

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 March 2015	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	St Giles House, 49 - 50 Poland Street, London, W1F 7NB,		
Proposal	[DEVELOPMENT SITE AT 47, 48 AND 49-50 POLAND STREET & REAR OF 54 & 55-57 GREAT MARLBOROUGH STREET] Demolition of 47, 48 (behind part reconstructed facade) and 49-50 Poland Street and part rear of 54 and 55-57 Great Marlborough Street and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to sixth floor levels. Use of the part ground floor as restaurant/bar (Class A3/A4). Use of the basement, lower ground, part ground floor and first to sixth floors as hotel (Class C1) with roof garden and associated works.		
Agent	DP9		
On behalf of	48 Poland Street Ltd		
Registered Number	15/08350/FULL	Date amended/ completed	26 August 2015
Date Application Received	26 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission subject to a S106 legal agreement to secure:

- i) a contribution of £3,474,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development)
- ii) compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £28,000
- iii) a Crossrail contribution
- iv) monitoring costs

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

- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application involves 47, 48 and 49-50 Poland Street and part of the rear facades of 54-57 Great Marlborough Street. Permission is sought for the demolition of the existing buildings, and the redevelopment of the site to provide a 135 bedroom hotel, with a restaurant and bar area at ground floor level.

The key issues in this case are:

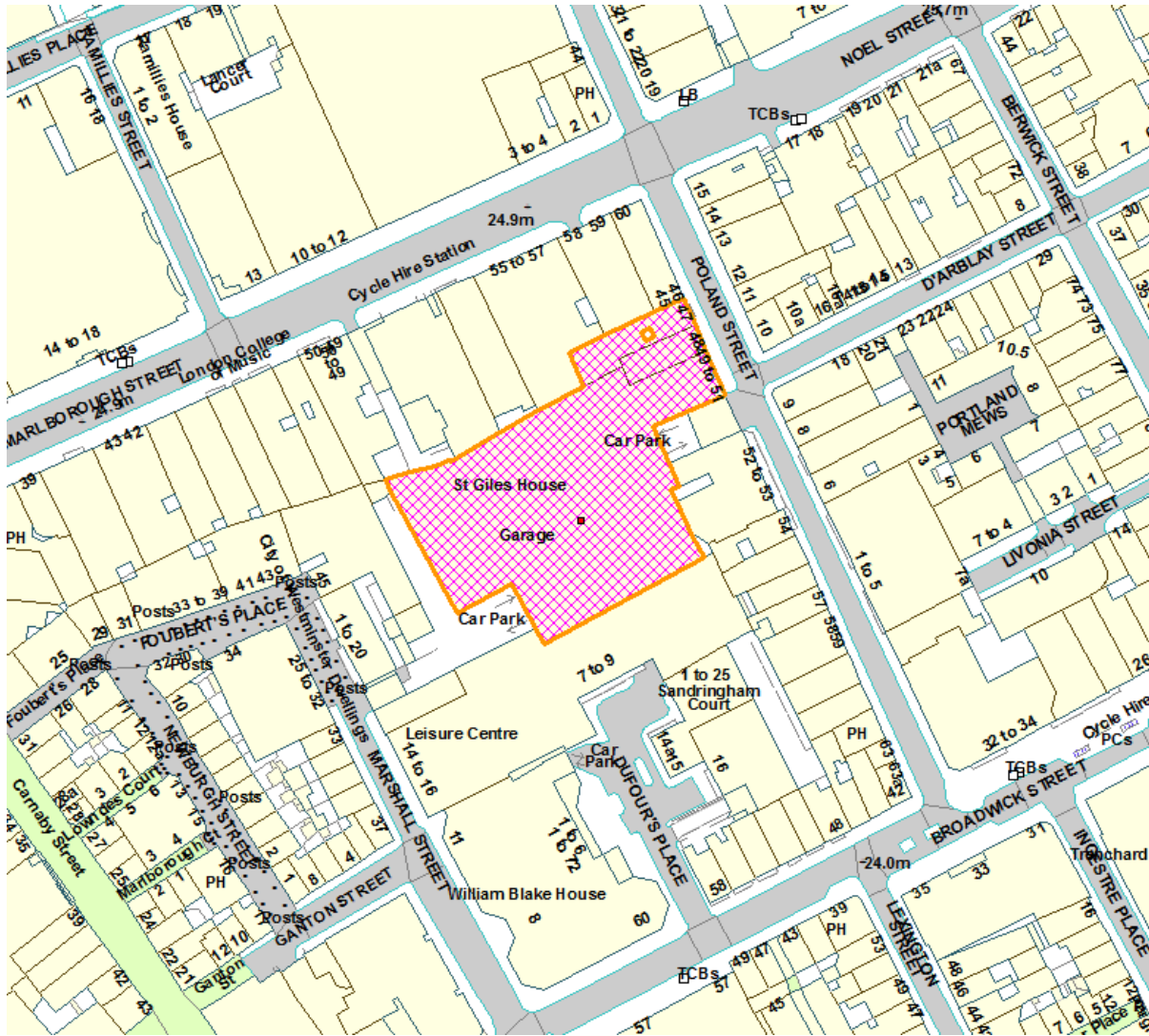
- * The impact of the scheme on the character and appearance of the conservation area.
- * The principle of a hotel in this location.
- * The offer of a commuted sum towards the City Council's affordable housing fund in lieu of on-site residential.
- * The impact of the scheme on the amenity of neighbouring occupiers.
- * Servicing arrangements

The proposals involve total demolition of all of the buildings, with the exception of 48 Poland Street which is to be rebuilt albeit without the later extensions, and with new extensions above. The remainder of the site incorporates a part brick clad facade, with a high degree of modelling, and a part aluminium clad façade which is similar to the previously approved scheme. Whilst objections have been raised to the loss of the existing buildings, it is considered that this is an acceptable design approach, which maintains the architectural variety in the terrace which is an essential characteristic of this part of Soho.

The principle of hotel use is acceptable in land use terms and subject to appropriate conditions controlling the hotel operation it is considered that the use would be neither harmful to residential amenity nor the character and function of the area.

The increase in commercial floorspace generates a requirement to provide an equivalent amount of housing on site. The applicant's argument that it is not practical or appropriate to provide this on site is accepted. A policy compliant financial payment towards affordable housing is offered, which is considered acceptable. In other respects the scheme is considered to comply with policies set out in the City Plan and in the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

47 and 48 Poland Street are considered to make a positive contribution to the conservation area and their demolition would only generally be justified if the new building contributes to the significance of the conservation area to an equal or greater degree. The new buildings proposed are a storey taller than those existing and the retained section of 48 Poland Street appears unbalanced by the large two-storey extension above it. The consistent floor plate, matching shop fronts and continuous mansard proposed across No's 47 and 48 reduces the distinction between these plots. Questions whether the development enhances or betters their significance.

SOHO SOCIETY

Objects to the proposed facade retention scheme and the resultant loss of an existing heritage feature and considers that more could be done to vary the roofline heights. Regrets the loss of small office space and considers that servicing from Poland Street will present problems in terms of noise and the practicalities of using this narrow street. Suggests that planning conditions must be included to restrict the use of the bar/restaurant to non-residents outside of Core Hours policy and that appropriate limits should be put on servicing and hours of operation.

HIGHWAYS PLANNING MANAGER

Considers that the use will have minimal impact on car parking and trip generation and that sufficient cycle parking and waste storage is provided.

