

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	41 Great Pulteney Street, London, W1F 9NT		
Proposal	Erection of new fourth storey, plant room and perimeter railing for use as offices (Class B1) with a terrace. External alterations comprising new fenestration and painting of the facades, and alterations to the office entrance on Great Pulteney Street including erection of a fixed canopy.		
Agent	Mr Robert Winkley		
On behalf of	Mr Mark Woodford		
Registered Number	16/03788/FULL	Date amended/ completed	27 April 2016
Date Application Received	26 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

41 Great Pulteney Street is an unlisted building located within the Soho Conservation Area and the Core Central Activities Zone. The building comprises, basement, ground and first to third floor levels with a plant room / roof access at fourth floor level and an external terrace area. The basement and ground floors are utilised as plant, restaurant and retail premises, with the upper floors being in use as office accommodation (Class B1).

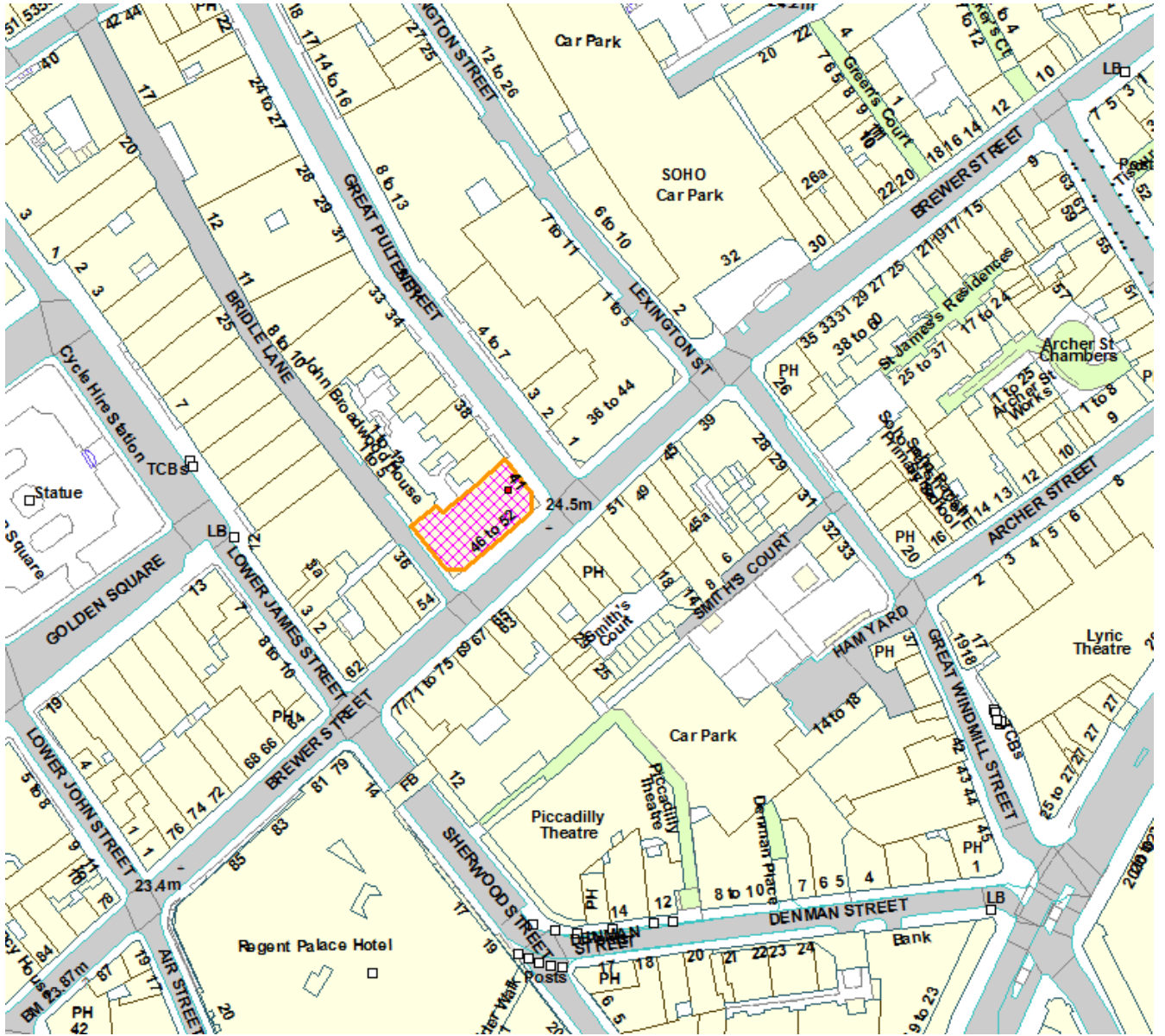
Planning consent is sought for alterations to the elevations of the property which fronts Brewer Street, Bridle Lane and Great Pulteney Street, including the installation of new windows. At fourth floor level it is proposed to remove the existing plant room and roof enclosure and construct a single storey extension for use as office accommodation, including the installation of plant on the roof and at fourth floor level. New railings will be installed at fourth floor level with screening and a green roof created in association with a terrace area. A new canopy is proposed on the Great Pulteney Street frontage over the office entrance.

