

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	27 Soho Square, London, W1D 3QR,		
Proposal	Demolition of existing facades and existing fourth, fifth and sixth floor levels, erection of new facades on Greek Street, Soho Square and Bateman Buildings and replacement of fourth, fifth, sixth floors, and new seventh floor level, in connection with the use of part basement, part ground and first to seventh floor levels as 21 residential units. Triple alternative use of part basement and part ground floor level as retail (Class A1) and/or financial and professional service (Class A2) and/or restaurant/cafe (Class A3) with associated shopfront alterations to all facades at ground floor level. Creation of terraces at fifth and sixth floor level, Juliette balconies to all facades and a plant area at roof level.		
Agent	Turley		
On behalf of	Hermes Real Estate Investment Management Ltd		
Registered Number	15/08151/FULL	Date amended/ completed	2 September 2015
Date Application Received	18 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission

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 basement and ground floor are in use as a bank (Class A2), which is accessed from Greek Street. The remaining part of the basement, the ground floor and the upper six floors are in use as offices, which are accessed from Soho Square.

Permission is sought for the demolition of the fourth, fifth and sixth floor level and the existing facades, remodelled elevations are proposed and the upper floors will be rebuilt and will include a new seventh floor level. It is proposed to use the basement 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. The upper floors are proposed to be used as 21 residential units, with access from Soho Square.

The scheme includes an uplift in residential floorspace of 3,196m². 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.

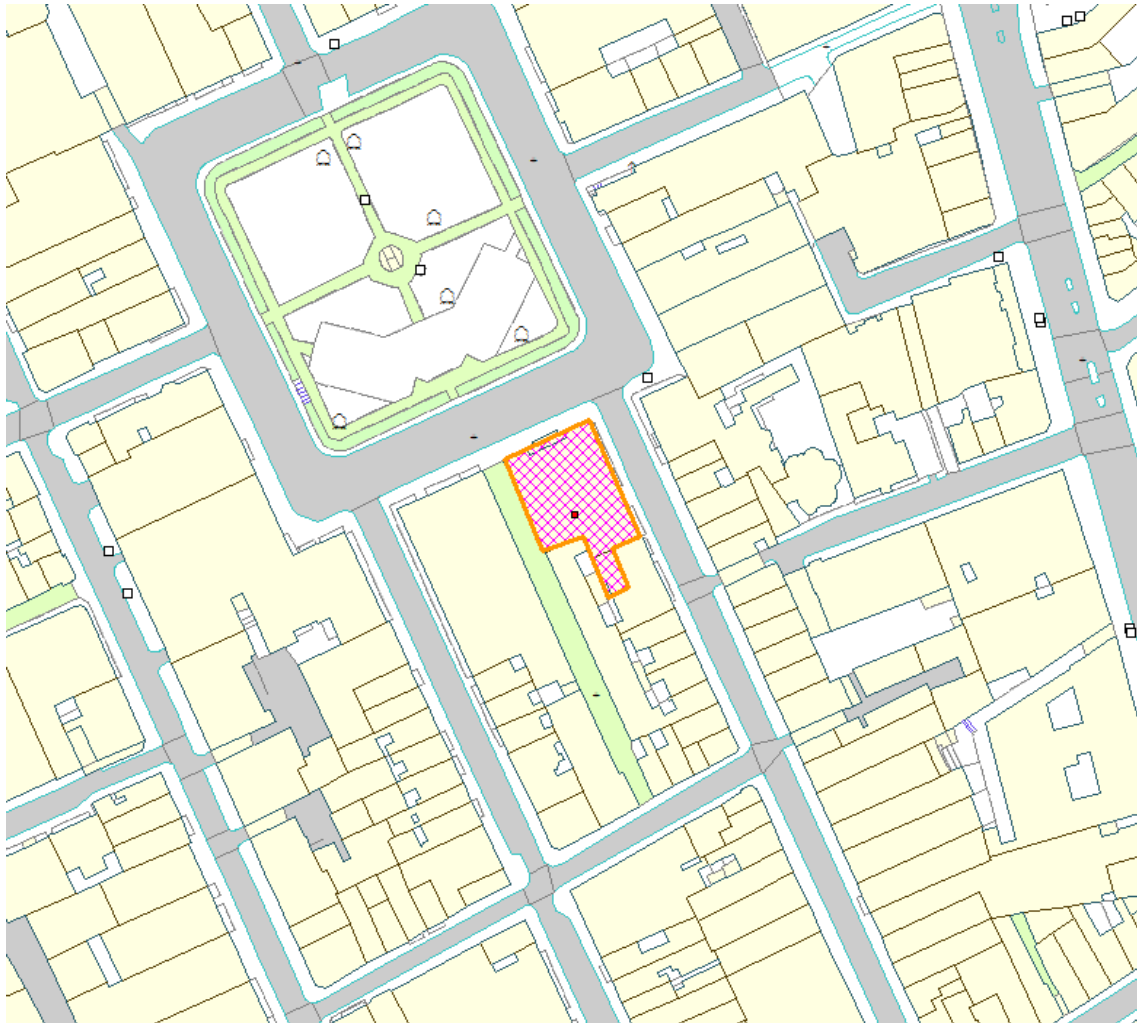
The key issues for consideration are:

