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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 27 March 2018 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved West End | |
| Subject of Report | Film House, 142-150 Wardour Street, London, W1F 8ZR, | | |
| Proposal | Demolition behind retained facades of Nos 142 - 150 Wardour Street and full demolition of 20 St Anne's Court and to the rear of 138-140 Wardour Street, redevelopment to comprise basement, ground and six upper floor for use for hotel purposes (C1), creation of a restaurant (Class A3) at ground floor level fronting onto St Anne's Court. Use of part of the roof as a restaurant and bar in connection with the hotel use, creation of terraces and plant enclosures and associated works. (Site includes 142-150 Wardour Street, 138-140 Wardour Street and 20 St Anne's Court) | | |
| Agent | DP9 | | |
| On behalf of | Sir Richard Sutton Limited | | |
| Registered Number | 17/08971/FULL | Date amended/ completed | 19 January 2018 |
| Date Application Received | 9 October 2017 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Soho | | |

1. RECOMMENDATION

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

- i. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
- ii. Dedication of the highway in St Anne's Court, where the building line has been set back from the railing line;
- iii. A financial contribution to the carbon-offsetting fund of £101,000 (index linked and payable prior to commencement of development).
- iv. Crossrail payment (currently calculated at £92,227 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG) (index linked)
- v. An employment and training strategy for the construction and operational phase of the development;
- vi. S106 monitoring costs.

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

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

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

2. SUMMARY

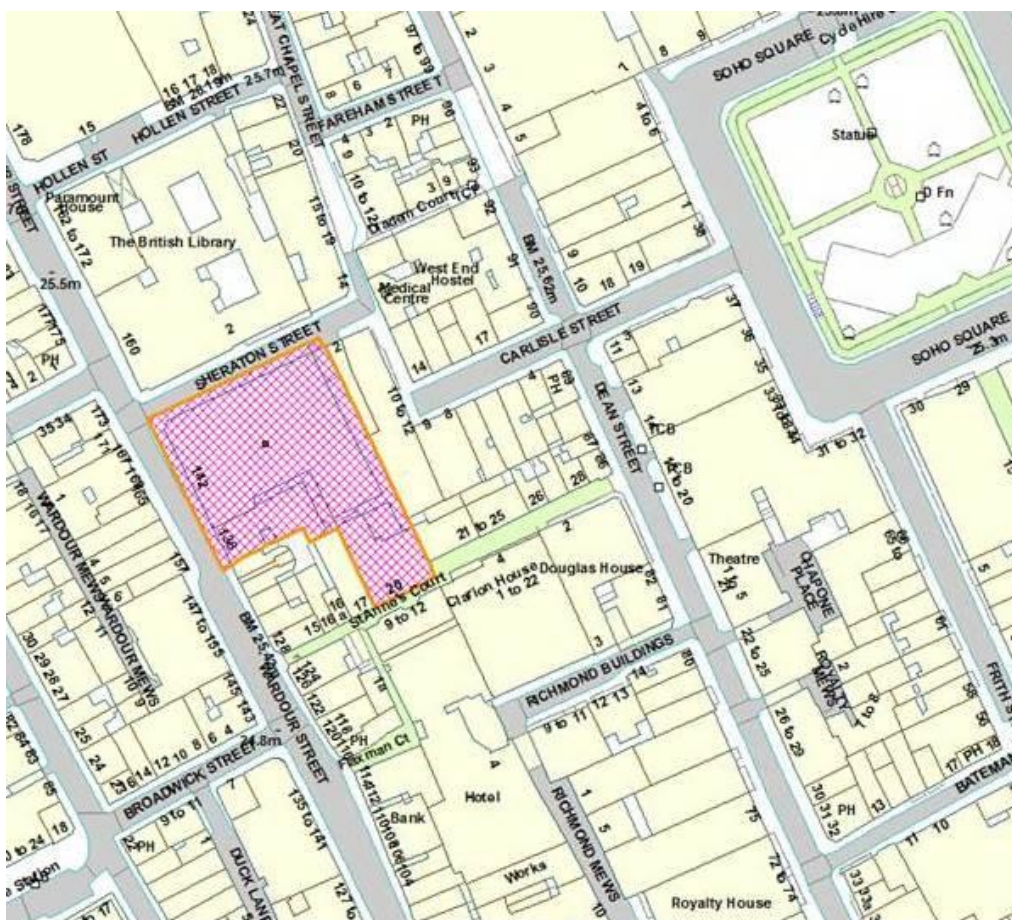
The application site has frontages onto Wardour Street, Sheraton Street and St Anne's Court. The buildings are in as offices (Class B1). Permission is sought for the demolition behind the retained facades of 142-150 Wardour Street and the full demolition of the remaining buildings onsite, the front part (rooms and façade) of 138-140 Wardour Street will be retained, but the buildings to the rear will be demolished. The redevelopment will comprise basement, ground and six upper floors. The building will be used as a 174-bedroom hotel (Class C1), and will include ancillary restaurants and bars at ground floor level and at roof level. A separate restaurant is proposed at ground floor level in St Anne's Court.

The key issues for consideration are:

- The use of the building for hotel purposes and its impact on the character and function of the area;
- The impact of the new building on the amenity of surrounding residential properties; and
- The impact of the extensions on the character and appearance of the conservation area.

The loss of the office floorspace is considered acceptable as there are no policies restricting the loss where it is being replaced with a commercial use. The proposal is considered to be in line with the policies in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP) and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial photograph of the application site.

20 St Anne's Court

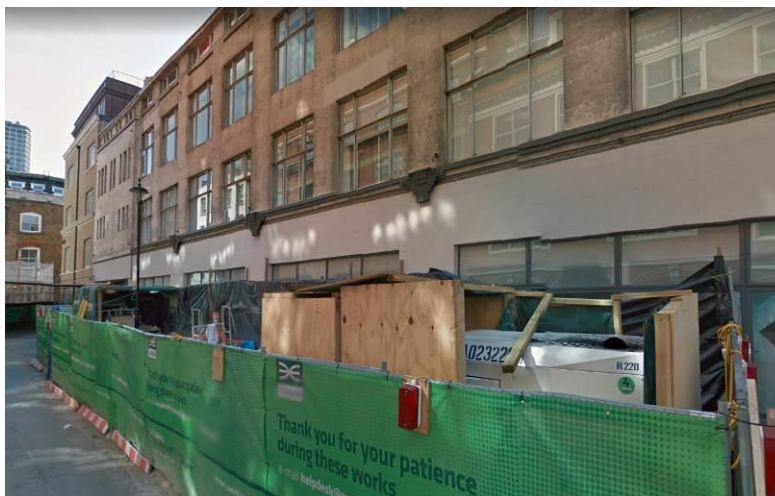
Mentorn House (138-140 Wardour Street)

Film House (142-150 Wardour Street)

Film House

Mentorn House

Sheraton Street elevation



Ground floor of 20 St Anne's Court



Roof of No.20



Side elevation of No.20

5. CONSULTATIONS

COUNCILLOR CHURCH

Objection – application is inappropriate for Soho in terms of residential amenity, overlooking and harm to the character of the area.

COUNCILLOR ROBERTS

Any response to be reported verbally.

