

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Site 1: 57 Broadwick Street, London, W1F 9QS, Site 2: Shaftesbury Mansions, 52 Shaftesbury Avenue, London, W1D 6LP,		
Proposal	Site 1: Alterations and extensions to the existing building including erection of single storey extension at roof level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof. Site 2: Use of part ground and first to fourth floors as seven residential flats (Class C3).		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury PLC		
Registered Number	1.15/07957/FULL 2. 15/07956/FULL	Date amended/ completed	17 September 2015
Date Application Received	26 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Site 1:

1. Does Committee agree that the application is only considered acceptable subject to an amending condition requiring the submission of revised drawings to provide two family sized units of residential accommodation at 57 Broadwick Street.

2. Subject to 1 above grant conditional planning consent subject to the completion of a S106 legal agreement to secure:
 - a. The residential use at 52 Shaftesbury Avenue to be provided prior to the occupation of the office/retail/restaurant accommodation on site;
 - b. Works to the highway including the removal of street trees, phone box and other street furniture items prior to the commencement of development;
 - c. Replacement of street trees in vicinity of the site;
 - d. All relevant costs for the stopping up of parts of Marshall Street and Broadwick Street
 - e. The costs of monitoring the S106 legal agreement;
3. If the S106 legal agreement has not been completed within 6 weeks, 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.
4.
 - a. That Sub-Committee authorises the making of a draft order pursuant to S247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.
 - b. That the City Commissioner of Transportation be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. (The applicant will be required to cover all costs of the Council in progressing the stopping up order).

Site 2:

Recommendation:

1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure:
 - a. Car club membership for each flat for 25 years;
 - b. The costs of monitoring the S106 legal agreement;
2. If the S106 legal agreement has not been completed within 6 weeks, 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.

2. SUMMARY

57 Broadwick Street (Site 1) is an unlisted building located on the south side of Broadwick Street at the junction with Marshall Street within the Soho Conservation Area and the Core Central Activities Zone as defined by the adopted City Plan. The building comprises of basement, ground and first to third floors with a tower element on part of the building. The ground and first to fourth floors are currently primarily used as office accommodation whilst the tower is in use as residential flats and the basement is utilised for parking and services. The proposals are for extensions at ground to fourth floor levels, reconfiguration of parking and servicing arrangements and the installation of plant with the partial change of use of the property to provide residential, office, retail and restaurant uses. External alterations are proposed from the ground to fourth floors. The residential tower does not form part of the proposals.

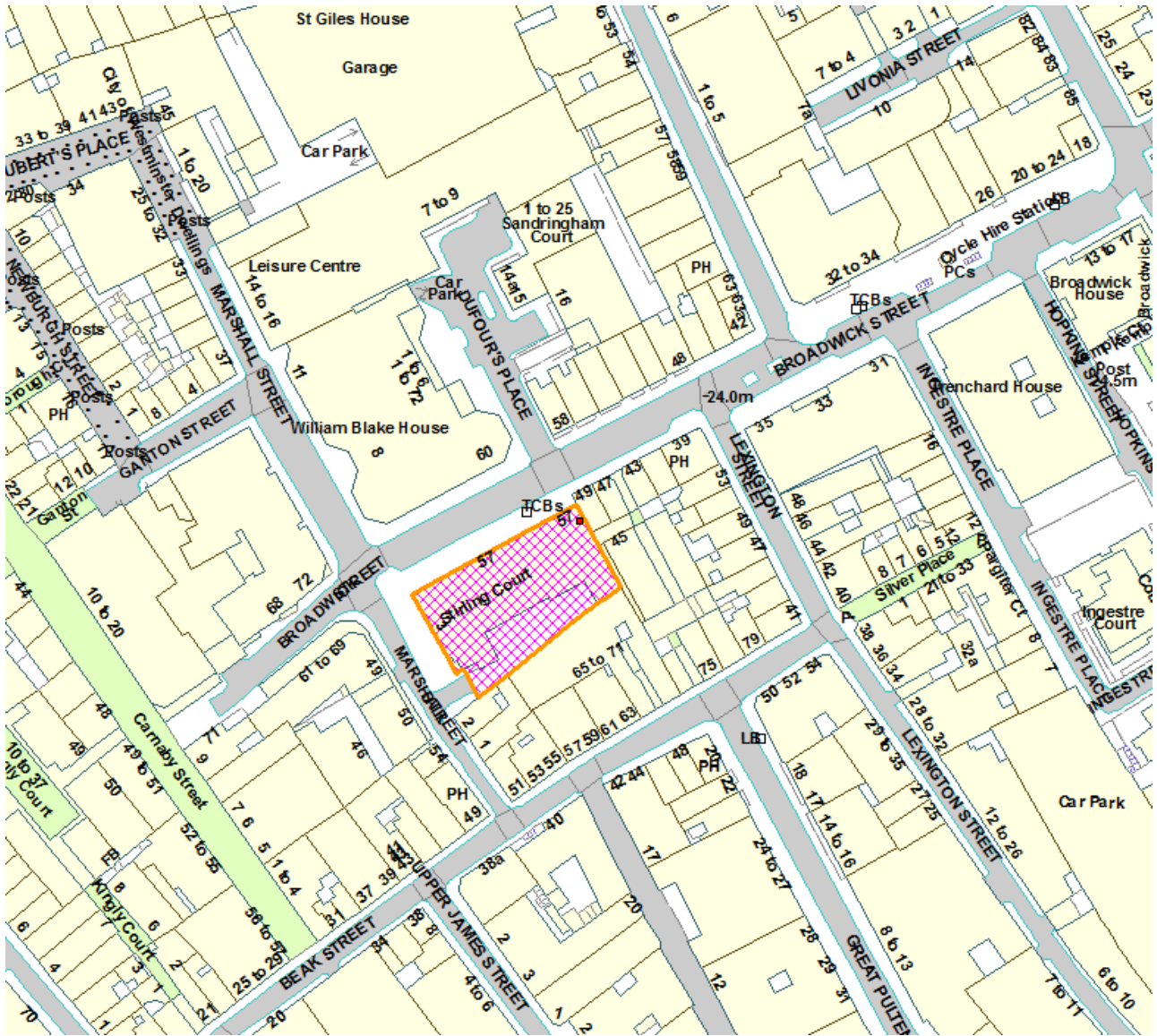
52 Shaftesbury Avenue (Site 2) is an unlisted building in the Chinatown Conservation Area comprising of ground to fourth floor level, which is currently used as office accommodation. The proposals include the provision of off-site residential within this property through the conversion of the office accommodation.

The key issues are:

- * The principle of the restaurant use at Site 1 and the terminus of the extraction ducting;
- * The principle of providing a proportion of the required off-site residential accommodation at Site 2;
- * The amenity impact of the proposed extensions and terraces on surrounding sensitive properties at Site 1;
- * Impact of alterations at Site 1 on the character and appearance of the conservation area;
- * The impact of the scheme on servicing and parking on the local highway network;
- * The impact of the extensions at Site 1 on the existing street trees and the mitigation of this impact;
- and
- * The proposed mix of residential units.

There are substantial benefits associated with the scheme with regard the provision of floorspace serving visiting members of the public and significant design benefits. Given this, Committee's views are sought as to the acceptability of the proposal in terms of the proposed mix of residential units. It is considered that the current mix (which provides no family sized accommodation) is unacceptable in principle and the application is only considered acceptable with an amending condition requiring the submission of revised drawings to show the provision of two family sized units at 57 Broadwick Street.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

..

