

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE</b>	<b>Date</b> 4 June 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>72 Broadwick Street, London, W1F 9EP</b>		
<b>Proposal</b>	Demolition and rebuilding of fifth and sixth floors and erection of two storey extension above the UKPN substation fronting Marshall Street, in connection with the use of the part basement and ground for restaurant purposes (Class A3), flexible/alternative use of part first floor as either offices (Class B1), or for up to two restaurants (Class A3), continued use of the part basement, part ground, second, third and fourth floors as offices (Class B1) with flexible/alternative use of part ground, part first, second and third floors as gym (Class D2) and the provision of 15 residential flats with external terraces at fifth floor level. External alterations to the whole building, including new roof profile, facade alterations, shopfront alterations, painting of existing brickwork, creation of office roof terrace at 6th floor level. Installation of a biodiverse roof, along with new plant and photovoltaic panels.		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	Shaftesbury Carnaby PLC		
<b>Registered Number</b>	18/10341/FULL	<b>Date amended/ completed</b>	6 December 2018
<b>Date Application Received</b>	6 December 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

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

- i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway;
- ii. The applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
- iii. Lifetime (25 years) Membership to a Car Club for each of the 15 flats proposed;
- iv. A financial contribution to the carbon offsetting fund carbon offsetting fund of £31,338 (index linked and payable prior to commencement of development).
- v. S106 monitoring costs.

2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:

(a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

(b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

## 2. SUMMARY

The application site occupies a full street block within the Soho Conservation Area and has frontages onto Broadwick Street, Carnaby Street, Marshall Street and Ganton Street. There are retail units fronting onto Carnaby Street and part of Broadwick Street. There are offices at part ground, first to fourth floor levels which are accessed via Broadwick Street. There are eleven residential flats at fifth and sixth floor levels. A large part of the site is occupied by a UKPN substation and this does not form part of the application site. The elevations surrounding the substation comprise of concrete panels.

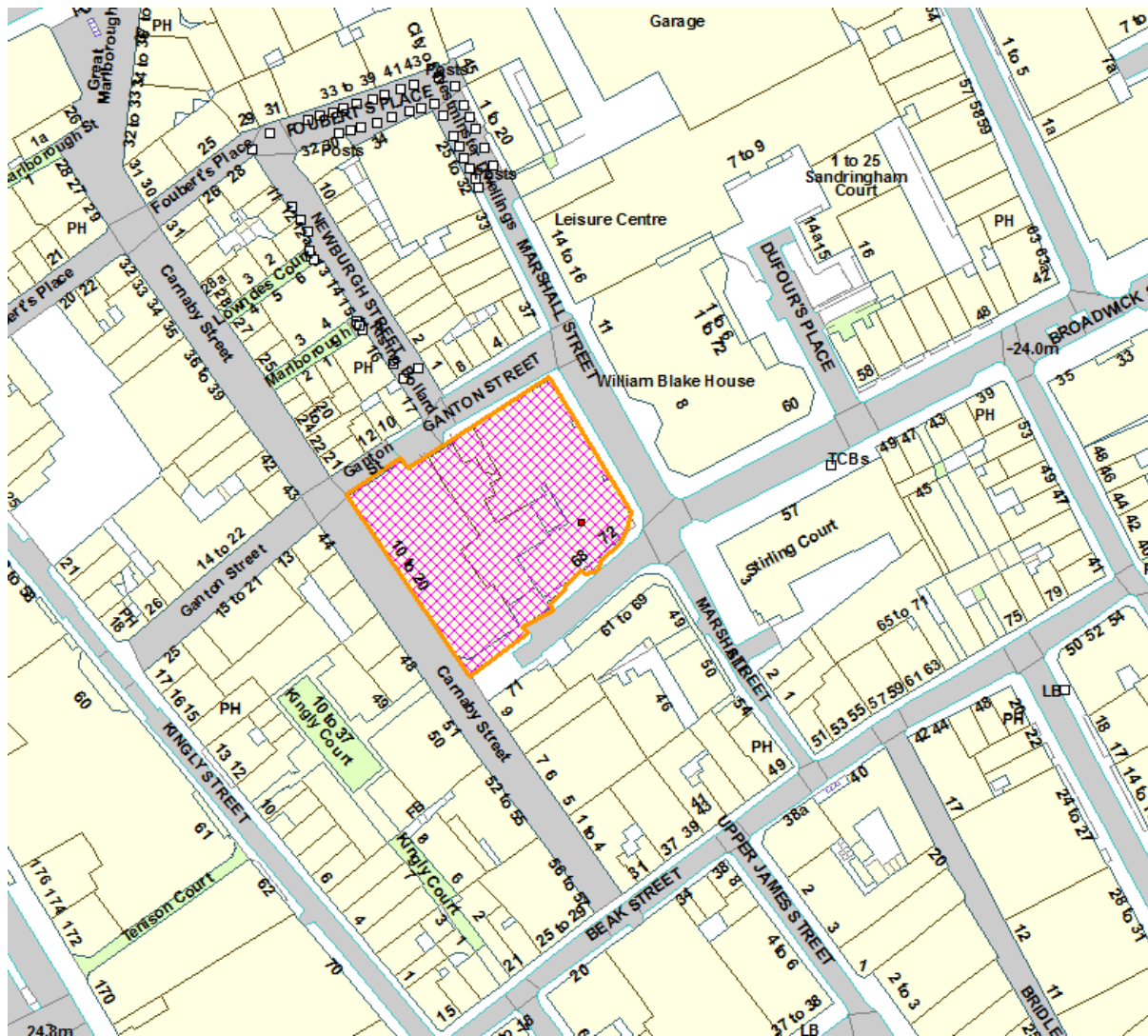
Permission is sought for the demolition and rebuilding of the fifth and sixth floors. A two-storey extension is proposed over the existing sub-station on the Marshall Street elevation, external alterations are proposed to all elevations, including painting of the existing brickwork and a new profiled roof. The existing residential floorspace will be reprovided at fifth floor level and four additional units are proposed. The remaining parts of the building will be used flexibly and include office and restaurant floorspace, and office and gym uses. A new restaurant is proposed over part ground and basement level.

The key issues for consideration are:

- The impact of the extensions on residential amenity;
- The increase in restaurant floorspace; and
- The elevational changes and new roof on Soho Conservation Area.

The proposals are considered to be in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and are therefore considered acceptable.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Corner of Broadwick Street and Marshall Street



Ganton Street



Carnaby Street



Corner of Carnaby Street and Broadwick Street

## 5. CONSULTATIONS

### THE SOHO SOCIETY

No objection to overall scheme and welcomes the additional housing provision.

Objections raised to the following elements:

- Loss of office floorspace
- Increase of restaurant floorspace, one of the restaurants should be retained as office floorspace.
- Location of the restaurant entrance likely to have an impact on residents living in Marshall House
- All servicing should take place within the building footprint
- Carbon offsetting, the roof should be redesigned to include more photovoltaic panels
- Remodelling of the roof would address the concerns of the neighbouring residents relating to daylight and sunlight.