ENVIRONMENTAL HEALTH

No objections subject to conditions

BUILDING CONTROL

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 385

Total No. of replies: 10

No. of objections: 9; No. in support: 1

Objections received on the following grounds:

Land Use

*Principle of additional entertainment space within the stress area

*No need for another hotel in Soho

*Loss of offices/impact on the Creative Industries Special Policy Area

*Applicant has failed to demonstrate that the benefits of the scheme outweigh the loss of office space

*The proposed hotel use neither preserves nor enhances the character of the Soho conservation area

Amenity

- *Noise nuisance from roof garden, hotel and bar
- *Noise from collection of glass bottles
- *Noise and vibration to party walls with the Marshall Street residential buildings
- *Noise from plant
- *Potential smells from roof level extract/ventilation ducts
- *Daylight report is not supported by layout drawings for the adjoining flats and fails to assess the apartments within Marshall Street at its western end
- *Figures submitted in the daylight report are lower than those used in the previous permission which demonstrates that the base modelling is inaccurate
- *Loss of daylight of between 26-44%
- *Cumulative losses of light when combined with those as a result of the redevelopment of 54-57 Great Marlborough Street
- *Loss of light to adjacent office windows which have not been assessed in the daylight report
- *Increased sense of enclosure and loss of outlook to neighbouring office windows
- *Noise and vibration during construction will be picked up by the steel structure of the south party wall of the neighbouring residential flats
- *Noise impact during construction on neighbouring recording studios.
- *Noise concerns raised due to the operational impact of the proposed development
- *Noisy construction should only take place outside of office hours in order to minimise disruption to local businesses and to protect the local economy

Design

- *47 and 48 Poland Street are unlisted buildings of merit and their loss will have a negative impact on the conservation area
- *No convincing case has been put forward for the loss of the existing heritage assets
- *Insufficient detail on the proposed design and context of the proposed buildings into the existing fabric of the neighbouring buildings
- *Roof level plant will harm the appearance of the building

Highways

- *Congestion caused by people outside smoking and pavement drinking
- *Waste strategy is insufficiently detailed and will result in rubbish being left on street
- *Conflict with construction traffic and cars entering/exiting from Poland Street car park

Other Issues

- *Littering
- *Noise, vibration and dust during demolition and redevelopment
- *Vibration and dust will have a material impact on the record players and recording equipment used in the adjoining record shop
- *The construction management plan shows the closure of the footpath on the west side of Poland Street with gantry scaffolding immediately above and an on-street construction compound which will impact on the flow of pedestrians and the potential loss of another small creative Soho business
- *Drawings are ambiguous and lack in detail

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site lies on the western site of Poland Street and comprises Nos. 47 and 48 Poland Street and 49-50 Poland Street (excluding the basement and ground floor levels). The site also includes the partial demolition of the rear of Nos. 54 and 55-57 Great Marlborough Street located to the immediate north of the site.

49-50 Poland Street is a six-storey office building, access to which is adjacent to a ground and basement retail unit fronting onto Poland Street (which falls outside the application site). Part of this building also lies directly above the entrance to the Soho Car Park at 49-51 Poland Street (which is also not part of the application site).

47 Poland Street is currently vacant but was last in use for restaurant purposes at basement and ground floors with three floors of office accommodation on the upper floors. 48 Poland Street is in Class A2 use as a betting shop at basement and ground floor levels with office use also on the upper floors.

The entire site lies within the Soho conservation area and No's 47 and 48 are identified as unlisted buildings of merit.

The site lies within the Core Central Activities Zone (CAZ) and the surrounding area has a mixture of mainly commercial uses, although the rear of the site lies directly adjacent to the recently redeveloped Soho car park, now known as the Marshall Street development, a residential redevelopment scheme. There are also other residential properties at 1B and 58-59 Poland Street and permission has also recently been granted for the residential conversion of the building to the immediate south of the site at 52-53 Poland Street.

6.2 Recent Relevant History

47 Poland Street

8.06.1982 – planning permission granted for the use of first and second floors of rear annexe as photographic studios (subject to a condition limiting the use to light industrial use only).

8.06.1999 – planning permission granted for the use of ground and basement floors for restaurant purposes with full height extract duct to the rear.

48 Poland Street

10.02.1989 - established use certificate issued for office use

20.03.2001 – planning permission granted for the erection of a two storey extension at rear and associated terraces third and fourth floor level for Class B1- office purposes

49-50 Poland Street

10.10.1986 - permission granted for the use of basement and part ground floor as a motor servicing and repair garage with ancillary offices and showroom to 49-50 Poland Street.

14.01.2003 – permission granted for the use of part basement and part ground floors as a gallery (Class D1) with ancillary retail, cafe and office space.

47, 49-50 Poland Street and 54-57 Great Marlborough Street

17.02.12 - planning permission granted for the demolition and redevelopment of 54 and 55-57 Great Marlborough Street to provide a seven storey building for offices (Class B1), retail (Class A1) and restaurant purposes at rear ground floor level (Class A3); new facade to upper floors of 49-50 Poland Street and use of first to fourth floors for offices (Class B1), fifth floor as residential and erection of new sixth floor for residential purposes (1 x 1 bed and 2 x 3 bed flats) and use of rear ground floor for studio/workshop use (Class B1c); refurbishment of 47 Poland Street for use as retail (Class A1) at basement and ground floor level and residential on the upper floors (1 x 1 bed, 1 x 2 bed and 1 x 3 bed flats), together with associated works and plant.

54-57 Great Marlborough Street (Adjoining Site)

17.11.15 - a resolution to grant planning permission was made (subject to the completion of a legal agreement) for the demolition and redevelopment behind retained street facades at 54 and 55-57 Great Marlborough Street to provide a new building comprising basement, ground and first to seventh floor levels. Use of the part basement and ground floor levels as two retail units (Class A1) and one dual/alternative retail or restaurant (Class A1/A3) unit at part basement and ground floor levels. Use of part basement and ground and the entire first to seventh floor levels as residential accommodation comprising 27 units with associated terraces at rear first floor and balconies at fifth and sixth floor levels. Excavation at basement level, the provision of a green roof at main roof level and installation of plant in the basement and at seventh floor level.

7. THE PROPOSAL

Permission is sought for the demolition of the existing buildings, with the exception of part of the façade of 48 Poland Street, which is to be rebuilt, and redevelopment of the site to provide a 135 bedroom hotel, with a restaurant and bar area at ground floor level. Shiva Hotels are the intended hotel operator and have submitted a draft Operational Management Statement (OMS).

A new sub-basement level is proposed to provide an area for plant, and additional excavation is proposed at basement level providing back of house facilities including kitchens, stores, offices and wc accommodation.

The entrance to the hotel is on Poland Street providing direct access to a proposed restaurant area with 96 covers and bar area that leads onto a central courtyard area. The upper levels contain the hotel bedrooms designed as two separate wings around the central courtyard.

The hotel bar and restaurant would be open to the general public.

The extensions would result in an increase in commercial floorspace at the site of 2,111 m². The applicant argues that it would be neither practical nor viable to provide on-site residential to match the commercial increase. A financial payment of £ 3,474,000 is offered towards the City Council's affordable housing fund in lieu of on-site provision.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses can be summarised as follows:

Use	Existing (m ²)	Proposed (m ²)	Change (+ or -m ²)
Office (Class B1)	4,867	0	- 4,867
Restaurant (Class A3)	319	492	+173
Betting shop (Class A2)	233	0	-233
Showroom	206	0	-206
Retail	161	0	-161
Nil use	106	0	-106
Hotel	0	7,511	+ 7,511
Overall commercial	5,892	8,003	+2,111

Loss of office use

The proposal will result in the loss of all the office floorspace (4,867m²) on the site. There are no policies within the UDP or City Plan which safeguard the existing office use. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace. From 1 September 2015, any such applications are determined under a 'presumption in favour of sustainable development' in line with national policy. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations. Objections have been received to the loss of office accommodation and on the grounds that the applicant has failed to demonstrate that the benefits of the scheme outweigh the loss of office space. However, the current application results in a substantial commercial uplift on the site (2,111m²) in the form of hotel accommodation and in these circumstances the loss of the B1 office accommodation is considered acceptable in principle.

