

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 August 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	10 Soho Street, London, W1D 3DL		
Proposal	Erection of an extension at the rear of the property at third, fourth and fifth floor levels and the erection of a new single storey extension at roof level, with the installation of new plant; all to alter and enlarge the Hare Krishna Centre (sui generis).		
Agent	Mr Tomas Pohnetal		
On behalf of	Mr James Edwards		
Registered Number	20/00031/FULL	Date amended/ completed	3 January 2020
Date Application Received	3 January 2020		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

10 Soho Street is an unlisted building located within the Soho Conservation Area and the Core Central Activities Zone (CAZ). The building comprises basement, ground and first to fifth floor levels with some structures on the roof. The building is on the west side of the street near its southern end with Soho Square. The building is occupied in its entirety by the Radha-Krishna Temple, which includes a public restaurant on the basement and ground floor.

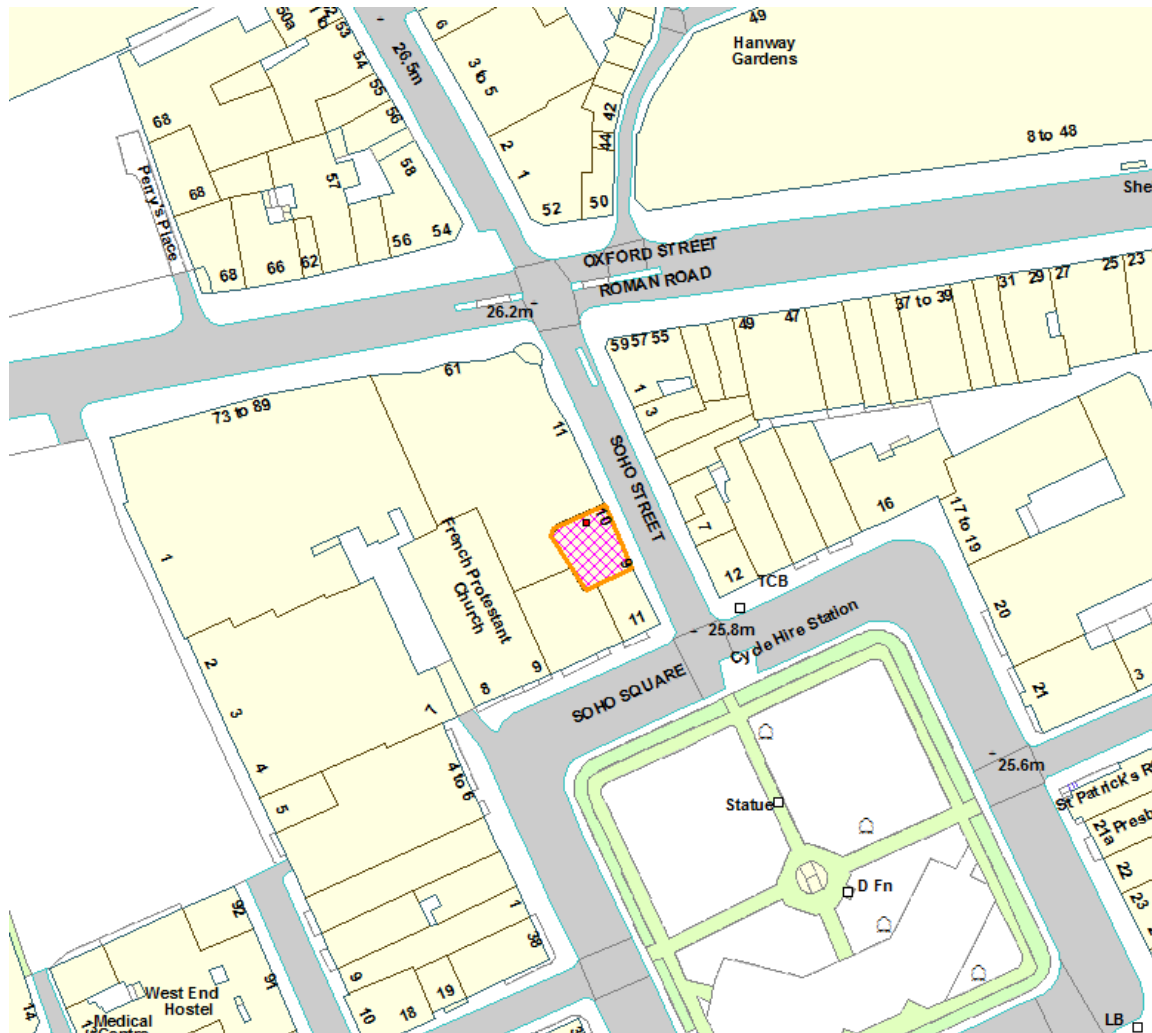
Planning permission is sought for an extension to the rear of the building at third, fourth and fifth floor levels and a new conservatory structure at roof level all, in association with the continued use of the property as the Radha-Krishna centre. Plant items are also proposed at main roof level within an acoustic enclosure. A green roof area is proposed over the centre of the main roof area. The key issues in this case are:

* The impact of the proposed works on the appearance of the building and the character and appearance of the Soho Conservation Area.

* The impact of the extensions and alterations on residential amenity.

The proposal is considered acceptable in design terms in respect of the proposed extensions and alterations to the property. The proposal is also considered acceptable with regard its impact upon the amenity of neighbouring residents, subject to conditions. It is therefore recommended that conditional planning permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of the front elevation of the property:



Aerial photograph of the rear of the property (the buildings to the left have been redeveloped):



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

HIGHWAYS

No objection subject to conditions.

WASTE PROJECTS OFFICER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

CROSSRAIL 1

Requested conditions be applied to any permission.

CROSSRAIL 2

No comment.

ADJOINING OWNERS / OCCUPIERS

No. Consulted: 29

Total No. of replies: 5

No. of objections: 5 (two from the same resident)

No. in support: 0

Objections received on the following grounds:

- Operation of existing plant at the property results in a noise nuisance.
- Extensions will negatively impact the daylight / sunlight of neighbouring properties.
- Existing use results in noise and obstruction of pavement.
- Problems with regard pigeons being attracted to the existing building.
- Concern over access for maintenance of the rear wall.
- Existing use results in a cooking odour nuisance for neighbouring residential occupiers.
- Potential for light pollution affecting neighbouring occupiers resulting from the extended roof conservatory structure.
- Increased sense of enclosure resulting from the rear extensions.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

10 Soho Street is an unlisted building in the Soho Conservation Area. The property comprises of lower ground to sixth floor levels and is in use as a centre for Hare Krishna. The lower ground and ground floors are in use as a public restaurant, with ancillary

stores and kitchens, the first floor is the temple, second floor laundry, kitchen and archives, third floor is living accommodation and seminar rooms, fourth and fifth floors provide bedroom accommodation and ancillary office space, the sixth floor is a conservatory structure used to grow the herb basil (which has religious significance for the occupiers of the building). The building has a long-standing history of use as a Hare Krishna centre. Given the multiple uses within the property and the limited floorspace dedicated to the 'temple', the use of the property is considered to be a sui generis use.

6.2 Recent Relevant History

12/03364/FULL - Retention of a greenhouse at roof level. Planning permission was granted on the 4th September 2012.

7. THE PROPOSAL

Planning permission is sought for extensions to the building at rear third, fourth and fifth floor levels and the erection of a glazed conservatory extension at main roof level. New plant is also proposed within an acoustic enclosure at main roof level and a green roof is proposed over the central part of the new rooftop conservatory. The proposal will result in an increase in the floorspace of the existing Hare Krishna centre of 101m².

