

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>18, 20-24 Broadwick Street And 85 Berwick Street, London, W1F 8JB,</b>		
<b>Proposal</b>	Demolition of 20-24 Broadwick Street and 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with up to 69 bedrooms, with associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Broadwick Street Holdings Ltd.		
<b>Registered Number</b>	16/09526/FULL	<b>Date amended/ completed</b>	6 October 2016
<b>Date Application Received</b>	4 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

1. Refuse planning permission – height and bulk and mass of the roof extension and the height, bulk and design of the extensions to 18 Broadwick Street.

## 2. SUMMARY

The application site comprises of 18, 20 – 24 Broadwick Street and 85 Berwick Street, these are unlisted buildings located within the Soho Conservation Area and the Core Central Activities Zone. 20-24 Broadwick Street and 85 Berwick Street are linked internally and wrap round 18 Broadwick Street. This building comprises basement, ground and first to sixth floor levels and there is a large plant enclosure at main roof level which extends across both buildings. 18 Broadwick Street is situated on the Broadwick Street and Berwick Street and comprises basement, ground and first to fifth

floor levels. This building is considered to make a positive contribution to the Soho Conservation Area.

Permission is sought for the demolition of all of the buildings, with the exception of the retained façade at ground to third floor level of No.18. The proposed redevelopment would provide three basement levels with ground to eighth floor levels at 20-24 Broadwick Street and 85 Berwick Street and ground to sixth floor levels at 18 Broadwick Street. The building would be used for retail purposes at part basement and ground floor levels on the corner of the site and as a hotel comprising 69 bedrooms in the remainder of the building. The hotel reception at ground floor level will include a café/bar area, with further lounge/bar areas at lower ground floor. Restaurant and bar areas are also located at seventh and eighth floor level and would be open to visiting members of the public. Terraces are proposed at sixth floor level in association with guest rooms and at seventh floor level in association with the restaurant. A retractable roof is proposed over part of the eighth floor restaurant with the remainder of the main roof area being used as a green roof. Plant is proposed to be installed within the basement levels of the property and on the rear of the building at first to sixth floor levels.

The key issues for consideration are:

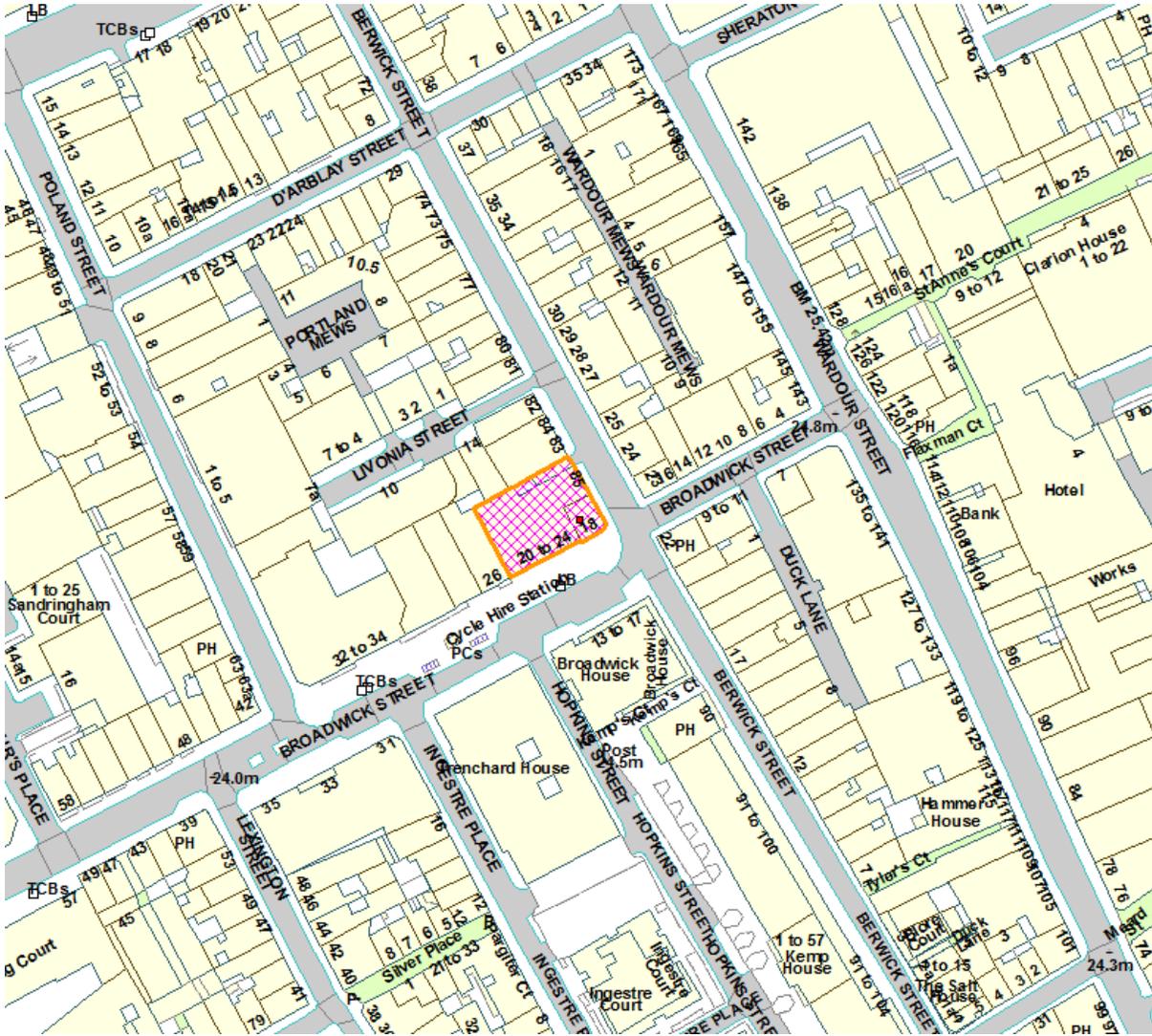
- The impact of the height, bulk and massing of the proposed building in design terms;
- The impact of the proposed building on neighbouring residential amenity;
- Highways implications resulting from the proposed on-street servicing of the hotel use; and
- The impact of the large ancillary entertainment spaces and terraces on the amenity of nearby sensitive occupiers.

