

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	Regency House, 1-4 Warwick Street, London, W1B 5LT,		
Proposal	Alterations including demolition of existing roof plant and lift overrun, erection of a mansard roof extension and use of part basement, part ground, first to fifth and new sixth floors as nine residential units (Class C3) with terraces on fourth, fifth and sixth floor levels; replacement windows on first to fifth floors; erection of a roof level plant enclosure, installation of photovoltaic panels and green roof.		
Agent	Mr Sid Hadjoannou		
On behalf of	HSBC Bank PLC as Trustees of Hermes Property Unit Trust		
Registered Number	15/03456/FULL	Date amended/ completed	21 April 2015
Date Application Received	21 April 2015		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

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

- i) a contribution of £650,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- ii) lifetime car club membership for each of the residential units (25 years)
- iii) monitoring costs

2. If the S106 legal agreement has not been completed within six weeks of the application being reported to the Committee then:

a) The Director of Planning shall consider whether permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 legal agreement within an appropriate timescale and that the proposals are unacceptable in the absence of the benefits that 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.

2. SUMMARY

No. 1-4 Warwick Street is an unlisted building located within the Soho Conservation Area and the Core Central Activities Zone. The building comprises a restaurant and a public house on part basement and part ground floors and offices (Class B1) on the remainder of these floors and on the first to fifth floors.

Permission is sought for the erection of a single storey roof extension and for the use of the existing offices and additional floor as nine residential units, with terrace areas at fourth, fifth and sixth floor levels. Other works include the erection of a new plant enclosure, replacement windows, the installation of photovoltaic cells and the creation of a green roof. Permission was granted in April 2015 for a similar development, for 8 flats, with a smaller roof extension.

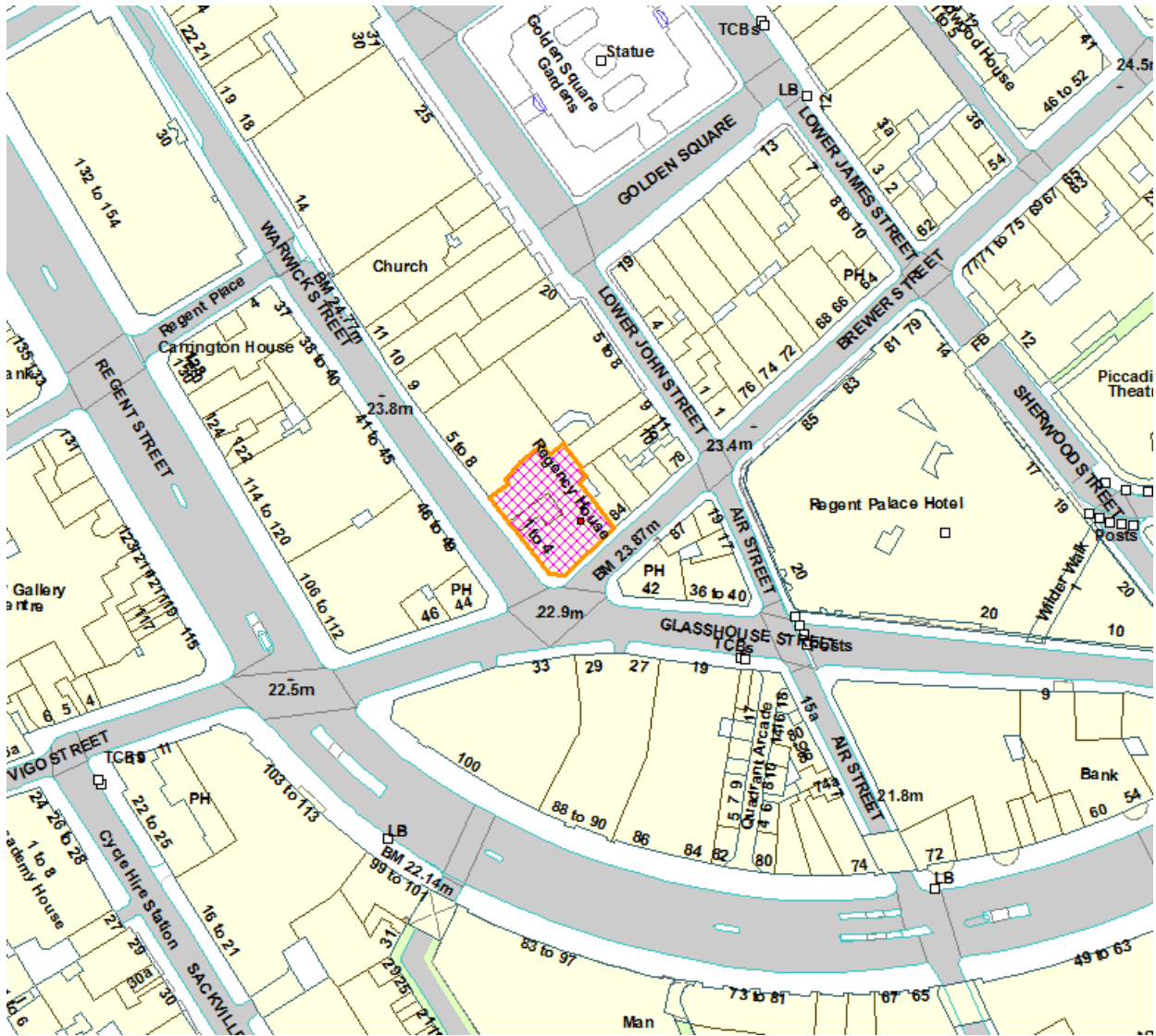
Given the increase in residential floorspace, the proposal triggers the Council's affordable housing policies. Viability consultants acting for the City Council have concluded that the provision of on-site affordable housing would not be viable. The applicants do not own any other sites where the affordable housing could be provided. Consequently, they propose to make a contribution of £650,000 to the City Council's affordable fund. The Council's consultants have advised that this is the maximum payment that the scheme can support.

