

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	Application 1 - 145 Oxford Street, London W1D 2JD Application 2 - 57 Berwick Street, London W1F 8SR		
Proposal	Application 1 - Erection of mansard roof extension to create new fourth floor; erection of rear extensions at first to third floor levels; erection of plant enclosure, cycle parking enclosure and new terrace at second floor level; use of part ground, part first, second, third and new fourth floor as office floorspace (Class B1); use of first floor as retail floorspace (Class A1); and installation of replacement windows, new shopfront and associated works. Application 2 - Alterations to the chimney serving 57 Berwick Street.		
Agent	Montagu Evans LLP		
On behalf of	Thor 145 Oxford Street SARL		
Registered Numbers	Application 1 - 16/00933/FULL Application 2 - 16/00935/LBC	Date amended/ completed	3 February 2016
Date Application Received	3 February 2016		
Historic Building Grade	145 Oxford Street – Unlisted 57 Berwick Street – Grade II		
Conservation Area	Soho		

1. RECOMMENDATION

<p>Application 1</p> <p>1. Grant conditional planning permission subject to a legal agreement to secure the following:</p> <p>(i) A payment of £732,000 towards the City Council's Affordable Housing Fund (index linked and payable prior to the commencement of development).</p> <p>(ii) Payment of the monitoring the Section 106 Agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>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;</p>
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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.

Application 2

1. Grant conditional listed building consent.
2. Agree the reasons for grant listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

The site comprises an unlisted building located at the corner of Oxford Street and Berwick Street. The site is located within the Soho Conservation Area and is adjacent to Grade II listed buildings to the south and west (57 Berwick Street and 147 Oxford Street, respectively). The entirety of the site is vacant but its lawful use as a retail unit (Class A1) over basement and ground floor levels and a language school (Class D1) at first, second and third floor levels. The site is located within the Core CAZ, the West End Special Retail Policy Area and the Primary Frontage of the West End International Shopping Centre.

