

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 October 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	45 Foubert's Place, London, W1F 7QH		
Proposal	Demolition of the existing fourth floor roof structures and erection of two storey roof extension to create new fourth and fifth floor level (including plant and roof terraces); all to enlarge office building (Class E). Alterations to front (western facade), installation of new windows throughout and associated alterations.		
Agent	Gerald Eve LLP		
On behalf of	Aviva Life & Pensions UK Limited		
Registered Number	20/07701/FULL	Date amended/ completed	11 December 2020
Date Application Received	2 December 2020		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises an unlisted office building located within the Central Activities Zone (CAZ) and the Soho Conservation Area. Permission is sought to erect a two-storey roof extension to create a new fourth and fifth floor with associated plant and terrace in order to enlarge this office building.

The main issues for consideration are:

- Whether the proposed development will preserve the character and appearance of the Soho Conservation Area and not harm the setting of the two neighbouring Grade II listed buildings.
- Whether the proposed development will materially harm the amenity of neighbouring residents through noise, loss of daylight and sunlight, and overlooking.

Item No.

1

The proposed increase in office floorspace is acceptable in this location and the impact upon the amenity of local residents is acceptable. Furthermore, the proposal will preserve the character and appearance of the Soho Conservation Area and not harm the setting of the neighbouring listed buildings.

For these reasons, it is recommended that conditional permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation from the junction of Foubert's Place and Marshall Street

5. CONSULTATIONS

SOHO SOCIETY: Any response to be reported verbally.

ENVIRONMENTAL SCIENCES: No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 130

Total No. of replies: 9

No. of objections: 9

No. in support: 0

All objecting on some or all of the following grounds:

Design and Conservation:

- The extensive dark metal cladding proposed in the construction of the new fourth floor is not commensurate with the Soho Conservation Area or the setting of the Marshall Street Baths (Grade II listed).

Amenity:

- Objection to the proposed roof terrace on the ground that it will lead to substantial noise and air pollution through office staff using it for smoking.
- Noise and vibration from the proposed plant.
- The acoustic report does not correctly identify the nearest noise sensitive receptor.
- Loss of light.
- The Daylight / Sunlight Report is inaccurate as it assumes that the residential units within the 16 Marshall Street residential development immediately the east of the application site start at fourth floor level when in fact, they start at third floor level.
- The Daylight / Sunlight Report is misleading as it infers that the flats located to the east and south of the application site are not in residential use but are to 'the rear of Poland Street Car Park' and 'Marshall Street Leisure Centre'.
- Increased sense of enclosure.

Other:

- Disruption during the course of construction.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted office (Class E) arranged over part basement, ground and three upper floors. The site is located within the Soho Conservation Area, the CAZ, the Soho Special Policy Area and the West End Retail and Leisure Special Policy Area.

The majority of the basement is in separate ownership and it outside of the application

site.

The Marshall Street Baths (Grade II listed) is located to the south of the application site and 48 Great Marlborough Street (also Grade II listed) is located to the north of the application site.

The nearest residential units are to the east and south within 20 Marshall Street and Regents Lofts and Penthouses, 16 Marshall Street.

The building only has a narrow street presence at the junction of Foubert's Place and Marshall Street, with the majority of the building not being visible in public views.

6.2 Recent Relevant History

19/01283/CLEUD

Demolition of plant enclosure brick wall, concrete steps and plant at fourth and fifth floor level as shown on Dwg. Nos. 833_EX-04 Rev. T1 and 833_EX-05 Rev. T1 which constitute the lawful implementation of planning permission dated 22 December 2015 (RN: 15/03057/FULL).

Application Permitted 5 June 2019

19/01282/FULL

Variation of Conditions 1 and 12 and deletion of Conditions 6, 7 and 13 of planning permission dated 22 December 2015 (RN: 15/03057/FULL) for, 'Demolition of the existing 4th floor roof structures and erection of a new fourth floor extension to be used for office (Class B1) purposes with a plant room above. Replacement of the existing windows at all floor levels and installation of new windows on the south elevation'; NAMELY; to make the following amendments to the approved development: (i) To extend the fourth floor fully to align with the existing rear elevation to provide additional office (Class B1) floor space; (ii) Alterations to design of the front facade; and (iii) The addition of rooflights to the south ground floor extension (Conditions 6, 7 and 13 would no longer be required).