COUNCILLOR GLANZ

Any response to be reported verbally.

HISTORIC ENGLAND

No objection in principle to the redevelopment. However, raised concerns over the following:

- The lack of fenestration to the windows to the retained Film House façade.
- The rooftop extension.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

SOHO SOCIETY

Objection

- Scale of development will cause significant negative impact for local businesses and residents.
- Unwelcome change of use. The loss of B1 floorspace should be refused.
- Over-intensification and overdevelopment of the site.
- Impact on businesses in the existing building.
- Proposals will add to the disruption caused by building works.
- Long term disruption to public realm.
- Too many hotels (existing and approved) in Soho.
- Impact of building works.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

CLEANSING

No objection.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

TRANSPORT FOR LONDON - CROSSRAIL CONTRIBUTIONS

Any response to be reported verbally.

CROSS LONDON RAIL LINKS LTD

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 616

Total No. of replies: 52

No. of objections: 51

No. in support: 1

Land Use

- Loss of creative industry space.
- Loss of offices.
- Increase in the amount of hotel floorspace in Soho.
- Hotel floorspace does not add to the character of the area.
- Too many hotels in the area (existing and approved).
- Proposal will lead to the gentrification of Soho.
- Restaurant floorspace is inappropriate.
- Character and function of Soho is changing.

Amenity

- Loss of daylight.
- Loss of privacy.
- Increase in noise and disturbance from customers using the rooftop terrace/bar.
- Negative impact on businesses and residents.
- Noise from rooftop plant.
- Increase in light pollution from roof top restaurant.

Design

- Demolishing two landmark buildings.
- Proposals out of keeping with other buildings in the area.
- Impact of the rooftop extension will have from Carlisle Street.
- Loss of heritage.

Traffic/Highways

- Increase in traffic will lead to an increase in air pollution.
- Increase in congestion.
- Loss of parking bays during construction.
- Servicing ramp appears to be inadequate and will lead to congestion in Sheraton Street.
- No space for setting down for coaches and taxis.

Other

- Constant building works in the area.
- Increase in noise/dust/vermin due to building works.
- Loss of view.
- Impact on jobs in the area.
- Impact on noise sensitive uses while works are ongoing.
- Too many building projects in the area.

- No CMP has been submitted with the application.

RE-CONSULTATION DATE 22 JANUARY 2018

HISTORIC ENGLAND

No objection, happy to see the alterations to the fenestration, but concern is still raised over the rooftop extension.

SOHO SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Six further letters of objection received raising the same objections as above.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site occupies a large site which includes three separate street addresses with frontages onto Wardour Street, Sheraton Street and the pedestrianised St Anne's Court. The largest of the buildings is the 1930's Film House on the corner of Wardour Street and Sheraton Street. The building comprises basement, ground and five upper floors. The fourth and fifth floors are contained within the existing mansard roof. The main access to the building is via Wardour Street and there is an existing servicing/loading bay entrance on Sheraton Street. The north elevation of the building also slopes away from the Nadler Hotel (above the existing servicing yard). The application site can be seen from Carlisle Street above the existing Nadler hotel.

Adjoining at 138-140 Wardour Street (Mentorn House) is another 1930's building with a much narrower frontage, this building is an unlisted building of merit as designated in the Soho Conservation Area Audit. The building comprises basement, ground and six upper floors.

The third building, is located at 20 St Anne's Court. This building is located at the point where St Anne's Court narrows, and includes a sloping roof at third floor to sixth floor level.

All of the buildings within the application site are in lawful Class B1 use and whilst the majority of floorspace is used for office purposes, part of the building is used for post-production connected to the film and TV industry. The building has historical links to the film industry and was once the headquarters of Pathe.

The nearest residential is adjoining the site at 134-136 Wardour Street. There are flats on the upper floors which overlook the rear of Mentorn House. There are also residential flats located within Clarion Court which is opposite the St Anne's Court elevation and opposite the site on Wardour Street.

6.2 Recent Relevant History

Planning permission was granted on 2 September 2004 for redevelopment to provide a mixed use building on basement, ground and five upper floors comprising office, light industrial, retail and four self-contained residential units together with ancillary car parking and off-street servicing. This permission was not implemented, but this consent established that the lawful use of the building is for office (Class B1) purposes.

7. THE PROPOSAL

Permission is sought for the demolition behind the retained façade at ground to third floor level of part of 142-150 Wardour Street (wrapping around Wardour Street and Sheraton Street). The part of the building on Sheraton Street close to the junction with Carlisle Street and Great Chapel Street will be fully demolished, along with 20 St Anne's Court. The building at 138-140 Wardour Street will be retained.

The site will be redeveloped, to provide basement, ground and six upper floors. As per the existing arrangement, the fourth and fifth floors of Film House will be contained within a new mansard roof. The existing roof form on 20 St Anne's Court will be replicated in the proposed scheme. All of the three buildings will be linked on all floor levels.

Small areas of excavation are proposed, but this limited to the new lift pits. The proposed basement will be used for plant and back of house facilities. The existing loading bay will be extended at basement level and the access will remain from Sheraton Street. The main entrance to the hotel will be from Wardour Street and this will lead into the hotel lobby. The lobby leads to the lifts to the upper floors of the hotel. A hotel restaurant is proposed at ground floor and this can be accessed via the hotel, or via a separate entrance on Sheraton Street. A hotel bar is also proposed at ground floor level and this will be accessed via the main entrance. A further restaurant is proposed at ground floor level and will be accessed via St Anne's Court. This will not be ancillary to the hotel use. The remaining part of the ground floor will be used for back of house and plant rooms. A UKPN substation is proposed at ground floor level, with gates onto Sheraton Street.

The proposed first to fifth floor levels will contain 174 bedrooms. Balconies are proposed to all elevations at fourth and fifth floor level. The new sixth floor level will be used as a restaurant and bar; a retractable roof is proposed to allow part of the roof to be opened during good weather. The restaurant will include a roof terrace which is located along the Sheraton Street elevation. The rest of the roof will be used for plant and photovoltaic panels.

The scheme has been revised since its original submission. Revisions have been made to the St Anne's Court building to retain the existing roof slope.

Land Use table

| | Existing GIA (sqm) | Proposed GIA (sqm) | +/- |
|----------------------------------|-----------------------|-----------------------|--------|
| Office | 11275 | 0 | -11275 |
| Hotel (Class C1) | 0 | 12787 | +12787 |
| Restaurant floorspace (Class C1) | 0 | 748 | +748 |
| Restaurant (Class A3) | 0 | 293 | +293 |
| Total | 11275 | 13080 | +1805 |

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal results in the loss of 11275sqm of office floorspace. Objections have been received to the loss of the office floorspace and the impact this will have on creative industries in Soho, lack of employment opportunities and the impact this will have on the character and function of the area.

Wardour Street has a long association with creative industries and was once known as Film Row. Part of the site itself is known as Film House therefore there is a historic association with the film industry. The majority of the site is in use for office purposes (Class B1), but part of this office space is used for post-production studios in connection with the TV and film industry, which falls within Class B1(c). City Council records do not indicate that planning permission was granted solely for Class B1(c) use. Furthermore, the consent granted in 2004 confirmed that the lawful use of the buildings is for Class B1 purposes.

