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| CITY OF WESTMINSTER | | | | |
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| PLANNING | Date Classification | | | |
| APPLICATIONS COMMITTEE | 7 February 2017 | For General Rele | ase | |
| Report of | | Ward(s) involved | d | |
| Director of Planning | West End | | | |
| Subject of Report | 40-42 Lexington Street, London, W1F 0LN | | | |
| Proposal | Replacement of stall risers to the shopfront, alterations to fenestration at all levels, new air conditioning plant and balustrade at roof level, reconfiguration of entrance and renewal of pavement lights to Lexington Street and Silver Place. | | | |
| Agent | Trehearne Architects | | | |
| On behalf of | Sir Richard Sutton Limited | | | |
| Registered Number | 16/09561/FULL | Date amended/ completed | 14 October 2016 | |
| Date Application Received | 5 October 2016 | | | |
| Historic Building Grade | Unlisted | | | |
| Conservation Area | Soho | | | |

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

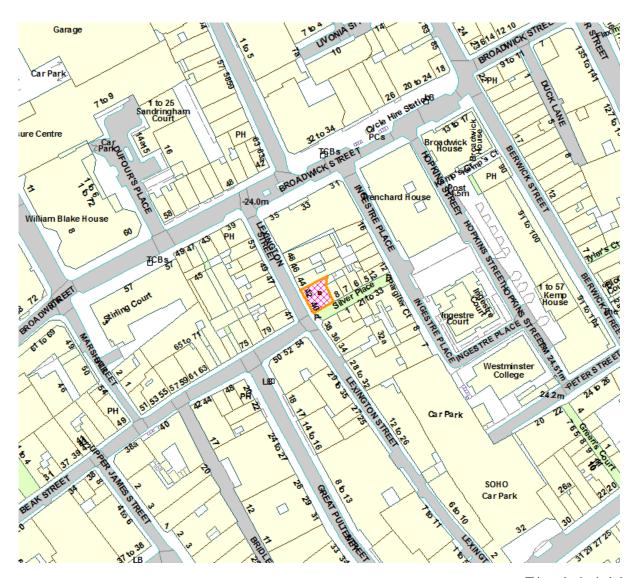
40-42 Lexington Street is a vacant office building, located at the junction of Lexington Street and Silver Place, within the Soho conservation area. The application involves various alterations to the building facades, the installation of roof plant and the replacement of pavement lights on both street frontages. Concern has been raised about the impact of the proposed alterations upon the appearance of the building.

The key issues for consideration are:

- The impact of the alterations on the character and appearance of the Soho Conservation area and the setting of adjoining listed buildings.

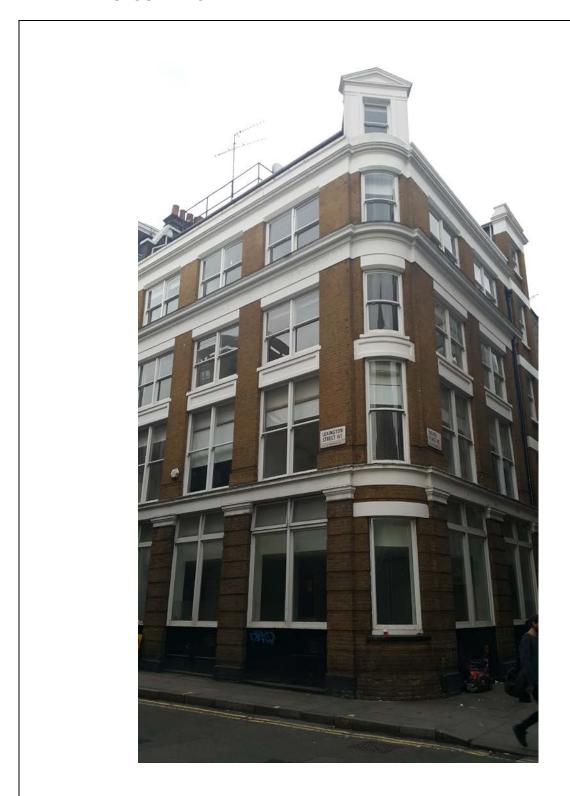
The application is considered acceptable in design and in highways terms and accords with the adopted Unitary Development Plan (UDP) and City Plan policies. The application is therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR ROBERTS

Request that the application to be determined by the planning committee. Concern about the loss of the stallriser.

