

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	52-53 Poland Street, London, W1F 7NB,		
Proposal	Demolition of the seventh floor, roof plant enclosure, and front facade; replacement of front facade and seventh floor accommodation with extension to existing (front) terrace, and erection of eight floor roof addition, installation of new and relocated plant (including plant to existing basement and ground floor entertainment premises). Use of part ground and first to eighth floors as a hotel with ancillary first floor cafe (Class C1)		
Agent	Z Hotels Ltd		
On behalf of	Planning Resolution Ltd		
Registered Number	16/05651/FULL	Date amended/ completed	14 July 2016
Date Application Received	16 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

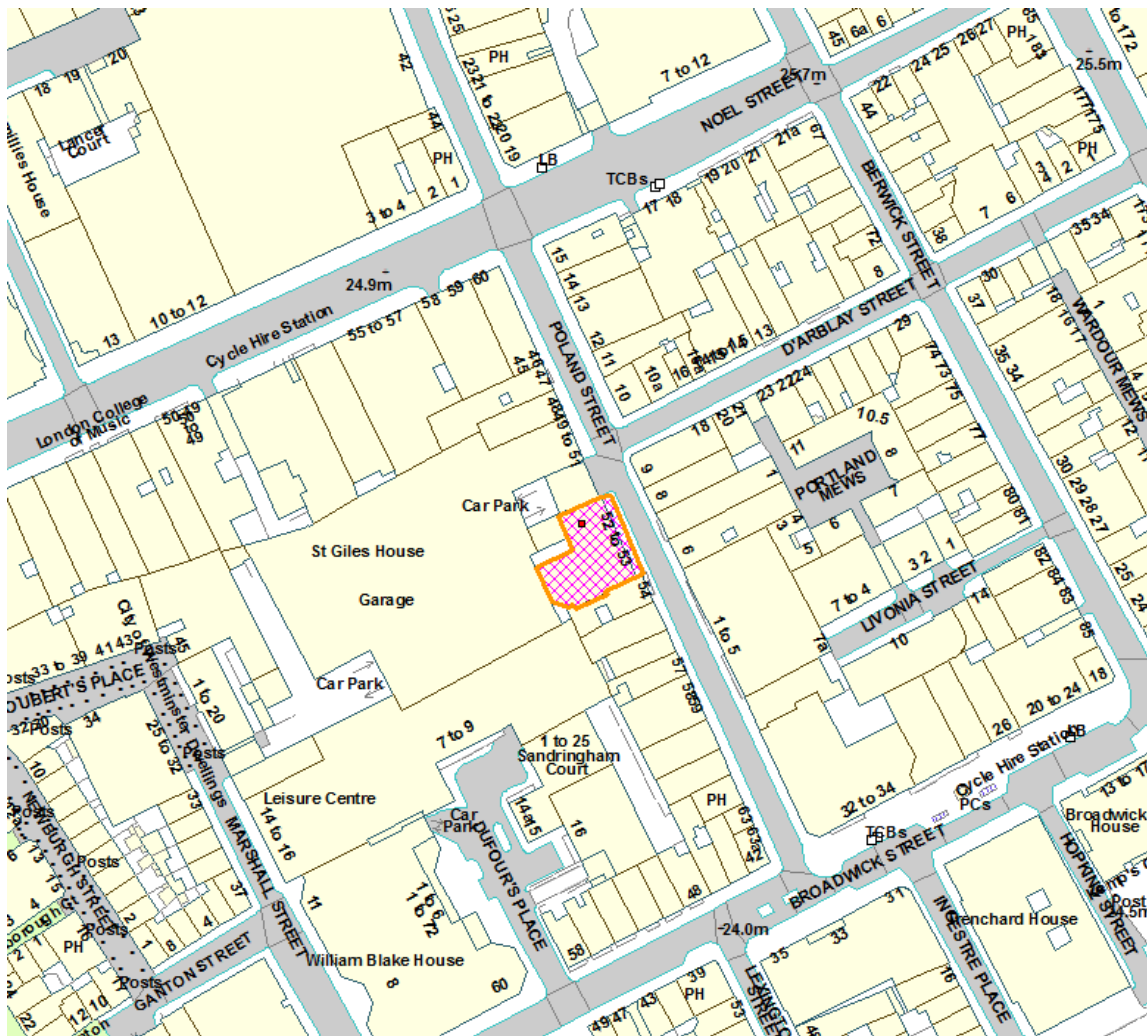
This application relates to vacant offices on the upper floors, and ground floor entrance, of a 1950s development on the west side of Poland Street, adjacent to the entrance to the public car park. The entertainment uses on basement and ground floors do not form part of the application site. Permission was granted in 2015 for alterations and extensions to the upper floors and their conversion to provide 19 flats. The current scheme proposes the use of the upper floors as a hotel with an ancillary café on part first floor level (Class C1). The scheme includes the permitted extensions at seventh floor and roof levels but omits approved extension to the southern lightwell and also the forward projection of the building line on the lower floors. The scheme has been amended to address officers' concerns about the detailed design of the front elevation. Objections have been received to the loss of the existing offices and to the impact of the proposals on residents' amenities. The key issues in this case are:

- the acceptability of the proposals in land use terms;
- the impact of proposed extensions and alterations upon the character and appearance of this

- part of the Soho conservation area; and
- the effect of the proposal on the amenities of neighbouring residential properties.

Given the site location, the introduction of a hotel is acceptable in principle in land use terms and subject to conditions, it is not considered that the proposal would have a material adverse impact on residents' amenities. The revised scheme is also considered acceptable in townscape terms. The proposal is considered to comply with relevant UDP and City Plan policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Objection – loss of office floorspace will have an adverse impact on businesses in Soho, an alternative scheme which retains office floorspace would be preferred.

CLEANSING

Revised plan showing designation of waste bins and waste route diagram required.

HIGHWAYS

No objection subject to conditions

ENVIRONMENTAL HEALTH

No objection subject to conditions

METROPOLITAN POLICE

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 216

Total No. of replies: 10

No. of objections:8 No. in support: 1 Neutral: 1

Land use

- Loss of space of office/creative industries space
- Hotel and café use unacceptable in principle in this location; no demand for another hotel

Amenity

- Noise and disturbance due to increased, 24-hour, activity on the site in a residential/office location
- Noise disturbance from use of the terraces and first floor restaurant, increased traffic generation
- Litter generation from use of roof terraces
- Noise disturbance from night time servicing
- Noise disturbance from plant operation
- Loss of light and skyline
- Overlooking from hotel rooms

Highways

- Highway obstruction from servicing vehicles

Other

- Hotel restaurant will exacerbate existing problems with vermin/pigeons
- Noise disturbance to residents and noise-sensitive businesses during the course of construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

52-53 Poland Street is an unlisted building situated on the west side of the street, between its junctions with Noel Street and Broadwick Street, within the Soho Conservation Area. The building comprises a basement karaoke bar, a ground floor restaurant and offices on first to seventh floor levels. The seventh floor accommodation is set back from the front facade and provides access to a large terrace at the front of the building.

The entire building is set behind the building line of the neighbouring property at 54 Poland Street. The basement and ground floors do not, other than the ground floor access to the upper floors, form part of the application site.

This part of Poland Street is characterised by a mixture of commercial uses on the lower floors with offices and residential uses above, including flats at 1B and 55-59 Poland Street. There are residential developments immediately to the rear of the site, including at 16 Marshall Street and 7 Dufour's Place.

There is a recent permission for the use of the neighbouring site at 49-51 Poland Street as an hotel. Previous permission for the conversion of neighbouring offices at 54 and 55-56 Poland Street to flats do not appear to have been implemented, and have now expired.

The site is located within the Core Central Activities Zone and within the Creative Industries Special Policy Area (SPA) as defined in the Unitary Development Plan (UDP). This SPA designation is not included within the City Plan.

The building is situated within the protected vista from Primrose Hill to the Palace of Westminster.