- * the impact of the remodelled building and the detailed design on the Soho Conservation Area;
- * the use of the lower floors as two restaurant uses on the amenity of the surrounding area; and
- * the lack of affordable housing on-site.

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. 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 database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

Original Application

COUNCILLOR ROBERTS

Supports the concerns of the House of St Barnabas and requests that the application is reported to committee.

HISTORIC ENGLAND

Consider that the scheme should be revised to reduce the bulk on Greek Street

SOHO SOCIETY

Objection

- Overdevelopment of the site;
- Increased height
- The existing building relates well with its neighbours, the proposed building does not;
- Restaurant uses are inappropriate in Soho Square.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125

Total No. of replies: 3

No. of objections: 3; No. in support: 0

Three letters of objections raising all or some of the following concerns:

Land use

- Loss of office floorspace
- Introduction of restaurant floorspace
- Residential floorspace should not be above restaurant floorspace
- Affordable housing should be on-site

Amenity

- Loss of light to No.1 Greek Street
- Loss of light to Soho Square garden

Design

- Massing is very high
- Increase on Greek Street towers over buildings opposite, creating negative impact on the street and adjacent listed buildings
- The elevations do not fully show the implications of the new massing
- Scheme is monolithic

Revised Application

COUNCILLOR ROBERTS

Any response to be reported verbally

SOHO SOCIETY

Object to the introduction of restaurant floorspace and consider that the scheme could be improved by the revised height of the frieze on Frith Street and with cycle parking.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One letter of objection received on the grounds of loss of office floorspace.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 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.

6.2 Recent Relevant History

Planning permission was granted in July 2015 for the triple alternative use of basement and ground floor levels as retail (Class A1), and/or financial and professional service (Class A2) and/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.

This permission was subject to a S106 to secure the provision of £1,350,000 towards the City Council's affordable housing fund and lifetime car club membership (minimum 25 years) for all 15 flats. This permission has not been implemented.

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.

7. THE PROPOSAL

Permission is sought for the demolition of the facades and the existing fourth, fifth and sixth floor levels. New facades are proposed and these will comprise glazed brick at ground floor and basement level, brick on the upper floors and glazed terracotta panels to create a frieze at sixth floor level. The upper floors will be rebuilt and a new seventh floor created. The extensions will be squared off, the frontage onto Greek Street will remain lower (four storeys) than the rest of the building.

The part basement and ground floor levels will be used 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 Soho Square, Greek Street and Bateman Buildings.

Permission is also sought for the use of the upper floors as 21 residential units. The entrance to the residential part of the development will be from Soho Square. Roof terraces are proposed at fifth, sixth and seventh floor level, Juliette balconies are also proposed to all facades.

As set out above, permission has previously been granted for the introduction of the retail, restaurant and residential uses on this site.

The application has been revised since its original submission on the advice of officers as it was considered that the height and bulk of the building was unacceptable in terms of the impact on the conservation area and the surrounding building.

The main differences from the originally submitted scheme and the proposed scheme:

- Reduction in height and bulk on Greek Street by retaining a lower section on Greek Street;
- Consolidating the appearance of the building by creating a taller main building with one roof top level rather than two; and
- Reduction in the number of residential units as a result of the design changes from 23 to 21

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal includes the loss of office floorspace (approx. 3,500m²). Interim measures (set out in an initial statement dated 1 March 2015) have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential accommodation. These measures apply to the consideration of applications received on or after 1 September 2015. Objections have been received to the loss of the existing offices. However, as the application was received prior to 1 September it must be assessed in relation to City Plan and UDP policies, which do not protect existing office floorspace and therefore the loss of the office floorspace cannot be resisted in this instance.