The key issues are:

- The impact of the fourth floor extension and terrace on the amenity of nearby sensitive occupiers.
- The acceptability of the design of the proposal and the impact upon the character and appearance of the Soho Conservation Area.

Subject to conditions, the proposal is considered acceptable on design and land use grounds and in terms of its impact upon the amenities of neighbouring occupiers. The application is considered to comply with relevant City Plan and Unitary Development Plan (UDP) policies and is therefore recommended for approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or

4. PHOTOGRAPHS





5. CONSULTATIONS

COUNCILLOR CHURCH

Objection -

The proposed terrace would overlook residential properties and detrimentally impact their amenity.

SOHO SOCIETY

Objection on the following grounds -

Hours of use of the terrace should be restricted to 20:00 to protect residential amenity, with visual / acoustic screening provided.

The proposed black brickwork is detrimental to the appearance of the Soho Conservation Area.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 72

Total No. of replies: 7

No. of objections: 6

No. in support: 1

Objections on some or all of the following grounds:

Amenity:

Overlooking and noise from the fourth floor terraces adversely impacting existing residents in nearby properties to the north of the site;

Overlooking from the new fourth floor office accommodation of residential windows along Great Pulteney Street;

Loss of daylight / sunlight to nearby sensitive properties;

Increased sense of enclosure to nearby properties;

Obstruction of views from residential roof terraces.

Design:

Black painted brick on the elevations would be oppressive and detrimental to the Soho Conservation Area;

The proposed entrance canopy is too large and dominates the streetscape;

The proposal would detrimentally affect the setting of nearby listed buildings.

Other:

Impact upon fire escape routes.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The property is situated on the northern side of Brewer Street and has frontages to Great Pulteney Street and Bridle Lane, it is unlisted and located within the Soho Conservation Area and the Core Central Activities Zone. The building comprises lower ground, ground and first to fourth floor levels with plant room / roof access enclosure and terrace at fourth floor level. The lower ground and ground floor levels are in use as two retail and a restaurant unit with an office entrance at ground floor level. The upper floors are utilised entirely as office accommodation.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

Permission is sought for the demolition of the existing structure at fourth floor level and the erection of a new fourth floor for office accommodation (Class B1). Part of the fourth floor will be utilised as a plant room with additional screened plant set back on the roof of the proposed fourth floor. Externally at fourth floor it is proposed to create a terrace and install new railings around the parapet, on the northern side, there would be a green roof with 2m high box hedging in order to mitigate any overlooking of residential flats to the north of the application site. New full height windows are proposed on the three street facing elevations of the property, with existing brickwork being painted mid-grey. A new ground floor entrance to the office accommodation is also proposed with glazed sliding doors and a new entrance canopy.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office accommodation:

The application site is located within the Core Central Activities Zone which is considered a suitable location for office accommodation as stipulated by City Plan Policies S1 and S18. The extension at fourth floor level would result in an increase in the office floor space of 129m²; an increase of this size does not result in a policy requirement for any corresponding residential floor space.

8.2 Townscape and Design

41 Great Pulteney Street is a large unremarkable building in the Soho Conservation Area. Planning permission is sought for alterations to the façade and a roof extension.

