorspace in the vicinity of the site prior to commencement of development;
- vi) To provide the off-site residential floorspace prior to first occupation of any part of the development and thereafter not to occupy the residential floorspace other than as Affordable Housing;
- vii) monitoring costs

3. If the S106 legal agreement has not been completed within six weeks of the date of the Committee's resolution, then:

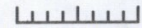
- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.



N



0 5 10 20 Metres





Piccadilly Circus frontage



Sherwood Street/Glasshouse Street

DEVELOPMENT SITE AT 1-23 SHAFTESBURY AVENUE, 19-26 DENMAN STREET, 44-48 REGENT STREET, 4-8 GLASSHOUSE STREET AND 1-4 SHERWOOD STREET, W1

2. SUMMARY

The application site occupies an island block on the western side of Shaftesbury Avenue bounded by Glasshouse Street and Sherwood Street to the west, Regent Street to the south and Denman Street to the north. Planning permission is sought for the complete demolition of the existing buildings, apart from the retained frontages on 19 and 20 Denman Street; retained and altered facades on 4-8 Glasshouse Street, 1 Sherwood Street and 11-17 Shaftesbury Avenue, to create an office-led mixed use scheme comprising office, retail (Classes A1 and A3) and residential uses.

The key issues for consideration in this case are:

- The loss of the existing buildings and the impact of the height, bulk and massing of the proposed building in design terms;
- The loss of on-site affordable housing;
- The mix of land uses proposed in relation to the Council's mixed use policy;
- The amount of retail offered;
- The impact on the amenities of neighbouring residents;
- The impact of servicing arrangements and increase in the footprint of the building on the surrounding highway network.

The proposal will result in a comprehensive redevelopment of the site to provide an office-led scheme which is generally acceptable in land use and townscape terms. Whilst some material losses of daylight would be experienced by some surrounding residential occupiers, the resultant losses would not justify withholding planning permission. The proposal also involves the loss of existing affordable housing which is contrary to adopted policies. Committee's views are therefore sought on the provision of the replacement affordable residential accommodation in the vicinity of the site rather than within the site and in a location to be agreed at a later date.

There is a considerable shortfall in what has been offered towards a payment in lieu towards affordable housing compared with the mixed use policy requirement, but given the advice from the Council's consultants, the Committee is asked to consider whether this offer is acceptable. Committee's views are also sought on the amount of retail proposed.

3. CONSULTATIONS

GREATER LONDON AUTHORITY

Supports the principle of a mixed use proposal and the improved retail and leisure space and welcomes the re-provision of better housing on the site. But considers that the application fails to comply with the London Plan Plan and the following changes are required to remedy deficiencies: the affordable housing should be re-provided either on or off-site; evidence should be provided to justify why residential accommodation has not been provided to off-set the uplift in office space; the demolition of 2-4 Sherwood Street will cause 'less than substantial harm' to the Soho Conservation Area; an analysis of existing pedestrian levels should be provided before the loss of the arcaded passage can be supported; the platform lift should be reconsidered; further information should be provided on the route of the heat network, the CHP, the biofuel technology proposed and to demonstrate how the building avoids overheating and minimises cooling demand; an air quality assessment is required and a construction logistics plan, a delivery and servicing plan and travel plan should all be secured by condition.

HISTORIC ENGLAND

The demolition and rebuilding will change the proportions of the existing buildings and affect their integrity. Cumulatively through the loss of one building and the alterations to the others, some harm will be caused to the conservation area. Any harm or loss requires clear and convincing justification. The scheme is visually prominent along Shaftesbury Avenue and the use of one material makes the building more prominent and less successfully contextually. Further consideration should be given to the architectural response of the building in this view.

THEATRES TRUST

Raises no objection to the proposed works however seek assurances that the construction work involved will not affect the operation of the Piccadilly Theatre.

SOHO SOCIETY

Objects to the loss of residential floorspace and considers that the existing affordable housing should be retained or provided off-site. Considers that the retained housing should not be single aspect, that bedrooms should be located away from the street frontage and that the provision of the basement community space is insufficient compensation for the loss of housing and believes there is little indication of the need for it. Considers that the design of the roof and the choice of materials does not enhance the conservation areas. Supports the retention of some of the facades but believes that the linking roof structure does little to enhance the retained and adjacent buildings and regrets the lost opportunity for a green roof. Supports the Denman Street design approach with the exception of the 5th and 6th floor windows. Regrets the lack of a future provision of a decentralised energy network, questions the size of the off-street servicing bay and argues that existing tenants should be rehoused prior to development commencing.

WESTMINSTER SOCIETY

Any response to be reported verbally.

LONDON UNDERGROUND

No objections raised.

METROPOLITAN POLICE

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Considers that the loss of the colonnade onto Shaftesbury Avenue is difficult to resist given that it does not offer a clear pedestrian route, its unadopted status and the fact that it has over the years formed an area of crime and anti-social behaviour. Measures including widening the footway, moving the bus stop or moving the bus shelter would improve the pedestrian environment. A servicing management plan and waste store for the flats would also be required.

ENVIRONMENTAL HEALTH

No objections raised.

BUILDING CONTROL

Any response to be verbally reported.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 309; Total No. of Replies: 7

One letter querying when works are likely to commence and six letters of objection (from four respondents) raising the following concerns:

Land Use

- Loss of affordable housing
- The increase in commercial space is not met by an equivalent amount of housing
- The large office increase is a further decrease in local diversity
- No justification has been given as to why on-site housing is neither practical or viable
- The provision of on-site housing is clearly practical and given the existing housing on both sides of Denman Street it cannot be argued that it is an inappropriate place for housing
- Impacts of demolition and construction on the operation and structure of the Piccadilly Theatre

Amenity

- Loss of light
- Set-backs should be introduced to ameliorate the losses of light
- The proposed retained housing is single aspect with bedrooms facing north onto Denman Street and therefore will be poorly lit and noisy and of a poorer standard than the existing
- The introduction of the service entrance will adversely impact the entrance to Denman Arcade and the environment of the Ham Yard pedestrianised courtyard

Design

- Destruction of historic Soho Streets and loss of sense of place and history
- The bulk and mass is out of keeping with the Soho Conservation Area

Highways

- The 'pit lane' identified for site deliveries will disrupt or prevent vehicle access to the car lift in Ham Yard.

Other Issues

- Loss of protected tenancies
- Scheme is a missed opportunity to provide the infrastructure for district wide community heating and cooling
- Design and access statement has not been uploaded onto the Council's website.
- The lengthy construction period will adversely affect amenity and will compound the current traffic issues in Denman Street

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site occupies an island block on the western side of Shaftesbury Avenue bounded by Glasshouse Street and Sherwood Street to the west, Regent Street to the south and Denman Street to the north. The site includes the entire block, apart from four buildings at the corner of Denman Street and Sherwood Street. The site is named after the Monico restaurant and hotel, which once fronted Shaftesbury Avenue within the site.

The whole of the block falls within the Soho Conservation Area, the Central Activities Zone (CAZ) and the West End Stress Area. The site is also within the Strategic Viewing Corridor 2: Primrose Hill to the Palace of Westminster. The site comprises the following buildings:

1-4 Sherwood Street. This building is designated as an unlisted building of merit in the Soho Conservation Area Audit. No's 1-2 is a 4-storey building and accommodates a retail unit at

ground floor level and office accommodation on the upper floors. No's 3-4 is occupied as a bar at basement, ground and first floors with offices on the upper floors.

4-8 Glasshouse Street. Nos. 4-6 is a 6-storey building in bar and nightclub use at basement, ground and first floors with office uses on the upper floors. No 8 Glasshouse Street is a 6-storey corner building occupied for restaurant purposes at basement and ground floor and for office purposes at first to fourth floors

44-48 Regent Street. These buildings are occupied for retail purposes at basement, ground and first floor.

1-17 and 19-23 Shaftesbury Avenue. Nos. 1-17 are in retail use at basement and ground floor and the upper floors have consent for dual/alternative use as either office or for educational purposes. Nos. 19-23 Shaftesbury Avenue consists of a 6-storey building with retail uses at basement, ground and mezzanine level with office uses on the upper floors. There is a double height pedestrian arcade at ground floor and mezzanine level, which the public have access through.

19-26 Denman Street. Nos. 19 and 20 Denman Street are both 5-storey buildings in retail uses at basement and ground floor with residential flats on the upper floors. They are both designated as an unlisted building of merit. 21-26 Denman Street is a 4-storey building in retail use at basement and ground floor with residential accommodation on the upper floors. The building also accommodates the entrance to an existing servicing area.

The site also includes the iconic advertising screens, known as the Piccadilly Lights, which are attached to the exterior of 1-17 Shaftesbury Avenue and Nos. 44-48 Regent Street from the first floor upwards. Much of the space behind the advertising screens is empty and undeveloped

The site lies within the heart of the West End and although it is characterised by its tourist, entertainment and leisure economies, there is significant residential accommodation within close proximity. The nearest residential dwellings to the application site are to the immediate north of the site at 1-4 Denman Street and there are 24 flats within the recently completed Ham Yard Hotel. The site also neighbours a number of listed building including the Grade II listed former County Fire Office to the south-west, the Grade II listed former Regent Palace Hotel to the west; the Grade II listed London Pavilion to the east and the Grade II listed 20-24 Shaftesbury Avenue to the north-east.

4.2 Relevant History

There is an extensive planning history on the site, the most relevant of which is set out below:

44-48 Regent Street. A Lawful Development Certificate was issued on 15 June 1999 confirming that the lawful use of the basement of the building was for restaurant (Class A3) purposes.

4-8 Glasshouse Street. In December 1983 planning permission was granted for the use of the basement and ground floors of 4-6 Glasshouse Street as a restaurant.

In March 1989 planning permission was granted for the use of the basement and ground floors of 8 Glasshouse Street as a doughnut/coffee shop.

In January 1989 planning permission was granted for the use of 8 Glasshouse Street as restaurant (Class A3) for dunkin donuts ltd.

2-4 Sherwood Street. In May 1988 planning permission was granted for the use of 2 Sherwood Street as bureau de change and ticket agency kiosk.

In May 1988 planning permission was granted for the use of the first floor of 3-4 Sherwood Street as offices.

19-26 Denman Street. In March 1985 planning permission was granted for a loading/unloading bay.

In November 1989 planning permission was granted for the use of 25 Denman Street as retail (dry cleaner and ancillary shoe bar).

In October 1993 planning permission was refused for the use of the basement and ground floors of No. 20 Denman Street as a restaurant.

In October 1993 planning permission was refused for the use of the basement and ground floors of 22 Denman Street as an amusement arcade.

1-17 Shaftesbury Avenue. In August 2009 planning permission was granted for the dual/alternative use of part ground, first, second and third floors for either offices or educational purposes.

19-23 Shaftesbury Avenue. In December 1983 planning permission was granted for the use of 19-23 Shaftesbury Avenue as restaurant.