Retail use

The proposal includes the use of the basement and ground floor for retail purposes, comprising 755m². 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.

Professional/Financial Use

The proposal also includes the alternative use of the basement and ground floor units for 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.

Restaurant Use

The proposal also includes the alternative use of the basement and ground floor units for restaurant purposes. The basement and ground floor will be divided into two separate units, one comprising 441m² and the other 313m² (total restaurant floorspace 754m²). 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 500m², 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 500m² 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 a 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 Soho Square 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 and neighbouring occupiers have 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. There is however an extant permission for restaurant uses in this location and therefore it would be difficult to justify a reason for refusal on these grounds.

It important to ensure that if both units are implemented as restaurants, that these are not amalgamated to create a very large restaurant use, and a condition is recommended to prevent 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.

Residential (use/ unit mix and standard of residential floorspace)

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

The scheme would provide 21 residential units and would be in the form of 13x2 bed and 8x3 bed units, providing family-sized housing (38%), in compliance with UDP Policy H5. All the homes would meet the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG. Given the constraints of the partially retained building, the proposal is considered to optimise the use of the site and therefore complies with S14.

An objection has been received on the grounds that the new restaurant use will have an impact on the new residential units. Environmental Health have assessed this impact and subject to conditions protecting the new residential from internal and external noise, they have no objection to the proposals.

Affordable Housing

The provision of 21 new residential units and 3196m² of new residential floorspace would trigger a requirement to provide on-site affordable housing under policies H4 and S16. Policy S16 would require a proportion of 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 799m² or 9 flats of affordable housing (based on a unit size of

80m2). 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 it is acknowledged as being impractical or inappropriate to provide affordable housing either on or off-site (on land nearby), the City Council may consider a financial contribution to the City Council's affordable housing fund in accordance with the adopted formula. Given the increase in floorspace, a policy compliant contribution would be £4,038,146.

The proposed residential units are to be served by a single entrance from Soho Square and a single lift/stair core. The applicant argues that as a separate lift/stair core would be required for the on-site affordable units that this would not make the most efficient use of the building and therefore they have addressed the affordable housing policy by way of a financial contribution. Objections have been raised on the grounds that affordable housing should be on site, however, it is accepted that, given that the application is a part conversion scheme, that there would be difficulties in providing a separate core to provide on-site affordable housing. 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 a payment of £1.4 million could be made to the affordable housing fund. The City Council's consultants have assessed the proposals and agree that £1.4M is the maximum payment the applicant is able to make. The applicants have agreed to this figure and this will be secured by a Grampian condition.

8.2 Townscape and Design

No. 27 Soho Square is an unlisted building on the south side of the square between Bateman's Buildings and Greek Street. It is prominent in views across the square and is an important part of the setting of several listed buildings including, but not limited to, No.1 Greek Street (Grade I) and The Hospital for Women (Grade II) which neighbour the site. The site is within the protected vista 2B.1 (Parliament Hill oak tree to Palace of Westminster) and the Soho Conservation Area.

The existing building is of late twentieth century date and carefully massed to minimise its height and bulk in relation to surrounding buildings and views north along Greek Street. In these respects it makes a positive contribution to the conservation area, although the detailed design of its facades is not of any particular merit. Noting these points, substantial alterations to the building are acceptable in principle subject to their design being appropriate.

As proposed, the design seeks to partly demolish, alter, and extend the building with new brick cladding to the facades including a decorative frieze detail. The height and massing of the building has been designed to respond sensitively to its context by reinforcing the high level horizontal lines formed by surrounding buildings whilst also stepping down in height to maintain an appropriate scale in relation to No.1 Greek Street and to maintain the parapet line of buildings along the north end of Greek Street generally. In these key respects the proposed development has been revised since submission and is considered to fully address objections made by Historic England in their letter dated 6th October 2015. The building would maintain the setting of the surrounding listed buildings and the

small-scale, domestic, character and appearance of Greek Street. This accords with UDP policies DES 1, DES 9 and DES 10.

The detailed design of the new brickwork facades is attractive and despite the concerns of the Soho Society, the frieze detail provides appropriately eye-catching interest. The fenestration has been carefully designed to reflect traditional vertical proportions of windows in the surrounding area, and the set-back upper floors help to minimise the apparent height of the building.

