

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 12 April 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Development Site At 111-119 Charing Cross Road, WC2, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street, London W1.</b>		
<b>Proposal</b>	<ol style="list-style-type: none"> <li>1. Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street; in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works.</li> <li>2. Partial demolition to the rear of the building; rebuild of the rear facade and erection of single storey rear extension; internal and external works; all in connection with use of the building as an art gallery/art education use (14 Greek Street).</li> </ol>		
<b>Agent</b>	Mr Hugh Bullock		
<b>On behalf of</b>	Soho Estates Portfolio Limited		
<b>Registered Number</b>	15/11234/FULL 15/11235/LBC	<b>Date amended/ completed</b>	10 December 2015
<b>Date Application Received</b>	2 December 2015		
<b>Historic Building Grade</b>	14 Greek Street is Grade II.		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

1. Grant conditional permission subject to the views of the Mayor of London and a S106 legal agreement to secure the following:

- i) The provision of affordable housing (intermediate rent) at 12-13 Greek Street for successive occupants in perpetuity at agreed rent levels and transferred to a Registered Provider (minimum 125 year lease) prior to first occupation. The housing to be allocated in line with the City Council's

nominations criteria. The housing to be made ready for occupation prior to the first occupation of the office and restaurant units.

- ii) Payment of £3.85m to the City Council's affordable housing fund.
- iii) Public art - a programme of public art to be implemented within 12 months of occupation of the offices.
- iv) Necessary highways works.
- v) Dedication (or alternative means of securing public access) of the widened area of footway on Charing Cross Road and Manette Street.
- vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street. Public access to be between 07.00 to 01.00 daily.
- vii) Provision of new public courtyard and access.
- viii) Crossrail payment.
- ix) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
- x) Employment and Training Strategy for the construction and operational phase of the development.
- xi) Payment of £100,000 towards the Mayor's cycle hire scheme.
- xii) Monitoring costs.

2. If the S106 legal agreement has not been completed by 1 May 2016 then:

a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which 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.

3. Grant conditional listed building consent.

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The proposals seek the redevelopment of the site to provide an office building with restaurants and retail uses at street level, along with a new pedestrian route and courtyard linking Manette Street and Greek Street. Housing (intermediate rental) is provided on the upper floors of 12-13 Greek Street with the Grade II listed building at 14 Greek Street restored and extended to be used as a gallery (Class D1).

Objections have been received on the grounds of design, amenity, land use and other non-planning matters.

The main issues raised by this application are:

- The principle of demolition within the Soho Conservation Area and the design of the replacement buildings.
- The mix of land uses and the applicant's offer of affordable housing at 12-13 Greek Street.
- The on street servicing of the site.
- Impact on the amenity of surrounding residents.

Objections have been raised by Historic England, the Victorian Society and other consultees regarding the extent of demolition within a conservation area. Whilst it is acknowledged that some harm is caused, this is considered less than substantial and is offset by the public benefits of the scheme. The detailed design and massing are considered acceptable.

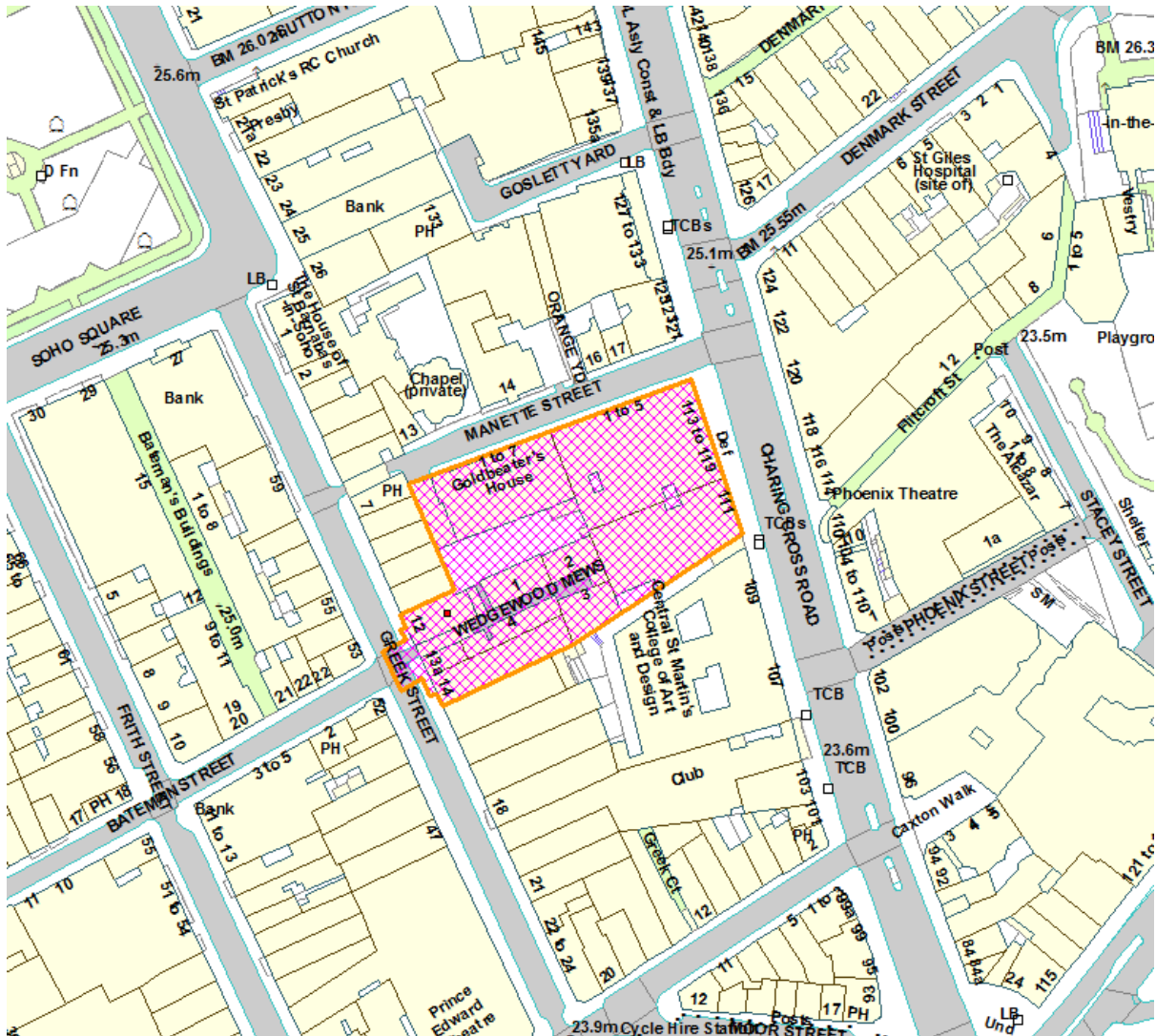
The application is generally acceptable in land use terms. The main land use issue the Committee is asked to consider is the applicant's approach to the mixed use policy and the provision of intermediate rented housing on site and payment in lieu.

The servicing of the site from Charing Cross Road is not supported by the Highways Planning Manager, but on balance the approach to servicing is acceptable.

Whilst there will be a material impact to windows on the adjacent residential building, it is considered that the impact is reasonable in an urban context and given the location of the windows facing a boundary wall.

Subject to the proposed conditions and heads of terms for the legal agreement the application is considered acceptable.

## 3 LOCATION PLAN



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4 PHOTOGRAPHS



Charing Cross Road elevation



12-13 Greek Street



**Manette Street elevation**



14 Greek Street



**Wedgwood Mews**



## 5 CONSULTATIONS

### **Historic England (Listed Builds/Con Areas)**

The demolition of two prominent 'buildings of merit' and loss and alteration of other buildings would cumulatively result in substantial harm to the Soho conservation area, and harms the setting of a nearby Grade I listed building.

### **Historic England (Archaeology)**

No objection subject to conditions.

### **Council for British Archaeology**

Welcome the restoration of 14 Greek Street but concerned over the bulk of the new building and its impact on surrounding street scene and listed buildings.

### **Victorian Society**

Objection on the basis that the development would result in substantial harm being caused to the Soho Conservation Area, harm the setting of nearby listed buildings. The broad brush and heavy handed development is prominent in views into and through the conservation area.

### **Greater London Authority**

#### *Principle of development*

The office led mixed use scheme is acceptable in principle.

#### *Affordable Housing*

Further details required on the donor site; the viability appraisal should be assessed by WCC and reported back to the Mayor before the Stage 2 referral.