The redevelopment of the site and the loss of the current lawful office accommodation to provide a new hotel is considered acceptable in principle. The provision of ancillary restaurant and café functions within the hotel which are open to visiting members of the public are considered acceptable at this location within the Core CAZ and if the application was recommended for approval relevant conditions to protect residential amenity in the vicinity would have been attached to the decision.

The applicant is not providing off-street servicing for the new hotel, and information has been provided to show that the expected servicing and delivery requirements can be sufficiently accommodated through on-street provision with relevant safeguards in place to ensure the hotel operation is not detrimental to other road users and highway movements.

The scheme is however considered unacceptable in design terms in relation to the height and bulk of the new building and the appearance of the terraces on Broadwick Street and Berwick Street. The height, bulk and design of the extensions to 18 Broadwick Street would also harm the appearance of the building and wider Soho Conservation Area. The proposal is therefore considered contrary to the relevant policies in Westminster's City Plan and the Unitary Development Plan (UDP) is recommended for refusal on this basis.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



20-24 Broadwick Street



18 Broadwick Street



View from 20 Ingestre Place (former Trenchard House)

18 Broadwick Street and 85 Berwick Street



Amalco House

20-24 Broadwick St



## 5. CONSULTATIONS

### HISTORIC ENGLAND (CONSERVATION AREA)

Authorisation to determine as seen fit.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to a condition requiring the submission of an archaeological assessment and relevant monitoring during excavation.

### SOHO SOCIETY

Objection on the following grounds

- Loss of office (Class B1) floorspace in the Core Central Activities Zone;
- The scale and height of the proposal is detrimental to the appearance of the Soho Conservation Area;
- The openable elements and terraces at seventh floor level will generate noise disturbance to neighbouring sensitive occupiers;
- The restaurant and bar provision is 'out of scale' with the amount of proposed bedrooms and would result in additional 'entertainment' floorspace in the West End Stress Area; and
- Servicing will result in increased congestion in surrounding streets.

### BUILDING CONTROL

No objection.

### ENVIRONMENTAL HEALTH

No objection subject to conditions.

### HIGHWAYS PLANNING

Concerned that there is no off-street servicing provision for the development, however on balance given the existing situation, an objection is not raised.

### CLEANSING

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 186

No. of objections: 2

No. of support: 1

Objections on the following grounds:

#### Amenity

- Loss of daylight / sunlight to neighbouring properties.
- Detrimental impact from the introduction of new entertainment uses.
- Noise impact from the retractable roof.
- Increased building height will block private views.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises 20 – 24 Broadwick Street and 85 Berwick Street and 18 Broadwick Street. All the buildings are unlisted situated within the Soho Conservation Area, the Core Central Activities Zone (Core CAZ), the West End Stress Area and the West End Special Retail Policy Area.

20-24 Broadwick Street and 85 Berwick Street are linked internally on all floor levels and wrap around 18 Broadwick Street which is located on the corner of the site and is a separate building. The main building comprises basement, ground and first to sixth floor levels. There is large plant room at roof level which effectively adds an additional storey to the building. Part of the ground floor area is currently used as two separate retail units, one fronting Broadwick Street and the other Berwick Street (although the applicant contends the retail unit fronting Broadwick Street is office accommodation). The remainder of the building is used for office (Class B1) purposes.

18 Broadwick Street is situated on the corner of Broadwick Street and Berwick Street comprises basement, ground and first to fifth floor levels. The ground and basement floors are used as a retail unit and the upper floors are in use as offices.

The nearest residential is located to the rear of the application site within Livonia Street. Other residential properties are located within 16 Broadwick Street, 22 Berwick Street and within the recently completed Trenchard House (78 residential units) development to the south west of the application site.

### 6.2 Recent Relevant History

#### **20-24 Broadwick Street and 85 Berwick Street**

Planning permission was granted on the 15 June 2015 for the redevelopment of 20-24 Broadwick Street and 85 Berwick Street, including the creation of new facades and extensions at main roof level, installation of plant in the basement and at main roof level with associated screening and creation of Juliet balconies at first to sixth floor levels and terraces at sixth, seventh and eighth floor levels all in connection with the use of part basement and ground floor levels as retail accommodation (Class A1) and part basement and ground and the first to eighth floor levels as residential accommodation (Class C3) comprising 24 residential units with associated waste storage and cycle parking.

The S106 legal agreement secured the following:

- a) the payment of £2,768,00 towards the City Council's affordable housing fund (index linked and payable on commencement of development);
- b) parking mitigation payment of £20,000 and car club membership for each flat for 25 years; and
- c) S106 monitoring contribution.

This permission has not been implemented.