8. DETAILED CONSIDERATIONS

8.1 Land Use

As detailed above the use of the property is considered to be a sui generis use occupied as a centre for the Hare Krishna religion, which is the long standing use of the property since 1977. The extensions will enable additional bedrooms, seminar / yoga rooms, expanded laundry and additional space within the roof conservatory for the growing of sacred plants.

The City Plan identifies places of worship as being a 'social and community' use. Policy S34 of the City Plan seeks to protect and promote the provision of social and community infrastructure. It states that 'new social and community facilities will be encouraged throughout Westminster and will be provided on large scale development sites'. Places of worship are also included within the definition of 'social and community facilities' in the UDP; policy SOC1 of the UDP has the aim to 'protect and improve the range of community facilities in Westminster'. The principle of the expanded floorspace for the Hare Krishna Centre is therefore welcomed in policy terms.

An objection comments on the existing use sometimes resulting in a nuisance due to people congregating on the pavement who come to visit the restaurant / temple. The expanded facilities may help to alleviate this issue and an informative is also included on the draft decision letter to advise the applicant to ensure that any people visiting the centre are contained within the property and that there is no queueing on the public highway.

8.2 Townscape and Design

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

No. 10 Soho Street is an unlisted building in the Soho conservation area, standing on the west side of the street near its southern end by Soho Square. It is an attractive stucco-fronted design that makes a positive contribution to the street and surrounding conservation area. The neighbouring building to the north is a recently completed development that steps down in height towards No. 10 Soho Street, and the top of the main roof of No. 10 is at roughly the same height as the adjoining property on the corner of Soho Square. The rear of the site overlooks the grade II listed building at 10 and 10a Soho Square and the grade II-star listed French Protestant Church.

On the roof of No. 10 there are some structures including a glasshouse, but these incongruous features are set back from the roof edge and not visible from street level. They are however clearly visible from surrounding properties, as is the rear façade.

The modest alteration to the top floor follows the aesthetics of the existing structure, which is acceptable, and has minimal visual impact in design and heritage asset terms. The proposed railings are an improvement to the current arrangement. Overall the appearance of the roof will be much tidier, and the living-roof will be a benefit in environmental sustainability terms. The existing building has a glazed structure at roof level in which plants of religious significance are grown. This has to happen at roof level, by necessity, in order for the plants to receive sufficient natural light in this otherwise highly constrained site. The plants also require frost protection. While a largely glazed rooftop structure would not normally be acceptable there is already one on the building; the proposed design is an improvement, and there are clearly exceptional circumstances that justify the structure in this case.

The area to the rear of the building is tightly enclosed and features a wide variety of architecture and building forms. Given this unusually mixed character, a rear extension of the scale and design proposed is acceptable in design and heritage asset terms. The use of glazed brick is characteristic of rear facades in highly enclosed areas and is wholly appropriate in this case.

The proposed alterations cause no harm to designated heritage assets; the character and appearance of the conservation area and the setting of the neighbouring listed buildings will be maintained.

As such, the proposal is considered acceptable, and in accordance with City Plan policies S25 and S28, and UDP policies DES 1, DES 5, DES 6, DES 9 and DES 10 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

Sunlight and Daylight

Policy ENV13 of the UDP states that; 'the City Council will normally resist proposals that result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.' Policy S29 of the City Plan states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

Objections have been received to the application from residential occupiers within 10 Soho Square to the south west of the application site, expressing concerns that the proposal will result in an adverse impact on the levels of daylight / sunlight received by the rear windows of their building.

A daylight and sunlight report has been submitted with the application which assessed the changes to residential windows on the rear of 10 Soho Square and the French Protestant Church to the west of the application site and concludes that the changes to sensitive windows are all compliant with the BRE Guidance. Whilst objections have been received concerned about potential losses to these windows, the reductions are all in accordance with the BRE Guidance with none of the vertical sky component (VSC – the measurable amount of daylight) reductions being in excess of 20% of the existing values. None of the windows are within 90° of due south and therefore no sunlight tests need to be carried out on these windows. As the losses of daylight are minor and do not breach the guidelines in the BRE guidance, the objections on these grounds are not considered sustainable and consent could not be reasonably withheld on this basis.