6.2 Relevant history

1958-1959 - Permissions were granted for a series of applications for the erection of a new building comprising storage and showroom use on the basement and ground floors, offices on the first to sixth and rear seventh floors and a residential flat at seventh floor front. Parking for the development was to be provided on either the seventh or top floor of the adjacent Poland Street car park. These upper parking levels were lost as part of the Marshall Street development approved in 2007, which involved the retention of the car park on the lower floors and the redevelopment of the upper floors as flats. The parking for 52-53 Poland Street was not re-provided within the Marshall Street scheme, although by 2007 there was no evidence of this reserved parking. There is also no evidence of a residential use within the building.

The subsequent planning history for the application site principally relates to the use of the lower floors for Class A3 purposes and the installation of associated kitchen extract ducts and air conditioning equipment. The existing entertainment uses are permitted to operate until 01.00 hours following the granting of permission for extended opening hours on 12 December 1996. There are no conditions relating to the hours of plant operation.

10 November 2015: Permission granted for use of part ground floor and the upper floors of the building for up to 19 residential units (Class C3), alterations including forward projection of front facade on first to fifth floors, extension to seventh floor front terrace and eighth floor roof addition; infill extensions to southern lightwell on third to eighth floors; creation of residential terraces on all levels; installation of new and relocated plant at ground, first and roof levels, with associated plant enclosures.

Permission was granted subject to a s106 legal agreement to secure a contribution of £715,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development); lifetime car club membership for the occupants of each new dwelling and s106 monitoring costs. This permission has not been implemented.

7. THE PROPOSAL

This application is for alterations and extensions to the existing building and for the use of the first to seventh and new eighth floors (including the ground floor entrance) as a hotel with an ancillary café at part first floor level. Works include:

- demolition of and replacement of existing seventh floor and roof level plant enclosure;
- erection of a replacement seventh floor, including a partial extension to the existing seventh floor terrace;
- erection of an eighth floor roof extension and the installation of roof level plant;
- the replacement of the front facade above ground level;
- the relocation of existing plant and full height kitchen extract ducts for the basement and ground floor entertainment uses, the installation of new hotel plant and the provision of acoustic screening – all to the ground floor roof within the southern lightwell;
- the installation of roof level photovoltaic panels to the main roof, enclosed by a “mansafe” system.

Some of the above works were previously approved in the 2015 permission, particularly those concerning the top part of the building. The approved residential scheme also proposed extensions within the southern lightwell on third to eighth floors and the forward projection of the front building on first to fifth floor levels, but these extensions have been omitted from the current proposals

The application has been amended to revise the design of the front elevation. These revisions have necessitated some internal replanning. Proposed terraces at seventh and eighth floor level (front) have been deleted (thereby overcoming some of the objections). Details within the submitted Operational Management Plan have also been amended or clarified.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of offices/mixed use policy

The application would involve the loss of 1,890 sqm (GEA) of existing office floorspace. Objections have been received on the grounds that the loss of the existing offices would, in conjunction with other losses, have an adverse impact on Soho as a “business” location, particularly for the creative industries. The same objections were received to the previous application.

UDP Policy COM 8 states that permission will not be granted for development proposals resulting in the loss of light industrial floorspace on sites within the Creative Industries Special Policy Area, where 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 Creative Industries SPA, as defined in the UDP, this SPA designation was omitted from the City Plan – it was no longer considered appropriate because the majority of “creative” companies operate from general offices and also because much light industrial floorspace was not protected by conditions and could be converted to general office use without the need for planning approval.

At the time when the previous application was first considered by the Planning Sub-Committee, (11 August 2015), [the scheme was subsequently report back to the Sub-Committee to address matters of detailed design and parking], the offices were (newly) empty. However, only one of the previous tenants, an objector to the application, was a creative/film-related business, the remainder being general office uses. As the lawful use of the building is for general office purposes, there being no protected light industrial floorspace to which Policy COM 8 would apply previous objections to the loss of the light industrial use/floorspace could not be supported.

At that time, there were no UDP or City Plan policies which protected existing office uses, and the loss of the office floorspace was acceptable in land use terms. The revised City Plan (2016) has now been adopted. Although Plan policies now protect existing offices uses on sites within the Core CAZ from residential conversion, their loss remains acceptable where the proposal is for an alternative commercial use, as in this case. As the building is to be extended for commercial use, the scheme does not trigger a residential requirement under the Council’s mixed use policy (S1).

8.1.2 Hotel use

The revised scheme proposes the use of the application premises as an 116 bedroom/224 bedspace hotel (total 2,055 sqm GEA) including an ancillary cafe at first floor level (40 sqm). The applicants describe the operation as a “high quality, limited service, budget hotel”, which would cater for short stay tourist and business use, with the focus on providing sleeping accommodation, rather than ancillary hotel facilities (apart from the small café).

One of the seventh floor bedrooms will not benefit from any windows. The City Council has accepted the principle of windowless hotel rooms in the applicant’s other Westminster

hotels. They make the point that this provides a slightly less expensive, but still good standard, form of hotel accommodation. The applicant, "Z Hotels", runs other premises in Orange Street, WC2, Moor Street, W1 and Lower Belgrave Street, SW1.

UDP policy TACE 2 states that within the CAZ, in streets which do not have a predominantly residential character, planning permission will be granted for new hotels where no adverse environmental and traffic effects would be generated and 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. City Plan policy S23 also directs hotel development to specified areas, including the Core CAZ, to streets which are not predominantly residential in character.

The proposed café, at first floor level, would provide seating for 28 customers. A range of drinks and snacks would be provided, although no primary cooking is proposed. Although primarily for hotel residents, it would also be open to the general public, but being at first floor level is unlikely to be used often by non-hotel guests.

The site is in the West End Stress Area and it is considered appropriate to assess the café use in the context of policies governing the introduction of new entertainment uses. Given the size of the proposed café, UDP policy TACE 8 applies. This states that permission will generally be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character or function of the area. In considering applications for planning permission for such uses condition will be imposed to control the operation of the use, as appropriate.

City Plan policy S24 requires proposals to demonstrate that new entertainment uses are appropriate in terms of their nature and size, scale of activity, relationship to any concentrations of entertainment uses, and cumulative impacts, and that there would be no adverse impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Although there are flats within some properties in Poland Street, the street is primarily commercial in character. Permission for residential development on neighbouring buildings at 54 and 55-56 Poland Street and as part of a scheme encompassing 49-51 Poland Street have expired and do not appear to have been implemented. The Council has recently granted permission for a commercial development at 49-51 Poland Street. However, there are flats directly at the rear of the site in Dufour's Place/Marshall Street. Objectors consider that there is no demand for another hotel in this location and that the use should be located elsewhere. However, the question of likely demand for the use is not a material planning consideration.

Objectors consider that there is no demand for a hotel use in this location and that the proposed hotel/café use is unacceptable in principle. They also consider that the proposed use would result in a loss of amenity associated with an increase in activity on the site. However, one respondent supports the scheme believing that it will enhance the character and vitality of the area and increase revenue for local businesses. Given the nature of

Poland Street, the introduction of a hotel use on the site is considered acceptable in principle in land use terms. Given the size of the proposed hotel café, and its first floor location, in an area characterised by entertainment uses, it is not considered that this low-key use would have a significant impact on the character and function of this part of Soho. The scheme is therefore considered acceptable in principle in land use terms.

The impact of the use upon residents' amenities and the local highway network is discussed in sections 8.3 and 8.4 below.

8.2 Townscape and Design

The building is a post-war redevelopment on the west side of Poland Street and is set back from the original building line. It is unattractive and there is no objection in principle to the recladding and extensions as proposed. It is within protected vista 4A.2 from Primrose Hill to the Palace of Westminster and is in the Soho Conservation Area. The neighbouring building at No. 54 Poland Street is Grade II listed.

The approved scheme included various extensions to the building, the replacement of the existing roof level plant room with an eighth floor extension and an extension to part of the existing terrace at seventh floor level (front). It was also proposed to bring the building line forward on the first to fifth floors, to align with the neighbouring building, creating a substantial overhang above the retained ground floor façade.

The current scheme proposes only the roof level extension and the demolition and reconstruction of the seventh floor accommodation, including an extension to the seventh floor (front) terrace. The proposed replacement façade has been redesigned to address officers' concerns about the original design approach.