### HIGHWAYS PLANNING MANAGER

Objection to servicing – additional information submitted relating to existing servicing bay

### WASTE PROJECT OFFICER

No objection

### ENVIRONMENTAL HEALTH

No objection.

### DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 258

Total No. of replies: 8

No. of objections: 7

No. in support: 1

#### Land use

- Three restaurants are unacceptable in this location, lead to an increase in noise in the area
- Cumulative impact of restaurants in the area
- New residential flats will not meet housing need in the area

#### Amenity

- Loss of daylight and sunlight
- Loss of privacy
- Increased sense of enclosure
- Noise from plant
- Solar glare from PV panels
- Fumes from roof top plant should be directed away from residential properties.

#### Design and Conservation

- Massing on Marshall Street disrupts rhythm
- Impact on Soho Conservation Area
- Proposal does not comply with draft policies for the Soho Special Policy Area
- Material for roof not in keeping with the area
- Building should be below 8<sup>th</sup> floor level of Stirling House
- Special character of Soho reduced.

#### Highways/Parking/Waste

- Impact on servicing in the area, especially on Broadwick Street
- Increase in traffic congestion
- Rubbish collections in the area are a concern
- Pedestrianisation of Broadwick Street should not be sneaked under the radar
- Impact of tables and chairs on the highway

#### Other

- Impact of the building works (noise, dust, disruption)
- Reduction in sale value of flats surrounding the site
- Loss of view

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site occupies a full street block and is bounded by Carnaby Street, Broadwick Street, Marshall Street and Ganton Street. The building comprises basement, ground and five and part six upper floor levels. The building projects over the ground floor level on the corner of Carnaby Street and Broadwick Street. The building is stepped back at third floor level and above on Marshall Street. The sixth floor level does not cover the whole of the roof and is located to the rear of the building on Marshall Street.

At part basement and part ground floor level there are five existing retail units and these have frontages on Ganton Street, Canarby Street and Broadwick Street. The retail units do not form part of the application site. Part basement level and first to fourth floors are in use for office purposes (Class B1), the office entrance is located on Broadwick Street. The fifth and sixth floors comprise eleven residential units. All the units have access to private amenity space and there is also communal amenity space at roof level. There is a separate residential entrance on Broadwick Street and dedicated lift access to the flats.

There is a service road which divides the site at ground floor level and runs from Ganton Street to Broadwick Street; however, this is a 'no through route' due to issues surrounding the management of refuse on site. On Ganton Street there is also a separate access (via a ramp) to the basement car park which includes space for approximately six vehicles. The spaces are rarely used but are likely to be used by the commercial element of the building.

The building also houses a UKPN substation which occupies the north east side of the site. It occupies four sub-basement levels, lower ground, ground, first and second floor levels. The Marshall Street and Ganton Street elevations surrounding the substation are clad in concrete, there is a sculpture (giant plug and socket) on the Ganton Street elevation.

There are two ATMs located at ground floor level on Broadwick Street.

The site falls within the foreground viewing corridor of view 4A.2 of the London View Management Framework (LVMF 2012), which runs from the summit of Primrose Hill to the Westminster World Heritage Site.

The building is unlisted and is situated within the Soho Conservation Area.

## 6.2 Recent Relevant History

Planning permission was granted 2 June 1965 for the construction of Electricity Transformer building at Carnaby Street, Ganton Street and Marshall Street.

Condition 2 – The whole of the car parking accommodation shown on the drawing shall be provided and retained permanently for the accommodation of vehicles of the occupiers and users of the remainder of the building provided that nothing in this condition shall prevent the use of such car parking accommodation or any part thereof; by persons or bodies for such periods and at such time as the Council may from time to time approved in writing.

Condition 4 – No loading or unloading of goods, including fuel by vehicles arriving or departing from the permission shall be carried out otherwise than within the curtilage of the site.

Planning permission was granted 21 October 2004 for the use of part fifth and sixth floors for residential purposes including erection of extension at sixth floor level to provide a two-bedroom flat and also to provide additional residential floorspace to existing flat and new balcony at fifth floor level. This permission was implemented.

Planning permission was granted 9 May 2002 for the retention of the sculpture in the form of a giant electrical plug and socket on the Ganton Street façade of the electricity sub-station at second floor level. This permission was temporary for one year. A planning application was not submitted to secure the sculpture after the one-year temporary period elapsed. No enforcement action was taken and as the plug and socket has been in situ since 2002, it is now lawful.

A planning application was submitted in 2017 for demolition and rebuilding of the part first, second, third and fourth floors, full demolition and rebuilding of fifth and sixth floors and the erection of a seventh floor for office use, use of part first and part second floors as nine residential units incorporating winter gardens and a new retail unit at ground floor level on Ganton Street. External alterations were proposed to the whole building, including new facades. This application was withdrawn prior to determination at Planning Applications Sub Committee (12.12.2017)

## 7. THE PROPOSAL

Permission is sought for the demolition and rebuilding of the existing fifth and sixth floor levels. The existing residential accommodation will be re-provided at fifth floor level, with an additional four units taking the total number to 15. The residential units will be accessed via a new entrance on Ganton Street which will have a dedicated stair access. A residential refuse area is proposed and this will have direct access to the service yard.

A two-storey extension is proposed above the UKPN sub-station on the Marshall Street elevation at third and fourth floor level. External terraces are proposed for all the residential flats at fifth floor level, it is also proposed to create a sunken communal garden for the residential flats.

As a result of the reconfiguration of space at ground floor level, a new retail unit is proposed on Broadwick Street. The other existing retail units on Carnaby Street are not part of the proposals.

The existing service entrance and exit will be amended, the entrance will remain as existing on Ganton Street, but the exit onto Broadwick Street will be removed. This part of the former service road exit will be used as an entrance to a new basement restaurant.

The applicants are proposing a number of flexible uses for the upper floors, which are as follows

- Part ground, part first, second and third floors for either office (Class B1) or gym (Class D2) use.
- Use of part first floor (front) for either office (Class B1) or for up to two restaurants (Class A3)

The fourth floor and part sixth floor levels are proposed to be used for office purposes only.

There are a number of variables as a result of the flexible uses proposed. There could be three restaurants on site, with the two at first floor and one at basement level. Also, if the gym use is implemented, this will result in changes to the ground floor to allow for a smaller office entrance on Broadwick Street.

The UKPN substation is not part of the proposals and will remain in situ. It is proposed to install new gates on Ganton Street into the service yard. A green roof, green walls, photovoltaics and plant is proposed at roof level.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	7100	2736	-4364
Office/Gym use (Part ground, first and second and third floors)	0	3403	+3403
Office/restaurant (first floor)	0	1051 – 1095 depending on the B1/D2 option	+1051-1095
<b>Total B1 if all</b>		<b>7190 - 7234</b>	<b>+90 - 134</b>



<b>floorspace implemented as B1</b>			
Retail	1657	1615	-42
Restaurant (basement)	0	482	+482
Residential	1388	1494-1523 depending on the uses below	+106-135
Total	10,145	10781-10854	636-709

The submitted floorspace figures are complicated owing to the various flexible uses being applied for and the number of different scenarios this creates. This is the reason the table above includes different variable floorspace figures. The applicants have confirmed that if the gym use is implemented it would occupy the whole of the floorspace at part ground, first, second and third floors.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Office use

The proposals could result in the loss of 4364sqm of office floorspace in the scenario where all the flexible uses are implemented. Office floorspace is protected by City Plan policy S20. The Soho Society has objected to the loss of office floorspace. However, where the office floorspace is to be used for another commercial use, which in this case for gym or restaurant purposes, the loss of offices is acceptable. The objection from the Soho Society is not considered justified in this instance.