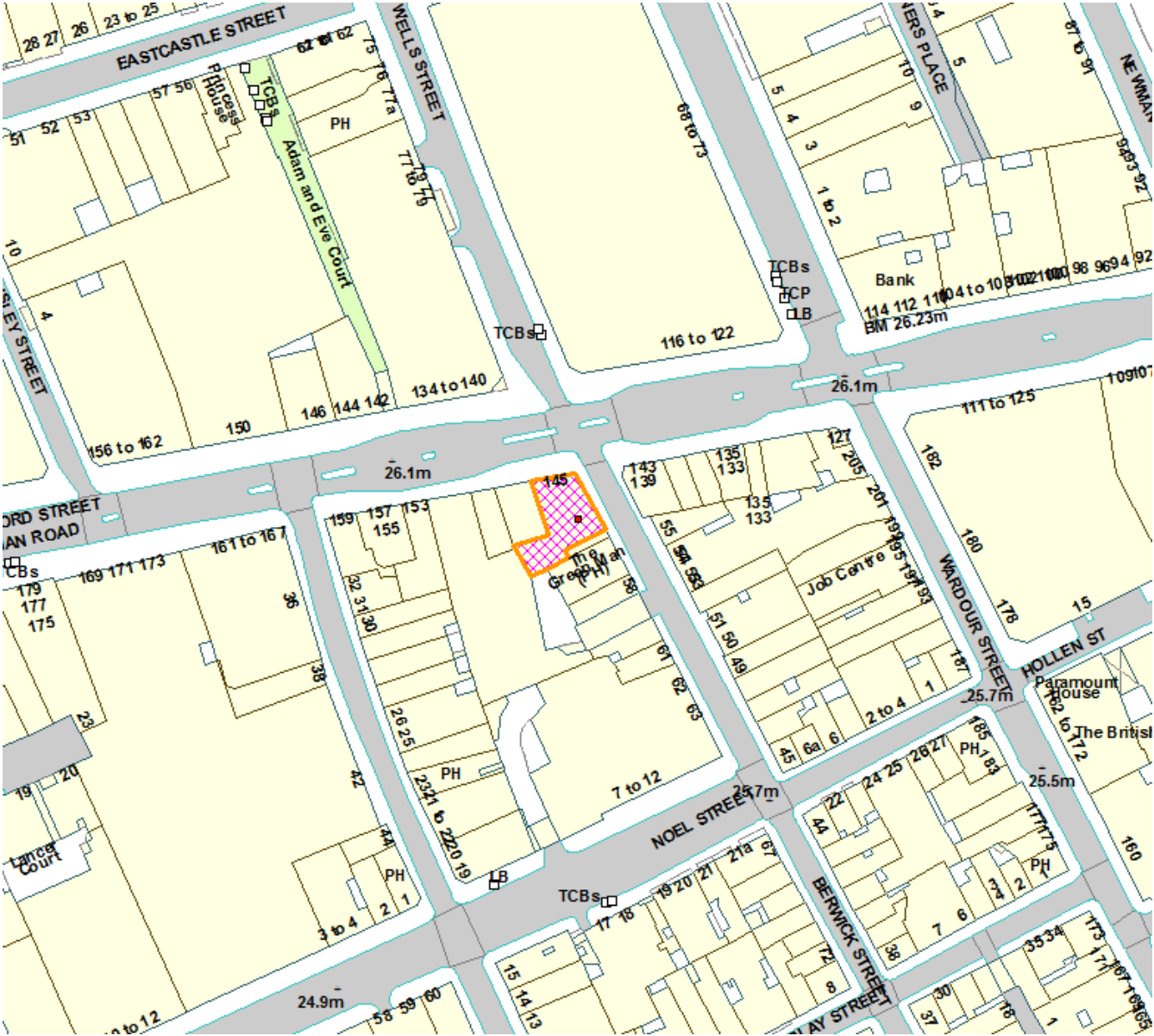
Permission is sought to erect a mansard roof extension to create a new fourth floor for office (Class B1) use, extensions at rear first to third floor levels and to erect a cycle store, plant area and terrace (for use by the office occupiers) at rear second floor level. Further, it is proposed to convert the first floor into retail (Class A1) floorspace to expand the existing shop over basement and ground floor level and to convert the second and third floors (together with the new fourth floor) to office (Class B1) accommodation. This new office will be accessed by an enlarged entrance core from Berwick Street. Listed building consent is sought to make minor alterations to 57 Berwick Street and 147 Oxford Street in order to facilitate the proposed mansard roof extension.

The key issues for consideration are:

- Whether the alterations and extensions to the building would preserve or enhance the character and appearance of the Soho Conservation Area and preserve the setting of the adjacent listed buildings.
- Whether a policy-compliant payment towards the City Council's Affordable Housing Fund is acceptable in lieu of on-site residential provision.
- Whether the loss of the language school at first, second and third floor levels is acceptable in land use terms.

For the reasons set out in the main report the proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Soho Conservation Area and not harm the setting of the adjacent listed buildings. For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY:

No objection.

ENVIRONMENTAL HEALTH:

No objection.

CLEANSING:

No objection subject to the imposition of a condition securing the submission of a revised plan for the City Council's approval indicating proposals for the storage of waste and the separate storage of recyclable material.

HIGHWAYS PLANNING:

Requests that a condition be imposed securing cycle parking associated with the expanded retail units.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 77

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted building located within the Soho Conservation Area. Immediately to the south of the site is the Green Man public house (57 Berwick Street) and immediately to the west is 147 Oxford Street. Both are Grade II listed.

The entirety of the site is vacant but its lawful use is as a retail unit (Class A1) over basement and ground floor levels and a language school (Class D1) at first, second and third floor levels. Retrospective permission was granted for this language school in June 2001.

The site is located within the Core CAZ, the West End Special Retail Policy Area and the Primary Frontage of the West End International Shopping Centre.

6.2 Recent Relevant History

Use of part of first floor and continued use of remainder of first floor, and entire second and third floors as a non-residential education and training centre (Class D1). Permitted – 28 June 2001.

