

<b>CITY OF WESTMINSTER</b>			
<b>MAJOR PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 10 July 2018	<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>1-17 Shaftesbury Avenue, London, W1D 7EA,</b>		
<b>Proposal</b>	Variation of condition 1 and 15 of planning permission dated 25 April 2016 (RN: 15/07092/FULL) for the Demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities. NAMELY, to allow use of 6th floor mezzanine (Level 7) as restaurant (Class A3), roof realignment at Level 7 and new plant enclosure at Level 8, flexible use of approved retailing (Class A1) for retail and restaurant purposes (Classes A1 and A3), removal of chimneys on 1-17 Shaftesbury Avenue facade, minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement, and adaptation to accommodate LBC consent (17/07490/LBC)		
<b>Agent</b>	JLL		
<b>On behalf of</b>	Sherwood Street Limited		
<b>Registered Number</b>	18/02900/FULL	<b>Date amended/ completed</b>	11 April 2018
<b>Date Application Received</b>	11 April 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation of the existing legal agreement dated 25 April 2016
2. If the deed of variation is not completed within six weeks of the date of the Committee's resolution,

then:

a) The Director of Planning shall consider whether the 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 an 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

The application site occupies an island block on the western side of Shaftesbury Avenue bounded by Glasshouse Street and Sherwood Street to the west, Regent Street to the south and Denman Street to the north. Permission was originally granted in April 2016 for the redevelopment of this site and for the erection of a new 6-storey building for office, retail, restaurant and residential purposes. Permission is now sought for amendments to the original scheme including:

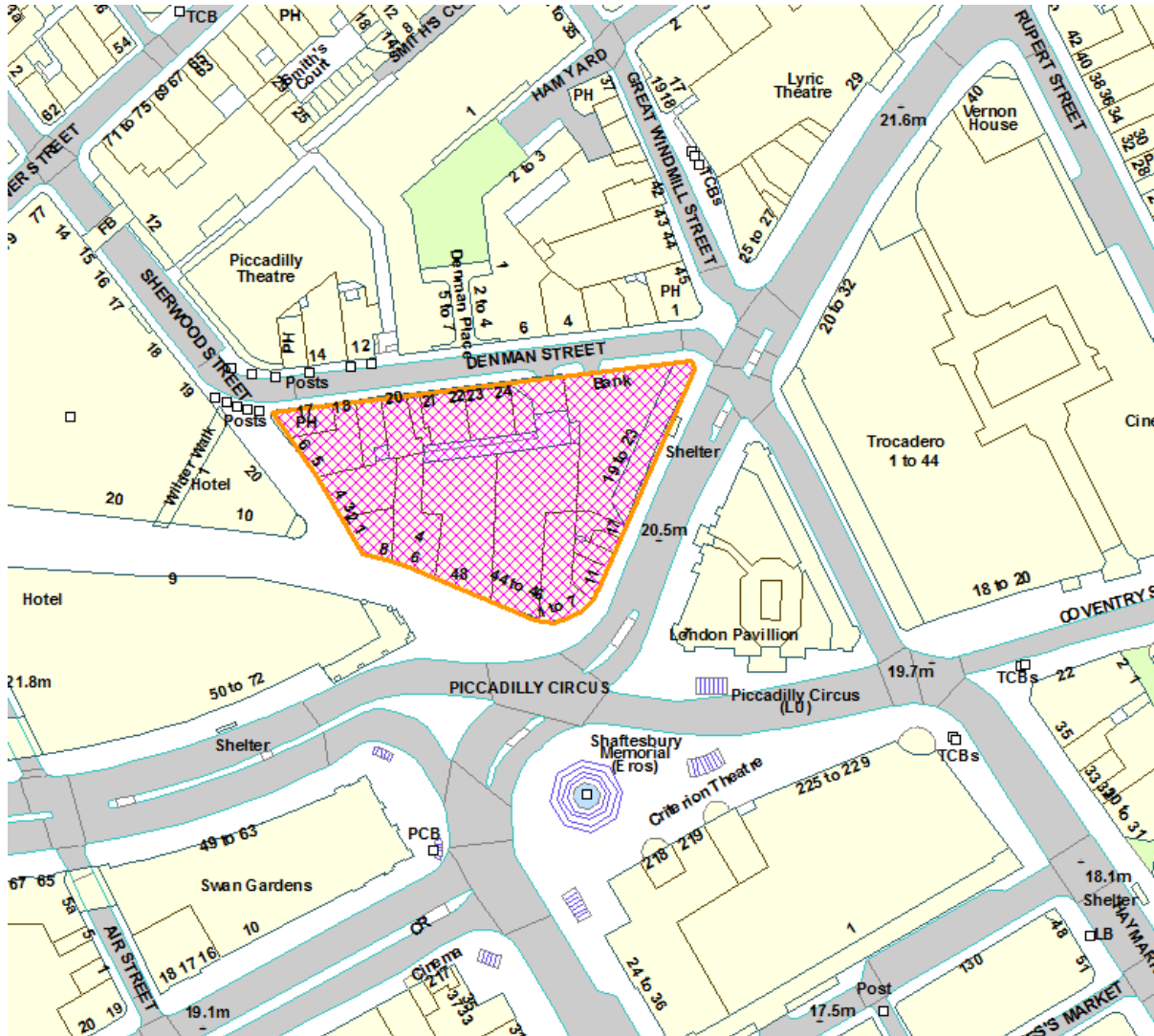
- \* The use of the sixth floor mezzanine for restaurant purposes;
- \* The realignment of the roof at Level 7 and a new plant enclosure at Level 8;
- \* A flexible use of the approved retail floorspace for retail and restaurant purposes;
- \* Minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement consent (16/03719/FULL and 16/03720/ADV);
- \* Adaptations to accommodate the listed building consent (17/07490/LBC) at 4-6 Glasshouse Street; and
- \* Removal of chimneys on 1-17 Shaftesbury Avenue façade.