Application Permitted 3 July 2019

15/03057/FULL

Demolition of the existing 4th floor roof structures and erection of a new fourth floor extension to be used for office (Class B1) purposes with a plant room above. Replacement of the existing windows at all floor levels and installation of new windows on the south elevation.

Application Permitted 22 December 2015

7. THE PROPOSAL

As set above, permission was granted on 22 December 2015 to erect a new fourth floor roof extension to this building (+189 sq.m) with plant above.

An application to make 'minor material amendments' to this permission was made whereby: (i) The footprint of this new fourth floor was proposed to be extended eastwards so that would cover the entirety of the roof (+251 sq.m); (ii) The front elevation was proposed to be altered to introduce green and white coloured glazed

bricks and Crittal-style windows; and (iii) Rooflights were proposed to be introduced in the roof of the southern wing. A new permission incorporating these alterations was granted on 3 July 2019.

'Material operations' took place within the three-year life of the 2015 permission (as confirmed through the issuing of a lawful development certificate on 5 June 2019) meaning that both the 2015 and 2019 permissions are extant and can be built out at any point in the future.

This latest application seeks to build upon the 2015 and 2019 permissions through adding a new part fifth floor roof extension to provide additional office floorspace. This in turn requires the roof level plant to be relocated to the north of the roof (fully enclosed by plant screen). A fifth-floor terrace on the southern and eastern parts of this new roof is also proposed for use by the office tenants. This terrace would be enclosed by a balustrade and planting on its western and southern edges. On its eastern edge, it is proposed that the terrace be enclosed by planting and a 1.8m tall privacy screen.

As the new fourth floor permitted in 2019 has not been constructed, it is not possible to apply for the proposed new fifth floor in isolation. The applicant is therefore seeking permission for the extensions and alterations permitted in 2019, including the new fourth floor extension, as well as the new partial fifth floor, the re-located plant and the addition of a terrace at fifth floor level. These additional elements will be the focus of this report given that the 2019 permission is a realistic fall-back position that could be built out at any point in the future.

As set out below, the proposal would see an increase in office floorspace of 337 sq.m.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	1,362	1,699	+337

8. DETAILED CONSIDERATIONS

8.1 Land Use

Parameters of Application

The application submission has been framed on the basis that the proposed extension is for additional office floorspace and the terraces will be used in association with this use. Officers have approached the applicant asking whether it wishes the City Council to assess the acceptability of the development on the basis that it is used as offices and no other use within Class E (and accept a condition to that effect). Alternatively, the applicant was asked whether it wishes the City Council to assess the acceptability of the other uses within Class E that the floorspace could be used for in the future. Planning permission would not be required for such a change of use as using land or buildings within the same use class does not constitute development.

The applicant has confirmed that the additional floorspace will be used as office only and the terraces used in association with that use. Furthermore, the applicant has confirmed that it is willing to accept a condition limiting any future change of use to another use within Class E.

Increase in office floorspace

Given the site's location within the CAZ and the West End Retail and Leisure Special Policy Area, the proposed increase in office floorspace of 337 sq.m is acceptable through being in compliance with City Plan Policies 1(A)(3), 1(B)(1), 2(A) and 13(A).

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the same Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the same Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The proposed two-storey roof extensions are set back from the front façade so that they have very limited impact in terms of view from Marshall Street and Foubert's Place. The fifth-floor plant area is set back even further into the site. It has been demonstrated that this plant area will not be visible from long view looking south along Ramillies Street from Oxford Street. Given the context and limited public views, it is concluded that the roof extension is acceptable in height and bulk terms. The detailed design of the proposed fifth floor is acceptable, with the limited extent of glazing meaning attention will not be drawn to it when lit during the evenings. The use of dark metal cladding for the fourth and fifth floors is acceptable and will ensure that the extension appears as part of the roof of the building.