It is proposed to re-clad the street façade with Flemish bond brickwork (red London Sock brick). Lintels will be formed in Portland stone. Public art is proposed in the form of Portland stone panels within the panels of the double-height first/second floor windows on the front façade. Details would be reserved by condition. The façade at ground floor level will be unaltered except at the southern end of the site where the main entrance to the upper floors is situated. This part of the façade stands forward of the rest by approximately 200mm which helps to break-down the apparent mass of the building in street level views and therefore improves the setting of the neighbouring grade II listed building at No. 54.

At roof level the extensions will have very limited impact in street level views and from the upper floors of surrounding properties the alterations will be neutral in design terms. Of greatest importance is the height, which it is confirmed will not breach the development plane of the protected vista.

The top two floors are set-back and clad in metal panels to give a more roof-like appearance. The seventh floor will be bronze colour and the top (eighth) floor will be light grey. In design and heritage asset terms the development will maintain the character and appearance of the conservation area, the setting of the neighbouring listed building, and the protected vista. This accords with UDP policies DES 1, DES 5, DES 6, DES 9, DES 10 and DES 14.

8.3 Residential amenity

Policy ENV 13 of the UDP states that the City Council will normally resist proposals which result in a material loss of amenity to neighbouring properties in respect of the levels of daylight and sunlight received, and any loss of privacy or increased sense of enclosure to neighbouring windows. City Plan Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

Additionally, UDP policy ENV 6 requires new developments to incorporate design features and operational measures to minimise and contain noise and vibration to safeguard the amenity of neighbouring noise sensitive properties. And appropriate conditions will be imposed on planning permissions to that effect. Similarly, policy ENV7 requires developers to demonstrate that developments will be designed and operated so that any noise emitted by plant and machinery and from internal activities will achieve specified noise targets at the nearest noise sensitive properties. Policy S32 sets out similar requirements.

8.3.1 Impact of hotel use

Objections have been received from occupants of flats at the rear of the site on the grounds that the proposed use would have a detrimental impact on residents' amenities by introducing a significant "transitory population" to the area leading to a marked increase in activity on the site, on a 24-hour basis. Objectors are also concerned about the potential for increased noise disturbance associated with the café use and late-night servicing.

The application is supported by an Operational Management Strategy which details measures designed to ameliorate the impact of the proposed use upon local amenities. It includes:

- Details of site staffing, management and security training including a CCTV system with coverage of the hotel entrance, with a manned monitoring system at the hotel reception
- Registration of hotel guests limited to between 07.00 and 22.30 hours only, after which time the entrance door will be locked. (Guests room keys will allow access from the street)
- Signs at the entrances asking guests to keep noise to a minimum
- A 24 hour complaints hotline and a log of complaints to ensure that these are followed up.
- Guests actively encouraged to use public transport
- Deliveries managed to ensure minimum disruption. Drivers required to switch engines off.
- All deliveries to take place between 06.00 and 18.00 hours
- Applicant to use the Council's waste collection services. Any glass recycling to take place between 14.00 and 17.00 hours to minimise disruption

- The cafe is primarily intended to be a facility for hotel customers but would also so be open to non-residents between 08.00 and 21.00 hours on Monday to Saturday and from 10.00 until 18.00 on Sundays.

Given that the café is at first floor level, and in view of the availability of alternative café, restaurant and bar uses in the area, many opening late at night, it is considered unlikely that the café would be used by significant numbers of non-hotel guests. It is noted that the café is located immediately adjacent to hotel bedrooms and it would be in the applicant's interests to ensure that this area is well managed. Given the nature of the use, it is not considered that the ancillary café would have an adverse effect on the amenities of neighbouring residents or local environmental quality.

Subject to operational conditions, including those to require the hotel to be managed in accordance with the submitted OMS, to prevent the use of the café by non-hotel guests outside the specified hours, and to prevent the expansion of the café use beyond the area shown on the submitted plans, it is not considered that the hotel operation would, in the context of general levels of activity in the area, both during the day and late into the evening, adversely affect the amenities of neighbouring residents.

8.3.2 Daylight and Sunlight

The applicant has submitted a daylight and sunlight report which assess the impact of the proposals upon flats at the rear of the site in Marshall Street and Dufour's Place, and on properties on the opposite side of Poland Street.

The report also assesses the impact of the scheme on 1-5 Poland Street, on the basis that there appear to be residential flats on the top floor although Council records indicate that the lawful use of this building is as Class B1 offices. However, the assessment shows that reasonable levels of light would be retained on all floors. The impact of the development upon the approved residential development at 54 Poland Street has also been assessed, which shows that that would be a minor loss of light to one rear bedroom. However, the building appears to be occupied as offices and this permission has now expired. Similarly, a previous permission for a development at 49-51 Poland Street, which included flats on the upper floors, facing the application site has now expired. More recently, permission has been granted for a commercial development on the site. The analysis indicates that none of these properties would experience any loss of sunlight.

Under Policy ENV 13, the City Council will normally resist proposals which result in a material loss of daylight or sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. The BRE guidelines state that only those windows which have a reasonable expectation of daylight or sunlight will need to be assessed and windows to residential properties which serve non-habitable rooms, e.g. bathrooms, hallways and smaller kitchens, generally those which do not include dining facilities, do not require assessment.

8.3.2.1 Daylight

Under BRE guidelines if the Vertical Sky Component (VSC), or skylight, is greater than 27%, enough light should still be reaching the window of the existing building. Where, as a result of the development, this figure is below 27% and less than 0.8 (i.e. a loss of 20%) of

its former value, then the reduction in light to that room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

The distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test. The BRE guideline states that where a significant proportion of the working plane (which can receive direct skylight) lies beyond the NSL, the distribution of daylight within the room will seem poor and supplementary electric lighting will be required. The British Standard suggests that a significant area would be more than 20%. However, it is acknowledged that if an existing building contains single aspect rooms, which are particularly deep, then a greater movement of the NSL line may be unavoidable.

Objections have been received from occupants of two flats at 7 Dufour's Place on the grounds that the proposal will result in a loss of daylight to their properties. Rear windows to this block serve both bedrooms and living rooms. Occupants of flats at 16 Marshall Street have also objected to a loss of light to their properties.

The submitted daylight assessment shows that of the 41 rear windows tested to 16 rooms on the first to fifth floors of 7 Dufour's Place, three would experience no reduction in VSC and the remainder would a maximum reduction 6.44%, well within the BRE guidelines. In all cases, any actual reductions are less than 1%.

The daylight distribution test shows that of the 16 rooms tested, 11 would see no reduction in NSL and the remainder would see losses of less than 1%.

St. Giles House, 16 Marshall Street, is located directly behind the application site. The approved plans indicate that there are flats on the fourth to sixth/seventh floors. The submitted daylight assessment, is based on the approved building layouts. Of the 26 windows tested, five would see no reduction in VSC, and the remainder would see losses of between 3.24 and 13.79%, with the majority being below 5%.

The NSL assessment of this property shows that most rooms would see no reduction. In other cases and, with the exception of one room, the maximum loss would be 4.5%. The most affected room, a south facing window at fifth floor level, would see a reduction of 21.5%. However, this window would still retain a reasonable VSC value of 15.76% 16.09%. The approved plans show that this window does not serve a habitable room.

As part of their assessment of the previous application, the same daylight consultants also considered the implications of the fact that the layouts of flats at 16 Marshall Street (St Giles House) do not, in some areas, comply with the approved drawings with regard to the relationship between windows and partitions. They assessed previous daylight reports in which this issue was addressed, and "true" layouts recorded, and concluded that this anomaly would have no significant impact on their daylight assessment, particularly as areas affected by the changes are bedrooms, which are afforded a lesser degree of protection than the principal living rooms.

The submitted reports show that most reductions in VSC and NSL to neighbouring habitable rooms would meet the tests set down in the BRE guidelines and that most rooms would continue to receive reasonable levels of natural light in this built up environment. In these

circumstances, it is not considered that the proposals would have a material impact on the levels of daylight received to neighbouring properties.

Given that light to neighbouring windows/rooms is not materially affected, it is not considered that there would be a significant impact on the amount of light received to external terraces.