Objections have been received that the loss of offices will reduce the amount of employment opportunities in the area. As the proposed use is also commercial, which will generate jobs, the objections on these grounds are not justified.

City Plan Policy S20 seeks to protect office floorspace where the new use is for residential purposes. As the proposed use is for another commercial use, the loss of office floorspace is acceptable and in line with Policy S20. The objections to the loss of the office floorspace are therefore not sustainable to justify refusing the application.

Introduction of hotel use

The proposal will result in a new hotel comprising 12787sqm with 174 hotel bedrooms. Objections have been received, including from Councillor Church on grounds that new hotel floorspace is not appropriate in this part of Soho. Objections have also been received to the impact of the hotel on the character and function of the area; the increase in the amount of traffic generated; and the proliferation of hotel uses in terms of existing and consented hotels.

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. City Plan Policy S23 states that new hotels will be directed to the Core CAZ. UDP Policy TACE 2 (A) states

that within 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 proposals significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis.

There are a number of residential properties in close proximity to the site, but it is not considered that this part of Wardour Street is predominantly residential. The proposed hotel will contain 174 bedrooms and include 748sqm of ancillary entertainment floorspace, which would be accessible to hotel guests and members of the public. As noted above, objections have been received to the increase in traffic congestion as a result of the hotel. At the current time, the streets around the application site are constrained and this partly due to the closure of Great Chapel Street to facilitate the Crossrail development on Dean Street. Great Chapel Street will be reopened once the Crossrail works are completed.

Due to its central London location is likely that most guests will arrive by taxis or public transport. It is expected that taxis will drop off/pick up passengers on Wardour Street, and the transport statement states that there will be an increase in the amount of taxi trips over the existing use, but it is not considered that this increase is so great to have an adverse effect on traffic in the area.

As the hotel does not include large conferencing facilities or event space and due to the constraints of the highway around the application site, it would be difficult for coaches to service the hotel. The applicants have also stated that they will not take group bookings for hotel rooms therefore reducing the likelihood of coaches visiting this hotel.

A number of the objections state that there will be an over-concentration of hotel uses in Soho as a result of this proposal. The applicants have submitted a statement relating to office and hotel trends in Soho. This indicates that office floorspace is greater than the supply of new hotels in Soho and the West End as a whole. This also states that there are no hotels due for completion in the medium term. The proposals are considered to be in line with London Plan policy which encourages an increase in visitor accommodation throughout the city and the objections received on these grounds are not considered sustainable to justify a reason for refusal.

The proposal does not generate a requirement to provide affordable housing.

Restaurant floorspace

New restaurant floorspace is proposed comprising 1041sqm, of this floorspace, 748sqm will be ancillary to the hotel and the remaining floorspace (293sqm) will be a standalone restaurant accessed via St Anne's Court. As the ancillary floorspace could be used by hotel and non-hotel guests the total amount of entertainment floorspace must be considered in light of the entertainment policies. The restaurant floorspace will be divided throughout the site, a hotel restaurant and bar is proposed at ground floor level with a further hotel restaurant and bar including external terraces at sixth floor level

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. However, the site is located within the West End Stress Area, where new entertainment uses are considered more carefully. The proposal is for a 'large-sized'

entertainment use and UDP Policy TACE10 applies, which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500sqm will not generally be appropriate within Westminster.

2. Entertainment table

| Location | Use | Covers | Open to non-hotel guests? | Hours open to non-hotel guests |
|-----------------------------------|-----------------------|-----------------------|---------------------------|--|
| Ground floor | Hotel Restaurant (C1) | 160 | Yes | Monday to Thursday: 07.00 – midnight. Friday – Saturday: 07.00 – 00.30 Sunday: 08.00 – midnight. |
| Ground floor | Hotel Bar (C1) | 95 | Yes | Monday to Thursday: 07.00 – midnight. Friday – Saturday: 07.00 – 00.30 Sunday: 08.00 – midnight. |
| Roof including external terraces | Hotel restaurant (C1) | 224 (126 on terraces) | Yes | Monday to Thursday: 07.00 – midnight. Friday – Saturday: 07.00 – 00.30 Sunday: 08.00 – midnight. |
| Ground floor – 20 St Anne's Court | Restaurant (Class A3) | Max 75 | Yes | Monday – Sunday 08.00 – 23.00 |

Objections have been received to the proposed restaurant floorspace on the grounds that the restaurant floorspace is inappropriate in this part of Westminster and on the grounds of increased late night noise and disturbance from the proposed bar/restaurant and associated external terraces at sixth floor level.

All of the restaurant/bar floorspace will be open to non-hotel guests and it is considered that non-hotel guests will be allowed to remain on the premises in line with the hours set out in the UDP (midnight on Sunday to Thursdays and 00.30 on Friday and Saturdays). However, due to the proximity of the residential flats in Clarion Court, an earlier closing time is sought for the standalone restaurant on St Anne's Court (08.00 – 23.00). Even though this is a standalone restaurant, it will be linked to the hotel at ground floor level and the applicants are willing to accept a condition to allow restaurant guests leaving after 22.00 to exit via the hotel entrance on Wardour Street.

The proposed restaurant/bar at sixth floor level includes terraces overlooking Sheraton Street. It also includes an area which will be enclosed by a retractable roof, that will be opened during good weather. This part of the roof is close to the boundary with the Nadler Hotel, the nearest residential is within Clarion Court (over 30m away). A condition is recommended to ensure that the retractable roof is closed at 21.00 each evening to

reduce the impact the restaurant will have on nearby occupiers. Similarly, with the roof terraces on the Sheraton Street elevation, it is considered that they will be closed to customers at 22.00.

The proposed entertainment floorspace is considered acceptable and will complement the character and function of the area. There are a number of entertainment uses in the immediate vicinity but it is not considered that there will be an unacceptable cumulative impact in the stress area.

A draft Operational Management Plan (OMP) has been submitted with the application, but as the proposals are speculative at the current time, a condition securing an updated OMP is recommended. It is considered that subject to conditions the proposed restaurant/bar floorspace is in line with policy.

8.2 Townscape and Design

The site is on the east side of Wardour Street in the Soho Conservation Area and comprises several buildings, namely Film House (142-150 Wardour Street), Mentorn House (138-140 Wardour Street) and 20 St Anne's Court. The buildings have facades to Wardour Street, Sheraton Street and St Anne's Court. Film House and Mentorn House are visible in longer views from Wardour Street and part of the roof of Film House appears in views from Soho Square along Carlisle Street above the focal point created by the recently completed Nadler Hotel, designed by Adam Architects with a fine pedimented facade which recalls the design of Carlisle House which was destroyed by bombing in WWII. The rear facades of the buildings are functional and overlooked by the Nadler Hotel and property in St Anne's Court.

Film House and Mentorn House make a positive contribution to the street and surrounding conservation area, and there are numerous listed buildings in the vicinity of the site in Wardour Street, Sheraton Street, St Anne's Court and Carlisle Street.

The site is within Protected Vista 2A.2 Parliament Hill summit to the Palace of Westminster, the threshold of which is at 59.00m AOD on the site. To the east of the site, but not over it, is Protected Vista 2B.1 the threshold of which is at 54.64m AOD as it passes by the site. The existing and proposed roof height is below these thresholds at 50.83m AOD.