4. PHOTOGRAPHS

Site 1



Site 2



5. CONSULTATIONS

SITE 1

SOHO SOCIETY

Objection on the following grounds:

- The loss of trees and the loss of tree planting spaces need to be fully addressed with regard alternative tree planting in the immediate vicinity.
- The large commercial units are not 'commensurate' with the Soho Conservation Area, the creation of smaller retail / restaurant units would be acceptable.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

ARBORICULTURAL SECTION

Objection - the loss of two street trees is considered unacceptable and it is considered a further three street trees would be so adversely impacted by the works that these trees would also die.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 271

Total No. of replies: 36

No. of objections: 33

No. in support: 3

Objections on some or all of the following grounds:

Land use:

- The proposed retail unit is too large;
- The required residential provision should be within the demise of 57 Broadwick Street not off-site in the vicinity.

Amenity:

- Impact of the proposed restaurant on public disorder and an increase in noise from patrons;
- Cumulative impact of restaurants in the vicinity;
- Odour nuisance from the proposed restaurant extraction duct;
- Overlooking and noise from the fourth floor terraces adversely impacting existing residents in Stirling Court;
- Increased sense of enclosure to residents in 1A Marshall Street;
- Loss of daylight and sunlight to existing residents in 1A Marshall Street, Stirling Court;
- Overlooking of the existing residential units in 1A Marshall Street;
- Concern that the green roof areas could be used as outside amenity space;
- Potential noise disruption from the users of the proposed terraces;

- The proposed overhanging element of the facades will provide opportunities for anti-social behaviour;
- Noise impact from the plant installation.

Highways:

- Reduction in the pavement width will adversely impact pedestrians;
- The reduction in car parking provision will have adverse implications for parking in the vicinity and implications for services being provided to the residential flats;
- Increased congestion from deliveries to the new commercial units;
- The existing residential flats are not being provided with cycle parking spaces.

Design:

- Design of the proposed building could be improved;
- The design of the podium section creates a disjointed appearance when compared to the retained existing tower element of the building;

Other:

- Disruption to local residents from construction works;
- Unacceptable loss of street trees.
- Possible fire hazard resulting from the removal of the existing external metal staircase.
- The submitted Statement of Community Involvement does not accurately reflect the opinions expressed by residents.
- Potential disruption from waste collections to residential amenity and the highway.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

SITE 2

SOHO SOCIETY

No objection.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

Objection – lack of off-street and on-street car parking availability.

CROSS LONDON RAIL LINKS LTD

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 1

Letter of raising concern to the impact of the construction works on the operation of the Apollo Theatre at 31-33 Shaftesbury Avenue.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

The Application Sites

Site 1 relates to 57 Broadwick Street an unlisted building located within the Soho Conservation Area, the building has frontages on Broadwick Street and Marshall Street. The building comprises of a podium and tower elements. The application relates to the basement, ground and first to fourth floor levels. The tower element is primarily unaffected (except for at fourth floor level). The basement is currently utilised as car parking (for both residential and commercial occupiers), the ground floor is office accommodation with a lawful retail unit on the west side of the site which is currently unlawfully occupied by a restaurant operator. The first, second and third floor levels are used as office accommodation, with the fourth floor used as office space and a 'caretakers flat'. The remainder of the tower is used as residential flats.

Site 2 relates to 52 Shaftesbury Avenue an unlisted building situated within the Chinatown Conservation Area. The building comprises ground to fourth floor levels and is currently utilised as office accommodation. The property has elevations to Shaftesbury Avenue on the north and Rupert Street on the west.

Recent Relevant History

Site 1- Planning permission was refused on the 17th May 1984 for the use of part of the basement car park (approximately 25 car parking spaces) by residents of the area. An appeal against an enforcement notice, issued against the use of the car park by unauthorised persons, was dismissed on the 6th February 1985.

7. THE PROPOSAL

At Site 1, permission is sought for extensions to the property on the Broadwick Street elevation to the north, the Marshall Street elevation to the west and at the rear of the property where there is currently a servicing yard to the south. It is proposed to partially extend the property on Broadwick Street at ground floor level to match the building line of the properties to the east, which will partially re-instate the historic building line. Further west along Broadwick Street extensions are proposed at first to third floor levels which oversail the public highway and at the rear of the property the extensions at ground to third floor level would oversail a new servicing yard. It is also proposed to erect a single storey extension at fourth floor level to the east of the podium for use as office accommodation with a plant room above. Green roof areas and terraces are proposed at second, third, fourth and fifth floor level.

Internally it is proposed to use part of the basement and ground as a retail unit and part of the ground floor for flexible retail or restaurant use. Flexible use retail/office use is also proposed at first floor level. At fourth floor level it is proposed to create two residential flats in an area which is currently utilised as office accommodation. At basement level, the creation of retail accommodation and the provision of cycle parking and space for plant results in a reduction in the level of off-street parking.

The proposal will result in the removal of two existing trees and tree pits on Broadwick Street. An existing telephone box is also to be removed from the public highway on Broadwick Street to ensure sufficient pavement width is retained for pedestrian movement.

The proposals at Site 2 include the change of use of the part ground to fourth floor levels to residential accommodation (Class C3)

The table below shows the land use figures for both schemes:

57 Broadwick Street:

Use	Existing (GEA)	Proposed (GEA)	+/- difference (m2)
Retail	171	520	+349
Office	2714	2167	-547
Residential	267	521	+254
Refuse and Sub-station	118	341	+223
Car and cycle parking	906	535	-371
Flexible retail and office	0	674	+674
Flexible retail and restaurant	0	322	+322
TOTAL	4176	5080	+904

52 Shaftesbury Avenue:

Use	Existing (GEA)	Proposed (GEA)	+/- difference (m ²)
Office	561	0	-561
Residential	0	561	+561
TOTAL	561	561	0

Land use figures for the combined schemes:

Use	Existing (GEA)	Proposed (GEA)	+/- difference (m ²)
Residential	267	1082	+815
Commercial	2885	3122	+237
Refuse / Parking / Sub-station	1024	876	-148
TOTAL	4737	5641	+904

Restaurant Use Table:

	Proposed restaurant incorporating basement and ground floor levels
Restaurant floorspace (m2)	322m ²
No of covers	150
Hours of Operation	07:30 till 00.30 Monday to Saturday 07:30 to 00:00 (midnight) Sundays and Bank Holidays
Ventilation arrangements	Kitchen extract duct terminating on the podium at fifth floor level and a/c units
Refuse Storage arrangements	To be stored within separate refuse and recycling storage areas at rear ground floor level.

8. DETAILED CONSIDERATIONS**8.1 Land Use****8.1.1 Office use**

Depending on the flexible use of the first floor at Site 1, the proposals will either result in the loss of 547m² of office accommodation or an increase of 127m². At Site 2, there will be a loss of 561m² of office floor space.

The application was submitted prior to the 1st September 2015, therefore the loss of the office floorspace cannot be resisted in this instance.

If the flexible floorspace at first floor was utilised as office floor space it would result in an uplift of 127m². The site is located within the Core Central Activities Zone, where new offices are directed by City Plan Policy S18 and UDP Policy COM1. Therefore, an increase in office floorspace is acceptable in principle.

8.1.2 Retail provision

The proposal will result in an increase in retail accommodation on the site over basement, ground and potentially the whole of the first floor. There is an existing retail unit on the western side of the property fronting both Marshall Street and Broadwick Street (although this appears to be in unauthorised use as a restaurant use). The proposal would either result in a retail uplift of 349m² or 1023m² or a maximum of 1345m² if all the flexible floorspace at first floor level and ground floor is implemented as retail. This increase in retail floorspace is welcomed in land use terms at this location within the Core CAZ and West End Special Retail Policy Area. Policy S7 of the City Plan states that the West End Special Retail Policy Area will be maintained and enhanced through the provision of 'improved retail space'. Policy S6 states that within the Core CAZ 'retail floorspace is encouraged throughout the area'. The increase in retail accommodation is therefore considered a benefit of the scheme in this location.