The key issues are:

- \* The impact of the scheme on the character and appearance of the area
- \* The principle of additional restaurant floorspace in this location and the potential loss of retail floorspace;
- \* The impact of the scheme on the amenity of neighbouring occupiers

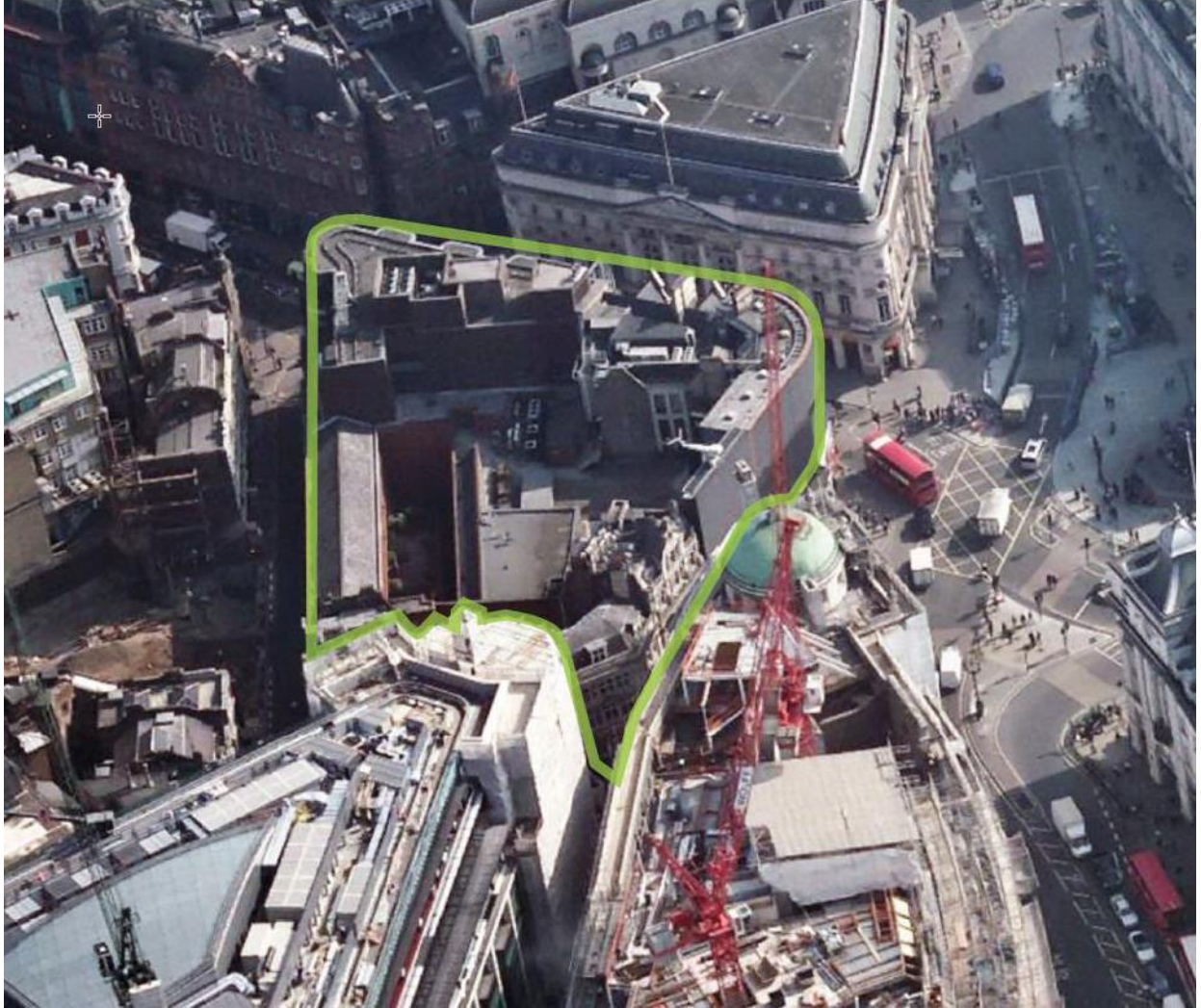
The proposals are considered to accord with City Council policies within the City Plan and Unitary Development Plan. The amendments would also result in a development that's scale and nature is not substantially different from the one which has been approved. The application is therefore recommended for approval, subject to a deed of variation to the original S106 legal agreement.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Consider that the amendments do not give rise to any new strategic planning issues.

### LONDON BOROUGH OF CAMDEN

No response to date

### LONDON BOROUGH OF LAMBETH

No response to date

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to offer any comments

### SOHO SOCIETY

No response to date.

### HIGHWAYS PLANNING MANAGER

No objections raised.

### ENVIRONMENTAL HEALTH

No objections raised.

### CLEANSING

No objections raised.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 118; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site occupies an island block on the western side of Shaftesbury Avenue bounded by Glasshouse Street and Sherwood Street to the west, Regent Street to the south and Denman Street to the north. The site includes the entire block, apart from four buildings at the corner of Denman Street and Sherwood Street. The site is named after the Monico restaurant and hotel, which once fronted Shaftesbury Avenue within the site.