The proposals could also result in an increase in office floorspace of between 90 – 134sqm in the scenarios where all the flexible floorspace is used for office purposes. The increases in floorspace comply with Policy S20. The increases are less than 400sqm and therefore there is no requirement to provide residential floorspace as per Policy S1 of the City Plan.

#### Affordable housing

Following the publication of the draft replacement London Plan and new NPPF the City Council has recently published a guidance note relating to the threshold for calculating affordable housing requirements. This states that the City Council will no longer base affordable housing requirements on the additional, or net increase in residential units or floorspace, but the **total** residential floorspace proposed. This change will come into effect for applications received after 1<sup>st</sup> June 2019, therefore this application will be considered on the net uplift of residential floorspace.

The proposal results in an uplift in residential floorspace of either 106 or 135sqm and four units, therefore the proposal does not trigger City Plan policy S16.

#### Residential use

There are 11 residential units over the fifth and sixth floor levels over 1388sqm. The units are accessed via the residential entrance and lobby on Broadwick Street where there is a dedicated lift to the residential floors. There is also stair access but this is shared with the existing offices.

The existing flats comprise 9x2 bed units and 2x1 bed units

All of the existing flats have access to private amenity space and there is communal external space at fifth floor level.

Table 2: Existing unit breakdown (GIA)

Flat No.	Bedrooms	GIA (sqm)
1	2	97
2	2	98
3	2	105
4	2	93
5	2	88
6	2	110
7	1	60
8	2	80
9	1	46
10	2	110
11	2	120

The proposed residential floorspace will be located at fifth floor level, as the fifth floor is being rebuilt and reconfigured the amount of residential floorspace will increase between 106 and 135sqm. Four additional residential units are also proposed.

Table 3: Proposed unit breakdown (GIA)

Flat No.	Bedrooms/no. persons	GIA (sqm)
1	1 bed/2 persons	51
2	1 bed/2 persons	21
3	1 bed/2 persons	53
4	2 bed/4 persons	73
5	2 bed/4 persons	73
6	1 bed/2 persons	50
7	2 bed/4 persons	86
8	2 bed/4 persons	78
9	2 bed/4 persons	99
10	1 bed/2 persons	61
11	1 bed/2 persons	53
12	1 bed/2 persons	53
13	2 bed/4 persons	73
14	1 bed/2 persons	57
15	1 bed/2 persons	56

No three-bedroom units are proposed, as the floorspace is being reconfigured, it would be expected that some of the units proposed would comprise three bedrooms. However, the site is located within Soho which is a vibrant and busy area. With part of the site

being on Carnaby Street, this area is busy at all times of the day and into late evening. It is considered that the non-provision of three bedroom units is acceptable in these circumstances. As per the table above, six of the units are large enough for four persons, therefore if small families wished to live in this location they could.

All of the flats have access to their own balconies and also the communal roof garden and eleven of the flats proposed are dual aspect, with windows overlooking the street and the communal garden area. The units comply with the minimum standards set out in the London Plan and are considered acceptable.

The proposed units are not considered to be oversized and comply with City Plan Policy S14 which states that the number of residential units on development sites will be optimised.

In terms of the impact from external and internal (potential restaurant/office/gym units and UKPN substation) noise sources, an acoustic report has been submitted with the application. In this location, the impact from external sources has the potential to be high. The new windows will include alternative forms of ventilation to allow the future occupiers to keep their windows shut, but still ventilate the flats. Environmental Health has confirmed that the proposals will comply with the standard noise conditions. A condition is recommended to ensure that all windows are capable of being opened.

An objection has been received on the grounds that the proposed residential accommodation would be valued above average and will not meet the need of those working in the area or provide affordable housing. The increase in residential floorspace is less than 1,000sqm therefore there is no requirement to provide affordable housing as per Policy S16 of the City Plan.

Environmental Health have commented that the means of escape in case of fire is inadequate. However, this is not a planning matter and will be covered by Building Control or the Fire Brigade, an informative is attached to the decision.

### **Restaurant use**

The proposals include the use of part of the ground floor and part basement for restaurant purposes comprising 482sqm. As part of the proposals part of the first floor (front) could be used as two restaurants, the floorspace at first floor comprises 1051sqm or 1095sqm (depending on other flexible uses). The applicants have suggested that the restaurants should be considered separately. However, this is not appropriate, the total restaurant floorspace must be assessed which is 1,577sqm (maximum).

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. However, the site is located within the West End Stress Area, where new entertainment uses are considered more carefully. The proposal is for a 'large-sized' entertainment use and UDP Policy TACE10 applies, which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500sqm will not generally be appropriate within Westminster.

Objections have been received, including from the Soho Society on the grounds that the restaurants will create additional noise and nuisance and further push stress levels to unacceptable levels. The objections also refer to the proposed entrances to the restaurants on Broadwick Street will have a detrimental impact on residents in Marshall House.

The proposed basement restaurant will be accessed via Broadwick Street. There is usable floorspace at ground floor level (which will be smaller in the event the gym use is implemented). An openable shopfront is proposed, however it is not considered that this is appropriate and a condition requiring this to be fixed shut is recommended.

In the event that the first floor is used for restaurant purposes, the restaurant would occupy the front part of the first floor, with access points from Broadwick Street and Ganton Street. Two of the restaurants could potentially exit onto Broadwick Street and it is considered appropriate, that internal lobbies are installed to the entrances on Broadwick Street to ensure that there is no additional noise breakout and a condition is recommended. It is not considered necessary to require an internal lobby for the restaurant accessed via Ganton Street as there is no usable floorspace at ground floor level.

The restaurant proposal(s) are speculative with no end-users identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier(s). However, conditions could be used to control the opening times and activity to limit the impact and to address the concerns that neighbours raise. These conditions would ensure that the uses would essentially be sit-down restaurants with any ancillary bar limited to a small part of the premises (i.e. 15%) and the bar could only be used by diners before and after meals.

The applicants have indicated that there would be a maximum of 125 covers within the basement restaurant, 168 covers within Restaurant 1 and 188 covers in Restaurant 2. All the restaurants would be open between 08.00 – midnight Monday to Thursday, 08.00 – 00.30 Fridays and Saturdays and 08.00 – 23.00 on Sundays and Bank Holidays. These hours are in line with the core hours set out in the UDP and are considered acceptable.

Draft Operational Management Plan (OMP) have been submitted in support of the application, however, it is considered appropriate to request an OMP for each of the restaurants once an operator has been selected. A condition is also recommended to ensure that in the event two restaurants are implemented at first floor level, that these are not connected and operate as two separate restaurants.