Objections have been received from the Soho Society and local residents with regard the size of the proposed retail unit which they do not consider reflects the existing, smaller retail units in the wider Soho Conservation Area. The City Council does not have a policy basis to request the provision of smaller retail units, only policies to increase the provision of retail floorspace. For this reason the application could not be reasonably refused on these grounds.

8.1.3 Restaurant use

The proposal includes a new restaurant use fronting Broadwick Street on the eastern side of the site measuring 322m². City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core Central Activities Zone. As the site is located within the West End Stress Area, the introduction of entertainment uses is considered more carefully. UDP Policy TACE9 states that permission for restaurant uses inside the Core CAZ and designated West End Stress Area may be permissible where the proposed development will have no adverse impact on residential amenity or local environmental quality as a result of noise, vibration, smells, late night activity, increased parking and traffic, and no adverse effect on the character or function of its area. Policy S24 of the City Plan also relates to new entertainment uses and has similar policy requirements for units of this size.

The immediate vicinity is characterised mainly by restaurant and retail units on the lower floors and office or residential uses on the upper floors. The nearest residential properties are on the upper floors of the adjoining building to the east (49 Broadwick Street), on the upper floors of the building opposite (William Blake House) and within the tower element of the application site itself. Objections have been received from nearby occupiers to the introduction of a new restaurant use which they consider may have implications for noise and disturbance from patrons and a cumulative impact when taking into account other entertainment uses in the vicinity.

The site is located within the defined West End Stress Area, an area where the numbers of restaurants, cafés, takeaways, public houses, bars and other entertainment uses is considered to have reached a level of saturation. Paragraph 8.89 of the UDP states that “in some parts of the city, particularly in the Stress Areas, there are significant numbers of entertainment premises close together”. In such circumstances the City Council will consider whether any additional entertainment proposal, when taken alongside others nearby, will adversely affect residential amenity, local environmental quality, or the character or function of the surrounding area.”

It is 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 restaurant proposals are speculative with no end-user identified, therefore it is not possible at this time to consider the likely impact by assessing the track record of the

intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the use would essentially be sit-down restaurant with any ancillary bar limited to a small part of the premises (15%) and this could be used only by diners before and after meals.

The proposed restaurant would be accessed from Broadwick Street away from the existing residential entrance on Marshall Street. The main entrance doors at ground floor level would be required to be self-closing to minimise noise escape.

The opening hours of the premises are proposed as 07:30 till 01:00 however, it is considered due to the number of residential properties in the vicinity (including on the upper floors of 49 Broadwick Street) that the terminal hour should be 00:30 Monday to Saturday and 07:30 till midnight on Sundays and Bank Holidays. Paragraph 8.88 of the UDP states that; 'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'. The proposed opening hours therefore broadly accord with this policy.

Conditions are also proposed to ensure that there is no takeaway service (including home delivery service) from the restaurant and to restrict the number of covers to 150.

The proposed extract duct from the restaurant would terminate on the podium section of the building at fifth floor level. This is below the tower element of the building which is used as residential flats. The duct would terminate 13m from the residential windows in the tower. City Council's guidance; 'Guidelines for control of odour from commercial kitchen extract ventilation systems', states that extracts ducts should terminate higher than all sensitive windows that are within 20m of the duct terminus.

The applicant states that although they are the freeholder of the tower element of the building, they do not have the necessary consents from the long leaseholder to install the duct up the side of the tower, which would allow the duct to terminate above the residential windows. Therefore they state that the podium location is the only feasible location for the duct terminus. The applicant is proposing a high level scheme of odour reduction including an electrostatic precipitator, UV ozone system and carbon filtration which should provide an exceptionally high level of odour control. It is also noted that the proposed location of the ductwork terminus would allow for good air dispersion due to the duct being above the height of most other nearby buildings which allows for unhindered air movements.

A number of objections have been received from residents in the tower element of the building to the potential for odour nuisance from the proposed restaurant to detrimentally impact their amenity. An Environmental Health Officer has visited the site and assessed the submitted information, they consider that with suitably worded conditions to ensure the installation of the proposed odour reduction elements, a system of maintenance and further assessment of the exact location and design of the extract terminus, the proposal would provide an effective means of odour dispersal. Subject to these conditions the kitchen extract duct is considered acceptable and would provide the required odour discharge, the objections on these grounds are not therefore considered sustainable to justify refusing the application.

It is acknowledged that the restaurant premises would be located within the designated West End Stress Area and that adjoining occupiers have objected to the introduction of a restaurant use on noise grounds and its cumulative impact. However, the number of covers and the hours of use are similar to other premises in the immediate vicinity. It is therefore not considered that, subject to conditions, the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality and it is not considered the application could be refused on these grounds.

The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

8.1.4 Residential use

Policies S1 of the City Plan and COM2 of the UDP seek to promote mixed use developments within the Central Activities Zone. Policy S1 requires that where the increase in office floorspace exceeds 200m² or the increase in retail accommodation exceeds 400m² the provision of an equivalent amount of residential floorspace will be required on-site where the council considers this appropriate and practical. This policy is not applied to changes of use between different commercial uses, only to extensions.

The application results in an overall increase in commercial floorspace of 650m². The proposal would therefore trigger a requirement for on-site residential provision to match the commercial increase. It is proposed to create two new residential units at fourth floor level within Site 1, through the conversion of office accommodation, this results in a residential uplift of 254m². The applicant has stated that additional residential floorspace cannot be provided within Site 1 due to existing structural walls that restrict the optimal layout of the space and create a number of rooms which could not be used for any purpose due to the need to create residential corridors to reach other units. A number of objectors have commented on this issue and questioned why the required residential provision can not be provided at Site 1. The applicant has provided drawings to support their rational and officers accept this argument. To address the shortfall in residential provision, the applicant proposes to convert an office building in their ownership at 52 Shaftesbury Avenue to residential accommodation comprising seven units. The floorspace of this property is 561m². Across both sites there is an overall residential increase (815m²) which exceeds the commercial uplift and therefore the proposal is considered acceptable. The proposals also comply with Policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land or buildings in residential use.

Overall the proposals at Site 1 and 2 result in the creation of nine residential units. As the scheme would not result in an increase of residential floorspace exceeding 1000m² or in excess of 10 additional residential units there is no requirement for an affordable housing provision as set out in Policy S16 of the City Plan.

Policy H5 of the UDP requires that in new developments 33% of the residential units should be family sized (in excess of three bedrooms). Policy S15 of the City Plan reiterates this and states that 'residential development will provide an appropriate mix of units in terms of size, type, and affordable housing provision to contribute towards Westminster's housing needs, and creating mixed communities.' The application proposes 5x1 bedroom units and 4x2 bedroom units. To accord with the provisions of Policy H5 the proposal should include three family sized units, as none are proposed the

application is contrary to the requirements of the above policies. The policy can be applied with some flexibility where the proposed housing is located in a very busy or noisy location. The applicant states that due to the location of the proposed flats in Soho (and in particular on Shaftesbury Avenue) which are noisy locations, the provision of family sized should be applied flexibly. Whilst it is accepted that the proposed flats in Site 2 are on a busy, noisy road without external amenity space, the same arguments can not be applied to Site 1. Broadwick Street and Marshall Street are significantly quieter than Site 2, and there are already residential units in the vicinity, the proposed flats would also have private terraces. It is considered that minor internal amendments at fourth floor level to increase the size of the residential flats would enable the provision of family sized units in Site 1.

It is therefore considered the application is contrary to the provisions of policies H5 of the UDP and S15 of the City Plan and Committees view are sought on whether a condition requiring the submission of amended floorplans to provide two family sized units at fourth floor level in 57 Broadwick Street is acceptable.