The Soho Conservation Area Audit notes that this building would not normally be considered suitable for a roof extension. However, there is an existing unsightly extension already in place and its replacement with the new extension is welcomed in design terms and considered an improvement to the building. The new extension does not rise above the height of the existing plant room although its footprint is significantly increased. The visibility of the roof is increased in views from the opposite side of Brewer Street and in longer views along both Brewer Street and Great Pulteney Street. However due to the removal of large elements of glazing from the proposals the new roof would not be incongruous in this location. Anodized bronze is the primary cladding material on both the roof extension and on the new window surrounds. This is a high quality material that sits well within the contemporary palette. Following negotiation the design of the extension has been revised to incorporate more solid elements and make use of more traditional materials which are prevalent in the immediate townscape. Initially a glass balustrade was proposed around the fourth floor terrace but this has now been removed from the proposal and replaced with metal railings.

The proposal as a whole sees significant improvements to the main elevations with dropped cill heights, new slightly projecting framing and the repainting the building contributing to a more contextual appearance despite being contemporary in style. Vertical emphasis is improved and the building appears less squat and boxy than before. Taken as a whole the overall impact of the proposals are broadly positive and will preserve and enhance the character and appearance of the Soho Conservation Area.

The application is in accordance with Policies DES 1; DES 5; DES 6; DES 9; S 25; S 28 and the NPPF.

Objections have been received to the application from neighbouring residents and the Soho Society in relation to the brickwork being painted black and how this would make the building appear very dominant in the street and detrimental to the appearance of the conservation area. These concerns were supported by officers and during the course of the application the colour of the brickwork was changed to mid-grey which is considered acceptable and this change is considered to address the objections expressed about the dominance of the black painted brickwork.

An objection has been received to the installation of the entrance canopy which the objector considers too large for the property. It is considered the proposed canopy is a reasonable addition to a contemporary office building such as this and in this context is considered acceptable in design terms.

Further objectors have commented on the impact of the proposal on the setting of nearby listed buildings. However the building is separated from the adjacent listed buildings via a brick pillar and given the overall improvement works to the façade of the office building the impact of the scheme as a whole is positive.

8.3 Residential Amenity

Daylight and Sunlight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

A Daylight and Sunlight Assessment has been submitted which assesses the impact of the proposal on neighbouring residential windows at the following properties 51, 55 and 57 Brewer Street, 1-5 Bridle Lane, 37, 38, 39 and 40 Great Pulteney Street. An assessment has also been made of the impact of the development on the sunlight to the communal courtyard area to the north between the flats on Bridle Lane and Great Pulteney Street.

In all cases the study shows that losses are minor for any windows affected and in accordance with Building Research Establishment (BRE) Guidelines. There is also no impact recorded upon the levels of sunlight in the external courtyard to the north which serves the surrounding flats such that it would be contrary to the guidelines.

Objections have been received to the application from a number of surrounding residential occupiers concerned about the impact of the proposal on the levels of light their properties will receive and also expressing concern as to additional overshadowing of the communal courtyard to the north. As detailed above the Daylight and Sunlight Report demonstrates that any losses to sensitive windows accord with the BRE Guidelines and refusal of the application could not be sustained on this basis.

Sense of Enclosure

An objection has been received to the application from the residential occupier of 39 Great Pulteney Street (to the north of the application site) on the grounds that the increased bulk at fourth floor level resulting from the extension will lead to an increased sense of enclosure. There is an existing plant room and roof access enclosure at fourth floor level on the northern side of the building, essentially this bulk will be extended further across the existing roof. Policy ENV13 of the UDP states that 'developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.' Whilst the additional fourth floor extension will be visible from the residential properties to the north, this would only be in peripheral views from windows and could not be considered to result in a 'significant' increase in the sense of enclosure for occupiers, especially when considering the impact of the existing structure at fourth floor level.

The occupier has also commented on the impact upon the views to the south from their roof terrace. Whilst it is acknowledged that views of rooftops to the south would be blocked by the fourth floor extension, the protection of private views from roof terraces is not a material planning consideration and the objection on these grounds cannot be sustained.

Privacy

An objection mentions the increase in overlooking from the office windows of residential properties. There are no new proposed windows on the northern elevation of the property with the proposed fourth floor having windows to the south, west and east. It is not considered these windows will result in any significant increase in the degree of overlooking of neighbouring sensitive properties considering there are already windows on these elevations on the lower levels and an existing terrace at fourth floor level. The objection on these grounds is not therefore considered sustainable.