Glazed bricks will be used at the ground floor retail and in basement lightwell areas. Two tones of brick and/or brick slips are proposed as the primary facade material. Floors one to six will be faced in a dark blend. The lighter toned brick from this blend will be used for the Greek Street facade which adjoins neighbouring buildings. Glazed terracotta panels will form the frieze at the sixth floor level and it is proposed to incorporate an abstract pattern based on grass. Corbelled brickwork will sit above the frieze. Anodised aluminium windows in bronze/brass colour are proposed at all levels. The metal work railings to Juliette balconies and terraces will be coloured to match the windows and patinated metal in a bronze/brass colour will be used to clad the set-back seventh floor. This palette of materials is acceptable and accords with UDP policies DES1, DES 5, DES 6 and DES 9.

With regard to the protected vista, the building is kept below the threshold plane, in fact there is a slight reduction where an existing plant room that breaches the threshold plane is to be removed. This is acceptable in accordance with UDP policy DES 14.

8.3 Residential Amenity

Whilst the proposal does not alter the overall height of the existing building, additional bulk is proposed as the two lower, sloped sections of the existing building are effectively 'squared' off and a new seventh floor created.

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.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunliting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and this is analysed below.

The nearest residential properties are located to the south of the application site on Greek Street. Immediately adjacent to the site is 59 Greek Street, an existing vacant hostel, which is subject to an as yet undetermined planning application for residential use. There are residential properties above the existing commercial units on the opposite side of Greek Street (Nos. 2-6). No objections have been received from these residential properties. The study indicates that there will be very minor losses (between 1-5%) of VSC to Nos.3, 4 and 5 Greek Street. The windows will continue to receive very good daylighting levels for a built up urban location. In terms of sunliting, again there are very minor losses and in some circumstances there is an increase in the amount of sunlight reaching these windows.

An objection to the original scheme has been received on behalf of the House of St Barnabas (a commercial use) at 1 Greek Street on the grounds that there will be a loss of light. No representation has been made to the revised scheme. The proposal would result in some minor losses of daylight ranging between 1 - 6%, a level at which the BRE guidance states would not be noticeable. Similarly with sunlight, there are minor losses, but there are also increases to the amount of sunlight that some windows receive.

Planning permission has recently been granted for the use of 1-8 Bateman Buildings for residential purposes. The daylight and sunlight assessment takes into account the potential residential use. There are losses to VSC ranging from 1 - 7%, in some circumstances there will be an increase in the daylighting levels. There are no losses to sunlight levels. The losses to daylight are considered acceptable.

An objection has been received on the grounds that there would be a loss of light to Soho Square. However, there is no increase in the overall height of the proposed building, and it is not considered that there would be any significant loss of light or overshadowing to the Square to warrant refusal.

Sense of Enclosure

It is not considered that there will be an increase sense of enclosure as a result of the re-modelling of the building.

Privacy

New terraces are proposed at fifth, sixth and seventh floor level, these are larger than those granted in 2015. The terraces are considered acceptable and it is not considered that there will be an increase in overlooking.

8.4 Transportation/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 21 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 63% occupied; during the evening this reduces to 62%. 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 by condition.

Despite the concerns of the Soho Society, adequate cycle parking is provided for the commercial and residential parts of the development. This complies with UDP Policy TRANS10.

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 occupiers of the commercial units are 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.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.6 Access

Level access is provided for the residential and commercial uses. The residential entrance leads to lifts and staircases.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed at seventh floor level and at roof level in addition to the potential kitchen extract ducts. 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.

Sustainability

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. Photovoltaic panels are proposed at roof level, and these will be secured by condition.

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 38% in carbon emissions. This complies with Policy S40 and London Plan Policy.

A green roof is proposed, this is welcomed and will be secured by condition.

8.8 London Plan

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.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (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.

A Grampian condition will secure the following:

- £1.4 million towards the affordable housing contribution fund
- Lifetime Membership (25 years) to a Car Club, for all the flats.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required with this application.