The applicant has stated that the freeholder considers 'sensibly sized one and two-bedroom units of accommodation much more readily satisfy the demand for rental accommodation in this area', however; this is not considered sufficient justification for non-compliance with the City Council's adopted policies.

The table below shows the GIA floorspace figures of the proposed flats:

	Bedrooms	GIA (m ²)
Site 1 (Unit 1)	1	63
Site 1 (Unit 2)	2	128
Site 2 (Unit 1)	1	49
Site 2 (Unit 2)	1	49
Site 2 (Unit 3)	2	70
Site 2 (Unit 4)	1	49
Site 2 (Unit 5)	2	73
Site 2 (Unit 6)	1	47
Site 2 (Unit 7)	2	70

The residential unit sizes accord with the size and space standards of the national technical standards.

All the units within Sites 1 and 2 are dual aspect and have openable windows which allow for natural ventilation. An acoustic report has been submitted to provide detailed information on the existing noise levels at Site 2 (being a noisy location on Shaftesbury Avenue adjacent to a restaurant use). Specifications have been provided of the acoustic mitigation proposed to ensure that internal noise levels in the units are compliant with City Council policy. Conditions are proposed to ensure these mitigation measures are installed and a further condition is proposed with regard the transference of vibration through the building structure as required by the Environmental Health Officer.

8.2 Townscape and Design

The existing tower and podium do not make a positive contribution to the character and appearance of the Soho Conservation Area. Ideally they would be demolished and

replaced by a lower building which related to its context. However, the tower is very unlikely to be demolished and so improvements to the appearance of the podium are acceptable in principle.

The new façade is brought forward to the historic building line, which is welcome in townscape terms. The façade comprises an expressed grid clad brickwork, with recessed blue glazed vertical and horizontal panels. This is an attractive modern design which will enhance the street.

The roof storey is set back from the street facade, approximately half way between the building line of the tower and the new facade, and features large areas of glazing at the east end (office) and smaller windows within metal panels at the west end (residential). There is a small roof level plant enclosure, set well back from the street frontages to reduce its visual impact.

The proposal is acceptable in urban design and conservation terms. It complies with the City Council's policies including S25 and S28 and Unitary Development Plan policies including DES 1, DES 5 and DES 9.

8.3 Residential Amenity

Sunlight and Daylight Overview

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties. Paragraph 2.2.2 of the BRE guidelines states that they 'may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.'

Under the BRE guidelines the level of daylight received by a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

With regard to situations where the existing daylight levels are below the BRE recommendations, Policy ENV13 states that 'where principal habitable rooms such as bedsits, living rooms, studies or kitchens are affected, the City Council may find any loss of light unacceptable.' The BRE guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but 'windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed'.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that 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% either over the whole year or just

during winter months, then the occupants of the existing building are likely to notice the loss of sunlight.

The submitted report considers the impacts of the proposals on residential properties at 1 Marshall Street, 73 Beak Street, 71 Beak Street, William Blake House (which is on Broadwick Street opposite the application site) and Marshall House (which is opposite the application site on Marshall Street).

Daylight

None of the assessed windows in 71 Beak Street, 73 Break Street or Marshall House experience losses in excess of the BRE guidelines with regards to VSC. However, some residential windows in William Blake House and 1 Marshall Street do experience material losses in excess of the stated guideline levels.

Objections have been received on the potential loss of daylight / sunlight to residential occupiers within 1 Marshall Street and to residential occupiers within the flats in the tower section of the building.

Within 1 Marshall Street the material losses are to panes of projecting semi circular window at first floor level. The window has been divided into seven 'panes' and three of these experience VSC losses in excess of 20% where the remaining VSC is under the 27% threshold. Overall the window will continue to retain good levels of VSC from the other four 'panes' which make up the semi circular window serving a living room and therefore the losses to the window are considered acceptable.

There are not considered to be any implications for daylight / sunlight to the flats in the tower part of the site as all extensions are at lower floor levels. There is a proposed enclosure for the extract duct terminus at fifth floor level, which will be at the same height as residential windows in the tower but this will be to the east of the windows and approximately 9m distant. It is not therefore considered to result in any detrimental impact upon the daylight / sunlight levels that these flats will receive

There are VSC losses in excess of the BRE Guidance to windows at William Blake House, which is located opposite the site at third, fourth and fifth floor levels. These losses are detailed in the table below. As no objections have been received to the application from the occupants of these residential units it is not known what rooms these windows serve.

Window	%VSC		
	Existing	Proposed	Loss
Third Floor (W3)	2.71	1.99	26.57%
Third Floor (W4)	0.23	0.09	60.87%
Third Floor (W5)	1.63	1.16	28.83%
Third Floor (W8)	4.43	3.39	23.48%
Third Floor (W9)	0.32	0.12	62.50%
Third Floor (W10)	1.70	1.12	34.12%
Fourth Floor (W4)	0.86	0.27	68.60%
Fourth Floor (W5)	2.13	1.63	23.47%
Fourth Floor (W8)	1.54	0.74	51.95%

Fifth Floor (W4)	1.05	0.70	33.33%
Fifth Floor (W8)	1.72	1.29	25%

These losses exceed the 20% threshold stipulated within the BRE guidance and the remaining VSC is below the 27% threshold. However, it should be noted that all the windows which experience these losses in excess of the BRE Guidelines have deep recessed balconies.

The BRE Guidance states that 'existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct sunlight.' This would appear to be the case in this instance; all the windows detailed in the table above have deep recessed balconies. Other windows at the same floor levels (which do not have deep balconies) all experience minor losses well within the BRE Guidance. It would therefore appear that the losses result from the design of William Blake House with the deep recessed balconies and not from the proposed development and the application could not be reasonably refused on these grounds.

Sunlight

An assessment has been made to the sunlight losses of windows at 73 Beak Street and William Blake House. There are no losses of sunlight to 73 Beak Street but again the same windows within William Blake House are disproportionately affected due to the recessed balcony areas. Again, the windows tested which are not affected by balconies are compliant with the BRE Guidance whilst a number of the windows with balconies have losses in excess of the BRE Guidelines. As detailed above, it is considered that the losses to sunlight are due to the design of William Blake House and the proposal is considered acceptable in daylight and sunlight grounds.

Sense of Enclosure

Objections have been received from the residential occupier at 1 Marshall Street with regards to the increased sense of enclosure. Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. The occupants of these flats would have oblique views of the extension proposed at the rear of the property and have more direct views of the extension proposed on Marshall Street. The extension on Marshall Street is proposed to project approximately 0.5m at ground floor level and 2.5m at first to third floor levels over the public highway on Marshall Street. The extension is approximately 12.5m away from the residential windows in 1 Marshall Street and therefore the sense of enclosure is not considered to cause a material impact that would justify the refusal of the scheme.

Privacy

There are terraces proposed in association with the office floorspace at the rear of the building at second and third floor level and fronting Marshall Street at fourth floor level. Further terraces are proposed at fourth floor level, one fronting Marshall Street and the other fronting Broadwick Street which are proposed as private terraces for the residential units. Objections have been received to the application due to the potential for overlooking to nearby sensitive properties from the proposed terraces.

Policy ENV13 of the UDP states that 'new developments should not result in a significant increase in overlooking', Policy S29 of the City Plan has a similar aim and seeks to ensure that new development does not result in an unacceptable loss of residential amenity.

The proposed terraces at the rear of the building would be within an enclosed courtyard and it is not considered they would result in any overlooking of nearby sensitive properties. There are windows facing into this courtyard area serving 45 Broadwick Street to the east of the proposed terraces but this building is in office use and therefore not protected by policy requirements with regard overlooking.