A number of objections were received from residential occupiers concerned the introduction of an enlarged terrace at main roof level would result in an increase in overlooking and noise of their properties, these concerns were supported in the representation from Councillor Church. It is noted that there is an existing area of decking at main roof level, and photographs submitted by the objectors clearly show deckchairs over other parts of the roof. There are no planning records indicating whether the roof (or part of it) has lawful consent to be utilised as a terrace but there is clearly some historic evidence to show it has been partially used as a terrace at times.

The application has been amended since it was first submitted to address concerns of overlooking from the terrace of the residential properties to the north. A green roof area is proposed on the rear western side of the fourth floor terrace to restrict access with a 2m high 'box hedge' proposed between the green roof area at the rear and the terrace to the front. The installation of the hedging will mean anyone utilising the terrace would be unable to look towards the north and the residential flats along Bridle Lane and Great Pulteney Street. Conditions are proposed to ensure the green roof area and the hedging is provided and retained. With these mitigation measures in place and conditioned to be retained on any approval it is considered the concerns about overlooking / loss of privacy have been satisfactorily addressed.

Noise

Objections have been received to the potential for the use of the terrace by office workers to result in a noise disturbance to nearby sensitive occupiers. These concerns are noted and it is considered that the use of the terrace should be conditioned to between 08:30 and 21:00 daily in order to protect residential amenity at sensitive times of the day, which the applicant has agreed to. The Soho Society and some objectors have suggested the terminal hour for the use of the terrace should be 20:00, however, at this busy, central location and taking into account the current terrace at this level which appears to be utilised without any restrictions on its hours, this is considered overly restrictive. It is not considered necessary to condition the capacity of a terrace of this size.

8.4 Transportation/Parking

The proposed entrance canopy for the office entrance accords with the minimum clearance requirements for pedestrians and being set-back from the carriageway and is therefore considered acceptable in highways terms.

Taking into account the existing office use of the upper floors and the relatively modest extension to the office accommodation it is not considered the proposal would generate a

significant change in servicing requirements or a change in the numbers of people visiting the site which would impact upon parking requirements.

To accord with the requirements of the London Plan two cycle parking spaces need to be provided to cater for the users of the office extension. Following negotiation with the applicant amended drawings have been submitted to show the provision of the required cycle parking spaces at basement level which are considered suitable. A condition is proposed to ensure that these cycle parking spaces are provided and retained in perpetuity.

8.5 Economic Considerations

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

8.6 Access

There is currently no level access to the property with an existing step into the office accommodation. The proposal would provide level access to the office entrance with lift access to all floors, including level access to the fourth floor terrace. There will also be a wheelchair accessible bathroom on each floor of the office accommodation.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

Plant

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

A background noise assessment has been undertaken at main roof level with the lowest background noise level being recorded as 52dB during the proposed hours of operation of

the plant (07:00 till 19:00). The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the hours of plant operation. Therefore, to accord with Policy ENV7 of the UDP, the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows, which provides a design criteria of 42dB.

The nearest noise sensitive windows have been identified as serving the upper floor flats at 39 and 40 Great Pulteney Street to the north of the proposed plant location.

Acoustic mitigation measures are proposed to be installed in association with the plant, including duct attenuators (silencers) to the air handling units and toilet extract and acoustic screening around the external condenser units. With these acoustic mitigation measures in place, the noise from the plant operation is calculated as 40dB at the nearest sensitive window. Environmental Health has confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal. Conditions are proposed in relation to noise, vibration and the installation of the acoustic mitigation features.

In order to address any potential vibrations from the plant operation being transmitted through the building structure the plant is to be installed using vibration isolators.

Refuse /Recycling

No information has been provided with regard the internal waste and recycling storage facilities for the office accommodation. A condition is therefore proposed requiring the submission of amended drawings to show these details.

Biodiversity

The introduction of the green roof area and hedging at main roof level is welcomed and a condition is imposed to ensure these are provided and retained.

Other

A number of objections have commented on existing fire escape routes from the residential flats which they consider includes the roof of the application site. This issue would be considered under separate building regulation legislation and an informative is proposed to advise the applicant of this issue.

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

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

A scheme of this scale does not require the submission of an Environmental Impact Assessment.

