

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 April 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> West End	
<b>Subject of Report</b>	<b>27 Soho Square, London, W1D 3QR</b>		
<b>Proposal</b>	Triple alternative use of basement and ground floor levels as retail (Class A1), or financial and professional service (Class A2) or restaurant / cafe (Class A3) with associated shopfront alterations to all facades at ground floor level and use of first to sixth floors as 15 residential units, with associated external alterations including the creation of terraces at fourth and fifth floor level and Juliette balconies to Soho Square and Greek Street facades at first, second and third floor levels.		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Hermes Real Estate Investment Management Ltd		
<b>Registered Number</b>	14/11672/FULL	<b>TP / PP No</b>	TP/4292
<b>Date of Application</b>	26.11.2014	<b>Date amended/ completed</b>	26.11.2014
<b>Category of Application</b>	Major - Smallscale		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Within West End Stress Area		
<b>Current Licensing Position</b>	A premises licence has not been applied for to date.		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- Provision of £1,350,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- Provision of lifetime car club membership (minimum 25 years) for all 15 flats;
- The costs of monitoring the S106 agreement.

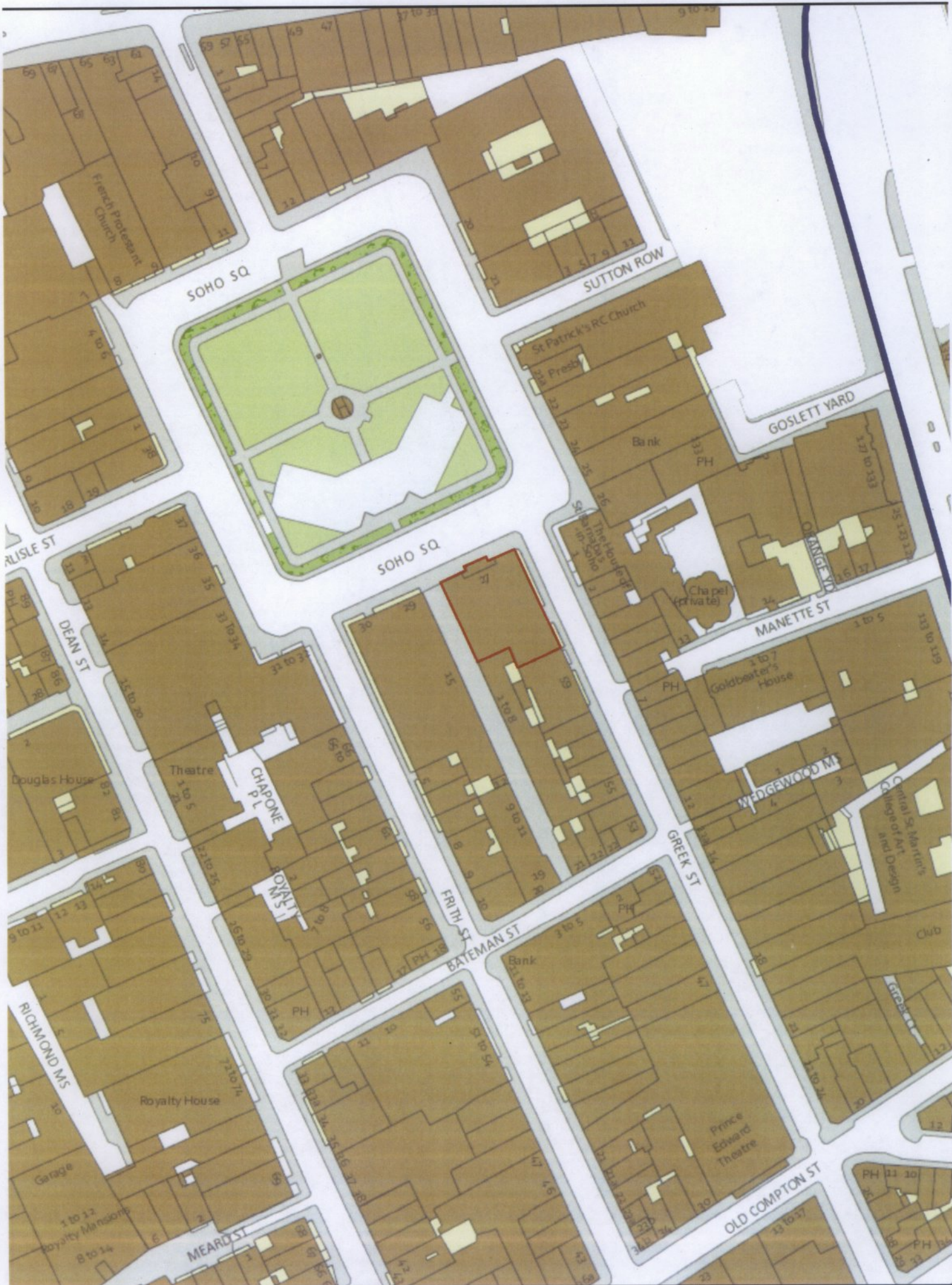
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

(a) The Director of Planning shall consider whether it would be possible and 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;

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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 the 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.





27 Soho Square, W1

## 2. SUMMARY

The application site is located on the south side of Soho Square and also has frontages on Greek Street and Bateman Buildings. Part of the lower ground and ground floor are in use as a bank (Class A2), which is accessed from Greek Street. The remaining part of the lower ground floor, the ground floor and the upper six floors are in use as offices, which are accessed from Soho Square. Permission is sought for the use of the lower ground and ground floor for either retail (Class A1), restaurant (Class A3) or professional and financial purposes (Class A2). The lower floors will be divided into two separate units with access from Greek Street and Bateman Buildings. Alterations are proposed to the ground floor shopfronts. The upper floors are proposed to be used as 15 residential units, with access from Soho Square. New windows are proposed together with Juliette balconies.

The scheme includes an uplift in residential floorspace of 2,960m<sup>2</sup>. This would require the provision of on-site and/or off-site affordable housing, but no affordable housing is included in the proposals and, in lieu of this, the applicant has offered to contribute to the City Council's affordable housing fund.

The key issues for consideration are:

- The lack of on-site affordable housing provision;
- The amount of payment offered towards the City Council's affordable housing fund in lieu of on-site provision;
- The use of the lower floors as two restaurant uses on the amenity of the surrounding area.

It is accepted there are physical constraints that make difficult the provision of on-site affordable housing, and that given the economic viability considerations, the financial contribution offered in lieu of on-site provision is the maximum achievable.

It is considered that the proposals are acceptable in all respects and comply with the policies set out in Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

## 3. CONSULTATIONS

### CROSSRAIL

No objection.

### SOHO SOCIETY

Objection on the following grounds:

- introduction of A3 within the quiet space of Soho Square is unacceptable.
- loss of offices

### ENVIRONMENTAL HEALTH

No objection.

### CLEANSING MANAGER

No objection.

### HIGHWAYS PLANNING MANAGER

No objection.

### ADJOINING OWNERS/OCCUPIERS AND ANY OTHER REPRESENTATIONS

No. Consulted: 48; Total No. Replies: 0

ADVERTISEMENT/SITE NOTICE: Yes

## **4. BACKGROUND INFORMATION**

### **4.1 The Application Site**

The application site is located on the south side of Soho Square. The building also has frontages on Greek Street and Bateman Buildings. The building is unlisted and comprises lower ground, ground, and six upper levels. Part of the lower ground and ground floor is occupied by Barclays Bank (Class A2). The entrance to the bank is located on Greek Street, but it also has a small frontage facing Soho Square. The remaining lower ground floor, ground floor and upper floors are all in office use (Class B1).