The applicant has also amended the proposal during the course of the application so that the material of the new rear wall from third to sixth floor level is white glazed brickwork. This should help to reflect natural light within the rear area where the residential windows to 10 Soho Square are located.

Sense of Enclosure

Objections have been received on the grounds that the proposal would result in an unacceptable increase in the sense of enclosure to the residential windows at 10 Soho Square.

Whilst the proposed rear extension to 10 Soho Street would be visible from the rear windows of 10 Soho Square, the windows closest to the extension from 10 Soho Square are serving storerooms over the landing. The other residential windows would only have oblique views of the extension looking east from the windows which are facing due north. The extension would result in the existing rear wall being 3m further to the west. Given the oblique views of the extended building from inside the residential flats and the context of the surrounding built form (in particular the relatively new Zara building that fronts Oxford Street), it is not considered that the proposals would have a material impact on the sense of enclosure to neighbouring residential windows and objections on these grounds could not be supported.

Privacy

During the course of the application new windows which were proposed on the rear wall have been omitted at fourth and fifth floor levels (but not at third floor level) and there are windows on the south facing wall, i.e. the return of the extension. This was mainly to remove windows from the boundary wall and to ensure there was no increased sense of overlooking for the residential occupiers at 10 Soho Square. Any views from the retained east facing windows at third floor level would be very oblique and there is already a high degree of overlooking in the rear area from surrounding buildings.

The one window at each floor level on third, fourth and fifth floors on the southern elevation is shown on the drawings as being opaque glazed and is conditioned as such and also to be fixed shut. These windows would be opposite the part of 10 Soho Square where the lift is located and with these conditions in place would not result in any increase in overlooking.

8.4 Transportation/Parking

Given the small extensions to the existing use and that the property is located within a Controlled Parking Zone with excellent public transport options, it is not considered the proposal would result in any significant increase in the number of vehicles visiting the site. Any vehicles visiting the property would be subject to the on-street parking restrictions.

To accord with the requirements of the London Plan six cycle parking spaces would need to be provided within the demise of the property. A 'bike store' has been annotated on the proposed ground floor plan within one of the rooms extending into the pavement vaults. This is welcomed but further details are required to demonstrate how the six required spaces fit and a condition is included to require these detailed drawings.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

As there are no works to the ground floor level the application does not include any improvements to the accessibility of the property.

8.7 Other UDP/Westminster Policy Considerations

Plant

There are a number of existing plant items located on a rear flat roof area at third floor level as well as at main roof level. There is a current planning enforcement case with regard to an external flue which has been attached to the rear of the building – this was reported to the City Council as it was causing a noise disturbance to nearby residential occupiers. The proposal would remove all the existing plant on the rear third floor flat roof area with new plant being installed within an acoustic enclosure at sixth floor level with new high level extract ducts, also to terminate at main roof level in order to properly disperse cooking odours.

In relation to noise from the proposed plant the application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant.

An acoustic report has been submitted with the application but having been assessed by the Environmental Health Officer, they consider that the background noise levels measured in the survey have been elevated by the unlawful plant item which has been installed on the rear flat roof area. Given the current circumstances due to Covid-19, it is not considered feasible to require the acoustic consultant to revisit the property. Therefore, a condition is imposed requiring the submission of a supplementary acoustic report before work starts on that part of the development, to demonstrate compliance with the City Council noise criteria. Environmental Health have confirmed that given the current circumstances this is acceptable and they raise no objection subject to these conditions.

Objections have been received from neighbouring residents stating that the existing plant is causing a noise nuisance. This is noted and the City Council's has an ongoing enforcement investigation into the operation of some of the existing plant. The proposal is for all plant to be located further from the residential windows, on the roof of the building, as opposed to in the lightwell at the rear as is existing. The roof plant will also be enclosed with acoustic screening. Subject to the supplementary acoustic report the plant will also need to demonstrate compliance with the City Council noise criteria. Whilst the objection to the existing noise of plant is noted the proposal should rectify the existing situation with regard the removal of unlawful plant and the resulting noise disturbance.