8.3.2.2 Sunlight

BRE guidelines state that access to sunlight should be checked for all neighbouring main living (habitable) rooms which have a window facing within 90 degrees of due south. Windows which face 90 degrees of due north do not need to be tested as they have no expectation of sunlight. The BRE guidance acknowledges that kitchens and bedrooms are of less importance, but states that in the case of these rooms care should be taken 'not to block too much sun'.

If the tested window receives more than one quarter of annual probable sunlight hours, including at least 5% of annual probable winter sun (during the winter months between 21 September and 21 March), then the room should still receive enough sunlight. Any reduction in sunlight below this level should be kept to a minimum. If available sunlight hours are both less than the amount given and less than 0.8 (20% loss) of their former value, either over the whole year or just during the winter months, then the loss of sunlight will be noticeable.

Objections were received to the previous application on the grounds the scheme would have a significant impact upon the amount of sunlight received to rooms at the rear of 7 Dufour's Place and to rear terraces and balconies to those properties.

Of the residential windows tested at 16 Marshall Street most windows would either experience no loss of annual or winter sun or losses would be well below 20%. The one exception is a sixth floor, south facing window at 16 Marshall Street, which would experience a 30% (now 25%) loss of winter sun. However, this window would still receive 15% winter sunlight, far exceeding target values. The approved plans show this to be a non-habitable kitchen.

At 7 Dufour's Place only one window faces within 90% of due south and that would not experience any loss of annual or winter sun.

The applicant's daylight consultant has concluded that there would be no discernible increased impact on overshadowing to amenity spaces at the rear of 7 Dufour's Place due to the relationship between those spaces and the proposed building extensions and because they are located to the south of the application site. Officers concur with this view. In these circumstances, in this built up urban location, it is not considered that the scheme could reasonably be recommended for refusal on the grounds that there would be a material loss of daylight or sunlight to neighbouring properties.

8.3.3 Overlooking

Objections have been received from occupants of flats at the rear in 7 Dufour's Place and 16 Marshall Street on the grounds of overlooking from the new hotel rooms, particularly at

night when existing offices would be unoccupied, and from the use of roof terraces. The bedroom terraces have been deleted from the revised scheme and a condition is recommended to prevent access to the use of the flat roof areas other than for maintenance purposes/access to the roof level plant room.

The application drawings show that all window openings would be retained. Windows in the southern facade overlook the gap between the rear of the buildings on Poland Street and Dufour's Place and, consequently, views to the rear of the Dufour's Place buildings are more oblique. Windows on the two lower floors to the south elevation would be fitted with obscured glass as these overlook the plant area. Windows in the northern and eastern facades overlook the entrance to Poland Street car park. Those in the east elevation look directly towards the rear of 16 Marshall Street where there are flats on the upper floors.

Due to internal layouts and the position of partitions, showers etc, within the hotel bedrooms, a significant proportion of the existing glazed areas would now be obscured. Given the relatively small size of the hotel rooms, access to the windows is also limited by the position of the bedroom furniture. All hotel windows would be fixed shut. In these circumstances, notwithstanding the altered pattern of building occupation that would result from the change of use, it is not considered that the occupation of the hotel bedrooms would result in a material loss of privacy to neighbouring residents.

8.3.4 Sense of Enclosure

Occupants of two flats at 16 Marshall Street have objected to the application on the grounds that their erection of a roof extension would result in a "loss of skyline" to their properties. Given the relationship of the proposed extensions with windows to neighbouring residential properties, it is noted that the proposed roof extension is identical in terms in terms of its height and bulk and relationship with neighbouring windows to that under the extant permission and, as previously, it is not considered that there would be a material increase in the sense of enclosure to adjoining windows.

8.3.5 Noise

8.3.5.1 Plant operation

The proposal involves the relocation of existing plant and the provision of new hotel plant on the ground floor roof within the building's southern lightwell. This roof area sits between the application building, the site boundary wall with 54 Poland Street and the blank rear of the Poland Street car park/St Giles House. The relocated plant serves the entertainment uses on the lower floors. The new and relocated plant would largely be set behind a double-height acoustic screen which would sit below the height of the boundary wall with 54 Poland Street. This is similar to the arrangement approved under the approved residential scheme. The drawings originally showed that some plant would be located outside of the acoustic screen. The application has since been amended to enlarge to the screened area to accommodate all plant within. One kitchen extract duct serve the lower floors will be re-positioned on the building's southern elevation. Additional hotel plant would also be provided as part of the new eight floor extension.

Plant for the basement and ground floor commercial uses has unrestricted hours of operation. The new hotel plant would operate on a 24-hour basis.

One objection has been received on the grounds of noise nuisance from the operation of this new and relocated plant. The application is supported by an acoustic report. This has been assessed by the Environmental Health Officer who raises no objection to the proposals subject to conditions relating to plant noise and vibration. However, as the plant scheme design is at an early stage, the applicant will need to provide a supplementary acoustic report to demonstrate that the selected equipment will operate in accordance with the standard noise condition. Subject to these conditions, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents and objections on these grounds cannot be supported.

8.3.5.2. Use of the terraces

Objectors are concerned about potential noise disturbance resulting from the use of the terraces. As detailed above, these have been omitted from the revised scheme as a result of design amendments.

8.3.5.3 Noise disturbance during the course of construction

Objections have been received from local residents to noise disturbance during the course of construction. Objectors appear particularly concerned about the impact of, and need for substantial demolition works. However, externally, demolition is confined to the removal of the plant room, the demolition of the seventh floor extension and the replacement of the front façade. Most of the existing building is being retained and it is likely that works of demolition would need to be undertaken with care in order to safeguard the retained building fabric.

A letter has also been submitted on behalf of the sound studios at 51-53 Great Marlborough Street requesting that any permission include adequate safeguards to ensure that the operation of this business would not be affected by the development proposals. The submitted letter refers to a policy requirement to reduce noise generated, so far as it is practical, a requirement that also applies during the construction phase. This occupier objected to the previous application 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 their ability to carry out their business.

National Planning Policy Guidance on Noise (6 March 2014), requires local planning authorities to take account of the acoustic environment and, in doing so, to consider whether or not a good standard of amenity can be achieved as a consequence of the development. 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) would be above or below the level at which significant adverse effects on health and quality of life occur (Significant Observed Adverse Effect Level) or the level above which adverse effects on health and quality of life can be detected (Lowest Observed Adverse Effect Level) for the given situation. It is acknowledged 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.

As part of their objection to the previous application, the sound studio considered that in the absence of any assessment of the construction or operational impacts in relation to LOAEL or SOAEL, it was not possible to ascertain whether the proposal complied with national planning policy. Furthermore, unless it was shown that all possible mitigation would be employed to reduce the noise impact to the LOAEL, they considered that the development was contrary to national noise policy and should be refused. In response to this objection, the (then) applicants submitted a construction noise report,

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 but 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 application site is in close proximity to flats in Dufour’s Place and Marshall Street. The Note sets out a requirement for developers to avoid significant adverse impact on health and quality of life and “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”.

Aware of previous objections, the applicants have also supplied a construction noise report. This has been assessed by officers from the Council’s Noise Team. The report refers to the potential noise impacts in relation to the relevant British Standard, which is the code of practice for noise and vibration from open sites. It confirms that, given the nature of the development there will be no piling on the site and no heavy machinery will be used.

Limits have been suggested, in relation to noise from demolition and construction activities in accordance with British Standard Guidance. As these limits would be applicable to the flats immediately adjacent to the site, it is considered likely that the received noise level at the sound studio, which is likely to be soundproofed to protect the use from external noise sources, would be significantly lower. All proposed works would need to be undertaken in accordance with the requirements of the 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. These proposed mitigation measures are typical processes under section 61 of the Control of Pollution Act. The Environmental Health Officer considers that these proposed measures are sufficient to safeguard the amenities of neighbouring residential occupiers, as far as possible and that, as the sound studio is located further from the site than the neighbouring flats, these measures would also safeguard the operation of the sound studio. In these circumstances, it is considered that the issue of construction noise has been satisfactorily considered

In conclusion, for the reasons outlined above, it is not considered that the proposals would have an adverse impact upon the amenities of neighbouring residents.