The site is located in an area where there are a number of other restaurant uses. The Carnaby Street elevation is opposite the entrance to Kingly Court, where there are several restaurants and cafes uses. Objections state that new restaurant floorspace in this area is not required. However, it is considered that the restaurant floorspace will contribute to this area and will go some way to improve the evening and night time economy. The proposed floorspace is therefore considered acceptable and not considered to increase the cumulative impact in the area.

The draft City Plan is not a material consideration in determination of current planning applications.

**Retail use**

A new retail unit is proposed on Broadwick Street. However, the scheme results in the loss of 42sqm of retail floorspace. It is considered that while the loss of floorspace is regrettable, the same number of retail units is being provided and on this basis the application is considered acceptable.

**Introduction of a gym**

Part of the ground floor, part first and second and third floors will be used as a gym. Should the gym use be implemented, it will be accessed via an entrance on Broadwick Street. City Plan policy S34 states that new social and community facilities will be encouraged throughout Westminster.

**8.2 Townscape and Design**

The building is a large post war commercial block which does not make a positive contribution to the character and appearance of this part of the Soho Conservation Area. The proposed works seek to improve its appearance and add extensions at roof level. Objections have been received the massing of the building above the UKPN sub-station and the proposed material for the new roof.

The extensions on Carnaby Street take the form of glazed facades under asymmetrically pitched roofs. These are set back from the street facades so that their visual impact is limited from street level. On Marshall Street, the extension above the sub-station takes the form of two storey brick clad facades with the asymmetric gabled (coloured metal) roof above. At the corner of Broadwick Street and Marshall Street the height of the building is increased from three to six storeys, with the first to third floors clad in dark brick, creating a more prominent corner. At roof level the new plant area is set in towards the centre of the site to minimise its visual impact.

The increased bulk will not be highly visible from street level. The biggest impact is from Newburgh Street, but given the existing bulk of the building, the increase is not harmful to the setting of the listed buildings. The impact on the Soho Conservation Area is acceptable. The total height remains largely un-changed so the building will still be below the London Views Management Framework Protected View from Primrose Hill to the Palace of Westminster (View 4A.2).

The existing facades are to be altered through the installation of new windows, projecting bays, and application of grey translucent paint to the brickwork. New metal shopfronts and entrances are introduced to some of the street frontages. The existing shopfronts on Carnaby Street are outside the scope of the works. The ground floor is to be framed using sawtooth patterned brickwork. These alterations would give the building a more modern and visually interesting appearance and are considered to enhance its contribution to the character of the area.

It is considered that this is a well-designed scheme which will contribute positively to the character and appearance of the Soho Conservation Area. It complies with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 5, DES 6, DES 9 and DES 12 of the Unitary Development Plan. The

objections on design grounds are not considered sustainable to justify a reason for refusal.

Objections have been received to the alterations to the building on the grounds that they do not comply with the draft policies for the Soho Special Policy Area in the City Plan. These policies are in draft form and have little to no weight in the determination of planning applications. Therefore, the objections on these grounds are not considered sustainable to justify a reason for refusal.

### 8.3 Residential Amenity

The existing building is set back on the Marshall Street elevation at third and fourth floor level and then further set back at fifth and sixth floor level. At third floor level it is proposed to partly extend to the rear towards Marshall Street and at fourth floor level it is proposed to extend the building to its full footprint. The rebuilt fifth floor will be set back, with the sixth floor level set further back from Marshall Street. Terraces to serve the residential flats are proposed on all elevations. Terraces to serve the offices are proposed at fourth floor level and these will be contained to the part of the building facing Carnaby Street, but will wrap round to Ganton and Broadwick Street. An office terrace is also proposed at sixth floor level.

Objections have been received on the grounds that the building should not extend the full width of the building at third and fourth floor level and that this was not proposed in the 2017 application. However, the scheme is very similar to that withdrawn in 2017, with a part full extension at third floor level and a full depth (to its full footprint) extension at fourth floor level.

#### Daylight and Sunlight

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact on the following properties:

#### Marshall House – 49 Marshall Street

This building is located on the corner of Broadwick Street and Marshall Street and comprises commercial units over the ground floor and 24 residential units over the first to fourth floors. All the units have windows overlooking the application site.

Objections have been received from a number of the existing occupiers on the loss of daylight. Officers have gained access to three of the flats at (two at fifth floor level and one at third floor level) in Marshall Street. It appears that most of the flats are single aspect, with the corner flats being dual aspect.

There are losses to VSC to the majority of windows in Marshall House. The losses range from 0.43-30.11%. Seven of the 99 windows tested in Marshall House lose VSC over 20%, these losses are to windows on the lower floors (second, third and fourth) which directly face the application site and are close to the corner of Broadwick Street and Marshall Street (bay window). These windows all serve the same room (living/kitchen/diner). These losses are a result of the increase in bulk and height to the Marshall Street elevation. It is considered that the windows will retain good levels of VSC (3.96-14.7%) for this inner city location, plus as the windows affected serve the same room, the losses are considered acceptable.

The windows face north and therefore do not need to be tested for sunlight.

Objections refer to the existing ADF values in their flats and the fact that these are low and will be affected, whereas the proposed flats will have better ADF levels. The BRE Guidelines do not usually recommend using ADF to assess daylight levels within neighbouring properties as the internal room use, dimensions, surfaces and reflectance values need to be known. Also the proposed flats are at a higher level than the objectors properties and therefore do benefit from better daylight levels, however, this is not a valid reason to refuse this application.

#### 4 Ganton Street

This building is located to the north of the application site and is located close to the corner with Marshall Street. There is a public house at ground floor level with three upper floors. Permission was granted in 2010 for the dual alternative use of the upper floors for continued office use or as three studio units (one per floor). The upper floors are currently in use as offices, however, as they can change to residential use until 2020, the windows have been assessed.

All the windows will be affected by the proposals but do not breach the BRE guidelines. The losses range from 15.13-19.87%. The retained levels of VSC are good and the losses are considered acceptable.

In terms of sunlight, the windows comply with the BRE guidelines as the retained APSH values are above 25%. One window at second floor level will lose 33% of winter sun,

however as the APSH levels are above the levels set out in the BRE guidelines the loss to one window is considered acceptable.

#### 17 Newburgh Street

This building is also located to the north of the application and has frontages on Ganton Street and Newburgh Street. There is a retail unit at ground floor level with two upper floors. The upper floors are in use as two residential flats, although the use of the upper floors can change to offices without the need for planning permission until 2026.

The windows directly opposite the application site currently receive low levels of VSC, although these levels are not unusual in this part of the City. The losses of VSC to these windows are marginally above 20% (20.24-21.88), and are considered acceptable.

There are no losses to winter sunlight, and there is one loss over 20% to a second floor window. This window does not directly face the application site, it is not considered that loss to this window will be noticeable to the occupants and are considered acceptable.

#### 12 Ganton Street

12 Ganton Street is also located to the north of the application site and is close to the corner with Carnaby Street. There is a retail unit at ground floor level. Permission was granted in 1997 for the dual alternative use of the upper floors for either a residential maisonette or for office purposes. The residential unit was implemented and this is now lawful.