SOHO SOCIETY No objection

HIGHWAYS PLANNING

No objection subject to conditions.

ENVIRONMENTAL HEALTH
No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 19 Total No. of replies: 0 No. of objections: 0 No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to an unlisted building of merit, in a terrace of Grade II listed buildings (dating from around 1720), in the Soho Conservation Area. The building occupies a corner plot at the junction of Lexington Street and Silver Place. The building to the immediate north, at 44-46 Lexington Street, is grade II listed.

The Soho Conservation Area Audit identifies the buildings as being unsuitable for a roof extension.

The building is currently vacant but was last used as offices (Class B1). This use ceased in mid- 2016.

The closest residential properties are on the opposite side of Lexington Street, on the upper floors of numbers 41-45 (odds).

6.2 Recent Relevant History

17 August 1987: Permission granted for the use of the basement to fourth floors as offices (Class B1).

It is noted that the existing plant at roof level is unauthorised. Aerial images indicate that this plant has been on the roof of the building since at least 2006 and it is therefore considered to be lawful.

7. THE PROPOSAL

Planning permission is sought for the renovation of the existing building, including internal and external alterations. The existing stock brick façade would be cleaned and repaired.

The windows at fourth floor level (street frontages) would be removed and replaced with new dormer windows set within areas of slate covered roof. Elsewhere, all other single glazed windows would be replaced with double-glazed, painted, timber sash windows.

The existing basement level vaults would be opened up and replacement pavement lights installed on both street frontages.

The double entrance door onto Lexington Street would be re-configured as a narrower double door, providing a fire escape. The adjacent window and stallriser would be replaced by a single, timber panelled entrance door providing access to the ground floor offices. There would also be direct access to the ground floor via a replacement entrance onto Silver Place.

All other stallrisers beneath the ground floor windows would be replaced by new, painted timber, panelled stallrisers.

At roof level, it is proposed to install updated and reconfigured plant within a louvered enclosure. A safety balustrade is also proposed.

The application has been amended, to provide a more traditional mansard style roof, which would reduce the amount of glazing at roof level. Additionally, the proposals now include a screen to the roof level plant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise any land use issues.

8.2 Townscape and Design

There is currently a double entrance door on the Lexington Street frontage, with a window adjacent. It is proposed to install a new entrance door in place of the existing window/stallriser to provide improved access to the ground floor. The existing double entrance door would be reconfigured to provide an emergency escape door. The entrance and escape doors would sit on either side of a repositioned architectural column. These alterations would result in the loss of a small section of stallriser beneath the existing window.

An objection has been received to the loss of the this existing stallriser and the replacement stall risers. However given the careful and sensitive detailing of the proposed

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entrances and stallrisers, and the overall benefits of the scheme, it is not considered that the proposed alterations would have an adverse impact upon the appearance of the building or upon the character and appearance of the conservation area.

The proposed replacement of existing, single glazed, sash windows with double-glazed units in traditionally detailed frames, is considered acceptable. The extensive, and unattractive, glazing to the street facades of the fourth floor accommodation would be removed and replaced by new dormers set within a slate roofslope. There would be no increase in height of the fourth floor and the existing lift shaft would be re-used. The proposed dormers relate well to the position of windows on the floors below. While the proposed mansard would be visible from Beak Street and in views from the end of Great Pulteney Street, it would improve the appearance of the building.

Roof level office plant would be upgraded and rationalised and placed within a new, louvered, plant enclosure. The plant enclosure would be the same height as the existing plant and would not be readily visible from street level. The provision of a plant screen would improve the overall appearance of the building.

The pavement lights on the Lexington Street and Silver Place frontages would be replaced with similar pavement lights. This is considered acceptable in design terms.