New hotel use

Hotels are important to support the visitor and business economy, and they have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities. In addition to providing 135 rooms, the hotel will provide a restaurant and bar which would also open to the public. The restaurant and bar area are located on the ground floor with a capacity of up to 96 in the restaurant and 45 in the bar area.

Policy S23 of Westminster's City Plan: Strategic Policies (the City Plan) directs new hotels to the CAZ and to those streets which do not have a predominantly residential character. Policy TACE 2 of the UDP is also permissive towards new hotels in the CAZ that do not have a predominantly residential character where (i) no adverse environmental and traffic effects would be generated and (ii) adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel.

Notwithstanding recent permission for developments incorporating new residential floorspace, Poland Street is still predominantly commercial in character. In these circumstances, the introduction of a new hotel on this site is considered acceptable in principle in land use terms.

The application is supported by an Operational Management Statement which includes measures designed to ameliorate the impact of the hotel and entertainment uses on residents' amenities and local environment quality and this is discussed below. The impact of the proposals on traffic and parking is set out in section 8.3.

Objections have been received on the grounds that there is no need for another hotel in Soho, however, the application could not be refused on these grounds.

Operational Details

The intention is that Shiva Hotels would be the hotel operator. The applicant's stated aim is to create a boutique hotel with a very high standard of internal design and décor. The hotel will comprise 135 bedrooms with a restaurant and bar occupying a large part of the ground floor.

The hotel would be open to guests 24 hours a day seven days a week. It is proposed that the restaurant would be open to non-residents from 06.30 to 23.30 Mondays to Thursday, 06.30 to 00.00 Friday to Saturday and 06.30 to 23.00 on Sundays and Bank Holidays. The bar would be open until midnight daily.

New restaurant and bar use

Although the restaurant and bar would be an integral part of the hotel and under the same management, as is typical of a hotel of the nature proposed, the restaurant would be open to non-residents. Although the restaurant would not be operated as a stand-alone facility and would be ancillary to the primary hotel use (Class C1), the impact of the restaurant needs to be assessed against the City Council's entertainment policies.

In this instance, the proposal involves the relocation of an existing restaurant from 47 Poland Street involving an increase of 173m² compared to the lawful restaurant use. UDP Policy TACE 9 states that within Stress Areas permission will only be granted for restaurant uses (between 150m² and 500m²) where the City Council is satisfied that permission for such uses will only be granted where the City Council is satisfied that there is no adverse effect on residential amenity or local environmental quality, and no adverse effect on the character or function of the area. In reaching decisions, the City Council will have particular regard to factors including the number of people on the premises, the opening hours, servicing and arrangements to safeguard amenity (such as means of extraction/ventilation etc). Policy S24 is similarly worded.

Despite the location of the proposed restaurant within the West End Stress Area (WESA) and that objections have been received on the principle of entertainment space in the stress area, given that the proposal involves the relocation of an existing restaurant from within the same site it is not considered that the proposed Class A3 use would have an adverse effect on the character or function of the area.

In terms of the impact of the use on residential amenity, the restaurant is located within relatively close proximity to residential properties on the upper floors of the Marshall Street development, and objectors are concerned with the effects of noise from late night activities, noise from bottle collection, noise nuisance from the proposed roof garden, hotel and bar and smells from extract and ventilation equipment. In response to these concerns the application has been amended to include a bottle crusher, to reduce the size of the roof top terrace and to restrict its use to occupants of the sixth floor suite, and to reduce the size of the roof level ventilation ducting.

Given the location of hotel bedrooms directly above, it will be in the interests of the hotel to ensure that these areas are properly managed. Furthermore, the restaurant is intended as a sit-down facility with waiter service and no take away facilities, and the total capacity of all entertainment areas would be restricted to 141.

The application is accompanied by an Operational Management Statement (OMS). The key elements of the OMS are as follows:

- The entrance will be attended at all times by door staff.
- There will be a designated hotline to residents and neighbours and management of the hotel will arrange quarterly meetings with local residents and businesses.
- Pre-booking of taxis and monitoring of taxi activity to ensure that the highway remains clear
- Hours that non-resident guests may use the restaurant and bar areas
- A restriction of 96 diners within the restaurant area and 45 in the bar area
- The only public entrance to the hotel will be from Poland Street. Management of evening guests would be strictly controlled to ensure minimal disturbance to neighbouring residents.

- The hotel would not be marketed for coach parties.

Poland Street is mixed use in character including some residential. The OMS is considered to be robust and it will ensure that activity associated with the hotel and restaurant would not be harmful to the character of the area and more specifically to residential amenity. As concerns have been raised about smoking and outside drinking, and as these issues are not covered in the submitted OMS, a revised OMS is secured by condition.

Light Industrial Use

Concerns have been raised on the grounds of loss of Soho's traditional light industries.

The site lies within the Creative Industries Special Policy Area (CISPA) within the UDP wherein light industrial uses are protected. Policy COM8 states that 'proposals for redevelopment, rehabilitation or other development affecting premises containing light industrial floorspace will not be granted planning permission where:

1. the site is located within the Creative Industries Special Policy Area
2. this would result in the loss of industrial activities which contribute to the character and function of the area.

Although the site is located within the CISPA as defined in the UDP, this SPA designation has not been included within the City Plan. The City Plan recognises that protecting and enhancing the Creative Industries is a priority, however, it also acknowledges that such uses do not fall within a specific use class and they therefore require a customised approach. Further, the City Plan defines Creative Industries as both light industrial (Class B1(c)) and Creative Services (architects, advertising agencies, graphic design and media design) (Class B1) and recognises that a significant amount (63%) of Creative Industries operate from B1 use class units. The relevant office policy (Policy S20) states that new office development will be directed to the Core Central Activities Zone and refers to, where appropriate, the provision of a range of business floorspace including workshops and studios, however, it does not specifically protect light industrial uses.

In this instance, whilst 47 Poland Street includes an element of restricted light industrial use within the rear annex, these areas have been in an office use for over 10 years and therefore the office use is considered to be lawful. As such no light industrial space would be lost from that building as a result of the application. In these circumstances, objections to the loss of the light industrial use/floorspace cannot be supported.

Loss of Showroom and Retail Uses

The application involves the loss of the existing betting shop (Class A2) at 48 Poland Street. Policy S21 protects existing non-A1 uses, however, in this instance the existing betting shop is to be replaced with a restaurant, which as it will be open to the public, is considered an acceptable alternative use.

The proposals also involve the loss of ancillary retail and showroom space which is all located at the rear of 54-57 Great Marlborough Street. These losses are a consequence of two separate land ownerships coming forward for redevelopment independently. Whilst an element of retail floorspace is lost, the redevelopment of 54-57 Great Marlborough Street preserves the A1 use and maintains a retail function.