The key issues for consideration are:

- * Whether the scheme would provide an acceptable standard of accommodation for future residents with regard to internal and external noise levels.
- * The acceptability of the proposed contribution to the City Council's Affordable Housing Fund.
- * The impact of the proposed works on the character and appearance of this part of the Soho Conservation Area

Subject to conditions, the proposal is considered acceptable on design and land use grounds and in terms of its impact upon the amenities of neighbouring occupiers. Additionally, with stringent conditions in place, it is considered that the proposals would provide a satisfactory living environment for future residents. The application is considered to comply with relevant City Plan and Unitary Development Plan (UDP) policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Object to the loss of office accommodation and the potential noise nuisance to future residents from the operation of the entertainment use at basement and ground floor levels. Consider that the proposal is an overdevelopment of the site.

ENVIRONMENTAL HEALTH

Raise no objection subject to conditions.

HIGHWAYS PLANNING

Object to lack of off-street parking for the proposed flats

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 139; Total No. of replies: 4 (on behalf of the same objector) raising the following concerns:

- * Detrimental impact upon the amenity of future residents due to the operation of neighbouring entertainment uses and street activity
- * The submitted acoustic information is not sufficiently detailed to address the noise concerns with regard to the impact of internal and external noise sources upon the new flats
- * Noise complaints from future residents could restrict the operation of the existing late night use at ground and basement level and their opening hours contrary to the NPPF and adversely affecting the night time economy
- * Mechanical ventilation should be provided for the units to ensure adequate ventilation can be provided without the need to open windows.

ADVERTISED/ SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted property on the corner of Warwick Street and Brewer Street, located within the Soho Conservation Area, West End Stress Area and the Core Central Activities Zone.

The existing building comprises a separate restaurant and public house on part basement and part ground floor levels with offices (Class B1) on part basement, part ground and first to fifth floors.

