

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 September 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 first floor as retail (Class A1), use as part ground, second, third and new fourth floor as office (Class B1) floorspace; and installation of replacement windows, new shopfront and associated works including alterations to the chimney at Green Man Public House (No. 57 Berwick Street). Application 2 - Alterations to the Chimney at the Green Man Public House.		
Agent	Montagu Evans LLP		
On behalf of	Mr Thor 145 Oxford Street SARL		
Registered Number	Application 1 - 16/05969/FULL Application 2 - 16/05985/LBC	Date amended/ completed	27 June 2016
Date Application Received	24 June 2016		
Historic Building Grade	145 Oxford Street – Unlisted 57 Berwick Street – Grade II		
Conservation Area	Soho		

1. RECOMMENDATION

<p>Application 1</p> <ol style="list-style-type: none"> Grant conditional permission, subject to no substantive additional issues being raised prior to the expiry of the consultation period on 29 September 2016. <p>Application 2</p> <ol style="list-style-type: none"> Grant conditional listed building consent, subject to no substantive additional issues being raised prior to the expiry of the consultation period on 29 September 2016. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

No. 145 Oxford Street is a vacant, unlisted, building located at the junction of Oxford Street and Berwick Street, within the Soho Conservation Area. Its lawful use is for (Class A1) retail purposes on basement and ground floors, as offices (Class B1) on part first floor and as a language school (Class D1) on the remainder of the first, second and third floors. It adjoins a Grade II public house, 57 Berwick Street, to the south.

Permission is sought for alterations to the Oxford Street building (Application 1) including the erection of a fourth floor mansard roof extension, rear extensions on first to third floors, the provision of a cycle store, plant area and office terrace on the rear second floor roof and for the use of the first floor as additional retail accommodation and the use of the second to fourth floors as offices, accessed via an enlarged entrance on Berwick Street. Listed building consent is also sought to extend the chimney stack to the adjacent public house (Application 2) to accommodate the roof extension on the main site.

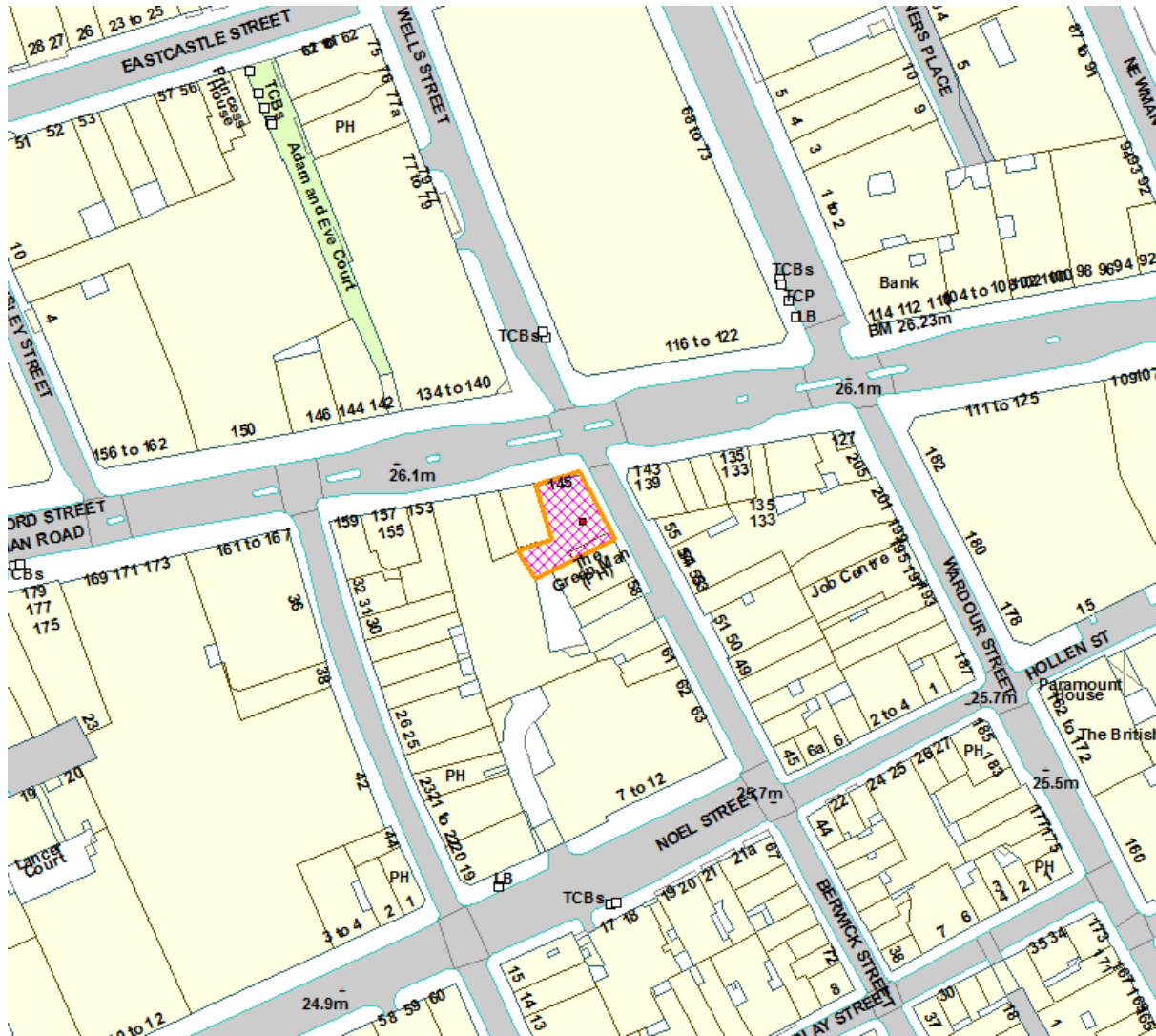
The applications are almost identical to schemes approved on 14 June 2016, with some minor design alterations. However, while the approved scheme secured a contribution to the City Council's affordable housing fund (£723,000) in lieu of the provision of on-site housing to offset the increase in commercial floorspace, changes to the mixed use policy in the City Plan (July 2016), mean that the scheme no longer triggers a requirement to provide new residential floorspace and will no longer deliver an affordable housing contribution.