The fourth floor terrace fronting Marshall Street measures 1.5m x 9m and would be approximately 11.5m from the residential windows in 1 Marshall Street to the south. City Council records also show there are residential flats within the building on the opposite side of Marshall Street at a distance of 12.5m. Taking into account the distances to the nearest residential windows; the terrace is in use with a single residential unit and the relatively small size of the terrace it is not considered it would result in a 'significant' loss of privacy.

Two further terraces are proposed at fourth floor level fronting Broadwick Street, one serving the residential flat (measuring 8m x 2m) and the other terrace serving the office accommodation (measuring 13.5m x 2m). The office terrace is opposite the residential tower of William Blake House, which is approximately 15m away. There is a degree of existing mutual overlooking from the existing office building to the residential windows and the proposed office terrace will be closer, however, it is considered that conditions should be attached to control the hours of use of the office terrace. On this basis the proposal is considered acceptable, and objections received are not considered sustainable.

An objector has commented on the potential for noise nuisance to result from the use of the terraces which would impact on residential amenity. These concerns are noted and considered justified, a condition is imposed to restrict the hours of use of the terraces for the office accommodation to between 08:30 and 20:30 daily. Due to the relatively small size of the residential terraces and that they are only associated with single residential units it is not necessary to condition the hours of use of the terraces.

8.4 Transportation/Parking

Building line

Site 1

It is proposed to extend the building line along Broadwick Street and Marshall Street. Adjacent to 49 Broadwick Street, the ground floor would be extending by 2.5m for a distance of 17m (restoring the historic building line), the rest of the ground floor on Broadwick Street and Marshall Street would be extended by approximately 0.5m. It is also proposed to oversail the public highway at second, third and fourth floor levels on Broadwick Street and on the Marshall Street elevations. To facilitate the extensions of the building line it is proposed to remove two street trees and a phone box and re-locate a litter bin to allow for 2.75m of clear pavement to be retained for pedestrian movement. The Highways Planning Manager considers the proposal acceptable. Along the remainder of Broadwick Street (towards the junction with Marshall Street) there is at least 4m of

pavement width retained for pedestrian movement. Although some of this space is taken up with street trees and public cycle parking hoops, the Highways Planning Manager considers the application acceptable on highways grounds subject to a stopping-up order, an oversailing license and a S106 to include the removal of the relevant trees and phone box and re-location of the litter bin.

The principle of restoring the historic building line for this small section is cautiously considered acceptable when taking into account the other benefits provided by the proposal. It is noted the reduction in the pavement width has been objected to by a number of local residents but considering the comments from the Highways Planning Manager and that with the removal of certain items of street furniture the pedestrian zone will be compliant with the Westminster Way the proposal is considered acceptable.

Car and cycle parking

Site 1

There are 35 car parking spaces at basement level, and a condition was attached to the permission granted for the development of the site in August 1967 which stated that 'the whole of the car parking accommodation shown on the drawings shall be provided and retained permanently for the accommodation of vehicles of the occupiers (including employees using the building) and persons calling at the building for the purposes of conducting business with the occupiers thereof.'

Planning permission was refused on the 17th May 1984 for the use of part of the basement car park (approximately 25 car parking spaces) by residents of the area. An appeal against an enforcement notice, issued against the use of the car park by unauthorised persons, was dismissed on the 6th February 1985.

It would appear that 14 car parking spaces in the basement are leased by residents in the tower part of the building, with the other spaces used by the commercial office occupier (Jaeger). The proposal seeks to reduce the current number of car parking spaces from 35 to 15 which would retain the existing 14 residential car parking spaces and provide one additional space for use by the two new residential units proposed at fourth floor level. Objections have been received from residential occupiers in Stirling Court to the loss of car parking spaces, they consider the current spaces are heavily used and any loss will increase parking demand in the vicinity and cause difficulties in having any trades people park off the site. It is noted that the car parking may be heavily used currently but the City Council seeks to restrict parking associated with commercial uses whilst providing residential spaces.

The Highways Planning Manager has advised that they consider this acceptable, provided all the car parking spaces which are lost are the ones used by the commercial occupiers. The applicant has advised this is the case and a large number of the car parking spaces are clearly marked on-site as being reserved for Jaeger (the office occupier). A condition is proposed to secure the use of the retained spaces for residential purposes. Any additional parking demand in the vicinity will be subject to the existing on-street parking restrictions.

27 cycle parking spaces are proposed in the basement of the property as a shared facility between the office, retail, restaurant and residential uses. To accord with the requirements

of FALP 53 cycle parking spaces should be provided for these uses. The applicant proposes that in addition to the 27 cycle parking spaces in the basement they could also provide 31 cycle parking spaces to the rear of the building opposite which is also in their ownership (50 Marshall Street). The Highways Planning Manager has reviewed the proposal, and whilst it is not an ideal arrangement they consider the proposal acceptable to meet the requirements of FALP and the cycle provision is secured by condition.

An objector has queried the why the proposal does not provide cycle parking spaces for existing residential occupiers. The planning application does not include the existing residential units and therefore there is no requirement for cycle parking to be provided for these units. The objection on these grounds is not therefore considered sustainable.

Site 2

No off-street car parking is proposed in association with the seven residential flats at Shaftesbury Mansions. UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond identified 'stress levels'. 2011 census figures indicate 29% of households in the West End ward have one or more cars. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy during the day is 100%. Overnight parking occupancy is 96.6% although it should be noted residents can also park in metered bays and on single yellow lines.

The Highways Planning Manager has objected to the application due to the lack of on-street parking availability. However, given the close proximity of this site to excellent public transport facilities, including Leicester Square and Piccadilly Circus Underground Stations, and the City Council's aim to increase the housing stock, it is not considered that permission could be reasonably withheld for parking reasons. The applicant also agreed to provide lifetime membership of a car club for each of the residential units to ameliorate the impact of the development; this would be secured via the legal agreement. Given these measures the scheme is considered acceptable on parking grounds.

Cycle parking has not been shown on the submitted drawings and the Highways Planning Manager has objected to this not being provided. At the site visit it was determined that there was sufficient capacity in an area at the rear of the premises behind the lift core to provide cycle parking for the flats and if recommended for approval a condition would have been applied requiring the submission of amended floor plans to show this provision.

8.5 Economic Considerations

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

8.6 Access

Level access will be provided to the retail and restaurant units and to the office accommodation, lifts will serve all the floors in the offices. The internal layout of the restaurant and retail units has not been finalised as final tenants have not been identified.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at first and fifth floor levels on the Broadwick Street development site, whilst there is no plant associated with the Shaftesbury Avenue site.

The proposed plant installation has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Background noise assessments have been undertaken at four key positions around the site. Some of the proposed plant will serve the retail and office accommodation with proposed operational hours of 07:00 till 23:00. The plant serving the residential units and the restaurant would require permission to operate at any time over a 24 hour period.

The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP, the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows.

The nearest noise sensitive windows have been identified as being within the tower element itself for the fifth floor plant area at a distance of 5m and the residential windows to 2 Marshall Street for the plant at first floor level being at a distance of 5m from the proposed plant.

In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that certain mitigation measures are installed as detailed within the submitted acoustic report. This includes the acoustic screening for the units located on the main roof area and the installation of silencers, enclosures and lagging for the kitchen extract duct and other plant items. With these acoustic mitigation measures in place, Environmental Health has confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal. Conditions are proposed in relation to noise, vibration, the installation of the acoustic mitigation features and the submission of a supplementary acoustic report once the plant was installed to ensure the final plant installation was compliant with the stipulated criteria.

Whilst a number of objections have been received from local residents concerned about the potential for noise nuisance from the plant operation the applicant has provided the relevant information to demonstrate that the plant will be compliant with the City Council standard noise criteria. With safeguarding conditions in place it is not considered the proposal could be reasonably refused on this basis.