6.2 Recent Relevant History

In September 2013 planning permission was granted for the use of the first to fifth floors as eight residential units; alterations including the removal of existing roof plant and lift

overrun, the construction of a roof level stair and lift enclosure to provide access to a roof terrace; the erection of a roof top plant enclosure, the installation of nine air condensing units and solar panels and the creation of a green roof.

The 2013 permission was subject to a condition requiring a contribution to the City Council's affordable housing fund and a parking mitigation payment. In April 2015 an application to remove that condition was granted and £500,000 was secured by legal agreement towards the affordable housing fund and £8,000 towards parking mitigation.

There is a current application (16/00109/FULL) for the use of basement and ground floors of nos. 1-4 Warwick Street as a single restaurant (Class A3) and associated external alterations to Warwick Street and Brewer Street frontages.

7. THE PROPOSAL

Permission is sought for the erection of a single storey mansard roof extension at sixth floor level and for the use of the part basement, part ground, first to fifth and new sixth floors as nine residential units (6 x 2 and 3 x 3 bed). It is also proposed to install photovoltaic cells and new plant, with associated screening, to create residential terraces at fourth, fifth and sixth floor level, install new windows and create a green roof.

Existing and proposed floorspace figures (GEA) are as follows:

Use	Existing (m ²)	Proposed (m2)	+/- difference (m2)
Office	2094	0	-2094
Residential	0	2238	+2238
Total	2094	2238	+144

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of office use

The lawful use of the parts of the building which are the subject of this application are considered to be as (Class B1) offices.

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. The Soho Society has objected 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. In these circumstances, this aspect of the scheme is considered acceptable and the objection cannot be supported.

8.8.2 Residential use

The increase in residential floorspace is considered acceptable in principle in land use terms and accords with Policies H3 of the UDP and S15 of the City Plan, which seek to maximise the amount of land or buildings in housing use. Whilst the Soho Society have raised concerns that the proposals are an overdevelopment of the site, the proposals

involve only one more residential unit than the extant scheme and it is not considered that the application could be refused on these grounds.

8.1.2.i Residential mix

The proposed scheme would provide nine flats, three of which have 3+ bedrooms. This would comply with UDP policy H5 which requires at least 33% of all new dwellings to be family sized, with three or more bedrooms.

8.1.2.ii Affordable housing

Policy H4 of the UDP requires the provision of affordable housing within residential developments which propose an increase of 10 residential units or more. Policy S16 of the City Plan reiterates this and states that where housing developments result in 10 new units or increases of 1000m² of residential floorspace, the provision of self-contained affordable housing will be required on site. Where the City Council considers this is not practical or viable the affordable housing can be provided off-site in the vicinity or a payment in lieu to the City Council's affordable housing fund may be accepted.

The scheme permitted in 2013 included an increase in residential floorspace of 2,175m² (GEA), to provide eight new flats, which triggered the Council's affordable housing policies. It was accepted at that time that it would not be possible to provide the affordable housing requirement on site. The applicants did not own other sites where the affordable housing could be provided. Consequently, although the application was not supported by a viability appraisal, the applicants offered to make a policy compliant contribution to the City Council's Affordable Housing Fund (£1,419,800) in lieu of on-site provision. Permission was granted subject to a condition to secure the required payment. The applicant later sought to vary the permission and submitted viability information to support their contention that the scheme would not be viable if a payment was made to the Affordable Housing Fund. The scheme was finally approved subject to a reduced affordable housing contribution of £500,000.

The current proposal results in an increase in residential floorspace of 2,238m² (GEA) which generates a requirement to provide 480m² of affordable housing floorspace, equivalent to six units. As previously, it is accepted that affordable housing cannot practically be provided on-site and the applicant owns no other potential donor sites. Given the increase in floorspace, a policy compliant contribution to the affordable housing fund would be £2,322,000 (rounded down). The applicant has submitted a viability report that concludes that the development cannot support any affordable housing payment. The report has been assessed by consultants acting on behalf of the City council who have advised that the scheme can deliver a contribution of £650,000. The applicants has since agreed to make this payment and this would be secured by a legal agreement.