The building is unusual as it comprises a taller central section with two lower, sloped sections to the sides. The elevation facing Bateman Buildings comprises five upper levels and the elevation facing Greek Street comprises four upper levels.

The nearest residential is located to the south of the property within No.59 Greek Street (a vacant hostel) and opposite the site within No.3 and 4 Greek Street.

The site is located within the Soho Conservation Area and the West End Stress Area.

### **4.2 Relevant History**

Planning permission was granted on 18 February 1983 for the erection of a building of basement, ground and six upper floors for use as offices and six upper floors for use as offices and a residential unit at sixth floor level. This permission was implemented.

A certificate of existing lawful use was subsequently granted for office use at sixth floor level on 26 October 2011.

Planning permission was granted 13 April 2012 for the creation of two terraces at fourth floor and one terrace at fifth floor. This permission has not been implemented.

## **5. THE PROPOSAL**

Permission is sought for the use of the part lower ground and ground floor for either retail (Class A1), restaurant (Class A3) or professional and financial services (Class A2). Two separate units will be provided, with access points from Greek Street and Bateman Buildings. Alterations are proposed to the ground floor entrances to include new shopfronts.

Permission is also sought for the use of the upper floors as 15 residential units. The entrance to the residential part of the development will be from Soho Square. Two terraces are proposed at fourth floor level and one at fifth floor level. New windows are proposed along with Juliette balconies. Plant is proposed within the existing sixth floor plant room.

## **6. DETAILED CONSIDERATIONS**

### **6.1 Land Use**

#### **6.1.1 Office floorspace**

The proposal includes the loss of office floorspace (approx. 3,500m<sup>2</sup>). The Soho Society has objected to this loss on the grounds that it does not comply with City Council policy encouraging mixed uses in the Central Activities Zone (CAZ). There are currently no policies within the Unitary Development Plan (UDP) or City Plan which specifically protect office floorspace. This is under review but at the present time, this application is considered to be acceptable.

### **6.1.2 Retail use**

The proposal includes the use of the basement and ground floor for retail purposes, comprising 819m<sup>2</sup>. The site is located within the West End Special Retail Policy Area, where retail growth is encouraged and it is considered that the proposal complies with Policies S6 and S7 of the City Plan.

Two individual retail units are proposed: Unit 1 has frontages on Greek Street, Soho Square and Bateman Buildings and Unit 2 has frontages on Greek Street and Bateman Buildings.

The retail use will provide an active frontage and will provide a service for workers, residents and visiting members of the public and this is welcomed.

### **6.1.3 Professional/Financial Use**

The proposal also includes the alternative use of the basement and ground floor professional and financial use. There is an existing bank (Barclays) at part basement and ground floor, and therefore the use of the whole of the basement and ground floor as two separate units within Use Class A2 is considered acceptable.

### **6.1.4 Restaurant use**

The proposal also includes the alternative use of the basement and ground floor for restaurant purposes. The basement and ground floor will be divided into two separate units, one comprising 438m<sup>2</sup> and the other 381m<sup>2</sup> (total restaurant floorspace 819m<sup>2</sup>). Individually the proposed restaurants would be considered under UDP Policy TACE 9, which relates to entertainment uses which may be permissible. However, as this is a proposal for change of use of all of the basement and ground floor, the total restaurant floorspace needs to be assessed.

The site is within the West End Stress Area and as the total restaurant floorspace is over 500m<sup>2</sup>, Policy TACE10 of the UDP applies. This relates to entertainment uses which will be permissible only in exceptional circumstances. City Plan Policy S24 states that new large scale late-night entertainment uses of over 500m<sup>2</sup> will not generally be appropriate within Westminster.

The restaurant proposals are speculative with no end-user identified and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions can be used to control the opening times and to limit the impact. These conditions would ensure that the restaurant use would essentially be a sit-down restaurant with any ancillary bar limited to a small part of the premises (i.e. 15%) and this bar could only be used by diners before and after meals. The opening hours would be restricted to the relatively early terminal hour of midnight with breakfast opening at 07.30hrs. Unit 1 includes one entrance door on Greek Street and Unit 2 includes two entrances on Greek Street and Bateman Buildings. These doors would be required to be self-closing to minimise noise escape. Two full height extract ducts will be incorporated within the building with the extracts terminating at high level. As the restaurant uses are speculative a condition requiring the submission of operational management plans for the individual restaurants is recommended. This is to ensure that the impact of the restaurant uses is minimised.

The Soho Society has objected to the new restaurant uses, stating that the proposal is contrary to City Council's noise policy (within Westminster's Noise Strategy) "protecting peaceful spaces". The document states that open spaces will be protected from increased noise intrusion by ensuring new development (including changes of use) do not lead to increase noise intrusion. The proposed restaurant uses do not have entrance doors opening

onto Soho Square and it is considered that any noise would be contained to the busier Greek Street.

It is important to ensure that the two restaurant units are not amalgamated to create a very large restaurant use, and a condition is recommended to secure this. On the basis of these conditions, it is considered that the proposed restaurant uses are acceptable and comply with UDP Policy TACE10 and S24 of the City Plan.

### **6.1.5 Residential use**

The introduction of residential floorspace is considered acceptable and complies with UDP Policy H3 and S14 of the City Plan.

#### **6.1.5i Residential (unit mix and standard of residential floorspace)**

The scheme would provide 15 residential units and would be in the form of 9x2 bed, 5x3 bed and 1x4 bed units providing family-sized housing (46%), in compliance with UDP Policy H5. All the flats would comply with the minimum dwelling space standards as set out in the London Plan. Given the constraints of the retained building, the proposal is considered to optimise the use of the site and therefore complies with Policy S14.

#### **6.1.5ii Affordable Housing**

The provision of 15 new residential units and 2960m<sup>2</sup> of new residential floorspace would trigger a requirement to provide on-site affordable housing under Policy H4 and S16. Policy S16 would require a proportion of the new floorspace to be provided as affordable housing. Under the terms of the Council's Interim Affordable Housing Guidance there is a requirement to provide 740m<sup>2</sup>/9 flats of affordable housing (based on a unit size of 80m<sup>2</sup>). Where it is accepted that it would not be appropriate or practical to provide the affordable housing requirement on site, the provision of the housing on an alternative commercial site in the vicinity should be explored. Where neither on nor off-site provision is acknowledged as being impractical or inappropriate, the City Council may consider a financial contribution to the City Council's affordable housing fund in accordance with adopted formula. Given the increase in floorspace, a policy compliant contribution would be £3,096,000.

The applicant has stated that to make the most efficient use of the land, the proposed residential units are to be served by a single entrance from Soho Square and a single lift/stair core. A separate lift/stair core would be required for the on-site affordable units and considering that this is a conversion application, it is accepted that the creation of a separate core would not make the most efficient use of the land. The applicant has also stated that the affordable housing cannot be provided on-site for viability reasons. The applicant also does not own any other properties in the area which could be used for affordable housing.

There have been on-going discussions between the applicant and consultants acting for the City Council relating to the viability of the scheme. The applicant's viability report concluded that it was not viable to make any contribution to the City Council's affordable housing contribution fund.