Servicing

There is an existing servicing yard at the rear of the property which it is proposed to retain (although it will be slightly smaller mainly due to the provision of dedicated waste and recycling storage facilities). It is considered the proposed servicing yard will be able to cater for the same size vehicle as is currently accommodated. It is not considered the

service yard would be able to accommodate the servicing requirements of a supermarket and therefore any approval would have a condition attached restricting this use.

A number of objections have been received to the application commenting on the potential additional servicing requirements of the commercial units and how this would be accommodated on-site. A condition is proposed requiring the submission of a Delivery and Servicing Management Plan to co-ordinate the servicing requirements and to ensure that the access road is kept clear of vehicles as far as is possible, so that residents' vehicles do not get blocked in. The Highways Planning Manager considers that with a condition such as this in place the delivery and servicing schedule of the property will be much better controlled than is currently the case and should improve the situation for the residents who access the garaging. The objections on these grounds are not therefore considered sustainable.

Trees

There are seven street trees located along Marshall Street and Broadwick Street (six Callery Pears and one Whitebeam). The application proposes the removal of two street pear trees and the retention of the remaining trees. The applicant has submitted an arboricultural report demonstrating the trees to be kept can be protected during construction works and then retained once the proposed building has been constructed. The report suggests that the retained trees are sufficiently distant from the proposed projections on the building that with some 'light canopy pruning' the trees will be able to co-exist with the proposed building.

Policy ENV16 of the UDP concerns trees and shrub cover, Part A states 'all trees in conservation areas and all those trees subject to tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling it required as part of a replanting scheme.' The policy further states the planning permission will be refused where development results in the loss or damage to trees making a significant contribution to ecology or the character / appearance of the conservation area and that planting of new or replacement trees could form conditions on planning consents. Policy S38 of the City Plan has much the same requirements.

The submitted arboricultural report has been assessed by the City Council Arboricultural Officer who considers the removal of the two pear trees unacceptable without replacement tree planting locations and species. Two of the trees (most western pear tree on Broadwick Street and the most northern pear tree on Marshall Street) can be protected during construction works and retained with the new building.

The canopies of remaining three retained trees have not been accurately plotted on the drawings and the Arboricultural Officer considers they have a larger canopy than is detailed in the report. Whilst it is accepted these trees could potentially survive the construction works, the surgery to the trees required to accommodate the building would be so severe as to render them worthless in amenity terms, and/or their future life expectancy would be compromised. As such, their retention even in the short term would not be realistic.

The Arboricultural Officer considers, that Broadwick Street is almost the only street in Soho which is broad enough and with wide enough pavements to accommodate tree

planting. Given the lack of available tree planting spaces in Soho, these trees provide very valuable greening. The loss of the street trees and the potential damaging impact upon those trees to be 'retained' has also been objected to by local residents as they consider the trees provide an important amenity benefit.

The applicant states that it would not be possible to amend the design of the proposed building to further accommodate the street trees as it would strike directly at the architectural and structural composition of the proposed building. The also point out that the applicant has planted 15 street trees in the last decade and made financial contributions to the Westminster Tree Fund.

The objection from the local residents and the Arbocultural Officer on these grounds are considered sustainable, however, it is not considered the application can be reasonably refused on these grounds and it is considered that further detailed information be submitted for the replacement of street trees in the vicinity of the site, this will be secured by condition.

Biodiversity

Green roof areas are proposed at second, fourth and fifth floor level at Site 1. The inclusion of these green roof areas is welcomed in biodiversity terms and had the application been recommended for approval conditions would have been proposed to require the submission of a management plan and species list and to ensure that the green roof areas were provided and retained.

Concerns have been raised by objectors that the green roof areas, which are identified on the drawings as having 'restricted access', may be used by office workers as an amenity space which would result in noise and overlooking issues. There are proposed terrace areas associated with the offices and a condition is imposed to ensure access is restricted to the green roof areas solely for maintenance or means of escape. If the green roof areas were used for any other purpose then planning enforcement action could be taken. The objection on these grounds is not therefore considered sustainable.

Other Issues

Objections have been received from residents of Stirling Court to the removal of the rear external fire escape as they consider this has implications for their fire safety. The proposal includes new fire escape arrangements which will be assessed against building regulations. This is not considered a material planning issue and the objections on these grounds are not considered sustainable.

A number of residents have commented on the submitted 'Statement of Community Involvement' which they do not consider accurately reflects the concerns they raised to the application at the public meeting. These comments are noted and it is considered the response to the public consultation more accurately reflects the opinions of the proposal by affected residents.

A letter of comment have been received from Nimax Theatre Group in relation to Site 2 and the impact of proposed construction works with regard noise and deliveries to the site upon the operation of the theatre. Taking into account the application does not include any

external alterations to the property it is not considered that construction noise (which will be internal) could possibly have an impact on the operation of the theatre which is on the opposite side of Shaftesbury Avenue. Any construction vehicles would also need to park close to the site and it is not considered that materials or workmen would park near the theatre as this would necessitate crossing Shaftesbury Avenue to service the site. It is not considered any conditions are required with regard this issue.

Waste

Suitable waste stores are provided at the rear of Site 1 for the various uses with easy access to the rear servicing yard. A condition is proposed to ensure these storage facilities are provided and retained. It is noted that a number of objectors have commented on the provision of waste and recycling storage facilities but the Highways Planning Manager confirmed the proposal to be acceptable and it is considered to be a significant improvement on the current situation.

No waste storage details have been provided for Site 2 and a suitably worded condition is proposed requesting further information.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Policy S33 of the City Plan 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.'

The City Council's approach to and priorities for planning obligations are set out in the 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.

Site 1

- The residential use at 52 Shaftesbury Avenue to be provided prior to the occupation of the office/retail/restaurant accommodation on site;
- Works to the highway including the removal of street trees, phone box and other street furniture items prior to the commencement of development;
- Replacement of street trees in vicinity of the site;

- All relevant costs for the stopping up of parts of Marshall Street and Broadwick Street
- The costs of monitoring the S106 legal agreement;

Site 2

- Car club membership for each flat for 25 years;
- The costs of monitoring the S106 legal agreement;

These contributions are proposed to be secured by a S106 agreement.

8.11 Environmental Impact Assessment

The application is not of a sufficient scale to warrant the submission of an Environmental Impact Assessment.

8.12 Other Issues

Construction impact

Objections have been received to the application with regard the potential impact of the construction works on the amenity of existing residents with regard noise, dust and transportation movements. A condition is proposed requiring the submission of a Construction Management Plan and standard conditions are attached in relation to the building hours. With these conditions in place it is considered the impact of the construction is ameliorated.

Crime and security

Comments have been received from objectors that the overhanging elements of the facades could provide opportunities for anti-social behaviour. However, the overhanging elements are quite limited and it is not considered having projecting floors would automatically result in anti-social behaviour. It is noted that the entrances to the restaurant and the office are recessed and amending conditions are proposed to ensure these are flush with the surrounding shopfronts.