8.2 Townscape and Design

The proposed roof extension takes the form of a shallow pitch on top of the existing mansard. This will have limited impact on street level views of the building and respects its architectural integrity. The proposed dormers are recessed within the shallow roof, with a terrace in front. These have minimal visual impact also. New double glazed windows are also proposed and these are also considered acceptable in design terms.

This is an alternative, and better, design approach to that approved previously. The scheme is considered acceptable in urban design and conservation terms and complies with Unitary Development Plan policy, including DES 6, and supplementary planning guidance, 'Roofs - A Guide to Alterations and Extensions on Domestic Buildings'.

8.3 | Amenity

8.3.1 Standard of new accommodation

Policy S29 of the City Plan requires that 'all new housing, and where possible refurbishment of existing housing, will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.'. Paragraph 5.23 states that 'particular care and innovative design solutions are required in the Westminster context of dense, mixed use environments, high density housing and areas with a poor external environment, including areas which suffer poor air quality or significant noise pollution.'

The proposed residential units are all either double or triple aspect, ensuring that they will receive adequate daylight / sunlight and can be naturally ventilated, when windows are opened. All proposed flats comply with the minimum space standards detailed in the national technical guidance.

8.3.2 Noise levels within the flats

There is an existing public house (The Warwick) on the basement and ground floor levels of the building. The premises licence permits opening hours of 09:00 - 03:30 Monday to Thursday, 09:00 - 04:00 Friday to Saturday and 09:00 - 01:00 on Sundays. The public house is currently licensed for activities such as performance of dance, provision of facilities for dancing, performance of live music, playing of recorded music,(and similar events), late night refreshment and the sale of alcohol. There is no sound limiter in place.

Policy S32 of the City Plan seeks to ensure that noise pollution and its impacts are reduced by 'ensuring development provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources.' UDP Policy ENV6 is also relevant and states the City Council will 'require residential developments to provide adequate protection from existing background noise.'

UDP Policy ENV7 considers noise from plant, machinery and internal activity. Part A of the policy states: 'Where development is proposed, the City Council will require the applicant to demonstrate that this will be designed and operated so that any noise emitted by plant and machinery and from internal activities, including noise from amplified or unamplified music and human voices, will achieve... (acceptable)...standards in relation to the existing external noise level at the nearest noise sensitive properties, at the quietest time during which the plant operates or when there is internal activity at the development.'

Due to the nature of the public house operation, and its permitted hours of use, officers consider that there is significant potential for disturbance to occupants of the proposed flats, resulting from noise transference through the building structure. Additionally, given the site's location within the West End Stress Area, and its proximity to a number of entertainment uses, there is also concern about the potential for noise and disturbance from street level activity. Objections have been received with regard to potential disturbance to future occupiers and the impact this may have for the continued operation

of the public house, as currently licensed. The original acoustic report with this application incorrectly referred to the use of the ground / basement premises as a restaurant, and did not contain any detailed acoustic information required to assess the impact of the current use upon future residents of the proposed flats.

Further acoustic information has been submitted including a detailed acoustic report which records internal noise levels within the first floor of the property over a weekend (18 to 21 September 2015). Objections have been received on behalf of the public house on the grounds that, while this may have been a typical weekend, it would not have taken into account karaoke or live bands operating at the premises when there is the capacity to generate greater noise. Consequently, the operator of the public house was invited to hold one of these events, so that noise levels could be measured, but they declined to do so. It does not appear that karaoke and live music events take place in the premises as a matter of course and it is therefore considered reasonable to consider the application on the basis of the available information (which includes an acoustic assessment of standard Friday and Saturday nights).

The noise report details the required acoustic attenuation of new windows and the necessary improvements to the separating floor between the ground floor commercial premises and the proposed flats. Improvements to the flooring include; rubber cradles, softwood battens, acoustic insulation material, perimeter strips, new plywood and floor coverings to ensure compliance with the City Council's internal noise criteria. It has also been confirmed, through a structural survey, that there is sufficient floor to ceiling height between the ground and first floors to allow for the installation of the required acoustic attenuation.