The windows directly opposite the application site currently receive low levels of VSC, although these levels are not unusual in this part of the City. The losses of VSC to these windows are below 20% and are therefore in line with the BRE guidelines.

This property sees an improvement the levels of APSH and winter sunlight as a result of the proposals.

#### Stirling Court

Stirling Court is located to the south-east of the application site and is a residential tower block over fourth to tenth floor. There are losses of VSC to windows at fourth to eight floor level, these losses range from 0.37% - 2.83% and therefore comply with the BRE guidelines. As the windows face north they do not need to be tested for sunlight.

#### **Sense of Enclosure**

Objections have been received from existing residents within Marshall House on the grounds that the proposals will result in an increased sense of enclosure. As set out above, the existing elevation on Marshall Street is set back at third floor level and above and in the proposed scheme the Broadwick Street/Marshall Street corner will be extended up to fourth floor level, with the fifth floor level set back. It is noted that some of the windows on the upper floors overlook the existing setback elevation and there will be some increase in enclosure to these windows. However, this situation is the same as the windows on the lower floors of the building and the windows to the west of the junction of Broadwick Street and Marshall Street. It is therefore not considered that the application could be refused on these grounds.

#### **Privacy**



Objections have been received to the loss of privacy as a result of the new office windows and the office and residential terraces at fourth, fifth and sixth floor level. It has also been requested that the terraces on the corner of Marshall Street and Broadwick Street are removed to reduce overlooking to Stirling Court. As there are existing windows within all elevations of the application site it is not considered that there will be an increase in the amount of overlooking.

There are existing residential terraces at fifth and sixth floor level overlooking Marshall Street and Broadwick Street. Terraces are proposed for all the new residential flats at fifth floor level. The terraces overlooking Marshall Street are over the extended building area and therefore extend further to the rear than the existing terraces. However, it is considered that on the basis that there are existing terraces in this location, they will not worsen the existing situation. The residential terraces on Carnaby and Ganton Street are considered acceptable.

Office terraces are proposed at fourth and sixth floor. The fourth floor terrace wraps round the building and fronts onto Ganton Street, Carnaby Street and Broadwick Street. The terrace at fourth floor level is considered acceptable, as it is located away from residential windows. The sixth floor terrace is located to the front of the building on Carnaby and Broadwick Streets. This terrace is largely screened from the residential windows in Marshall Street by the lift/stair/office extension. Objections have been received that this terrace will overlook an existing residential terrace at fifth floor level in Marshall House. The existing terrace on Marshall House is already overlooked by an existing residential terrace (and this will be replicated in this application). The office terrace is set back from the edge of the building and is one level higher than the Marshall Street terrace. However, as this is a new addition, which could be potentially used by a greater number of people, it is considered that the terrace should be set further back, where it is directly opposite the residential terrace. The terrace should be set back by 1.5m (where the door opening is located), and on this basis it is considered that overlooking from the office terrace will be minimised.

With these amendments it is considered that the terraces are acceptable. Conditions are recommended to ensure that the terraces are only used during normal office hours.

An objection has been received to the potential glare created by the PV panels. The optimum location for PV panels is south facing at an angle of 30 degrees. The residential properties are located to the east and south-east of site, therefore the panels are unlikely to cause glare into these residential properties.

## **8.4 Transportation/Parking**

### **Loss of car parking**

The existing basement level includes space for at least six cars and access to the basement level parking is gained via a ramp on Ganton Street. The proposal seeks to remove the off-street parking. The 1965 consent granted a scheme of offices and residential flats. A condition was attached to the consent which restricted the parking to the occupiers and users of the building. The submitted Transport Statement states that the basement is rarely used for vehicle parking. Furthermore, there is a Traffic Order that allows vehicular access to Ganton Street only between 07.00 – 11.00 and not at all on Sundays, therefore access to the basement parking is constrained.

The Highways Planning Manager has objected to the proposal on the grounds of the potential loss of off-street residential parking. However, due to the constraints of accessing the basement parking (with access only between 07.00 – 11.00 on weekdays and not at all on Sundays), it is unlikely that it is used by the residential element of the building. Furthermore, the existing residential core does not extend to basement level. On this basis, the loss of off-street commercial parking is considered acceptable.

### **Lack of off-street parking**

No off-street parking is proposed for the residential flats. UDP TRANS23 requires sufficient off-street parking to be provided to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for nine spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is 76%. During the day the uptake is 91% meaning that on-street parking is already at a 'stress levels. The Highways Planning Manager has objected to the scheme on the basis that the absence of any off-street parking provision would exacerbate existing parking stress levels in the vicinity of the site.

It is considered that the existing basement level is constrained and it is unlikely that eleven or 15 car parking spaces could be accommodated. The proposals do not involve new sub-basement levels and to provide high quality office floorspace, part of the basement will be used as ancillary office floorspace (showers/cycle parking facilities).

It is recognised that the site is located in an area of high levels of public transport and in a very central location which faces onto a pedestrianised street. The applicants have agreed to provide lifetime (25 years) membership to a car club. This will be secured via a legal agreement.

### **Cycle parking**

The Highways Planning Manager has raised concerns that insufficient cycle parking is provided for the proposed uses. The scheme has been altered to increase the number of spaces for the restaurant and residential part of the development, but there is still a shortfall for the office floorspace. The office part of this development is a refurbishment scheme, and it is considered that on this basis the shortfall is acceptable.

### **Changes to the building line**

The proposals alter the building in various places, particularly on the Ganton Street and Broadwick Street façades, where the building line is being brought forward. As these areas has been open and passable for at least 20 years these areas are considered to be highway. These areas are required to be stopped up to allow the development to be implemented. Where some areas will be stopped up, there will be areas which will be required to be dedicated as highway. The Highways Planning Manager has no objection to the stopping up or the dedication and this will be secured via a legal agreement. A number of the public comments received refer to the pedestrianisation of Broadwick Street. This is not proposed, the changes to Broadwick Street, include bringing the building line forward where the existing service yard exit is located. Comments also refer

to the use of the pedestrianised area for the placing of tables and chairs and the impact they will have on the street and the associated amenity issues. Should the applicants wish to use part of Broadwick Street for tables and chairs, this will require a separate planning application which will be considered on its merits at that time.

### **Servicing**

Objections have been received on the grounds that the roads around the site are congested with servicing vehicles and these vehicles often obstruct the public highway. Comments have also been made that all the servicing for the site should take place off-street.

There are two access points to the existing servicing area on Broadwick Street and Ganton Street. The transport statement indicates that the existing access point on Ganton Street is not used as bins are stored in front of the gates. This means that there is no through access from Ganton Street to Broadwick Street. Refuse is also currently stored in the servicing yard and then left on the corner of Marshall Street and Broadwick Street for collection. UKPN also use the service yard to access the substation and there are conflicts between the refuse left in the service yard and UKPN.