The key issues for consideration are:

- the impact of the proposed alterations upon the special interest of the listed building at 57 Berwick Street, the setting of adjacent listed buildings and the character and appearance of the Soho Conservation Area .
- the acceptability of the loss of the language school in land use terms.

For the reasons set out in the main report, the proposals are considered acceptable in land use and amenity terms. In addition, they are considered acceptable in terms of their impact upon the special interest of the listed building, the setting of adjacent listed buildings and the character and appearance of the Soho Conservation Area. The schemes therefore comply with adopted Unitary Development Plan (UDP) and City Plan policies and are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY:

No objection.

ENVIRONMENTAL HEALTH:

No objection.

CLEANSING:

No objection subject to revised plans showing arrangements for the separate storage of waste and recyclable materials.

HIGHWAYS PLANNING:

No objection subject to a condition securing cycle parking associated with the enlarged shop unit.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 73

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 Sites

These applications relate to 145 Oxford Street, an unlisted building located on the corner of Oxford Street and Berwick Street, and 57 Berwick Street, a Grade II listed public house ("The Green Man"), located immediately to the south. Both sites are within the Soho conservation area. The neighbouring building on Oxford Street, no. 147, is also Grade II listed.

The lawful use of 145 Oxford Street, which is vacant, is for (Class A1) retail purposes on basement and ground floors, as offices (Class B1) on part first floor and as a language school on the remainder of the first, second and third floors.

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

6.2 Recent Relevant History

14 June 2106: Permission granted for alterations to 145 Oxford Street including the erection of a fourth floor mansard roof extension, rear extensions on first to third floors levels; the erection of plant enclosure and cycle parking enclosure and the creation of a new office terrace all at rear second floor level; use of part ground, part first and second to fourth floors as offices (Class B1); use of first floor as retail floorspace (Class A1); installation of replacement windows, new shopfront and associated works.

28 June 2001: Permission granted for the use of part of first floor and continued use of remainder of first floor, second and third floors as a non-residential education and training centre (Class D1).

14 June 2016: Listed building consent granted for alterations to the chimney serving the public house at 57 Berwick Street.

7. THE PROPOSAL

Planning permission is sought for alterations to 145 Oxford Street (application 1) including the erection of a fourth floor mansard roof extension, rear additions at first floor level, within an existing sunken area, extending into an existing rear lightwell on first to third floors and for the provision of a cycle store, plant area and office terrace at rear second floor level. Further, it is proposed to use the first floor for retail purposes (Class A1) and to use the second, third and new fourth floors as offices (Class B1) floorspace. Finally, replacement windows, a new shopfront and an enlarged office entrance are also proposed.