The agent acting for the public house has reviewed the most recent acoustic report and continues to express concern about the impact of the existing entertainment use upon the living conditions within the proposed flats. In particular, they are concerned that certain 'peak' noises resulting from taxi doors slamming, raised voices, laughter, etc. will cause a nuisance to residents, which may impact on future licensing decisions relating to the operation of the premises. Reference is made to the draft Mayoral SPG which acknowledges, as do Council policies, that the arts, cultural and entertainment uses are important functions of the Core CAZ. The Environmental Health Officer has reviewed this latest objection and has confirmed that the public house is well managed, and there is no reason to suspect that this would not continue, and that there have been no objections relating to late night street noise, to which the objector alludes. This might be expected given that there are pockets of residential use in the immediate vicinity.

Standard conditions are proposed in relation to noise levels within the flats, from both internal and external sources. Further conditions will ensure that the acoustic mitigation measures stipulated within the acoustic report are implemented and the flats built to the correct specification. A condition is also proposed requiring the submission of a supplementary acoustic report once the redevelopment works are complete, but before the flats are occupied, to ensure the development affords the required acoustic mitigation from the public house operation. With these safeguarding conditions in place, it is considered that the proposals would provide acceptable internal noise levels for future residents, in relation to internal noise sources.

Whilst the objector is concerned that the acoustic report fails to consider noise levels from live music or karaoke events, the 2015 permission is still extant and therefore the upper floors can currently be converted to residential use. The 2015 permission only imposed the standard internal noise conditions, and the raft of measures set out above is considered to secure an improved internal environment for future residential occupiers than the scheme previously approved.

The objectors have raised a number of concerns regarding the introduction of residential properties in close proximity to other entertainment uses in the area, specifically in relation to the impact of external noise sources on noise levels within the proposed flats. With this in mind, they consider that all units should be provided with a means of mechanical ventilation. Mechanical ventilation is also proposed for the residential units to ensure the units can still be ventilated should residents choose to keep their windows closed. Conditions are recommended in relation to the operation of this new plant.

The proposal includes the replacement of all windows at first to fifth floor level to provide an improved acoustic performance. The Environmental Health Officer has concluded that the replacement windows would provide the required acoustic mitigation to ensure that internal noise levels in the flats are in accordance with the Council's requirement regarding noise from external sources.

In view of the above, subject to the recommended conditions, objections to the principle of introducing a new residential use in this location in this location, and specifically above a public house, cannot be supported.

8.3.3 Sunlight and Daylight

Policy ENV13 of the UDP states that 'the City Council will normally resist proposals that result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.' Policy S29 of the City Plan states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

No objections have been received to the proposal with regard to the loss of daylight/sunlight to neighbouring properties. A daylight and sunlight assessment has been submitted which assesses the impact of the development upon neighbouring properties and concludes that the proposal will not have a detrimental impact upon any sensitive windows in the vicinity of the site.

8.3.3 Overlooking

Policy S29 of the City Plan states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment'. Part F of Policy ENV13 of the UDP states that 'developments should not result in a significant increase in the sense of enclosure or overlooking...'

Council records indicate the nearest residential properties are located within 11 Lower John Street and 82 and 84 Brewer Street to the east of the application site. New terraces are proposed at fourth, fifth and sixth floor levels. Given their size and relationship with neighbouring windows, it is not considered that their use would result in a material loss of

privacy to occupants of neighbouring properties. The proposed terraces are in the same location as those approved in 2013 and 2015.