With regard to the loss of showroom space, as the site lies outside the East Marylebone Special Policy Area, and the former occupiers of the showroom, Steilmann, have now vacated No.54 it is not considered that the former showroom use makes a significant contribution to the character and function of the area and its loss is considered acceptable.

Mixed Use Policy

UDP Policies CENT3 and Westminster's City Plan Policy S1 aim to encourage mixed use developments within Central Westminster, requiring any increase in commercial development to be matched by residential provision. These policies require, where appropriate and practical, the provision of self-contained residential accommodation with separate access when increases in commercial floorspace are proposed. The residential floorspace should comprise an amount of floorspace equivalent to the increase in commercial floorspace, where it is over 200m². Where it is clearly not practical to provide residential accommodation on site, the City Council will seek the provision of the required residential accommodation on another site within the vicinity, other uses which contribute to the CAZ, or a contribution to the Council's affordable housing fund for the provision of affordable housing. Policy S1 is similarly worded.

The increase of 2,111m² of hotel floorspace triggers the mixed use policies. It is recognised that it is sometimes impractical or inappropriate to provide housing on-site in certain circumstances. In this case, given the constraints of the site, particularly with the difficulties of providing a separate residential core, and the nature of the proposed use, it is recognised that on-site provision would not be practical. The applicant advises that they do not own any alternative available sites in the vicinity and are unable to provide the requisite residential accommodation off-site. The applicant has offered £3,474,000 in accordance with the current formula used to calculate payments in lieu of residential and is therefore acceptable.

8.1 Townscape and Design

The proposals involve the demolition of all the buildings on Poland Street. Permission has been granted for the demolition of two of these, those at the southern end of the site. The other two buildings are unlisted buildings of merit in the Soho Conservation Area Audit. The Georgian building (no.48) is of greatest significance, although this has been much altered and extended. Only the first and second floors appear in something like their original form. The other building at the northern end (no.47) is an early twentieth century building of lesser interest; it is both architecturally and historically less significant than the Georgian building. If demolition is to be permitted it is essential that the variety in the terrace is maintained and the new buildings are of high architectural quality and preserve and enhance the character and appearance of the Soho Conservation Area. Given the contribution made by the Georgian building to the character and appearance of the terrace and the conservation area, it is considered important that it be retained.

The proposals involve total demolition of all of the buildings, and replacing them with four new facades, behind which is one hotel building. The geo façade is rebuilt albeit without the later extensions, and with new extensions above. Three other new facades are proposed. The southern one is clad in aluminium, and is similar to the one previously approved. The façade immediately north of this is a brick clad, with a high

degree of modelling, giving it considerable depth and interest. Next is the rebuilt Georgian facade, and at the north end of the site (no. 47) is another new brick façade, in a modern neo-Georgian style, to compliment that at no.48. This new facade relates better to the Georgian facade and improves its setting in the terrace. It is considered that this is an acceptable design approach, which maintains the architectural variety in the terrace which is an essential characteristic of so much of Soho.

There are increases in the massing, with set back roof storeys. These have been designed to reduce their visual impact especially in views from the north. This massing is considered acceptable. The proposed plant at roof level is relatively discrete and despite the concerns raised is considered acceptable in design terms.

Objections have been received on urban design and conservation grounds. These state that the loss of the two unlisted buildings of merit would have a negative impact on the character and appearance of the conservation area and that there is no justification for their demolition. However, in considering whether or not demolition should be permitted, the qualities of the proposed buildings must be considered. It is accepted that demolition of the two buildings causes some harm to the conservation area, but it is concluded that the proposed replacement buildings overcome that harm, by reason of their high quality design and appropriateness to the character and appearance of the conservation area.

It is concluded that this is a high quality development which will contribute positively to the character and appearance of the Soho Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 9 and DES 10.

8.2 Residential Amenity

The closest affected residential properties are within the Marshall Street development (St Giles House) to the immediate west of the site. There are also residential flats on the upper floors of 58-59 Great Marlborough Street.

A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties. It includes layout drawings of the adjoining flats and assesses all windows within the Marshall Street development facing the application site. An addendum cumulative impact sunlight/daylight report has also been submitted which calculates the impact of the application site when combined with the impact of the redevelopment site at 54-47 Great Marlborough Street (the site immediately to the north). The addendum report has also been produced following an on-site assessment to one of the flats in St Giles House.

One of the objectors questions the reliability of the base modelling used in the reports on the grounds that the figures submitted in the report are lower than those used in the previous permission. The applicants daylight consultants state that they have not had access to the base information used in the previous permissions and in any event the current assessment has been undertaken based on the most update and available information which further considers access into flat 32.

Daylighting

The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

The sunlight/daylight assessment submitted with the application demonstrates that only one window would be adversely affected by more than the 20% recommended in the BRE guidelines. This is a bedroom window at fifth floor level within the Marshall Street development which would experience a VSC reduction from 9.43% to 5.81% i.e. 38%. The VSC value for this window is only a change of 3.6%, but the overall percentage loss is relatively high due to the fact that the existing level of light is relatively low and any loss is therefore proportionately higher when expressed as a percentage of the original value.

In the cumulative assessment, this same bedroom window would experience the same losses in VSC, and two bedroom windows at fourth floor level within Marshall Street residential development would experience NSL losses of 20.4 and 43%. Objections have been received to these losses. These rooms would however retain good levels of VSC of between 26.63 and 27.48%. Whilst these losses would be over 20%, the windows affected serve bedroom accommodation which the BRE guidelines state as being less important in relation to daylighting distribution than main living rooms. These are also north facing windows which are particularly small compared to the size of the rooms and as a result this does impact on light penetration and partially explains why it is only NSL that is adversely affected to these rooms. Larger windows would have allowed light to penetrate more deeply than the windows that have been installed. The losses would be similar to those deemed acceptable under the previous approval for this site.

It is considered that within this urban built up location, the levels of daylighting retained are acceptable and the impact is not considered sufficient to justify a refusal. Given this, it is considered unreasonable to refuse this scheme given the losses involved.

The residential accommodation at 58-59 Great Marlborough Street retains satisfactory daylighting levels.

Sunlighting

With regard to impact on levels of sunlight, the BRE guidance state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual 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 value. The habitable windows to the flats within the Marshall Street development facing the application site do not face within 90 degrees of due south and therefore are not required to be analysed for the purposes of loss of sunlight under the BRE guidelines. With regard to the residential flats at 58-59 Great

Marlborough Street all windows will retain satisfactory values in terms of annual sunlight hours.

Sense of Enclosure

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity.

The building would be one storey higher than the existing at 49-50 Poland Street and would be directly opposite the east facing windows within the Marshall Street development. However, the new sixth floor is set back from the rear façade and chamfered back to reduce its apparent bulk. Whilst it is acknowledged that the occupants of the flats on the fourth floor of the Marshall Street development will feel more 'closed in' than at present, given the set-backs proposed it is not considered that the impact on sense of enclosure would be so significant as to warrant refusal.

The bulk and massing of the sixth floor remains the same as that consented in the previous permission.

Overlooking

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. The proposal results in new hotel windows less than 8m from existing residential windows in the Marshall Street development. However, there are windows within the existing office building in the same location and the proposed new windows serve either corridor accommodation or have been recessed from the façade of the building such that any overlooking would be from an oblique angle. The corridor windows will also be obscure glazed to prevent overlooking. On this basis, it is not considered that the proposal would result in any harmful impact on increased overlooking to neighbouring properties.