For these reasons, it is concluded that the development will preserve the character and appearance of the Soho Conservation Area and not harm the setting of the neighbouring Marshall Street Baths (Grade II listed) or 48 Great Marlborough Street (also Grade II listed).

As such, the proposal is considered acceptable, mindful of City Plan Policies 38, 39 and 40 and Soho Neighbourhood Plan Policy 2(B) and therefore a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Daylight and Sunlight

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The applicant has submitted an assessment of the impact of the increase in height and bulk of the proposed development upon the amount of sunlight (the Annual Probable Sunlight Hours), daylight (VSC) and the distribution of that daylight within affected rooms (NSL) to residential properties within the vicinity of the site. The buildings that have been assessed are as follows:

- 20 Marshall Street (immediately to the south of the application site); and
- Regents Lofts and Penthouses, 16 Marshall Street (to the south of the application adjacent to the Marshall Street Baths and to the east of the application site).

Objections have been received on the ground that the submitted Daylight / Sunlight Report is misleading as it infers that the flats located to the east and south of the application site are not in residential use by being described as to 'the rear of Poland Street Car Park' and 'Marshall Street Leisure Centre'. This objection is without merit. The submitted Daylight / Sunlight Report makes perfectly clear that these buildings are partly in residential use and has assessed the impact upon these neighbouring properties in accordance with the relevant guidance (i.e. the BRE Guide 2011).

Objections from neighbouring residents have been received on the originally submitted

Daylight / Sunlight Report was incorrect in its assumption that the building immediately to the east of the application site (i.e. Regents Lofts and Penthouses, 16 Marshall Street) is within commercial use from basement to third floor levels and in residential use over fourth and above floor levels. Objectors to the application contend that the residential units begin at third floor level.

A review of the planning history for the neighbouring site reveals that four of the approved office / workspace units (Units 7, 8, 9 and 10) at second and third floor levels were permitted to be used as 4 x two-bedroom units on 4 March 2010 (Ref: 09/08829/FULL). This was subject to a condition preventing occupation of these units until appropriate arrangements had been submitted to and approved by the City Council to secure: (i) Mitigation for the potential for increased on-street car parking); and (ii) Provision of affordable housing elsewhere in the City. This condition was never discharged and it is not known whether this breach of planning control is now immune from enforcement action, having occurred in excess of ten years ago.

Despite conversations with one of the objectors to this application and attempts to contact the managing agents for the Regents Lofts and Penthouses, it has not been possible to confirm whether or not the second and third floors of this building are in domestic or commercial use. It is understood, however, that none of the objectors to the current application live within these four flats. Given the contents of the objections to this application and the presence of what may be domestic blinds in the windows to these parts of the building, it seems that there is a fair chance that these parts of the building are in residential use. On this basis, the applicant has submitted a revised Daylight / Sunlight Report assessing the impact upon the occupants of these residential units to ensure that the assessment of the application is based upon a 'worst case scenario'.

In respect to daylight, the analysis finds that there are expected to be material losses to the westward facing living room windows at second, third and fourth floor level within Regents Lofts and Penthouses.

At fourth floor level, three windows are expected to lose between 32% and 35% VSC. However, the retained levels of daylight are very good (between 22% and 24%). As such, the impact upon the amenity of the occupants of these flats will be minimal and certainly in no way harmful.

There are, however, expected to be more material losses in daylight for the occupiers of the flats at second and third floor level within Regents Lofts and Penthouses. These are summarised below:

Room reference	Room usage	Window ref	Daylight (VSC)		
			Existing VSC	Proposed VSC	Change
2 nd floor	Living / kitchen / diner	W3/43	12.95	7.51	-42%
		W4/43	13.51	7.96	-41%
		W5/43	14.83	9.60	-35%
		W6/43	18.45	14.46	-22%
3 rd floor	Living / kitchen / diner	W3/44	26.59	12.75	-52%
		W4/44	26.95	12.96	-51%
		W5/44	27.53	14.46	-47%
		W6/44	29.22	19.27	-34%