To accommodate the mansard roof extension on the Oxford Street building, listed building consent is sought to raise the height of the existing chimney stack at 57 Berwick Street (application 2). Notice of this application has been served upon the owner of this building.

The floorspace changes proposed are summarised as follows:

	As existing (sq.m GIA)	As proposed (sq.m GIA)	Change
Language School (Class D1)	351	0	-351
Office (Class B1)	125	487	+362
Shops (Class A1)	408	568	+160
Plant	0	25	+25
Total	884	1,080	+196

The applications are identical to those approved by the City Council on 14 June 2016 (Refs: 16/00933/FULL and 16/00935/LBC) save for the following changes:

- The height of the cycle store / plant area at rear second floor level would be increased by 0.2m.
- The footprint of the plant at rear second floor level has slightly increased and the area for cycle storage has slightly decreased (although this will accommodate the same number of bicycles by double stacking them, necessitating the increase in height of the cycle store).
- A rooflight is now proposed at rear second floor level.
- The alterations of the detailed design of the new ground floor office entrance on Berwick Street.

This application originally proposed the flexible use of the first floor for either office (Class B1) and / or retail purposes (Class A1) and the creation of a large office entrance on the Berwick street frontage. However, this would have resulted in an unacceptable loss of 35 sq.m (GIA) of retail floorspace on the Primary Shopping Frontage. Consequently, the application was revised to omit the first floor office use and the enlarged office foyer.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms, the revised proposal is identical to the scheme approved on 14 June 2016. However, the application must be assessed against land use policies in the revised City Plan (adopted July 2016). This latest version of the City Plan makes changes to:

- Policy S1 (Mixed Use in the Central Activities Zone). This policy now introduces higher thresholds before any increases in commercial floorspace trigger a requirement to provide new residential floorspace, and applies only to increases in office floorspace (Class B1) rather than to increases in all commercial floorspace.
- City Plan Policy S20 (Offices and Other B1 Floorspace) now includes a target for additional office floorspace capacity for at least 58,000 new jobs (774,000 sq.m commercial floorspace) between 2016/17 and 2036/37 (2,900 new jobs per annum).

8.1.1 Loss of language school

Notwithstanding the protection afforded to the language school by City Plan Policy S34 and UDP Policy SOC 1, its loss was previously considered acceptable on the basis that the language school had been vacant for 12 years, that language schools are a private commercial facility, of little value to the local community, and that the increase in retail floorspace resulting from the loss of the language school at first floor level would assist in attracting better quality retail uses to the eastern end of Oxford Street, where there is a demand for larger shop units.

There has been no change in relevant policy since the previous scheme was determined. Consequently, the loss of the language school is, again, considered acceptable for the reasons set out above.

8.1.2 Increase in retail floorspace

As previously, the proposed increase in retail floorspace is welcome as it 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.

8.1.3 Increase in office floorspace

Again, the proposed increase in office floorspace is acceptable in principle given the site's location within the Core CAZ, in accordance with City Plan Policies S6 and S20. The

additional office floorspace will assist in meeting the floorspace and job targets set out within City Plan Policy S20.

8.1.4 Mixed use policy

Based upon the previous mixed use policies, S1 in the City Plan (November 2013) and UDP (CENT 3) (both now superseded) the approved scheme secured a policy-compliant contribution of £732,000 towards the City Council's Affordable Housing Fund. These policies required an equivalent amount of residential floorspace to be provided on site to offset increases in commercial floorspace over 200 sqm (where deemed to be appropriate and practicable); and policy CENT 3 set out a formula for calculating the required contribution to the City Council's affordable housing fund in lieu of on-site provision, where neither on-site nor off-site residential provision was accepted as being inappropriate or impractical.

The newly adopted City Plan (July 2016) includes a revision to City Plan Policy S1. This policy has raised the threshold above which the residential requirement is triggered.

1. Where the net additional floorspace (of all uses)
 - is less than 30% of the existing building floorspace; or
 - is less than 400 sq.m (GIA) (whichever is the greatest); or
2. Where the net additional B1 floorspace is less than 30% of the existing building floorspace (of all uses)

no residential floorspace will be required.

The existing building measures 884 sq.m (GIA). The net increase in floorspace (of all uses) is 174 sq.m (GIA) (excluding the plant area which could not be used as commercial floorspace). This increase is both less than 30% of the existing floorspace (which would be 265 sq.m GIA) and less than 400 sq.m (GIA). Consequently, the development is not required to provide any residential floorspace or a contribution to the Affordable Housing Fund.