In November 1984 planning permission was granted for the use of 19-23 Shaftesbury Avenue as restaurant and retail.

In December 2006 planning permission was granted for the infill of the pedestrian arcade for retail and restaurant purposes with B1 office accommodation on the upper floors. This permission was subsequently renewed in December 2011.

5. THE PROPOSALS

Planning permission is sought for the complete demolition of the existing buildings, apart from the retained frontages on 19 and 20 Denman Street; retained and altered facades of 4-8 Glasshouse Street, 1 Sherwood Street and 11-17 Shaftesbury Avenue and retention of the existing Piccadilly Circus advertising screens. A replacement building of up to six storeys (plus sixth floor mezzanine) is proposed, with three basement levels, to create an office-led mixed use scheme comprising office (Class B1) at part ground to sixth storey mezzanine; retail (Classes A1 and A3) at part basement one, part ground and part first floor and seven residential units at part first, second and third floors.

The existing loading bay on Denman Street is to be retained but widened in depth. Plant is proposed at basement level 2 and cycle storage is proposed at mezzanine basement level and terraced areas for the office accommodation are proposed at fourth, fifth, sixth, mezzanine and roof levels. Plant is also proposed within the roof enclosure.

The proposals also include the removal of the existing pedestrianised colonnade on Shaftesbury Avenue.

The scheme initially included a community space at basement level on Denman Street, but this has now been removed and replaced with Class A1 retail at this level.

The Piccadilly Circus advertising screens are proposed to remain in operation during construction, as will the recently refurbished retail space below the screens at 44-48 Regent Street currently occupied by Gap, Boots and Barclays.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The changes in land use can be summarised as follows:

	Existing GEA m ²	Proposed GEA m ²	Change GEA m ²
B1 office	3,801	15,058	+11,258
A1 retail	1,748	1,333	-415
A2 bank	160	0	-160
A3 restaurant	701	3,126	+2,425
A4 bar/nightclub	1,514	0	-1,514
A5 hot food take-away	320	0	-320
C3 residential	19 Denman Street	420	-830
	20 Denman Street		
	21 Denman Street		
Sui generis (massage parlour)	230	0	-230
Total	9,724	19,938	10,214

6.1.1 Office Use

The principal proposed land use is office use. There will be 15,058m² of office floorspace provided representing an uplift in office floorspace of 11,257m². The applicant states that office accommodation will be high specification and of international quality with floorplates of various sizes.

The provision of office accommodation within the CAZ is supported by London Plan, Unitary Development Plan (UDP) and City Plan policies. Policy COM 1 of the adopted UDP seeks to provide for the renewal and growth of offices, to increase residents' opportunities and improve access to employment and to guide such development to suitable locations. In addition, Policy COM 1 states that proposals for office developments will be granted planning permission in the CAZ, however, the policy recognises that the scope for major new office developments providing large individual increases in floorspace within the CAZ is limited. Policy S20 also states that new office development will be directed to the Core CAZ.

The City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. The proposal would accord with this new policy approach.

The increase in office accommodation is therefore considered acceptable in policy terms, subject to compliance with the Council's mixed use policy.

6.1.2 Loss of residential

One of the key land use issues concerns the re-provision of existing residential accommodation, including existing affordable housing units. The site currently includes 1,250m² of residential floorspace. 19 and 20 Denman Street contain seven market flats (450m²) and Sanctuary Housing have a long leasehold of 21 Denman Street, containing 18 studio units at first to third floor levels (800m²). It is understood that a number of existing tenants have been relocated but eight of these units are still occupied.

The application seeks to re-provide only the market units comprising four studio flats and three 1-bed flats. Only 420m² of floorspace is to be re-provided, a reduction of 830m². None of the affordable flats are to be re-provided.

Policy H 3 of the Unitary Development Plan adopted January 2007 (UDP) encourages the provision of more housing, specifically part (A) "The City Council will seek to maximise the amount of land or buildings in housing use outside the CAZ and where appropriate, within the CAZ". This policy does not refer to the number of residential units: however, Policy S14 of the City Plan is more specific and states that "all residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- the Council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- where a converted house is being returned to a family-sized dwelling or dwellings; or
- two flats are being joined to create a family-sized dwelling."

Policy H4 states that developments resulting in the loss of affordable housing will not be permitted. In addition Policy S16 states that affordable housing and floorspace that is used or was last used as affordable housing will be protected.

London Plan Policy 3.14 states that loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities, with at least equivalent floorspace and of better quality."

There is therefore a strong policy presumption that all residential floorspace should be re-provided on site. The loss of on-site affordable housing is particularly contentious. The Soho Society and objectors are also concerned that the proposal fails to comply with this policy. Objections have also been received regarding the loss of residential accommodation that is protected by tenancy agreements however this issue is not one that can be addressed under planning legislation.

The applicant argues that the affordable housing accommodation at 21 Denman Street is inadequate for modern living as the flats are single aspect, cramped and not compliant with the Equalities Act for access. They contend that their proposals would replace existing vacant, unfit and unsatisfactory dwellings with seven high quality self-contained residential units at 19 and 20 Denman Street. They argue that re-provision of the entire amount of existing residential is neither appropriate, practical or viable and that, despite an extensive and on-going search, they have not been able to find an appropriate off-site solution.

The applicant's case that the existing affordable units are inadequate is not accepted. Whilst they are slightly below standard in terms of the London Plan space standards (at 32m² rather than 37m²), they are dual aspect, receive good light levels, are served by lift access and benefit from a rear private communal terraced area. The applicant's argument about on-site replacement is set out in further detail below.

In order to overcome the policy objection, the applicant is offering to re-provide the affordable residential floorspace in the vicinity of the site through a legal agreement. Normally this would form part of a land use swap proposal and the location, size, quality and internal arrangements of the new residential units would be assessed as part of this scheme. However, a land use swap application has not been forthcoming with this application.

The Committee's views are therefore sought on the provision of the replacement affordable residential accommodation in the vicinity of the site rather than within the site and in a location to be agreed at a later date. The applicant has also requested that if the floorspace is not delivered, that a fall-back clause should be included within the legal agreement to enable the applicant to pay a financial penalty, equivalent to the PIL for the floor area of the residential accommodation. Such a payment would be £1,365,737. Officers believe that the floorspace should be re-provided and if the legal agreement enabled the applicant to make a financial payment there would be little incentive for the applicant to deliver the off-site affordable housing. Member's views are sought on this issue.

6.1.3 New Residential – Mix, Standard and Size

The proposal involves the re-provision of seven private market units ranging in size from 43m² to 56m². Three of the flats would be one-bedroom in size and four would be studio flats. Whilst this mix would be technically contrary to the requirements of Policy H5, as these flats replace existing one-bedroomed and studio sized flats it is not considered that the application could be refused on the grounds of lack of family sized dwellings.

The studio flats would all be dual-aspect, however the three one-bedroom flats would be single aspect and objections have been received on the grounds that the flats would be poorly lit and of a poorer standard than the existing residential accommodation. The application is supported by an assessment of the amount of natural light received within the proposed flats. The report calculates the Average Daylight Factor (ADF), which is the mean daylight factor on the horizontal working plane inside the room. The BRE guidance recommends minimum ADF values of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. Where rooms are in mixed use, they should achieve the highest value amongst those uses.

Based on the submitted analysis, most rooms within the proposed flats would meet, and generally exceed, these minimum values. However, two of the habitable rooms tested would fail to meet these standards and will have low levels of natural light. These are two living rooms on the third floor, which would receive ADF values of 1.36% and 0.87%. Light to these principal living rooms is largely constrained by the size of the retained windows compared to the size of the proposed rooms. However, these rooms would receive good levels of VSC over 27% and these values are, overall, considered acceptable.

In these circumstances, it is considered that the proposed flats would receive acceptable levels of daylight in this dense urban environment.

6.1.4 Retail Use

Both the UDP and City Plan seek to protect the retail role and function of the West End. Policy S7 states that the unique status and offer of the West End Special Retail Policy Area will be maintained and enhanced. The proposals will provide 1,333m² of retail floorspace which is to be provided at part basement and part ground floor levels to the Denman Street and Glasshouse Street frontages.

Overall therefore there will be a reduction of up to 415m² of Class A1 retail floorspace. This is contrary to Policy S21 of Westminster's City Plan: Strategic Policies which states that 'Existing A1 retail will be protected throughout Westminster'. Exceptions to this policy are where the

Council considers that the unit is not viable. The scheme is also contrary to Policy SS 4 of the UDP which states that 'Development schemes should provide at least the same amount of retail floorspace as was there before. The size and type of units must be appropriate to the character and function of the street'.

In this case, a large proportion of the existing A1 retail accommodation is either at basement level on Denman Street (approx. 460m²) or at first floor on Shaftesbury Avenue (approx. 580m²). The applicants argue that better retail floorplates and shopfronts will be provided with an improved quality of front-of-house retail provision overall. The applicants have indicated that the retail floorspace will be on Glasshouse Street, where none currently exists, and onto Denman Street, however they have requested flexibility in where the retail space is located. If Committee consider the loss of A1 floorspace acceptable, this could be dealt with by condition.

6.1.5 Loss of the Class A2 uses

A bureau de change occupies the ground floor of 1-2 Sherwood Street. This would not be replaced, and as a result some 160m² of A2 floorspace would be lost. UDP Policy SS4 seeks to protect all existing retail floorspace (including A2 uses) and requires that development schemes should provide at least the same amount of retail floorspace as was there before; the type of retail units proposed must be appropriate to the character and function of the street on which they are located.

Strategic Policy S21 states that existing non-A1 retail uses, and uses occupying shop-type premises within designated shopping centres will be protected from changing to uses that do not serve visiting members of the public and that do not have active shop fronts.

In this case, as there would be a resultant uplift of Class A3 restaurant floorspace, a use that does serve visiting members of the public, it is considered that this small loss of A2 floorspace is acceptable. The resultant increase of Class A3 floorspace is discussed below.

6.1.6 Increase in Class A3 floorspace and loss of existing A4 and A5 uses

The proposal would result in the provision of 3,126 m² of restaurant (Class A3) floorspace. The site currently accommodates some 2,535 m² of entertainment floorspace including the Jewel Bar/Nightclub on Glasshouse Street and Bar Blanca on Sherwood Street together with a number of restaurants and hot food take-away premises including Jamie's Dog House on Shaftesbury Avenue and a Donuts restaurant on the corner of Glasshouse and Sherwood Streets. All the existing bar/club and hot food take-away uses would be lost and replaced with Class A3 floorspace. The proposals would increase entertainment floorspace on the site by 591m². Westminster's City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. They aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance.

The balance of these policies in terms of promoting entertainment uses and protecting amenity varies depending on the size, type and location of the entertainment use. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances.

In assessing the impact on residential amenity and local environmental quality regard is had to

a) noise, b) vibration, c) smells, d) increased late night activity e) increased parking and traffic and f) no adverse effect on the character or function of the area.