On receipt of further information, they ask for the applicant to provide justification for solely intermediate tenure and for WCC to confirm demand for this tenure.

#### *Historic Environment*

The GLA considers that the loss of the original Foyles building causes significant harm to the conservation area and consideration should be given to façade retention.

Upon receipt of further information from the applicant, the GLA now consider that the façade of 111 Charing Cross Road should be retained.

#### *Urban Design*

Further information required regarding height, massing, appearance and strategic views.

Now supportive of materials and design but remain of the view that retaining the façade of 111 Charing Cross Road would improve the massing.

#### *Sustainable Development*

Shortfall in CO2 reductions should be met off-site. Require monthly load figures for the combined heat and power plant.

#### *Inclusive Access*

The applicant should provide one wheelchair accessible or adaptable unit. Request a condition requiring compliance with part M4(2) and M4(3) of the building regulations.

*Transport*

TfL has requested a S106 contribution of £100,000 to accommodate the additional operational and maintenance demands on the local stations that are part of the Mayor's cycle hire scheme. Additional information required regarding floorspace and consequent requirements for cycle storage.

Upon receipt of further information, request additional short stay cycle parking and a travel plan.

**Environment Agency (Thames Region)**

No comment.

**Cross London Rail Links Ltd**

No objection subject to conditions.

**Twentieth Century Society**

Any response to be reported verbally.

**London Borough of Camden**

Any response to be reported verbally.

**Soho Society**

- Object to the increase in A3 within the West End Stress Area; if it is permitted, it should be subject to core hour's condition and no takeaway.
- New pedestrian route must be closed off at night.
- The development must include provision of public toilets to cater for additional footfall.
- The basement office space should be provided at an affordable rent.
- Manette Street must remain accessible to vehicles.

**Covent Garden Community Association**

Regrets the increase in height and density within the Soho Conservation Area and consequent impact on surrounding conservation areas. However, it is recognised that the site is within the Opportunity Area. Support the comments of the Soho Society.

**Theatres Trust**

No objection.

**Transport For London**

Please see response under the GLA.

**London Underground Limited**

No objection subject to conditions.

**Thames Water Utilities Ltd**

No objection.

**Environmental Health**

The complexity of developing this site requires a contribution to the environmental inspectorate of £33,000 per annum, a site environmental management plan and compliance with the Code of Construction Practice.

No objection on environmental or plant noise grounds, subject to conditions.

**Cleansing**

The current plan shows too much waste storage provision; a compactor needs to be accommodated.

**Metropolitan Police**

No objections in principle, but state concerns over the lighting levels in Manette Street, fire safety/escape routes and potentially vulnerable doors, along with the external street furniture to Manette Street.

**Arboricultural Section**

Concerns that the proposed Liquidambar trees to Manette Street will have to be excessively pruned in the future due to a tight space between the building and the trees. Four trees is a more realistic number than the 7 shown on some drawings. There is space for a new tree on the corner of Charing Cross Road and Manette Street. A soil crating system should be used for the new planting to ensure the long term success of the trees.

Insufficient information has been provided regarding species and details of the terrace planting. No details of the green wall have been provided.

These details, including maintenance regimes must be secured by condition.

**Highways Planning Manager**

On street servicing is not acceptable where there is an existing off-street yard. The area of widened footway on Charing Cross Road gained by setting the building back must be dedicated as highway to ensure sufficient space is maintained in perpetuity for pedestrians.

**Sustainability**

The strategy for the site is well thought out and the inclusion of GSHP and PV technology is welcomed. However, the carbon saving falls some way short of policy requirements and a carbon offset payment is sought.

**Affordable Housing Supply Manager**

The proposed use of the units at 12-13 Greek Street for intermediate rent is welcomed; the units must be transferred to a Registered Provider on a lease of at least 125 years.

The proposed household income caps of 50% of the units available for income up to £37,956, 25% up to £49,194 and 25% up to £60,097 is appropriate. The applicant's proposals regarding nomination rights are unacceptable – the City Council's nomination criteria must apply.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 406  
Total No. of replies: 13  
No. of objections: 13  
No. in support: 0

Objections have been received on the following grounds:

##### *Land Use*

No affordable housing on site.  
Loss of local café on Greek Street.

##### *Design/conservation issues*

Loss of the original early 20<sup>th</sup> Century Foyles building damages the Conservation Area and surrounding townscape.  
The proposed building is too large and too high.  
The proposed building damages the streetscape.  
The proposals are not in keeping with the character of Soho.  
No regard to the character of the surrounding area.  
'Façade retention' would be a much better option.  
New design is fairly good, but the wrong site for it.  
Support proposals for the retention of the Greek Street buildings and creation of new route through.  
There are some good things about the design – textured and patterned tactile materials and the courtyard space. These could still coexist with retained facades on Charing Cross Rd.

##### *Amenity*

Loss of daylight and sunlight to surrounding residential buildings on Charing Cross Road and Manette Street.  
Enclosure and overlooking to the adjacent residential flats above the current Foyles shop at 107-109 Charing Cross Road.  
Noise from the proposed nightclub and late night A3 uses.  
Unacceptable disturbance to residents during the demolition and construction process.

##### *Other*

The new route is likely to lead to increased crime.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6 BACKGROUND INFORMATION

### 6.1 The Application Site

The site is located on the eastern boundary of Soho and forms the substantial part of a street block bounded by Charing Cross Road, Manette Street and Greek Street. The entire site is within the Soho Conservation Area and comprises the following buildings:

- 111 and 113-119 Charing Cross Road,
- 1-5 and 6-12 Manette Street (Trefoil House and Goldbeaters House)
- 1-4 Wedgwood Mews
- 12, 13, 13a and 14 Greek Street.

14 Greek Street is Grade II listed and the buildings fronting Charing Cross Rd (including 1-5 Manette Street) and 12-13 Greek Street are identified as unlisted buildings of merit in the Soho and Chinatown Conservation Area Audit.

The site is within the Core Central Activities Zone, the West End Stress Area and West End Special Retail Policy Area as designated by the City Plan. The Charing Cross Road and Manette Street properties are within the Tottenham Court Road Opportunity Area. The Greek Street properties are within the Crossrail 2 safeguarding zone.

The buildings to Charing Cross Road comprise basement, ground and between 4 and 6 upper storeys and are larger in scale and height than the Greek Street buildings which are more characteristic of Soho, having originally been constructed as townhouses.

In terms of the use of the buildings across the site, Foyles book shop formerly occupied 113-119 Charing Cross Road, 1-5 Manette Street and the basement to second floors of Goldbeaters House. The remaining upper floors of Goldbeaters House contain 7 flats.

111 Charing Cross Road was last used by St Martin's College of Art until it vacated the site in 2013.

To Greek Street, nos 12-13 comprise basement, ground plus three upper floors. The upper floors are in office use, with a small retail shop and a café at ground floor, with a basement nightclub beneath (currently vacant). The entrance to Wedgwood Mews is also contained in this frontage, the entire private mews is used as small scale offices. No. 14 Greek Street also contains basement, ground and three upper floors. It was used entirely as offices though is currently vacant.

## 6.2 Recent Relevant History

The only relevant recent history for this collection of buildings is a permission granted in 2012 for the use of 14 Greek Street for either office or Class D1 (non-residential institution) purposes – a condition on the permission restricts the D1 use to educational, training or gallery purposes.

## 7 THE PROPOSAL

The proposal is for a new building on Charing Cross Road and the refurbishment and alteration of the properties on Greek Street. The buildings at 111-119 Charing Cross Road, 1-5 and 6-12 Manette Street and 1-4 Wedgwood Mews will be demolished. The replacement building fronting Charing Cross Road and Manette Street comprises four basement levels, ground and eight upper storeys plus rooftop plant. The height of the building steps down along Manette Street and towards the rear of the site. Terraces for the offices are proposed where the building steps down, as well as some photovoltaics and green roofs.

The street frontage to both Charing Cross Road and its return to Manette Street comprises glazed shopfronts, with black panelling at first floor and decorated terracotta panels above. The building is chamfered at the corner of Charing Cross Road and Manette Street and the ground floor is set back slightly to widen the footway.

A new pedestrian thoroughfare is proposed to link Manette Street and Greek Street. The path is lined with restaurants/cafes and some outdoor seating. A new entrance archway to the pedestrian route is formed opposite Bateman Street. The entrance to the pedestrian route from Manette Street is opposite the Grade I listed House of St Barnabas Chapel.