The whole of the block falls within the Soho Conservation Area, the Central Activities Zone (CAZ) and the West End Stress Area. The site is also within the Strategic Viewing Corridor 2: Primrose Hill to the Palace of Westminster. The site comprises the following buildings:

**1-4 Sherwood Street.** This building is designated as an unlisted building of merit in the Soho Conservation Area Audit. No's 1-2 is a 4-storey building and accommodates a bureau de change at ground floor level and office accommodation on the upper floors. No's 3-4 is occupied as a bar at basement, ground and first floors with offices on the upper floors.

**4-8 Glasshouse Street.** Nos. 4-6 is a 6-storey building in bar and nightclub use at basement, ground and first floors with office uses on the upper floors. No 8 Glasshouse Street is a 6-storey corner building occupied for restaurant purposes at basement and ground floor and for office purposes at first to fourth floors

**44-48 Regent Street.** These buildings are occupied for retail purposes at basement, ground and first floor but these floors fall outside the scope of this application.

**1-17 and 19-23 Shaftesbury Avenue.** Nos. 1-17 are in retail use at basement and ground floor (again falling outside the scope of this application) and the upper floors have consent for dual/alternative use as either office or for educational purposes. Nos. 19-23 Shaftesbury Avenue consists of a 6-storey building with retail, banking and restaurant uses at basement, ground and mezzanine level with office uses on the upper floors. There is a double height pedestrian arcade at ground floor and mezzanine level, which the public have access through.

**19-26 Denman Street.** Nos. 19 and 20 Denman Street are both 5-storey buildings in retail uses at basement and ground floor with residential flats on the upper floors. They are both designated as an unlisted building of merit. 21-26 Denman Street is a 4-storey building in retail use at basement and ground floor with residential accommodation on the upper floors. The building also accommodates the entrance to an existing servicing area.

The site also includes the iconic advertising screens, known as the Piccadilly Lights, which are attached to the exterior of 1-17 Shaftesbury Avenue and Nos. 44-48 Regent Street from the first floor upwards. Much of the space behind the advertising screens is empty and undeveloped

The site lies within the heart of the West End and although it is characterised by its tourist, entertainment and leisure economies, there is significant residential accommodation within close proximity. The nearest residential dwellings to the application site are to the immediate north of the site at 1-4 Denman Street and there are 24 flats within the recently completed Ham Yard Hotel. The site also neighbours a number of listed building including the Grade II listed former County Fire Office to the south-west, the Grade II listed former Regent Palace Hotel to the west; the Grade II listed London Pavilion to the east and the Grade II listed 20-24 Shaftesbury Avenue to the north-east.

## 6.2 Recent Relevant History

In April 2016 planning permission was granted for the demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with

three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities.

## 7. THE PROPOSAL

Permission was originally granted in April 2016 for the redevelopment of this site and for the erection of a new 6-storey building for office, retail, restaurant and residential purposes. Permission is now sought for amendments to the original scheme including:

- \* The use of the seventh floor for restaurant purposes;
- \* The realignment of the seventh floor roof and a new plant enclosure at eighth floor;
- \* A flexible use of the approved retail floorspace for retail and restaurant purposes;
- \* Minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement consent (16/03719/FULL and 16/03720/ADV);
- \* Adaptations to accommodate the listed building consent (17/07490/LBC) at 4-6 Glasshouse Street; and
- \* Removal of chimneys on 1-17 Shaftesbury Avenue façade.

The relevant floorspace figures are set out in the table below:

	Existing	Consented	Proposed (GIA)	+/- Difference (between consented and proposed schemes)
A1 retail	1,770	1,333	170	- 1,163
A3 restaurant	581	1,264	2,816	+ 1,552
A4 bar/nightclub	1,292	0	0	0
A5 take away	91	0	0	0
<b>Class A total</b>	<b>3,734</b>	<b>2,597</b>	<b>2,986</b>	<b>+389</b>

*\*\*Figures previously reported were in GEA\*\**

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of retail

The existing retail floorspace (some 1,770 sqm) is currently located on Denman Street and Shaftesbury Avenue. In the consented scheme, the applicants proposed a number of flexible retail/restaurant units onto Denman Street, Glasshouse Street and Shaftesbury Avenue. None of the units were specifically identified for class A1 use, and therefore a condition (Condition 15) required a minimum of 1,333 sqm of retail (Class A1) floorspace within the development, with details of the location of these retail units to be agreed prior to the occupation of the development.

This application seeks to vary this condition to allow the retail to be flexible within Classes A1 and A3. The applicant requests that the condition is amended to require the provision of “at least 2,986 sqm GIA of flexible retail floorspace (Classes A1 and A3 only) with a minimum of 170 sqm of retail (Class A1) floorspace at ground floor level. The location of the Class A1 floorspace shall be approved prior to occupation of this part of the development. Thereafter the retail (Class A1) uses must be carried out in accordance with the approved details.”

The City Council places a high priority on retaining A1 uses and, in the event that only 170sqm of this flexible retail space is used as Class A1 retail, there would be a reduction of up to 1,163sqm of Class A1 retail floorspace throughout the site, compared to the consented scheme. This is contrary to Policy S21 of Westminster’s City Plan: Strategic Policies which states that ‘Existing A1 retail will be protected throughout Westminster’. Exceptions to this policy are where the Council considers that the unit is not viable. The scheme is also contrary to Policy SS 4 of the UDP which states that ‘Development schemes should provide at least the same amount of retail floorspace as was there before. The size and type of units must be appropriate to the character and function of the street’.