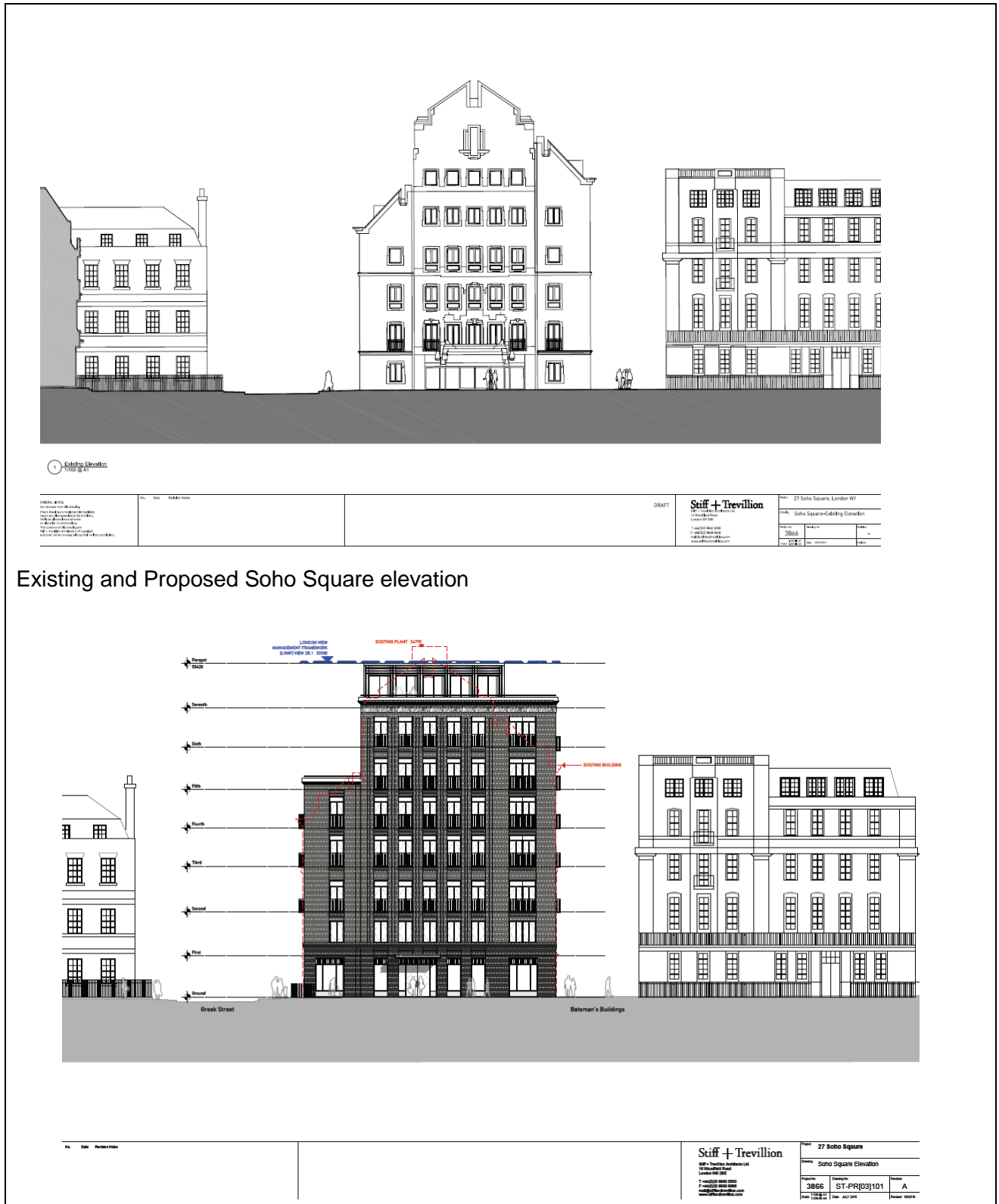
9. BACKGROUND PAPERS

1. Application form
2. Response from Councillor Roberts, dated 28 September 2015
3. Response from Historic England, dated 6 October 2015
4. Response from the Soho Society, dated 6 October 2015 and 8 March 2016
5. Response from Environmental Health, dated 17 September 2015
6. Letters from occupier of The House Of St Barnabas, 1 Greek Street, dated 24 September 2015
7. Letter from on behalf of the Soho Square Garden Committee and the Building Committee of the House of St Barnabas , dated 28 September 2015
8. Letter from occupier of Saint Patrick's Catholic Church, 21A Soho Square, dated 28 September 2015
9. Email on behalf of Soho Create, dated 5 March 2016

(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 JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