The association of the area with the film industry dates from the twentieth century and the Archaeological Report notes that "...Film House was originally the headquarters of the Associated British Pathé Film Company..." The Historic Building Report also notes numerous other famous firms taking leases in the building.

The site is in an area of archaeological priority but the application report recommends that no further archaeological work should be required either pre- or post-determination, principally as a result of the depth of the existing basement.

The street facades of Mentorn House and most of the street facades of Film House are to be retained with new windows; a new roof structure over all buildings is proposed along with a new façade at 20 St Anne's Court and in the eastern section of the site in

Sheraton Street. The proposed building mass is split by the two courtyards to bring light to the lower levels of the site and the courtyards are separated by a central core rising from basement to roof level.

Wardour Street

The attractive Portland stone art deco façades of Film House in Wardour Street will be retained and repaired with new windows in the existing openings. The design of the windows has been revised to be more architecturally sensitive to the building following Historic England advice. The existing window sills will be lowered at ground floor level and the corner door will be re-opened to allow guests to enter from the Sheraton Street side of the building. The entrance to the building along Wardour Street will be set back within a glazed enclosure, with a weathered brass revolving door to the centre and pass doors either side.

Above the retained facades, a new zinc standing-seam roof with dormer balconies incorporating glazed balustrades is proposed. Weathered brass balustrades are proposed to the top floor, with their design taking inspiration from the art deco history of the buildings. Roof top plant is set back and screened by louvres painted in weathered brass tones.

The front of Mentorn House, including its mansard roof, is to be retained and repaired. All existing windows are to be replaced with steel-framed, double-glazed windows with a traditional industrial appearance at the lower levels and new flush roof lights are proposed within the existing mansard roof.

Sheraton Street

The proposed Sheraton Street facade is divided between the retained portion of Film House and a two-part new build section. The main part of the façade and the roof will be treated in the same way as that facing Wardour Street. However, new bi-fold doors are proposed for the full height openings within the restaurant and, at roof level, a living wall is proposed to conceal the plant and enhance views to and from the rooftop terrace.

On the top floor, a combination of weathered brass panels and glazing is proposed. The extent of glazing is suitable and for the rooftop restaurant the extent of glazing along Sheraton Street is reduced by introducing solid oxidised brass infill panels which will harmonise with the oxidised brass balustrade forms the building edge protection to the restaurant terrace.

Sliding doors provide access to the balconies. Separation of the individual balconies is achieved at low level and will not be visible from street views.

The new build section on Sheraton Street is of 'Roman' grey and dark-grey brick and the new facade is divided in two by the use of these different bricks to reflect the historic plot widths of development in Soho. Above the loading bay the windows will have decorative metalwork and on the upper levels the terraces have been stepped back to minimise their visual impact. The balustrades to the upper levels are of oxidised brass metalwork, and decorative weathered brass metalwork is proposed to conceal the loading bay and the UKPN station access doors. Frosted glass is proposed for the staff entrance located next to the UKPN station, and clear glazing is proposed for the hotel restaurant entrance.

It is proposed that the public art contribution of the scheme is developed to include the metalwork adornments at lower levels.

St Anne's Court

No. 20 St Anne's Court is to be totally rebuilt and takes its design inspiration from the existing façade. The eastern façade which partly closes the view along St Anne's Court will be cut back at roof level which greatly improves the view.

The proposed red-brick and colours selected for the metalwork are similar to the existing facade and aim to create a coherent architectural composition. The windows are to be dark-grey finished, steel-framed double glazed windows, with a traditional industrial appearance.

Rear Elevation (east facing)

The proposed rear facade of the building provides access to loading bay where at the lower levels, which are concealed from street view, the façade is to be of render.

The upper levels are clearly visible in views from Soho Square along Carlisle Street and will appear substantially taller than the existing building. The metalwork and cladding are the same as used elsewhere at roof level, but the design has been revised since submission to ensure that the new façade appropriately acknowledges the importance of the view and it breaks forward slightly to align with the pedimented front of the Nadler Hotel. This is acceptable and satisfactorily addresses objections to the visual impact of the roof in views from Soho Square.

Internal Courtyards

The courtyard at basement and ground floor levels utilizes glazing to get as much light into the public areas as possible. On the upper levels protruding metal boxes add relief to the rendered elevations whilst the angled louvres provide privacy for guests within the bedrooms. At the base of both courtyards, greenery is proposed.

The back of the retained Mentorn House core will be re-clad with white glazed bricks. To the rear a combination of brick styles is proposed to distinguish the old building from the new. Grey brickwork in Flemish bond with steel-framed, double-glazed windows with a traditional industrial appearance are proposed for the lower levels. On the upper levels 'Roman' brickwork is proposed with box windows incorporating decorative metal mesh on the upper floors. At the top of the courtyards, a combination of living walls and metal louvres painted in weathered brass tones is proposed to conceal the plant.

There have been objections to the new roof creating a 'canyon effect' amongst other things on Wardour Street, and to the impact of the alterations on the view from Soho Square. Whilst there are changes to the roofline of the building, they are not harmful to the appearance of the retained facades, and the appearance of Wardour Street would be preserved. Similarly, the views from Soho Square, along Carlisle Street, will be altered by the greater height of the building but the change will not detract from the focal point created by the Nadler Hotel.

8.3 Residential Amenity

The nearest residential is adjoining the site at 134-136 Wardour Street, where there are eight flats over the first to fourth floor levels.

There are also residential properties located within Clarion Court. Clarion Court is located to the south of the application site and comprises 22 flats. The north elevation of Clarion Court faces onto St Anne's Court and the flats in the north west corner have balconies that overlook 20 St Anne's Court.

The proposals have been amended since the original submission as a result of officer advice. The original proposals sought to remove the existing sloped roof of 20 St Anne's Court and replace it with a stepped elevation which included balconies. This would have resulted in an increase sense of enclosure and loss of privacy to the residential windows directly opposite within Clarion Court. The amended scheme seeks to retain the sloping roof form of St Anne's Court. The windows at fourth floor level are set in and back to create balconies, a sloping balcony is also incorporated to prevent the whole of balcony being accessible.

Objections were received from Clarion Court to the original proposals on the grounds that there would be an increase sense of enclosure, loss of privacy and loss to daylight and sunlight as a result of the extensions. No representations have been received from Clarion Court to the revised drawings.

Objections have also been received from the adjoining hotel use (Nadler) on Carlisle Street on the grounds of loss of privacy from the rooftop restaurant. Noise from staff in the servicing yard smoking and has suggested that the service yard is enclosed.

In terms of daylight and sunlight, as the existing roof form of 20 St Anne's Court is to be retained, there will not be an adverse impact on the residential windows in Clarion Court. Furthermore, as the windows face north, they are not required to be assessed under the BRE Guidelines.

Sense of Enclosure

The proposed façade on St Anne's Court includes ground and two upper floors, due to the more generous floor to ceiling heights there is a small increase in the height of this façade. The upper three floors will be contained within a sloping roof which matches the existing roof slope, on this basis, it is considered that there will not be an increase sense of enclosure to the windows in Clarion Court as a result of the proposals.