In terms of use, the new building would mainly provide offices (Class B1), accessed from Manette Street. At ground, first and part basement levels there is a large retail unit with an entrance on Charing Cross Road. The remainder of the 4 basement levels are proposed to be offices, with a separate entrance from the new pedestrian route. An internal lightwell provides these offices with daylight.

To Greek Street, nos 12-13 are essentially demolished behind their retained façade to provide a building comprising basement, ground and four upper floors. Eight flats are proposed on the upper floors (to compensate for the loss of the Goldbeaters House flats). The existing nightclub on this site is re-provided at part ground floor and basement.

The listed building at 14 Greek Street is retained and altered to remove a non-original rear extension and to reinstate the historic pattern of fenestration. It is proposed to use the building as an art gallery/education space (Class D1).

Servicing is proposed to be on-street primarily from Charing Cross Road.

## 8 DETAILED CONSIDERATIONS

### 8.1 Land Use

A summary of the existing and proposed floorspace by use is provided below:

Use	Existing	Proposed	Change
<b>Retail (A1)</b>	5,873	4,273	-1600
<b>Restaurant (A3)</b>	127	2,494	+2367
<b>Office (B1)</b>	3,231	20,003	+16772
<b>Residential (C3)</b>	1,108	1,005	-103
<b>Non-residential institutions (D1)</b>	2,921	643	-2278
<b>Nightclub (sui generis)</b>	284	412	+128
<b>Total</b>	<b>13,544</b>	<b>28,831</b>	<b>+15,287</b>

#### Offices

The provision of additional office accommodation within the Core CAZ is supported by Policy S20 of Westminster's City Plan and by London Plan Policy 4.2. Additional commercial capacity is supported by the site's location within an Opportunity Area. Subject to compliance with the Council's mixed use policy, the office floorspace increase is considered acceptable in land use terms.

#### Mixed Use Policy

The scheme generates a total commercial uplift of 17,667m<sup>2</sup>. Policy S1 of Westminster's City Plan: Strategic Policies states that "where proposals increase the amount of commercial floorspace by more than 200m<sup>2</sup> or more, or in the case of A1 retail by 400m<sup>2</sup> or more, the provision of an equivalent amount of residential floorspace will be required on site where the Council considers this to be appropriate and practical". The supporting text states that where on site provision of residential floorspace is not considered acceptable or practical, a cascade of other options, including the use of land use swaps or residential credits will be considered as detailed in the City Management Plan.

As the City Management Plan is yet to be adopted, UDP policies COM2 and CENT3 are material considerations. CENT 3 seeks to promote mixed use development

incorporating housing where appropriate and practical and sets out the following hierarchy for securing mixed use commercial schemes in Central Westminster:

Firstly, the provision of self-contained residential accommodation equivalent to the increase in commercial floorspace is required, where appropriate and practical.

If this is not possible, then the policy states that where it is clearly not practical to provide the residential accommodation on site, the City Council will seek the provision of residential accommodation off-site.

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

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

As set out in the Cabinet Member for the Built Environment's open letter dated 18 March 2015, it is now the City Council's position that the balance of commercial to residential floorspace has tipped too far in the favour of residential across the CAZ. It considers that this has damaging impacts and if nothing is done to assuage the current trend it has the potential to, amongst other things, increase the 'residentialisation' of commercial areas, eroding their character by reducing employment densities and increasing expectations of residential amenity. As such, the letter states that the mixed use policies will be applied more flexibly.

The commercial uplift is 17,667 square metres. Given that there is a 103 square metre reduction in residential floorspace across the site, the total residential shortfall in relation to CENT 3 is 17,770sqm.

The applicants have chosen not to provide residential accommodation on site sufficient to offset the commercial increase as they do not consider a suitable residential layout could be provided without reducing the quality of the new offices. They consider that the provision of a policy compliant quantum of housing on site would significantly diminish the employment and economic benefits of providing a very large office building on site. The applicants have made a viability case, and the City Council have appointed independent valuers, Bilfinger GVA to provide an assessment of the FVA. The policy compliant commuted sum in this case is £30.972m.

It was originally proposed to provide some new residential accommodation off site (which is why the GLA are referring to a 'donor site') however following officer concerns



over various aspects of the scheme proposed on the other site, the proposal to 'link' the sites has been withdrawn. Consequently, it is proposed to provide the 8 flats above 12-13 Greek Street as affordable, in the form of intermediate rental tenure.

To comply with our policies on protecting residential floorspace, the applicants should be ensuring that no existing on site residential floorspace is lost, but there is no policy obligation to re-provide residential floorspace as affordable housing. The proposed provision of the residential accommodation specifically as intermediate rent tenure involves additional costs to the applicant which have been taken into consideration in the viability assessment.

Various scenarios have been tested including the provision of the required residential accommodation on site, the maximum payment in lieu in the absence of any residential accommodation on site and the proposed intermediate residential accommodation plus commuted sum. The key findings of the independent viability review are that the provision of a policy compliant amount of residential on site renders the scheme unviable. The 8 units of intermediate housing along with a commuted sum of £3.85m is the maximum viable proposition for this scheme.

Given the findings of the City Council's consultant and the policy context, the Committee is asked to consider whether they agree that the principle of the proposed on site intermediate residential is acceptable, along with the commuted sum of £3.85m.

### **Retail**

Policy S6 identifies the Core CAZ as an appropriate location for a range of commercial and cultural uses. The sites are also within the West End Special Retail Policy Area as identified in Policy S7. Policy S7 sets out specific priorities for improved retail space and appropriate retail growth as well as other priorities for improved pedestrian environments and public transport provision aimed at the Primary Shopping Frontages of Oxford Street and its environs. Policy S21 states that new retail floorspace will be directed to the designated Shopping Centres. The location of the site within the Tottenham Court Road Opportunity Area (policy S5) also means that retail uses are encouraged at ground floor level.

In terms of the UDP, saved Policies SS4 and SS5 are relevant. SS4 requires developments within CAZ to include 'shop type premises' at street level, and should provide the same amount of retail floorspace as was there before. SS5 relates primarily to protecting Class A1 retail within the CAZ, and restricting the introduction of non-A1 uses at street level, basement and first floors.

There are two retail units within the site as existing – in addition to the former Foyles shop on Charing Cross Road there is a small convenience shop at 12 Greek Street.

The proposals include one large retail unit fronting Charing Cross Road and Manette Street, over two basement levels, ground and first floor.

There is an overall loss of Class A1 retail floorspace of 1600 square metres.

Whilst the policies listed above do not generally support the loss of retail floorspace, it should be noted that the key aims of these policies include protecting the retail character and function of localities, as well as enhancing retail space. The significant loss of floorspace is a result of the exceptionally large space used by the former occupier, Foyles, rather than the size of the replacement retail unit. Given that Foyles has now relocated to the new retail unit in the adjacent building, and the replacement retail unit in the new building is large and provides flexibility in layout, it is not considered that the loss of retail floorspace here would have any negative impact upon either the retail character of the area or upon the quality of retail floorspace on offer.

### **Entertainment uses**

Policy S24 sets out the Council's strategic planning policy in relation to new entertainment uses. New uses must be appropriate in terms of the type and size of use, scale of activity and relationship to any existing concentrations of entertainment uses. They should not negatively impact amenity, health and safety, the character and function of the area or local environmental quality. UDP Policies TACE8, 9 and 10 provide detailed guidance according to their location and size.

The scheme involves reconfiguring and extending the existing Greek Street nightclub which would increase the floorspace by 128sqm. A small café at 12 Greek Street would be lost, to which some residents have objected.

Five new restaurants line the new public route, they cumulatively measure 2,538 square metres. One restaurant is located to the west of the courtyard, comprising three storeys; the others are all to the west. The applicants state that the intention of the restaurant cluster is to provide an 'oasis' away from the nearby principal shopping streets, comparing it to St Christopher's Place or Heddon Street in feel.

The location of the restaurants lining the new passageway is acceptable in principle. The external seating is not considered to overly dominate the area and will in any event provide a pleasant place in which to sit and enjoy the space or just pass through. The restaurants are not directly adjacent to any existing residential accommodation. There are considered to be sufficient noise attenuation measures contained in the design of the new residential units above 12-13 Greek Street to provide an appropriate living environment within.

In terms of the restaurants' operation, the outdoor seating would remain in situ until 23.00 daily; with the applicant stating the terminal hour for the restaurants would be

01.00 Monday to Saturday. It is recommended a terminal hour of 23.00 is required for Sundays and bank holidays.

In environmental terms the plans provide for appropriate full height extraction to serve the restaurants, routing out through the main roof of the new building. There is no reason to presume that, with suitable management procedures in place, the new uses would result in littering or pollution of the public realm.