**20-24 Broadwick Street**

Planning permission was granted on the 25 January 2010 for the use of ground floor as retail (Class A1) and alterations to the shopfront.

The City Council considers that this permission was implemented. The applicant does not agree and considers the lawful use is for office purposes.

**18 Broadwick Street**

Planning permission was granted on the 21 March 1988 for the erection of double storey mansard roof for office use.

**7. THE PROPOSAL**

Permission is sought for the demolition of the buildings with the exception of the first to third floor elevation of 18 Broadwick Street. The proposed building comprises three basement levels, ground and first to eighth floor levels. The building will be used as a 69 bedroom hotel with ancillary café, restaurant and bar areas. Part of the basement and ground floor would be used as a separate retail unit with frontages on Berwick Street and Broadwick Street.

A lounge area is proposed at lower ground floor level, with a bar/café at ground floor level within the hotel lobby. A restaurant and bar is proposed at seventh and eighth floor levels, a terrace associated with the restaurant is proposed at seventh floor level and a retractable roof is proposed over part of the eighth floor bar.

Plant is proposed both within the basement of the property and to the rear of the property at first to sixth floor levels.

Land use table

<b>Use</b>	<b>Existing</b>	<b>Proposed</b>	<b>+/- difference</b>
Office	2,867m <sup>2</sup>	0m <sup>2</sup>	-2,867m <sup>2</sup>
Retail	408m <sup>2</sup>	245m <sup>2</sup>	-163m <sup>2</sup>
Hotel	0m <sup>2</sup>	4,384m <sup>2</sup>	+4,384m <sup>2</sup>
Restaurant/bars (ancillary)	0m <sup>2</sup>	733m <sup>2</sup>	+733m <sup>2</sup>
<b>Total</b>	3,275m <sup>2</sup>	4,629m <sup>2</sup>	+1,354m <sup>2</sup>

**8. DETAILED CONSIDERATIONS****8.1 Land Use****Office use**

The part basement, part ground and the upper floors of all the properties currently have lawful use as office accommodation (Class B1).

The City Council does not have any policies restricting the loss of office accommodation to other appropriate commercial uses and the change of use is therefore acceptable in principle. The Soho Society have objected to the loss of office accommodation in the Core CAZ and commented that the City Council policies seek to protect office floorspace where the proposed change of use is to residential accommodation. As this is not the case in this instance the change of use is acceptable and the objection on these grounds is not considered sustainable.

It is noted that permission was granted in June 2015 for the redevelopment of 20-24 Broadwick Street and 85 Berwick Street from office accommodation to residential flats. Whilst this consent has not been implemented it is still extant and would have resulted in the loss of all the office floorspace at the site.

### **Retail**

Planning permission was granted in January 2010 for the use of ground floor of 20-24 Broadwick Street for retail purposes (Class A1). The applicant contends that this permission was never implemented. However, the City Council considers that the permission was implemented and a retail unit opened and operated from the site for a short time. Although it is noted that currently the unit is in use as offices. The applicant was advised that if they had sufficient evidence to show the approved retail unit was never implemented that they should apply for a Certificate of Lawfulness to regularise the use. However, this was not forthcoming. Considering the City Council position that the 2010 permission was lawfully implemented the proposal results in the loss of 163m<sup>2</sup> of retail floorspace.

The property is located within the West End Special Retail Policy Area and the Core CAZ. Policies S21 of the City Plan and SS5 of the UDP seek to protect and increase retail floor space, S21 states that 'existing retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.'

Policy SS5 of the UDP seeks to resist the loss of retail floorspace within the Central Activities Zone. The policy states that A1 uses at ground, basement or first floor level in the CAZ will be protected and the introduction of non-A1 uses will only be granted where they would not be detrimental to the character and function of the area or to the vitality or viability of a shopping frontage. Policy SS5 (C) states that proposals for non-A1 uses must not: i) lead to, or add to, a concentration of three or more consecutive non-A1 uses and ii) cause or intensify an existing overconcentration of A3 and entertainment uses in a street or area.

The existing retail floorspace on the corner of Broadwick Street and Berwick Street will be retained. The retail frontage of this unit will be increased through the removal of the existing car park entrance on Berwick Street and the internal floorspace will be greater through the removal of the existing structural columns. This is considered to be an improvement and is welcomed.

In relation to the loss of the retail unit at ground floor level within 20-24 Broadwick Street, it is considered that the eastern end of the street, close to the junction with Berwick Street, has very little retail character with offices being the predominant use. It is noted that the redevelopment of the adjoining building to the west (Amalco House) will provide a mixture

of retail and restaurant uses at ground floor level as will the redevelopment of Trenchard House further to the west and on the south side of the street.

Whilst the existing retail accommodation at 18 Broadwick Street will be retained (and improved) in the current proposal, it is acknowledged that the proposal would result in three consecutive non-A1 uses at ground floor level (taking account of the ground floor layout of the redeveloped Amalco House), which would be contrary to UDP Policy SS5. However, as detailed above, this stretch of Broadwick Street does not have a strong retail character or function which would be detrimentally impacted by the loss of the retail floorspace.

It is further noted the retail unit in 20-24 Broadwick Street was only granted consent in January 2010 and is currently being unlawfully utilised as office accommodation so the unit does not have a longstanding retail function. Therefore the loss of the retail floorspace is considered acceptable.

### **Hotel**

Policies S23 of the City Plan and TACE2 of the UDP relate to the introduction of new hotel uses and state that new hotels are acceptable within the Core CAZ and are directed to streets which do not have a predominantly residential character, provided there are no adverse environmental and traffic impacts and there are adequate on-site facilities for guests including any coach and taxi pick-up and drop off points.