There are eight residential flats adjoining the site at 134-136 Wardour Street. No representations have been received from this property. It appears from recent planning history that there are two flats per floor (at first floor and above). There are residential windows overlooking the existing rear extensions of Mentorn House. The flats are dual aspect, with windows to the front overlooking Wardour Street. The proposed extensions to the rear of Mentorn House will be closer to the residential windows, but will still be set back to not create an adverse sense of enclosure.

Privacy

There are existing windows in the roof slope of the St Anne's Court building, new windows are proposed in similar locations. The new windows at fourth floor level will be set back to create a balcony. A sloping balustrade is proposed which will prevent the whole of the balcony being used. These windows are higher than the residential windows in Clarion Court, and views to the window are at an oblique angle. However, it is considered that people using the balcony will be able to overlook the residential windows and an amending condition is recommended to ensure that the balcony at fourth floor level is removed and the windows are sloping roof lights. A further condition is recommended to ensure that these windows are fixed shut.

There are no new windows proposed in the side elevation of Mentorn House, therefore there will be no loss of privacy to the residential units in 134-136 Wardour Street.

New hotel windows are proposed in the rear elevation overlooking the rear of the Nadler Hotel on Carlisle Street. The windows in the Nadler are set back, and this replicated for the application site but they include balconies. The concern raised by the Nadler are noted, however, as both properties are in commercial use it is not considered that a refusal on these grounds would be sustainable.

There are no residential properties immediately to the north of the proposed roof terraces therefore it is not considered that there will be a loss of privacy, and the roof terraces are considered acceptable.

Noise

Objections have been received from the Nadler Hotel to the potential noise generated from the off-street service bay and they have suggested that the bay is fully enclosed. The existing servicing bay is currently fully open and there are no controls on how this bay is operated. It is proposed to increase the size of the servicing bay and this will be partially enclosed. It is considered that it would be in the best interests of the hotel operator to ensure noise levels within the servicing bay are kept to a minimum for their own hotel guests and surrounding occupiers. It is not considered that the noise from the servicing bay will be so great to justify refusing the application and a condition restricting the use of the bay from 07.00 – 18.00 is recommended. It is considered that the OMP should cover the management of staff smoking etc.

The new hotel windows within 20 St Anne's Court are in close proximity to the residential flats in Clarion Court and objections have been made to the potential noise from the guest using the hotel rooms. The windows in the St Anne's Court elevation will be fixed shut to reduce privacy, and this will be secured by condition. This will also reduce the impact to nearby residential properties.

Objections have also been received to the potential for noise from the terraces and the rooftop restaurant/bar. As mentioned previously, the retractable roof is proposed to be closed at 21.00 each day and the terraces will not be used after 22.00. The OMP, should include how guests at roof level will be managed. Environmental Health has recommended that a condition is imposed to ensure that noise is kept to a minimum.

Openable shopfronts are proposed on the Sheraton Street frontage. This are considered acceptable as there are no residential units in the immediate vicinity.

Light Pollution

Objections have been received to the impact of light pollution from the restaurant and bar at sixth floor level. The applicants have advised that these areas will be discreetly lit. Any light spill and upward light pollution will be avoided. The subtle illumination level would allow guests to focus on the London skyline. It is not considered that the light from the upper floors will have an adverse impact on amenity.

8.4 Transportation/Parking**Servicing**

City Plan Policy S42 and UDP Policy TRANS20 require off-street servicing provision. The proposal includes off-street servicing, and the applicant has indicated that all servicing, including refuse collection will occur off-street. An objection has been received from the adjoining hotel that the servicing ramp is narrow, and this will result in traffic being backed up on Sheraton Street. The Highways Planning Manager recognises that the servicing bay is constrained, but it is considered adequate for the development. A servicing management plan (SMP) has been submitted and this states that servicing vehicles arriving at site will be carefully managed to ensure that there is only one vehicle at any one time. The proposals are considered to be in line with policies S42 and TRANS20 and the objection on these grounds is not considered sustainable to justify a reason for refusal.

Objections have also been received on the grounds that there will be an increase in traffic as a result of more servicing vehicles visiting the site. The draft SMP indicates that there will be approximately 38-47 deliveries per week, with up to 8 deliveries per day. This number of deliveries per day is not considered to have an adverse impact on the highway network. As a hotel operator has not been identified, a condition is recommended to secure a further SMP, conditions are also recommended to ensure that all vehicles enter and exit the servicing bay in forward gear.

The Highways Planning Manager has raised concern to the lack of visibility splays for car exiting the servicing bay. As this is effectively a new vehicle crossover, it is considered that the visibility splays should be improved. A condition is recommended to ensure that the visibility splays are modified to ensure pedestrian safety.

No car parking is proposed for the hotel use; this is considered acceptable. The provision of cycle parking exceeds the requirements set out in the London Plan, this is welcomed and the minimum required by the London Plan will be secured by condition.

The Highways Planning Manager has raised concerns over coaches and private hire taxis visiting the site and the application does not include measures to deal with coach arrivals and departures. As set out above, the applicants have stated that they will not accept group bookings at the hotel therefore coach trips to the premises are unlikely. In the event that a coach does arrive, the hotel staff will actively manage the situation to avoid people congregating on the street and congestion of the highway. An updated OMP is requested by condition which will demonstrate how coaches and taxis will be handled.

The Soho Society has commented that the addition of a contraflow cycle lane in Wardour Street will complicate and intensify traffic conditions. The proposed cycle lane is part of a wider quiet way cycling programme, it would be an advisory lane and not mandatory. The Highways Planning Manager does not consider that the planning application and advisory cycle lane to be in conflict, but representative of the many demands on highway space in this area of Westminster being managed in an efficient manner.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcome.

8.6 Access

Level access is provided from the new entrances on Wardour Street and Sheraton Street and there is lift and stair access to all floor levels.

As per the requirements in the London Plan 10% of the hotel rooms will be accessible. This will be secured by condition.

8.7 Other UDP/Westminster Policy Considerations

Plant

Objections have been received to the potential noise from the new plant within the basement and at roof level. Internally routed extract ducts are also proposed and these will vent at roof level. All the new plant will be subject to the City Council's standard noise conditions and a supplementary acoustic report will be required once the plant equipment has been chosen.

Due to the proximity of the site to the nearby underground Crossrail lines and station, ground borne noise and vibration must be considered. Environmental Health has commented that we need to ensure that the new building structure does not increase ground borne noise levels or vibration in adjoining residential properties and conditions are recommended to avoid potential issues with noise and vibration.

Air Quality

The site is located within the city-wide Air Quality Management Area. The site has only been assessed against short term air quality objectives as the proposed use is a hotel and not for permanent occupation. The short term objectives are met and the applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions.

Biodiversity

It is proposed to install green roofs and walls, this is welcomed and a management plan including species type is secured by condition.

Sustainability

The London Plan requires non-domestic building to be 35% below Part L 2013 of the Building Regulations.

The submitted documents indicate that the non-domestic elements of the proposal will be 28% below Part L 2013 of the Building Regulations. To address the shortfall the applicants are willing to contribute £101,000 to the carbon off-setting fund which is compliant with the Mayor's guidance. This is acceptable and will be secured by a legal agreement.