A condition is recommended requiring the applicant to provide a detailed Operational Management Statement to be agreed with the City Council before any of the units are occupied.

It is accepted that there would be a degree of impact on amenity of existing residents in terms of introducing greater activity from comings and goings to and from the restaurants during the evening. The restaurants in particular would result in increased pedestrian and vehicle movements in the evening which contrasts with typical patterns associated with the current land uses across the site. Existing residents on Charing Cross Road (with any view of the site) and Greek Street may be aware of greater activity during the evening with the development in place.

Given the proposed residential accommodation is immediately above the sui generis 'club', it is considered that it is reasonable to bring the club hours under planning control. It is recommended that the terminal hour is consistent with that of the restaurants in the development, namely 1am to ensure that there is not an excessive degree of very late night disturbance to residents immediately above. Soho is a lively, vibrant area. It is reasonable to expect that future occupants of residential units in this location would anticipate a degree of disturbance due to being in close proximity to many entertainment uses and tourist attractions, and it is considered that the recommended conditions regarding insulation, windows and hours of use will ensure a reasonable living environment.

### **Class D1 floorspace**

Policy S34 of the City Plan states that all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. SOC 1 of the UDP also aims to protect existing social/community uses.

111 Charing Cross Road has Class D1 use (2921sqm). It was last occupied by St Martin's College of Art (part of University of the Arts London) in connection with the original college building at 107-109, now occupied by Foyles bookshop with flats above. When the planning application for the change of use of St Martin's College at 107-109 Charing Cross Rd was considered by planning Sub-Committee, it was accepted by

members that in this case the building was surplus to requirements and the principle of the loss of the Class D1 floorspace was accepted.

Part E of policy SOC1 requires the provision of an alternative facility where it is accepted that existing facilities are surplus to the needs of the existing provider. The proposals involve the use of 14 Greek Street (643sqm) for D1 purposes as a gallery and arts education space. The use is considered acceptable in land use policy terms.

### **Residential Use**

It is proposed that the upper floors of 12-13 Greek Street provide 8 x 2 bed flats. These replace the 7 vacant flats lost at Goldbeaters House. Whilst there is an additional flat in the proposed scheme, the overall residential floorspace is approximately 100 square metres less than existing.

The proposed flats are appropriate in their size and layout. The bedrooms look out onto Greek Street, whilst living rooms have an aspect to the rear, with small balconies looking over the new pedestrian route. Cycle and refuse storage is at rear ground floor level. The flats at first, second and third floors are 84 square metres, whilst the flats within the third floor mansard are slightly smaller at 72.5 square metres. All flats comply with the national standards.

In land use policy terms, the principle of the replacement residential accommodation is acceptable and supported by policy S15. The affordable housing supply manager is satisfied that the proposed tenure of intermediate rent is appropriate as there is a greater demand for smaller units in this tenure – the layout and location are not considered particularly suited to family living. Housing advises that the units should be targeted at a range of income levels, and stipulates that the homes must be transferred to the ownership of a Registered Provider for a minimum lease of 125 years. The applicants have requested that the flats are ring fenced for those living and working in Soho. This would require a bespoke Nominations Agreement with the City Council, which Housing advise is not appropriate given there is an existing adopted allocations policy which sets out key priority groups for housing.

It is acknowledged that this is potentially a noisy environment for new residential accommodation. The acoustic report sets out that the floor and ceiling between the commercial and residential uses will be acoustically treated; double glazing and the masonry construction will also provide noise attenuation. These elements are secured by condition. Given the noise insulation offered by the design of the proposed residential units, the policy context, and the benefits offered by residential accommodation in a central area, it is not considered reasonable to withhold permission on the basis that the residential accommodation would be located in a noisy environment.

## 8.2 Townscape and Design

The site lies within the Soho conservation area and is surrounded by a number of listed buildings. The proposals seek to demolish the buildings currently on the site, which includes two unlisted buildings of merit (as defined in the Soho Conservation Area Audit). These are 111 Charing Cross Road and 113 -119 Charing Cross Road. The surrounding listed buildings are: 6 and 8 Greek Street, 14 Manette Street, 16 and 17 Manette Street all grade II listed, the House of St Barnabas which is grade I listed and the development site itself includes 14 Greek Street which is a grade II listed building.

There have been objection to the scheme on the grounds of its scale, height and detailed design. Some objectors, including Historic England, the GLA and the Victorian Society are concerned with the loss of the existing buildings to Charing Cross Road.

The principal building comprises eight storeys with a further storey of plant above facing Charing Cross Road, it then steps down as it projects west towards Greek Street. The proposal seeks a substantial increase in height over the existing buildings, although it is similar in scale to the schemes approved as part of the Tottenham Court Road opportunity area, which are in close proximity. This site represents the gateway into the large scale buildings of the Tottenham Court Road crossrail development.

In terms of the detailed design, at ground floor level the barrel fascia creates an inviting entrance to the site, whilst providing interest to the elevation. Above, a regimented fenestration of windows set within chamfered reveals produces a simple façade, which will be embellished by its materials. Levels 8 and 9 continue the design aesthetic, but are set back to reduce the overall massing and to produce a horizontal emphasis to the lower floors. To the rear the building steps down to meet the buildings on Greek Street. This creates an opportunity for roof terraces, where greenery is included, helping to break down the straight lines of the design.

In terms of materials on Charing Cross road the main block is to be of modern materials, reflecting its architectural character. At ground floor level bronze and brass will emphasise the barrel fascia, materials traditionally associated with shop fronts. The main body and the upper storeys are to be a 'Red' colour reflecting the local brick and a 'Dark Metal' colour reflecting traditional roofing materials. These elevations will be formed in Glass Reinforced Concrete (GRC) which allows any design to be impressed within the panels. The 'Red' of the front elevation then fades along Manette Street into a 'Softer Pink' and then a 'Buff Brick', reflecting the rear elevations of the properties on Greek Street. The panels will include a 'rose' imprint in recognition of the previous names associated with the streets and buildings within the site.

On Greek Street No's 12 and 13A are to be demolished behind the façade with the upper storey reconstructed and a new mansard added above. The mansard is to be

designed as a traditional mansard at the front, but with a modern appearance to the rear. In the context of the overall street scene, a mansard extension is acceptable. The materials to this side of the site are more subdued and in keeping with the existing. The rebuilt upper storey of No's 12 and 13A is to be constructed to match the storeys below. To the rear of the buildings on Greek Street the materials have been carefully chosen to reflect the character of the rear of these buildings, but are utilised in a contemporary manner. Metal railings complete the materials palette, bringing further richness to the design.

The development also has a place making agenda. The pedestrianised walkway through from Greek Street to retail units and an area to relax is considered a key feature of the scheme and is welcomed. The private Chapel of the House of St Barnabas becomes a focus as it is framed in views from the new walkway, creating an intimate atmosphere in keeping with the general character of Soho. To the rear a large lightwell faced with glass allows light to the basement levels and also acts as a 'surprise' feature within the walkway.

Whilst the objections of Historic England and other consultees are noted regarding the loss of the unlisted 'buildings of merit' on Charing Cross Road, it is not considered that their loss constitutes substantial harm to the character of the Soho Conservation Area.

Paragraph 132 of the NPPF states *that 'when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation'*. In this case the designated heritage assets affected are the character of the Soho conservation area and the setting of the surrounding listed buildings. Unlisted buildings of merit are not 'designated' heritage assets. Paragraph 132 goes on to state that *'the more important the asset, the greater the weight should be'*. In this instance the 'asset' is an area, which makes up a fraction of the overall conservation area and whilst the buildings to be demolished are of interest, they are not deemed to be pivotal to the character of the conservation area.

Whilst it is recognised that the proposals will form some degree of harm, the benefits of the scheme are considered to be substantial in terms of providing a new public courtyard, economic benefits, a gallery and other publicly accessible uses, along with the restoration of the listed building on Greek Street. As such, it is considered that the proposals comply with paragraphs 133 and 134 of the NPPF.