8.4 Transportation/Parking

No off street car parking is proposed for the new flats. UDP Policy TRANS 23 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'. UDP parking standards would normally require one off-street parking space for each new flat. A serious deficiency in on-street parking is considered to occur where occupancy levels of on-street parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy during the day is 86%. Overnight parking occupancy reduces to 35%, when residents can park without charge on metered bays and on single yellow lines. The Highways Planning Manager has objected to the application due to the lack of on-street parking availability in the daytime. However, given the close proximity of this site to excellent public transport facilities including Piccadilly Circus and Oxford Circus underground stations, and in the light of development plan policies which aim to increase the housing stock, it is considered that it would be difficult to resist the proposals on parking grounds. In order to mitigate the impact of the proposed development, lifetime membership of a car club for each of the flats (minimum 25 years) is proposed and would be secured by legal agreement. Subject to the provision of car club membership, it is not considered that the application could be reasonably refused on parking and traffic grounds. It is noted that the 2013 application, which proposed 8 flats, was not refused on parking grounds notwithstanding similar objections from the Highways Planning Manager.

Twelve cycle parking spaces are proposed at basement level, however, London Plan standards require the provision of 18 cycle parking spaces and therefore a condition is proposed requiring the submission of amended drawings to show the provision of these additional spaces.

8.5 Economic Considerations

Any economic benefits of the scheme are welcomed.

8.6 Access

A series of improvements are planned to the building as part of the programme of works including the installation of a new lift to serve all the flats.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise from plant

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

The applicant has submitted an acoustic report to accompany proposals for the proposed roof level plant and identifies the nearest noise sensitive windows as being in Lower John Street, to the rear of the site, at approximately 15m distant.

To accord with the City Council's established noise criteria, noise levels from the plant will have to be 10dB below the lowest recorded background noise level at the nearest noise sensitive window. As the lowest background noise level was measured as being 50dB during the proposed hours of operation (being 24 hours), the noise criteria is 40dB.

A screen is proposed around the units, both for visual screening and for acoustic attenuation. The Environmental Health Officer has advised that, with this screening in place, the plant operation will satisfy the City Council's noise criteria. Conditions are recommended relating to plant noise and vibrations and requiring the plant screening to be installed prior to the operation of the plant, and maintained thereafter.

8.7.2 Refuse /Recycling

A condition is proposed requiring the submission of amended drawings to indicate storage for waste and recyclable materials within the demise of each flat.

8.7.3 Sustainability and Biodiversity

The scale of the proposed development does not require the submission of an Environmental Impact Assessment. Policy S28 of the City Plan states that 'development will reduce energy use and emissions that contribute to climate change during the life-cycle of the development...' The installation of solar panels at main roof level is noted and welcomed, as is the creation of a green roof area. A condition is proposed requiring the installation and retention of the solar panels and further details of the green roof.

8.8 London Plan

This application raises no strategic issues.

8.9 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 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.

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 6 April 2010 which provide for the funding or the 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 scheduled to be introduced in May 2016. In the interim period, the City Council has issued 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 the reasons outlined elsewhere in this report, a S106 legal agreement would be required to secure a financial contribution of £650,000 towards the City Council's affordable housing fund in lieu of on-site residential provision and lifetime membership of a car club for each of the residential flats to mitigate the potential increase in demand for on-street parking (25 years).

These requirements are considered to comply with the CIL Regulations.

9. Conclusion

Subject to appropriate conditions and planning obligations, the application is considered

acceptable in land use, amenity and design terms and the proposals would provide an acceptable standard of accommodation for future residents. The application is therefore recommended for approval.