It is proposed to retain the vehicular access point on Ganton Street, the Broadwick Street access will be removed. All servicing will take place on-street, which is the current situation. The Highways Planning Manager has questioned this approach as the original consent for the building including a condition requiring all servicing to take place in the yard. However, further information has been submitted which suggests that UKPN have full control over the yard and due to importance of this sub-station, they require unobstructed access at all times.

The existing servicing around the site is poor and this is as a result of poor management. With the implementation of a management system there will be a significant improvement over the existing situation. The Highways Planning Manager has commented that in order to further improve the current situation, all the servicing should take place off-street. As detailed above, this is not possible due to the conflicts over the yard, this is regrettable, but it is considered that with a robust management system there will be improvements over the existing situation. This is secured by condition.

With regards to the refuse (waste and recycling), a waste management stores are proposed and these have doors onto the servicing/UKPN yard. The stores include a glass crusher, a baler, commercial food bins and an area for residential waste. The Waste Project Officer has no objection to the proposed locations. The applicants have confirmed that the waste will be collected from these stores and will not be left on the highway for collection and this will be secured by condition.

## **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcomed.

## **8.6 Access**

Level access is proposed to the office, retail and residential uses, stairs and lift access is provided to the upper floors.

Level access is provided at ground floor level to the restaurants, however, as these uses are speculative there are no detailed layouts. It is important to ensure that the basement and first floor levels are accessible for all and a condition is recommended requiring details of access for all uses and levels of the building.

## 8.7 Other UDP/Westminster Policy Considerations

### Plant

New plant is proposed at basement and roof level, including the installation of full height extract duct. The duct will be routed through the building to the existing internal lightwell and will then vent at new roof level. An acoustic report has been submitted and Environmental Health has confirmed that the plant is likely to comply with the City Council's standard noise conditions.

### Biodiversity

The proposal includes biodiverse roofs and walls, these are welcomed and secured by condition. There are existing beehives at third floor level, new beehives/insect hotels are proposed at roof level and again these are welcomed and are secured by condition.

### Sustainability

The London Plan requires residential development to target 'Zero Carbon' and 35% below Part L 2013 for the non-domestic elements.

The submitted documents indicate that the non-domestic elements of the proposal will be 22.8% below Part L 2013 of the Building Regulations. The proposed residential also does not meet the 'Zero Carbon' targets. To address the shortfall the applicants are willing to contribute £31,338 to the carbon off-setting fund which is compliant with the Mayor's guidance. This is acceptable and will be secured by a legal agreement.

The submitted Sustainability Statement indicates that the office/retail and restaurant elements of the scheme will achieve a BREEAM 'Very Good' rating. This is welcomed and secured by condition.

In terms of on-site renewables, photovoltaic panels are proposed at roof level, covering an area of 97sqm (22sqm for the offices and 75sqm for residential); the panels will be secured by condition.

The Soho Society has commented that more of the roof should be utilised for PV panels to address the shortfall. However, due to the design of the roof, it is not possible to add further PV panels. The Carbon Offsetting Fund is recognised to be a suitable way of overcoming shortfalls. Therefore, the objection is not considered sustainable to justify a reason for refusal.

## 8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal

consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

The objections raised on the grounds that the proposals do not comply with the Soho Special Policy Area policies in terms of restaurant and design are not considered sustainable to justify a reason for refusal.

### **8.9 London Plan**

This application raises no strategic issues.

### **8.10 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

### **8.11 Planning Obligations**

The draft 'Heads' of agreement are proposed to cover the following issues:

- The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway;

- The applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
- Lifetime (25 years) Membership to a Car Club for each of the 15 flats proposed;
- A financial contribution to the carbon offsetting fund of £31,338 (index linked and payable prior to commencement of development).
- S106 monitoring costs.

The development is not CIL liable.

### 8.12 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

### 8.13 Other Issues

#### Construction impact

A number of objections have been raised to the length of the construction period, the impact the construction will have on existing residents and businesses in the area and the associated noise/dust and disruption. Planning permission cannot reasonably be withheld on these grounds.

Since June 2016, construction impacts are covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 2 development. Level 2 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

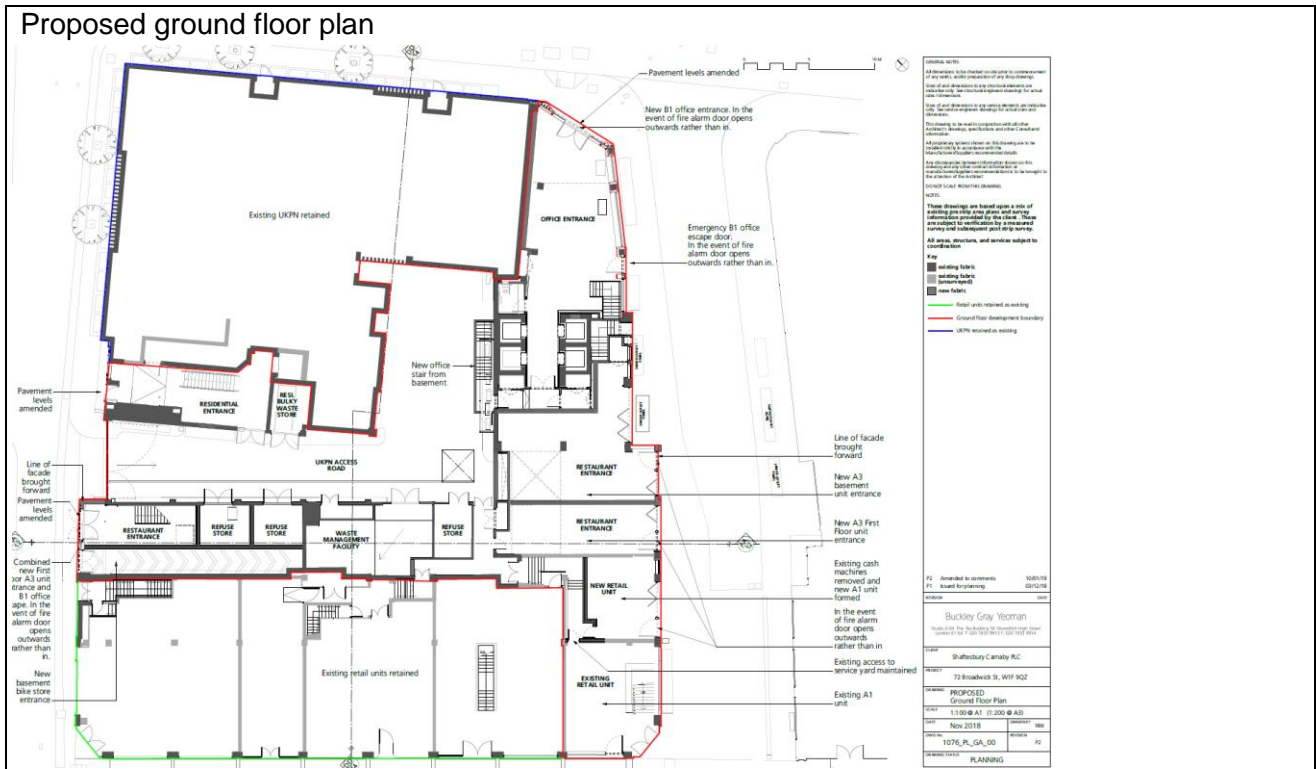
Objections have been received on the grounds that the value of property surrounding the will be affected as a result of the proposal. This is not a planning matter and permission cannot be reasonably withheld on these grounds.