8.4 Transportation/Parking

8.4.1.Parking

No car parking is associated with the hotel. However, the site is located immediately adjacent to the Poland Street car park.

Policy TACE 2 requires adequate coach parking facilities to be provided where significant amounts of new visitor accommodation are proposed. No such facilities are provided in this case. The Highways Planning Manager has expressed concern that, should the nature of the operation change at any time, the hotel could attract a different type of guests which could lead to an increase in coach activity associated with the hotel and lead to highway obstruction. However, the applicants have advised that their customer base comprises short-stay tourist bookings and business bookings and its operational/marketing approach excludes coach parties. In addition, the Operational Management Plan (18 October 2016) confirms that no coach party bookings will be accepted. . In these circumstances and given that the road network around the site would preclude the use of large coaches, the absence of dedicated coach pick up/drop off facilities is considered acceptable

Twelve cycle parking spaces are provided on the second and third floors, which are accessible via the lifts. Whilst this location is not ideal, it is considered acceptable given site constraints, and would be secured by condition.

8.4.2. Servicing

The site will continue to be serviced from single yellow lines on Poland Street. Relevant UDP and City Plan policies require new developments to incorporate off-street servicing but this is not possible due to site constraints. Based upon the potential level of servicing activity that could be generated by the servicing of the existing office suites, the estimated servicing demands of the proposed hotel (as set out in the Transport Statement), and officers' knowledge of the requirements of similar hotel uses, the Highways Planning Manager considers that the proposed use is unlikely to have a significant impact upon the operation of the highway network. In these circumstances, objection relating to highway obstruction cannot be supported.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcome.

8.6 Access

The hotel accommodation would be accessed via stair and a lift. Ten per cent of all rooms are designed to be accessible to clients with disabilities with 5% of rooms being fully wheelchair accessible.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse /Recycling

One objection has been received on the grounds that the proposals will exacerbate existing problems in the area with vermin and pigeons. Given the nature of the proposed café operation, the use is unlikely to generate significant food waste. As the waste store is located at the rear of the ground floor entrance lobby, it is in the applicant's own interests to ensure that this area is kept clean and properly managed, They have confirmed that it would be vermin-proofed. Subject to appropriate refuse storage arrangements it is not considered that the proposal has the potential to exacerbate these reported problems.

The applicants anticipate that all waste collection will be by private contractor. Although the submitted drawings indicate a ground level refuse store, the scheme does not include further details. A revised plan is required with bins designations (general waste, food waste and recyclable materials) in accordance with Council protocol. In addition, it is unclear how the waste will be accessed and transferred to the street on waste collection day. These details will be reserved by condition.

8.7.2 Biodiversity and Sustainability

City Plan policy S28 requires new development to include exemplary standards of sustainable and inclusive urban design and to reduce energy use and emissions that contribute to climate change to ensure the reduction, reuse and recycling of resources. Policy S40 requires all major developments to maximise on-site renewable energy generation to achieve at least 20% of carbon dioxide emissions, except where the council considers that this is not appropriate or practical due to the local historic environment or other site constraints.

London Plan policy 5.2 requires new developments to achieve a reduction on carbon dioxide emissions by 40% over Part L of the Building Regulation's 2010. The Mayor's SPG on Sustainable Design and Construction (2013) adopts an equivalent flat rate savings target of 35% beyond part L of the Building Regulations 2013.

The application is supported by an Energy and Sustainability Statement. This statement sets out passive design measures (high specification glazing, fabric improvements/thermal insulation) and the use of energy efficient building services (mechanical ventilation with heat recovery, energy efficient heating, cooling, lighting and water systems), a CHP system to improve the building's performance and to reduce CO2 emissions. In addition, photovoltaic panels will be installed on the main roof.

It is estimated that these measures would achieve a reduction in CO2 emissions of 34.9% over 2013 Building Regulations with savings of 3.15% achieved through the use of renewable (solar) energy. The BREEAM pre-assessments suggests that the development will comfortably achieve a "very Good" score but that. Given the fact that the existing building is being retained and re-used, as with the previous scheme, it is accepted that an "excellent" score would not be achievable.

The overall level of carbon reduction is acceptable given the re-use of the existing building and the constraints.

8.7.3.2 Biodiversity

As the application involves the conversion of an existing building, and as the main roof will be covered with photovoltaic panels, it is accepted that there would be limited opportunity to improve the site's contribution to the biodiversity of the area.

8.8 London Plan

This application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposal does not trigger any planning obligations.

The applicant estimates that the Westminster CIL payment is : £22,200.

8.11. Environmental Impact Assessment

Environmental Impact issues have been covered elsewhere in the report

9. BACKGROUND PAPERS

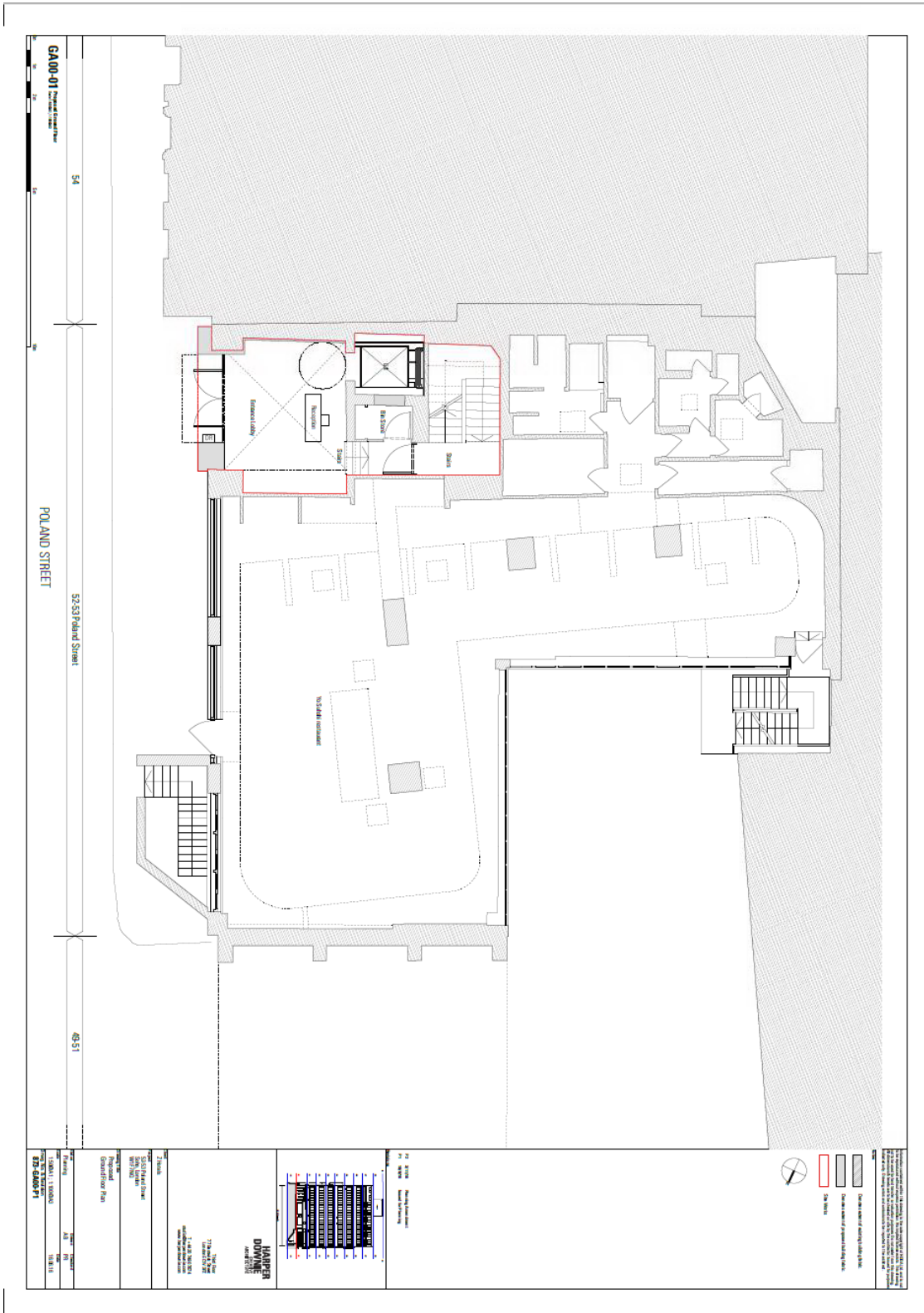
1. Application form
2. Response from Soho Society, dated 3 August 2016
3. Memorandum from the Metropolitan Police dated 12 August 2016
4. Memorandum from Highways Planning dated 3 August 2016
5. Response from the Project Manager (Waste) dated 12 August 2016
6. Memorandum from Environmental Health dated 10 August 2016
7. Letter from occupier of Flat 3, 7 Dufours Place, dated 14 August 2016
8. Letter from occupier of Flat 5, 7 Dufours Place, dated 15 November 2016
9. Letter from occupier of Flat 1, 7 Dufour's Place, dated 30 August 2016
10. Letter from occupier of Flat 9, 7 Dufour's Place, dated 5 August 2016
11. Letter from occupier of Flat 9, 7 Dufour's Place, dated 12 August 2016
12. Letter from the occupier 16 Marshall Street dated 17 November 2016
13. Letter from the occupier Flat 13, 16 Marshall street dated 22 November 2016
14. Letter from the occupier Apartment 14, 16 Marshall Street dated 18 November 2016
15. Letter on behalf of the occupier 51-53 Great Marlborough Street dated 23 November 2016