It is not considered that this is a predominantly residential area with a mix of both office and residential accommodation on the upper floors of neighbouring buildings and given the central location in the Core CAZ this is considered an appropriate location for a new hotel.

The proposed hotel would provide 69 bedrooms. At ground floor level there would be an ancillary café within the hotel lobby, a lounge area at lower ground floor level, and a restaurant and bar at seventh and eighth floor levels. All of the ancillary facilities will be open to visiting members of the public. Taking into account the location of the hotel on a commercial street in the Core CAZ it is not considered necessary to condition the use of the ancillary restaurant / café areas to hotel guests only. It is also considered that as the proposal results in the loss of retail floorspace the provision of facilities serving visiting members of the public is welcomed.

### **Ancillary restaurant/bar facilities**

The new restaurant, bar and lounge areas, although ancillary to the main hotel use, could be used by both hotel guests and members of the public and the proposal must therefore be considered with regard to the City Council entertainment policies. The total entertainment floorspace would be 733m<sup>2</sup>. It is also important to note that the proposed entertainment cannot be used as a single entertainment space as it is spread over the lower ground, ground, seventh and eighth floor levels.

Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also

states that new large scale late night entertainment uses measuring in excess of 500m<sup>2</sup> (GEA), will not generally be appropriate within Westminster.

UDP Policies TACE8-10 are applicable to entertainment uses and aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, whilst acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. Due to the size of the potential entertainment floorspace proposed (being 733m<sup>2</sup>), the application must be determined against the requirements of Policy TACE10 of the UDP. Policy TACE10 relates to entertainment uses which will only be permissible in exceptional circumstances.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses and within the designated West End Stress Area.

There are a number of other 'entertainment' type premises in the vicinity including:

- the new 'Ivy Cafe' premises within Amalco House adjoining the application site has recently being granted a license to open between 08:00 and 00:00 Monday to Thursday, 08:00 to 00:30 Friday and Saturday and 08:00 till 23:00 on Sundays.
- The Yauatcha restaurant at 14-17 Broadwick Street, opposite the application side has a license to open between 08:00 and 01:00 daily and
- the restaurant at 21 Berwick Street is licensed to open from 07:00 till 00:00 Thursday to Saturday, 07:00 till 23:30 Monday to Wednesday and 10:00 till 22:30 on Sundays.

The Soho Society has objected to the amount of new entertainment floorspace within the hotel as they consider the proposed restaurant/bar uses will have a cumulative impact on the West End Stress Area and result in a detrimental effect upon nearby residential occupiers. Objections have also been received from neighbouring residential occupiers on the potential for noise disturbance from customers using the restaurant terraces and noise escape from the eighth floor bar.

The applicant has confirmed that the hotel and the ancillary entertainment uses will be subject to a very high degree of management. An Operational Management Plan has been submitted which includes door staff being stationed on the main entrance to manage people entering and leaving the premises and to deal with requests for transport. Furthermore, the applicant has stated that as the site is within the Core CAZ with very few noise sensitive properties in the vicinity that the application is consistent with Policy TACE10.

The seventh floor restaurant would have a capacity of 140 (80 internal covers and 60 on the terrace). The eighth floor bar area would have a maximum capacity of 230. 80 covers are proposed in the ground floor lobby café / bar. This allows for a maximum capacity across the 'entertainment' areas in the hotel of 450 (this figure does not take into account the lounge area at lower ground floor level so there is the potential for this figure to be greater).

The proposed opening hours are:

- Seventh floor restaurant 07:00 until 00:00 on Sunday to Thursday and until 00:30 on Friday and Saturday;
- The lower ground floor lounge, the ground floor café and eighth floor bar would be open from 08:00 until 00:00 Sunday to Thursday and until 00:30 on Friday and Saturday.

The proposed hours to visiting members of the public would be in line with the core hours set out in the UDP and are considered to be similar with other entertainment uses in the area. The hotel reception would be open 24 hours a day and room service would be available to guests staying in the hotel at any time. The applicants have confirmed that the lounge area at lower ground floor would not be used as a nightclub.

The restaurant terrace is proposed to be open from 07:00 until 22:00, it is considered that anyone using the terrace early in the morning is likely to be a hotel guest having breakfast and this is unlikely to create high volumes of noise. The design of the seventh and eighth floors includes a high degree of openable elements. To ensure that noise escape is minimised, these openable elements are proposed to be closed at 22.00. The objections on noise grounds from the Soho Society and neighbouring residents are not considered sustainable to justify a reason for refusal.

It is acknowledged that the entertainment floorspace within the hotel would be large, however this could not be used as a single entertainment unit, as it is spread over various floors in the hotel. Taking this into account and considering the requirements of the Operational Management Plan it is not considered the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. Whilst the objections from the Soho Society are noted, for the reasons detailed above the proposal would not have a detrimental impact upon residential amenity in the vicinity and the application could not be refused on the grounds of a cumulative impact and is in accordance with Policy TACE 10.

## **8.2 Townscape and Design**

The site comprises two buildings, with two street frontages, on the north side of Broadwick Street and on the west side of Berwick Street. The buildings are not listed but lie within the Soho Conservation Area. The larger building was built in the late 20<sup>th</sup> century and is of little townscape value. The more attractive corner building dates from the nineteenth century and makes a positive contribution to the character and appearance of the conservation area

### **Demolition**

It is proposed to demolish all of the modern building and demolish and redevelop the corner building behind its retained facades. This is acceptable in principle.