Overall, the proposed alterations are welcomed in design terms and are considered to be positive for the character and appearance the building and the wider Soho Conservation Area. This accords with UDP polices DES 1, DES 4, DES 9 and DES 10, and the city council's 'Development and Demolition in Conservation Areas' supplementary planning guidance.

8.3 Residential Amenity

The site is located close to a number of residential properties. City Plan policy S29 seeks to safeguard the amenity of neighbouring residential properties. UDP policy ENV13 sets out that permission will not be granted for development proposals which would result in a material loss of amenity to neighbouring properties by way of loss of daylight or sunlight.

As there would be no increase in the height to the topmost storey, and as the proposed plant and plant enclosure would replicate the height of the existing roof level plant, it is not considered that the proposals would materially affect levels of light received to neighbouring properties.

8.4 Transportation/Parking

The proposal does not raise any transport issues. The replacement of the pavement lights is considered acceptable in highways terms.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed

8.6 Access

Access arrangements to the refurbished property would be similar to the existing, with a secondary entrance on Silver Place and the primary entrance onto Lexington Street.

The access onto Silver Place would be improved in highways terms since the existing door opens out onto the street, and the proposed door would open inward.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant

The application is supported by an acoustic report which has been assessed by the Environmental Health officer. The report demonstrates that the proposed plant operation would comply with council's noise standards and the Environmental Health Officer has raised no objection to the proposals subject to conditions.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposed development does not trigger any planning obligations.

8.11 Environmental Impact Assessment

Not applicable

9. BACKGROUND PAPERS

- 1. Application form
- 2. E-mail from Councillor Roberts dated 22 November 2016
- 3. Response from Soho Society, dated 8 November 2016
- 4. Response from Environmental Health dated 21 October 2016
- 5. Memorandum from Highways Planning dated 20 November 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)

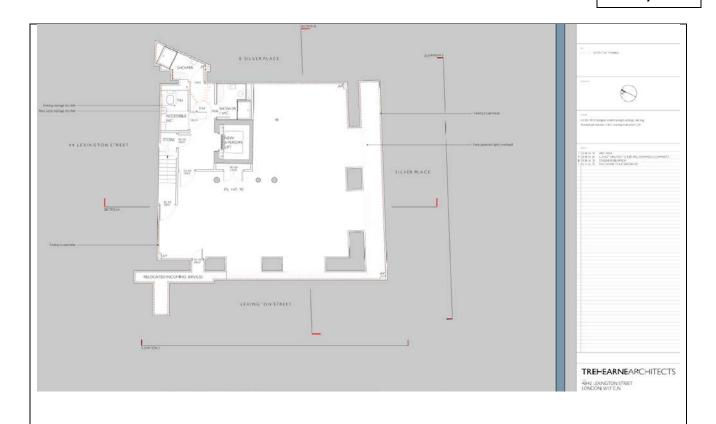
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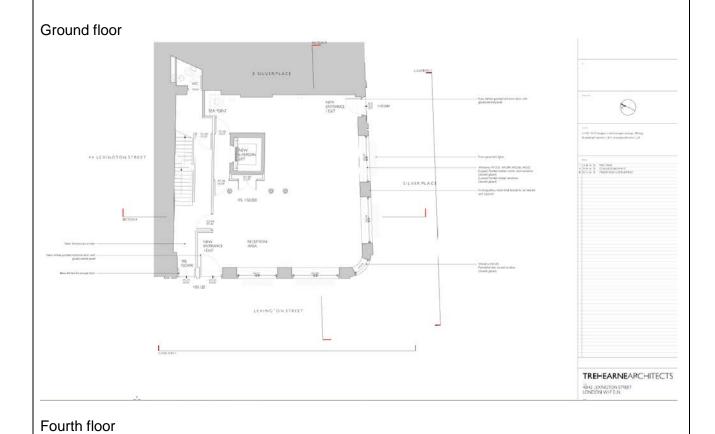
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT SSPURRIER@westminster.gov.uk