8.2 Townscape and Design

There is no objection to the revised design of the proposed office entrance, subject to a condition requiring the submission of a detailed drawing of the decorative metal screen..

The additional rooflight on the proposed flat roof at rear second floor will be inconspicuous and the modest increase in the height of the plant enclosure / cycle store will not have a harmful visual impact.

Consequently, the proposed alterations to the Oxford Street building are, again, considered acceptable in terms of their impact on the character and appearance of the Soho Conservation Area and will not harm the special interest or setting of the neighbouring listed buildings. The proposed extension of the chimney stack at 57 Berwick Street is also considered acceptable in terms of its impact on the special interest of the

listed building. Consequently, the proposals comply with the City Council's urban design and conservation policies, including City Plan Policies S25 and S28, and UDP Policies including DES 1, DES 5, DES 6, DES 9 and DES 10.

8.3 Residential Amenity

The closets residential uses to the site are the manager flat on the top floor of the public house at 57 Berwick Street, opposite the site at 55 Berwick Street and further to the south at the rear of 151 Oxford Street.

UDP Policy ENV 13 states 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.

Daylight and Sunlight

The application is supported by the previous daylight/sunlight assessment based on guidance published by the Building Research Establishment 'Site layout planning for daylight and sunlight: a guide to good practice' (September 2011). 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.

The neighbouring window on the upper floors of the neighbouring public house (57 Berwick Street) is located adjacent to the proposed cycle store. However, this window is fitted with obscure glass and is presumed to serve a non-habitable room. The original daylight analysis shows that the impact on this window is, at just over 4%, well within acceptable parameters. It is not considered that the proposed increase in the height of the cycle store, by 0.2m, would have a significant impact on this reported value.

The report also shows that the impact upon other residential properties within the vicinity of the site, which are unaffected by the proposed changes, would be well below 20% (maximum 6.09%).

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 sunlight analysis shows that the maximum reduction in annual sunlight levels to neighbouring windows would be 6.5%. There would be no loss of winter sun.

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.

8.4 Transportation/Parking

As previously, a condition is recommended to secure the provision of cycle storage for the enlarged retail. The scheme is otherwise considered acceptable on highways/servicing grounds.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

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

Noise

As with the approved development, a condition is recommended ensuring that the plant complies 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

As previously, 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, due to the changes made to City Plan Policy S1, the scheme does not trigger any planning obligations.

The scheme is liable to make a payment of £49,400 under the Westminster CIL. This remains unchanged from the extant permission.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Officers have recently undertaken a wider consultation exercise and the consultation period will expire on 29 September. The applications are recommended for approval subject to no new substantive issues being raised prior to the expiry of the consultation period.

9. BACKGROUND PAPERS

1. Application form.
1. Response from Soho Society, dated 4 July 2016.
2. Response from The Project Manager (Waste) dated 16 March 2016.
3. Response from Highways Planning, dated 7 July 2016.
4. Response from Environmental Health, dated 21 July 2016.