Paragraph 135 of NPPF states *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application ... a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*. The two unlisted buildings of merit, fall into this category. The proposals seek the loss of both buildings, which whilst of townscape value, arguably their significance lies in their use as the flag ship store for Foyles book

shop. However, the Foyles brand has left the site and moved a few doors down, leaving these buildings redundant. This past significance has been lost and is unlikely to return to the site. As such the value of these buildings is considered lessened and their loss, on balance deemed acceptable. A number of objections have suggested that these two buildings should be retained as part of a façade retention scheme. This is a feasible option, however it would limit the height of the building on Charing Cross Road, which would ultimately lead to a substantial loss in floor space and therefore a substantial loss in the overall benefits the scheme could provide.

Policy DES 1 'Principles of Urban Design and Conservation', is the Council's overarching design policy. Paragraph 10.7 of the supporting text states '*New development is necessary to adapt the fabric of the City to present and future needs and to ensure the economic wellbeing of Central London as a whole. New development is encouraged in areas where it is beneficial*'. The proposed scheme pushes the boundaries of development on the site and has been designed to maximise the available land and to provide some public benefit.

Policy DES 10 'Listed Buildings' states '*Planning permission will not be granted where it would adversely affect: a) the immediate or wider setting of a listed building ...*'. In this case, whilst a number of listed buildings are within close proximity of the site, their current setting is such that the proposals are not considered to cause further harm. The juxtaposition of the listed buildings on Manette Street against the modernity of the proposals are considered to create an interesting characteristic, which some may deem part of the historical development on Soho.

The overall scale, height and detailed design are considered to be appropriate to this site within the Tottenham Court Road Opportunity Area and are in line with DES1, DES4, DES6, DES9 and DES10 of the UDP.

#### *Alterations to 14 Greek Street (Grade II listed)*

The existing building has been vastly altered in the past and very little original features remain, except the stair and some panelling. A large extension has been constructed to the rear which creates a large open plan ground floor with a covered 'atrium'. The entire rear of the building is obscured by the rear extension/ stair core and the original rear wall has been considerably altered, little original fabric is thought to be retained within the rear wall.

The basement will be returned to its original layout with no access past the rear original wall. The existing ground floor extension is removed and replaced which is acceptable; internally the original stair will be revealed, which is considered an improvement on the existing. At first and second floors, the rear extension is removed, the rear wall reinstalled and the current internal non original partitions removed and replaced with

new partitions on the original alignment. These works are considered a benefit to the character and appearance of the listed building.

### **8.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

#### **Sunlight and Daylight**

Objections have been received from residents opposite and adjacent to the site on the grounds of loss of daylight, sunlight and increased sense of enclosure.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Waldrams, has carried out the necessary tests using the methodology set out in the BRE guidelines on properties surrounding the site on Greek Street, Manette Street and Charing Cross Road. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. VSC 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 BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.



The properties tested for daylight and sunlight levels comprise

- 1 Phoenix Street and the Phoenix Theatre
- Phoenix House (104-110 Charing Cross Road), a block of flats above a ground floor commercial use on the opposite side of Charing Cross Road.
- 114-124 (even) Charing Cross Road – largely commercial uses.
- 107-109 (odd) Charing Cross Road – residential flats from fourth to seventh floors above retail from ground to third floors.
- All properties on Manette Street opposite the application site.
- Greek Street - Nos 6 to 11 inclusive, 15 to 19 inclusive which back onto the site, and 47 to 60 which are on the opposite side of the street.

To residential properties on Charing Cross Road opposite the site, whilst there are small losses of daylight (VSC and daylight distribution) they are within the tolerances set out in the BRE guide and as such there is no material impact. Nor is there any material impact on the amount of sunlight hours received in either winter or annually.

To the Greek Street properties with rear windows facing the application site, there are several very minor material impacts on daylight at Nos 6, 11, 15 and 17. The most significant of these impacts is to the rear of No. 11, where one window is affected at second, one at third and the three rear facing windows in the fourth floor mansard which lose approximately 30% VSC. The only impact on sunlight is to a bathroom window on the first floor of 6 Greek Street.

To Manette Street, there is a material impact to windows above the shop units at nos 16 and 17, though records do not show residential use in this location.

The most significantly affected residential properties are those at 107-109 Charing Cross Road, adjacent to the application site, where there are windows in the recently completed flats that overlook the flank (south) elevation of the proposed office building. The windows in the north facing elevation of 107-109 have a poor neighbourly relationship with the application site, given they are set back only around 2.5m from the party wall and appear to rely on 'borrowed' light from the application site to provide good daylight to the relevant rooms.

The daylight consultants have analysed the affected windows using Average Daylight Factor which is appropriate as they are new build units. There are 7 bedroom windows over 4<sup>th</sup> to 7<sup>th</sup> floors which face the application site and will not achieve the 1% minimum

ADF, with values ranging from 0.39 to 0.83. It should be noted that the main living/kitchen/dining areas to all these flats have large well lit windows to either Charing Cross Road or to the rear of the site. Given that the affected bedroom windows do not have a good neighbourly relationship with the application site, it is not considered reasonable to afford them the same level of protection as windows to the front or rear. On balance, the effect on the bedroom windows at the adjacent site is considered acceptable.

### **Sense of Enclosure**

Objections have been received from residents on Charing Cross Road that the proposals will result in a greater sense of enclosure due to the height and scale of the proposed building.

The building will be substantially taller than the existing buildings on site, particularly to the Charing Cross Road frontage, where the existing buildings step down in height quite significantly towards Manette Street. As a point of reference, the height of the top of the plant area will be approximately 10m above the height of the adjacent building at 107-109 Charing Cross Road. It should be noted that the seventh, eighth storeys and plant area will be set back from the main elevation. At this point, Charing Cross Road is relatively wide, and it is not considered that the proposed building height and scale would result in a degree of 'enclosure' which is unacceptable in an urban context.

Occupiers of the flats at 107-109 Charing Cross Road are concerned regarding the loss of view and outlook to the rear of their flats due to the height and depth of the proposed building. There is currently a very open outlook to the rear as 107-109 is the highest building in this particular street block. The proposed development will restrict views to the north and significantly change the outlook. Whilst the view to the north side of the building will change significantly, it is not considered that a material sense of enclosure would result due to the very open nature of the outlook to the south and west.

### **Privacy**

It is not considered that the proposed building would cause an unacceptable degree of overlooking to residential properties facing the site on Charing Cross Road or to rear windows on Greek Street.

There will be a substantial flank elevation alongside the flats at 107-109 Charing Cross Road, including terraces at 4<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floors which are directly adjacent to the party wall and would provide significant opportunity for overlooking and noise/disturbance to these flats. A condition is therefore recommended restricting access to maintenance only. The other proposed terraces to the office building at 5<sup>th</sup> to 8<sup>th</sup> floors are considered acceptable as they are more significantly set back from any residential windows.

## 8.4 Transportation/Parking

### *Car Parking*

No off street parking is proposed in connection with the 8 residential units. There is no off street parking for the 7 existing units at Goldbeaters House. Given the overall increase in residential is only 1 unit, and there are no 'family sized units' the Highways Planning Manager is satisfied that the additional unit will not place undue stress on local on street parking, and the application is acceptable in this respect.

### *Cycle Storage*

Residential cycle storage (16 spaces) is provided at ground floor level, accessed from Greek Street. It is acceptable and in line with policy.

Cycle storage for the other uses across the site is provided at basement level -1, with an appropriate lift accessed from the courtyard. Storage is provided for 258 bikes, which has been increased from the original proposals. A condition is recommended securing the size and location of storage.

### *Proposed changes to the highway/footway layout and new public realm*

A new pedestrian route is proposed between Greek Street and Manette Street, via the new courtyard. The aim is to provide an additional pedestrian route into Soho given the increase in footfall in the area expected as a consequence of Crossrail. The route is welcomed. It will not be adopted highway, so it will be necessary to secure public access through the courtyard with a Walkways Agreement attached to the S106.

It is also proposed to set the building line back at street level along Charing Cross Road so the available footway is widened. This is essentially to accommodate a proposed servicing bay that is shown as being on the existing footway. The additional area will need to be dedicated as highway (or other appropriate means to secure permanent pedestrian access) to ensure an acceptable minimum footway width is maintained given the location of the proposed servicing bay. To Manette Street, it is proposed to build out the footway to part of the street where it meets Charing Cross Road. This would result in the loss of some on street motorcycle parking.

The proposed changes to Manette Street are not considered to provide any particular benefit to pedestrians given that the footway is not being widened over the entire street length. It is not considered that the partially widened footway offers sufficient benefit to the public realm to justify the loss of the on street parking spaces and the Highways Planning Manager has objected to this part of the scheme.

### *Servicing and deliveries*

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and

safe access to premises for servicing, and generally requires that servicing is undertaken off street. The existing Foyles building has a servicing yard to the rear, accessed from Manette Street.