Roof Terraces

Roof terraces are proposed at sixth floor level at 48 and 49-50 Poland Street. Both terraces serve the hotel suite at this level and would not be accessible to other residents of the hotel. The terrace at 49-50 faces commercial premises on the opposite side of Poland Street and the terrace at 48 is set behind the new sixth floor. It is not considered that in these locations that use of these terraces by residents of one suite would result in unacceptable noise, disturbance or overlooking. The flat roofed area adjacent to the north facing windows in the Marshall Street development is to be used for maintenance purposes only and not for use by hotel guests. This will be controlled by condition to protect the amenity of the adjoining residential.

Other Adjoining Properties

An office occupier at 51 Great Marlborough Street has raised a number of concerns including the fact that the report fails to address the impacts on their property, the reduction in sunlight and daylight and on the grounds that the proposal would result in an increased sense of enclosure. Whilst the report has not addressed the impact of light issues on 51 Great Marlborough Street, the City Council's policy for protecting daylight and sunlight is primarily aimed at protecting the living standards of residents, and it is not considered that a reason for refusal could be sustained on the grounds of loss of light or increased sense of enclosure to existing commercial windows.

Other issues

Residents of the Marlborough Street development have raised concerns to the proposed ventilation ducting on the rear flat roof at the rear of 49-50 Poland Street. The applicant has confirmed that this ducting is for air intake and air extract only and will not emit fumes. The Council's standard condition relating to plant noise is to be imposed and this is set out in more detail below in section 8.6.

8.3 Transportation/Parking

A Transport Assessment produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. Trip generation modelling, which is considered to be robust, concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

Whilst the proposal will result in an increase in vehicle trips to the site, the Highways Planning Manager concludes that this will have no significant impact on the operation of the wider highway network.

Site servicing

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that "vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development".

The applicant has submitted a Transport Statement in support of the application. The applicant estimates that the proposed development will be serviced on average by 9 service vehicles daily. The vehicles are likely to be larger than those associated with the existing use (eg laundry and food delivery vehicles). All servicing is proposed on-street and the submitted a Servicing Management Plan (SMP) demonstrates how servicing will be managed. All deliveries will be pre-booked outside of peak periods where possible, and scheduled to avoid conflict with waste / recycling collections. Whilst the Soho Society believe that servicing would be problematic on Poland Street, however, the Highways Planning Manager has confirmed that the approach set out in the SMP is acceptable. This will be secured by condition.

No car parking is provided on site and due to the limited size of the proposed hotel, it is not considered that there is a need to provide facilities for coach parking and the Operational Management Plan sets out measures to discourage coach travel. Most guests are likely to arrive and depart by public transport (underground or bus) and a short walk or taxis, which can stop directly outside the site.

Existing Public Car Park Access

The proposals retain access to the Poland Street car park. Any reduction in height (or other change to the structure) may affect the long term functionality of the operation of the car park. However, as no changes are indicated, the proposal will not affect the functionality of the existing public car park.

Cycle parking and waste storage

The proposal incorporates secure cycle parking at ground floor level which would be secured by condition.

Waste/recycling storage for the development will be located at basement level and ground floor level and will be transferred, by on-site management to the ground level collection point. This arrangement and the level of storage provision are considered acceptable and the concerns raised on these grounds are not considered sustainable.

Other issues

Concerns have also been raised on the grounds that the proposal will create congestion on the pavement due to pavement drinking and outside smoking. These issues would be covered by the OMS however in any event given that the entrance to the hotel is recessed and is set back 5m from the edge of the highway it is not considered that the likely activity associated with a hotel in this location would cause conflict with other pedestrians at this point.

8.4 Economic Considerations

The economic benefits generated are welcomed.

8.5 Access

The proposed building has been designed to meet the relevant access requirements of the Building Regulations and relevant British Standards and 10% of all rooms will be accessible in line with the London Plan.

The building entrances onto Poland Street are level with the public pavement and the main core is fitted with wheelchair accessible lifts that provide level access to all floors.

8.6 Other UDP/Westminster Policy Considerations**Plant noise**

Plant is proposed at basement levels 1 and 2 and at rear roof level. To ventilate the restaurant at ground and basement floor level a full height duct is proposed rising internally through the building. The detailed design of the precise plant required and as details of the duct have yet to be finalised full details of the duct would be reserved by condition. An acoustic report has been submitted as part of the application which includes background noise surveys around the site and, from this are set targets for the operation of the new plant which must be below existing background noise levels.

The Environmental Health officer has assessed the submitted acoustic report and raises no objection to the proposals subject to conditions relating to plant noise and vibration. On this basis, despite the concerns raised, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

Noise disturbance during the course of construction

An objection has been received on behalf of the operators of the post-production sound studios in 51-53 Great Marlborough Street on noise grounds, primarily on the basis that

the extent of demolition and construction works would result in significant disturbance in respect of noise, vibration and dust generation affecting the objectors' ability to carry out their business. The objector refers to a policy requirement to reduce noise generated, so far as it is practical, to the Lowest Observed Adverse Effect Level (LOAEL) and notes that this requirement also applies during the construction phase.

A neighbouring residential occupier raises similar concerns and the occupiers of the adjoining businesses and the owner of the Marshall Street apartments raise concerns relating to dust and vibration during demolition.

National Planning Policy Guidance on Noise (6 March 2014), to which the objectors refer, requires local planning authorities to take account of the acoustic environment and, in doing so, to consider whether or not a significant adverse effect, or an adverse effect, is likely to occur and whether or not a good standard of amenity can be achieved. The guidance refers to the Explanatory Note of the Noise Policy Statement for England, which states that the assessment of noise disturbance would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the Significant Observed Adverse Effect Level (SOAEL – the level above which significant adverse effects on health and quality of life occur) and the Lowest Observed Adverse Effect Level (LOAEL – the level above which adverse effects on health and quality of life can be detected) for the given situation. The Explanatory Note acknowledges that it is not possible to establish a single objective noise-based measure that defines SOAEL, as this is likely to be different for different noise sources, for different receptors and at different times.

The sound recording studio contend that, due to the nature of their business, LOAEL is the level at which they can operate without any material effect on their business, and that SOAEL is the level at which they could no longer use their studios. The adjoining residents contend that SOAEL is the level where they would not be able to occupy their home. In the absence of any assessment of the construction or operational impacts in relation to LOAEL or SOAEL, the objectors contend that it is not possible to ascertain whether or not the proposal complies with national planning policy. Furthermore, even if it can be demonstrated that the impact of the development process, or the completed development, falls between LOAEL and SOAEL, unless it has been shown that all possible mitigation will be employed to reduce the noise impact to the LOAEL, the development is contrary to national noise policy and should be refused.

However, the stated vision set down in the Explanatory Note is to “promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development”, with the aim to “avoid significant adverse effects on health and quality of life”, to “mitigate and minimise adverse impacts on health and quality of life” (and to, “where possible, contribute to the improvement on health and quality of life”). The Note addresses the impact of “neighbour noise” including construction noise, and human reactions to it including sleep deprivation etc. It is primarily weighted towards the consideration of the impact of noise upon residential amenity rather than with the impact of noise upon commercial activity.

The Note sets out a requirement for developers to avoid significant adverse impact on health and quality of life and, where the impact lies somewhere between LOAEL and SOAEL, “to take all reasonable steps to mitigate and minimise adverse effects on health

and quality of life whilst also taking into account the guiding principles of sustainable development”. However, the Note is clear that “this does not mean that such adverse effects cannot occur”. It also sets out the “need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation i.e. not focussing entirely on the noise impact without taking into account other related factors”.