In support of this amendment, the applicant has produced two retail reports which set out the rationale for the revised retail strategy which is being proposed. The reports argue that within the West End, the majority of Class A1 is located along Oxford Street, Bond Street and Regent Street. In comparison the site, situated in the Piccadilly Circus area, has a weak Class A1 pitch. It identifies there is limited demand for A1 units within the development given the strong competition elsewhere. Moreover, catering is concentrated in the Leicester Square and Soho area which are closer to the theatres, cinemas and other leisure facilities. Piccadilly Circus neighbours these two areas and acts as a gateway for theatres and entertainment. The applicant argues that unmet market demand for A3 uses in Piccadilly Circus, combined with a lack of demand for A1 and strong existing competition in the rest of the West End, illustrates that A3 uses are more likely to be successful in the Piccadilly Circus area. Further A3 units in the Piccadilly Circus area would reduce the stress on Soho by satisfying some of the A3 demand of customers as they come through Piccadilly Circus.

It is accepted that the site has limited retail character. No class A1 retail exists on either Sherwood Street or Glasshouse Street and a large proportion of the existing retail is either at basement level on Denman Street (approx. 460sqm) or at first floor on Shaftesbury Avenue (the Japan Centre totalling approx. 580sqm). The only Class A1 retail unit at ground floor level on Shaftesbury Avenue is a tourist souvenir shop. Denman Street does have a stronger retail character and 22 Denman Street is currently occupied as a shoe shop, 24-25 as a book shop and 26 is occupied as a convenience store. The applicant has agreed to replace these ground floor units and this is reflected in the revised condition which requires a minimum of 170sqm of retail floorspace at ground floor level.

Whilst the revised condition has the potential for a large loss of retail floorspace, it is accepted that the majority of the site does not have a particularly strong retail character. Further, the retail that does exist is either poor quality or largely located at basement or first floor levels, and in this regard it is considered that the potential loss of retail here will not undermine the retail character and function of the area. In addition, it is recognised



that the provision of better retail floorplates and the introduction of improved shopfronts, particularly on the Shaftesbury Avenue frontage, would contribute to the vitality and viability of this part of the West End.

### **Increase in Class A3 floorspace (Level 7)**

In addition to the new restaurant floorspace that could be created by revising Condition 15, the proposal also involves the creation of a new restaurant at seventh floor level comprising an additional 404sqm of A3 floorspace. This space was formerly identified as office use and also has access to a terrace area. This restaurant will be accessed off Shaftesbury Avenue using an entrance at ground floor level served by two lifts.

The site currently accommodates some 1,964 sqm of entertainment floorspace including the Jewel Bar/Nightclub on Glasshouse Street and Bar Blanca on Sherwood Street together with a number of restaurants and hot food take-away premises including Jamie's Dog House on Shaftesbury Avenue. All the existing bar/club and hot food take-away uses would be lost and replaced with Class A3 floorspace. The proposed use of the seventh floor as a restaurant (and the flexible use of the lower ground, ground and first floor units) would increase the entertainment floorspace on this site by 852sqm. Westminster's City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. They 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, while 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.

The balance of these policies in terms of promoting entertainment uses and protecting amenity varies depending on the size, type and location of the entertainment use. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m<sup>2</sup>) only in exceptional circumstances.

In assessing the impact on residential amenity and local environmental quality regard is had to a) noise, b) vibration, c) smells, d) increased late night activity e) increased parking and traffic and f) no adverse effect on the character or function of the area.

It is also recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new entertainment uses include the gross floorspace to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

The provision of new restaurant floorspace of 2,816sqm would need to be assessed against UDP policy TACE 10. The proposed restaurant uses are entirely speculative at this stage and an operator has not been identified to date. Given that the existing entertainment uses are largely uncontrolled and operate with late night opening hours, it is considered that with appropriate conditions, an increase in entertainment floorspace of 852sqm is acceptable in principle in this location. Conditions are therefore once again recommended to control capacity, hours of operation until midnight, the submission of

detailed restaurant layout plans and to preclude the amalgamation of restaurant units to prevent the creation of large restaurant units. A condition is also recommended requiring the submission of operational management plans which will come forward once the operators are known.

## **8.2 Townscape and Design**

The proposals are very similar to those approved. The changes involve the addition of a plant area on the roof, raising the height of the building slightly, and the removal of chimney stacks on Shaftesbury Avenue. The proposed plant room is designed to relate to the proposed faceted roof structure. It will not be readily visible from street level and its impact on the conservation area is very small. It is above the development plane of the protected vista from Primrose Hill to the Palace of Westminster. There is a presumption against new development above the plane. However, there are taller buildings immediately adjacent (and elsewhere in the view) which are already above the development plane. The impact of the proposed roof plant area on the view from Primrose Hill will be negligible and is considered acceptable.

Whilst the demolition of chimney stacks is often considered unacceptable in conservation areas, those on Shaftesbury Avenue are not considered to be of particular importance as they are not very visible in street views and do not make an important contribution to the roofscape of the building or the conservation area. In this case their demolition is considered acceptable.

The application also seeks to bring the planning permission in line with the listed building consent recently granted for the reconstruction of the now listed building at 46 Glasshouse Street. This is uncontentious. Overall the proposals are not considered to harm heritage assets and are in line with the City Council's urban design and conservation policies set out in the City Plan and the Unitary Development Plan.

## **8.3 Residential Amenity**

### **Sunlight and Daylight**

A Daylight and Sunlight Addendum has been prepared by Point 2 Surveyors Ltd and submitted in support of the application. The Addendum assesses the potential daylight and sunlight effects to the existing surrounding residential properties as a result of the proposed amendments including the impact of the additional plant and roof alignment at Level 7 and the new plant enclosure at Level 8. The Addendum concludes that any additional reduction of daylight and sunlight to the existing surrounding residential properties would be negligible.