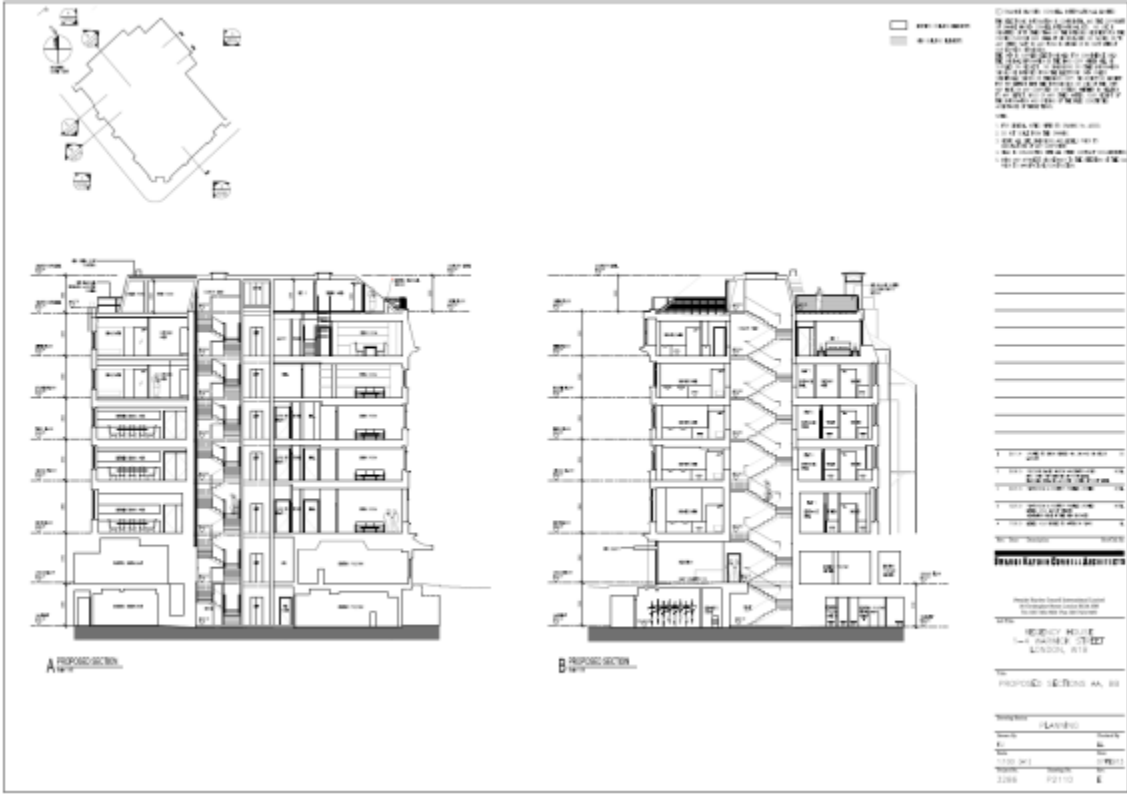
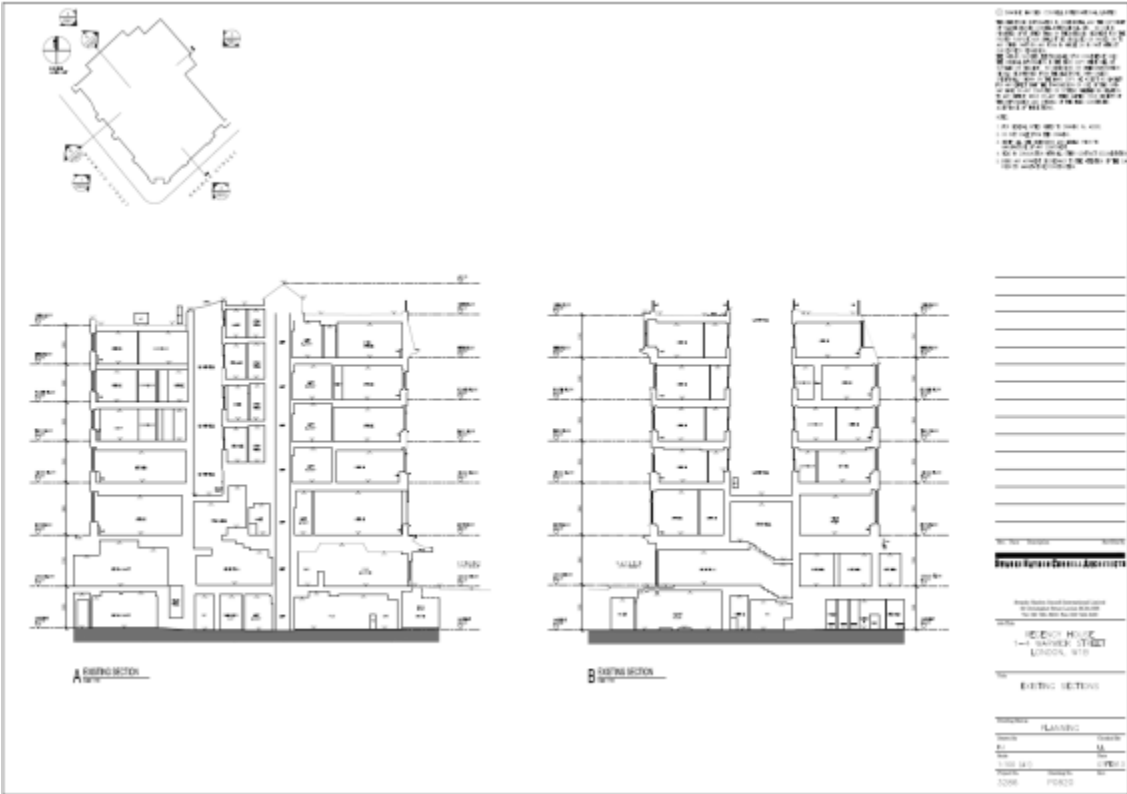
10. BACKGROUND PAPERS