The City Council's consultants assessed the proposals and concluded that the scheme could not provide on-site affordable housing, but could provide a financial contribution of £1.35 million. The applicant has now agreed to this figure.



## **6.2 Townscape and Design**

The site in question is an unlisted late 20th century building located on the south side of Soho Square, within the Soho Conservation Area. The site occupies a small block as defined by Soho Square, Greek Street and Batemans Buildings.

The application seeks alterations to the existing shopfronts, replacement canopy to Soho Square, installation of projecting balconies and Juliette balconies and alterations to the fenestration.

### **6.2.1 Soho Square Facade**

There are a number of alterations proposed to this façade; it is also proposed to replace the existing canopy to the building with a more light weight alternative and install replacement shopfronts to the ground floor. The existing canopy is a heavy addition to the building and in conjunction with the fenestration at this level creates a dense and centrally focused façade. The proposed alterations will balance out the façade and create a more open frontage. Following discussions with the City Council the shopfronts have been amended to include stall risers to retain a more traditional approach and this part of the scheme is therefore considered acceptable.

The proposed alterations to the fenestration at second and third floor are considered acceptable.

### **6.2.2 Greek Street and Batemans Building Facades**

The main alterations to these facades are the alterations to the shopfronts and window fenestration. These are considered acceptable as they maintain the character and appearance of the building and are not considered to detrimentally affect the conservation area.

## **6.3 Amenity**

The proposals include the creation of two external terraces at fourth floor level and one at fifth floor level. The terraces are in the same location as the consent granted in 2012 and are therefore considered acceptable.

There is an existing plant room at sixth floor level and it is proposed to retain this plant room. The proposed kitchen extract fans will terminate through the plant room and extract at roof level. Air conditioning equipment is also proposed within plant room. Environmental Health has no objection to the proposal, subject to a condition requiring the submission of a supplementary acoustic report once the plant equipment has been selected.

## **6.4 Transportation/Parking**

### **6.4.1 Parking**

UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standard would normally require one parking space per residential flat, which in this case, would amount to a requirement for 15 spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

No off-street car parking is proposed. The City Council's most recent daytime survey (2011) indicates that Resident's and Shared Use bays were 68% occupied; during the evening this

reduces to 61%. The parking levels in the area are below 'stress levels' and the addition of the residential units in this location can be absorbed into the surrounding street network. The proposal is therefore consistent with UDP Policy TRANS23.

The applicant has offered to provide Lifetime Membership (25 years) to a Car Club for all the flats. This is welcomed and secured via S106.

Adequate cycle parking is provided for the commercial and residential parts of the development. This complies with UDP Policy TRANS10.

#### **6.4.2 Servicing**

No off-street servicing is indicated within the application site. The largest regular service vehicle expected is the refuse collection vehicle. This will service the property in a similar fashion to the existing use and nearby properties. The site is located within a Controlled Parking Zone, which means that the single and double yellow lines in the vicinity allow loading and unloading to occur for larger vehicles. There is also a loading bay on Greek Street approximately 30 metres from the nearest access point.

As the occupier of the commercial units is not known, a Servicing Management Plan will be required to ensure that there will be no adverse impact on the highway network. A condition is recommended.

The Highways Planning Manager has commented that the proposed drawings appear to show alterations to the lightwells on the Greek Street elevation, which would reduce the width of the pavement. The applicant has confirmed that there are no alterations proposed to the lightwells.

#### **6.5 Economic Considerations**

Any economic benefits generated are welcomed.

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

Not applicable.

#### **6.7 London Plan**

London Plan (LP) Policy 3.8 seeks to ensure a provision of affordable housing is addressed as a strategic policy.

LP Policy 3.12 relates to the provision of affordable housing. Part B of the policy states that the site's individual circumstances will be taken into account, including viability. It has been demonstrated that it is not viable to provide affordable housing on-site.

Paragraph 3.74 states that affordable housing provision is normally required on-site. In exceptional circumstances it may be provided off site or through cash in lieu. A payment in lieu has been offered.

#### **6.8 National Policy/Guidance considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13<sup>th</sup> November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

## **6.9 Planning Obligations**

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

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

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

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

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

- £1.35 million towards the affordable housing contribution fund
- Lifetime Membership (25 years) to a Car Club, for all the flats.

The proposed development is also liable for a Mayoral CiL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

### **6.10 Environmental Assessment including Sustainability and Biodiversity Issues**

Policy S40 of the City Plan states that all major development should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions. This scheme is a conversion application and therefore the potential to incorporate renewables is limited. The applicant has stated that due to the orientation and the pitch of the existing roof, PV panels are not feasible.

A CHP unit is proposed at basement level. This along with the upgrading of the building fabric, and the introduction of efficient systems providing each flat with space heating and domestic hot water will lead to a reduction of 40% in carbon emissions. This complies with Policy S40.

### **6.11 Access**

Level access will be provided the residential entrance, with lift and stair access to all floors.

Level access is also provided for the commercial units at ground floor level.

## **7. Conclusion**

The proposals are considered acceptable and comply with the policies set out in the UDP and City Plan.

## **BACKGROUND PAPERS**

1. Application forms and covering letter dated 26 November 2014
2. Email from Crossrail dated 16 December 2014
3. Letter from the Soho Society dated 8 January 2015
4. Memorandum from Environmental Health dated 17 December 2014
5. Memorandum from Cleansing Manager dated 7 January 2015
6. Memorandum from Highways Planning Manager dated 10 April 2014

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY E-MAIL – [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 27 Soho Square, London, W1D 3QR

**Proposal:** Triple alternative use of basement and ground floor levels as retail (Class A1), or financial and professional service (Class A2) or restaurant / cafe (Class A3) with associated shopfront alterations to all facades at ground floor level and use of first to sixth floors as 15 residential units, with associated external alterations including the creation of terraces at fourth and fifth floor level and Juliette balconies to Soho Square and Greek Street facades at first, second and third floor levels.

**Plan Nos:** 1286 D100 A, D101 A, D102 B, D103 B, D104 B, D105 B, D106, D107, D200, D300 D, D301 C, D302 E, TRANSPORT STATEMENT, ACOUSTIC REPORT, ENERGY AND SUSTAINABILITY STATEMENT

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

**Recommended Condition(s) and Reason(s):**

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

**Reason:**

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

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

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

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

**Reason:**

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

- 3 If you provide an A3 use, no more than 15% of the floor area of each of the uses shall consist of a bar or bar seating. You must use the bar to serve restaurant customers only, before, during or after their meals.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 4 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 07.30 to midnight Monday to Saturday and 10.00 - 23.00 on Sundays.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must apply to us for approval of an operational management plan to show how you will prevent restaurant customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurants are in use.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

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

- 7 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.

- 8 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 9 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

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

Reason:

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

- 11 Prior to occupation you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the Class A1 and Class A3 uses, the plan should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised.

All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 12 You must submit detailed drawings showing the layout of the restaurant uses before the restaurants are occupied. The drawings must include, entrances, kitchen, covers, bar areas and access arrangements to the lower ground floor area.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 In the event that the Class A3 restaurant uses are implemented, you must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct, with termination of extract ducts 1m above the highest part of the building), as indicated on your approved drawings. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurants are in use.