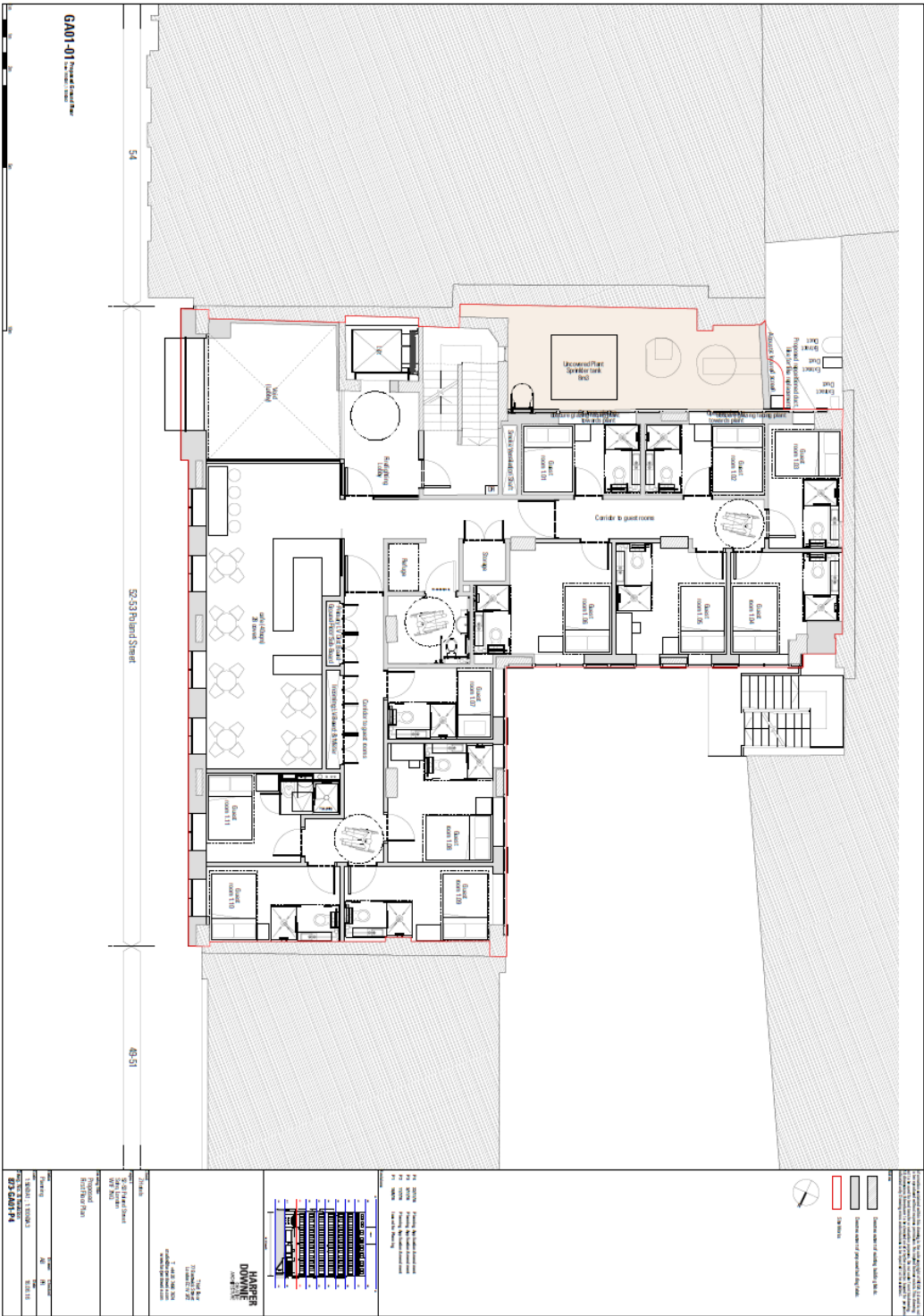
Selected relevant drawings

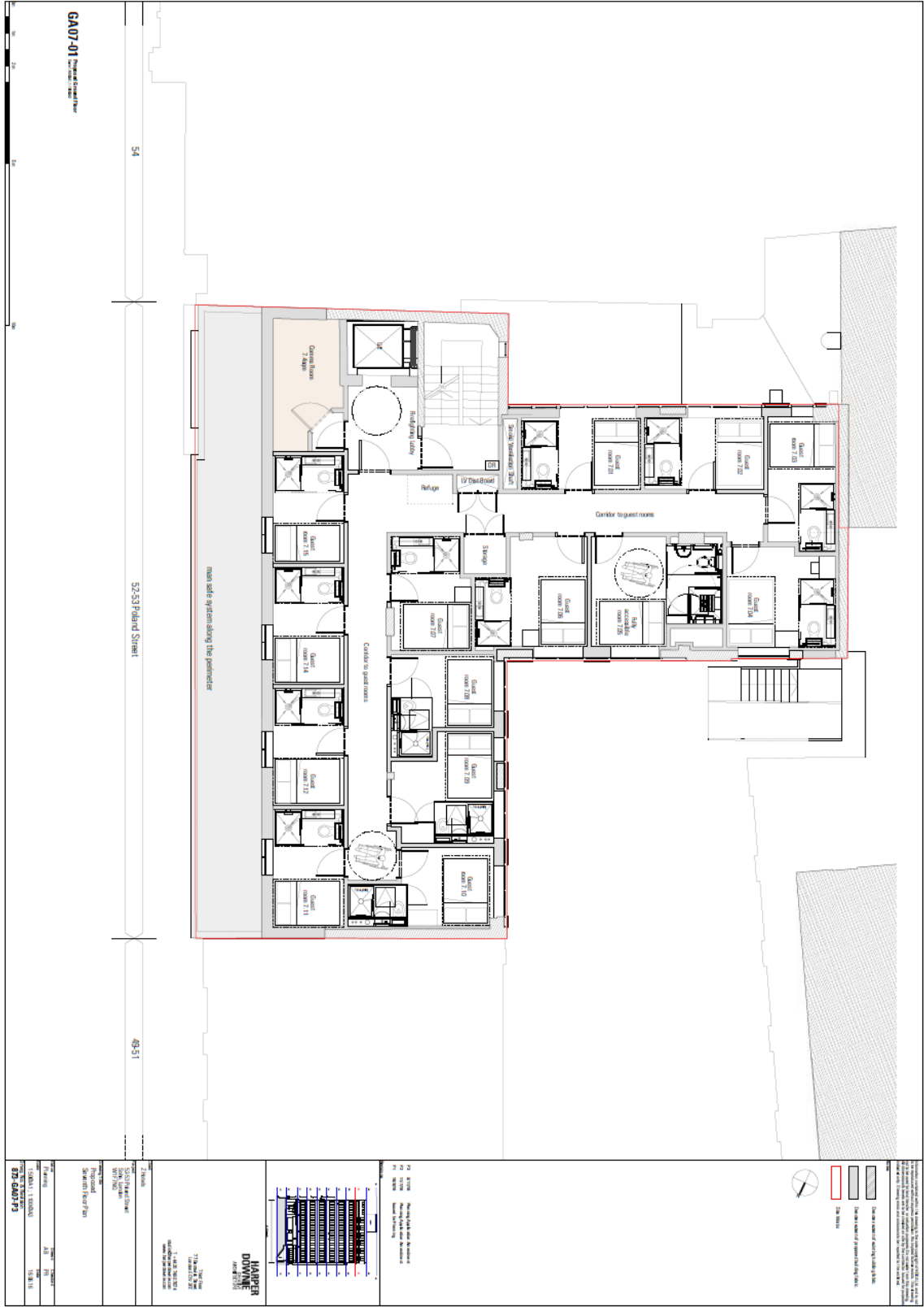
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