### **Height and Bulk**

On Broadwick Street the proposed building has a brick façade seven storeys high, with a two storey roof slightly recessed from the facade. The height of the facade is taller than the recently completed development to the west (Amalco House) and would create an uncomfortable architectural relationship with this building, but this poor architectural relationship is harmed further by the proposed roof storeys.

The proposed roof storeys will be highly visible in views from street level, from Broadwick Street and Berwick Street (from east, west, north and south) and also from the upper floors of many adjacent buildings. The proposed height and bulk are significantly greater than the redevelopment proposals approved in June 2015. The massing of this approved scheme was carefully negotiated by officers in accordance with the concerns of the committee expressed at the time. The building currently proposed is significantly taller (at least 2 metres) and the upper floors are not as recessed from the street facades when compared to the previously negotiated approved scheme (approximately 4 metres compared to 7 metres approved).

The architectural relationship of the proposed height and bulk to the recently completed building on Broadwick Street and the lower, existing historic buildings to the north and east on Berwick Street and Broadwick Street is poor. The proposed roof storeys are much too prominent in these views and the disparity between the proposed buildings and the adjacent buildings, in terms of height and bulk, is very visible. The proposal would fail to preserve or enhance the character and appearance of the conservation area. Harm would be caused to the Soho Conservation Area, the heritage asset.

The facades of the new building are clad in textured, black brickwork, with multi-pane steel windows. On Broadwick Street the central three bays project forward. This would normally be considered contentious and unacceptable, but given that the existing building has a curved projecting bay, it is acceptable in this case. On Berwick Street a simpler design is proposed. This is acceptable in this context.

The two roof storeys have been designed in an Art Deco style, with a gold effect cornice and etched glass curtain walling. This is a dramatic top to the building, somewhat at odds with the semi-industrial style of the street facades. This design approach could be acceptable, but only if the massing of the building was reduced by one storey. A two storey roof could be acceptable, if one storey was removed from the street façade.

The Soho Society has objected to the scale and height of the proposed building and the detrimental impact this will have on the appearance of the Soho Conservation Area. As detailed above the objections on these grounds is considered sustainable and the application is recommended for refusal on these grounds.

### **18 Broadwick Street**

The existing building is five storeys high, with a mansard roof above the parapet level. The proposal adds another sheer storey, with an unconventional steeply pitched roof above. This is not a traditional London mansard roof, not least because it is not set behind a parapet. The sheer storey and roof extension add unacceptable bulk to the retained facades, making the building appear top heavy, and diminishing the quality of the existing façade. Its contribution to the character and appearance of the Soho Conservation Area is diminished. Again, harm is caused to the heritage asset.

### **Design Conclusion**

It is considered that the proposal will cause harm to the character and appearance of the Soho Conservation Area, primarily because of its height and bulk. It is contrary to the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4 and DES 9.

As stated above, the proposals could be made much more acceptable if one storey were to be removed. The applicants have declined to revise the scheme in this way.

### **Archaeology**

Historic England have requested that if the application is recommended for approval conditions are imposed requiring the submission of a desk based assessment of the archaeological significance of the site and methodology of site investigation and recording by a competent person during excavation works. Further to this, detail is required on the post-investigation assessment and analysis of anything found on the site. Had the application been recommended for approval a condition would have been attached as requested.

## **8.3 Residential Amenity**

### **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.'

A Daylight and Sunlight Assessment has been submitted which assesses the impact of the proposal on neighbouring sensitive windows in accordance with the Building Research Establishment (BRE) Guidelines. The BRE Guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but bathrooms, toilets, storerooms and circulation areas and garages need not be analysed.

The windows included in the assessment are existing residential flats within a building to the north of the application site at 14 Livonia Street, to the east of the site at 16 Broadwick Street, 22 and 25 Berwick Street and within the recently completed redevelopment of Trenchard House to the south west of the site.

The applicant has considered the impact of the additional bulk on the Vertical Sky Component (VSC) available to these windows. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines advise that the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the occupants of the existing building are likely to notice the loss of sunlight.

### 14 Livonia Street

In relation to the daylight and sunlight received by the existing maisonette at third and fourth floor levels; there is a slight improvement to the levels of sunlight due to the proposed building being further set back than the existing situation. However, there are losses to daylight greater than the BRE guidance received by both windows with reductions to 0.70 and 0.73 of their former value. However, these levels are currently very low and only reduce by 1.51% and 2.29%. These levels are considered acceptable in this Central London location.

### 25 Berwick Street

Of the six windows tested, all comply in terms of daylight. However, two of the windows breach the BRE guidelines in terms of annual sunlight hours with reductions of 0.75 and 0.76 of their former value. The winter sunlight levels are still compliant with the BRE guidance. Both of these windows serve bedrooms which are not afforded as much protection at living rooms or kitchens and the reductions are considered acceptable.

### 16 Broadwick Street

An objection has been received on the grounds of the loss of daylight and sunlight to residential windows.

Of the eight windows tested, four would lose daylight levels in excess of the BRE guidance with reductions to between 0.74 and 0.78 of their former value, with anything below 0.8 being noticeable. The rooms served by these windows are dual aspect, so the rooms are served by windows which are not affected by the development. In terms of sunlight, one window does not comply the BRE guidance, by being 0.79 of its former value (there is no reduction in the levels of winter sunlight hours). This is a minor breach in the annual sunlight levels. As the reductions are only slightly in excess of the BRE guidelines, the most affected room is a bedroom, and the rooms are dual aspect, it is not considered a refusal on these grounds could not be sustained.