Reason:

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

- 14 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)

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

- shopfront (drawings and samples)
- new windows (drawings only)

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 detailed 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)

- 16 You must paint all new railings 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: 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)

- 17 You must provide the environmental sustainability features (environmentally friendly features) as out in your energy and sustainability statement dated October 2014 before you start to use any part of the development,

You must not remove any of these features. (C44AA)

**Reason:**

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

- 18 If you provide A3 uses, you must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

**Reason:**

We cannot grant planning permission for unrestricted use in this case because it would not

meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 19 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 20 In the event that Unit 1 and Unit 2 are implemented for restaurant purposes, they must not be amalgamated to create a large A3 use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 21 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 22 The ground floor shopfront windows must not be openable

Reason:

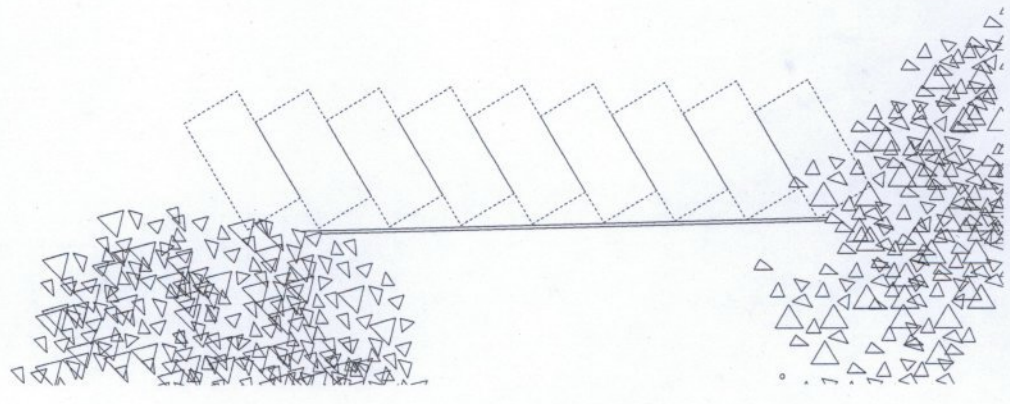
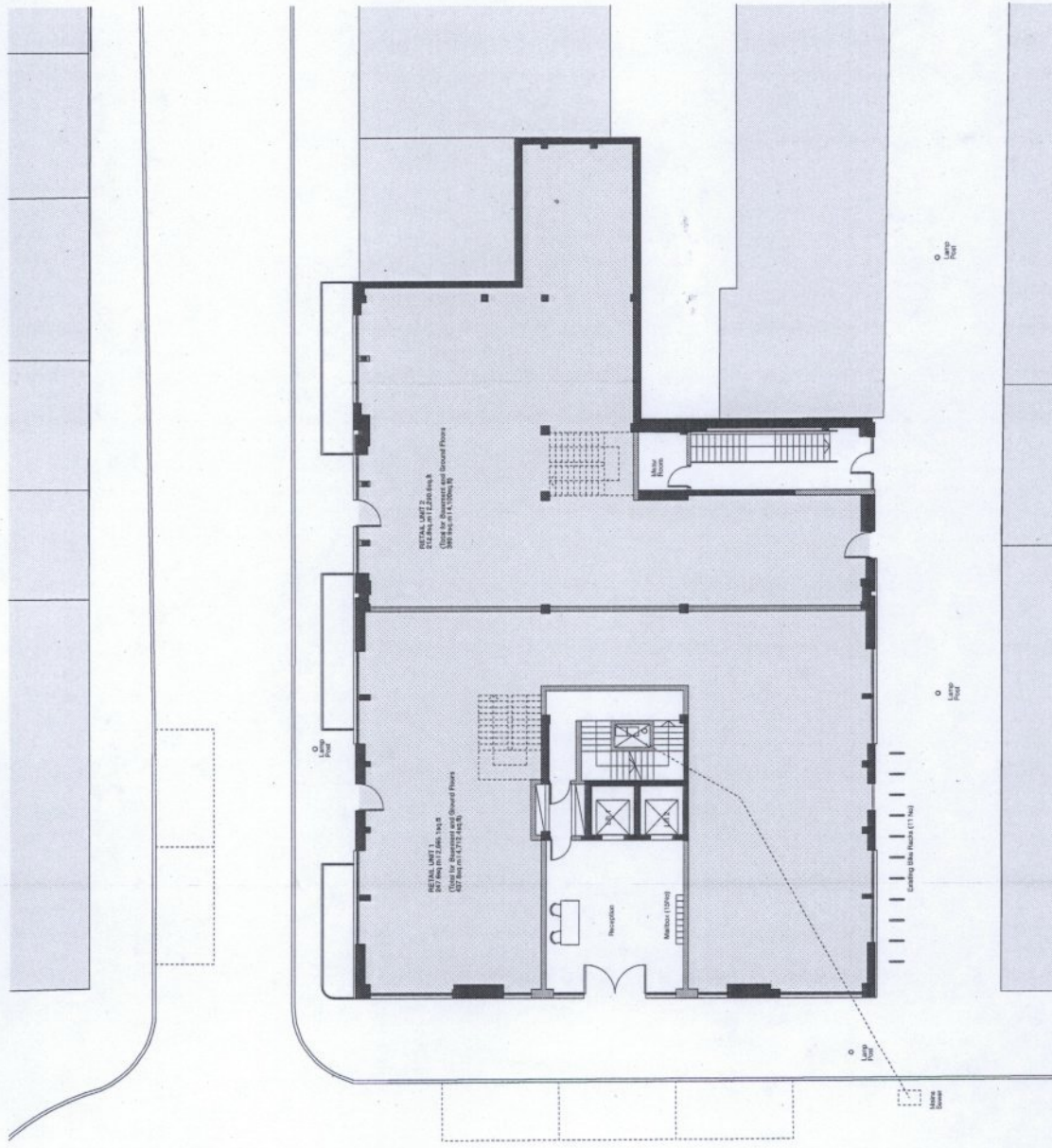
To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