It is also recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new entertainment uses include the gross floorspace to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

The provision of new restaurant floorspace of 3,126 m² would need to be assessed against UDP policy TACE 10. The applicant has confirmed that the A3 floorspace would accommodate a flexible series of spaces, which would be taken by various operators. No one operator has been identified to date and the applicant has indicated that part of the space could accommodate a large restaurant which may exceed 500 m². Given that the existing entertainment uses are largely uncontrolled and operate with late night opening hours, it is considered that with appropriate conditions, an increase in entertainment floorspace of 591m² is acceptable in principle in this location. Conditions are therefore recommended to control hours of operation and capacity. A condition is also recommended requiring the submission of operational management plans which will come forward once the operators are known. The location of entertainment and retail uses will also be secured by condition.

6.1.7 Mixed Use Policy

The scheme generates a total office uplift of 11,258m². Policy S1 of Westminster's City Plan: Strategic Policies states that "where proposals increase the amount of commercial floorspace by more than 200m² or more, or in the case of A1 retail by 400m² or more, the provision of an equivalent amount of residential floorspace will be required on site where the Council considers this to be appropriate and practical". Given that there is an uplift of 11,258m² of office floorspace, there is therefore a requirement to provide 11,258m² of residential floorspace. As there is an overall loss of other commercial uses on the site, the mixed use policy applies only to the uplift of B1 office accommodation.

The supporting text states that where on site provision of residential floorspace is not considered acceptable or practical, a cascade of other options, including the use of land use swaps or residential credits will be considered as detailed in the City Management Plan.

As the City Management Plan is yet to be adopted, UDP Policy COM 2 is a material consideration. This policy seeks to promote mixed use development incorporating housing where appropriate and practical and sets out the following hierarchy for securing mixed use commercial schemes in Central Westminster:

Under Part (A) of CENT 3 the provision of self-contained residential accommodation equivalent to the increase in commercial floorspace is required, where appropriate and practical.

Part (B) of the policy states that where it is clearly not practical to provide the residential accommodation on site, the City Council will seek the provision of residential accommodation off-site.

Part (C) states that where it is not practical to provide residential accommodation on or off the site in accordance with Parts (A) or (B), then other uses that contribute to the character and function of that part of the CAZ should be provided as part of the same development.

Where housing has not been achieved under Parts (A) or (B), or an appropriate alternative use provided under Part (C), an appropriate financial contribution will be sought to the City Council's affordable housing fund under Part (D).

The applicant has produced an indicative scheme that shows that an on-site option would indeed be possible, however considers that on site residential is not appropriate or practical for the following reasons:

- loss of active frontages to provide lift, cycle, waste and stair cores;
- the loss of 3,329sqm of office floorspace, or 333 jobs;
- loss of control of the freehold (due to Rights-to-Buy and Rights-to-Manage);
- overlooking by office elements across the proposed internal lightwell;
- the scheme would create a lateral, single aspect residential layout which would be both inefficient and create poor residential accommodation.

The applicant advises that they have been searching for a donor site to provide an off-site solution since 2014 but have been unable to find an appropriate building within the vicinity that could be converted to residential use. As a result, they are unable to provide the requisite residential accommodation off-site under Part (B) of CENT 3.

The applicant argues that the proposals provide a mix of alternative uses that would benefit the local community and significantly improve the public realm in the local area. They also argue that given the complexities of the site that the scheme cannot viably support any residential either on or off-site to match the increase in office floorspace. They propose to offset the required residential floorspace through the payment of a commuted payment. They originally argued that the maximum reasonable payment in lieu, towards affordable housing, is £3,000,000. This is discussed in further detail below.

Assessment of the applicant's case.

The case made by the applicant that it is neither appropriate to provide the required residential floorspace on site is not accepted. Objections have also been received on these grounds. This is a large site with four street frontages and the indicative scheme drawn up by the applicant demonstrates that the building could indeed be redesigned to provide a separate street entrance and core for residential use. However, it is accepted that the option put forward would essentially provide single aspect north-facing flats that would compromise the retail offer at ground floor and the office accommodation on the upper floors. As the applicant advises that they have not been able to find any alternative available sites in the vicinity and are unable to provide the requisite residential accommodation off-site under Part (B) of CENT 3, the Committee's views are therefore sought as to whether a financial contribution towards the affordable housing fund satisfies the Council's mixed use policy in this particular case.

The financial payment equivalent for this contribution would be £18,523,018. The applicant initially contended that the maximum reasonable payment in lieu (PIL) was £3,000,000 and submitted a viability report in support of their case.

Assessment of Viability Arguments

The Council has employed GVA as an independent consultant to review the applicant's financial viability case for offering a contribution to the affordable housing fund. They agree that the development could not viably provide the required residential on-site but consider that a contribution of £4,832,000 would still be viable.

The applicant initially agreed to this sum, but following recent amendments to the scheme which reduced the amount of A3 accommodation and increased the amount of Class A1 retail

floorspace, the applicant has reduced their offer to £3.4m claiming that the additional A1 floorspace reduces the viability of the scheme. This is despite the fact that the applicants originally claimed that the rental values for the units on Glasshouse Street, where the additional A1 floorspace is being offered, were the same for either an A1 or A3 occupier. This issue is currently being assessed by GVA and members will be updated verbally at the Committee meeting.

Committee's views are therefore sought as to whether the financial contribution towards the Council's affordable housing fund is acceptable.

6.2 Townscape and Design

The scheme involves extensive demolition and the creation of a large office building behind new and rebuilt facades. The development has a series of different facades, to reflect the character of the surrounding streets, and is capped by an undulating, folded roof form, clad in ceramic tiles.

Demolition

The scheme involves the demolition of a large number of buildings on the site. Some will be replaced by new buildings; others will be taken down and rebuilt in a modified form.

No. 19-23 Shaftesbury Avenue is a modern building by the highly regarded and successful firm of Powell and Moya Architects. It is an interesting building but not one which sits comfortably within its conservation area context. Historic England has granted a certificate of immunity from listing. Its demolition could be acceptable if the proposed replacement building can be shown to preserve and enhance the character and appearance of the Soho Conservation Area.

No. 21-24 Denman Street is a modern block of no architectural distinction and demolition is uncontentious in urban design and conservation terms.

The facades of 1 Sherwood Street and 4-6 Glasshouse Street are of high quality and make a positive contribution to the character and appearance of the Soho Conservation Area. They are to be rebuilt reusing the existing stonework, but in a modified form to suit the new office floors behind. This is acceptable in principle, subject to further details being submitted to demonstrate how this would be done.

The demolition of 2-4 Sherwood Street is more contentious as this is a good building which makes a positive contribution to the character and appearance of the conservation area. There is a presumption to retain it. However, subject to its replacement with a new building of high quality design, appropriate to its context, then this could be acceptable.

Nos. 19 and 20 Denman Street and 17 Shaftesbury Avenue are to be retained and this is welcomed.

Building line

The historic building line is generally respected. The removal of the colonnade on Shaftesbury Avenue is acceptable in urban design and conservation terms. The highways implications of this are dealt with elsewhere in this report. The alterations to the building line at the junction of Denman Street and Shaftesbury Avenue, to create more public space, to be referred to as 'Rainbow Corner', are acceptable.

Height and bulk

The new building comprises ground floor plus seven storeys including the roof. There is a large increase in bulk on the site and this will be visible to varying degrees from surrounding streets. For example, the roof will be visible above the advertisement screens in Piccadilly Circus in views from the west. The biggest impact is on Sherwood Street, in views from the north, where the upper floors of the new building will be visible above the lower historic buildings at the junction with Denman Street (which are not within the application site).

The proposed height and bulk are controversial, and objections have been received in relation to this aspect of the scheme. However, taking into account the massing of the Crown Estate's Regent Palace Hotel redevelopment on the other side of Sherwood Street, and the relatively small number of views where the upper floors of the proposed building are visible from street level, the height and bulk are considered acceptable.

Strategic view

The site lies within the London View Management Framework viewing corridor from Primrose Hill to the Palace of Westminster (LVMF View 4A.2). The highest part of the roof extends a small amount above the strategic view development plane but this will have minimal impact on the view. This is acceptable.

Design

The building adopts different facades treatments on each street frontage.

On Shaftesbury Avenue the facade is a highly modelled rectilinear grid, clad in a light faience (glazed ceramic), with the horizontals lining up with the retained facade to the west, and punctuated with vertical bays which give it a varied skyline, above which is the ceramic clad roof. On the corner with Denman Street the ceramics of the roof cascade down the facade to street level, creating a dramatic focal point in views south along Shaftesbury Avenue.

Much of the Denman Street facade is more restrained and clad in brick. Variety is introduced through the use of different colours of brickwork, and the facade heights decrease westwards. At ground floor level there are high quality bronze famed shopfronts. Above the brick facades the upper floors are set back to reduce their visual impact, although they will still be highly visible, especially from Sherwood Street. The facades at high level are largely glazed, within a framework clad in ceramics.

The Shaftesbury Avenue and Denman Street facades are considered successful in urban design terms and are acceptable. The new facade on Sherwood Street is more contentious.

The existing facade is of high quality. The proposed replacement facade is a modern design, clad in the same ceramics as the roof. Whilst this is an interesting facade, which has improved through negotiations, it still lacks a degree of modelling appropriate for this location, and as a replacement for a good conservation area building. For example, the ground floor could be framed in a different material to echo the shopfront frameworks adjacent. The window openings would benefit from having expressed reveals and cills. Given that this is a relatively small part of the development it is recommended that the design be reserved for further negotiation, if planning permission is to be granted.

The two buildings on the corner of Sherwood Street and Glasshouse Street are very high quality conservation area buildings. It is proposed to take these down and re-erect them in a modified way to suit the new floor levels behind. This approach was adopted successfully by the Crown Estate in their 'Piccadilly Gateway' scheme. It is considered acceptable in principle subject to control of the details by condition.

Finally, on Shaftesbury Avenue the retained façade is modified at roof level with the replacement of the gables with a sheer storey, and with new gables above. This is to be carried out in the style of the existing building and is an appropriate extension.

Public art

The application does not include a formal proposal for public art but the applicant is considering incorporating the work of an artist, in the form of a feature to commemorate the historic significance of 'Rainbow Corner' at the junction of Shaftesbury Avenue and Denman Street. If planning permission is granted, this can be secured by condition.

Conclusion – urban design and conservation matters

It is considered that overall this is an acceptable scheme which will preserve and enhance the character and appearance of this part of the Soho Conservation Area. It complies with the City Council's policies including S25 and S28, and Unitary Development Plan policies DES 1, DES 4, DES 9, DES 14 and DES 15.

6.3 Amenity (Daylight/Sunlight/Overlooking)

The nearest residential units are located in Nos. 1-4 and 15 Denman Street and flats 1-25 at 1 Denman Place, all opposite the application site. One objection from the operator of Ham Yard Hotel has been received on daylighting and sunlighting grounds.