The applicant has submitted a revised Construction Management Plan that sets out measures that deal with the control dust during demolition, and the issue of construction noise, including the provision of vertical protection blankets between existing properties, acoustic crash-decks, and sets out that sensitive sections of the existing building will be demolished by small plant located on each floor slab in a “top-down” method with wire cutting to isolate retained and demolished structures. This report has been assessed by officers from the Council’s Environmental Sciences Team.

The CMP also sets out that before works commence a set of initial baseline readings will be collected in order to determine a baseline to report against. In addition, the applicant has confirmed that a commitment has been made to enter into a S61 agreement (Control of Pollution Act), ensuring that the quietest machinery is used, with silencers, and that acoustic screening is employed wherever possible. Noise and vibration monitoring will also take place continuously. The Council also expects the developer to do everything possible to engage and liaise with the neighbouring residents and businesses. A Site Environmental Management Plan (SEMP) is also to be secured which requires the applicant to provide details of noise and vibration (including predictions, managing risks and reducing impacts) and details of monitoring (including details of receptors, threshold values and analysis methods, procedures for recording and reporting monitoring results and remedial action in the event of any non-compliance). In addition, the applicant has also agreed to an annual contribution of £28,000 towards the Council’s Code of Construction Practice and towards monitoring of the SEMP. In these circumstances, it is considered that the issue of construction noise has been satisfactorily addressed.

Noise disturbance from the operation of the hotel

Adjoining occupiers are also concerned about noise generated from the operational impact of the proposed hotel. The application includes proposed uses which could have noise generated from entertainment type activity (music, performance etc) and the Council’s standard noise conditions relating to internal activity is imposed.

Noise generated within the development (including plant and machinery and entertainment noise) will need to comply with the Council’s standard requirements relating to proposed and existing adjoining residential uses. Objections have been raised on these grounds and this is considered to be addressed by condition.

Conditions are also imposed controlling ground borne noise from the transmission of underground trains.

8.7 London Plan

The London Plan contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2031, to improve the quality, variety and distribution of visitor accommodation and facilities (Policy 4.5). The need to accommodate a wide range of provision is highlighted. The proposed 135 hotel bedrooms will help meet London Plan targets.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in Spring 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to

secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i. A payment of £3,474,000 towards the Council's affordable housing fund (payable on commencement of development and index linked)
- ii. Compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £28,000.
- iii. a financial contribution towards Crossrail;
- iv. Monitoring costs

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the Community Infrastructure Levy Regulations (2010 as amended).

8.10 Environmental Impact Assessment

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The application is accompanied by an Energy and Sustainability Report which sets out the sustainability credentials of the building. The energy efficiency and sustainability initiatives of the site have been optimised to address the Mayor's Energy Hierarchy and to address the requirements of policies in Chapter 5 of the London Plan and Westminster's City Plan Policy S28. The applicant's Energy Statement states that with the installation of a CHP engine, air source heat pumps, the installation of roof mounted Photovoltaic (PV) panels, passive design measures and energy efficiency measures that the building's total CO₂ emissions are predicted to show a reduction of 35% over Building Regulations Part L 2013 baseline emissions.

A BREEAM pre-assessment has been carried out on the proposed development and it is predicted that, if enhancement measures are introduced, the proposed development could achieve a BREEAM Excellent rating.

To encourage biodiversity a green roofs are proposed which would be in accordance with Policy S38 of the City Plan and UDP Policy ENV 17.

8.11 Other Issues

Construction impact

In addition to the concerns set out above relating to noise during construction, objectors are also concerned about hours of construction, conflict with construction traffic and the Poland Street car park, and the fact that the proposed closure of the footpath during construction would impact on the flow of pedestrians and on the ability of adjoining commercial occupiers to operate successfully.

A revised CMP has been submitted that demonstrates that access to the adjoining properties (Phonica and Vinyl Factory) will be maintained throughout the construction period with uninterrupted pedestrian access via the existing footpaths in Poland Street. To address the concerns raised regarding conflict with traffic accessing the Poland Street car park the CMP also sets out that a security gatehouse is to be located at main gate to control contractor vehicle movements.

Whilst the office occupiers of 51 Great Marlborough Street have requested that noisy construction should only take place outside of office hours, the standard hours of working are imposed, as is the Council's normal practice, to protect the environment of neighbouring residents.

Other issues

An objection has also been received relating to littering. This is a matter that can be addressed in the revised OMS.

9. BACKGROUND PAPERS

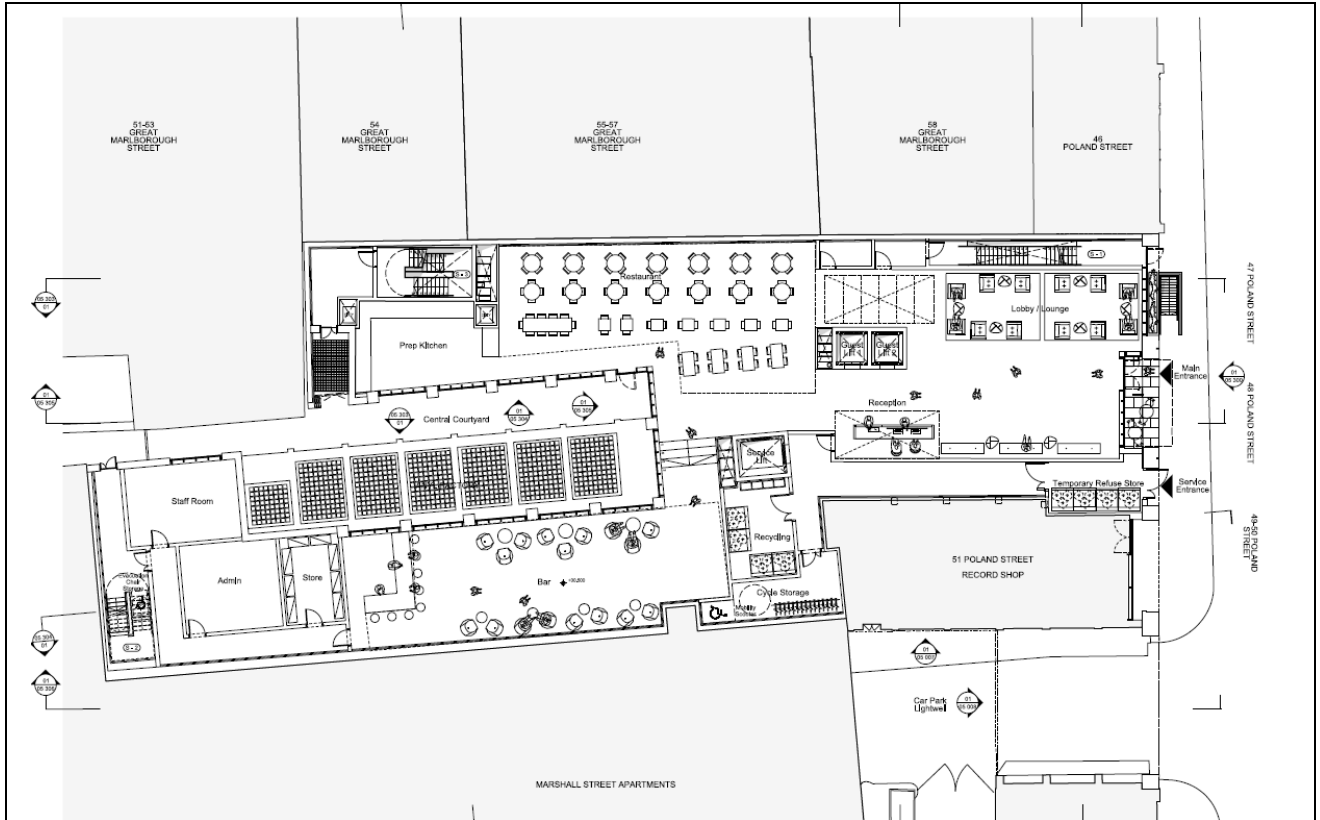
1. Application form
2. Response from Soho Society, dated 6 October 2015
3. Response from Historic England (Listed Builds/Con Areas), dated 14 October 2015
4. Memorandum from Highways Planning Manager dated 12 February 2016
5. Memorandum from Environmental Health dated 17 February 2016
6. Letter from occupier of 11 Sandringham Court, Dufours Place, dated 26 September 2015
7. Letter from occupier of Flat 9, 7 Dufour's Place, dated 25 September 2015
8. Letter from occupier of Flat 26, 16 Marshall Street, dated 14 October 2015
9. Letter from occupier of 51 Poland Street, London W1F 7IZ, dated 22 October 2015
10. Letter from occupier of 16 -18 Marshall Street, London W1F 7BE, dated 19 October 2015
11. Letter from occupier of 15 Newland , Lincoln , dated 19 October 2015
12. Letter from occupier of 45 to 46 Poland Street, London, dated 9 October 2015
13. Letter from occupier of Apt 32, 16, Marshall Street, dated 18 January 2016
14. Letter from occupier of 51 Great Marlborough Street dated 13 November 2015
15. Letter sent on behalf of the occupier of 51-53 Great Marlborough Street dated 19 October 2015