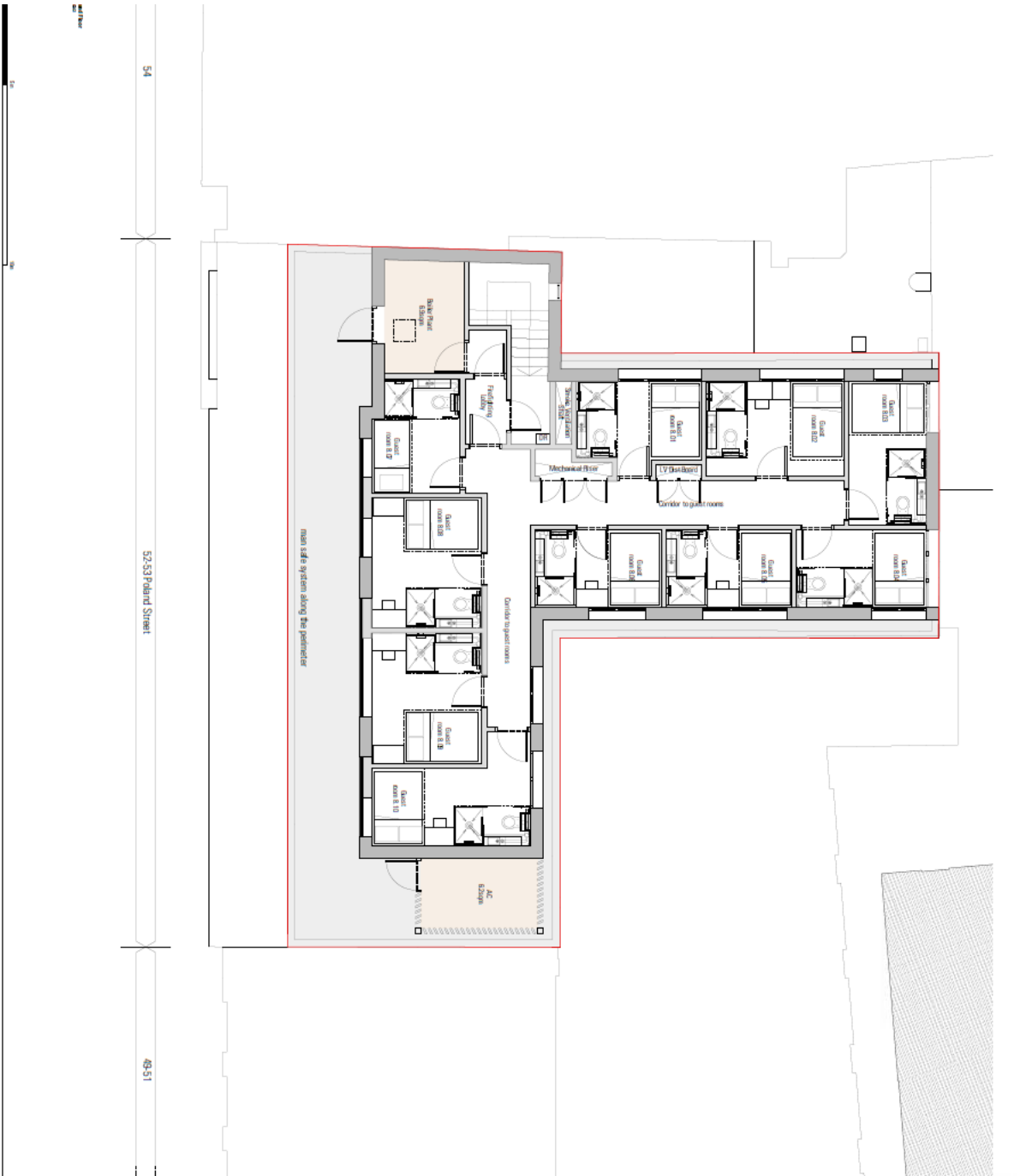
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk.

10. KEY DRAWINGS









Legend

- Red outline: Main life system along the perimeter
- Grey fill: Mechanical room
- Blue fill: Ac Room
- Green fill: Lobby
- Yellow fill: Dormitory

Scale: 1" = 10'-0"