The proposals involve servicing the majority of the site from Charing Cross Road. Servicing will take place from the new on-street servicing bay. The Highways Planning Manager is unconvinced that the level of servicing required by this new building will be comfortably accommodated by the servicing bay and has also objected to this element of the scheme.

It is acknowledged that it would be difficult to accommodate off-street servicing alongside a new pedestrian route and courtyard whilst maintaining a suitable environment for pedestrians walking through from Greek Street to Charing Cross Road. On balance, the benefits of the new public space are considered to outweigh the need for off street servicing accessed from Manette Street. Any on street servicing agreed will however require careful management and should be subject to an agreed servicing management plan secured by condition. In terms of the servicing to the proposed retail unit, it is considered that a supermarket in this location is likely to generate servicing of increased frequency/dwell times than as set out in the transport assessment, and it is considered reasonable to restrict the occupation of the retail units to a non-food retailer.

### **8.5 Economic Considerations**

The economic benefits generated by the provision of modern office and retail accommodation are welcomed.

In terms of employment and local procurement opportunities, Policies 3A.26 and 3B.11 of the London Plan and City Plan Policy S29 encourage the provision of employment opportunities through new development. It is considered appropriate that the applicant agrees to sign up to the local procurement code which requires developers to allow local companies access to some of the tender opportunities generated by a development where there are suitable contenders locally.

### **8.6 Access**

The development would be fully accessible to those with disabilities, with level access to all buildings proposed as part of the scheme in accordance with Policies TRANS27 and DES1 in the adopted UDP.

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

*Noise/plant*

Environmental Health officers are satisfied that the plant is capable of complying with the City Council's noise standards; residential units must also be constructed to achieve the relevant internal noise standards as set out in Policy ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice.

#### *Refuse /Recycling*

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. Refuse storage is provided at part ground and basement levels for the main office and retail building, with residential refuse storage within 12-13 Greek Street.

#### *Trees and soft landscaping*

New street trees are proposed to the extended area of footway on Manette Street in the form of 4 mature Liquidambar trees. Little detail has been provided of the green roofs, green wall and landscaping to the terraces, this will be reserved by condition.

#### *Sustainability*

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles.

In terms of addressing the GLA's 'energy hierarchy', the applicant commits to maximising the energy performance through passive measures within the design including insulation, green roofs, high performance facades and glazing/solar control systems.

In terms of how energy is provided to the site, it is proposed to use a gas fired combined heat and power (CHP) system. The energy strategy has explored various options for the use of renewable technologies. It is proposed to use ground source heat pumps to supplement the communal heating network, as well as an array of photovoltaic panels at

roof level. If the measures described above are implemented, then the applicant states there will be an overall carbon saving of 26% over baseline carbon emissions per year.

Even with the CHP and renewable technologies, the development fails to achieve the target set out in the London Plan. Policy 5.2 of the London Plan states:

*“The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere”.*

The shortfall for this scheme as presented in the energy statement is 67.5tCO<sub>2</sub> per annum. This means the carbon offset payment expected to be £510,300. Given the viability issues associated with the scheme, the applicants have not agreed to paying this at the time of writing.

The offices, residential and retail uses are projected to achieve a BREEAM excellent rating.

#### *Flood Risk and drainage*

Policy S30 requires all development proposals to take flood risk into account and that new development should reduce the risk of flooding. The applicants have undertaken a flood risk assessment. The site is within Flood Zone 1 as defined by the Environment Agency Flood Map and is considered to be at low risk of surface water flooding.

In terms of drainage, the development would not increase the impermeable area over the site meaning there would be no increase in the peak rate of surface water run-off. Measures to attenuate run off are proposed which include the provision of some green roofs and rainwater harvesting. These mitigation measures are appropriate and can be secured by condition.

## **8.8 London Plan**

The application is referable to the Mayor of London under the provisions of the Town and Country Planning (Mayor of London) Order 2008. The proposal raises strategic issues in terms of its design, land use, transport and energy. The GLA's initial comments on the application dated 28 January 2016 are provided in full in the background papers, along with subsequent modifications to their comments upon receipt of additional information from the applicant. In summary their main comments at this stage are:

### **Principle of development**

The office led mixed use scheme is acceptable in principle.

**Affordable Housing**

Further details required on the donor site; the viability appraisal should be assessed by WCC and reported back to the Mayor before the Stage 2 referral.

On receipt of further information, they ask for the applicant to provide justification for solely intermediate tenure and for WCC to confirm demand for this tenure.

**Historic Environment**

The GLA considers that the loss of the original Foyles building causes significant harm to the conservation area and consideration should be given to façade retention. Following further justification from the applicant, the GLA are now of the view that the façade of 111 Charing Cross Road should be retained.

**Urban Design**

Further information required regarding height, massing, appearance and strategic views. This has now been provided by the applicant and the GLA are generally supportive of the design and materials but remain of the view that the retention of 111 Charing Cross Road would improve the massing.

**Sustainable Development**

Shortfall in CO2 reductions should be met off-site. Have requested monthly load figures for the CHP.

**Inclusive Access**

The applicant should provide one wheelchair accessible or adaptable unit. Request a condition requiring compliance with part M4(2) and M4(3) of the building regulations.

**Transport**

TfL has requested a S106 contribution of £100,000 to accommodate the additional operational and maintenance demands on the local stations that are part of the Mayor's cycle hire scheme. Additional information required regarding floorspace and consequent requirements for cycle storage.

Upon receipt of further information, request additional short stay public cycle parking and a travel plan.

**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

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

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

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

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

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

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:



- i) The provision of affordable housing (intermediate rent) at 12-13 Greek Street for successive occupants in perpetuity at agreed rent levels and transferred to a Registered Provider (minimum 125 year lease) prior to first occupation. The housing to be allocated in line with the City Council's nominations criteria. The housing to be made ready for occupation prior to the first occupation of the office and restaurant units.
- ii) Payment in lieu of £3.85m towards the City Council's affordable housing fund.
- iii) Public art – a programme of public art to be implemented within 12 months of occupation of the offices.
- iv) Necessary highways works.
- v) Dedication (or alternative means of securing public access) of the widened area of footway on Charing Cross Road.
- vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street. Public access to be between 07.00 to 01.00 daily.
- v) Provision of new public courtyard and access.
- vi) Crossrail payment - the London Plan sets out that for increases in commercial floorspace of over 500 square metres for office purposes, CIL is set at £140 per square metre (GIA) which for this scheme works out at £2,179,800. This will need to be secured by planning obligation. The applications will also be subject to Mayoral CIL which is essentially a tax collected outside of the S106 regime.
- vii) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
- viii) Employment and Training Strategy for the construction and operational phase of the development.
- ix) Contribution of £100,000 towards TfL cycle hire scheme as requested by the GLA.
- ix) Monitoring costs.

Officers consider that these 'Heads' satisfactorily address City Council policies and the CIL Regulations subject to detailed resolution of the relevant trigger dates.

### **8.11 Environmental Impact Assessment**

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2011). The applicant has submitted various studies relating to the principal environmental issues raised by the development including noise, archaeology, ecology, construction impact, employment, drainage, energy and recycling. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are examined in the relevant sections of this report.

### **8.12 Other Issues**

#### **Basement**

The proposals involve the excavation of a new basement plantroom. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

#### **Construction impact**

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00

on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific SEMP, should be secured through a S106 legal agreement. It is recommended that a construction logistics plan is secured by condition.

### **Archaeology**

In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers and English Heritage. The archaeological investigation can be secured by condition.

### **Crime and security**

The Metropolitan Police have advised that any external lighting on the pedestrian route will need to be compliant with the relevant British Standard. There are potentially vulnerable doors and windows, and there are concerns over the use of outdoor furniture. They request a condition requiring details of how the principles of 'secure by design' have been incorporated into the scheme, which will need to be agreed with them prior to commencement.

## **9 BACKGROUND PAPERS**

1. Application form
2. Response from Historic England, dated 8 January 2016.
3. Response from Historic England (Archaeology) dated 8 January 2016.
4. Response from the Council for British Archaeology dated 17 February 2016.
5. Response from the Victorian Society dated 22 February 2016.
6. Response from the Greater London Authority dated 28 January 2016 and e-mails dated 1 February 2016 and 23 March 2016.
7. Response from Environment Agency (Thames Region), dated 22 December 2015
8. Response from Transport for London (Crossrail) dated 24 December 2015.
9. Response from the Soho Society.
10. Response from the Covent Garden Community Association dated 15 January 2016.
11. Response from the Theatres Trust dated 11 January 2016.
12. Response from London Underground dated 29 December 2015.
13. Response from Thames Water dated 15 February 2016.
14. Memorandum from Environmental Sciences dated 6 January 2016.
15. Memorandum from Cleansing dated 13 January 2016.