Odours

There is an existing high level extract duct (which serves the restaurant) at the rear of the site which terminates at main roof level and which is to be retained. There is also an existing kitchen extract from the communal kitchen serving the temple and living accommodation which currently terminates at the rear of the property at third floor level. Neighbouring residential occupiers have complained of cooking odours emanating from this extract impacting on their living conditions. The proposal would route this internally through the extended property to terminate at main roof level above the height of the neighbouring residential windows and would therefore provide an effective means of

odour dispersal and should resolve the existing odour nuisance issue.

Light Pollution

Objectors have commented on the potential for the redevelopment to result in light pollution to neighbouring properties, particularly from lighting of the 'greenhouse' at roof level. With regard to the glazed sixth floor level it is understood that lights are sometimes left on for the benefit of the basil plants which are grown here. The applicant has agreed to the installation of roller blinds on the rear side of the glazed sixth floor with an automatic timer system so that it is not reliant on someone remembering to close the blinds overnight. A condition is included to ensure these blinds are installed as shown on the drawings, maintained in this manner and the timer is set so the blinds are extended between sunset and sunrise daily. With these controls and condition in place it is considered the objections with regard light pollution have been addressed.

Refuse /Recycling

The proposal has been amended during the course of the application to provide a much bigger centralised waste and recycling storage room at lower ground floor which will service the entire building, including the ground floor restaurant. Historically, the applicant has utilised an existing access hatch in the pavement, providing access from the lower ground floor to street level for the waste. However, this negatively impacts on pedestrian movements along the pavement. As the extensions to the building will mean an increase in the waste / recycling generated by the occupier, discussions have taken place to improve the storage and disposal of waste from the site. These have included the provision of a much bigger waste / recycling store at lower ground floor level for the whole building and the applicant has agreed to take the waste / recycling up the stairs as opposed to utilising the access hatch in the pavement. This has been detailed in the submitted waste and recycling method statement, which has been conditioned to be complied with. With these improvements in place the application is considered acceptable subject to relevant conditions and the Waste Projects Officer has no objection to the revised proposals.

Biodiversity

A green roof area is proposed on the main roof level of the building which is considered a biodiversity benefit of the proposal. A condition is included requiring the submission of further details of the green roof area to include detailed drawings, species list and management plan. An informative is also included to advise the applicant that the City Council would expect to see the installation of an intensive green roof as opposed to sedum due to the additional biodiversity benefits this provides.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of

State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

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 as required by Crossrail Safeguarding to ensure the construction did not negatively impact on the permanent and temporary Crossrail structures. The applicant has agreed to the imposition of the condition.

8.11 Planning Obligations

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

Due to the building being owned and occupied by the Hare Krishna temple and centre which is a registered charity the proposal is not liable for a CIL payment.

8.12 Other Issues

A condition has been included as requested by Crossrail to require the submission of detailed design and construction method statements to ensure any works accommodate the location of permanent and temporary Crossrail structures and to mitigate the effects of any ground movements on Crossrail arising from the proposed development.

An objector has commented on the ability of the applicant to maintain the rear wall if the scheme as proposed is built out. If maintenance was required the applicant would have to make arrangements with one of the surrounding buildings to provide access to the rear lightwell area. This is also currently the case for the applicant to access the lower section of their rear wall and is a common occurrence for the densely built environment in Central London.

A number of objectors have also commented on the presence of pigeons attracted to the immediate area which congregate on the building, whilst it is noted that the existing occupiers have installed some bird netting and put up fake birds of prey, there are a

large number of pigeons in the rear lightwell area. The current application would remove the existing flat roof area at third floor level where the pigeons congregate and significantly tidy up the various plant items in the vicinity. It is not considered the proposal would result in the pigeon situation becoming any worse, and it should in fact improve.