Policy S29 of the Strategic Policies seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking. Whilst the policy is primarily designed with regard to residential accommodation, the City Council may apply them to other uses, such as schools and other activities, where loss of daylight or sunlight may prejudice the use of the premises.

Daylight and Sunlight

Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011). The applicant has undertaken a daylight and sunlight assessment of surrounding properties in accordance with the BRE guidelines.

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable. The 'no sky line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

The use of the affected rooms has a major bearing on the weight afforded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, studies and large kitchens (if they include dining space and are more than 12.6m²) are of more concern than loss of light to bedrooms and non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

The application is accompanied by a full daylight and sunlight report.

Daylight

The residential flats at 2, 3 and 4 Denman Street and the flats within the Ham Yard development would all experience significant daylight losses. Seven of the flats within Ham Yard are all single aspect with their sole outlook over the development site. The living rooms to these flats would all experience losses of VSC between 35% and 65% and these are severe losses in terms of the BRE guidance. Flats at fourth, fifth and sixth floor levels, however, would still retain relatively good levels of VSC (of between 16.9% and 28%). These are considered reasonable levels for this inner city location and despite the percentage losses involved it is considered that these flats would still retain reasonably good daylighting levels.

The results show that the worst affected flats are those at second and third floor levels where the most affected living room would experience a VSC loss of 65% with actual levels dropping from 22.54% to 7.78%. The resultant levels would normally be considered unacceptable and a letter of objection has been received from the operator of the hotel with regard to these daylight losses. However, none of the individual flat occupiers/owners have objected to the scheme. The losses to the habitable rooms in the flats in Ham Yard hotel are set out below:

Ham Yard Hotel					
	Existing VSC	Proposed VSC	% Loss	Existing No Sky (sq ft)	% loss of existing
Second Floor Flats					
Flat 1					
Living room/diner	22.00	10.00	54.53	216	43.1
Bedroom	22.56	8.38	62.84	166.7	67.3
Flat 2					
Bedroom	23.55	8.30	64.76	135.5	72.7
Living room/diner	23.35	8.07	65.43	273.5	70.8
Flat 3					
Living room/diner	22.54	7.78	65.48	204.7	74.1
Bedroom	21.44	7.60	64.58	150.9	77.9
Third Floor Flats					
Flat 1					
Living room/diner	28.77	12.95	54.99	328.8	44
Bedroom	29.74	11.22	62.27	240.1	79.8
Flat 2					
Bedroom	29.83	10.78	63.87	194.3	76.1
Living room/diner	29.51	10.59	64.13	394.5	72.7
Flat 3					
Living room/diner	28.60	10.33	63.90	294.9	78.6
Bedroom	27.32	10.15	62.87	218.1	79.7

Fourth Floor Flats					
Flat 1					
Living room/diner	32.62	19.29	40.86	288.8	51
Bedroom	32.95	17.50	46.89	147.2	54.6
Flat 2					
Bedroom	32.96	17.08	48.18	176.8	60.3
Living room/diner	32.78	16.90	48.44	285.3	75
Flat 3					
Living room/diner	31.20	16.95	45.73	265.1	65.1
Bedroom	31.64	18.09	42.83	133.9	57.1
Fifth Floor Flats					
Flat 1					
Bedroom	34.54	24.12	30.16	170.2	7.6
Bedroom	33.95	22.64	33.34	157.9	13.5
Flat 2					
Bedroom	34.81	22.48	35.44	148.5	28.6
Bedroom	34.71	22.35	35.60	189.6	30.1
Flat 3					
Living room/diner	34.51	22.34	35.26	221.8	39.9
Bedroom	34.15	22.40	34.41	136.7	38.2
Sixth Floor Flats					
Flat 1					
Bedroom	36.03	28.02	22.23	169.1	0.7
Bedroom	36.28	27.53	24.13	204.6	1.2
Flat 2					
Living room/diner	36.42	27.16	25.42	318.8	0

The flats at 2, 3 and 4 Denman Street would also experience similar losses of VSC with losses of between 31% and 59% as set out below

2-4 Denman Street					
	Existing VSC	Proposed VSC	% Loss	Existing No Sky (sq ft)	% loss of existing
2 Denman Street					
1st floor flat					
Living room/diner	11.36	7.83	31.11	156.8	24.4
2nd floor flat					
Living room/diner	14.24	9.29	34.77	165.7	34.8
3rd floor flat					
Living room/diner	18.50	11.90	35.68	149.4	40.8

4th floor flat Living room/diner	23.61	15.73	33.40	163.8	3.4
3 Denman Street					
1st floor flat Living room/diner	12.69	6.47	48.99	183.2	41.8
2nd floor flat Living room/diner	16.73	8.52	49.01	269.1	43.7
3rd floor flat Living room/diner	20.20	10.61	47.48	357.8	55.1
4th floor flat Living room/diner	25.23	15.95	36.73	302.1	51.4
4 Denman Street					
1st floor flat Living room/diner	14.56	6.09	58.19	179.4	71.5
2nd floor flat Living room/diner	19.77	8.11	59.01	304.5	70.6
3rd floor flat Living room/diner	26.15	10.57	59.61	120.5	73.2
4th floor flat Living room/diner	24.40	10.93	55.24	192.8	59

When considering the impact on existing and proposed VSC levels it is important to consider the existing built form of the application site. Residents within Denman Street currently experience unusually high daylight and sunlight levels for a site which is located within an inner London urban location. This is because the outlook from flats on Denman Street is onto 4-storey building rather than one of far greater bulk and mass which would commonly be found in this very central London location. It is important to remember the unusually high VSC levels received by some of the flats on Denman Street when considering the impact of proposals to neighbouring amenity.

As set out above, these figures represent very severe losses of daylight to windows particularly at first, second and third floor levels. In response to the concerns raised, the applicant has produced drawings that show that the building would have to be set back by up to 12.6m to achieve compliance with the BRE guidance. This would involve a 1,930m² loss in floor area, which the applicant contends would make the scheme unviable.

Whilst the losses to existing daylight levels are regrettable, given the context of the regeneration benefits of the scheme, and the relatively small number of single aspect flats adversely affected, it is not considered that the application could be refused solely on the impact of losses of daylight to these flats.

Sunlight

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

In all cases the sunlight assessment undertaken shows that there will be substantial losses of winter sunlight hours, varying from 25% to 100% losses. However, all the flats within Ham Yard would retain good levels of overall annual sunlight hours (of between 25% and 79%). The first floor flats within 3-4 Denman Street would also retain reasonable annual sunlight hours of between 19% and 24% and the flats on the upper floors retain levels of over 25% in accordance with the BRE guidance. The levels of sunlight retained are therefore acceptable and again the impact is not considered sufficient to justify a refusal.

Overlooking and loss of privacy

It is not considered that the proposals will cause any loss of privacy to residential accommodation through overlooking, with the proposed roof terraces either being at high level or facing Shaftesbury Avenue.

Sense of Enclosure

Part (F) of Policy ENV13 also states that developments should not involve an increased sense of enclosure.

The greatest impact on bulk is onto Denman Street where the existing 4-storey residential building is being replaced. The new 7-storey building would be significantly taller than the existing building and at parapet height would be some 8m taller. However, given that the closest residential, the flats within the Ham Yard development, are a street widths distant from the new building, it is not considered that these elements of the proposal would result in such harmful impacts on increased sense of enclosure to neighbouring properties to warrant refusal.

6.4 Highways, Servicing and Parking

There are a number of highways issues arising from the application. These include servicing provision for the development, parking provision for the residential, the infilling of the pedestrian arcade on Shaftesbury Avenue and traffic implications.

Trip Generation and Servicing

A Transport Assessment produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. The Assessment states that the majority of trips associated with the site will be via public transport or other sustainable modes (eg walking, cycling) and concludes that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network.

TRANS20 requires off-street servicing and an enlarged loading bay in proposed on Denman Street. The Soho Society raise concerns regarding the size of the servicing bay and the operator of the Ham Yard Hotel is also concerned about its location and impact on the entrance to Denman Arcade. However, the enlarged bay would enable the bulk of vehicles will

be able to access the loading bay off Denman Street in a forward gear, which is not currently possible. The Highways Planning Manager concludes that despite the likely increase in servicing trips, given the enlarged off-street loading facilities, the proposals would be an improvement in servicing terms.

There will need to be footway resurfacing and the creation of new crossovers on Denman Street to allow for the access/egress to and from the servicing bay. This will be secured by legal agreement.

Shaftesbury Avenue Undercroft

The most controversial aspect of the development in highway terms relates to the loss of the pedestrian arcade on Shaftesbury Avenue. Pedestrian flows are high along this part of Shaftesbury Avenue as pedestrians move to and from Piccadilly Circus. The situation is exacerbated by the position of the existing bus shelter, which is in use 24 hours a day. However, this area is not public highway and the area is currently largely filled with tables and chairs and other goods for sale and does not currently allow a clear passage for pedestrians, although it does provide somewhere to wait for buses in inclement weather.

The applicant has carried out extensive studies to seek to show how there would be little difference between the current situation and with the development in place without the colonnaded area. They are also proposing some measures which could be taken to improve the pedestrian experience which include widening the footway, moving the bus stop and moving the bus shelter.

The colonnaded area has also been a place of crime and anti-social behaviour. Given also that the colonnaded area is not adopted highway which has over several years been filled with tables and chairs and goods for sale, its loss is considered difficult to resist, particularly since the applicant's studies show that, with amending works, the situation with the development in place would not be worse than it is today.

The applicant is in discussion with TfL regarding the potential relocation of the bus shelter. This will require approval of the Highway Authority and must be fully funded by the developer.

On this basis, the proposed loss of the arcade is considered acceptable in the context of Policy TRANS 3, as it will maintain a satisfactory pedestrian environment.

Building Line – Denman Street

The building line also comes forward on Denman Street, but only by a small amount and over an area which the applicant argues is not public highway and again, which is used for selling goods, at least during the day.

This would reduce the available footway width on Denman Street to some 1.6m throughout its length, which is significantly less than the 2.0m minimum normally required and it is considered that highway works should be provided to address this narrow footway. This might be difficult to achieve because the carriageway is only some 4.3m wide and there will still be some units on the north side that require servicing from the street, but it should be possible to remove some bollards and provide some localised widening e.g. in the vicinity of the new hotel, which is not serviced from Denman Street so at least there would be an area where two wheelchairs or a wheelchair and a pushchair could pass each other. This would be secured by legal agreement.

Public Realm Improvements

The applicant is also offering a public realm scheme for Denman Street and proposing that it

should be a level surface between footway and carriageway. The Highways Planning Manager does not believe that this wider public realm scheme is necessary in highway terms to make the development acceptable. While Members may or may not support such an idea, the final decision would be for the relevant Cabinet member(s). However, it is considered that some highway works are necessary on Denman Street to provide as much pedestrian space as possible, as set out above.

Cycle Parking

The Further Amendments to the London Plan (FALP) standards require 286 cycle parking spaces in all, yet only 200 are proposed. This includes 7 for the 7 residential units, which is in line with both FALP and the UDP. The standards in the UDP would require some 159 spaces in all.