In terms of on-site renewables, photovoltaic panels are proposed at roof level. It is also proposed to install a CHP, which will be future proofed and have the ability to connect to a future district energy network is feasible.

The submitted Sustainability Statement indicates that the new building will achieve a BREEAM Excellent rating. This is welcomed and secured by condition.

8.8 London Plan

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036.

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

- i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur;
- ii. Dedication of the highway in St Anne's Court, where the building line has been set back from the railing line;
- iii. A financial contribution to the carbon offsetting fund carbon offsetting fund of £101,000 (index linked and payable prior to commencement of development).
- iv. Crossrail payment (currently calculated at £92,227 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG)
- v. An employment and training strategy for the construction and operational phase of the development;
- vi. S106 monitoring costs.

The estimated CIL payment is : £368,041.56 (£106,105.60 to Mayor's CIL and £261,935.96 to WCC CIL).

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction impact

A number of objections have been raised to the lack of a construction management plan, the impact the construction including construction traffic will have on existing residents and businesses in the area, the loss of parking bays during construction and the associated noise/dust and disruption. Objections also state that there are too many building works being carried out in this part of Soho. A number of objections have been received from adjoining sound recording studios to the building works and the impact the works would have on their businesses. Planning permission cannot reasonably be withheld on these grounds.

Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCOP) and the Environmental Inspectorate. The COCOP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

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

Period for Commencement

The applicant has requested five years to implement their proposals rather than the normal three years. The applicants have put forward the following arguments. Firstly, Film House is occupied by a number of tenants who have protected tenancies and a long lead in period is required to secure vacant possession. The applicants have stated that it is unlikely that vacant possession would be granted within three years.

Secondly, the applicants need the certainty of planning before they embark on the costly process of progressing the complicated design and construction process due to the retained element of the scheme. Thirdly, they have stated that they would require more time to plan the retained façade element of the scheme, the decanting, strip out and demolition will take longer before the planning permission could be implemented.

It appears from the applicants arguments that the main reason for the request are landlord/tenant issues which are not planning considerations. Five-year permissions are only given in exceptional circumstance on complex phased developments. This request is therefore not considered acceptable.

9. BACKGROUND PAPERS

1. Application form
2. Response from Councillor Church, dated 24 November 2017
3. Responses from Historic England (Listed Builds/Con Areas), dated 27 October 2017 and 23 January 2018
4. Response from Thames Water, dated 25 October 2017
5. Response from Cross London Rail Links Ltd, dated 31 October 2017
6. Response from Historic England (Archaeology), dated 02 November 2017
7. Response from the Soho Society, dated 13 November 2017

8. Response from Cleansing, dated 6 December 2017
9. Response from Highways Planning Manager, dated 9 February 2018
10. Response from Environmental Health, dated 20 February 2018
11. Letters from occupier of Trident Sound Studios, 17 St Anne's Court, both dated 1 November 2017
12. Letters from occupier of 3 D'Arblay Street, London, dated 2 November 2017 and 13 March 2018
13. Letter from occupier of 8-12 Broadwick Street, London, dated 2 November 2017
14. Letter from occupier of 10 Carlisle Street, London, dated 3 November 2017
15. Letter from occupier of 138 Brockley Grove, London, dated 7 November 2017
16. Letter from occupier of Firmdale Hotels - Soho Hotel, 4 Richmond Mews, dated 8 November 2017
17. Letter from occupier of 51 Weymouth Close, Clacton, dated 21 November 2017
18. Letter from occupier of Flat 5, 3 - 5 Bateman Street, dated 22 November 2017
19. Letter from occupier of 14 Neals Yard, London, dated 22 November 2017
20. Letter from occupier of 3 Smith Square, London, dated 22 November 2017
21. Letters from occupier of Flat 31, 4 Earnshaw Street, dated 22 November 2017 and 31 January 2018
22. Letters from occupier of 74c Lausanne Rd, Nunhead, both dated 22 November 2017
23. Letter from occupier of Flat 6, 7 Ingestre Place, Soho, dated 23 November 2017
24. Letter from occupier of 1 Clarion House, 4 St Anne's court, dated 23 November 2017
25. Letter from occupier of 3 Clarion House, 4 St Anne's Court, dated 23 November 2017
26. Letter from occupier of 9 Berwick Street, London, dated 23 November 2017
27. Letter from occupier of Flat 7, 59 Poland Street, dated 24 November 2017
28. Letter from occupier of Flat 1, 124-126 Wardour Street, dated 25 November 2017
29. Letter from occupier of 10 Sangringham Court, Dufour's Place, dated 25 November 2017
30. Letter from occupier of 63 St Giles High Street, London, dated 25 November 2017
31. Letter from occupier of 10 Northcote Road, London, dated 25 November 2017
32. Letter from occupier of 22 Great Chapel Street, London, dated 25 November 2017
33. Letter from occupier of 28A Benwell Road, Islington, dated 26 November 2017
34. Letter from occupier of 204a Bellenden road, London, dated 27 November 2017
35. Letter from occupier of Flat 11, 12 Bouchier Street, dated 28 November 2017
36. Letter from occupier of 16 Great Chapel Street, London, dated 30 November 2017
37. Letter from occupier of Flat One, Rupert House, 4 Tisbury Court, dated 1 December 2017
38. Letter from occupier of Flat 6, 45 Broadwick Street, dated 1 December 2017
39. Letter from occupier of Flat 16, Clarion House, 4 St. Anne's Court, dated 1 December 2017
40. Letter from occupier of 11 Sandringham Court, Dufours Place, dated 2 December 2017
41. Letter from occupier of 35 Thornbury Road, London, dated 2 December 2017
42. Letter from occupier of Flat 2, 6 Silver Place, dated 2 December 2017
43. Letter from occupier of 32 Mackeson Road, London, dated 7 December 2017
44. Letter from occupier of 22 Queens Avenue, London, dated 8 December 2017
45. Letters from occupier of 8 Berwick Street, London, both dated 8 December 2017
46. Letter from occupier of 22 Romilly Street, London, dated 10 December 2017
47. Letter from occupier of 20 Marshall Street, London, dated 11 December 2017
48. Letter from occupier of 4 Oakford Road, London, dated 11 December 2017
49. Letter from occupier of 112-114 Wardour Street, Flat 15, dated 11 December 2017
50. Letter from occupier of Flat 6 Press Court, 77 Marlborough Grove, dated 11 December 2017

51. Letter from occupier of Flat 6, 9 Rye Hill Park, dated 11 December 2017
52. Letter from occupier of 2 D'Arblay Street, London, dated 12 December 2017
53. Letter from occupier of Flat 9, 7 Dufour's Place, dated 14 December 2017
54. Letter from occupier of 152 Wardour street, London, dated 14 December 2017
55. Letter from occupier of 96 Stirling Court, Marshall Street, dated 16 December 2017
56. Letter from occupier of 64 Chalcot Road, London, dated 21 December 2017
57. Letter from occupier of 34-35 D'Arblay Street, London, dated 1 January 2018
58. Letter from occupier of Flat 17 Clarion House, 4 St. Anne's Court, dated 12 January 2018
59. Letter from occupier of Flat 6, 7 Ingestre, dated 28 January 2018
60. Letter from occupier of 8-9 Carlisle Street, dated 29 January 2018
61. Letter from occupier of 27 Lovel Road, Gerrards Cross, dated 29 January 2018
62. Letter from occupier of Flat 7, Exeter Mansions, dated 5 February 2018
63. Letter from occupier of 63A St Giles High Street, dated 5 February 2018
64. Letter from occupier of 17 St Anne's Court, dated 14 February 2018