An objector has commented on how the existing use can sometimes result in queueing on the pavement with resulting noise disturbance. It is thought this relates to the existing restaurant premises at ground floor level, which is not part of the current proposals. The proposal does include better waste and recycling storage and the transfer of waste up / down the staircase as opposed to through the hatch in the pavement which has been the case for a number of years. This should help to ensure the pavement is more open for pedestrian movement and there is less disruption resulting from the use. An informative is also included to advise the applicant that any queueing outside the premises for any purpose should be minimised with crowds managed to either queue within the premises or return when there is easier access to the premises.

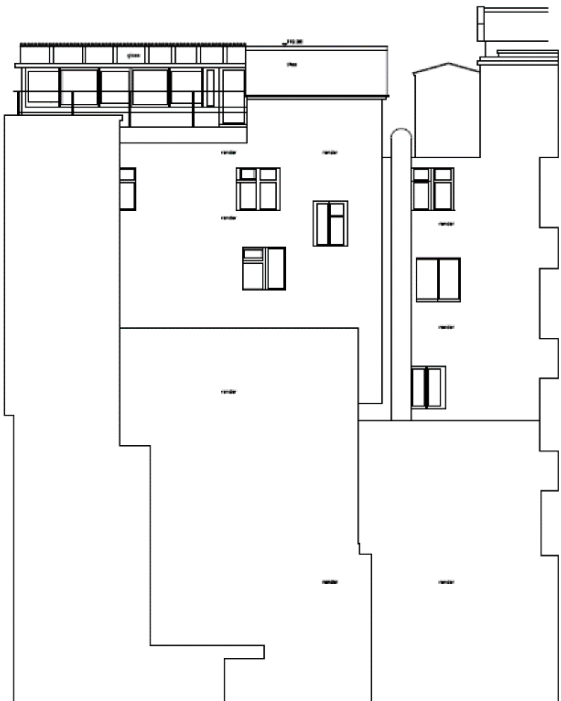
The applicant has removed windows which were originally proposed on the rear extension at fourth and fifth floor level during the course of the application as these would have been new windows on the boundary of the site and would have prejudiced the future redevelopment of buildings to the rear of the site. Windows are included at rear third floor level serving yoga / seminar rooms. The applicant has been advised that the City Council could not in future protect the levels of daylight / sunlight to these rooms if a redevelopment proposal was submitted for the rear of the site. The applicant has confirmed they find this acceptable and an informative is proposed to remind the applicant of this.

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

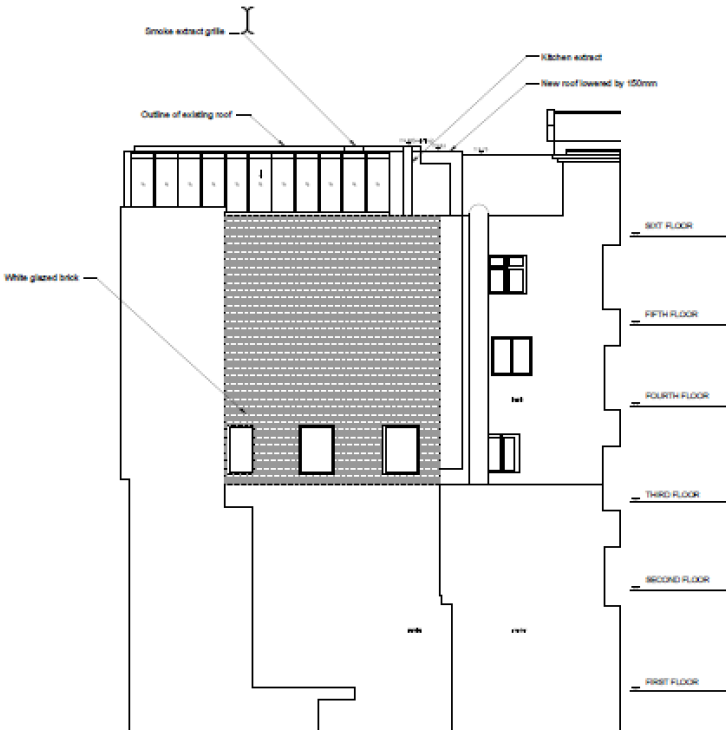
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