## **8.4 Transportation/Parking**

### **Servicing**

The application is supported by a revised Transport Statement that suggests that under an unlikely worst case scenario (where all the retail is food retail) there would be a likely increase of 32 vehicles per day over the previously agreed application. The Transport Statement demonstrates how these can be managed such that they can be spread

across the day and that the existing servicing bay will still be large enough to cope. The Highways Planning Manager is therefore of the view that the application is acceptable in servicing terms. As in the consented scheme a condition is proposed to secure a Delivery and Servicing Plan.

### **Cycle parking**

There is an over-provision of long-stay cycle parking and no short-stay cycle parking. This is as approved and the Highways Planning Manager raises no objections.

## **8.5 Economic Considerations**

The general economic benefits associated with the development are noted and welcomed.

## **8.6 Access**

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

### **Plant**

In terms of plant, Policies ENV6 and ENV7 of the UDP seek to protect occupants of adjoining noise sensitive properties from the impacts of noise from new development, including from plant. A new plant room is proposed at roof level however at this stage precise details of the plant have not been submitted. Environmental Health have requested the submission of a supplementary acoustic report demonstrating that the plant can comply with the design levels and conditions are proposed to ensure that the plant operates within acceptable limits.

### **Refuse /Recycling**

A centralised waste store is once again proposed at basement level 2. This is to be secured by condition.

## **8.8 London Plan**

This application has been referred to the Mayor who considers that the application does not raise any new 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 2016 permission was subject to a legal agreement to secure the following:

- ii) a contribution of £3,400,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- ii) compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £41,000;

- iii) a Crossrail contribution of £1,719,217;
- iv) Payment for the cost of necessary highway works including relocation of the bus stop on Shaftesbury Avenue;
- v) Provision of off-site residential floorspace prior to first occupation of any part of the development and thereafter not to occupy the residential floorspace other than as Affordable Housing;
- vi) The costs of monitoring the legal agreement.

This proposal which seeks amendments to the 2016 permission therefore requires a deed of variation to ensure the obligations are met.

### **8.11 Environmental Impact Assessment**

Not applicable.

### **8.12 Other Issues**

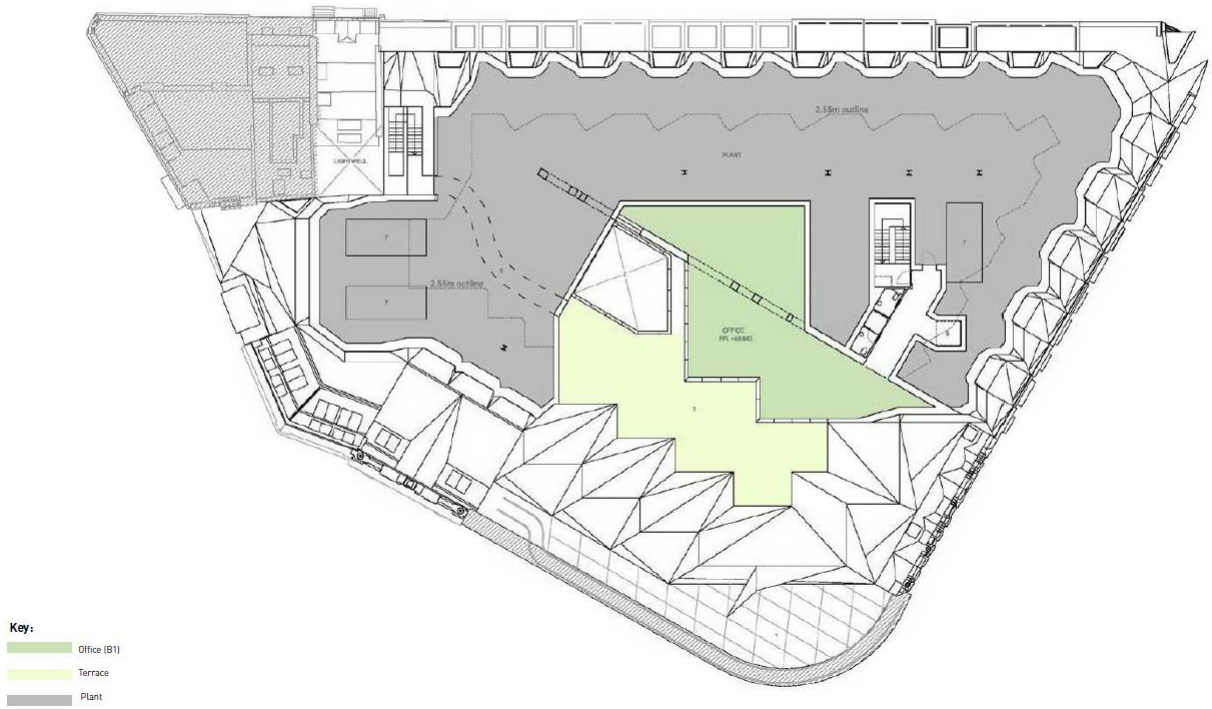
None relevant in this application.