9. BACKGROUND PAPERS

Site 1:

1. Application form
2. Memorandum from the Highways Planning Manager dated 27 November 2015.
3. Memorandum from Environmental Sciences dated 23 November 2015 and subsequent email dated 11 January 2016.
4. Memorandum from the Arboricultural Section dated 2 December 2015 and subsequent email dated 11 January 2016.
5. Response from Soho Society, dated 6 October 2015 and the 18 October 2015.
6. Letter from occupier of Flat 7, 1A Marshall Street, dated 22 October 2015
7. Letter from occupier of Flat 7, 1A Marshall Street, dated 22 October 2015
8. Letter from occupier of 7.1 Stirling Court, Marshall St, dated 14 October 2015
9. Letter from occupier of flat 9, 16 Upper John Street, London, dated 13 October 2015
10. Letter from occupier of Flat 9, 45 Broadwick Street, dated 7 October 2015

11. Letter from occupier of 53 Stirling Court, Marshall Street, dated 21 October 2015
12. Letter from occupier of Flat 8/5, Stirling Court, Marshall Street, dated 14 October 2015
13. Letter from occupier of Marshall Street, London, dated 14 October 2015
14. Letter from occupier of 7/3 Stirling Court, Marshall Street, dated 14 October 2015
15. Letter from occupier of 7.5 Stirling Court, 3 Marshall St, dated 14 October 2015
16. Letter from occupier of 93 Stirling Court, 3 Marshall Street, dated 13 October 2015
17. Letter from occupier of 10.1 Stirling Court, 3 Marshall Street, dated 14 October 2015
18. Letter from occupier of 5.6 Stirling Court, Marshall St, dated 14 October 2015
19. Letter from occupier of 55 Dean Street, London, dated 18 October 2015
20. Letter from occupier of Flat 1, 6 Upper John Street, dated 21 October 2015
21. Letter from occupier of 6 Upper John Street, London, dated 12 October 2015
22. Letter from occupier of 10.2 Stirling Court, London, dated 14 October 2015
23. Letter from occupier of 6.6 Stirling Court, 3 Marshall Street, dated 13 October 2015
24. Letter from occupier of Flat 8.3 Stirling Court, London, dated 23 October 2015
25. Letter from occupier of 53 Stirling Court, London, dated 13 October 2015
26. Letter from occupier of 9.6 Stirling Court, 3 Marshall St, dated 14 October 2015
27. Letter from occupier of Flat 2, 6 Upper John Street, dated 16 October 2015
28. Letter from occupier of Flat 2, 6 Upper John Street, dated 13 October 2015
29. Letter from occupier of 6 Upper John Street, London, dated 12 October 2015
30. Letter from occupier of Flat 2, 6 Upper John Street, dated 12 October 2015
31. Letter from occupier of Flat 2, 6 Upper John Street, dated 21 October 2015
32. Letter from occupier of 65 Stirling Court, 3 Marshall Street, dated 14 October 2015
33. Letter from occupier of Flat 12, 6 Upper John Street, dated 13 October 2015
34. Letter from occupier of Stirling Court, London, dated 13 October 2015
35. Letter from occupier of Stirling Court, London, dated 15 October 2015
36. Letter from occupier of Stirling Court, Marshall Street, dated 14 October 2015
37. Letter from occupier of 53 Stirling Court, Marshall Street, dated 13 October 2015
38. Letter from occupier of 94 Stirling Court, 3 Marshall Street, dated 13 October 2015
39. Letter from occupier of Stirling Court, 3 Marshall Street, dated 26 October 2015
40. Letter from occupier of 61-63, Beak Street, dated 24 October 2015
41. Letter from occupier of Flat 5.1 Stirling Court, Marshall Street, dated 26 October 2015
42. Letter from occupier of Stirling Court, 3 Marshall Street, dated 26 October 2015
43. Letter from occupier of Stirling Court, Marshall Street, dated 2 November 2015
44. Email from occupier of Flat 5.3, Stirling Court, Marshall Street, dated 23 October 2015.

Site 2:

1. Application form
2. Email from the Soho Society, dated 6 October 2015.
3. Memorandum from Environmental Sciences, dated 24 September 2015.
4. Memorandum from the Highways Planning Manager dated 27 November 2015.
5. Letter from occupier of 11 Maiden Lane, London, (representing the Apollo Theatre at 31-33 Shaftesbury Avenue) dated 8 October 2015.

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk



- Key
- Retail A1 use
 - Retail A3 use
 - Offices
 - Plant/Ancillary
 - Residential
 - Terrace
 - Green roof

NOTES

1. The building is proposed to be constructed in accordance with the proposed use and as shown on the proposed floor plan.
2. The proposed use is subject to the approval of the relevant planning authority.
3. The proposed use is subject to the approval of the relevant planning authority.
4. The proposed use is subject to the approval of the relevant planning authority.
5. The proposed use is subject to the approval of the relevant planning authority.
6. The proposed use is subject to the approval of the relevant planning authority.
7. The proposed use is subject to the approval of the relevant planning authority.
8. The proposed use is subject to the approval of the relevant planning authority.
9. The proposed use is subject to the approval of the relevant planning authority.

DATE: 15/02/2011

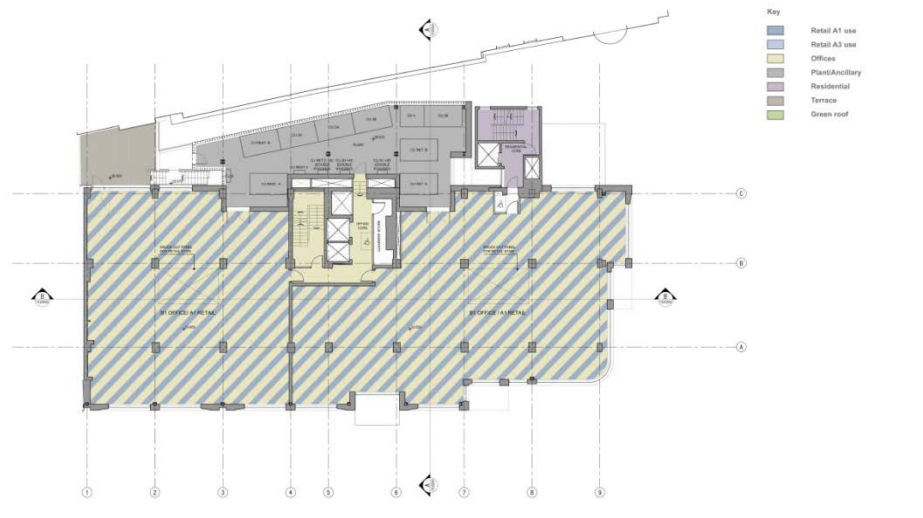
SCALE: 1:100 (A1)

PROJECT: 27 Broadwick Street, London W1

Rolfe Judd
ARCHITECTS

27 Broadwick Street, London W1
Tel: 020 7734 8888
www.rolfejudd.com

Client: Shaftesbury plc
Date: 15/02/2011
Project: 27 Broadwick Street, London W1
Scale: 1:100 (A1)
Sheet: 0004_T1 (00) P00
Drawing: T1



- Key
- Retail A1 use
 - Retail A3 use
 - Offices
 - Plant/Ancillary
 - Residential
 - Terrace
 - Green roof

NOTES

1. The building is proposed to be constructed in accordance with the proposed use and as shown on the proposed floor plan.
2. The proposed use is subject to the approval of the relevant planning authority.
3. The proposed use is subject to the approval of the relevant planning authority.
4. The proposed use is subject to the approval of the relevant planning authority.
5. The proposed use is subject to the approval of the relevant planning authority.
6. The proposed use is subject to the approval of the relevant planning authority.
7. The proposed use is subject to the approval of the relevant planning authority.
8. The proposed use is subject to the approval of the relevant planning authority.
9. The proposed use is subject to the approval of the relevant planning authority.

DATE: 15/02/2011

SCALE: 1:100 (A1)

PROJECT: 27 Broadwick Street, London W1

Rolfe Judd
ARCHITECTS

27 Broadwick Street, London W1
Tel: 020 7734 8888
www.rolfejudd.com

Client: Shaftesbury plc
Date: 15/02/2011
Project: 27 Broadwick Street, London W1
Scale: 1:100 (A1)
Sheet: 0004_T1 (00) P01
Drawing: T1





NOTES

1. The Contractor shall check and verify all dimensions of the proposed work and report any discrepancies to the Architectural Services Department as soon as possible to the Architect.
2. This drawing is for information only.
3. All work shall be carried out in accordance with the latest edition of the Building Regulations and all other relevant legislation.