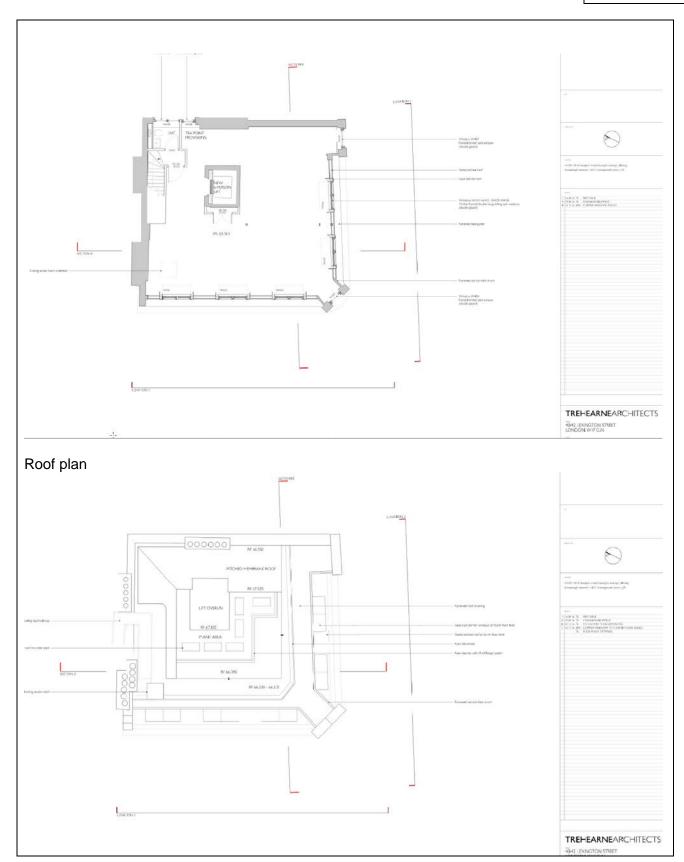
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10. KEY DRAWINGS









DRAFT DECISION LETTER

Address: 40-42 Lexington Street, London, W1F 0LN,

Proposal: Replacement of stall risers to the shopfront and alterations to the fenestration at all

levels with new air conditioning plant and balustrade at roof level, reconfiguration of the entrance arrangements, and renewal of pavement lights to Lexington Street and

Silver Place.

Reference: 16/09561/FULL

Plan Nos: P(--) 00B Rev B, P(--)01 Rev A, P(--)02 Rev A, P(--)03 Rev A, P(--)04 Rev B, P(--)05

Rev C; P(--)10 Rev C, P(--)11 Rev C, P(--)20 Rev B, P(--)21 Rev B; A(27)01 Rev *,

A(31)01 Rev *, A(31)02 Rev B, ,

L(so)B1 Rev B, L(so)00 Rev B, L(so)01 Rev B, L(so)02 Rev B, L(so)03 Rev B, L(so)04 Rev B, L(so)05 Rev B, L(so)10 Rev A, L(so)11 Rev A, L(so)20 Rev B,

L(so)21 Rev B (demolition drawings),

Case Officer: Gemma Bassett Direct Tel. No. 020 7641

Recommended Condition(s) and Reason(s)

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 (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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.

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

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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 (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

4 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:

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 (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

5 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

The plant/machinery hereby permitted shall not be operated except between 08.00 hours and 19.00 hours daily.

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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 (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 nonemergency 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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

8 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.

- 9 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

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You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

Informative(s):

- 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.
- Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would

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require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- The developer will be required to obtain additional licences for the hoarding and any other temporary structure or skip prior to installation. Further advice can be found at www.westminster.gov.uk/licensing/.
- The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.
- 12 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street. London, Phone: 020 7641 SW1E 6QP, , 2000. Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:, , Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;, , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 14 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:, * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;, * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;. * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;, * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;, * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 15 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following., * Window cleaning where possible, install windows that can be cleaned safely from within the building., * Internal atria design these spaces so that glazing can be safely cleaned and maintained.,
 - * Lighting ensure luminaires can be safely accessed for replacement., * Roof plant provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm., , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

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You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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.