9. BACKGROUND PAPERS

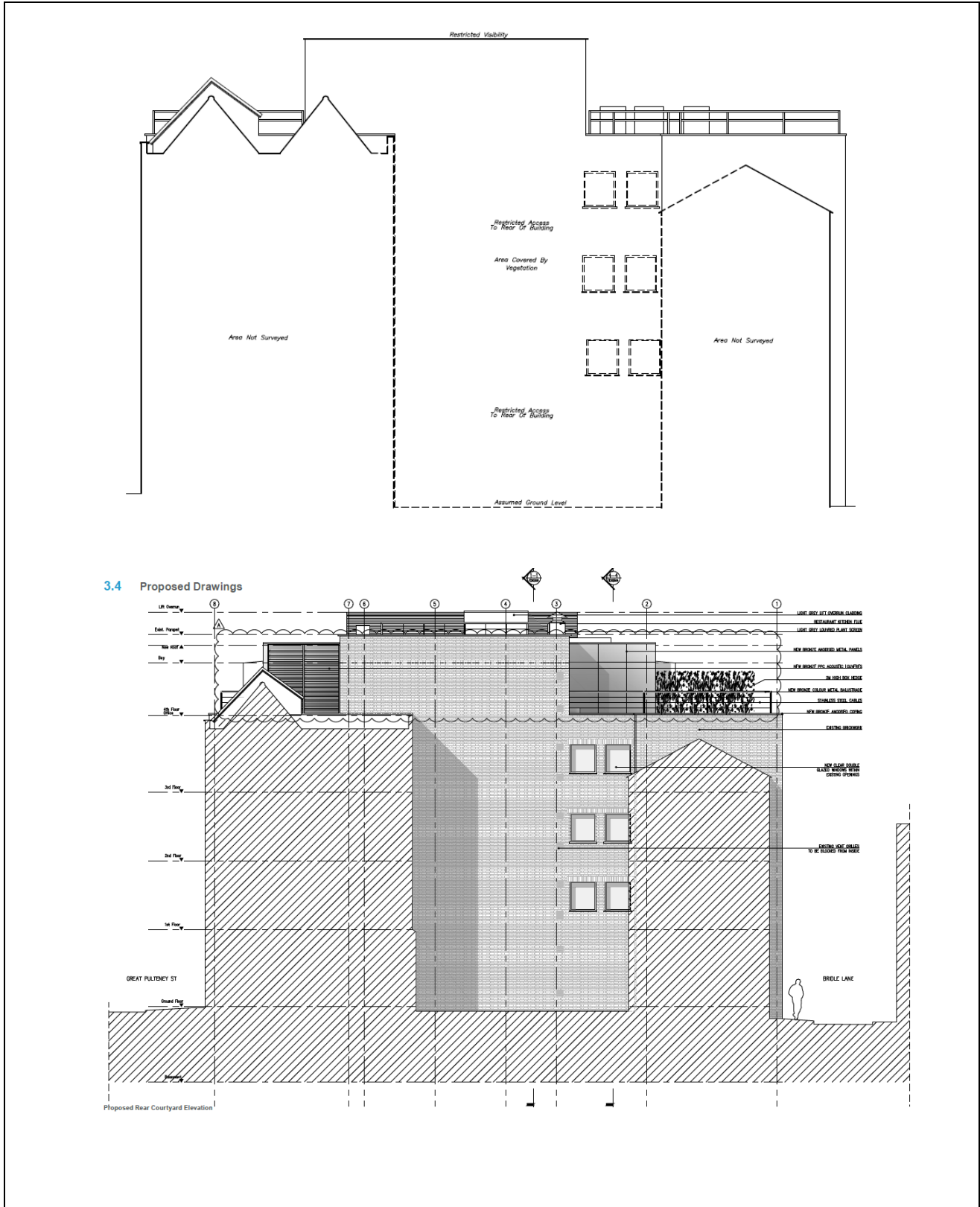
1. Application form
2. Email from Councillor Church dated 7 June 2016.
3. Representation from the Soho Society, dated 14 May 2016
4. Memorandum from Environmental Sciences, dated 5 May 2016.
5. Memorandum from the Highways Planning Manager dated 17 May 2016
6. Letter from occupier of 39C Great Pulteney Street, London, dated 3 June 2016
7. Letter from occupier of 39D Great Pulteney Street, London, dated 3 June 2016
8. Letter from occupier of 39 Great Pulteney Street, London, dated 6 June 2016
9. Letter from occupier of 37C Great Pulteney Street , London, dated 6 June 2016
10. Letter from occupier of Flat 4, John Broadwood House, 1, Bridle Lane, dated 19 May 2016
11. Letter from an unknown address, dated 17 May 2016
12. Letter from occupier of 37C Great Pulteney Street, London, dated 27 July 2016