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

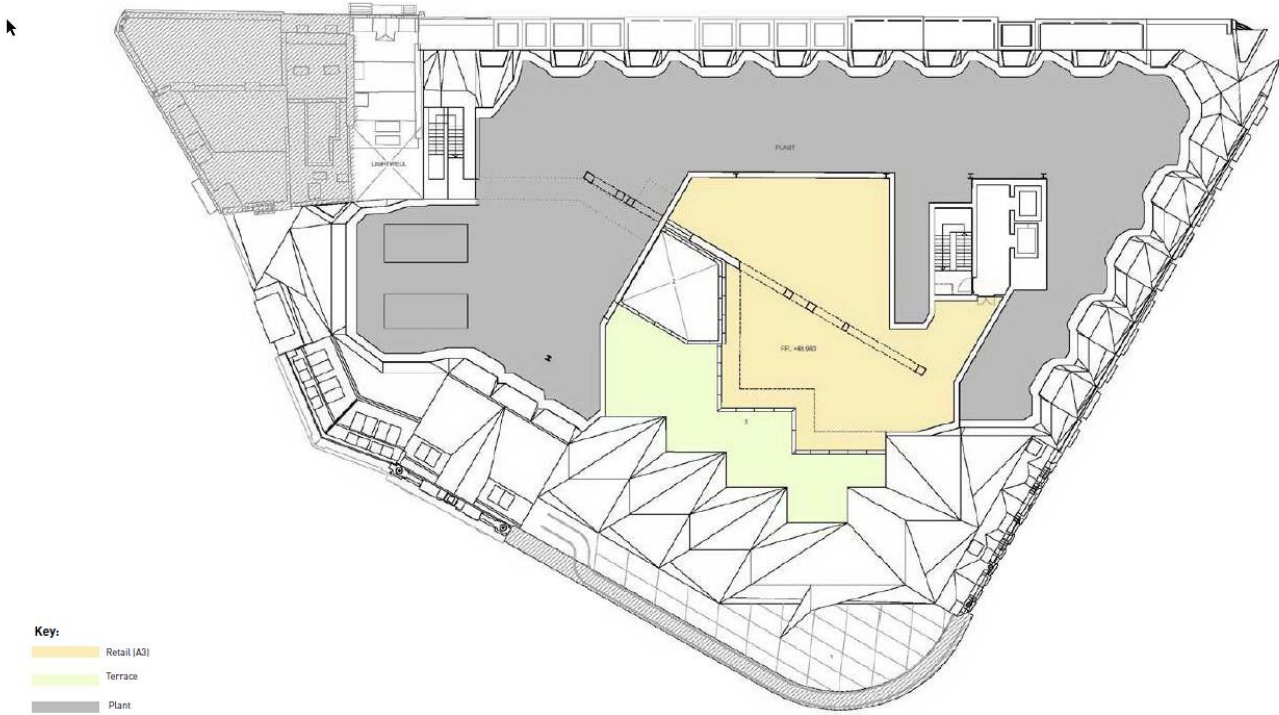
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

### 9. KEY DRAWINGS

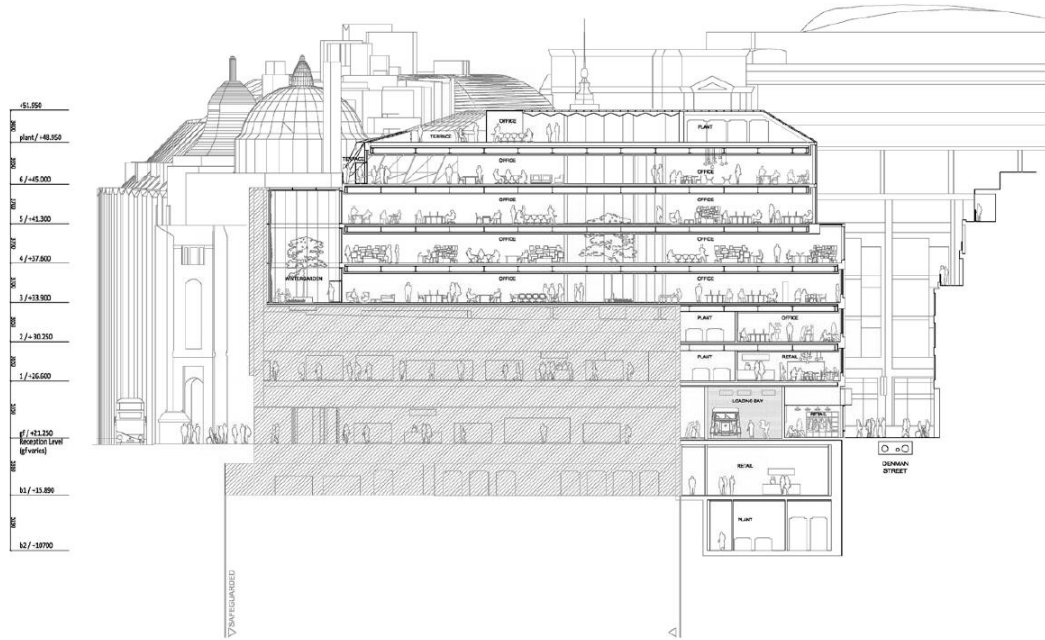
Approved plan level 7 - offices (B1 use)