All of the spaces would be accessible with the cycle parking areas either at ground floor level for the residents, or with their own dedicated lift. The applicant is however not willing to provide short-stay parking for visitors because this would need to be provided at ground floor level, where space is at a premium. On balance, and bearing in mind that UDP standards would only have required some 159 cycle parking spaces, the level of cycle parking is considered acceptable.

Waste

A centralised waste store for the commercial elements of the scheme is proposed at basement level 2. There is however no dedicated waste store for the residential flats and the applicant has indicated that residential waste will be collected in black sacks left on Denman Street. The Highways Planning Manager considers this unacceptable and considers that a dedicated waste store is also provided for the flats. This is dealt with by condition.

6.5 Economic Considerations

The general economic benefits associated with the development are noted and welcomed.

6.6 Access

The proposed development will be designed to incorporate the principles of inclusive design where possible. Level access to all office and retail users of the building is provided; due to the retention of the facades of 19 and 20 Denman Street, access to the retained residential units is via existing steps. Whilst these flats will not meet the Lifetime Homes standards as the proposal relates to less than 25 flats, it is policy compliant. The commercial element of the scheme incorporates two lift cores and common stairs that make reasonable provision for disabled people and will be designed in accordance with relevant Building Regulations.

6.7 Other UDP/Westminster Policy Considerations

Plant

In terms of plant, Policies ENV6 and ENV7 of the UDP seek to protect occupants of adjoining noise sensitive properties from the impacts of noise from new development, including from plant. Most of the proposed plant is at basement levels, with a small amount on the main roof. Conditions would have ensured that the plant operated within acceptable limits.

Construction Impact

The applicant has submitted a detailed Construction Management Plan that outlines that the development programme for the site is expected to take approximately three years with enabling works and deconstruction likely to commence in early 2017.

The applicants have confirmed that they have been in discussion with Nimax Theatres, who own the nearby Piccadilly Theatre on Sherwood Street and who have expressed concerns about disruption during demolition works and the subsequent impact on the operation and structure of their theatre. The operator of the adjacent Ham Yard hotel also raises concerns regarding the length of the construction period and the subsequent impact on the environment of Denman Street and impact on amenity. In order to protect the amenity of both residential neighbours and the theatre, a Site Environmental Management Plan (SEMP) is required which requires the applicant to provide details of noise and vibration (including predictions, managing risks and reducing impacts) and details of monitoring (including details of receptors, threshold values and analysis methods, procedures for recording and reporting monitoring results and remedial action in the event of any non-compliance). In addition, the applicant has also agreed to an annual contribution of £41,000 towards the Council's Code of Construction Practice and towards monitoring of the SEMP. In these circumstances, it is considered that the issue of construction noise has been satisfactorily addressed.

The SEMP would also include measures relating to public access and highways (parking, deliveries, loading/unloading, site access and egress, site hoardings). With this in place, it is considered that the concerns of the adjacent hotel regarding the location for site deliveries are addressed.

6.8 London Plan

The application is referable to the Greater London Authority because of the height of the new building. The Mayor considers that whilst the application is generally acceptable in strategic planning terms, this is subject to: the re-provision of the affordable housing either on or off-site; evidence to justify why residential accommodation has not been provided to off-set the uplift in office space; an analysis of existing pedestrian levels; reconsideration of the platform lift; re-examining the sustainability and energy proposals; and requiring a construction logistics plan, a delivery and servicing plan.

It is understood that the applicant is in discussion with the Mayor and the application will be referred back to the Mayor once it has been determined by the City Council.

6.9 National Policy/Guidance considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.10 Planning Obligations

The City Council's approach to and priorities for planning obligations are set out in our Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the development site, in the wider locality, or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the three following tests set out in Regulation 122(2):

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

Strategic Policy S33 relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

In this case, the principal 'Heads of Terms' of the legal agreement are proposed to cover the following issues:

- i) a financial contribution of £3,400,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development)
- ii) compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £41,000.

- iii) a Crossrail contribution of £ £1,719,217;
- iv) Payment for the cost of necessary highway works including relocation of the bus stop on Shaftesbury Avenue;
- v) v)To submit an application for the provision of a minimum of 830m² (GEA) of residential floorspace in the vicinity of the site prior to commencement of development;
- vi) To provide the off-site residential floorspace prior to first occupation of any part of the development and thereafter not to occupy the residential floorspace other than as Affordable Housing;
- vii) monitoring costs

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The NPPF establishes a presumption in favour of sustainable development. London Plan policy 5.3 requires developments to achieve the highest standards of sustainable design, with policy 5.2 seeking to minimise carbon emissions (currently seeking a 40% reduction) through a 'Be Lean, Be Clean and Be Green' energy hierarchy. Policy 5.2 E of the London Plan states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Strategic Policy S28 requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture; Strategic Policy S39 states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so; Strategic Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The proposed scheme incorporates passive design features and demand reduction methods to reduce the carbon emissions of the proposed development. A single heat network system for the whole building is proposed, as is a biodiesel combined heat and power unit. Overall the scheme achieves a reduction of 52% in carbon emissions, which exceeds the target sought by London Plan policy 5.2. Nonetheless, the GLA has asked for further information regarding comfort cooling, calculations to demonstrate how the CO₂ emissions are to be met and further details on the CHP. It is understood that the applicant is reviewing this information.

A target rating of BREEAM 'Excellent' is being targeted for the residential element of the scheme. The commercial elements of the scheme will achieve a rating of 'Very Good', which is considered to be acceptable.

6.12 Conclusion

The proposal will result in a comprehensive redevelopment of the site to provide an office-led scheme which is generally acceptable in land use terms. However, the proposal involves the loss of existing affordable housing which is contrary to adopted policies. Committee's views are therefore sought on the provision of the replacement affordable residential accommodation in the vicinity of the site rather than within the site and in a location to be agreed at a later date.

The additional bulk and mass will impact on residents in Denman Street. However this needs to be assessed within the context of the regeneration benefits that the scheme would deliver. These include the provision of a high quality office development, improved retail floorplates, improved loading and servicing arrangements, and the provision of a high quality new building. These benefits accord with Westminster's spatial vision and strategic objectives as set out in the adopted City Plan: Strategic Policies.

There is a considerable shortfall in what has been offered towards a payment in lieu towards affordable housing compared with the policy requirement, but given the advice from the Council's consultants, the Committee is asked to consider whether this offer is acceptable. Committee's views are also sought on the amount of retail proposed.

BACKGROUND PAPERS

1. Application form
2. Email from Environmental Health dated 23 September 2015
3. Letter from Greater London Authority dated 20 October 2015
4. Letter from Historic England (Listed Builds/Con Areas) dated 23 September 2015
5. Letter from Theatres Trust dated 3 November 2015
6. Letter from London Underground dated 21 October 2015
7. Letter from the Soho Society dated 6 November 2015
8. Memo from Highways Planning Manager dated 26 November 2015
9. Letter from occupier of 12-14 Denman Street, London dated 28 September 2015
10. Letter from occupier of Chamber Court, Castle Street dated 9 October 2015
11. Letter on behalf of the Piccadilly Theatre dated 29 October 2015
12. Letters from occupier of 19 Denman Street, London dated 3 and 6 November 2015
13. Letter from occupier of Flat 2, 6 Upper John Street dated 1 November 2015
14. Letter from Firmdale Hotels dated 19 November 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2521 OR BY E-MAIL – mwalton@westminster.gov.uk

DRAFT DECISION LETTER

Address: Development Site at 1-23 Shaftesbury Avenue, 19-26 Denman Street, 44-48 Regent Street, 4-8 Glasshouse Street and 1-4 Sherwood Street, London, W1D 7EA

Proposal: Demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights. Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities.

Plan Nos.: FP_MP_PA_LM_21000 Rev 01, 21001 Rev 01, 21002 Rev 01, 21003 Rev 01, 21004 Rev 01, 21100 Rev 01, 21101 Rev 01, 21102 Rev 01, 21103 Rev 01; 22000 Rev 01, 22001 Rev 01, 22003 Rev 01, 22004 Rev 01, 22005 Rev 01, 22006 Rev 01, 22007 Rev 01, 22008 Rev 01; FP_MP_PA_LB2_20000 Rev 01, 200001 Rev 01, LB1_20002 Rev 01, L00_20003 Rev 01, L01_200004 Rev 01, L02_200005 Rev 01, 20006 Rev 01, L03_20007 Rev 01, L04_20008 Rev 01, L05_20009 Rev 01, L06_20010 Rev 01, 20011 Rev 01, L07_20012 Rev 01

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development

1. Typical facade details at all levels, including roof;
2. Alterations to dismantled and rebuilt facades
3. Public art

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, 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. (C29AC)

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 8 You must apply to us for approval of detailed drawings showing the following alteration to the scheme.

Sherwood Street new facade - Design development to enhance degree of modelling and use of materials, appropriate for this location, and as a replacement for the existing building. (For example, the ground floor should be framed in a different material to echo the shopfront frameworks adjacent. The window openings would benefit from having expressed reveals and cills).

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must apply to us for approval of method statement of the following parts of the development - Dismantling and rebuilding of stone facades. 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 method statement. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 The stone facades to be dismantled shall be rebuilt using all of the existing original stonework.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 Customers shall not be permitted within the restaurants (Class A3) premises outside of the following hours: 07.00 to 0000 midnight Sunday to Thursday, bank holidays and public holidays and 07.00 to 00.30 the next day on Friday and Saturdays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must apply to us for approval of detailed drawings of the appearance and location of the ventilation system for the Class A3 uses. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the first use of the restaurant and thereafter the ventilation system shall be retained and maintained for as long as the Class A3 units are in place.

Reason:

The use of the Class A3 units without any kitchen ventilation would cause harm to occupiers of neighbouring properties from cooking smells. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007

- 13 You must apply to us for approval of an Operational Management Plan for the restaurant (Class A3) uses. This shall include details of the capacity for each unit. You must not open the restaurants to customers until we have approved what you have sent us. Thereafter you must manage the restaurants in accordance with the approved plan.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 14 Prior to the occupation of the restaurant (Class A3) units hereby approved, you must apply to us for approval of detailed drawings of the layouts of these units in plan form at a scale of 1:200. None of these units shall thereafter be amalgamated to form larger units.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007 or S24 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 15 You must provide at least 1,333 m² of retail (Class A1) floorspace within the development. The location of this Class A1 retail floorspace shall be approved prior to occupation of this part of the development. Thereafter the retail (Class A1) uses must be carried out in accordance with the approved details.

Reason:

To ensure a minimum amount of retail (Class A1) in accordance with Policy S21 of Westminster's City Plan that we adopted in January 2011 and SS5 of the Unitary Development Plan that we adopted in January 2007.