Each of the two affected rooms are served by six large windows, two of which are not affected by the proposed development. As such, whilst the losses in daylight to these windows is significant and the retained levels of daylight to each of the windows will be low, particularly in the case of the second-floor windows, the actual quality of light within these kitchen / living / dining rooms will still be reasonable. This is evident in the daylight distribution analysis that takes into account all the windows serving a room. This reveals that the distribution of light within these rooms will not be materially affected by the proposed development. For these reasons, the impact of the development upon the amenity of the occupiers of these two flats is considered to be acceptable.

In respect to sunlight, the analysis finds that there are expected to be material losses to the westward facing residential windows at second and third floor levels within Regents Lofts and Penthouses. These are summarised below:

Room reference	Room usage	Window ref	Existing APSH	Proposed APSH	Change	Existing winter	Proposed winter	Change
2 nd floor	Living / kitchen / diner	W3/43	23	17	-26%	6	5	-17%
		W4/43	24	17	-29%	6	5	-17%
		W5/43	27	22	-19%	9	9	0%
		W6/43	31	31	0%	11	11	0%
3 rd floor	Living / kitchen / diner	W3/44	50	24	-52%	15	8	-47%
		W4/44	48	24	-50%	13	8	-38%
		W5/44	49	27	-45%	14	11	-21%
		W6/44	50	35	-30%	15	14	-6%

As the above table shows, even within the proposed development in place the two rooms will still receive good levels of sunlight. Indeed, both windows will be served by a window that receives in excess of the 25% APSH recommended in the BRE Guide (2011). For these reasons, the amenity of the occupants of these flats will not be materially harmed.

Sense of Enclosure

The proposed new fourth and fifth floors are not considered to result in a material increase in the sense of enclosure for the occupants of neighbouring residential properties.

Privacy

Subject to the imposition of a condition requiring the installation and retention of the proposed 1.8m high privacy screen to the eastern edge of the proposed fifth floor roof terrace, it is not considered that the proposed development will result in a material loss of privacy for occupants of neighbouring residential properties.

It is not considered necessary to a similar screen to be installed on the southern edge of the roof given the reasonable distance to the residential properties within 20 Marshall Street and adjacent to the Marshall Street baths.

8.4 Transportation/Parking

The modest increase in office floorspace is unlikely to generate any material transportation issues.

8.5 Economic Considerations

The economic benefits of the proposed increase in office floorspace are welcome.

8.6 Access

The two new floors of office accommodation will be fully accessible.

8.7 Other UDP/Westminster Policy Considerations

Noise

Subject to a condition preventing the fifth-floor terrace to the access before 09.00 or after 20.00 (Monday to Friday) and preventing any access on weekends and bank holidays, it is considered that the impact of noise from the proposed terrace will not materially harm the amenity of the occupants of flats surrounding the site.

Plant

As highlighted in some of the objections to the application, the originally submitted acoustic report incorrectly identified the nearest noise sensitive receptor. As such, the applicant submitted a revised acoustic report, identifying the residential properties in Regents Lofts and Penthouses as being the nearest noise sensitive receptor. This has been examined by colleagues in Environmental Sciences who raise no objection to the noise from the proposed plant, subject to conditions. This includes that the plant can only operate between 07.00 hours and 19.00 hours daily.

Biodiversity

The provision of roof top planting is welcome and compliant with City Plan Policy 34.

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and the Soho Neighbourhood Plan adopted in October 2021. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plan

The Soho Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and

the environment. It has been through independent examination and was supported at referendum on 2 September 2021. It was formally 'made' (i.e. adopted) on 8 October 2021 and therefore now forms part of the statutory development plan for this part of the City. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Soho Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

None.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application.

The estimated CIL payment is:

- Westminster CIL: £83,127.
- Mayoral CIL: £62,345.

8.13 Environmental Impact Assessment

The development is of insufficient scale to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.14 Other Issues

Whilst the roof extension may be used for staff smoking, it is considered highly unlikely that this will be noticeable for local residents given the distance between the terrace and the windows of the nearest residential properties.