7. THE PROPOSAL

Permission is sought to erect a mansard roof extension to create a new fourth floor for office (Class B1) use, erect a rear extension at first floor level within an existing sunken area, extend into an existing rear lightwell at first to third floor level and erect a cycle store, plant area and terrace (for use by office occupiers) at rear second floor level. Further, it is proposed to convert the first floor into retail (Class A1) floorspace to expand the existing shop over basement and ground floor levels and to convert the second and third floors (together with the new fourth floor) into office (Class B1) accommodation accessed by an enlarged entrance core from Berwick Street.

In association with the mansard roof extension is the proposed raising of the height of the existing chimney stack serving 57 Berwick Street, for which a separate application for listed building consent has been submitted (Ref: 16/00935/LBC). Notice of this application has been served upon the owners of this building.

Finally, replacement windows, shopfront and office entrance are also proposed.

The application has been amended during the course of its consideration to:

- Revise the proposed office entrance on Berwick Street so that it is flush with the building line (albeit with sliding doors that do not open out over the public highway;
- Brick arches are now included over the new rear window openings; and
- The reference to the indicative signage location has been removed from the proposed elevations.

It was not considered that such minor amendment necessitated a second round of public notification.

The floorspace changes are summarised as followed:

Land Use	Existing Area GEA Sq M	Proposed Area GEA Sq M	Uplift
D1	415	0	-415
B1	158	548	+390
A1	450	634	+184
Total	1023	1182	+189

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in retail floorspace

The proposed increase in retail floorspace is welcome. This will enhance the unique status and offer of the West End Special Retail Policy Area and enhance the contribution that this site makes to the character and function of the West End International Shopping Frontage, in accordance with City Plan Policies S6, S7, S21 and UDP Policies SS3 and SS4.

Loss of language school

The benefits of the scheme to the retail provision of Oxford Street, however, must be balanced against the loss of a social and community floorspace use (a language school), that is protected by City Plan Policy S34 and UDP Policy SOC 1. The upper floors of this site have been vacant since 2004 and have been unoccupied since. This follows a trend of losing language schools, possibly as a result of the Government's restrictions on international students obtaining visas to study in the UK. Given that the upper floors have been vacant for 12 years and that it was previously used as a language school, which is a private commercial facility of little value to the local community, it is considered to be acceptable to convert the second and third floors to an office. Further, the proposed increase in retail floorspace through the loss of the language school at first floor level will assist in attracting better quality retail units in the eastern end of Oxford Street that are looking for larger retail units. For these reasons, a departure from the usual policy protection afforded to social and community uses is considered to be appropriate in this instance.

Increase in office floorspace

The proposed increase in office floorspace is acceptable in principle given the site's location within the Core CAZ, in accordance with City Plan Policy S20 and UDP Policy COM 1.

Mixed use policy

Policy 2.11(A)(a) of the London Plan requires that where there are increases in office floorspace in the CAZ they should provide for a mix of uses including residential. Additional detail on this approach to mixed use development within the CAZ is set out in City Plan Policy S1, which requires an equivalent amount of housing floorspace to be provided where there are increases in commercial floorspace of over 200 sq.m where this is deemed to be appropriate and practicable. UDP Policy CENT 3 provides additional policy on the application of this strategic approach to increases in non-office commercial floorspace and makes it clear that it is the City Council's preference for housing from mixed use development to be provided on-site in the first instance, with off-site provision or payment in lieu acceptable only when it can be demonstrated that on-site provision is not appropriate or practical. Finally, a payment in lieu towards the City Council's Affordable Housing Fund

The proposed changes to the current 'mixed use' policy were subject to an examination in public on 9 March 2016. Following this examination, the proposed changes are currently subject to further public consultation until 5 June 2016. The Inspector will then determine whether this replacement policy is sound.

Given that this policy is subject to public consultation and has not yet been deemed sound, it can currently be afforded little material weight in the determination of applications and the current 'mixed use' policies should be used in the assessment of this application (i.e. adopted City Plan Policy S1 and UDP Policy CENT 3).