**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.

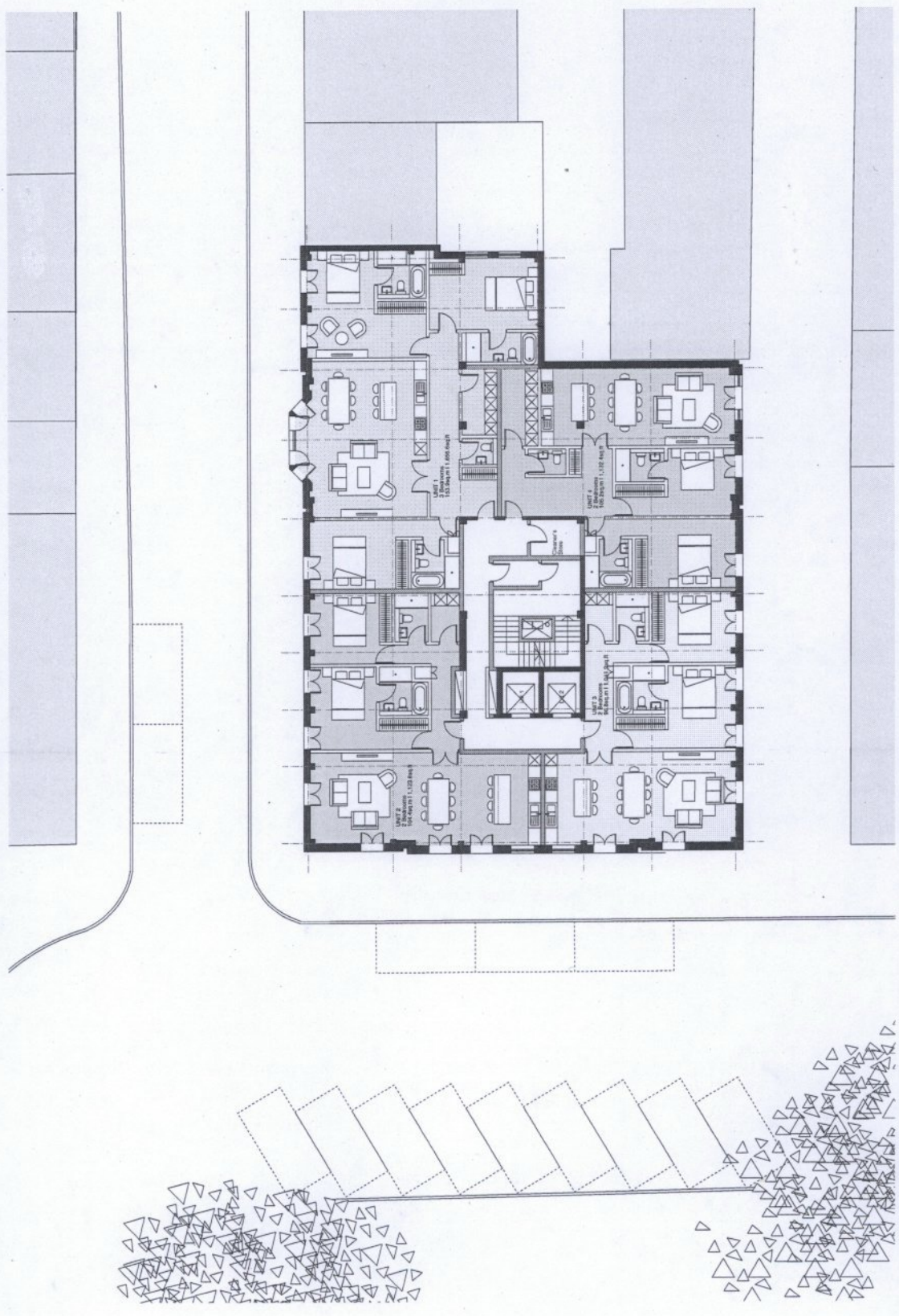
- 2 Crossrail is very likely to have monitoring equipment both on the inside of the building and on its external facades. The equipment is installed under Crossrail act 2008 and records ground movements (measured automatically or manually) and is essential for the control of ground settlement impact on buildings during Crossrail's works. prior to the commencement of work on the premises please contact the Crossrail Helpdesk (helpdesk@crossrail.co.uk - Tel: 0345 602 3813) as soon as possible to obtain details of any monitoring equipment installed in order to ensure that your works do not interfere with Crossrail's monitoring equipment.
- Please also note that Crossrail currently have four grout shafts located in Soho Square to support the ground during tunnelling works for the new Tottenham Court Road station. A traffic management plan is currently in place, subject to programme changes, until 31 December 2015. The use of cranes for lifting operations will be required.
- 3 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge. If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 4 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the basement and ground floor can change between the retail/professional and financial and restaurant uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62AA)
- 5 Conditions 6 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)





Ground.

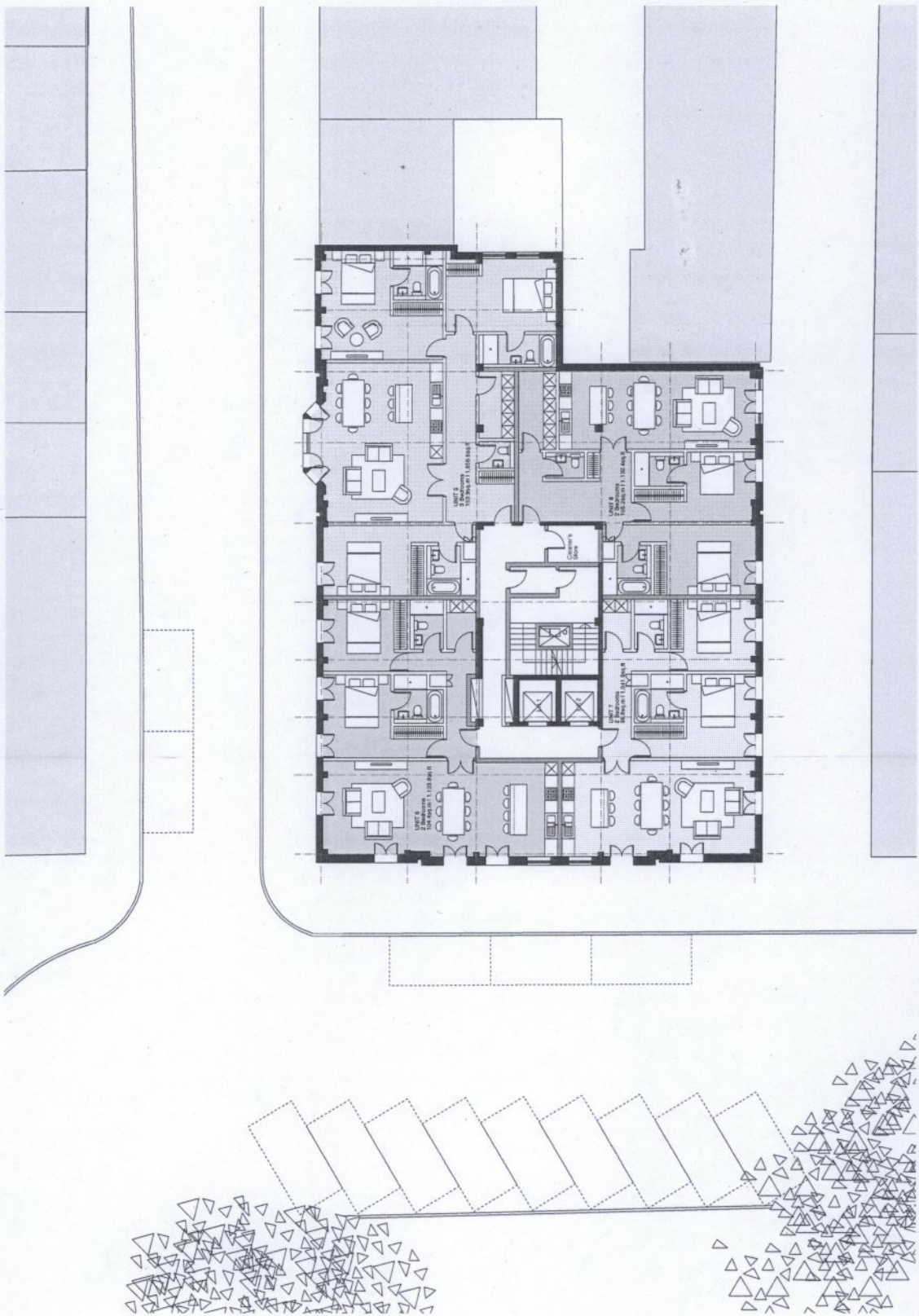
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1. ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE.  
2. ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE.  
3. ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE.