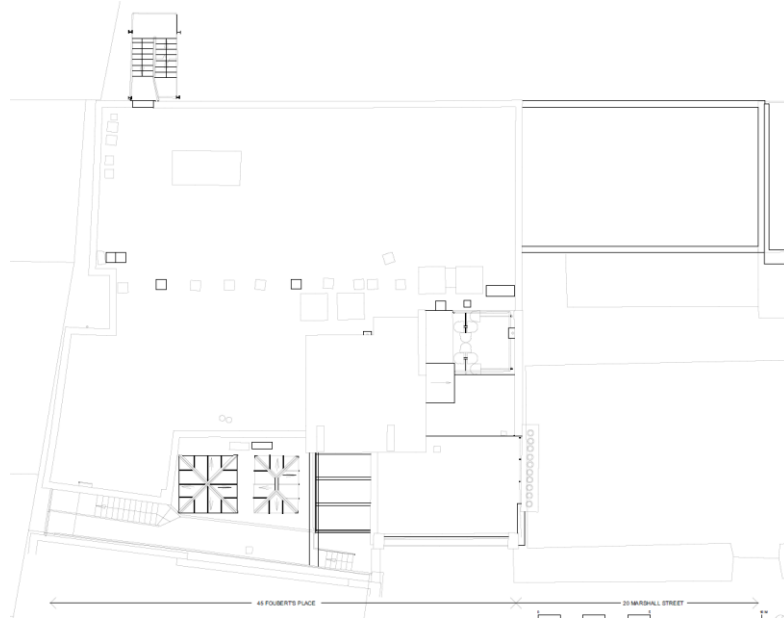
The development is of insufficient scale to require the imposition of a condition securing adherence to the City Council's Code of Construction Practice. The potential for disruption during the course of construction does not represent a sustainable ground for refusing permission.

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

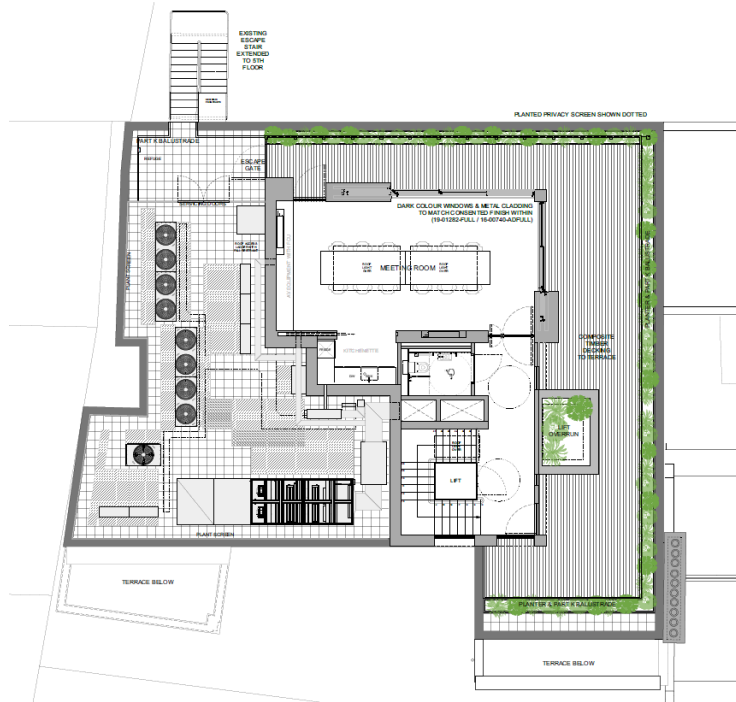
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