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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

Reason:

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

- 18 The plant/machinery hereby permitted shall not be operated only between the following times:

Mondays to Fridays 0800 to 2300
Saturdays 0900 to 2300
Sundays 1200 to 2300

Reason:

To safeguard the amenity of occupiers of noise sensitive properties 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 S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 20 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 21 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 22 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 21 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 23 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 24 You must provide the waste store shown on drawing FP_MP_PA_LB2_2000 Rev 01 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the properties. You must store waste inside the property and all the waste shall be collected internally. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 25 You must apply to us for approval of details of how waste for the residential units is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the residential flats. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

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

(C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 29 You must apply to us for approval of details of a servicing management plan for the development identifying the process, storage locations, scheduling of deliveries and staffing for servicing purposes. The uses allowed by this permission must not commence until we have approved what you have sent us.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 30 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- i) Provide details on all structures
- ii) Accommodate the location of the existing London Underground structures and tunnels
- iii) Accommodate ground movement arising from the construction thereof
- iv) Mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 31 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- combined heat and power unit.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to contributions to affordable housing, highway improvements, Environmental Inspectorate and Crossrail, highway works and off-site residential.
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

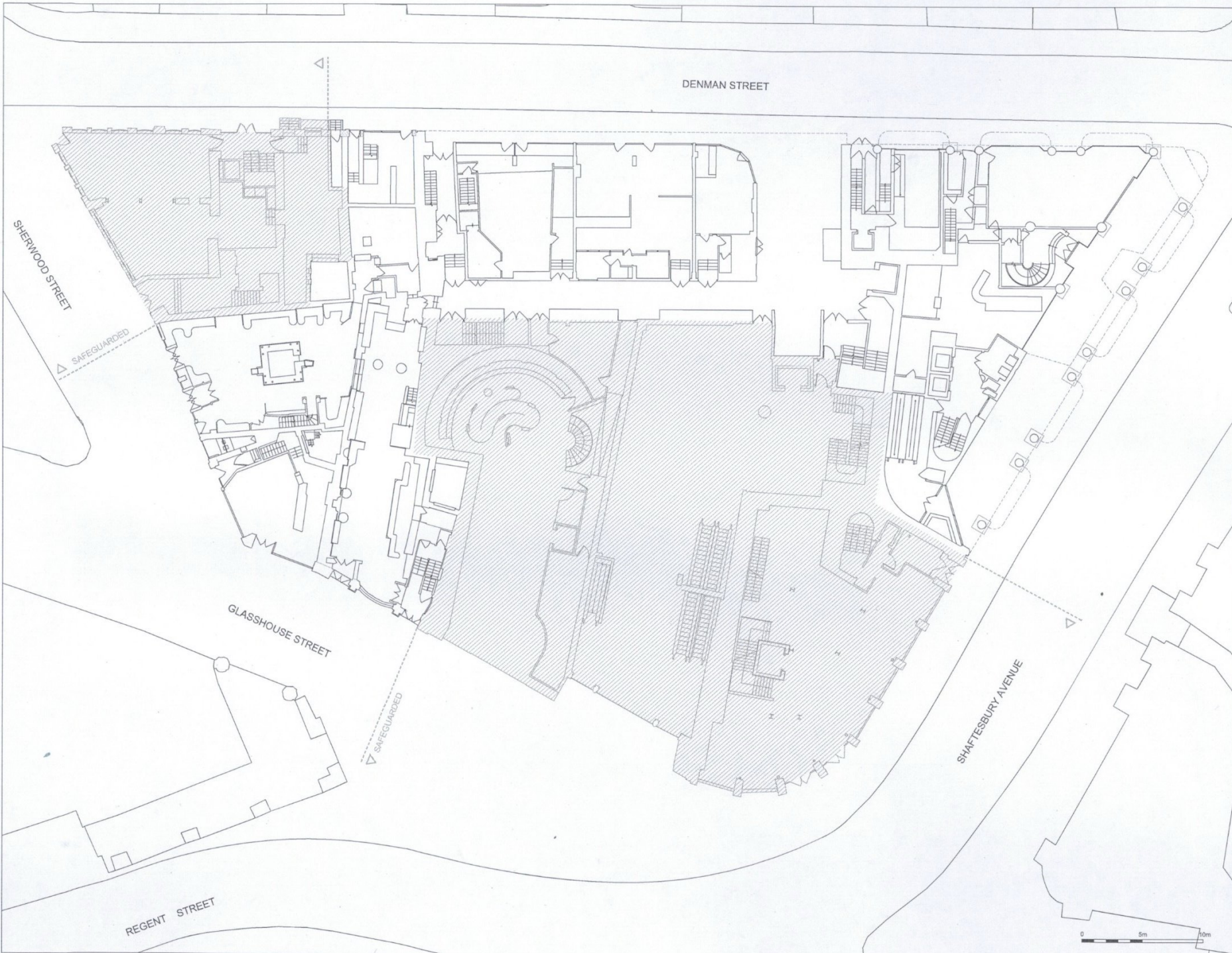
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit 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. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 9 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 10 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership

of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**



NOTES

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INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31 07 2015

KEY

 Safeguarded



The Monico Site

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 tel: +44 (0)20 7929 7886 fax: +44 (0)20 7902 0982
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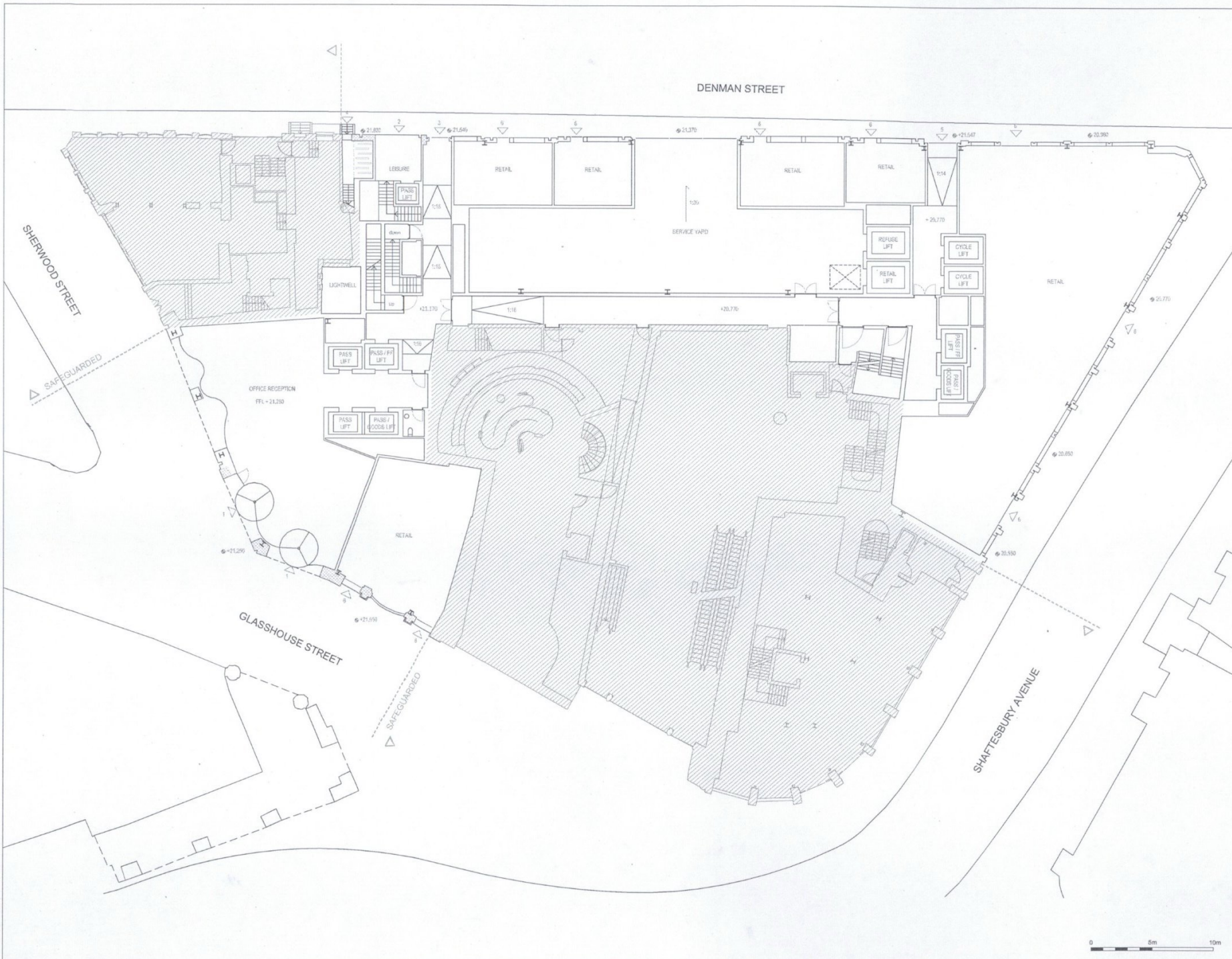
LONG & PARTNERS
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PLANNING

SENDER
FLETCHER PRIEST

TITLE
EXISTING GROUND FLOOR PLAN

DATE	SCALE
31 07 2015	1:200 @ A2
DRAWN BY	CHECKED BY
LM	AI
PLAN N°	REVISION
FP_MP_PA_EX_L00_20001	01



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INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31.07.2015

- KEY
- 1. Office entrance
 - 2. Leisure entrance
 - 3. Escape
 - 4. Residential entrance
 - 5. Escape and bicycle access
 - 6. Retail entrances
- Safeguarded
 Retained / Reconstructed