The proposal sees an increase in office floorspace of 390 sq.m (GEA). City Plan Policy S1 states that this should be matched by residential floorspace, if this is appropriate and

practical. On site residential floorspace is neither appropriate nor practical as it would require the creation of a separate access core which would reduce the retail floorspace at ground, first and second floor level. This would undermine the contribution of this floorspace to the character and function of the West End Special Retail Policy Area and character and function of the West End International Shopping Frontage. Furthermore, the small footprint of the site makes adding a separate access more impractical.

The applicant does not own any other buildings to provide residential provision off site and therefore a policy-compliant payment towards the City Council's Affordable Housing Fund of £732,000 is deemed to be acceptable in this instance. This payment is proposed to be secured by a legal agreement.

8.2 Townscape and Design

The existing building is one of the last and more significant Georgian buildings on Oxford Street. There is a very strong presumption to retain it. Its interior is much altered and it is not considered listable, but it does retain very interesting and extensive vaults at basement level. These are retained in this scheme.

The main aspect of the proposal is the mansard roof extension. The design of this has been negotiated prior to the submission of the application and is now acceptable. There is a build-up of the party wall to the south, but this is well set back towards the rear and not readily visible from street level. Raising the chimney stack for the adjoining listed building at 57 Berwick Street is considered to be acceptable in listed building terms.

At the rear the building is in poor condition, and much altered. The new rear façade is acceptable. The alterations to the fenestration on the street facades are acceptable.

It is concluded that the extended and altered building will contribute positively to the character and appearance of the Soho Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5, DES 6, DES 9 and DES 10.

8.3 Residential Amenity

The nearest residential properties to the application site are immediately to the south at 58 Berwick Street, opposite the site at 55 Berwick Street and further to the south at the rear of 151 Oxford Street.

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

Daylight and Sunlight

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

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The applicant has submitted a Daylight and Sunlight Report that assessing the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential properties.

The window on the upper floors above the adjacent public house (57 Berwick Street) that could be affected by the proposed erection of a cycle store is fitted with obscure glass and therefore is assumed to serve a non-habitable room (the occupier has not objected so it has not been possible to check). Furthermore, a daylight / sunlight report finds that the impact upon the window within the rear elevation of this building is negligible, with maximum VSC losses of 4.04% (i.e. well within the 20% threshold set out in the BRE Guide (2011)). As such, the proposal will not harm the amenity of the occupiers of this flat in terms of loss of daylight.

The daylight / sunlight report also finds that the impact upon the remaining residential properties within the vicinity of the site is also very small, with maximum VSC losses of 6.09%, losses in annual probable sunlight hours of 6.5% and no sunlight losses during the winter months. All of these losses are well within the allowable losses set out within the BRE Guide (2011) and therefore the amenity of the affected neighbouring residences will not be materially harmed by the proposed development.

Privacy

The proposed terrace will also not cause harm by overlooking to the neighbouring flat within 57 Berwick Street as it will be visually screened from the affected windows by the proposed cycle store. The upper floors of the adjacent building on Oxford Street (No. 147) are in lawful use as a language school (although currently vacant); a use not protected by the adopted amenity policies.

8.4 Transportation/Parking

The proposed cycle storage for the office is welcome and in accordance with adopted standards. The Highways Planning Manager has requested a condition securing off-street cycle parking for the enlarged retail unit. The applicant states that this will be

accommodated at basement level but this is not shown on the proposed drawings. A condition is therefore recommended securing this provision for staff.

8.5 Economic Considerations

The economic benefits of additional commercial floorspace on the site are welcome.

8.6 Access

All external entrances will be step-free and fully accessible.
The office floors are to be served by a new 8-person lift, which will be suitable for wheelchair use with room for standing passengers.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at rear second floor level. Subject to the imposition of suitable conditions, Environmental Health has no objection from an environmental nuisance perspective, agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7 during the hours of operation (between 07.00 hours and 23.00 hours daily). This is with the exception of the plant associated with the communications room that is sufficiently quiet to be able to operate 24 hours a day.