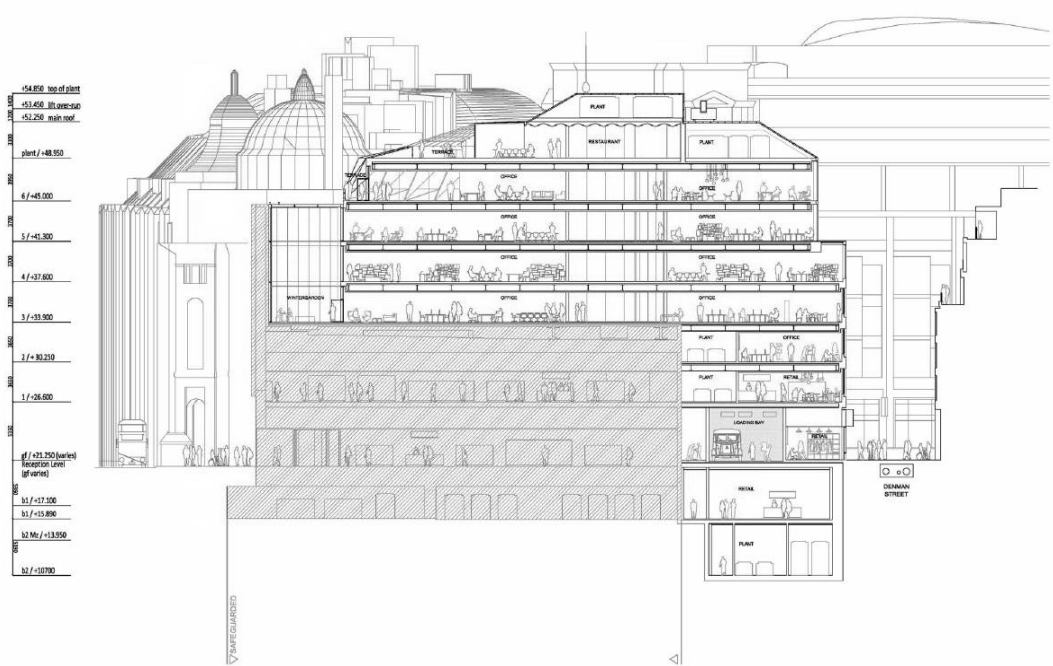
Proposed plan level 7 - restaurant (A3 use)



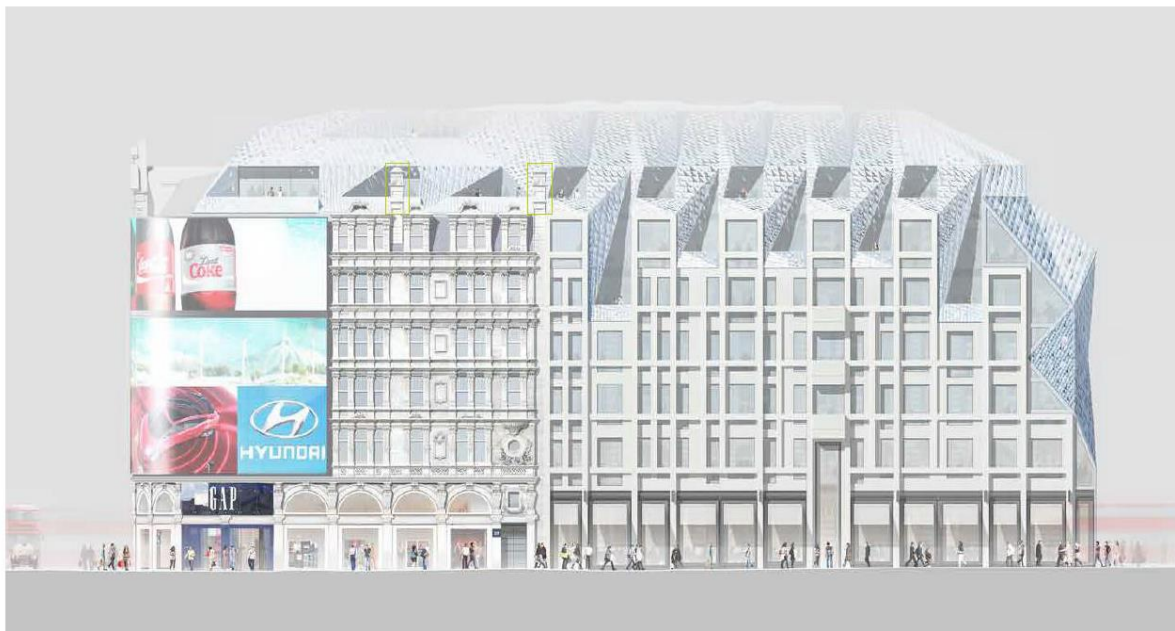
North-south section through approved scheme showing roof profile



North-south section showing proposed amended roof profile



Shaftesbury Avenue approved elevation showing two chimneys



Two chimneys highlighted

Proposed Shaftesbury Avenue elevation with chimneys omitted





4-6 Glasshouse Street Listed Building consent (ref: 17/07490/LBC)



Consented 4-6 Glasshouse Street Elevation showing new Portland stone inserts above ground floor

Reconstructed facade  
incorporating existing and new  
Portland stone inserts

Ground floor  
Retained facade



Model view of 4-6 Glasshouse Street Listed Building Consented scheme

**DRAFT DECISION LETTER**

**Address:** 1-17 Shaftesbury Avenue, London, W1D 7EA,

**Proposal:** Variation of condition 1 and 15 of planning permission dated 25 April 2016 (RN: 15/07092/FULL) for the Demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades; realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed use scheme comprising office (Class B1) at part ground to 6th storey mezzanine; retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor; up to seven residential units (Class C3) at part first floor, part second floor and part third floor; and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities. NAMELY, to allow use of 6th floor mezzanine (Level 7) as restaurant (Class A3), roof realignment at Level 7 and new plant enclosure at Level 8, flexible use of approved retailing (Class A1) for retail and restaurant purposes (Classes A1 and A3), removal of chimneys on 1-17 Shaftesbury Avenue facade, minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement, and adaptation to accommodate LBC consent (17/07490/LBC)

**Reference:** 18/02900/FULL

**Plan Nos:** 18/02900/FULL  
 FP\_MP\_PA\_LM\_21000 Rev 02, 21001 Rev 02, 21002 Rev 02, 21003 Rev 02, 21004 Rev 02, 22000 Rev 03, 22001 Rev 02, 22002 Rev 03, 22003 Rev 02, 22004 Rev 02, 22005 Rev 02, 22006 Rev 02, 22007 Rev 02, 22008 Rev 02, FP\_MP\_PA\_LB2\_20000 Rev 02, LB2\_20001 Rev 02, LB1\_20002 Rev 05, L00\_20003 Rev 05, L01\_20004 Rev 04, L02\_20005 Rev 01, L02\_20006 Rev 02, L03\_20007 Rev 02, L04\_20008 Rev 02, L05\_20009 Rev 02, L06\_20010 Rev 02, L06\_20011 Rev 02, L07\_20012 Rev 02