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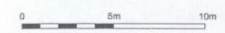
SERVICES ENGINEERING CONSULTANT
LONG & PARTNERS
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 tel: +44 (0)20 7102 4850 fax: +44 (0)20 7920 4851
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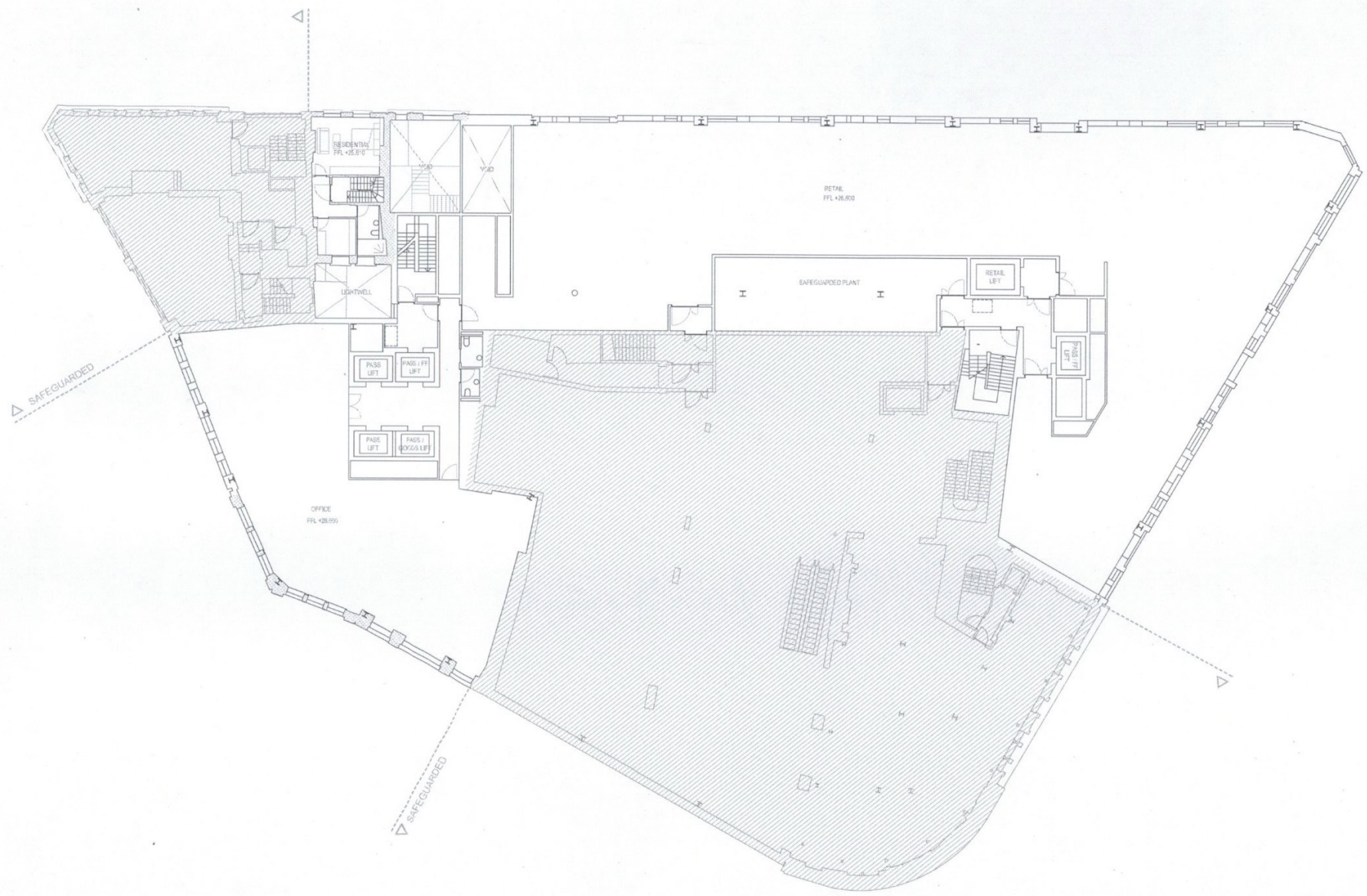
PLANNING

SENDER
FLETCHER PRIEST

TITLE
PROPOSED GROUND FLOOR PLAN

DATE	SCALE
31.07.2015	1:200 @ A2
DRAWN BY	CHECKED BY
JL	AI
PLAN N°	REVISION
FP_MP_PA_L00_20003	01





NOTES

Fletcher Priest Architects is a United Kingdom Partnership registered in England and Wales (12320389) of the below address. This drawing is to be read in conjunction with the project and contract documents.

FFL = The drawing is to be read in conjunction with other drawings and specifications produced by the architect after members of the design team. All dimensions are in millimetres unless otherwise stated. = An not scale site drawing. = Any discrepancy in dimensions are to be reported to the architect. = All alterations subject to dated site survey.

INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31 07 2015

KEY

SAFE GUARDED

RETAINED / RECONSTRUCTED



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 Pickfords Wharf, 180k Street, London SE1 8DG
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PLANNING

SENDER
FLETCHER PRIEST

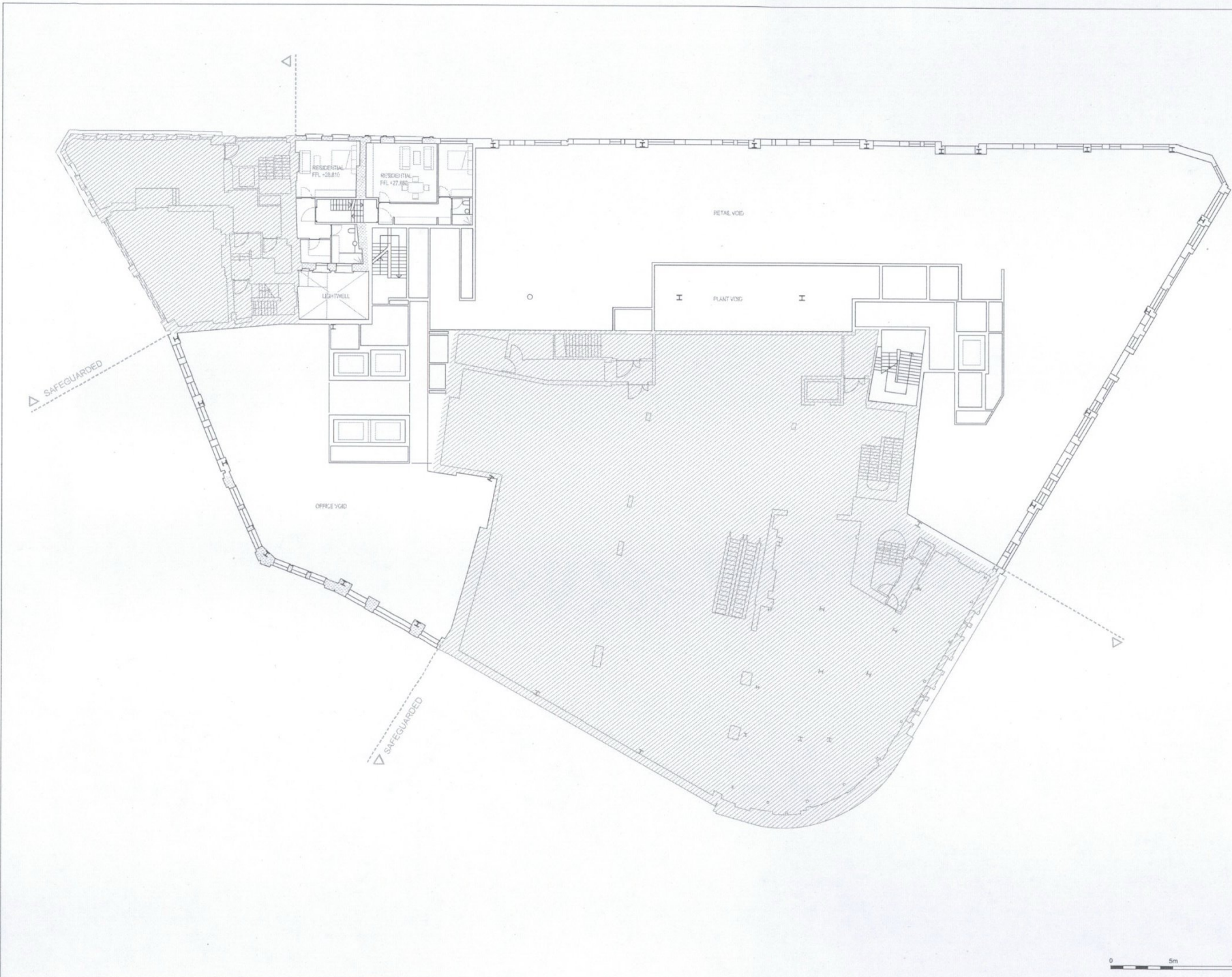
TITLE
PROPOSED PLAN
LEVEL 01

DATE 31 07 2015 **SCALE** 1:200 @ A2

DRAWN BY LM **CHECKED BY** AI

PLAN N° FP_MP_PA_L01_20004 **REVISION** 01





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 Fletcher Priest Architects is a Limited Liability Partnership registered in England and Wales (2323039) at the time of issue. This drawing is to be read in conjunction with the design and assessment prepared by the client. This drawing is to be read in conjunction with other drawings and specifications prepared by the client. Other members of the design team or its designers are to indicate on this drawing which parts do not suit the drawing or any discrepancies in dimensions are to be reported to the architect. All information subject to final site survey.

INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31 07 2015

KEY

 Safeguarded
 Retained / Reconstructed



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PLANNING

SENDER
FLETCHER PRIEST

TITLE
PROPOSED PLAN
LEVEL 02 RESIDENTIAL

DATE
 31 07 2015

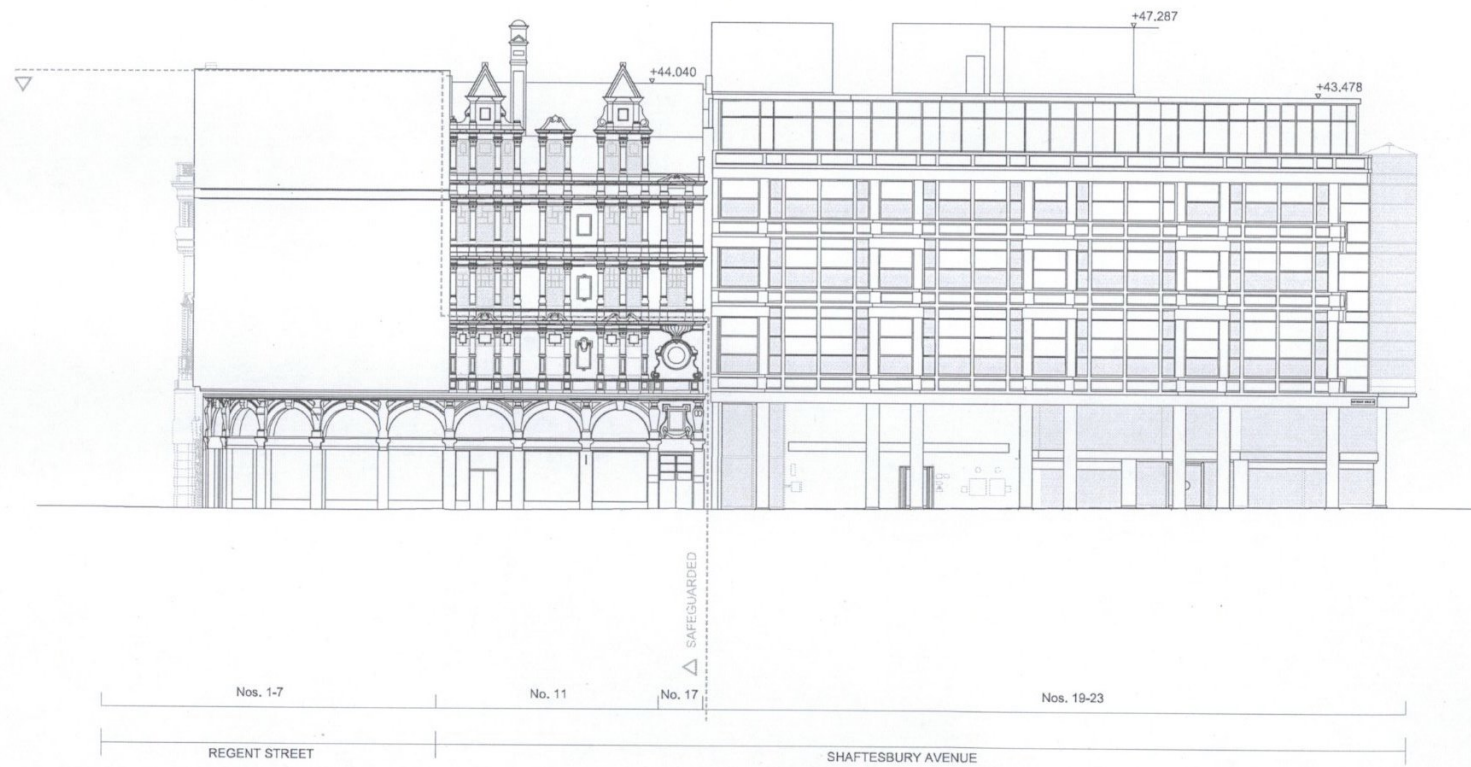
SCALE
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DRAWN BY
 JL