5. KEY DRAWINGS

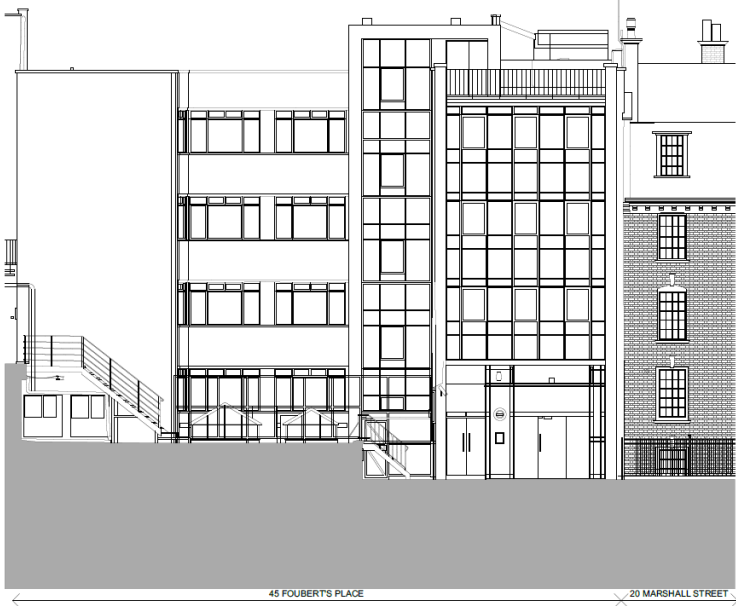
Existing roof plan:



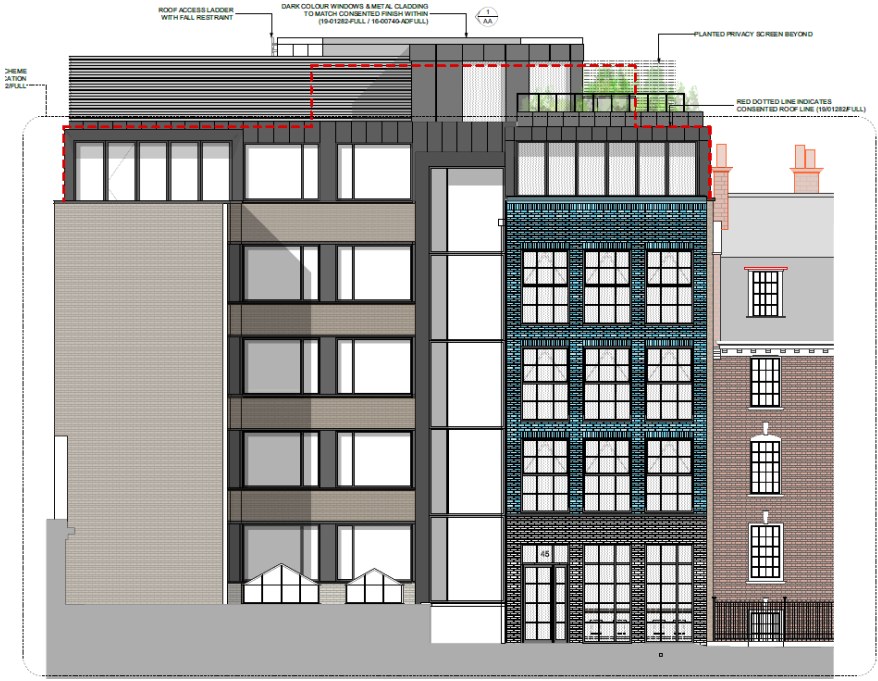
Proposed fifth floor plan:



Existing front elevation:



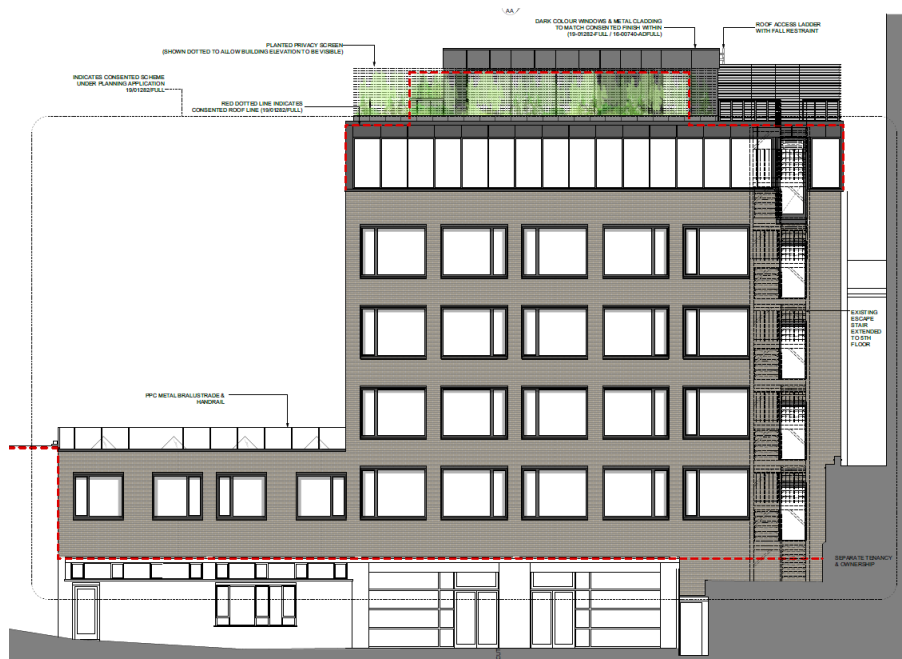
Proposed front elevation:



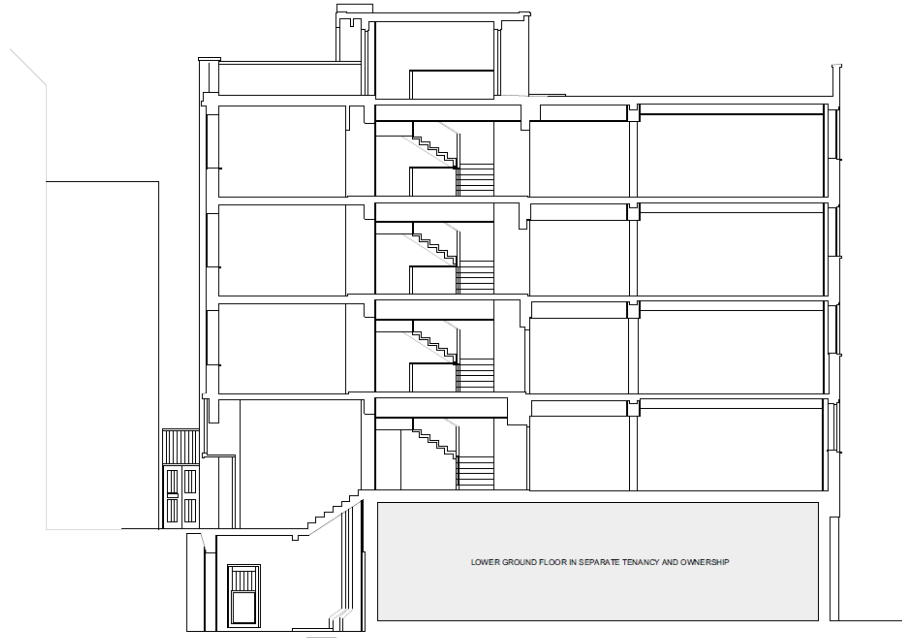
Existing rear elevation:



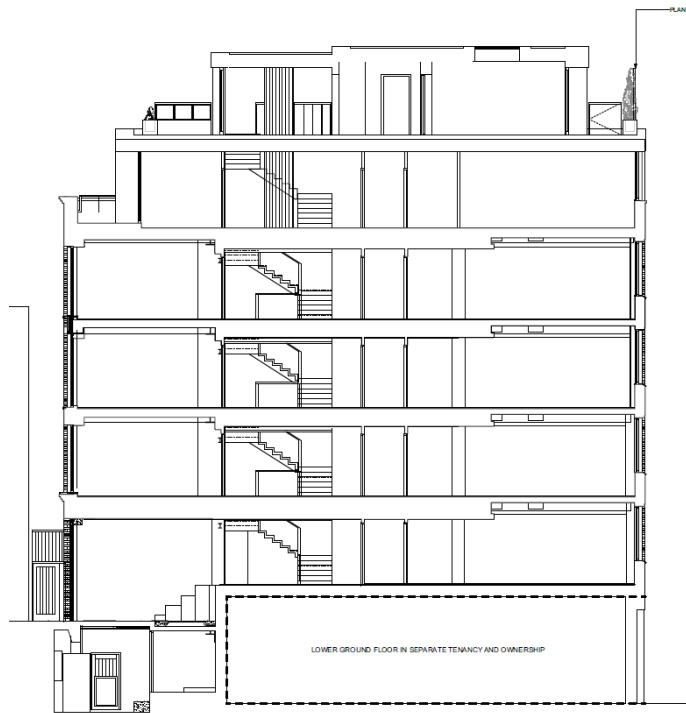
Proposed rear elevation:



Existing section (front to back):



Proposed section (front to back):



DRAFT DECISION LETTER

Address: 45 Foubert's Place, London, W1F 7QH,

Proposal: Demolition of the existing fourth floor roof structures and erection of two storey roof extension to create new fourth and fifth floor level (including plant and roof terraces); all to enlarge office building (Class E). Alterations to front (western facade), installation of new windows throughout and associated alterations.

Plan Nos: 833_GA-B1 Rev. PL1, 833_GA-00 Rev. PL1, 833_GA-01 Rev. PL1, 833_GA-02 Rev. PL1, 833_GA-03 Rev. PL1, 833_GA-04 Rev. PL1, 833_GA-05 Rev. PL1, 833_GA-RRF Rev. PL1, 833_GE-01 Rev. PL1, 833_GE-02 Rev. PL1, 833_GE-03 Rev. PL1, 833_GE-04 Rev. PL1, 833_GS-AA Rev. PL1 and 833_GS-BB Rev. PL1.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

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

Reason:

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

- 2 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 All new work to the outside of the building must match existing original work in terms of the

choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 With the exception of the glazed brickwork and the glazing for the windows and doors in the front elevation, you must carry out the development in accordance with the samples and specifications of facing materials approved by the City Council on 15 April 2016 (RN: 16/00740/ADFULL) or in accordance with alternative samples and specifications of facing materials submitted to and approved by the City Council.

You must apply to us for approval of samples and specifications of the glazed brickwork for the front elevation, the glazing for the windows and doors in the front elevation, and elevations annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 With the exception of the windows and doors to the front elevation, the new windows and doors shall be in accordance with the detailed drawings approved by the City Council on 15 April 2016 (RN: 16/00740/ADFULL) or in accordance with alternative detailed drawings submitted to and approved by the City Council.

You must apply to us for approval of detailed drawings (1:20 and 1:5) of the following parts of the development - the new windows and doors within the front elevation. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 (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 in writing 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 in writing 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 written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 7 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 8 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 19.00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the draft Environmental Supplementary Planning Document (May 2021). (R46CC)

- 9 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 10 With the exception of the fire escape door, the glazing that you install in the north-east elevation of the fourth floor roof extension shall be fixed shut at all times.

Reason:

To protect the environment of residents and the area generally as set out in Policies 7, 27 and 33 of the City Plan 2019 - 2040 (April 2021). (R22CD)

- 11 The flat roof at first floor level shall only be used for maintenance and to escape the building in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 12 The privacy screen at fifth floor level on the north-east elevation shall be erected in full prior to the use of the fifth floor terrace. This privacy screen shall be retained in full for the life of the development.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 13 Staff shall only be permitted access to the fifth floor terrace hereby approved between 09.00 and 20.00 (Monday to Friday) and not at all on weekends and bank holidays.

Reason:

To protect the environment of residents and the area generally as set out in Policies 7, 27 and 33 of the City Plan 2019 - 2040 (April 2021). (R22CD)

- 14 The fourth and fifth floors (and associated fifth floor terrace) hereby approved shall be used only as offices and for no other purpose within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, in accordance with Policies 7, 14, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Conditions 6 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)