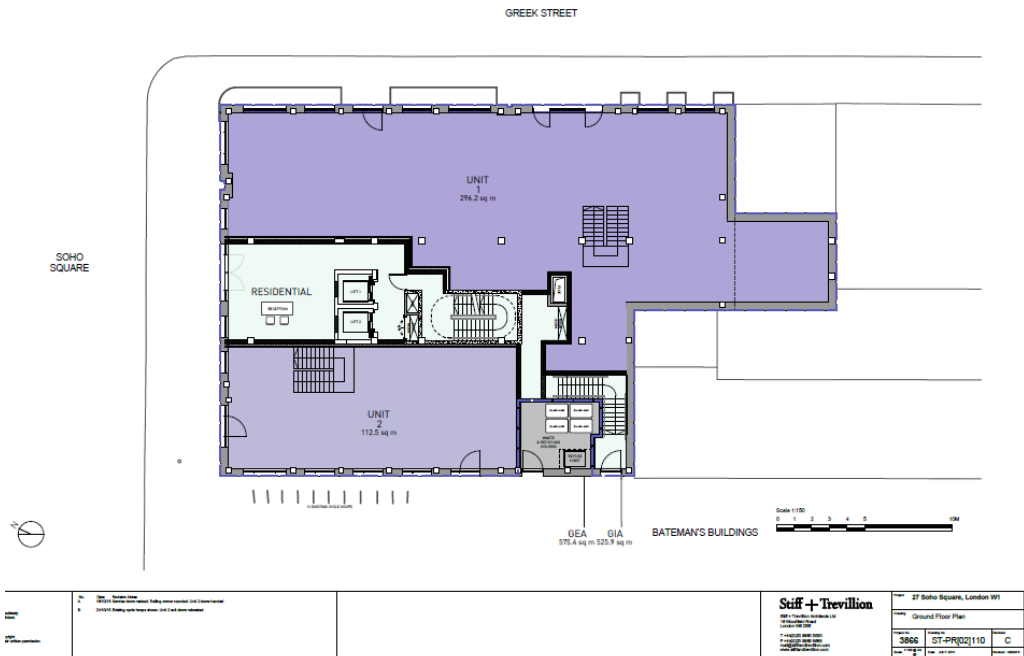




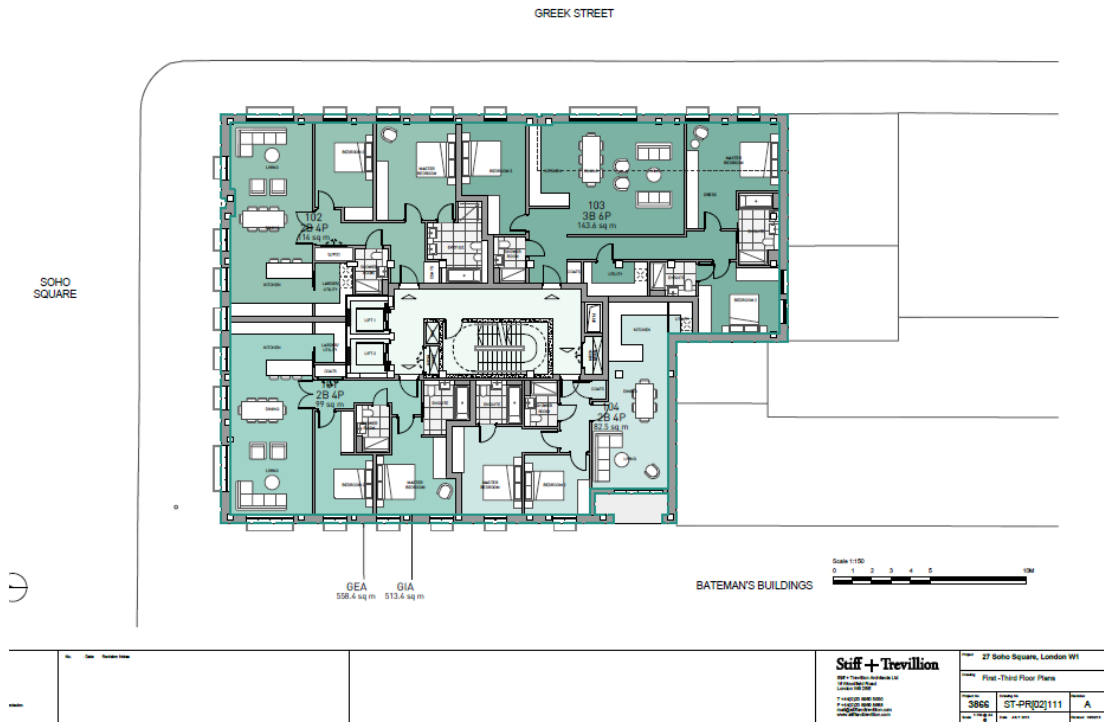
Existing and Proposed Greek Street elevation