Refuse /Recycling

A condition is recommended to be imposed requiring the applicant to apply to the City Council for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

As set out above, permission is recommended for approval subject to the applicant and the City Council entering a legal agreement under Section 106 of the Act that secures payment towards the City Council's Affordable Housing Fund of £732,000 and adherence by the City Council to using these funds in accordance with the Memorandum of Understanding on the Affordable Housing Fund.

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an Environmental Statement.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 8 March 2016.
3. Response from Highways Planning, dated 23 February 2016.
4. Response from Environmental Health, dated 23 February 2016.
5. Response from the Cleansing Manager, dated 26 February 2016.

Selected relevant drawings

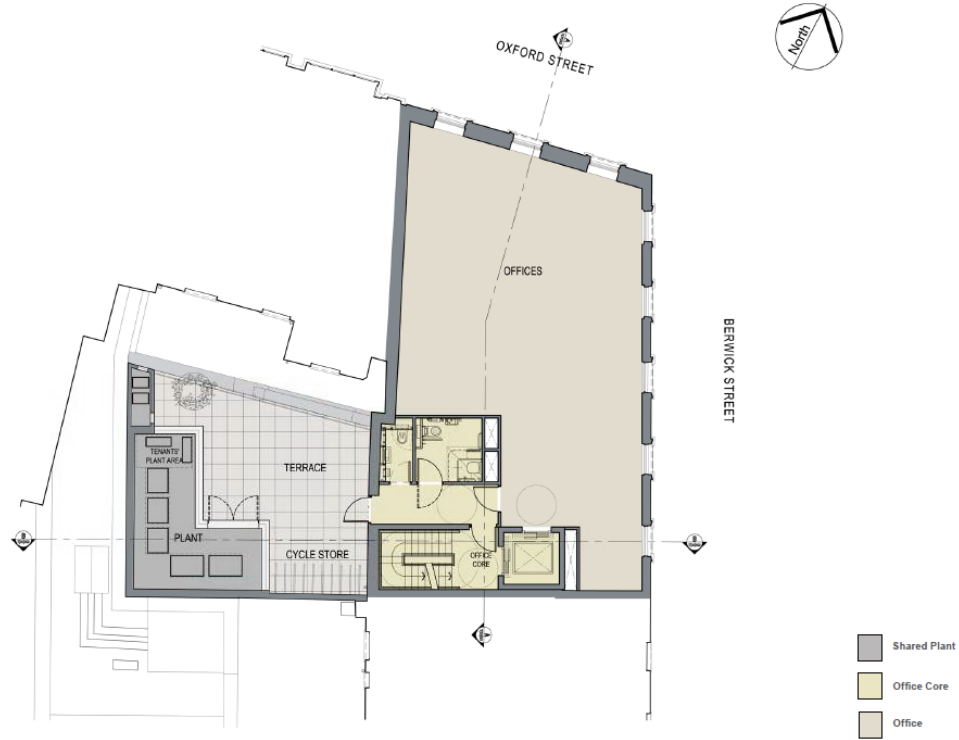
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MARK HOLLINGTON ON 020 7641 2523 OR BY EMAIL AT mhollington2@westminster.gov.uk