1. Application form
2. Response from the Soho Society, dated 12 May 2015
3. Memoranda from Environmental Health, dated 28 October 2015 and 26 February 2016 and email dated 2 March 2016
4. Memorandum from Highways Planning, dated 30 November 2015
5. Letter from Comm Comm UK Ltd, 34-35 Berwick Street, dated 4 June 2015
6. Letters on behalf of The Warwick PH, 1-4 Warwick Street, dated 27 May and 12 October 2015 and 1 March 2016.

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JO PALMER ON 020 7641 27236 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk



DRAFT DECISION LETTER

Address: Regency House, 1-4 Warwick Street, London, W1B 5LT

Proposal: Alterations including demolition of existing roof plant and lift overrun, erection of a mansard roof extension and use part basement, part ground, first to fifth and new sixth floors as nine residential units (Class C3) with terraces on fourth, fifth and sixth floor levels; replacement windows on first to fifth floors; erection of a roof level plant enclosure, installation of photovoltaic panels and green roof.

Plan Nos: Acoustic Reports dated 23 October 2014, 14 October 2015, 6 August 2015 and 19 February 2016 (Hann Tucker Associates); Drawings: P0200 RevB, P0201 RevB, P0202 RevC, P0203 RevE, P0204 RevE, P2100 RevE, P2101 revE, P2111 RevE, P2110 RevE.

Case Officer:
Matthew Giles Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 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 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)

- 4 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.

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background

noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

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

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

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

Reason:

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

- 6 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.

- 7 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.

- 8 You must implement the acoustic mitigation measures detailed in the addendum acoustic report dated 19 February 2016 (Hann Tucker Associates) before the flats are occupied for residential use so that future occupants 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. These acoustic mitigation measures including the glazing must thereafter be retained in situ.

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 9.76, 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 and internal noise.

- 9 You must not occupy the approved flats until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the internal noise levels within all the residential units complies with the noise criteria set out in conditions 7 and 8 of this permission when the commercial operation at basement and ground floor levels is operating at its noisiest.

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 9.76, 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 and internal noise.

- 10 You must install the acoustic screening for the new plant at roof level at the same time as the plant is installed. This must be to the specification stipulated in the approved acoustic report and installed as shown on the approved drawings.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 11 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme the provision of 18 residential cycle spaces. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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.

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

Reason:

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

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 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.

The installation of PV cells at main roof level.

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)

- 15 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof at main roof level 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)

- 16 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)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or

both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

- 3 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 4 Conditions 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 5 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see

www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)

- 7 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.

- 8 Please note that in order to comply with Condition 6 you may need to install secondary glazing in addition to the double glazing proposed. Triple glazing, due to the necessary thickness of the window frames and reflective nature of the units, is unlikely to be acceptable in design terms.