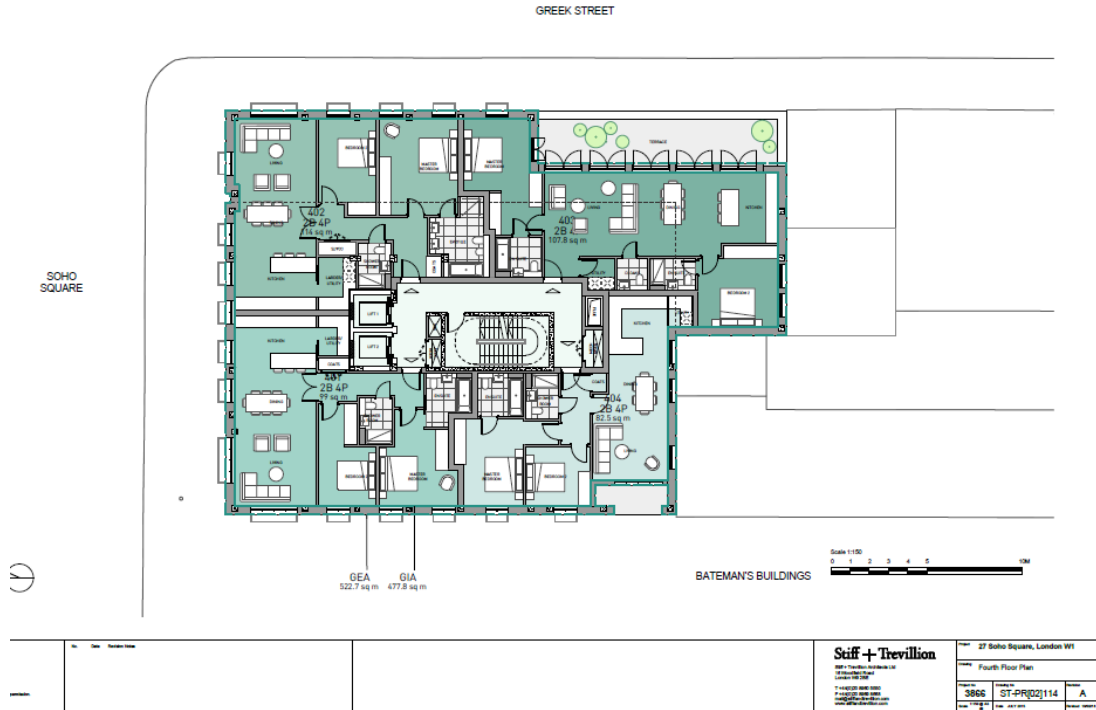
Proposed Ground Floor Plan



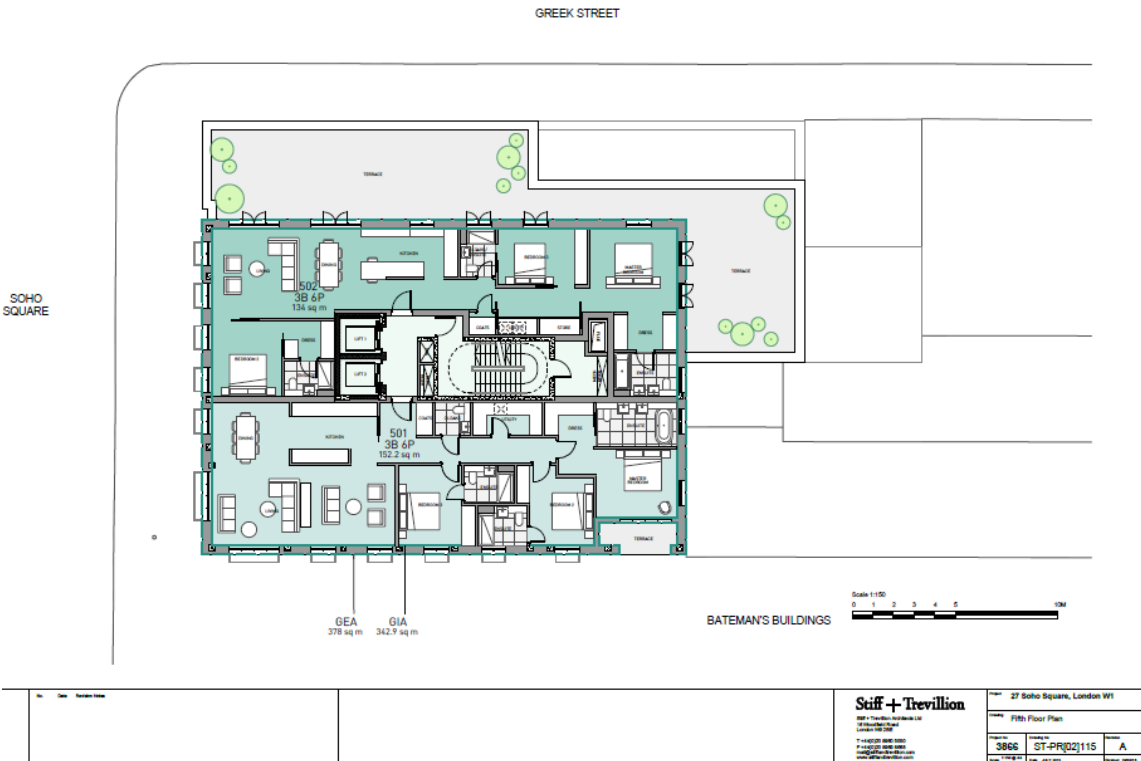
Proposed First-Third Floor Plans



Proposed Fourth Floor Plan



Proposed Fifth Floor Plan



DRAFT DECISION LETTER

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

Proposal: Demolition of existing facades and existing fourth, fifth and sixth floor levels, erection of new facades on Greek Street, Soho Square and Bateman Buildings and replacement of fourth, fifth, sixth floors, and new seventh floor level, in connection with the use of part basement, part ground and first to seventh floor levels as 23 residential units. Triple alternative use of part basement and part ground floor level as retail (Class A1) and/or financial and professional service (Class A2) and/or restaurant/cafe (Class A3) with associated shopfront alterations to all facades at ground floor level. Creation of terraces and Juliette balconies and plant area at roof level.

Plan Nos: ST-PR[02]109 B, ST-PR[02]110 C, ST-PR[02]111 A, ST-PR[02]114 A, ST-PR[02]115 A, ST-PR[02]116A, ST-PR[02]117 A, ST-PR[02]118 A, ST-PR[03]101 A, ST-PR[03]102 A, ST-PR[03]103 C, ST-PR[03]104 A, ST-DM[02]119, ST-DM[02]120, ST-DM[02]121, ST-DM[02]122, ST-DM[02]123, ST-DM[02]124, ST-DM[02]125, ST-DM[02]126

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 If an A3 use is to be provided, 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 of the basement and ground floor levels, you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the Class A1 and/or 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 self-closing doors to entrances, kitchen areas, covers, bar areas and access arrangements to the lower ground floor areas.

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

Reason:

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

- 15 You must apply to us for approval of detailed drawings at a scale of 1:10 of the following parts of the development:

- a typical new shopfront
- a typical example of each new window and external door type

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

- photovoltaic panels

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 3-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 a minimum of 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)

- 23 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 8 and 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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.

- 24 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

- mitigation for not providing affordable housing on-site.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 25 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local

planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following:

- a) Confirmation of approval of the particular car club which is to be a Carplus accredited club;
- b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of:
 - 1. the existence of the car club
 - 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee;
 - 3. details of how to become a member of the car club; and
 - 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years]
- b) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents.
- c) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development.
- d) Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club.
- e) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club.
- f) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

Reason:

To mitigate the demand for on street car parking in accordance with CS41 of our Core Strategy that we adopted in January 2011 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof 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: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 27 You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans. (C34AA)

Reason:

To meet the requirements of Regional Policy Guidance Note 3a. This is as set out in S26 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 14 of our Unitary Development Plan that we adopted in January 2007. (R34AC)

- 28 You must remove the all the redundant rooftop plant from the building before you begin the approved use. (C26VA)

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)

- 29 You must apply to us for approval of the proposed public art (the decorative frieze).

You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details.

You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

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

INFORMATIVES

- 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)
- 6 In relation to Condition 25, Carplus was established in 2000 to support the development of car clubs and 2+ car sharing schemes in the UK, in response to growing environmental concerns around private car use. Carplus provide technical support, best practice guidance and practical advice to car club operators, community groups, local authorities and transport authorities to assist in setting up and developing car clubs. www.carplus.org.uk
- 7 Under condition 24 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure £1.4 million as confirmed in writing by Susie Stephen of Turley

dated 31 March 2016. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

- 8 You are advised with regard to the submission of samples for approval that annotated high-quality photographs may be acceptable in lieu of physical materials.