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

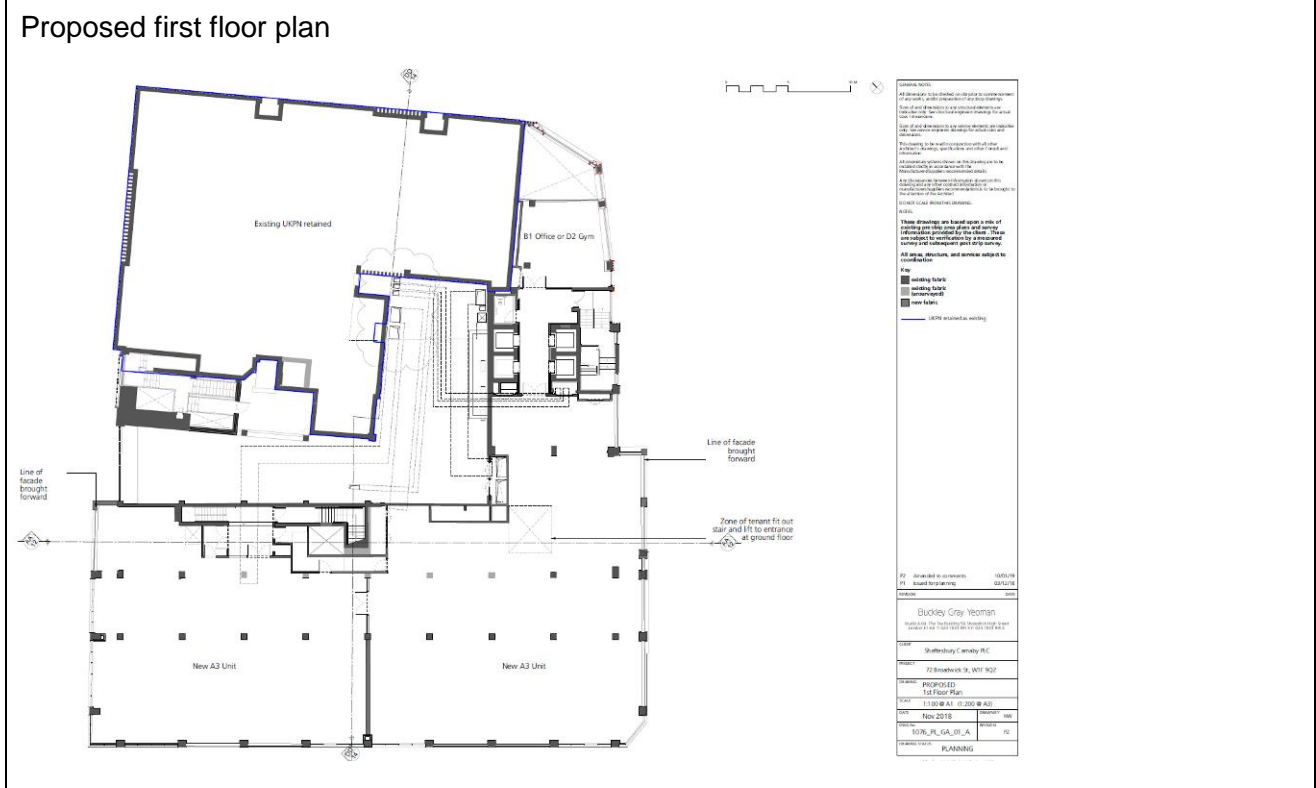
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT [hmackenzie@westminster.gov.uk](mailto:hmackenzie@westminster.gov.uk)

### 9. KEY DRAWINGS

#### Proposed ground floor plan



#### Proposed first floor plan









Aerial visual



Camaby St/Broadwick St Aerial

**DRAFT DECISION LETTER**

**Address:** 72 Broadwick Street, London, W1F 9EP

**Proposal:** Demolition and rebuilding of fifth and sixth floors and erection of two storey extension above the UKPN substation fronting Marshall Street, in connection with the use of the part basement and ground for restaurant purposes (Class A3), flexible/alternative use of part first floor as either offices (Class B1), or for up to two restaurants (Class A3), continued use of the part basement, part ground, second, third and fourth floors as offices (Class B1) with flexible/alternative use of part ground, part first, second and third floors as gym (Class D2) and the provision of 15 residential flats with external terraces at fifth floor level. External alterations to the whole building, including new roof profile, facade alterations, shopfront alterations, painting of existing brickwork, creation of office roof terrace at 6th floor level. Installation of a biodiverse roof, along with new plant and photovoltaic panels.

**Reference:** 18/10341/FULL

**Plan Nos:** 1076\_PL\_DM\_B1 P1, 1076\_PL\_DM\_00 P1, 1076\_PL\_DM\_01 P1, 1076\_PL\_DM\_02 P1, 1076\_PL\_DM\_03 P1, 1076\_PL\_DM\_04 P1, 1076\_PL\_DM\_05 P1, 1076\_PL\_DM\_06 P1, 1076\_DE\_01 P1, 1076\_DE\_02 P1, 1076\_DE\_03 P1, 1076\_DE\_04 P1,

1076\_PA\_GA\_B1 P3, 1076\_PL\_GA\_00 P3, 1076\_PL\_GA\_00\_D2 P2, 1076\_PL\_GA\_01 A P2, 1076\_PL\_GA\_01\_B P2, 1076\_PL\_GA\_01\_C P2, 1076\_PL\_GA\_02 P2, 1076\_PL\_GA\_03 P2, 1076\_PL\_GA\_04 P2, 1076\_PL\_GA\_05 P4, 1076\_PL\_GA\_06 P3, 1076\_PL\_GA\_RF P3,

1076\_PL\_GE\_03\_02 P3, 1076\_PL\_GE\_03 P3, 1076\_PL\_GE\_04 P3, 1076\_PL\_GE\_01 P4, 1076\_PL\_GE\_02 P3

1076-SK\_PS\_04 P1, 1076-SK\_PS\_02 P1

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

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

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

Reason:

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

- 2 You must 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 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)

- 4 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. 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 5 Prior to the commencement of any,
- (a) demolition, and/or,
  - (b) earthworks/piling and/or,
  - (c) construction, on site you must apply to us for our written approval of evidence to

demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 6 You must not operate a delivery service from the basement restaurant, or the restaurant (s) at first floor level, in the event they are implemented.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the basement restaurant or the first floor restaurant(s) (in the event they are implemented), or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 Customers shall not be permitted within the restaurant premises at basement and part ground floor level or within the first floor restaurant(s) (in the event they are implemented);, , before 08.00 or after midnight Monday to Thursday, before 08.00 or after 00.30 Fridays and Saturdays and, before 08.00 or after 23.00 on Sundays and Bank Holidays.