There are minor losses to daylight and sunlight to the windows within Trenchard House and 22 Berwick Street, but these do not breach the guidelines within the BRE and are therefore acceptable

### **Privacy and Increase Sense of Enclosure**

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in the sense of enclosure or overlooking' to neighbouring residential or sensitive buildings. Terraces are proposed in connection with the hotel bedrooms at sixth floor level on Broadwick Street and Berwick Street. A terrace is also proposed associated with the restaurant use at seventh floor level, this terrace wraps around the front of the building and is set back on the Berwick Street elevation and the rear elevation.

The previously consent permission allowed terraces (associated with the residential flats) at sixth, seventh and eighth floor levels with Juliet balconies on the front elevation of the property facing Broadwick Street at first to fifth floor levels and on the rear elevation at first to sixth floor levels.

The sixth and seventh floor terraces will increase the amount of overlooking to properties on the opposite side of Broadwick Street, including the new residential properties within

Trenchard House. The properties in Trenchard House also have terraces on the front elevation and in these circumstances the mutual overlooking is considered acceptable.

Due to height of the terraces on Berwick Street it is not considered that it will lead to a loss of privacy to the existing residential unit in Livonia Street or to the properties opposite in Berwick Street.

An objection has been received from an occupier of new residential units within Trenchard House on the grounds that the proposal is taller than the existing building and could block their view. The loss of view is not a planning matter. However, it is not considered that the development would result in an increase sense of enclosure to surrounding sensitive occupiers such that it would be contrary to the City Council policies.

## **8.4 Transportation/Parking**

### **Off Street Parking**

There is an existing vehicle ramp to the basement from Berwick Street, where there are approximately five car parking spaces which are used for commercial parking. It would appear that additional areas of the basement were historically used as car parking but have recently been converted to storage areas. As part of the proposals the off-street car parking would be removed. It is considered that the impact on parking levels as a result of the new hotel use would be minimal. The reduction in non-residential car parking is considered acceptable and complies with Policies TRANS21 and TRANS22 of the UDP.

### **Servicing**

No off-street servicing is proposed for the new hotel use and it will rely on on-street servicing. The Highways Planning Manager has raised concern over this aspect of the proposals considering that the scheme is for the redevelopment of the site. The Soho Society has also raised concern that the servicing for the hotel will lead to increased congestion in the vicinity. The applicant states that there is no existing off-street servicing facility and the existing parking/storage area at basement level is not suitable for servicing. The existing office accommodation receives 15 deliveries per day, and this will increase to 18 deliveries per day for the proposed hotel. Limited information has been provided to substantiate these claims but they would appear comparable with similar sized hotels.

Following concern expressed during the course of the application the back of house holding area has been increased at ground floor level. It is also proposed to remove the existing dropped kerb and reinstate the pavement on Berwick Street (adjacent to where the ramp is to be removed) which will allow for the creation of additional on-street parking.

The Highways Planning Manager has stated that the proposal is not considered to improve the current servicing arrangements and therefore is not consistent with the policies in the City Plan and UDP. However, the given the existing situation with regard to servicing and the creation of additional on-street parking facilities, the Highway Planning Manager has not raised an objection on these grounds. A condition would have been applied to any approval requiring the submission of a more robust Servicing Management Plan once the hotel operator had been selected. The objection from the Soho Society is not considered sustainable to justify a reason for refusal on these grounds.

### **Cycle Parking**

To accord with the requirements of the London Plan two cycle parking spaces would need to be provided in association with the retail units and four cycle parking spaces would be required in association with the hotel. The applicant is proposing the provision of twelve cycle parking spaces in the basement of the hotel and there would also be shower and changing facilities for staff. The Highways Planning Manager has requested conditions be attached to any approval requiring the submission of detailed drawings to show the provision of this cycle parking as they consider the allocated space quite small for the parking of twelve bikes. It is also not clear whether there is access to the cycle parking from the retail units. Had the application been recommended for approval a condition would have been attached requiring the submission of further details in relation to the cycle storage and its provision in perpetuity.

### **Other Transportation Issues**

The front facade of the building partially oversails the public highway, however this is set back from the kerb edge and allows for the required 2.6m vertical clearance. An oversailing licence would be required and this could be dealt with via an informative.

Some of the doors are shown as opening outwards over the public highway, this is contrary to the Highways Act (s153) and Policy TRANS3 and therefore if recommended for approval a condition would have required all doors to open inwards.

Policies TRANS6 and TRANS22 of the UDP require hotels to have provision for coach arrivals and departures. The applicant maintains that coaches will not be associated with this particular hotel, although no evidence is provided for this conclusion. The hotel operator could change over time and the hotel could attract coach activity. Therefore further information will need to be provided as to procedures to manage coach activity to ensure minimal disruption is caused to other highway users. The Highways Planning Manager has requested a revised Operational Management Plan be conditioned on any approval to consider the management of coach and taxi activity.

## **8.5 Economic Considerations**

Any economic benefits of the proposal are welcomed.

## **8.6 Access**

Currently level access is provided to the retail unit fronting Berwick Street but there is a small step to access the retail unit fronting Broadwick Street and to access the office entrance.

The proposed scheme provides for level access to the ground floor of the hotel which in turns has lifts to the seventh and eighth floors for level access into the restaurant and bar areas. There are seven wheelchair accessible guestrooms at first floor level in the hotel with are all compliant with Part M of the Building Regulations. Level access will also be provided into the retail accommodation.