DATE: 30/01/2014  
BY: G.M.  
PROJECT: 27 Soho Square, London W1  
DRAWING TITLE: Proposed First Floor Plan  
SCALE: 1:100 @ A1  
PROJECT NUMBER: 1289  
DRAWING NUMBER: D102  
REVISION: B

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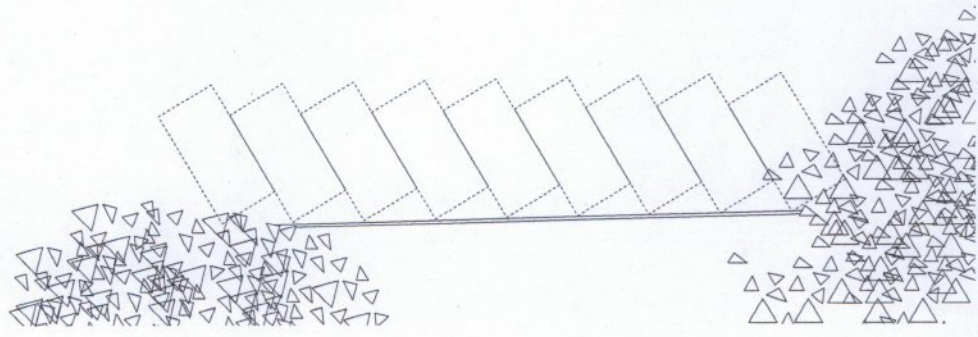
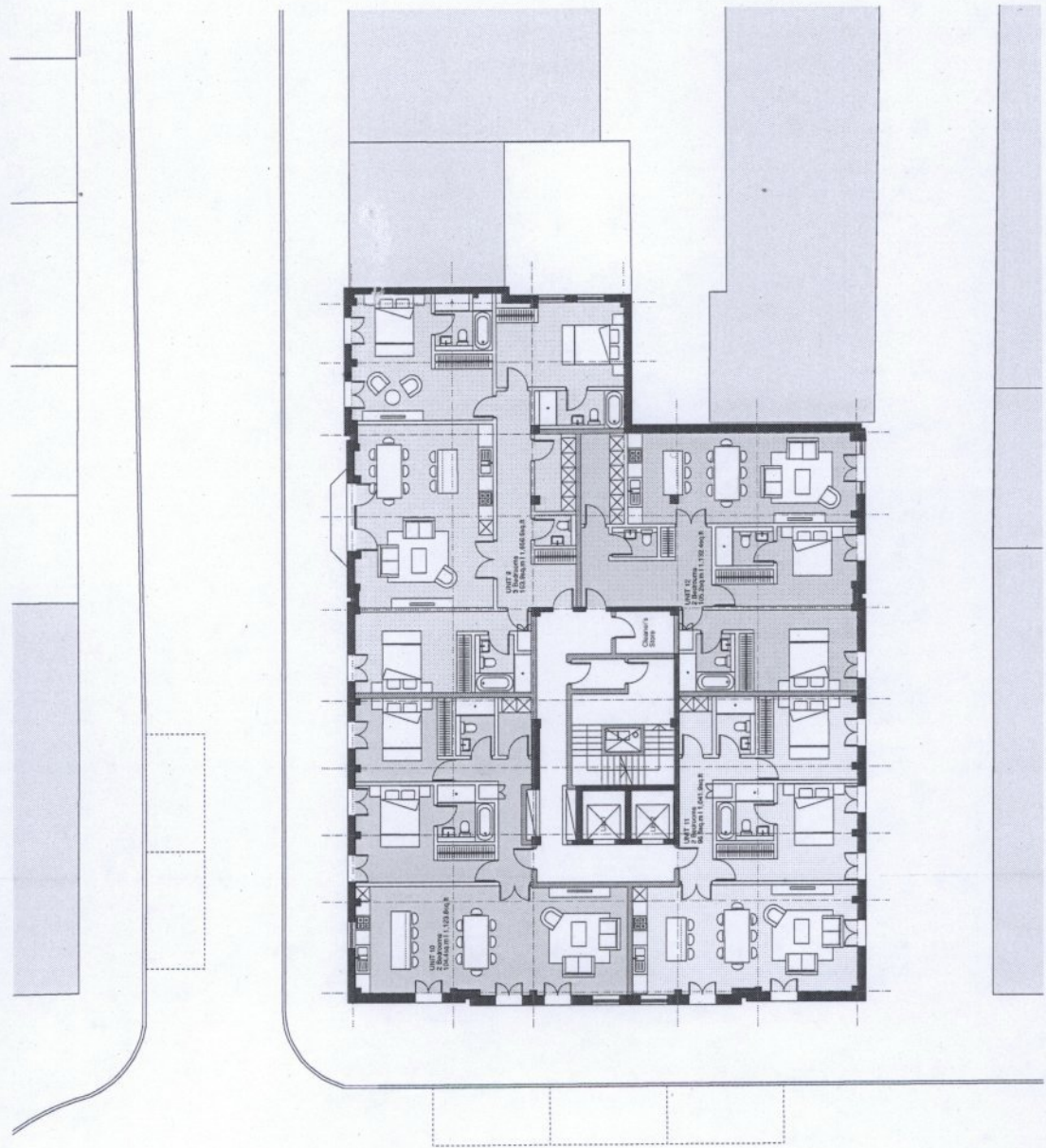
UNITS  
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 2. 20' 0" deep  
 3. 10' 0" wide  
 4. 10' 0" deep  
 5. 10' 0" wide  
 6. 10' 0" deep



UNITS 2-8  
 27 Soho Square, London W1J  
 Proposed Second Floor Plan  
 Planning  
 Scale: 1:100 @ A1  
 Date: 30.01.2014  
 Drawing No: D103  
 Revision: B