16. Response from the Metropolitan Police dated 13 January 2016.
17. Memorandum from the Arboricultural Manager dated 22 January 2016.
18. Memorandum from the Energy Strategy Officer (undated).
19. Memorandum from the Highways Planning Manager
20. E-mail from the affordable housing supply manager dated 6 March 2016.
21. Letter from occupier of 4, Lockhart Street, dated 20 December 2015
22. Letter from occupier of 166 Waverley Street, Ottawa, dated 22 December 2015
23. Letter from occupier of 53 Ferndale Road, London, dated 22 December 2015
24. Letter from occupier of 23 Phoenix House, 104-110 Charing Cross Road, dated 5 January 2016
25. Letter from occupier of 56 Greek Street, London, dated 8 January 2016
26. Letter from occupier of 25 Phoenix House, 104-110 Charing Cross Road, dated 26 January 2016.
27. Letter from occupier of 104 Hydethorpe Road, London, dated 28 December 2015
28. Letter from occupier of 12 Phoenix House, 104-110 Charing Cross Road, dated 2 January 2016
29. Letter from occupier of Flat 16, Phoenix House, 104-110 Charing Cross, dated 29 December 2015
30. Letter from occupier of 6 The Alcazar, Phoenix Street, dated 29 December 2015
31. Letter from occupier of 23 Phoenix House, 104-110 Charing Cross Road, dated 7 January 2016
32. Letter from occupier of 55 Dean Street, London, dated 22 January 2016
33. Letter from occupier of 26 Phoenix House, 104-110 Charing Cross Road.

### **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 LOUISE FRANCIS ON  
020 7641 2488 OR BY EMAIL AT [SouthPlanningTeam@westminster.gov.uk](mailto:SouthPlanningTeam@westminster.gov.uk)

10 KEY DRAWINGS



Charing Cross Road elevation



**Courtyard looking towards the rear of 12-13 and 14 Greek Street**



**Manette Street looking towards Greek Street**



**Greek Street elevation**





Ref.	Description	Status
01	Structural Assessment	Approved
02	Party Wall Agreement	Approved
03	Party Wall Notice	Approved
04	Access Agreement	Approved
05	Access Agreement	Approved
06	Access Agreement	Approved
07	Access Agreement	Approved
08	Access Agreement	Approved
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100	Access Agreement	Approved

FOR INFORMATION

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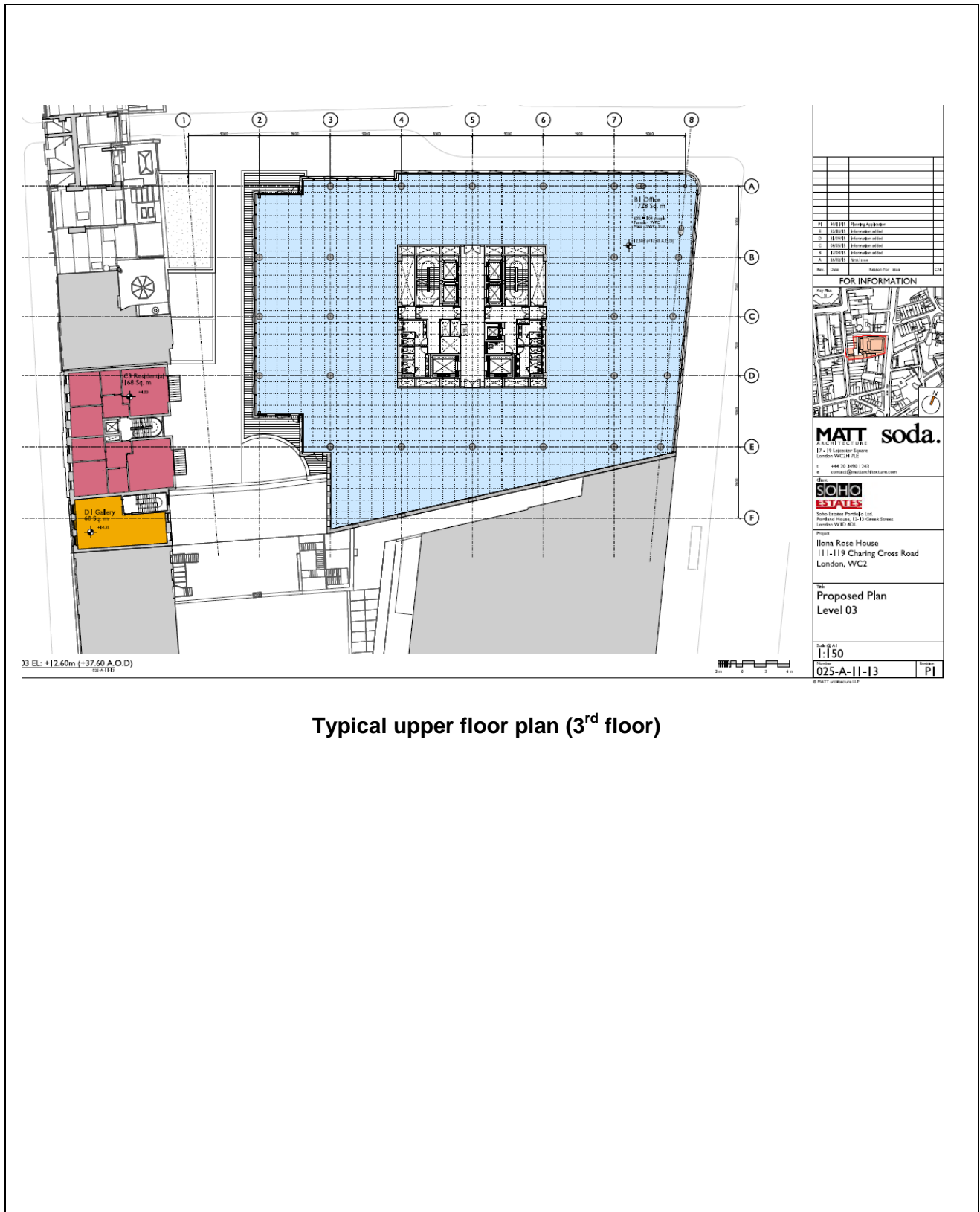
**SOHO**  
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Portland House, 141 Strand  
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Project  
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11-19 Charing Cross Road  
London, WC2

16  
**Proposed Plan**  
Level 00

Scale 1:150  
Number 025-A-1-10  
Sheet P5  
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Ground floor plan



Typical upper floor plan (3<sup>rd</sup> floor)