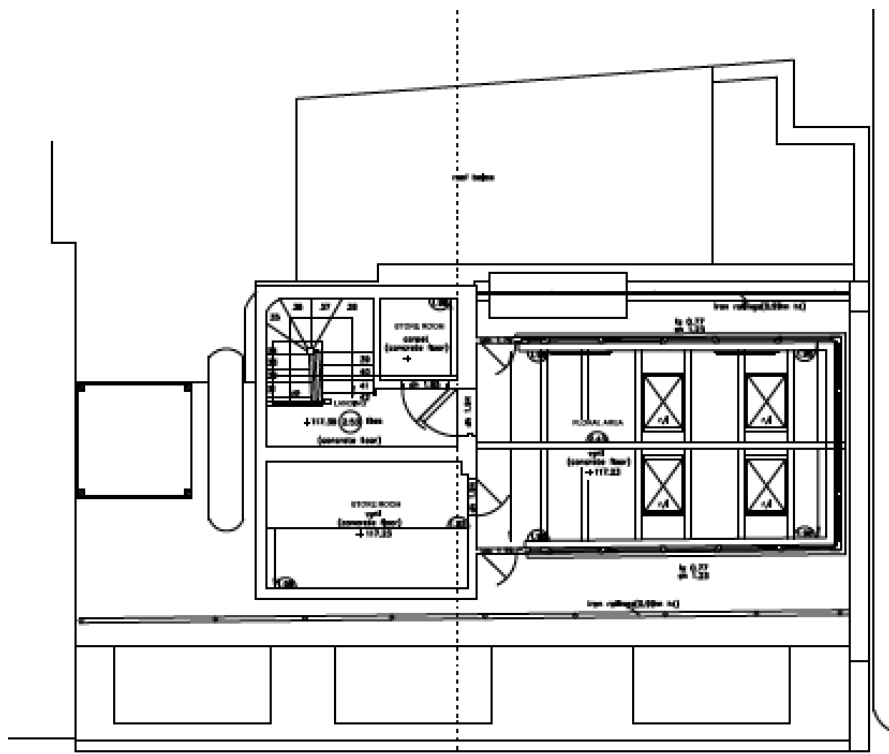
Existing Rear Elevation:



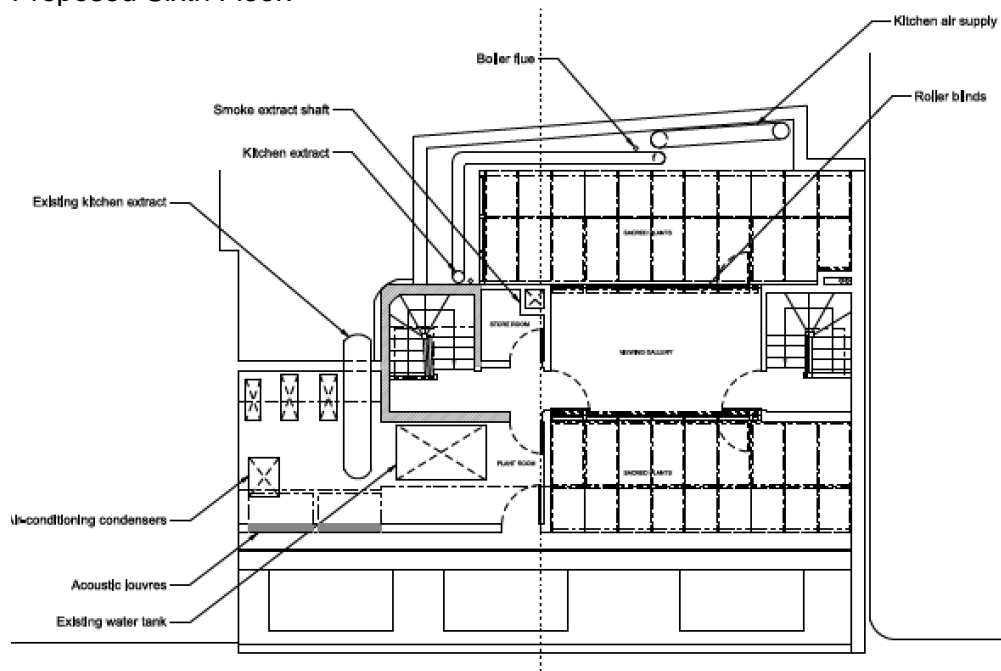
Proposed Rear Elevation:



Existing Sixth Floor:



Proposed Sixth Floor:



DRAFT DECISION LETTER

Address: 10 Soho Street, London, W1D 3DL

Proposal: Erection of an extension at the rear of the property at third, fourth and fifth floor levels and the erection of a new single storey extension at roof level with the installation of new plant; all to alter and enlarge the Hare Krishna Centre (sui generis).

Reference: 20/00031/FULL

Plan Nos: Waste Method Statement, Drawings: 99 Rev01, 100 Rev01, 101, 102, 103 Rev01, 104 Rev01, 105 Rev01, 106, 107 Rev02, 200, 201 Rev01, 301 Rev01, 351, 352.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

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 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),

- 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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of 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)

- 5 (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)

- 6 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 5 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 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 0.26 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)

- 8 PRE-COMMENCEMENT: None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-

- (i) Accommodate the location and of the Crossrail structures including temporary works,
- (ii) Mitigate the effects on Crossrail, of ground movement arising from development.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and (iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof 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)

- 10 You must install the blinds to the glazed roof structure at sixth floor level as shown on the approved drawings and maintain them in this form with the timer set to ensure the blinds are fully extended (closed) between sunset and sunrise daily.

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)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 099 Rev01. You must clearly mark them and make them available at all times to everyone using the property. (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)

- 12 All processing of waste / recycling must be carried out in accordance with the approved 'Waste Method Statement' and all waste / recycling must be brought to street level via the staircase and not via the access hatch in the pavement.

Reason:

In the interests of public safety 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. (R24BC)

- 13 You must apply to us for approval of details of secure cycle storage for the use of the building occupiers. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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)

- 14 You must install the high level extract ducts serving the kitchen areas as shown on the approved drawings and maintain them in this form in perpetuity.

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)

- 15 The glass that you put in the south facing windows on the third, fourth and fifth floor levels must not be clear glass, and you must fix these windows permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

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.

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 Crossrail Informative - transmitted groundbourne noise & vibration. The Developer is recommended to assess and mitigate the possible effects of noise and vibration arising from the operation of Crossrail. (the future Elizabeth Line).
- 3 You are advised that the green roof at main roof level should not be sedum but should be a more intensive variety of green roof due to the biodiversity benefits this will provide.
- 4 You are advised that patrons of either the restaurant premises or accessing the temple facilities on the upper floors of the property should not queue on the pavement as this results in obstruction to pedestrian movement and noise disturbance to neighbouring occupiers. You are advised that all queueing should take place within the demise of the building or people be advised to leave and come back when the queue has abated.
- 5 You are advised that the windows at rear third floor level serving the yoga / seminar rooms would be constructed on the external building line and therefore if any future development proposals were submitted on the neighbouring building which would obstruct these windows or adversely impact the levels of daylight / sunlight they would receive the City Council would not protect them.
- 6 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with

disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 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: www.westminster.gov.uk/street-naming-numbering (I54AB)
- 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 email AskHighways@westminster.gov.uk. 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).

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.