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

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

10. KEY DRAWINGS

Existing Wardour Street elevation



Proposed Wardour Street elevation



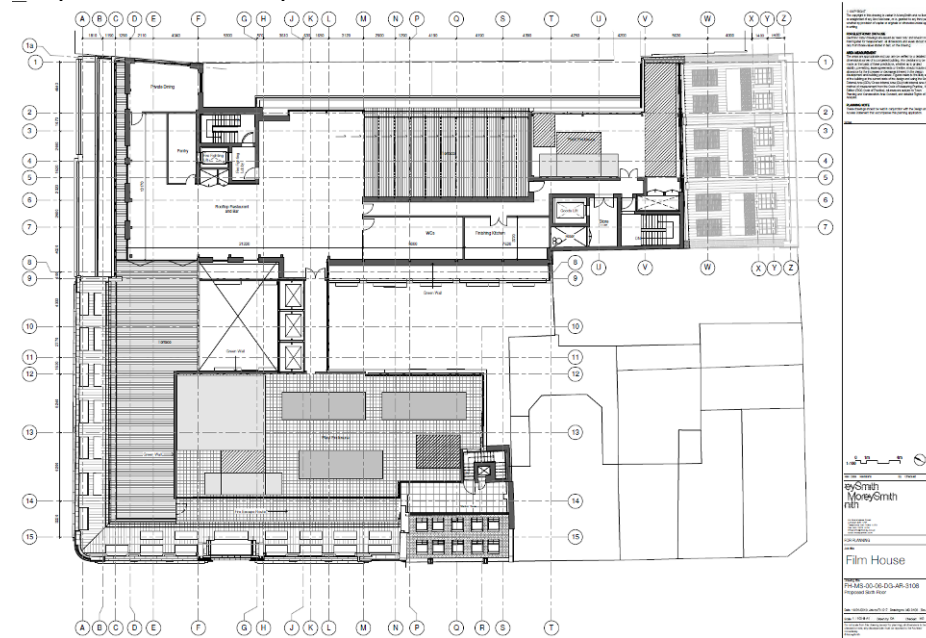
Proposed St Anne's Court elevation



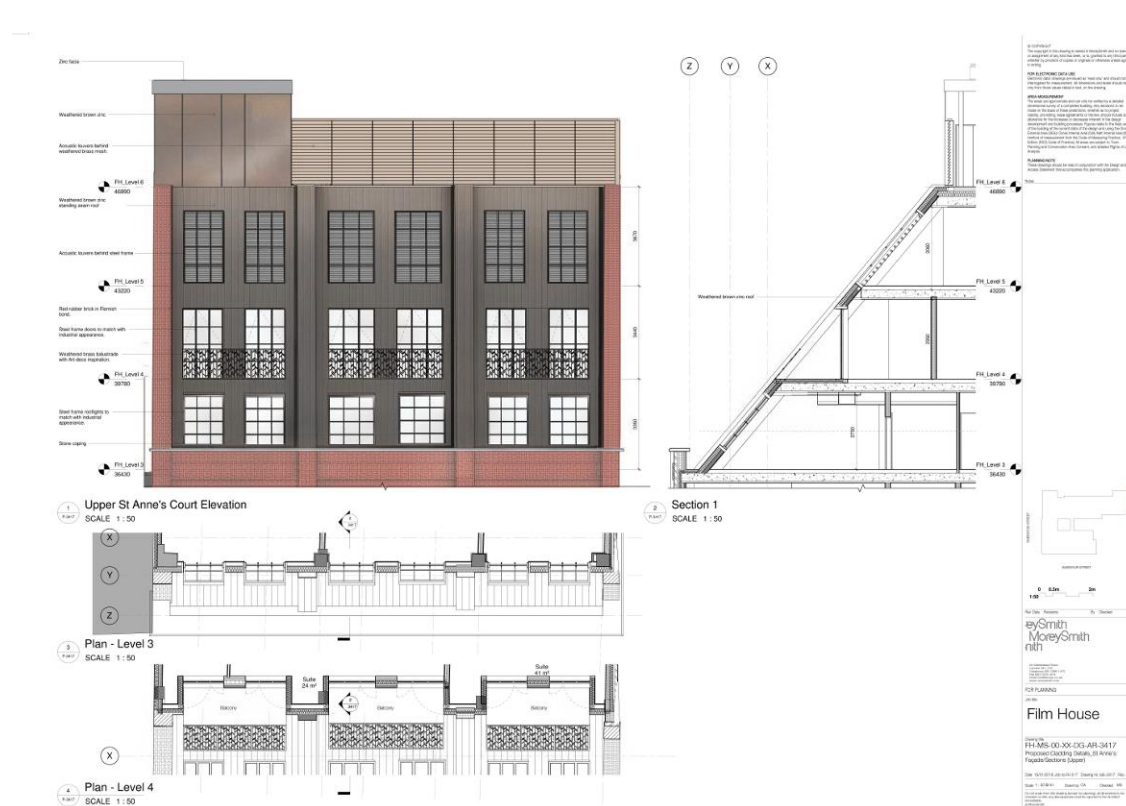
Architectural floor plan of the Film House, showing various rooms and areas. The plan is overlaid with a grid system (A-Z horizontally, 1-15 vertically). Key areas include a large central hall, several offices, a kitchen, a lounge, a security office, and a large outdoor area labeled 'STANIS COURT'. The plan is titled 'Film House' and includes the project name '1H MS-00 GF-QG-AH-3101' and the date '2015-08-02'.

Architectural floor plan of the Film House, a 15-story building. The plan shows a grid of rooms, including Standard Rooms, Executive Suites, and various service areas. The building is oriented with North at the top. A scale bar indicates 1 inch equals 10 feet. The plan is labeled with room numbers and names, and includes a title block with the project name 'Film House' and the architect 'eysmith moreysmith nith'.

Proposed sixth floor plan



Proposed upper floors of 20 St Anne's Court



DRAFT DECISION LETTER

Address: Film House, 142-150 Wardour Street, London, W1F 8ZR,

Proposal: Demolition behind retained facades of Nos 142 - 150 Wardour Street and full demolition of 20 St Anne's Court and to the rear of 138-140 Wardour Street, redevelopment to comprise basement, ground and six upper floor for use for hotel purposes (C1), creation of a restaurant (Class A3) at ground floor level fronting onto St Anne's Court. Use of part of the roof as a restaurant and bar in connection with the hotel use, creation of terraces and plant enclosures and associated works. (Site includes 142-150 Wardour Street, 138-140 Wardour Street and 20 St Anne's Court)

Reference: 17/08971/FULL

Plan Nos: MS-2300, MS-2301, MS-2302, MS-2303, MS-2100, MS-2101, MS-2102, MS-2103, MS-2104, MS-2105, MS-2106, MS-2107, MS-2108, MS-2109, MS-3099, MS-3100 A, MS-3101 A, MS-3102, MS-3103, MS-3104 A, MS-3105 A, MS-3106 A, MS-3107 A, MS-3108 A, MS-3109 A, MS-3202 A, MS-3203 A, MS-3205 A, MS-3300 A, MS-3301 A, MS-3302 A, MS-3303 A, MS-3304, MS-3415 A, MS-3416 A, MS-3410 A, Energy Statement and Sustainability Statement from Hoare Lee

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 4 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF.