Second Floor Plan  
 Scale 1:100 @ A1

NOT TO SCALE  
FOR INFORMATION ONLY  
FOR REFERENCE ONLY  
FOR INFORMATION ONLY



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27 Saino Square, London W1

Proposed Third Floor Plan

Planning

1:1100 @ A1

50.01.2014

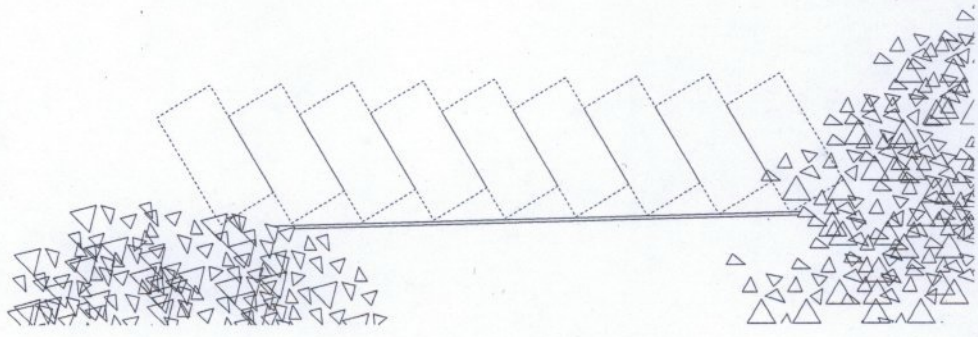
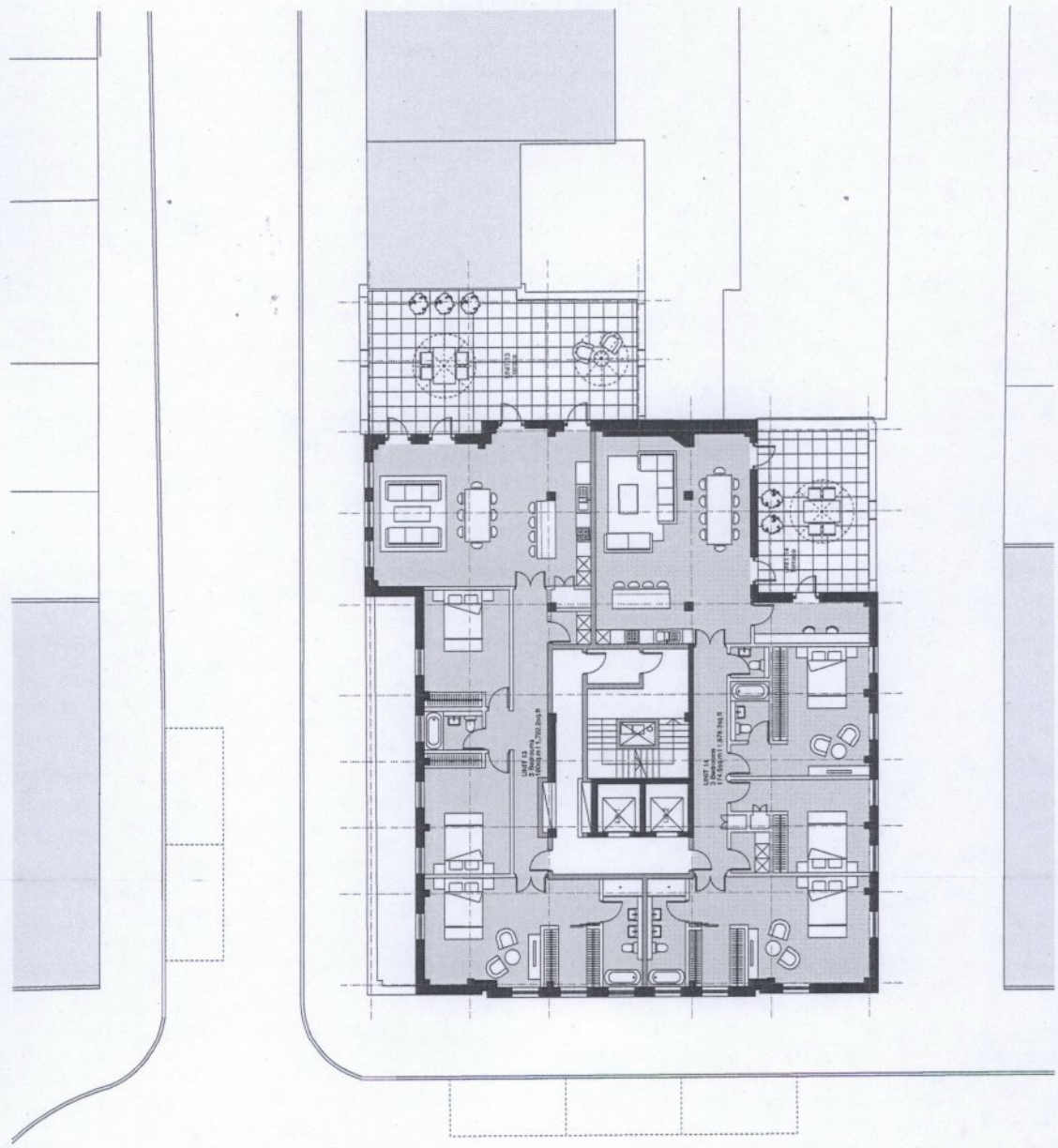
D104

B

Third Floor Plan  
Scale 1:1100 @ A1



NOT TO SCALE  
FOR INFORMATION ONLY  
THIS PLAN IS A CONCEPTUAL PLAN



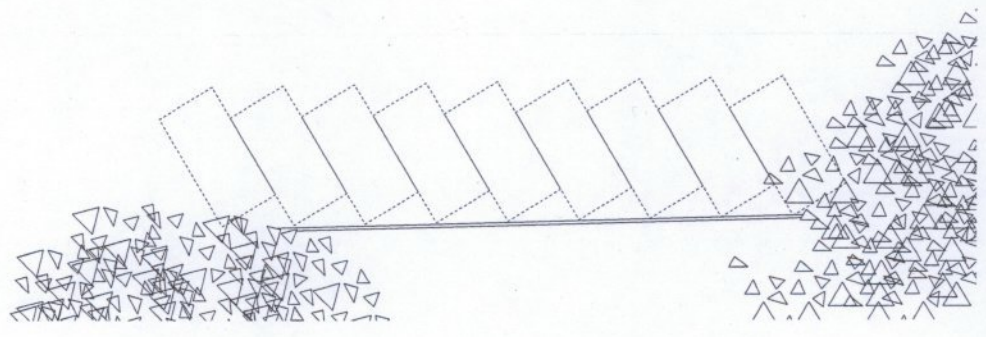
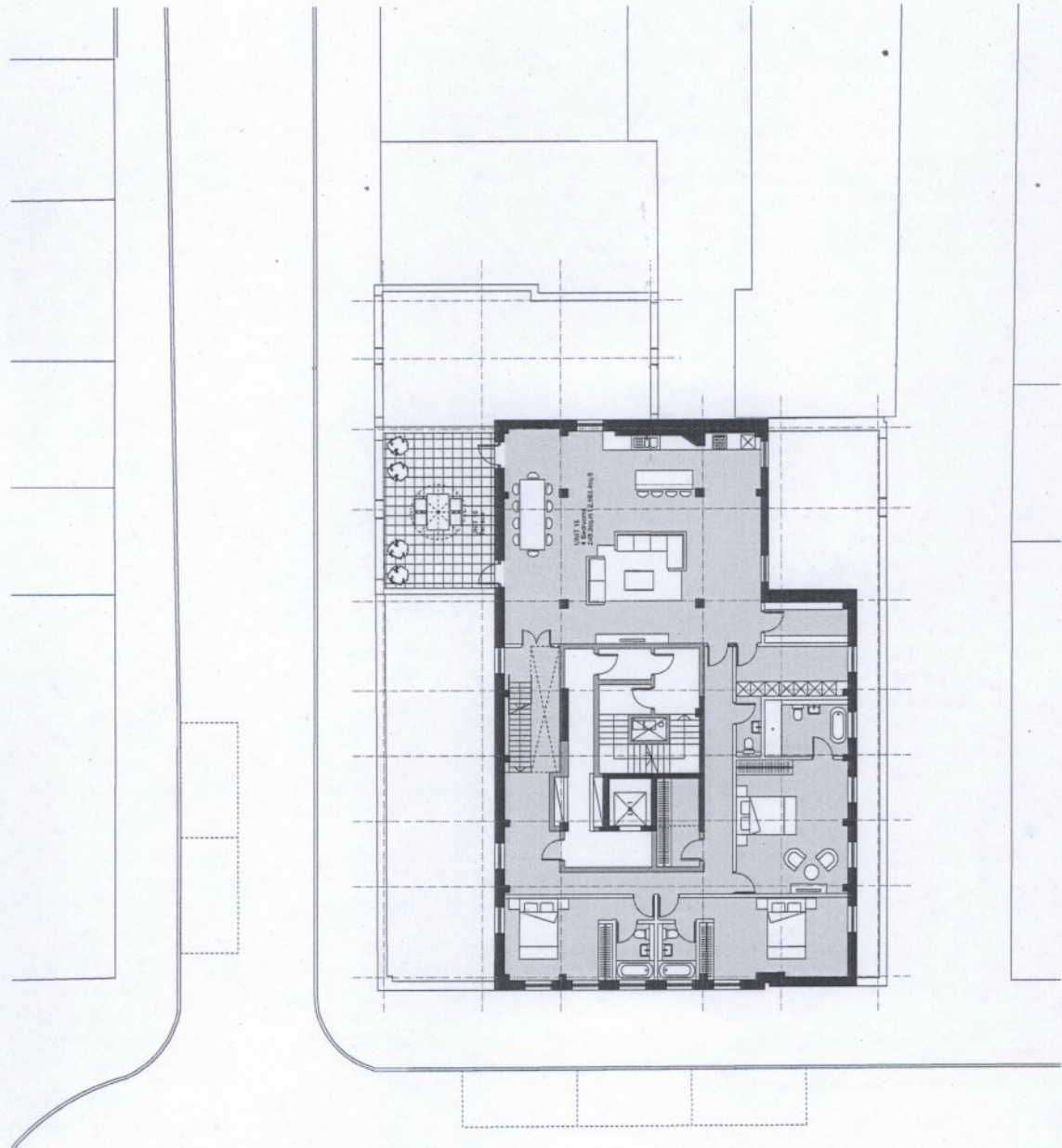
BY DATE 02/01/2014