**DRAFT DECISION LETTER**

- Address:** Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And, 12 - 14 Greek Street, London,
- Proposal:** Substantial demolition of existing buildings and redevelopment of the site to provide a mixed-use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street; in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works.
- Plan Nos:** 025-A-00-00/P1, 00-01/P1, 00-02/P1, 00-03/P1; 025-A-01-09/P1; 01-10/P1; 01-11/P1; 01-12/P1; 01-13/P1; 01-14/P1; 01-15/P1; 01-16/P1; 01-17/P1; 01-19/P1; 01-20/P1; 01-21/P1; 01-22/P1; 01-23/P1; 01-24/P1; 01-25/P1; 01-26/P1; 01-27/P1; 025-A-06-01/P1; 06-02/P1; 06-03/P1; 06-04/P1; 06-05/P1; 06-21/P1; 06-22/P1; 06-23/P1; 06-24/P1; 06-25/P1; 025-A-07-01/P1; 07-02/P1; 07-10/P1; 07-11/P1; 07-12/P1; 07-13/P1; 07-14/P2; 07-15/P2; 07-21/P1; 07-22/P1; 07-30/P1; 07-31/P1; 07-32/P1; 07-33/P1; 07-34/P2; 07-35/P2; 025-A-10-01/P1; 10-02/P1; 025-A-11-06/P5; 11-07/P5; 11-08/P4; 11-09/P4; 11-10/P5; 11-11/P3; 11-12/P3; 11-13/P3; 11-14/P3; 11-15/P1; 11-16/P1; 11-17/P1; 11-18/P1; 11-19/P1; 11-20/P1; 025-A-16-01/P5; 16-02/P5; 16-03/P1; 16-04/P1; 16-05/P1; 025-A-17-01/P1; 17-02/P1; 17-10/P1; 17-11/P5; 17-12/P1; 17-13/P1; 17-14/P5; 17-15/P5; 025-A-100-01/P1; 100-02/P1; 025-A-110-09/P1; 110-10/P1; 110-11/P1; 025-A-120-00/P3; 120-01/P5; 025-A-130-00/P1; 130-01/P1; 025-A-160-09/P1; 160-10/P1; 160-11/P1; 025-A-160-29/P4; 160-30/P3; 160-31/P3; 025-A-170-00/P5; 170-01/P5; 025-A-180-00/P1; 180-01/P3. Acoustic Report (Acoustic Logic, Dec 2015)
- Supporting documents:  
 Planning Statement (Gerald Eve); Design and Access Statement (MATT/SODA); Access Statement (David Bonnett Assoc, December 2015); Landscape report (Townshend); Townscape and Visual Impact Study (Peter Stewart/Miller Hare); Heritage Statement and Heritage Impact Assessment (Iceni Projects December 2015); Archaeological report (MOLA - November 2015); Economic report (Volterra, December 2015); Energy Statement (Thornton Reynolds, November 2015); Ecology Report and BREEAM report (eight associates, November 2015); Daylight/Sunlight report (Waldrums, November 2015); Transport Assessment (Arup, Dec 2015 and Feb 2016); Statement of Community Involvement (Comm Comm UK, Nov 2015); Flood risk assessment (Civil Engineering Solutions); SUDS report and structural report (Tier Consulting); construction management plan (MACE); wind assessment (Arup)

**Case Officer:** Louise Francis**Direct Tel. No.** 020 7641 2488

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

**Reason:**

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

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

You must carry out basement excavation work only:

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

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

**Reason:**

To protect the environment of 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 samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

**Reason:**

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

- 4 You must apply to us for approval of detailed drawings of the following parts of the development -
  - i) Typical windows
  - ii) Typical doors
  - iii) Typical bay of the main block
  - iv) Greek Street ground floor elevation including shopfronts.
  - v) Railings
  - vi) Plant enclosure

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

You must then carry out the work according to these details.

**Reason:**

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

**5 Pre Commencement Condition.**

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

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

**Reason:**

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

**6 Pre Commencement Condition**

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

(i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,

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

**Reason:**

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

**7 Pre Commencement Condition**

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent)

have been submitted to and approved in writing by the local planning authority which:

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

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

**Reason:**

As required by London Underground, to ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with the London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

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

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 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.

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 11 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.

- 12 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.

- 13 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 14 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used for food retail purposes (i.e. a supermarket).

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)

- 15 The Class A3 restaurants shown on the approved drawings at ground and basement level shall only be used as sit-down restaurants with waiter service. You must not use any part of these as a separate bar, or for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 16 Customers shall not be permitted within the restaurant premises before 0800 or after 0100 on Monday to Saturday (not including bank holidays and public holidays) and before 0800 or after 2330 on Sundays, bank holidays and public holidays. (C12BD)

Reason:



To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 17 The Class A3 uses allowed by this permission shall not begin until you have fitted self closing doors and lobbies between the entrance and dining area. You must not leave these doors open except in an emergency or to carry out maintenance. The lobby shall not contain any tables and chairs or bar/restaurant area where customers can stand.

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)

- 18 You must apply to us for approval of a detailed servicing management plan. The plan shall identify process, storage locations, scheduling of deliveries and staffing.

You must not occupy any part of the buildings until we have approved what you have sent us.

The servicing management plan shall be maintained for the life of the development unless a revised strategy is agreed in writing by us.

Reason:

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

- 19 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)

- 20 The new buildings must achieve a BREEAM rating of at least 'excellent' (or any such national measure of sustainability for commercial buildings that replaces that scheme of the same standard). Within 1 year of the completion of the commercial units, you must submit to us for our approval a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that an 'excellent' rating has been achieved.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

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

- i) Photovoltaic panels;
- ii) ground source heat pumps;
- iii) rainwater harvesting system

You must not remove any of these features.

Reason:

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

- 22 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 roofs and green wall

You must not remove any of these features. (C43FA)

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)

- 23 You must apply to us for approval of a scheme of public art.

You must not start work on the public art until we have approved what you have sent us. You must carry out the scheme according to the approved details within 12 months of first occupation of the building.

You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 24 Prior to the occupation of any parts of the development, you shall submit and have approved in writing by the local planning authority, a detailed Operational Site Management Plan and you must then carry out the measures included in your Plan at all times unless as otherwise agreed in writing by the City Council as local planning authority.

The plan shall include arrangements for external tables and chairs, maintenance, cleansing and public access to the public realm area, measures to reduce impact on local residents, smoking, taxis and security arrangements.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 25 Unless otherwise agreed in writing by the City Council, the external seating in connection with the

restaurants shall be restricted to those areas set out on the approved ground floor plan (025-A-11-10/P5); and shall contain seating for no more than 90 customers overall. They shall only be available to customers of the restaurants hereby permitted.

Reason:

In the interests of public safety and to maintain sufficient space for unobstructed pedestrian passage as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 26 The tables and chairs permitted in the courtyard shall only be used between 0800 and 2300.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 27 You must provide the waste store shown on drawing 025-A-11-07/P5 and 025-A-11-10/P5 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

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

Reason:

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

- 29 The replacement windows to 12-13 Greek Street shall be white painted timber framed.

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)

- 30 The detailed insulation measures to 12-13 Greek Street including double glazing and floor/ceiling insulation as set out in the acoustic report by Acoustic Logic dated December 2015 shall be installed in their entirety prior to the first occupation of any residential unit.

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.

- 31 The terraces at levels 4, 5 and 6 shown on the approved drawings adjacent to the boundary with 107-109 Charing Cross Road shall not be used for sitting out or any other purpose except maintenance or escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

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)

- 33 **Pre Commencement Condition.**

You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

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

- 34 You must apply to us for approval of detailed drawings of the following parts of the development - gates to the pedestrian route. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in 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)

**35 Pre Commencement Condition**

Prior to the commencement of development, details of the measures to be incorporated into the development demonstrating how the principles of 'secured by design' are included shall be submitted to and approved by the City Council in consultation with the Metropolitan Police.

Reason:

In line with the requirements of S28 and S29 of Westminster's City Plan, November 2013 and as required by the Metropolitan Police.

**36 Customers shall not be permitted within the sui generis club at basement and ground floors of 12-13 Greek Street before 0900 or after 0100 each day.**

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
  - i) Provision of affordable housing (intermediate rent) at 12-13 Greek Street.
  - ii) Payment of £3.85m towards the City Council's affordable housing fund.
  - iii) Public art
  - iv) Necessary highways works;
  - v) Dedication (or alternative means of securing public access) to the widened area of footway on Charing Cross Road.
  - vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street, to be between 0700 to 0100 daily.
  - vii) Provision of new public courtyard and access.
  - viii) Crossrail payment.
  - ix) Employment and training strategy;
  - x) Compliance with Code of Construction Practice and contribution to the environmental inspectorate;
  - xi) Contribution towards the Mayor's Cycle Hire scheme (£100,000).
  - xii) Monitoring costs.

- 3 Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 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. (I10AA)
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please

contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 8 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 9 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 10 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 11 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.**

**DRAFT DECISION LETTER**

**Address:** 14 Greek Street, London, W1D 4DP,

**Proposal:** Partial demolition to the rear of the building; rebuild of the rear facade and erection of single storey rear extension; internal and external works; all in connection with use of the building as an art gallery/art education use.

**Plan Nos:** Site Location Plan 025-A-100-01/P1; 025A-100-02/P1; 025A-110-09/P1; 25A-110-10/P1; 025A-110-11/P1; 025A-120-00/P5; 025A-120-01/P5; 025A-130-00/P1; 025A-130-01/P1; 025A-160-09/P1; 025A-160-10/P1; 025A-160-11/P1; 025A-160-29/P4; 025A-160-30/P3; 025A-160-31/P3; 025A-170-00/P5; 025A-170-01/P5; 025A-180-00/P1; 025A-180-01/P3; Heritage Impact Assessment and Heritage Statement by Icen Projects dated December 2015; Letter from Icen Projects dated 28 January 2016.

**Case Officer:** Louise Francis

**Direct Tel. No.** 020 7641 2488

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 of the following parts of the development - all new windows. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

Item No.
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<b>3</b>
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It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)