North Arrow

Project Name: Harper Downside

Client: Harper Downside

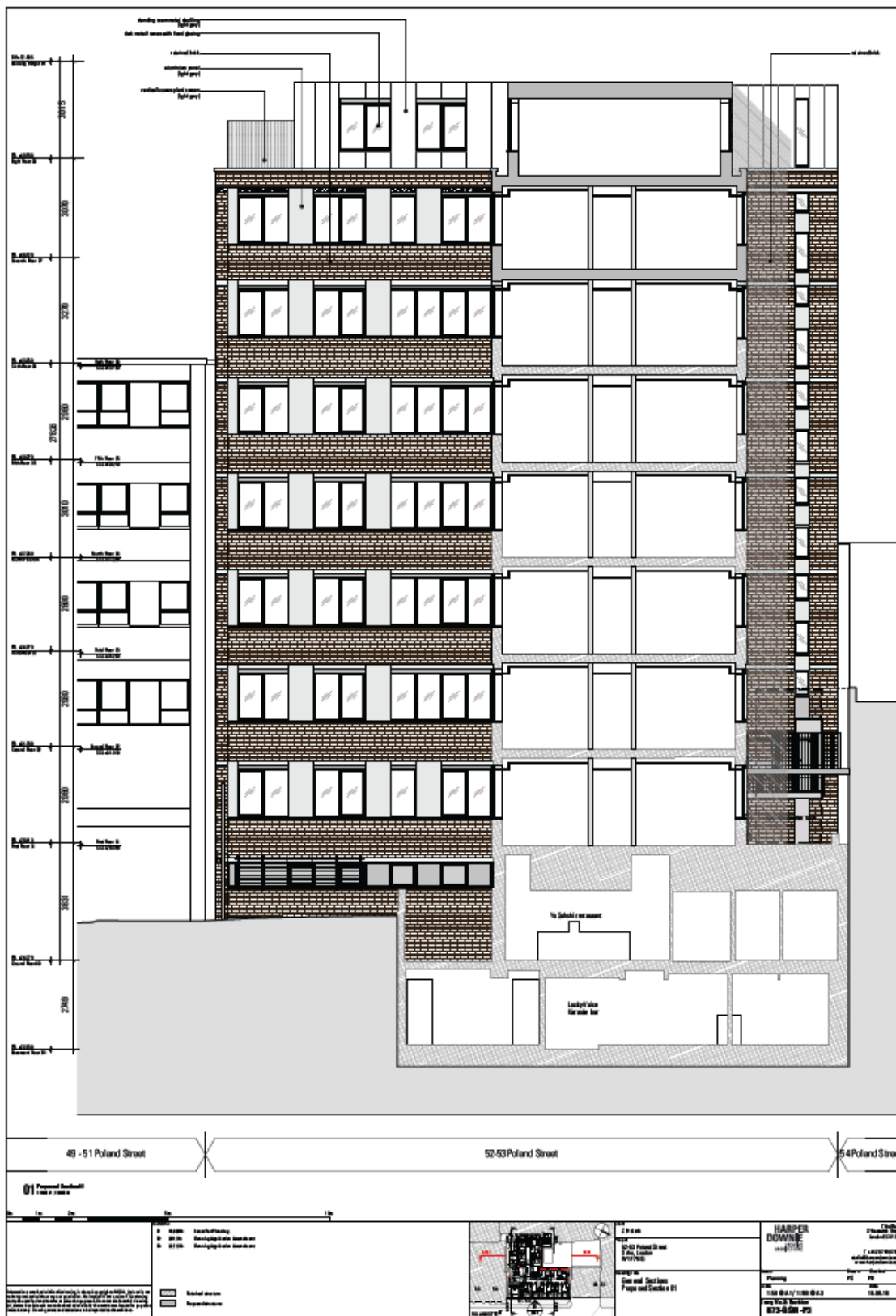
Architect: Harper Downside

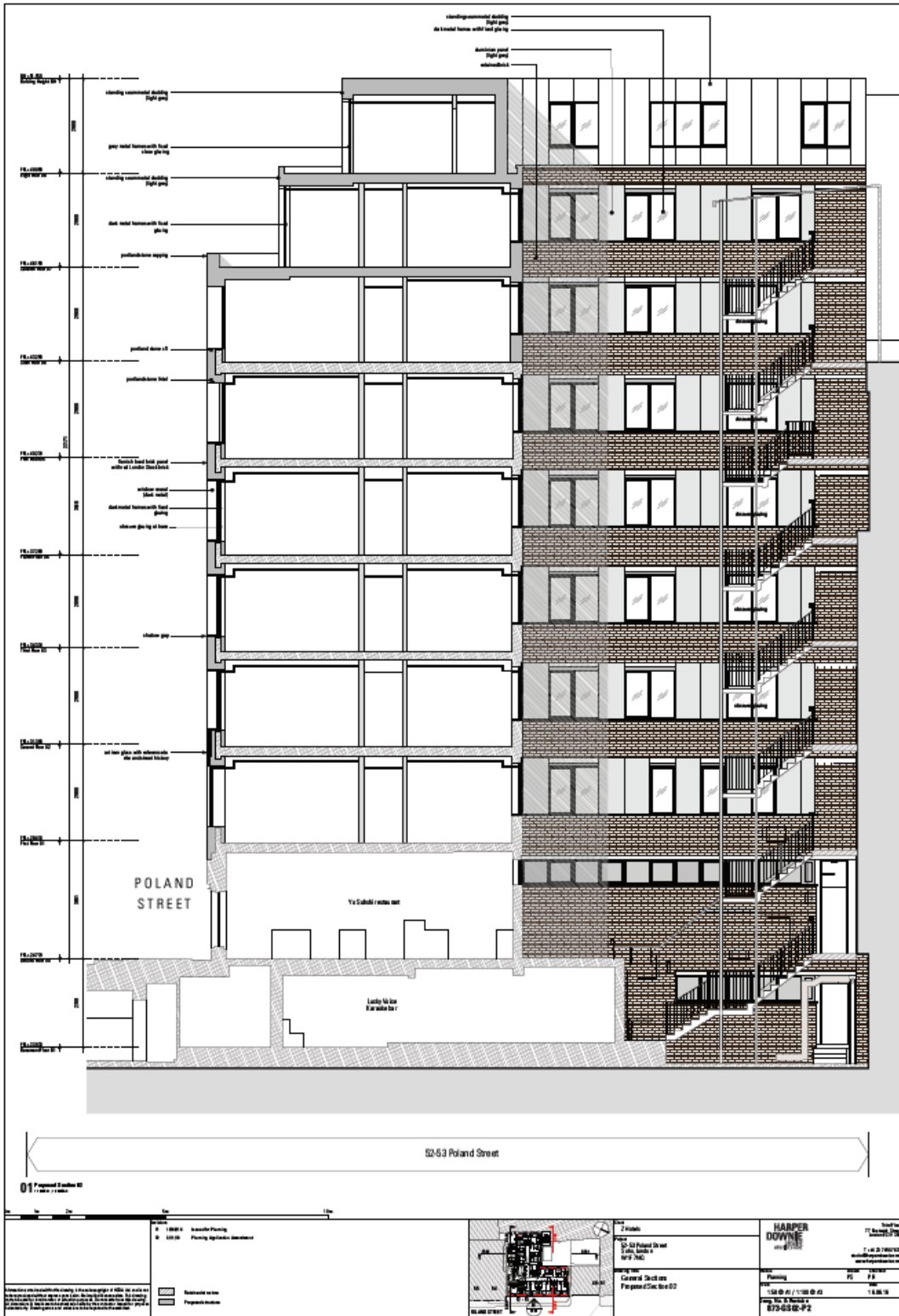
Engineer: Harper Downside

Date: 10/15/20

Sheet No: 20-CAN-03







DRAFT DECISION LETTER

Address: 52-53 Poland Street, London, W1F 7NB,

Proposal: Demolition of the seventh floor, roof plant enclosure, and front facade; replacement of front facade and seventh floor accommodation with extension to existing (front) terrace, and erection of eight floor roof addition, installation of new and relocated plant (including plant to existing basement and ground floor entertainment premises). Use of part ground and first to eighth floors as a hotel with ancillary first floor cafe (Class C1)

Reference: 16/05651/FULL

Plan Nos: 873-DE-/GAB1-P1, GA00-P1, GA01-P2, GA02-P2, GA03-P2, GA04-P2, GA05-P2, GA06-P2, GA07-P2, GARF-P2 (demolition drawings), , 873-/GAB1-P1, GA00-P4, GA01-P6, GA02-P6, GA03-P5, GA04-P5, GA05-P5, GA06-P5, GA07-P5, GA08-P5, GARF-P5;, 873-/GE01-P5, GE02-P4, GE03-P4, , 871-EN01-P2, EN02- P1, EN03-P2, EN05-P2, EN07_P2, EN08_P1, 873-/GS01-P5, GS02-P4, GS03-P6, , ,

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the flat roofs at seventh and eighth floor levels.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of a scheme of public art as shown on drawing 873-GE01-P5., , You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details., , You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

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

- 9 You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans. (C34AA)

Reason:

To meet the requirements of Regional Policy Guidance Note 3a. This is as set out in S26 of Westminster's City Plan (November 2016) and DES 14 of our Unitary Development Plan that we adopted in January 2007. (R34AC)

- 10 You must apply to us for approval of detailed drawings at scale 1:10, with full size details, of all new windows and external doors. 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 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 (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the hotel. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed

maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 13 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.

- 14 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 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 15 (1) Noise emitted from any emergency plant and generators 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 may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of any emergency plant and generators may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

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

- 16 You must not use the flat roofs of the building for sitting out or for any other purpose. You can however use the roofs for maintenance purposes, to access plant rooms at eighth floor level and to escape in an emergency. (C21AA)

Reason:

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

- 17 All hotel windows shall be fixed shut

Reason:

In accordance with the submitted application and 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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

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

- 19 No goods or waste shall be left on the highway

To protect the environment as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 20 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

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

- 22 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 the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 24 You must install the relocated plant and extract ducts serving the basement and ground floor premises, as shown on the approved drawings, prior to the commencement of the hotel use hereby approved.

Reason:

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

- 25 The first floor cafe shall be restricted to the area shown on the drawings hereby approved and no additional drinking/dining areas shall be provided within the hotel.

Reason:

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

- 26 The first floor cafe shall only be open to non-resident hotel guests between 08.00 and 21.00 hours on Monday to Saturday and between 10.00 and 18.00 hours on Sundays

Reason:

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

- 27 You must carry out the measures included in your management plan received on 26 October 2016 at all times that the hotel is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 28 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

In accordance with the submitted application, as no primary cooking is proposed as part of the cafe use and as the application does not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 29 All servicing, including the collection of waste and recyclable material by any private waste contractor, must take place between 06.00 and 18.00 hours only. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 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)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 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)
- 8 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: . (I04AA)
- 9 Conditions 12 and 13 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 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.

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.