Project Name	Stafesbury plc
Address	67 Broadwick Street, London W1
Scale	1:100 (A1)
Date	Feb 15
Discipline	Planning
Revision	T1

Rolfe Judd
Architectural Planning Services
100 Broadwick Street, London W1
Tel: 020 7493 8888
www.rolfejudd.co.uk

Project: 5504 T1 (20) P04



NOTES

1. The Contractor shall check and verify all dimensions of the proposed work and report any discrepancies to the Architectural Services Department as soon as possible to the Architect.
2. This drawing is for information only.
3. All work shall be carried out in accordance with the latest edition of the Building Regulations and all other relevant legislation.

Project Name	Stafesbury plc
Address	67 Broadwick Street, London W1
Scale	1:50 (A1)
Date	Dec 11
Discipline	Planning
Revision	A

Rolfe Judd
Architectural Planning Services
100 Broadwick Street, London W1
Tel: 020 7493 8888
www.rolfejudd.co.uk

Project: 5504 T1 (20) P04

DRAFT DECISION LETTER

Address: 57 Broadwick Street, London, W1F 9QS,

Proposal: Alterations and extensions to the existing building including erection of single storey extension at roof level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof. (Land use swap with Shaftesbury Mansions, 52 Shaftesbury Avenue).

Plan Nos: Acoustic Report dated 23rd April 2015, Acoustic Report dated 18th November 2015, Acoustic Report dated 6th January 2016, Transport Statement Rev2 dated 25 June 2015, Odour Report (J0029/1/F1) dated 24 April 2015 , Drawings: 10324.40, T(SK)017 RevA, T(SK)016 RevA, T1(20)P00 RevT1, T1(20)P-1 RevT1, T1(20)P01 RevT1, T1(20)P02 RevT1, T1(20)P03 RevT1, T1(20)P04 RevT1, T(SK)056 RevA, T(SK)055 RevA, T(SK)054 RevA, T1(20)E01 RevT1, T1(20)E02 RevT1, T1(20)E03 RevT1, T1(20)E04 RevT1, T1(20)E05 RevT1, T1(20)E06 RevT1, T1(20)S01 RevT1, T1(20)S02 RevT2, T1(21) D01 RevT1, T1(21)D02 RevT1, T1(21)D03 RevT1, T1(21)D04 RevT1.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 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. Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 4 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.

- 5 You must install the acoustic attenuation as detailed in the submitted acoustic information at the same time as the plant is installed. This must be maintained in this form for as long as the plant remains in situ.

Reason:

To protect the environment of people in neighbouring properties, 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. (R13BC)

- 6 As detailed within the submitted acoustic information, all first floor plant / machinery hereby permitted (except the three units serving the restaurant) shall not be operated except between 07:00 hours and 23:00 hours daily.

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.

- 7 You must apply to us for approval of detailed drawings and manufacturers specification of the following parts of the development - restaurant ducting terminus. 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 approved details.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 8 The restaurant extract duct shown on the approved drawings (with further details approved under Condition 7 of this permission) shall be fully installed before the restaurant use commences and thereafter maintained for as long as the premises are used as a Class A3 restaurant.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the proposed plant at fifth floor level will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 10 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.

- 11 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.

- 12 You must not sell any hot-food take-away or drink within either approved restaurant premises (Class A3), nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted restaurant uses (Class A3) because it would not meet Policy TACE9 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 13 The bar areas and bar seating in each of the restaurants, must not take up more than 15% of the floor area of the individual restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE9 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must not play live or recorded music within either of the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 15 You must not allow more than 150 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings. You must clearly mark them and make them available at all times to everyone using the property.

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)

- 17 Prior to the occupation of the restaurant / retail units, you shall submit and have approved in writing by the local planning authority detailed servicing management strategies for the individual retail / restaurant accommodation to include an assessment of delivery noise combined with mechanical services, servicing hours, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken in accordance with the approved strategies unless otherwise agreed in writing by the local planning authority.

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)

- 18 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours: , 07:30 to 00:30 Mondays to Saturdays; and, 07:30 to 00:00 (midnight) Sundays and Bank Holidays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 19 You must apply to us for approval of detailed drawings showing the following alterations to the scheme:

The shopfronts on Broadwick Street to the restaurant and office accommodation must not be recessed. They must be flush with the front façade.

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 these approved drawings.

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)

- 20 You must apply to us for approval of an odour management plan setting out the specifications of the odour abatement system and the maintenance strategy of the kitchen extract system. The agreed odour abatement system and maintenance strategy shall remain in place for as long as the restaurant remains in use. 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 approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 21 You must provide each cycle parking space shown on the approved drawings prior to occupation (this includes all cycle parking spaces in the basement of the property and in the rear courtyard area of Marshall House). 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.

- 22 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of the building.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 23 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)

- 24 The Class A1 retail use hereby approved shall only be used for non-food retailing.

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)

- 25 The terrace areas hereby approved associated with the office accommodation can only be used between the hours of 08:30 and 20:30 Monday to Friday. You can not use the terrace areas outside of these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 26 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors at the Broadwick Street entrance. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 27 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:
- green roof areas / wildflower planting areas
- You must not remove any of these features.
- Reason:
To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)
- 28 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas to include construction method, layout, species and maintenance regime., You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.
- Reason:
To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)
- 29 Access is only to be provided to the identified 'green roof -restricted access' areas for maintenance purposes. These roof areas are not to be used for any other purpose unless in the case of an emergency.
- Reason:
To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)
- 30 Notwithstanding what is shown on the approved drawings you must apply for approval of amended floorplans to show the provision of two three bedroomed residential units within 57 Broadwick Street. These units must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.
- Reason:
To ensure the development provides an appropriate mix of residential units including family sized accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007.
- 31 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)

- 32 You must apply to us for approval of sound insulation measures to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 10 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: You must apply to us for approval of sound insulation measures to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 10 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.

- 33 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

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 Planning 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 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10A)
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.
- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food bus and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise or smells or other types of nuisance. (I06AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 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 verges. 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 Highways 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)
- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the

of a defence should an access issue be raised under the Disability Discrimination Acts.

- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 9 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 10 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following., * Window cleaning - where possible, install windows that can be cleaned safely from within the building., * Internal atria - design these spaces so that glazing can be safely cleaned and maintained., * Lighting - ensure luminaires can be safely accessed for replacement., * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm., , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 Please let our arboricultural team (020 7641 2922) know when you are going to start work on the site. It would be useful if you could give us at least five working days' notice of this date. This will allow us to inspect your tree-protection measures during the work. (I92BA)
- 13 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.**

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Item No.

6

DRAFT DECISION LETTER

- Address:** Shaftesbury Mansions, 52 Shaftesbury Avenue, London, W1D 6LP,
- Proposal:** Use of part ground and first to fourth floors as seven residential flats (Class C3). (Land use swap with 57 Broadwick Street).
- Plan Nos:** Acoustic Report dated 27th February 2015, Email from Rolfe Judd dated 6th January 2016, Drawings: (00_111 RevP01, (00)_112 RevP01, (00)_113 RevP01, (00)_114 RevP01, (00)_110 RevP01.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 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. Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the property. (C14EC)

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)

- 4 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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.

- 5 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)

- 6 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.

- 7 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.

- 8 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.

- 9 The flats must be constructed in accordance with the acoustic mitigation measures as detailed in the approved acoustic report and the email from Rolfe Judd dated 6th January 2016. These acoustic measures must then be retained in situ and maintained for as long as the flats are in use for residential purposes.

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.

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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 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)
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact: , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 6 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.**
- 7 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.