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 TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 You must not allow more than 125 customers into the basement restaurant at any one time. (C05HA)

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 In the event the restaurant uses are implemented at first floor level, you must not allow more than 168 customers in Restaurant 1 and 188 customers in Restaurant 2 at any one time. (C05HA)

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 11 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. 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. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 12 The Class A3 use(s) allowed by this permission must not begin until you have fitted self-closing doors to the entrances on Broadwick Street and Ganton Street. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 13 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: - shopfronts on Broadwick Street to be fixed shut., , 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 protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 14 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected,

including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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. (R46AB)

- 15 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. (R48AA)

- 16 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 17 Noise generated by the proposed new gym (including noise from general operations, gym equipment, amplified sound, music etc) in terms of LAeq,5mins should demonstrated to be 10dB below the existing background noise level measured in terms of LA90,5mins inside the proposed residential dwellings. The background noise level used in the assessment should be representative of the most sensitive times (quietest) at which the new development is in operation (and generating noise).

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. (R49BA)



- 18 The maximum noise levels generated by the proposed new gym development in terms of LAeq/LAFmax should be demonstrated not to exceed the NR15/NR20 curve respectively inside the existing residential dwellings. This includes noise from all sources (including amplified sound, music, impact noise from gym activities). This is based on the assumption that existing background noise levels in the properties during the most sensitive periods are approximately NR25 (approximately equivalent to 30 dB LAeq).

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. (R49BA)

- 19 For music noise in the gym use, the received music noise level in the residential habitable spaces should be demonstrated to be 10dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of the day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63Hz and 125Hz; the overall music noise level in terms of LAeq,5mins should be at least 10dB below the existing background noise level in terms of dB LA90,5 mins.

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. (R49BA)

- 20 In the event the gym is implemented, you must install a sound limiter, set by a competent acoustic engineer so that it maintains compliance with requirements of Condition 19. All amplification equipment with the gym including music generating equipment and fitness instructor's announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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. (R49BA)

- 21 You must not occupy the gym use (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey relating to the details and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the noise transmission from the gym activity complies with the noise criteria set out in conditions 17, 18, 19 and 20 of this permission.

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. (R49BA)

- 22 You must apply to us for approval of an operational management plan for the gymnasium to show how you will actively manage the premises to comply with Conditions No's 17, 18, 19 and 20. You must not start the gym use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the gym is in use.

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. (R49BA)

- 23 In the event the gym is implemented, customers shall not be permitted within the gym premises before 06.00 - 23.00 Monday to Friday and 08.00 - 21.00 Saturday, Sunday and Bank Holidays.

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 S34 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 24 In the event a gym is implemented, there must be no openable windows at second and third floor levels.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 25 The office terraces at fourth floor must only be used between 08.00 - 21.00 Monday to Friday and sixth floor level must only be used between 08.00 - 20.00 Monday to Friday.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and 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. (R13FB)

- 26 Before you start to use any part of development, you must provide the following bio-diversity features as set out in your application documents - biodiverse roofs and walls and beehives/insect hotels. You must then maintain and retain them in perpetuity and you must not remove any of these features.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 27 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the biodiverse living roofs and walls to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 28 Before you start to use any part of development, you must provide the following energy efficiency measures as set out in your application documents 97sqm of PV panels. You must then maintain and retain them in perpetuity and you must not remove any of these features.

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)

- 29 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 2016 (R22FA)

- 30 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1076\_PL\_GA\_00 P3. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

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)

- 31 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces. (C26NA)

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)

- 32 In the event that Restaurant 1 (Ganton Street) and Restaurant 2 (Broadwick Street) are implemented for restaurant purposes, they must not be amalgamated to create a large A3 use

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 33 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the basement restaurant from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the basement restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the basement restaurant is in use. (C05JB)

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 TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 34 In the event the restaurants are implemented at first floor level; you must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start: i) the restaurant use annotated as Restaurant 1 (Ganton Street);, ii) the restaurant use annotated as Restaurant 2 (Broadwick Street);, until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant (s) are in use. (C05JB)

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 TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 35 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)

- 36 Prior to the occupation of the building, you must apply to us for approval of servicing management plan. You must not occupy the building until we have approved what you have sent us and then you must carry out the measures in the plan at all times.

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)

- 37 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 42 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 38 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the other use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the other use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.

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 (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. 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. (R47AB)

- 39 You must apply to us for approval of detailed drawings of how you will give people with

disabilities access to all parts of the development. These drawings must include: o full details of threshold levels; o relevant elevations, plans and cross sections of the building at a scale of 1:50; and, o plans of all doors and handrails at a scale of 1:20., , You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C20BB)

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 40 All residential windows must be capable of being opened.

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. (R49AA)

- 41 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.

- 42 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 (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. (R49AA)

- 43 All waste must be collected from the waste stores as shown on drawing 1076-PL-GA\_00 P3

and must not be left on the public highway.

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)

### Informative(s)

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 5 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition)., , You are urged to give this your early attention as this condition must be discharged before works commence on site. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's



Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto: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](http://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](http://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](http://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.
- 5 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 The term 'clearly mark' in condition 29 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 8 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 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)

- 9 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)
- 10 With regards to condition 36 the servicing management plan should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements, as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well. , , It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (ie set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the SMP.
- 11 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 12 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 13 The proposed kitchen extract duct terminus appears to be acceptable and in accordance with the Council's guidelines titled: Guidelines for the control of odour from commercial kitchen extract ventilation systems, dated December 2016 rev 2. The new terminating exhaust duct is located more than 50 metres in distance from William Blake house (i.e building that is higher than the discharge point) and therefore this is far enough for adequate dilution to have occurred.
- 14 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the

regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order. , B&ES Guidance to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance documents which can be used for new building, upgrade and maintenance of ventilation systems., Particular attention should be given to:, Section 2 - New ductwork system cleanliness, Section 3 - Design and access to the internal surfaces of the ventilation system, Section 7 - Specific considerations for kitchen extract systems, cleaning methods and frequency of cleaning

- 15 If a proportion of the flats within the premises are to be rented following development, under the HMO Licensing Scheme, the building requires an increased level of fire precaution and is subject to the City of Westminster Standards for Multiple Occupation. The applicant should contact the Residential Proactive Environmental Health Team for information concerning the requirements of the Houses in Multiple Occupation Licensing Scheme Housing Act 2004., , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, [www.westminster.gov.uk](http://www.westminster.gov.uk), Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk), Tel: 020 7641 3003 Fax: 020 7641 8504.
- 16 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:, Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, [www.westminster.gov.uk](http://www.westminster.gov.uk), Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk), Tel: 020 7641 3003 Fax: 020 7641 8504.
- 17 It is possible that existing background, ambient and maximum levels within the residential dwellings could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment. It is acknowledged that it is impossible to physically measure noise which is 10 dB below existing noise levels or measure NR criteria which is below existing NR levels. Therefore, it is anticipated that the assessment of Condition No's 17, 18 and 19 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the above points taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition No's 17, 18 and 19 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation. Measurement assessment of Condition No's 17, 18 and 19 requires that residents allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition No's 17, 18 and 19 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the residential properties.

Item No.
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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.