15/07092/FULL  
 FP\_MP\_PA\_LM\_21000 Rev 01, 21001 Rev 01, 21002 Rev 01, 21003 Rev 01, 21004 Rev 01, 21100 Rev 01, 21101 Rev 01, 21102 Rev 01, 21103 Rev 01; 22000 Rev 02, 22001 Rev 01, 22003 Rev 01, 22004 Rev 01, 22005 Rev 01, 22006 Rev 01, 22007 Rev 01, 22008 Rev 01; FP\_MP\_PA\_LB2\_20000 Rev 01, 200001 Rev 01, LB1\_20002 Rev 04, L00\_20003 Rev 04, L01\_20004 Rev 03, L02\_20005 Rev 01, 20006 Rev 01, L03\_20007 Rev 01, L04\_20008 Rev 01, L05\_20009 Rev 01, L06\_20010 Rev 01, 20011 Rev 01, L07\_20012 Rev 01; FP\_MP\_PA\_SK\_02 Rev 01

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641 2723

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

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

**Reason:**

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

- 2 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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 apply to us for approval of detailed drawings of the following parts of the development –

1. Typical facade details at all levels, including roof;
2. Alterations to dismantled and rebuilt facades
3. Public art

You must not start any work on these parts of the development until we have approved what you have sent us.

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 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or,
  - (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building., ,

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 6 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 7 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 (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 8 You must apply to us for approval of detailed drawings showing the following alteration to the scheme.

Sherwood Street new facade - Design development to enhance degree of modelling and use of materials, appropriate for this location, and as a replacement for the existing building. For example, the ground floor could be framed in a different material to echo the shopfront frameworks adjacent. The window openings would benefit from having expressed reveals and cills.

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 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)

- 9 You must apply to us for approval of method statement of the following parts of the development
- Dismantling and rebuilding of stone facades.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these method statement. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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)

- 10 The stone facades to be dismantled shall be rebuilt using all of the existing original stonework.

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)

- 11 Customers shall not be permitted within the restaurants (Class A3) premises outside of the following hours: 07.00 to 0000 midnight Sunday to Thursday, bank holidays and public holidays and 07.00 to 00.30 the next day on Friday and Saturdays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must apply to us for approval of detailed drawings of the appearance and location of the ventilation system for the Class A3 uses. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the first use of the restaurant and thereafter the ventilation system shall be retained and maintained for as long as the Class A3 units are in place.

Reason:

The use of the Class A3 units without any kitchen ventilation would cause harm to occupiers of neighbouring properties from cooking smells. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007

- 13 You must apply to us for approval of an Operational Management Plan for the restaurant (Class A3) uses.

This shall include details of the capacity for each unit. You must not open the restaurants to customers until we have approved what you have sent us. Thereafter you must manage the restaurants in accordance with the approved plan.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 14 Prior to the occupation of the restaurant (Class A3) units hereby approved, you must apply to us for approval of detailed drawings of the layouts of these units in plan form at a scale of 1:200. None of these units shall thereafter be amalgamated to form larger units.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007 or S24 of Westminster's City Plan: Strategic Policies adopted November 2013.,

- 15 You must provide at least 2,986 sqm GIA of flexible retail floorspace (Classes A1 and A3 only) with a minimum of 170 sqm of retail (Class A1) floorspace at ground floor level. The location of the Class A1 floorspace shall be approved prior to occupation of this part of the development. Thereafter the retail (Class A1) uses must be carried out in accordance with the approved details.

Reason:

To ensure a minimum amount of retail (Class A1) in accordance with Policy S21 of Westminster's City Plan that we adopted in January 2011 and SS5 of the Unitary Development Plan that we adopted in January 2007.

- 16 (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 LA90, 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.

- 17 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.

- 18 The plant/machinery hereby permitted shall not be operated only between the following times:

Mondays to Fridays 0800 to 2300, Saturdays 0900 to 2300, Sundays 1200 to 2300

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 16 of this permission. You must

not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 20 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.

- 21 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.

- 22 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 21 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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 (UDP), 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.

- 23 You must put a copy of this planning permission and all its conditions at street level outside the building



for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 24 You must provide the waste store shown on drawing FP\_MP\_PA\_LB2\_2000 Rev 02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the properties. You must store waste inside the property and all the waste shall be collected internally. You must not use the waste store for any other purpose. (C14DC)

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)

- 25 You must apply to us for approval of details of how waste for the residential units is going to be stored on the site. 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 waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the residential flats. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 26 Except for basement excavation work, 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., ,

You must carry out basement excavation work only;

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and of our Unitary Development Plan that

we adopted in January 2007. (R12AC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 28 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)

- 29 You must apply to us for approval of details of a servicing management plan for the development identifying the process, storage locations, scheduling of deliveries and staffing for servicing purposes. The uses allowed by this permission must not commence until we have approved what you have sent us.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 30 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- i) Provide details on all structures ,
- ii) Accommodate the location of the existing London Underground structures and tunnels ,
- iii) Accommodate ground movement arising from the construction thereof ,
- iv) Mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 31 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., ,  
- combined heat and power unit

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 (November 2016). (R44AC)

- 32 The development shall commence before 7 December 2020.

Reason:

This permission authorises amendments to the original planning permission granted on 8 December 2015 (RN 15/07092/FULL) which must be commenced no later than the above date.

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.