The improvements to the accessibility of the building are noted and welcomed.

## 8.7 Other UDP/Westminster Policy Considerations

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

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

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

### **Plant**

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.

A background noise assessment has been carried out at the property to assess the existing noise situation and the location for proposed plant has been shown on the submitted drawings, however the exact plant specification has not yet been finalised. For a scheme of this size it is considered acceptable to condition the submission of a supplementary acoustic report once the plant has been finalised to show that the installed plant will be compliant with the City Council standard criteria for noise levels at the nearest sensitive properties. The Environmental Health Officer has not raised an objection to this approach subject to conditions.

### **Refuse /Recycling**

Following negotiation during the course of the application amended drawings have now been submitted which show acceptable waste (both general and food) and recycling storage facilities for the hotel operation. If recommended for approval a condition would have been imposed to ensure the waste / recycling facilities were provided in accordance with the approved plans and retained as shown.

The Cleansing Officer has requested further detail in relation to the waste / recycling storage facilities for the retail accommodation. A condition could have been applied requiring this information.

### **Biodiversity**

A green roof area is proposed over most of the main roof area which is welcomed in biodiversity terms. The submission of a management plan and species list would have been conditioned as part of any approval.

### **Sustainability**

The applicant is targeting a BREEAM rating of 'Excellent' for the redeveloped building and this is welcomed.

The energy strategy for this application makes carbon reductions from the 2010 baseline figure of 32.7% through 'lean' and 'green' aspects of the energy hierarchy. It is noted that no renewable energy sources are proposed as part of the scheme, as the flat roof area is utilised as a green roof.

### **London Plan**

Policy 4.5 of the London Plan considers the provision of 'London's visitor infrastructure' and states that the mayor and boroughs will, 'support London's visitor economy and stimulate its growth, taking into account the needs of businesses as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London'. Part b of the policy also states that boroughs should 'seek to achieve 40,000 net additional hotel bedrooms by 2036, of which 10 per cent should be wheelchair accessible.'

### **8.8 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.

### **8.9 Planning Obligations**

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes 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, 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; and
- c) fairly and reasonably related in scale and kind to the development.

From 6 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 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 adopted its own Community Infrastructure Levy on the 1st May 2016.

For the reasons outlined above, it is considered necessary to secure the following

1. All highway works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, reinstatement of redundant vehicle crossovers (or portion of) new vehicle crossovers and associated work (legal, administrative and physical)

Changes to on-street restrictions (to be agreed as part of detailed design) including the relocation of any on-street parking bays, with no loss in number. The Traffic Management Order alterations need to be confirmed prior to commencement of development and the stopping up order progressing.

The estimated CIL payment is £66,717 for the Mayoral CIL and £219,600 for the Westminster CIL, resulting in a total requirement of £286,317.

#### **8.10 Environmental Impact Assessment**

Not applicable for the size of the development.

#### **8.11 Other Issues**

##### **Basement**

The proposal includes the excavation of two new sub basements and therefore the application must be considered with regard Policy CM28.1 of the City Plan. As the site is a commercial building in the Core CAZ Part A of the policy applies. This means there is no restriction on the depth or extent of the basement excavation provided it complies with the relevant stipulations of the policy. This requires all basement developments to have regard to the site specific requirements and a structural methodology statement to be submitted in support of the development. This documentation has been submitted to the City Council and Building Control have confirmed they are satisfied with the information provided.

Further the applicant must also confirm they will sign up to the City Council's Code of Construction Practise to mitigate construction impacts upon the highway and amenity within the vicinity. This issue is considered in the section below.

The impact of the basement upon the heritage asset has been addressed above in the design section of the report. The proposed excavation of two new basement levels in the proposal is therefore considered compliant with the relevant requirements of Policy CM28.1 of the City Plan.

##### **Construction impact**

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on construction sites throughout Westminster. It applies to all major developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. The applicant provided evidence that they will sign up to the Code of Construction Practice and a condition would be applied to any permission to ensure that was the case with any development.