**campbell architects**

27 Saffron Square, London W1  
Proposed Fourth Floor Plan

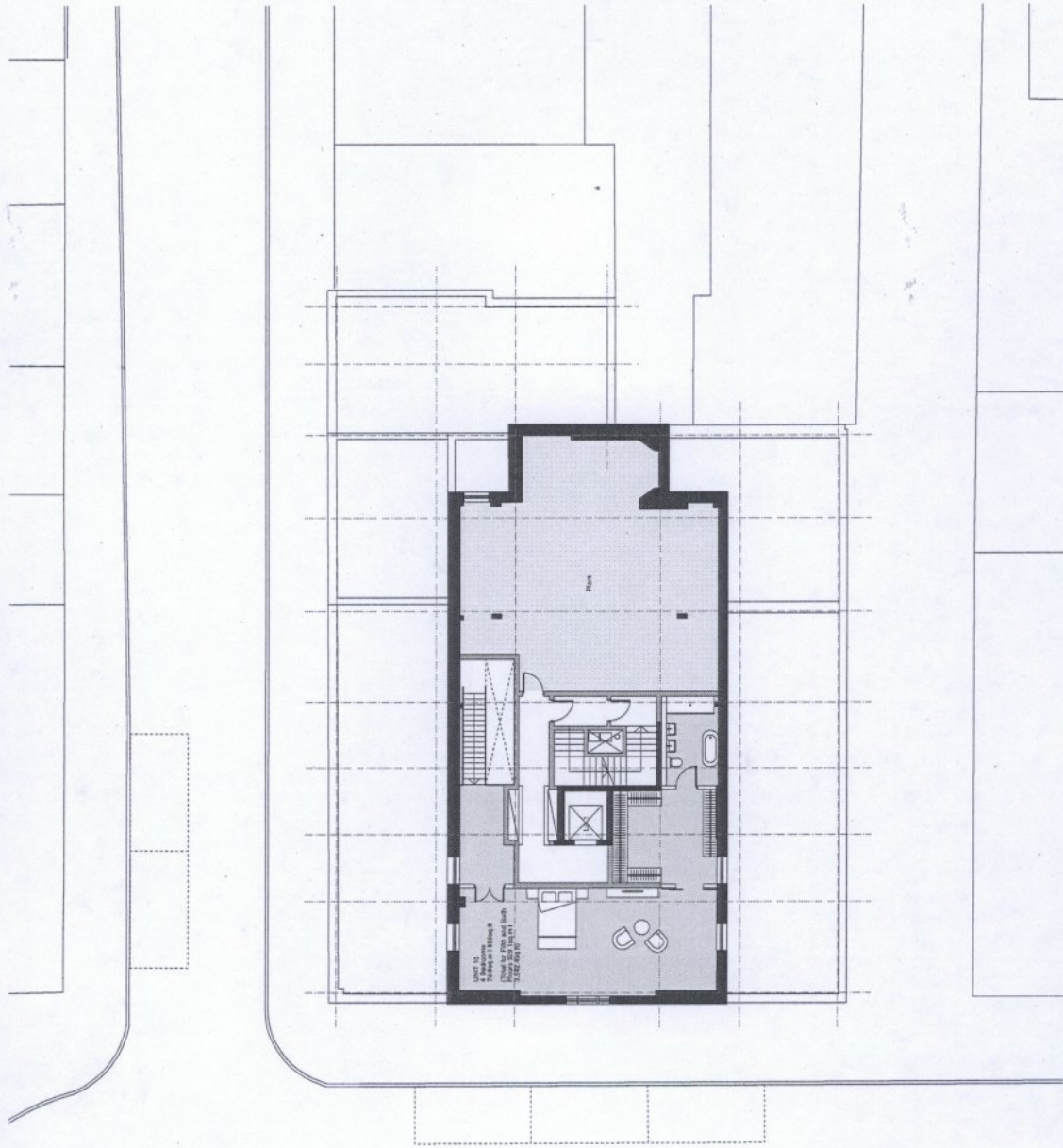
Planning  
1:100 @ A1  
30.01.2014  
1286  
0105  
B

NOTES:  
1. All work shall be in accordance with the Building Regulations 2010.  
2. The drawings are for information only.



DATE: 05/01/2014  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
PROJECT: 27 Bala Square, London W1  
DRAWING NO.: Proposed Fifth Floor Plan  
SCALE: Planning  
DATE: 05/01/2014  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
PROJECT: 27 Bala Square, London W1  
DRAWING NO.: Proposed Fifth Floor Plan  
SCALE: Planning

NOTES:  
1. See also the other drawings in this set.  
2. This drawing is for information only.



1:100 @ A1  
Scale for 20th and 30th  
1:200 @ A2

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27 Biko Square, London W1

Proposed Sixth Floor Plan

Planning

1:100 @ A1

30.01.2014

D107

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No. 1 Great Street

No. 27 South Square

No. 28 South Square

DATE: 30/09/2014 BY: DM: RP

**campbell architects**

Client: Hermes Real Estate Investment Ltd  
Address: 27 South Square, London W1  
Project Name: Proposed Elevation - South Square

**Planning**

Scale: 1:100 @ A1 Date: 30/09/2014  
Drawing No: 1289 Drawing Date: 03/01  
Revision: C

Proposed Elevation - South Sq  
Scale: 1:100 @ A1



DATE: 30/09/2014  
BY: JMB  
PROJECT: 27 Sude Street - Balmain Street  
DRAWING: Proposed Elevation - Balmain Street



No. 27 Sude Street

No. 27 Sude Street

DATE	30/09/2014	BY	JMB
campbell architects			
CUSTOMER	Nemmer Real Estate Investment Ltd		
PROJECT	27 Sude Street - London W1		
DRAWING TITLE	Proposed Elevation - Balmain Street		
DISCIPLINE	Planning		
SCALE	1:100 @ A1	DATE	30/09/2014
PROJECT NO.	1286	PROJ. NO.	D302
REV.	E		

Proposed Elevation - Balmain Street  
Scale 1:100 @ A1