- 5 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and

permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,
- iv) Mitigate the effects on Crossrail, of ground movement arising from development. The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs (i) and (iv) of this condition shall be completed, in their entirety, before any part of the building(s) hereby permitted is/are occupied.

Reason:

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

- 6 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

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

- 7 You must apply to us for approval of a scheme of public art for the loading bay doors and substation doors. 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. (C37AB)

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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 9 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)

- 10 You must apply to us for approval of detailed drawings (1:10) of the following parts of the development - typical example of each different windows and external door type. 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 (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 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)

- 12 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 unless they are shown on the approved drawings. (C26KA)

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)

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

Reason:

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

- 14 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)

- 15 Prior to the commencement of any demolition or construction on site the applicant shall submit

an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

- 16 Customers who are not residents of the hotel, or their guests, shall not be allowed access to or remain on the premises within the hotel restaurants and bars and other ancillary facilities except between 07.00 - midnight Monday to Thursday, 07.00 - 00.30 (the following day) on Friday and Saturdays and 08.00-midnight on Sundays and Bank Holidays.

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)

- 17 Customers shall not be permitted within the restaurant premises at ground floor level on St Anne's Court before 08.00 or after 23.00 each day. (C12AD)

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)

- 18 Customers using the restaurant at ground floor level on St Anne's Court must, after 22.00 hours leave via the hotel entrance on Wardour Street.

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)

- 19 If you provide a bar and bar seating in the restaurant at ground floor level on St Anne's Court, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

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

- 20 The retractable roof at sixth floor level shall be in its fully closed position between 21:00 and 08:00 each day.

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)

- 21 Customers shall not be permitted on the roof terraces at sixth floor level before 08.00 or after 22.00 hours each day. (C12AD)

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)

- 22 You must not sell any take-away food or drink on the premises or offer a delivery service, even as an ancillary part of the primary Class A3 use at ground floor level on St Anne's Court or the hotel use. (C05CB)

Reason:

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

- 23 You must provide detailed drawings (plans and section/elevation) showing the full height kitchen

extract duct (s). These details must be provided before the restaurant uses commence and the approved duct(s) shall be installed and thereafter be permanently retained for as long as the restaurants are in use.

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)

- 24 You must submit detailed drawings showing the layout of the restaurant use at ground floor level on St Anne's Court before the restaurant is occupied. The drawings must include, entrances, kitchen, covers and bar areas. You must then carry out the restaurant use in accordance with these details.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 25 You must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. The plan must also detail how the hotel will manage any guests arriving by coaches and by private taxi hire companies. This should include details of how staff will prevent congestion of the public highway. You must not start the hotel use or the restaurant use at ground floor level on St Anne's Court until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel and restaurant use on St Anne's Court is in use. (C05JB)

Reason:

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

- 26 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: - the windows at fourth floor level within the roof on St Anne's Court must be sloping rooflight windows. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 27 You must keep the windows in the St Anne's Street elevation closed. You can use them in an emergency or for maintenance only. (C13LA)

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)

- 28 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)

- 29 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: - improved visibility splays to the entrance of the servicing bay. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 30 All vehicles must enter and exit the servicing bay in forward gear.

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)

- 31 Prior to occupation of hotel and restaurant use on St Anne's Court, you must submit and have approved in writing a Servicing Management Plan. The plan should identify the process, internal storage locations, scheduling of deliveries and staffing.

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)

- 32 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 33 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 34 All servicing must take place between 07.00 and 18.00 hours on Monday to Sunday. (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)

- 35 You must provide a minimum of 11 cycle parking spaces 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.

- 36 (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.

- 37 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.

- 38 **Pre Commencement Condition.** You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 39 You must provide the environmental sustainability features (environmentally friendly features) as set out in the submitted energy statement and sustainability statement by Hoare Lee, before you start to use any part of the development. 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)

- 40 You must apply to us for approval of details of a biodiversity management plan in relation to green roofs and green walls. You must not start any work on this part of the development until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 41 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application - green (biodiverse) walls and roofs. 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 (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 42 You must provide a headroom of at least 3.2m (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. (C23EA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

- 43 You must provide the waste store shown on drawing MS-3100 A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. Waste servicing and collection for the development must only take place within the servicing bay. Collection of waste must not take place on the public highway. No waste should be left or stored on the public highway.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 44 (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 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 use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 45 No vibration shall be transmitted to the proposed development, 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 0.26m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential or other noise sensitive property.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 46 The design and structure of the development shall be of such a standard that it will protect adjoining residential properties from ground borne noise from underground railway lines (Crossrail) so that they are not exposed to levels indoors of more than 35dB LASmax within habitable rooms during the day and night.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 47 Prior to the occupation of the building, a supplementary noise survey must be submitted to demonstrate that the noise (and vibration) criteria set out in Condition 46 and 47 have been met.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 48 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.

- 49 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 48 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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.

- 50 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 37 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.

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

Reason:

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

- 52 You must not allow more than:
- 160 covers in the ground floor hotel restaurant,
 - 95 covers in the ground floor hotel bar,
 - 224 covers in the sixth floor restaurant and terraces,
 - 75 covers in the ground floor restaurant in St Anne's Court at any one time. (C05HA)

Reason:

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

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 With regards to Condition 3, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. Furthermore, Condition 3 is exempt from deemed discharge under schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 In relation to Condition 4, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measure he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk

Management Team by telephoning 02035779438 or by emailing wwqriskmanagment@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

- 5 With reference to condition 16 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 6 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:
- i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur;
 - ii. Dedication of the highway in St Anne's Court, where the building line has been set back from the railing line;
 - iii. A financial contribution to the carbon offsetting fund carbon offsetting fund of £101,000 (index linked and payable prior to commencement of development);
 - iv. Crossrail payment (currently calculated at £92,227 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG) (index linked);
 - v. An employment and training strategy for the construction and operational phase of the development;
 - vi. S106 monitoring costs.
- 7 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.
- 8 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)

- 9 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)
- 10 It should be noted that none of the external works affecting the highway indicated on the approved drawings have Highway Authority approval and are not consented as part of this approval. You will require technical approval for the works to the highway (supporting structure) prior to commencement of development. You should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public realm to progress the works to the highway.
- 11 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)
- 12 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.
- 13 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer, Environmental Health Consultation Team , Westminster City Council, Westminster City Hall, 64 Victoria Street, London SW1E 6QP , , Phone: 020 7641 3153, (I73CA)

- 14 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 15 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 16 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following: * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase; * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained; * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary; * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 17 Conditions 37 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)
- 18 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

| Item No. |
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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.