Selected relevant drawings

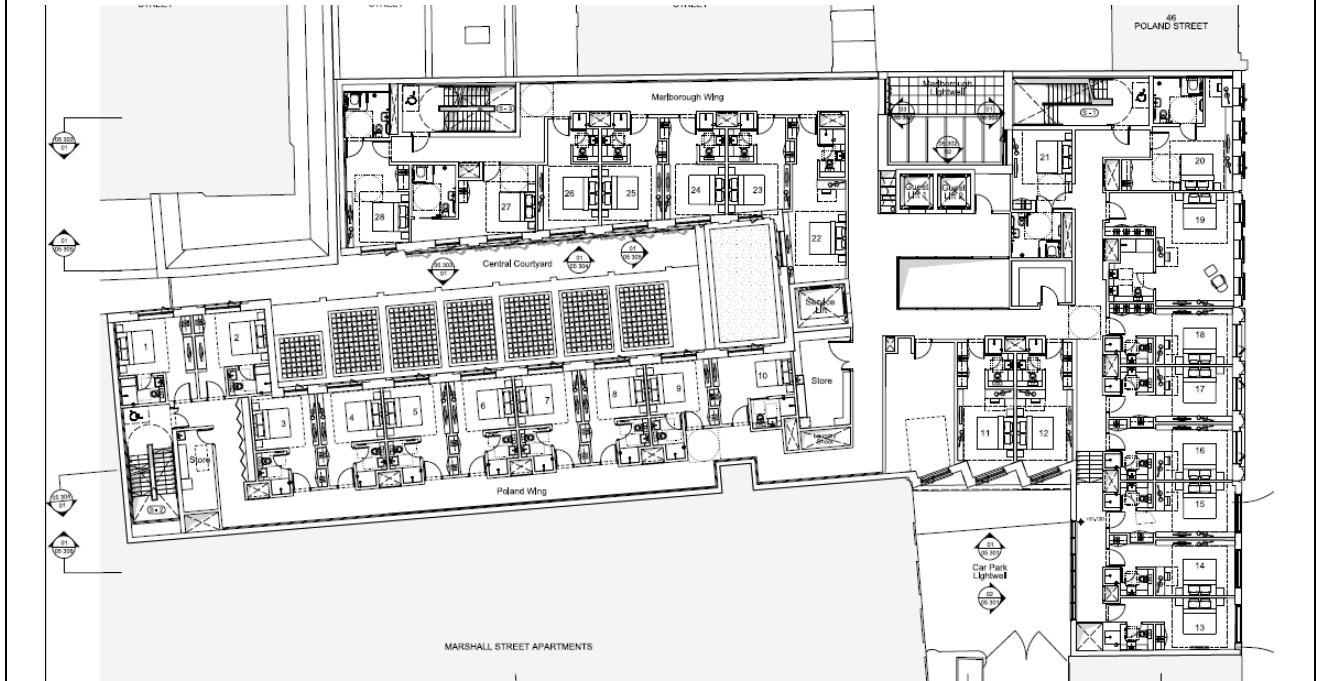
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JOSEPHINE PALMER
ON 020 7641 2723 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