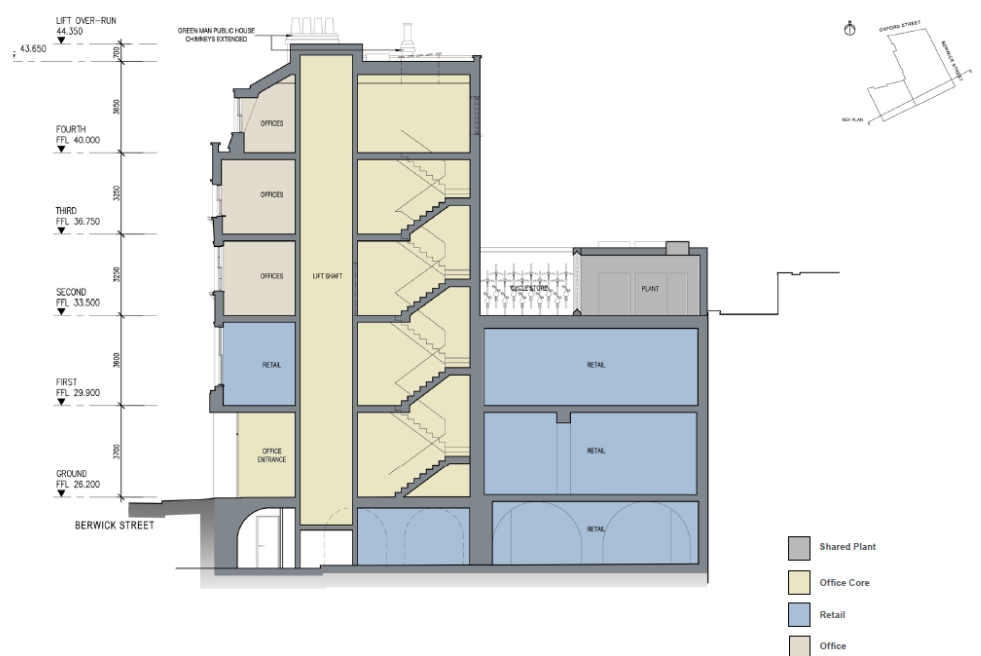
10. KEY DRAWINGS

Montage of proposed scheme





Second Floor Plan



Section B - B

DRAFT DECISION LETTER

Address: 145 Oxford Street, London, W1D 2JD,

Proposal: Erection of mansard roof extension to create new fourth floor; erection of rear extensions at first to third floor levels; erection of plant enclosure, cycle parking enclosure and new terrace at second floor level; use of part ground, part first, second, third and new fourth floor as office floorspace (Class B1); use of first floor as retail floorspace (Class A1); and installation of replacement windows, new shopfront and associated works.

Reference: 16/00933/FULL

Plan Nos: T20 P-1 Rev. T1, P00 Rev. T2, P01 Rev. T1, P02 Rev. T1, P03 Rev. T1, P04 Rev. T1, P05 Rev. T1, E01 Rev. T2, E02 Rev. T2, E03 Rev. T2, E04 Rev. T1, E05 Rev. T2, E06 Rev. T1, S01 Rev. T1 and S02 Rev. T1.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 The mansard roof slopes shall be clad in natural slate and the dormers shall be clad in lead. The window openings on the rear facade shall have traditional brick arches over.

Reason:

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

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

- All new windows and dormers.

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 drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in 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 The new brickwork shall be built in Flemish bond using a traditional yellow London stock brick.

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 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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)

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

Reason:

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

- 7 The vents in the rear facade shall be formed in black finished metal, fixed flush with the adjacent brickwork and retained in that colour.

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)

- 8 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

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

Reason:

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

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

Reason:

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

- 10 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)

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

Reason:

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

City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 12 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.

- 13 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily. This is with the exception of the plant associated with the communications room that can operate 24 hours a day.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise nuisance and 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 Harley Street Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, 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.

- 15 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.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 16 You must apply to us for approval of details of secure cycle storage for the retail unit at basement, ground and first floor level. You must not occupy the first floor until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 17 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the retail unit and office floorspace. (C14EC)

Reason:

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

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 For the purpose of Condition 16, provision for at least three cycle parking spaces should be provided within the application site.

- 3 Conditions 11 and 13 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)
- 4 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:
- A payment of £732,000 towards the City Council's Affordable Housing Fund (index linked and payable prior to the commencement of development).
 - Payment of the monitoring the Section 106 Agreement.

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

DRAFT DECISION LETTER

Address: 57 Berwick Street, London, W1F 8SR

Proposal: Alterations to the chimney serving the public house

Plan Nos: T20 P-1 Rev. T1, P00 Rev. T2, P01 Rev. T1, P02 Rev. T1, P03 Rev. T1, P04 Rev. T1, P05 Rev. T1, E01 Rev. T2, E02 Rev. T2, E03 Rev. T2, E04 Rev. T1, E05 Rev. T2, E06 Rev. T1, S01 Rev. T1 and S02 Rev. T1.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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

Reason:

To 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 The new brickwork shall be built in Flemish bond using a traditional yellow London stock brick.

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 a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.