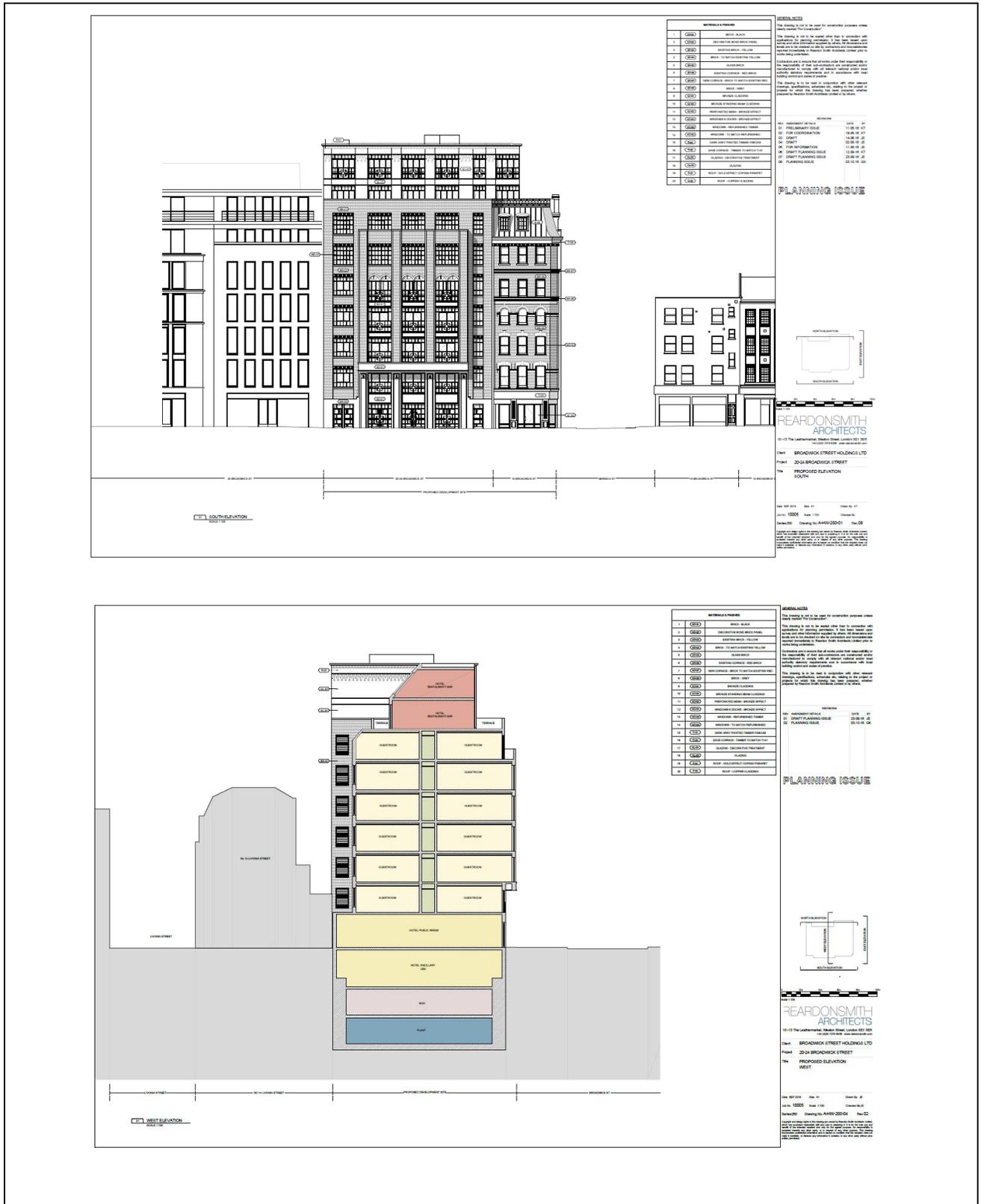
## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Environmental Health, dated 13 October 2016
3. Response from Historic England (Listed Buildings / Conservation Areas), dated 14 October 2016
4. Response from Building Control dated 17 November 2016
5. Response from the Soho Society dated 21 November 2016
6. Response from the Cleansing Manager dated 23 November 2016
7. Response from Historic England (Archaeology), dated 30 November 2016
8. Response from the Highways Planning Manager dated 14 December 2016
9. Letters from occupier of Apartment 13, 20 Ingestre Place, dated 20 October 2016 and 12 December 2016
10. Letter from occupier of 16 Broadwick Street, London, dated 13 October 2016
11. Letter from occupier of 82 Berwick Street, London, dated 13 December 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 THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT [hmackenzie@westminster.gov.uk](mailto:hmackenzie@westminster.gov.uk)

10. KEY DRAWINGS





CURRENT PROPOSAL

APPROVED SCHEME



**DRAFT DECISION LETTER**

- Address:** 18, 20-24 Broadwick Street And 85 Berwick Street, London, W1F 8JB,
- Proposal:** Demolition of 20-24 Broadwick Street & 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level.
- Reference:** 16/09526/FULL
- Plan Nos:** Structural Methodology Statement (1512 - 27th September 2016)), Construction Management Plan (September 2016), Hotel Operational Management Plan, Servicing Management Plan (September 2016), Energy Strategy Report (September 2016), Acoustic Report (16360-R01-B), Transport Statement (September 2016), BREEAM Pre-Assessment (September 2016), Drawings: A-HW-525-03 Rev02, A-HW-505-01 Rev02, A-HW-501-01 Rev02, A-HW-504-01 Rev02, A-HW-500-01 Rev02, A-HW-525-02 Rev02, A-HW-5B1-01 Rev02, A-HW-502-01 Rev02, A-HW-507-01 Rev02, A-HW-506-01 Rev02, A-HW-525-01 Rev02, A-HW-503-01 Rev02, A-HW-525-04 Rev02, A-HW-200-01 Rev06, A-HW-200-02 Rev05, A-HW-250-03 Rev08, A-HW-109-01 Rev09, A-HW-250-01 Rev08, A-HW-250-04 Rev02, A-HW-250-02 Rev07, A-HW-250-03 Rev08, A-HW-1B3-01 Rev11, A-HW-1B2-01 Rev12, A-HW-1B1-01 Rev11, A-HW-101-01 Rev10, A-HW-106-01 Rev10, A-HW-102-01 Rev05, A-HW-103-01 Rev05, A-HW-104-01 Rev10, A-HW-105-01 Rev10, A-HW-107-01 Rev10, A-HW-108-01 Rev11, A-HW-109-01 Rev09, A-HW-100-01 Rev12.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

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

Because of its height and bulk, the new building would harm the appearance of the terraces on Broadwick Street and Berwick Street, and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

**Reason:**

Because of their height, bulk and design, the extensions to 18 Broadwick Street would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5 and

DES 6, and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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