Proposed ground floor plan



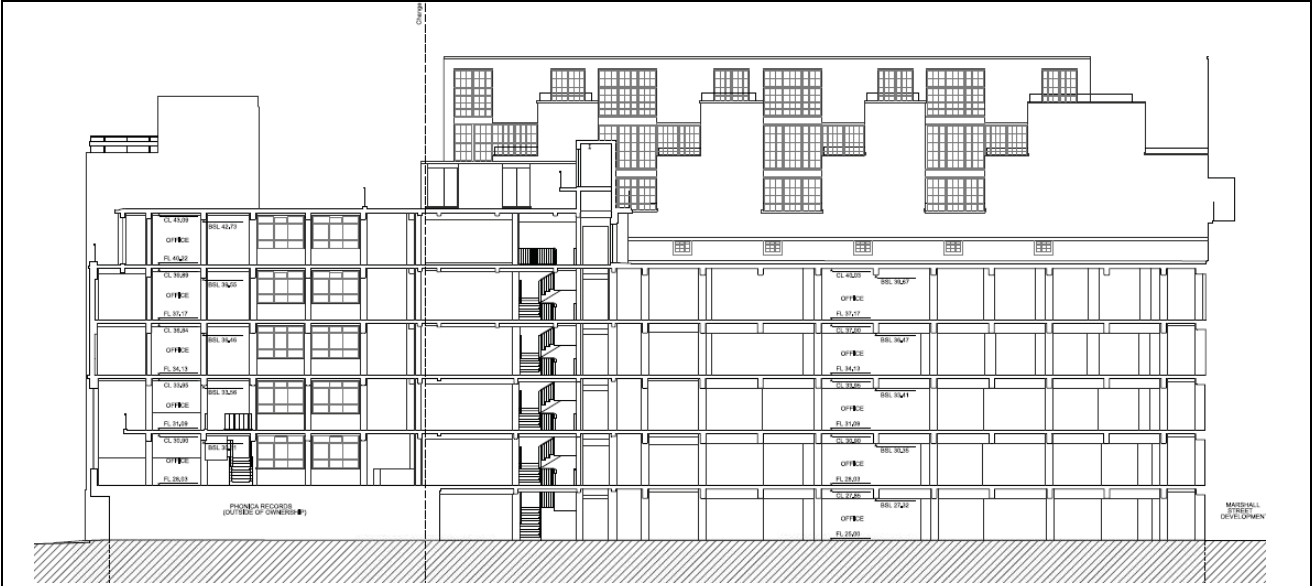
Proposed first floor plan



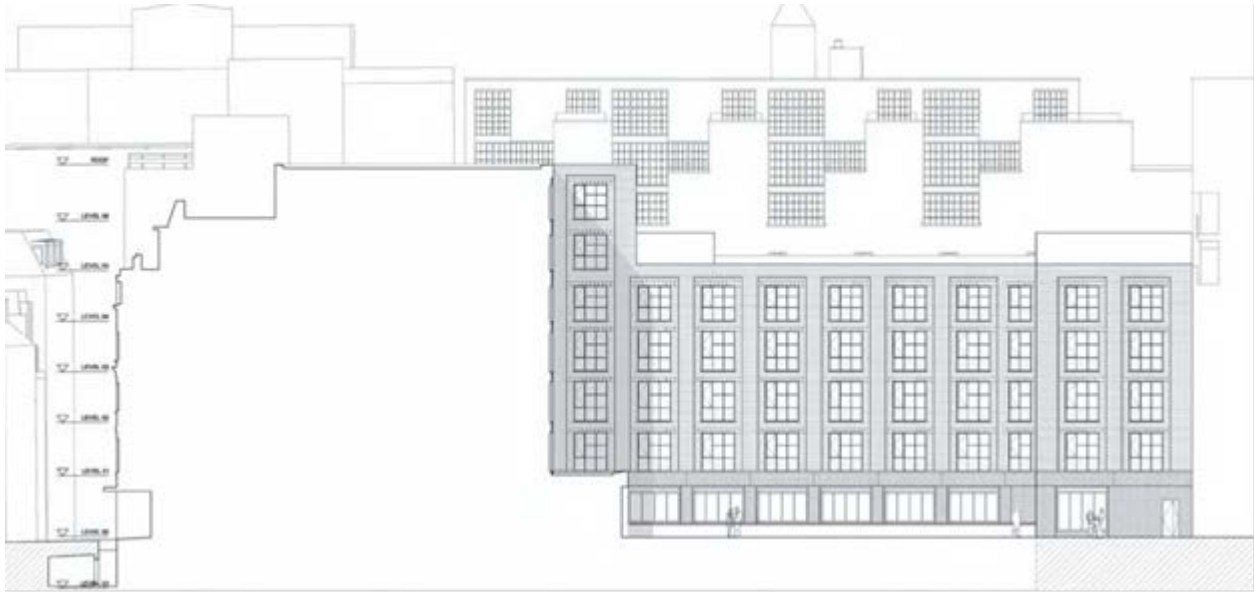
Existing front elevation



Proposed front elevation



Existing Section A-A



Proposed central courtyard

DRAFT DECISION LETTER

- Address:** St Giles House, 49 - 50 Poland Street, London, W1F 7NB,
- Proposal:** [DEVELOPMENT SITE AT 47, 48 AND 49-50 POLAND STREET & REAR OF 54 & 55-57 GREAT MARLBOROUGH STREET] Demolition of 47, 48 (behind part retained facade) and 49-50 Poland Street and part rear of 54 and 55-57 Great Marlborough Street and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to sixth floor levels. Use of the part ground floor as restaurant/bar (Class A3/A4). Use of the basement, lower ground, part ground floor and first to sixth floors as hotel (Class C1) with roof garden and associated works.
- Reference:** 15/08350/FULL
- Plan Nos:** EPA PSH 05 PLN 199 Rev P2, 200 Rev P2, 201 Rev P2, 202 Rev P1, 203 Rev P2, 204 Rev P2, 205 Rev P2, 206 Rev P2, 298 Rev P0, 299 Rev P2, 300 Rev P2, 301 Rev P2, 302 Rev P2, 303 Rev P2, 304 Rev P2, 305 Rev P2, 306 Rev P2, 307 Rev P2;
- ELE 200 Rev P2, 300 Rev P2, 301 Rev P0, 302 Rev P2, 303 Rev P2, 304 Rev P2, 305 Rev P0, 306 Rev P0;
- SEC 200 Rev P2, 201 Rev P2, 202 Rev P2, 203 Rev P2, 204 Rev P2; PLN 210 Rev P1, 211 Rev P1, 212 Rev P1, 300 Rev P2, 301 Rev P2, 302 Rev P2, 303 Rev P2, 304 Rev P2, 305 Rev P2;
- DTL 001 Rev P3, 002 Rev P2, 003 Rev P2, 004 Rev P2, 005 Rev P0, 006 Rev P0, 007 Rev P2, 008 Rev P0, 009 Rev P2, 010 Rev P2, 011 Rev P0, 012 Rev P0

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours unless we have agreed that there are very special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 5 Non-residents hotel guests shall not be permitted to access, or remain within the hotel restaurant except between 06.30 to 23.30 Mondays to Thursday, 06.30 to 00.00 Monday to Saturday and 06.30 to 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: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 Non-residents hotel guests shall not be permitted to access, or remain within the hotel bar or lobby/lounge except between: 06.30 to midnight.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and

TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 The courtyard area shall not be used for outside dining/ancillary drinking between the following times: 22:00 and 09:00. Outside of these hours the courtyard area may only be used for emergency access.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system, including the system for the extraction of cooking smells, 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.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at

a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 11 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.

- 12 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 13 You must provide the waste store shown on drawing PLN 300 Rev P2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 14 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 TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 15 All servicing must take place between 07:00 and 20:00 on Monday to Saturday and 08:00 and 18:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 All servicing must be carried out in accordance with your Servicing Management Plan (dated January 2016) 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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that

we adopted in January 2007. (R23AC)

- 17 You must not put planters, tubs, tables, chairs or adverts on the road or pavement. (C24BA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 18 You must not allow more than 96 customers in the restaurant and 45 customers in the bar at any one time.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 19 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 20 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 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 21 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

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

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect

their rights and safety. (R21GA)

- 22 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- i) green roofs at fifth and sixth floors
- ii) planters to terraces

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 23 (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: Strategic Policies adopted November 2013 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.

- 24 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public

records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 25 (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 hotel, restaurant and bar 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 hotel, restaurant and bar 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: Strategic Policies adopted November 2013, 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.

- 26 The design and structure of the development shall be of such a standard that it will protect noise sensitive dwellings within the development and adjoining residential dwellings from ground borne noise from the transmission of underground train operations so that they are not exposed to levels indoors of more than 35 dB LASMax within habitable rooms during the day and night.

Reason:

In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining residents of the development from the intrusion of external noise.

- 27 The design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations, where historical data is available to demonstrate the noise and vibration baseline conditions prior to the development.

Reason:

In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining occupiers of the development from the intrusion of external noise.

- 28 The sixth floor terrace hereby approved shall only be used by hotel residents of suite 7 and/or for means of escape purposes.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 29 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

PV panels

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 30 The glass that you put in the corridor windows in the west elevation of the hotel rooms above 49-50 Poland Street must not be clear glass, and you must fix them 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. (C21DB)

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 31 You must not use the roofs marked 'Marlborough Wing' and 'Poland Wing' on the approved drawings for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 32 All windows to the restaurant and bar are to remain fixed shut.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 33 You must only use the restaurant as a sit-down restaurant with waiter service.

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: Strategic Policies adopted November 2013 and TACE and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 35 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

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

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 36 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 approved sample. (C27DB)

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: Strategic Policies adopted November 2013 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)

- 37 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -

Typical details of all new facades at all levels.

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 detailed 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 S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 38 The new brick facades on Poland Street shall be built using Flemish bond.

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: Strategic Policies adopted November 2013 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)

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: Strategic Policies adopted November 2013, Unitary Development Plan, 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 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 3 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)

- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make

changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution towards the Council's Code of Construction Practice, the Affordable Housing Fund and Crossrail.
- 9 Conditions 10 and 11 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)
- 10 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)
- 11 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 12 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)

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.

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