Selected relevant drawings

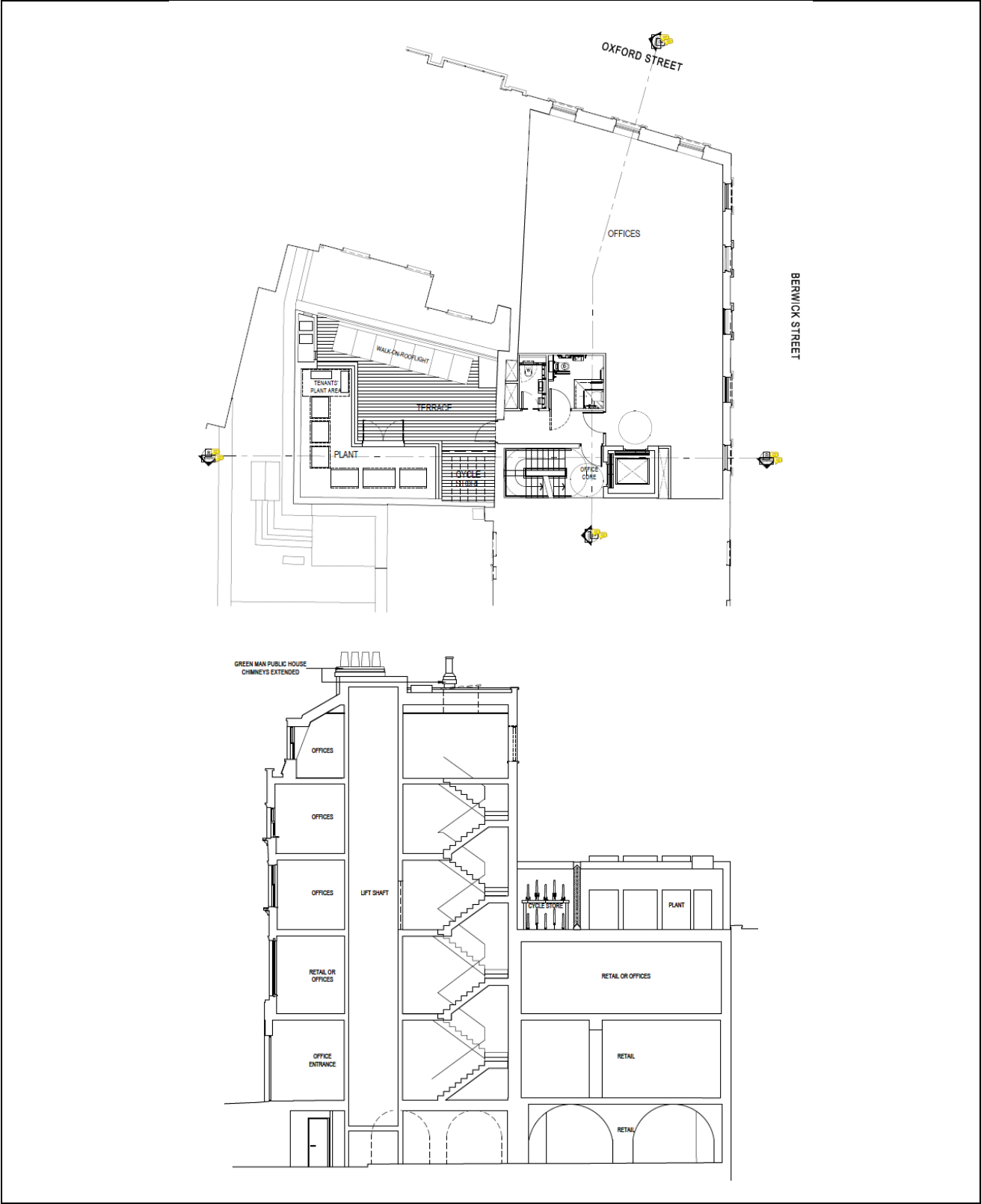
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

Montage of proposed scheme





DRAFT DECISION LETTER (REF: 16/05969/FULL)

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 first floor as dual alternative use as retail (Class A1) and / or office (Class B1), use as part ground, second, third and new fourth floor as office floorspace (Class B1); and installation of replacement windows, new shopfront and associated works including alterations to the chimney at Green Man Public House (No. 57 Berwick Street).

Reference: 16/05969/FULL

Plan Nos: T20 P-1 Rev. T2, P00 Rev. T4, P01 Rev. T3, P02 Rev. T2, P03 Rev. T2, P04 Rev. T2, P05 Rev. T2, E01 Rev. T4, E02 Rev. T3, E03 Rev. T3, E04 Rev. T2, E05 Rev. T4, E06 Rev. T2, S01 Rev. T3 and S02 Rev. T3.

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 (July 2016) 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 at a scale of 1:10 of the following parts of the development -

- (i) All new windows and dormers.
- (ii) The decorative metal grille to the ground floor office entrance on Berwick Street.

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 (July 2016) 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 (July 2016) 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 (July 2016) 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 (July 2016) 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 (July 2016) 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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) 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 (July 2016) 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 (July 2016) 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 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 (July 2016), 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 (July 2016) 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 (July 2016) 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 (July 2016), 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)

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 (REF: 16/05985/LBC)

Address: 57 Berwick Street, London, W1F 8SR,

Proposal: Alterations to the Chimney at the Green Man Public House.

Plan Nos: T20 P-1 Rev. T2, P00 Rev. T4, P01 Rev. T3, P02 Rev. T2, P03 Rev. T2, P04 Rev. T2, P05 Rev. T2, E01 Rev. T4, E02 Rev. T3, E03 Rev. T3, E04 Rev. T2, E05 Rev. T4, E06 Rev. T2, S01 Rev. T3 and S02 Rev. T3.

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 (July 2016) 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 (July 2016) 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 (July 2016) 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 (July 2016), 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.