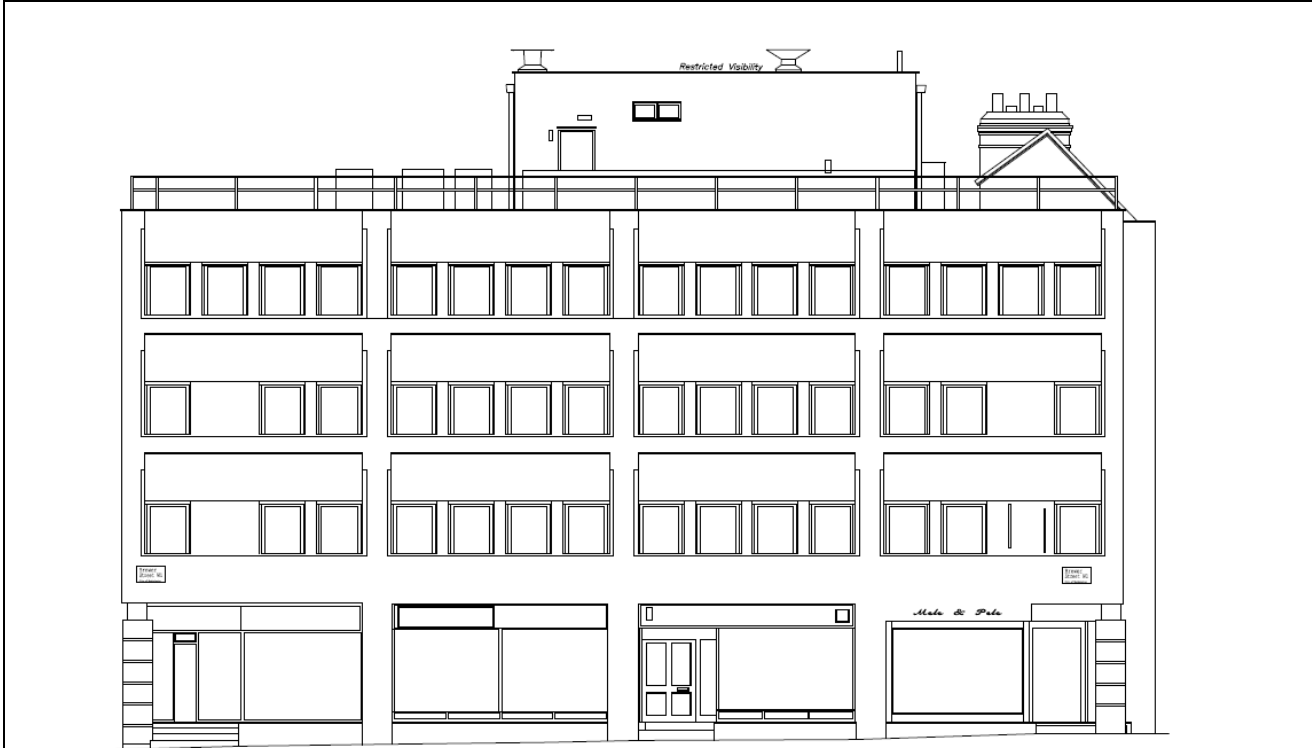
Selected relevant drawings

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

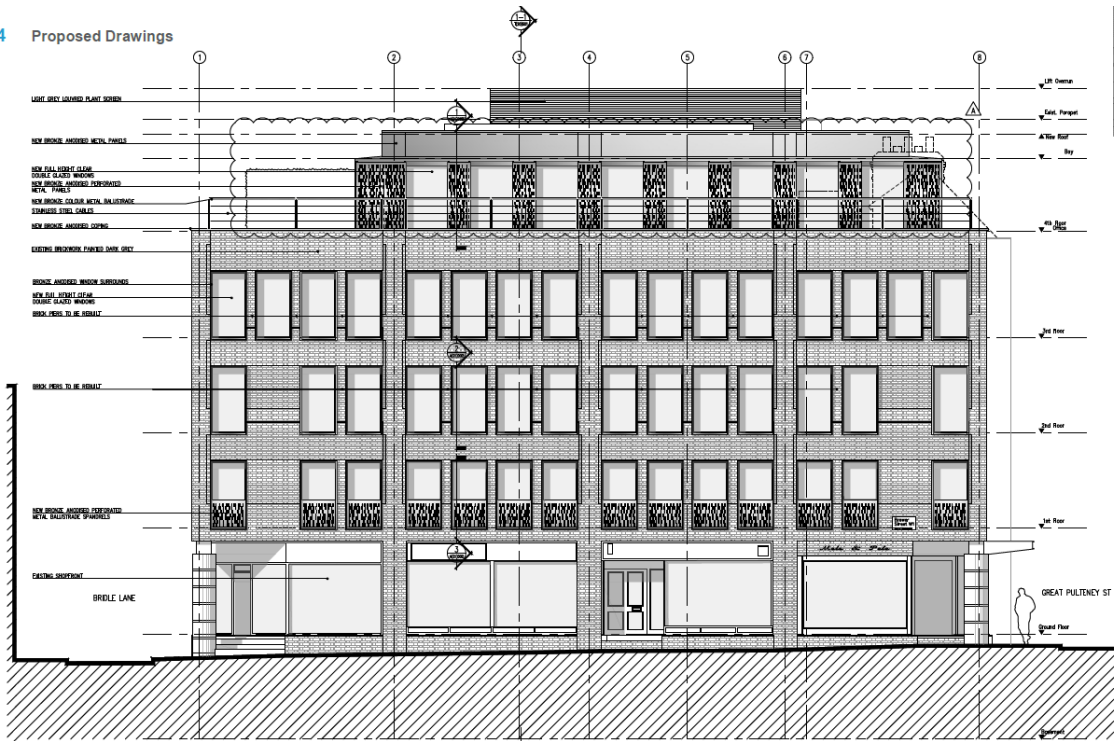
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS





3.4 Proposed Drawings



Proposed Brewer St Elevation

DRAFT DECISION LETTER

Address: 41 Great Pulteney Street, London, W1F 9NT,

Proposal: Erection of new fourth storey, plant room and perimeter railing for use as offices (Class B1) with a terrace. External alterations comprising new fenestration and painting of the facades, and alterations to the office entrance on Great Pulteney Street including erection of a fixed canopy.

Reference: 16/03788/FULL

Plan Nos: Acoustic Report (15209-002), Drawings: A(21)D02 RevA, T(20)E01 RevA, T(20)E02 RevA, T(20)E03 RevA, T(20)04 RevA, T(20)P-1, T(20)P00, T(20)P01, T(20)P02, T(20)P03, T(20)P04 RevA, T(20)P05 RevA, T(20)S01 RevA, T(20)S02 RevA, T(20)S03 RevA.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 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)

- 3 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 4 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 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. (R24BC)

- 5 (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.

- 6 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.

- 7 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 19:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must install the acoustic mitigation measures to the specification detailed in the approved acoustic report at the same time as the plant is installed. It must thereafter be maintained in this form for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and 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. (R13AC)

- 9 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 10 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)

- 11 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof area to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 12 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)

- 13 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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)

- 14 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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)

- 15 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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)

- 16 All new and existing railings must be painted black and maintained 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)

- 17 Before you use the approved terrace for sitting out or for any other purpose, you must plant the hedge as identified on the approved drawings at main roof level adjoining the approved terrace. You must thereafter maintain the hedge at a minimum height of 2.0m in perpetuity.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 18 The terrace area hereby approved at fourth floor level associated with the office accommodation can only be used between the hours of 08:30 and 21:00. You can not use the terrace area outside of these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 19 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 office accommodation. (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 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 3 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 4 Conditions 5 and 7 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)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 7 You are advised that there is a potential means of escape in case of fire over the roof of this building from adjoining properties which may be impacted by the proposal. Please contact our Head of District Surveyors' Services and/or The London Fire Authority regarding this aspect of your proposal.

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

Item No.
1