CHECKED BY
 AI

PLAN N°
 FP_MP_PA_L02_20005

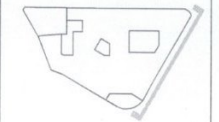
REVISION
 01



NOTES

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INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31.07.2015



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ARCHITECTS

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 LONDON + KÖLN + RIGA**
 Middlesex House, 34/42 Cleveland St, London W1T 4JE
 tel: +44 (0)20 7034 2200 fax: +44 (0)20 7837 5347
lp@fletcherpriest.com

STRUCTURAL ENGINEERING CONSULTANT

WATERMAN STRUCTURES
 Pickfords Wharf, Chis Street, London SE1 8DG
 tel: +44 (0)20 7928 7888 fax: +44 (0)20 7902 0982
www.watermangroup.com

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PLANNING

**SENDER
 FLETCHER PRIEST**

**TITLE
 EXISTING SHAFTESBURY
 AVENUE ELEVATION**

DATE 31 07 2015 **SCALE** 1:200 @ A2

DRAWN BY LM **CHECKED BY** AI

PLAN N° FP_MP_PA_EX_LM_21003 **REVISION** 01



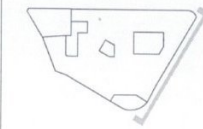
NOTES

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INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31 07 2015

KEY

1. Ceramic balauca
2. Ceramic balauca tile
3. Ceramic balauca gold
4. Ceramic balauca balconies
5. Clear double glazed windows with shadow gap recessed from facade
6. Full height clear double glazed window with shadow gap
7. Full height clear glazed shop front with glazed doors
8. Dark bronze metal surrounds with shadow gap
9. Dark bronze metal ventilation trellis set back with shadow gap
10. Retractable shop front awnings
11. Blue-grey ceramic surrounds with double glazing
12. Blue-grey ceramic tile
13. Blue-grey ceramic tile balustrade
14. Blue-grey ceramic tile shading
15. Glass balustrade
16. Glazed 6th floor mezzanine
17. Fixed projecting shop signs
18. Full height dark bronze metal framed glazing



The Monico Site

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 Internet: www.fletcherpriest.com

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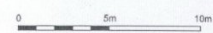
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PLANNING	
SENDER	FLETCHER PRIEST

TITLE	
PROPOSED SHAFTESBURY AVENUE ELEVATION	
DATE	SCALE
31 07 2015	1:200 @ A2
DRAWN BY	CHECKED BY
GW	GW
PLAN N°	REVISION
FP_MP_PA_LM_21103	01





Nos. 19-23 Shaftesbury Avenue

Nos. 21-24

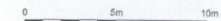
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No. 19

No. 18

No. 17

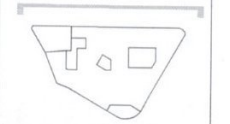
DENMAN STREET



NOTES

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INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31/07/2015



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LONDON + KÖLN + RIGA
Middlesex House, 3442 Cleveland St, London W1T 4JE
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tel: +44 (0)20 7928 7888 fax: +44 (0)20 7602 0962
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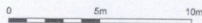
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PLANNING	
SENDER	FLETCHER PRIEST

TITLE	
EXISTING DENMAN STREET ELEVATION	
DATE	SCALE
31/07/2015	1:200 @ A2
DRAWN BY	CHECKED BY
LM	AI
PLAN N°	REVISION
FP_MP_PA_EX_LM_21002	01



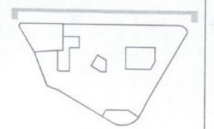
No. 20 No. 19



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INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31 07 2015

- KEY**
- Ceramic: talence to match existing
 - Ceramic: talence tile
 - Ceramic: talence grid
 - Ceramic: talence balustrade
 - Clear double glazed windows with shadow gap
 - Full height clear double glazed window with shadow gap
 - Full height clear glazed shop front with glazed doors
 - Full height dark bronze metal framed glazing
 - Dark bronze metal ventilation brills set back with shadow gap
 - Retractable shop front awnings
 - Blue-grey ceramic surrounds with double glazing
 - Blue-grey ceramic tiles
 - Blue-grey ceramic tile balustrade
 - Blue-grey ceramic tile shading
 - Bakery
 - Glazed 6th floor mezzanine
 - Fixed protruding shop signs
 - Clear glass slaying
 - Red brick facades in different pattern and colour variation to no 19 and 20 Denman St
 - Recessed brick spandrel panel
 - Ceramic: talence spandrel panel
 - Clear glass balustrade
 - Dark bronze metal framework shop front with full height glass door
 - Clear glass shop window
 - Loading bay doors in dark bronze metal network
 - New grey-blue stone roof
 - New stone dormer window to match existing
 - Escape doors
 - Leisure entrance
 - Residential entrance



The Monico Site

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PLANNING
 SENDER
FLETCHER PRIEST

TITLE
PROPOSED DENMAN STREET ELEVATION

DATE	SCALE
31 07 2015	1:200 @ A2

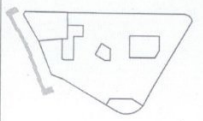
DRAWN BY	CHECKED BY
GW	GW

PLAN N°	REVISION
FP_MP_PA_LM_21102	01



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INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31 07 2015



The Monico Site

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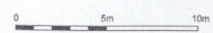
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 tel: +44 (0)20 7634 2200 fax: +44 (0)20 7637 5347
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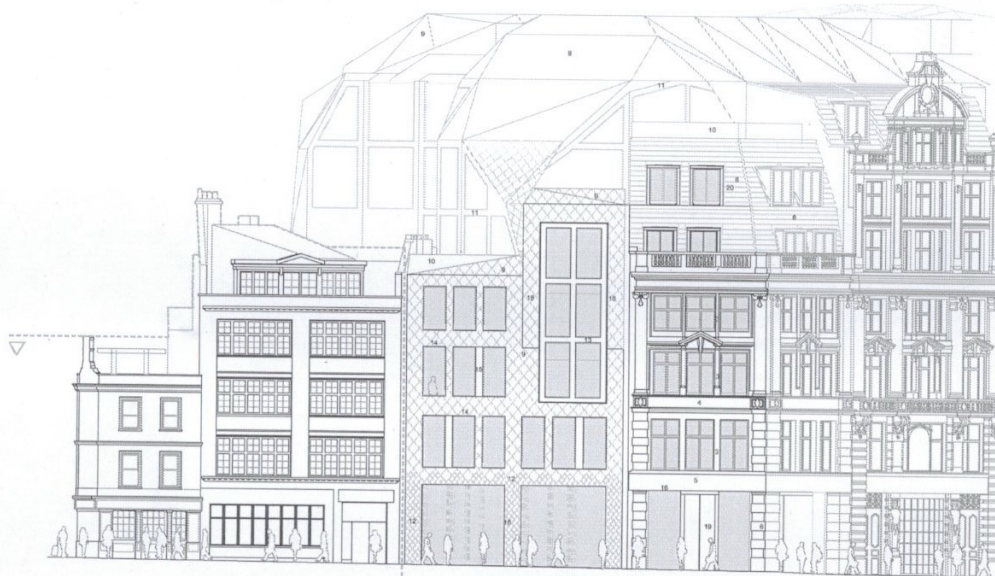
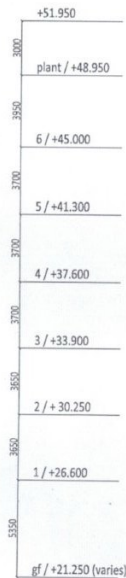
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PLANNING
 SENDER
FLETCHER PRIEST

TITLE
EXISTING SHERWOOD ST ELEVATION
 DATE 31 07 2015 SCALE 1:200 @ A2
 DRAWN BY LM CHECKED BY AJ
 PLAN N° FP_MP_PA_EX_LM_21001 REVISION 01

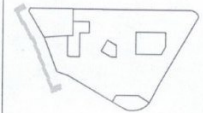




NOTES
 Fletcher Priest Architects is a limited liability Partnership registered in England and Wales (2323550) at its home address. * The drawing is to be read in conjunction with the design fee agreement, presented by fee. * The drawing is to be read in conjunction with our drawings and specifications produced by fee and other members of its design team. * All dimensions are in millimetres unless otherwise stated. * Do not scale the drawing. * Any discrepancies in dimensions are to be reported to the architect. * All alterations subject to detail site survey.

INDEX	DESCRIPTION	DATE
01	ISSUED FOR PLANNING	31 07 2015

- KEY**
- Existing Portland stone facade restored and rebuilt
 - New facade to match existing
 - New double glazed operable windows to match existing
 - Existing Bath stone facade retained and rebuilt
 - New stone to match existing
 - New stone ground floor reutilised
 - New stone balustrade to match existing portland stone balustrade
 - New blue-grey slate roof
 - Blue-grey ceramic tiles
 - Clear glass balustrade
 - Full height double glazed window with blue-grey ceramic surrounds
 - Blue-grey ceramic tiled facade with smaller coloured tiles at ground level
 - Blue-grey ceramic surrounds with double glazed windows
 - Double glazed windows with shadow gap
 - Windows reveal in blue-grey ceramic tiles
 - Full height clear curved glass to reception area
 - Full height double glazing
 - Sloping facade in blue-grey ceramic
 - Full height clear glass revolving floor
 - New zinc clad dormer with lancet windows



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 Middlesex House, 34/42 Cleveland St, London W1T 4JE
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WATERMAN STRUCTURES
 Pickfords Wharf, Crib Street, London SE1 8DG
 tel: +44 (0)20 7928 7888 fax: +44 (0)20 7902 0982
www.watermangroup.com

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PLANNING
 SENDER
FLETCHER PRIEST

TITLE
PROPOSED SHERWOOD ST ELEVATION
DATE 31 07 2015 **SCALE** 1:200 @ A2
DRAWN BY MI **CHECKED BY** AI
PLAN N° FP_MP_PA_LM_21001 **REVISION** 01

